



City of Bloomington Common Council

Legislative Packet

Wednesday, 02 March 2016

Regular Session

*For legislation and background material regarding
Appropriation Ordinance 16-01 please consult the
17 February 2016 Legislative Packet.*

All other material contained herein.

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Packet Related Material

**Memo
Agenda
Calendar**

Notices and Agendas:

- **Notice of Council Sidewalk Committee** scheduled for Monday, March 7th at 2:00 p.m. in the Council Library

Legislation for Second Reading:

- **App Ord 16-01** To Specially Appropriate from the General Fund, Parks General Fund, Motor Vehicle Highway Fund, Parking Meter Fund, Fleet Maintenance Fund, and the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2015 for Unmet Needs in 2016)

Contact: Jeff Underwood at 812-349-3412 or underwoj@bloomington.in.gov

Please see the [Council Weekly Legislative Packet](#) issued for the Regular Session on February 17th for the legislation, summary, and related material regarding this item.

- **Res 16-02** Opposing the Trans-Pacific Partnership (TPP) Agreement
 - Memo to Council from sponsors Councilmembers Rollo and Ruff

Contact:

Cm. Rollo or Ruff at 812-349-3409 or

rollod@bloomington.in.gov; Ruffa@bloomington.in.gov

Legislation and Background Material for First Reading:

Material for Two Historic Designation Ordinances

- **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)
 - Map of District;
 - Aerial Map;
 - Memo to Council from Bethany Emenhiser, Program Manager, Housing and Neighborhood Development Department; and
 - Staff Report to Council Tying Designation to Criteria.

- **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)
 - Map of District;
 - Aerial Map of the Area;
 - Memo to Council from Bethany Emenhiser, Program Manager, Housing and Neighborhood Development Department;
 - Staff Report to Council with Depictions of Architectural Styles; and
 - Design Guidelines (*under development*).

Contact:

Bethany Emenhiser at 349-3401 or emenhisb@bloomington.in.gov

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

Minutes from Regular and Special Sessions:

- February 16, 2016 (Special Session)
- February 17, 2016 (Regular Session)

Memo

Appropriation Ordinance and Resolution under Second Readings and Resolutions and Two Ordinances under First Reading at the Regular Session on Wednesday, March 2nd

The agenda for the Regular Session next week includes two sets of minutes, an appropriation ordinance and resolution under Second Reading and Resolutions and two ordinances under First Reading. The two sets of minutes are included in this packet. The two items under Second Reading and Resolutions include App Ord 16-01, which was discussed at the Committee of the Whole (and can be found online as indicated above), and Res 16-02, which is being introduced next week and is included in this packet and summarized herein. The two ordinances under ready for First Reading are included in this packet and are also summarized herein.

Second Readings

Item Two - Res 16-02 – Opposing the Trans-Pacific Partnership (TPP) Agreement

Res 16-02 is the second item under Second Readings and Resolutions on next Wednesday's agenda. It is sponsored by Councilmembers Ruff and Rollo and opposes the Trans-Pacific Partnership (TPP) Agreement. Signed earlier this month, the TPP is a multi-national agreement involving 12 Pacific-rim countries, including the United States. While the measure has been signed, it will not go into effect until six countries representing 85% of the GDP of all signatories ratify the agreement. The US and Japan are key signatories as, together, they represent almost 80% of the GDP of signatory countries. In June, Congress narrowly granted the President "fast track" authority. Under fast track authority, when the measure appears before Congress, the body can only vote it up or down; they cannot amend it.

As pointed out in the resolution, while the TPP is multi-national in nature, the agreement includes many provisions that are not directly linked to trade – provisions that could have local implications. Those implications are spelled out in the resolution, but include:

- Off-shoring of jobs
- Threatening access to affordable medication
- Compromising ability of government to address climate change
- Impair workers' rights

Letter RE HB 1053 -- A. Ruff, Bloomington

- Compromise food safety
- Raise health care costs
- Chill speech
- Damage the environment
- Compromise “buy local” policies

The resolution documents that over 1,500 organizations representing interests such as labor, healthcare, and the environment oppose the TPP. The legislation resolves that:

- The Council opposes the TPP because “it will diminish the City’s ability to act in the best interests of our residents, our workforce, our local businesses, and to protect our shared environment.”
- The City supports fair international trade agreements and agreements that respect labor rights, are protective of the environment, and do not diminish the ability of local, State, and federal governments to protect their citizens.
- Other communities are called upon to express their opposition to the TPP.
- The City Clerk is directed to send a copy of the adopted resolution to our Congressional delegation, to the President of the United States, and to the United State Trade Representative.

First Readings

**Item One and Two – Ord 16-02 and Ord 16-03 – Amending Title 8 (Historic Preservation and Protection) to Establish Two Historic Districts
- One at 305 East Vermilya Avenue and the Other Known as the Greater Restaurant Row Historic District – Both with the Historic Preservation Commission acting as Petitioner**

There are two ordinances designating historic districts in this packet for consideration during the first legislative cycle in March. The first, Ord 16-02, would designate 305 East Vermilya Avenue as a historic district and arose in the course of Historic Preservation Commission (Commission) review under the City’s demolition delay provisions. The second, Ord 16-03, would designate 23 properties as the Greater Restaurant Row historic district, the core of which has been identified for historic designation for well-over two decades. Both come forward with the Commission acting as petitioner and are being pursued over varying degrees of opposition from some property owners.

The remainder of this summary starts with an overview of Title 8, regarding Historic Preservation and Protection, and is followed by a summary of the two designations being proposed by these ordinances. The summaries of the two designations draw upon the memo and material provided by Bethany Emenhiser, Program Manager, HAND Department, and Patty Mulvihill, City Attorney, along with other information available on the City’s webpage and elsewhere online.

Overall Purpose and Effect of the Title 8 (Historic Preservation and Protection)

The provisions of Title 8 (Historic Preservation and Protection) conform to State law (I.C. 36-7-11 et seq.) and are intended to:

- protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission is authorized to make recommendations to the Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. It also promulgates rules and procedures, including those for reviewing changes to the external appearance of properties within these districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes which, in some instances *may* be done by staff and other instances *must* be done by the Commission. Unless the property owner agrees to an extension, the action on the Certificate of Appropriateness must be taken with 30 days of submittal of the application. Persons who fail to comply with the Certificate of Appropriateness or other aspects of Title 8 are subject to fines and other actions set forth in BMC Chapter 8.16 (Administration and Enforcement).

Survey

At a State level, the Indiana Division of Historic Preservation and Archaeology (DHPA) is responsible for “prepar(ing) and maintain(ing) a register of Indiana historic sites and historic structures and establishing criteria for listing historic sites and historic structures on the register.” IC 14-21-1-15. This information is in the Indiana State Historic Architecture and Archeological Research (SHAARD)

database. At a local level, the Commission is also responsible for preparing a survey, which identifies properties that may be proposed for historic designation and may serve as a basis for historic designations. IC 36-7-11-6; BMC 8.08.060; BMC 8.08.010. In the past, the City has provided Interim Reports to the State which were incorporated into the SHAARD. Recently, the State has inventoried local properties without the help of local commissions.

Districts, Areas, and Ratings

In these inventories (i.e. registers and surveys), there are gradations of districts, areas, and ratings that, at a local level, tie the level of historic/architectural significance to a level of regulation and protection. In that regard, there are two levels of historic districts, two levels of areas, and four levels of ratings, which are briefly noted below:

Districts. Districts may include a “single building, structure, object, or site or a concentration (of the foregoing) designated by ordinance” (per BMC 8.02.020) and come in two forms: a conservation district and a permanent historic district.

The conservation district is a phased designation which elevates into a full historic district at the third anniversary of adoption of the ordinance, unless a majority of owners submit objections in writing to the Commission within 60-180 days before that date (per IC 36-7-11-19). It requires the Commission to review the:

- moving,
- demolishing, or
- constructing of any principal building or most accessory buildings that can be seen from a public way.

The full historic district is the ultimate designation that, along with those restrictions noted in regard to conservation districts, also authorizes the Commission to review:

- any addition, reconstruction, or alteration that conspicuously changes the external appearance of *historic* structures, and appurtenances to those structures, viewable from a public way in what are classified as “primary” and “secondary” areas; as well as
- any addition, reconstruction, or alteration that conspicuously changes the external appearance of a *non-historic* structure viewable from a public way or any change to or construction of any wall or fence along the public way in what are classified as “primary” areas.

Areas. Within each district, the City may distinguish between primary or secondary areas.

- The primary area is the principle area of historic/architectural significance; and
- the secondary area is an adjacent space whose appearance could affect the preservation of the primary area and is needed to assure the integrity of the primary area. *Please note that the Commission to date has not sought to establish districts with “secondary” areas.*

Age and Ratings. Each property within a district of sufficient age may be rated as outstanding, notable, contributing, or noncontributing, according to its level of its significance¹ as elaborated below (per BMC 8.02.020):

- “Outstanding” is the highest rating and is applied to properties that are *listed or are eligible for listing* on the National Register of Historic Places and “can be of local, state, or national importance”;
- “Notable” is the second-highest rating and applies to properties that are of above average, but not outstanding importance, and “*may be eligible for the National Register*”;
- “Contributing” is the third-highest rating and applies to properties that are at least 40 years old and are important to the “density or continuity of the area’s historic fabric” and “*can be listed on the National Register only as part of an historic district*”; and
- “Non-contributing” is the lowest rating and applies to properties that are “not included in the inventory unless (they are) located within the boundaries of an historic district.” These properties *are ineligible for listing on the National Register* and may involve structures that are either less than fifty years old, older than that but “have been altered in such a way that they have lost their historic character,” or “are otherwise incompatible with their historic surroundings.”

Designation Procedures

According to the BMC, in order to bring forward a historic designation, the Historic Preservation Commission must hold a public hearing² and submit a map and staff report (Report) to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see BMC 8.08.010[e]).

¹ Please note that, in some cases, the condition of the property, particularly exterior alterations, may affect its “significance.”

² With advertised notice to the public at large and written notice to individual affected property owners. BMC 8.08.010 (d)(3)

As is true with both of these designations, the Commission may impose interim protection on the district that prevents any exterior alteration of the property until the Council acts on the designation.³ Please note that under local demolition delay provisions, the Commission also has an opportunity to consider historic designation of properties listed on the Survey which are slated for demolition. (See BMC 8.8.16 and cites to Title 20 [Unified Development Ordinance]).

The ordinance typically:

- Approves the map and establishes the district;
- Attaches the map and the report;
- Describes the district and classifies the properties;
- Inserts the newly established district into the List of Historic and Conservation Districts (BMC 8.20);
- May, as they do for these two districts, impose interim protection (until the Council decides on the designation); and
- In the case of conservation districts, addresses their elevation to a full historic district at the third anniversary of the adoption of the ordinance, unless a majority of the property owners object to the Commission in writing in a timely manner.

Ord 16-02 - Description, Genesis, Boundaries, and Zoning for the 305 East Vermilya Avenue Historic District

The Memo from Emenhiser indicates, this property is a “slightly altered Massed Ranch style home” from the early 1960s with “elements of a front-gable Contemporary residential building” that, because of its “practically unaltered (state) since its construction, is classified as an “outstanding” structure.” Once surrounded by single-family homes (including some early 20th Century bungalows and cottages that still remain), it is now in a Residential High Density (RH) zone and located next to apartment complex, and will serve as a rental office with an apartment under the new ownership.

This property was brought to the attention of the Commission as a result of the City’s demolition delay provisions (BMC 20.09.230), which (as noted above) gives the Commission the opportunity to review proposed demolition or partial demolition of a property listed on the Commission’s survey. In this case, the

³ While “the Commission may approve a Certificate of Appropriation at any time during interim protection .. (it) shall have no effect ...unless the map (of the historic district) is approved by the common council.” BMC 8.08.015(e)

prospective buyer of the property wished to remove a row of “ribbon windows” that “form a continuous band across (the) façade” and “replace them with a door and side lights,” which constituted a partial demolition of the building.⁴ In addition, the buyer also intended to change the membrane roof with one made of metal (which was not considered a “partial demolition”).

After considering the qualities of the building, the Commission sought designation and held a hearing on February 25th. Prior to the hearing, the property had been sold and the buyer, Regency Consolidated Residential LLC, represented by Dan Becker, sent the following statement:

Concerning your question about do we object. I would say that we are not in favor of designation. We feel like it encumbers the property and removes rights that the owner would otherwise have. However, as long as we are able to move forward with the plan to make the requested changes and then operate the house as a rental unit with attached leasing office we are not going to protest or fight the designation.

At the hearing, the Commission:

- Moved to submit the map to the council for their approval;
- Approved the Report, which set forth the grounds for this designation, and moved that it be forwarded the Council;
- Imposed “interim protection” on the property; and
- Approved a Certificate of Appropriateness for the changes proposed by the property owner⁵ which would go into effect upon adoption of the ordinance.

⁴ As the Memo notes, “partial demolition is defined as the “substantial removal or destruction of any discrete exterior portion of a building or structure” which includes:

- Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature.
- 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 a different pitch, or; adding any gable, dormer or other similar feature to an existing roof.
- Any work resulting in the obscuring from view of forty percent or more of the exterior of a façade, but only where a building is required under applicable law; or, removal or destruction of the exterior surface of forty percent or more of the area of an exterior façade.
- Construction or attachment of any addition to a building or structure.
- Replacement of any windows where the window opening is enlarged in such a manner as to require a building permit.

⁵ In the course of discussions with the Commission, the owner decided to install a new membrane roof rather replace it with a metal roof.

The district is depicted below:



Architectural Criteria for this Designation

In approving the Report, the Commission granted this designation based upon the architectural (but not historical) significance of the building. The Report identified three of the underlying criteria which apply to this building and are briefly mentioned below. In that regard, the house at 305 East Vermilya:

- Embodies distinguishing characteristics of an architectural or engineering type;
 - Here, the Report, describes this house as “a slightly altered c. 1960 Massed Ranch style home, but takes on the elements of front-gabled Contemporary Style” which were popularized “by many prominent California based suburban developers and architects, such as Joseph Eichler.”
- Contains any architectural style, detail, or other element in danger of being lost;
 - Here, the Report notes that “key elements of an Eichler house are post-and-beam construction, walls of glass, strong indoor-outdoor connections to an atrium, courtyard, or patio, and a mid-century modern aesthetic. More broadly, (this style) is often characterized by recessed entries, wide overhanging eaves with exposed beams, low-pitched roofs, broad horizontal-focused facades,

open carport, and large expanses of glass and windows, providing an open feeling connected to the landscape.” Given its location, the Report describes it as a “hidden gem.”

- Exemplifies the built environment in an era of history characterized by a distinctive architectural style.
 - Here, the Report notes that this style was “most prominent between post-WWII and the mid-1960s” and was influenced by the Prairie and Craftsman Style (from the early 1900s) as well as the International style emanating from the *Bauhaus* movement in Germany from 1919 to the mid-1930s. By the mid-century, however, two branches of modern homes emerged in the USA. One was “the less daring ‘Bankers Modern,’” supported by the FHA and “consisting of basic Minimal Traditional and casual Ranch houses.” The other, exemplified by 305 East Vermilya Avenue, was more avant-garde, but less prominent in the Midwest.

Ord 16-03 - Genesis, Boundaries, and Zoning of the Greater Restaurant Row Historic District

As noted in the overview, the City relies on the Indiana State Historic Architecture and Archeological Research (SHAARD) database to help guide its decisions regarding local designations. It consists of information assembled from various historic inventories, listings, registers (both State and National), research projects, and reports.⁶ Under ordinance, the SHAARD also determines whether properties are subject to the City’s demolition delay provisions.

As the Council may know, the SHAARD undergoes periodic reviews to consider properties that became eligible because of their age and to evaluate whether properties already listed should continue to be listed and whether the ratings should change. One result of the most recent process at the local level, was the removal of “a significant number of structures located in the Restaurant Row Overlay.” Emenhiser surmises that the heavy modifications and alterations to these buildings over the years undermined their original architectural integrity to the point where they lost their rating as “contributing” structures, which is the minimum rating for stand-alone structures.

⁶ These sources include, but are not limited to “County Survey Programs, the Indiana Cemetery and Burial Ground Registry, historic bridges, properties listed on the National Register of Historic Places, properties listed in the Indiana Register of Historic Sites and Structures, and historic theaters in Indiana.”

Late last year, the Commission was apprised of this issue by staff and, out of concern for the erosion of the area's character, directed staff to pursue designation particularly based upon the historic character of the properties. The value of this area was echoed in the Commission's prior 2001, Interim Report and "Preservation Plan for Historic Bloomington", IU's own survey, and the City's Downtown Vision and Infill Strategy. The latter noted:

Historic structures and properties help to define a community's 'sense of place', or its unique identity, for both visitors and residents alike. The nostalgic look and feel of a historic downtown is both real and quantifiable. The historic structures that make up this identity are one-of-a-kind, however, and once they are lost, can never be replaced. Therefore, it is very important that a community have the proper tools in place in order to adequately protect these valuable resources....

As stated earlier, much of the downtown is historically significant – enough so that it already is listed on, or qualifies for, the National Register of Historic Places. Because of this, the Bloomington Historic Preservation Commission should continue to pursue additional local historic designations for eligible structures downtown. This will provide for greater protection of important historic properties and ensure that they remain a vital part of the downtown fabric for years to come.

A top priority for the City's Historic Preservation Commission should be to consider a designation for the "Restaurant Row Study Area" as delineated by the Indiana Historic Sites and Structure Inventory City of Bloomington Interim Report (2001); or to locally designate individual structures in this cherished and context sensitive area of the downtown.⁷

In addition, this district serves as a destination for arts and culture as promoted by the Bloomington Entertainment and Arts District (BEAD), which "brings the business and creative sectors together to advance commerce and culture, build community and spur economic development through a designated downtown cultural district."

The public hearing was held on January 28th. Emenhiser's Memo notes that, prior to the meeting, four of the 20 property owners contacted staff, with three opposed and one in favor of the designation. At the hearing, three persons from the public commented on the proposed designation:

- Mike Carmin (attorney) spoke for the owners of Kirkwood Manor, who oppose the designation for two main reasons: 1) it "is no longer classified as worthy of architectural protection;" and, 2) it is outside of what is commonly known as Restaurant Row, both in the general impression of the public and

⁷ Downtown Vision and Infill Strategy Plan, Implementation, Historic Preservation Strategy, 5-15 and 16.

as a cultural artifact, and the designation, if pursued, should be as a stand-alone structure.

- Sib Sheik, who owns one property in the district along East Fourth Street, spoke in favor of the designation, in part, as someone who became infatuated with this street long before he moved here, and, in part, as an investor, who sees value in preserving it.
- Jenny Southern, an Elm Heights resident with no property ownership in the proposed district, who spoke about the fortuitous and fragile nature of this area and how it attracts community events like the Fourth Street Festival.

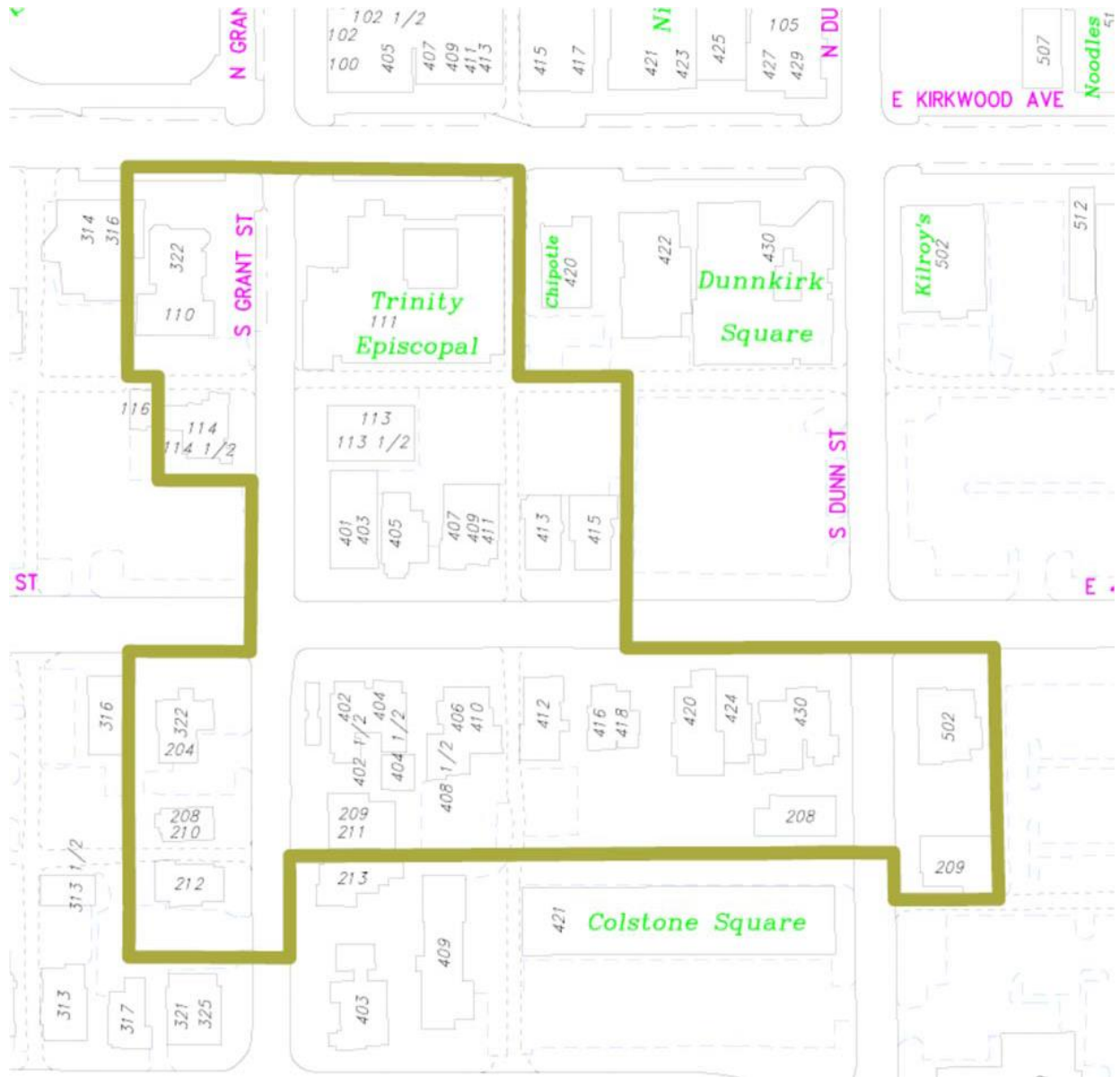
In the course of its deliberations, which are highlighted in Emenhiser’s Memo, the Commission concluded that:

- It was “appropriate to locally designate an area as historic if the structures are not architecturally worthy of protection;” and
- “(I) t is appropriate to include areas outside of Fourth Street proper within the proposed district” (and, hence, named this the *Greater* Restaurant Row historic district.

Along with the requisite motions and submittals, the Commission placed the district under Interim Protection.

This district is within the Commercial Downtown (CD) and lies within the University Village Overlay District.⁸ As shown in the map below, it includes East Fourth Street from South Dunn to South Grant and properties along those cross-streets:

⁸ Note that boundaries of Restaurant Row described in the UDO are slightly different from the boundaries set forth in this ordinance. While the UDO defines Restaurant Row by the platted alleys north and south of 4th Street between Lincoln to Dunn (BMC **20.03.150**), this district extends to Kirkwood on both sides of South Grant and crosses Dunn to encompass two properties to the South on Dunn. Hence the change in name to The Greater Restaurant Row Historic District.



Statistical Overview of the District

Buildings:	23
Ratings:	1 outstanding, 1 notable, 5 contributing, and 16 non-contributing properties
CD zone:	100%

Historic and Architectural Criteria for this Designation

In approving the Report, the Commission granted this designation based upon both the historic and architectural significance of the area and its buildings.

Historical Significance. The Commission found that the area has historic significance because it:

- “Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history;” and
- “Exemplifies the cultural, political, economic, social or historic heritage of the community.”

In support of these findings, the Report notes that this area was platted in 1818 and largely built between the mid-1800’s and the early 1900’s primarily as homes for prominent citizens. Later these homes served the growing university community (with multiple tenants occupying many of these structures early in the century and single-family owners taking over most of them by the 1920s), then was mostly occupied by medical professional offices after WWII, commercial uses in the 1970’s, and starting in the 1990’s, restaurants offering the ethnic and international cuisine we see today.

The Report highlights certain properties and corridors including:

- 322 East Fourth Street, which is a brick, Federal Style I-house built in 1850 and occupied by one woolen mill owner and then another in its

first 50 years. It is currently owned by Bruce Storm and used for his real estate offices and apartments.

- 114 South Grant, which is a limestone house built in 1907 in the Dutch Revival House Style. An IU German Professor (Bert John Vos), who played a part in the armistice following WWI, lived there for 15 years before WWII.
- 322 East Kirkwood Avenue (known as the Kirkwood Manor), which was built for a family in 1893 with a design attributed to local architect Nichols. It served as the Sigma Nu fraternity from 1916-1951 and was part of a trend in the area towards “clubs and boarding houses associated with the University.”
- 408 East Kirkwood⁹ (Trinity Episcopal Church), which was designed by Alfred Grindle and built in the English Country Church Style in 1909. Both of the aforementioned buildings appeared on the 1986 Historic Survey.
- 502 East Fourth Street, which was built in 1913 in the Stick Style house with Arts and Crafts elements. It was owned by Henry A. Lee, an attorney active in the local Republic Party. It is now empty and owned by IU which, in its 1996 survey, listed it as “Outstanding.”
- 400 Block of East Fourth Street. The Memo states that there “are several substantial two-story houses and a couple of one-story cottages built between 1890 and 1927” in this block. These mostly include houses in the Queen Anne style, but there are two in the Dutch Colonial Revival style (413 & 415), and two bungalows (401 & 403).

The Report continues noting that, although the buildings were modified for commercial purposes (e.g. with display windows, added ornaments, and rear additions to accommodate kitchens), “the basic integrity of the buildings is sound, and it is their historical character that has attracted so many restaurants and patrons to the area.”

The Report also notes that the Greater Restaurant Row historic district includes historic designations for a hitching post (in front of 416 East Fourth Street), as well as a stone sidewalk and house (at 209 South Dunn).

Architectural Significance. The Commission also found that the district is architecturally worthy based upon three criteria which are briefly mentioned below. In that regard, the properties in the Greater Restaurant Row historic district:

⁹ This property is listed as 408 East Kirkwood on the City’s GIS database and 111 South Grant on the Map.

- (Are) the work of a designer whose individual work has significantly influenced the development of the community;
- (Are) the work of a designer of such prominence that such work gains its value from the designee's reputation;

Here, the Report, identifies "prominent architects" John L. Nichols and Alfred Grindle.

- Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city.

Here, the Report states "the fact that (this area) has grown into a flourishing food destination for international and ethnic cuisine while still maintaining the rhythm and feeling of a single family neighborhood provides a unique scale for a business district. The relationship between historic buildings, and streetscape and landscape features within the district help to define the historic district and therefore must be retained and preserved. If left unprotected, the streetscape and scale of the district could change significantly and in turn affect the overall character of th (is) unique character district."

Draft Design Guidelines

Bloomington Historic Preservation Commission will be working with the property owners to develop the architectural design guidelines for this district.



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

NOTICE

Council Sidewalk Committee Meeting

**Monday, 07 March 2016
2:00 pm
Council Library, Suite 110
City Hall, 401 North Morton**

Posted: Friday, 26 February 2016

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**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, MARCH 02, 2016
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: February 16, 2016 (Special Session)
February 17, 2016 (Regular Session)

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

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Appropriation Ordinance 16-01 - To Specially Appropriate from the General Fund, Parks General Fund, Motor Vehicle Highway Fund, Parking Meter Fund, Fleet Maintenance Fund, and the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2015 for Unmet Needs in 2016).

Committee Recommendation: 8 - 0 - 0

2. Resolution 16-02 - Opposing the Trans-Pacific Partnership (TPP) Agreement

Committee Recommendation: *None*

VII. LEGISLATION FOR FIRST READING

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)
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)

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.



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

To Council Members
From Council Office
Re Weekly Calendar – 29 February – 04 March 2016

Monday, 29 February

2:30 pm Council for Community Accessibility – Work Session, McCloskey
4:00 pm Council for Community Accessibility, McCloskey

Tuesday, 01 March

1:00 pm Next Generation High Speed Networks Symposium, Chambers

Wednesday, 02 March

5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:00 pm Arts Alliance of Greater Bloomington, McCloskey
7:30 pm Common Council – Regular Session, Chambers

Thursday, 03 March

4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 04 March

There are no meetings scheduled for today.

RESOLUTION 16-02
OPPOSING THE TRANS-PACIFIC PARTNERSHIP (TPP) AGREEMENT

WHEREAS, the Trans-Pacific Partnership (TPP) agreement was signed by the United States and 11 other Pacific Rim nations on February 4, 2016 and is positioned to become one of the world's largest multinational trade deals, attaching to 40 percent of the world's economy¹; and

WHEREAS, the stated intent of the TPP is to "promote economic growth; support the creation and retention of jobs; enhance innovation, productivity and competitiveness; raise living standards; reduce poverty in our countries; and promote transparency, good governance, and enhanced labor and environmental protections;"² and

WHEREAS, while the agreement portends to promote transparency, the agreement has been negotiated in secret for the last seven years; and

WHEREAS, during negotiations, more than 600 official corporate "trade advisors" (including Halliburton, Chevron, PHRMA, Comcast, and the Motion Picture Association of America) were granted access to the draft text and were invited to provide input on its content, while those representing labor, the environment, and human rights offered testimony from the outside, with little influence; and

WHEREAS, the 6,000-page agreement was made public on November 5, 2015; and

WHEREAS, on the same day the document was made public, President Obama notified Congress that he intends to sign the agreement; and

WHEREAS, the agreement will not go into effect until the measure is ratified; and

WHEREAS, the measure has been granted "fast track" authority, restricting Congress to an up-or-down vote, with no amendments; and

WHEREAS, according to a recent working paper issued by the Global Development and Environment Institute at Tufts University, entitled *Trading Down*, in the U.S., the TPP would reduce income by 0.5 percent, reduce employment by almost half a million jobs, and increase income inequality;³ and

WHEREAS, according to the Tufts report, income flowing to large business owners and shareholders would increase, while income flowing to workers would shrink; and

WHEREAS, a relatively small portion of the TPP is actually about trade – only six of the 30 chapters deal with traditional trade matters – the rest of the agreement sets rules regulating matters such as energy, financial regulation, food safety, procurement policy, patents, and copyright policy, many of which are of direct local concern to our community; and

WHEREAS, the fallout of trade policies drafted by corporate interests is not a disembodied concept whose effects are just felt somewhere else; the effects are felt right here, in our State and in our local community;

In Indiana, more than 93,000 jobs have been lost due to offshoring or imports since the North American Free Trade Agreement (NAFTA) came into force in 1994; indeed, *just last month*, two Indiana plants, Carrier and United

¹ Signatories include: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam

² "Summary of the Trans-Pacific Partnership Agreement," Office of the United States Trade Representative. Press Release, October 2015, <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2015/october/summary-trans-pacific-partnership>, accessed February 20, 2016.

³ Capaldo, J. and A. Izurieta. 2016. "Trading Down: Unemployment, Inequality, and Other Risks of the Transpacific Partnership Agreement." Working Paper No. 16-01, Global Development and Environment Institute, Medford, MA.

Technologies Electronic Controls, announced that they are moving operations to Mexico and taking 2,100 Hoosier jobs with them;

In Bloomington, almost 5,000 jobs have been lost since 1994 due to the offshoring of production.⁴ Good-paying jobs for Bloomington citizens at General Electric, Thompson, and Otis Elevator have been exported to countries where the labor is cheap, workdays often excessively long, and working conditions often unsafe; and

WHEREAS, the articulated statement of purpose of the agreement notwithstanding, a major purpose and effect of the TPP is to provide extreme investor protections, similar to those of NAFTA. These protections provide special benefits to firms that relocate to low-wage countries. Our experience under NAFTA anticipates the job loss incentivized by the TPP; and

WHEREAS, noted political economist and former US Secretary of Labor, Robert Reich, characterizes the TPP as “NAFTA on steroids;” and

WHEREAS, it’s not just the offshoring of jobs that could hurt our community. Other provisions of the agreement directly impinge on the welfare of Bloomington residents: These provisions:

Threaten access to affordable medicine. The TPP gives multinational pharmaceutical companies new rights to increase the price of medication and new monopoly patent rights to keep cheaper generic drugs off the market for a longer period of time. These new rights will negatively affect all Bloomington residents, but would be especially detrimental to our community’s most vulnerable residents, such as the poor and the elderly.

Threaten our ability to protect our community. The TPP includes “Investor-State Dispute Settlement” (ISDS) clauses which would empower corporations to sue national, State, and local governments directly in private, non-transparent trade tribunals for cash compensation over almost any regulation that corporations allege have the *potential* to reduce their profits. Under this provision, corporations could sue government over laws and policies designed to address issues such as climate change mitigation, reduced fossil fuel consumption, air quality improvement, and land use. Significantly, arbitrators are hired only to hear the case at issue. If arbitrators order governments to pay cash to an investor, the investor can enforce arbitrators’ decisions with the full force of domestic courts.

Using similar rules in other free trade agreements, corporations have launched more than 500 cases against 95 governments. In January 2016, TransCanada filed suit against the United States under the ISDS provision of NAFTA for failure to approve the Keystone XL pipeline. TransCanada is suing the U.S. for \$15 billion, a bill to be paid by U.S. taxpayers. According to Nobel-winning economist Joseph Stiglitz and legal scholar Laurence Tribe, if ISDS forces countries to pay high enough fines, countries will be chilled into voluntarily abandoning health, safety, labor, and environmental laws that big corporations view as impediments to the maximization of their profit-making.⁵

⁴ Indiana and Bloomington job loss figures from Department of Labor, Trade Adjustment Assistance program.

⁵ Resnick, "Open Letter." Resnick, Renoso, Sarokin, Stiglitz, and Tribe to Majority Leader McConnell, Minority Leader Reid, Speaker Boehner, and Minority Leader Pelosi. April 30, 2015.

Expose Bloomington residents to unsafe food and products and potentially raise health care costs. Under the TPP, food safety rules could be challenged by foreign corporations as “illegal trade barriers” if found to be more stringent than standards in the TPP, thus threatening the health of Bloomington residents and potentially raising health care costs. Indeed, the World Trade Organization’s recent ruling against the U.S.’s policy requiring the labeling of meat sold in the U.S. to inform consumers of the country from which the meat was derived, highlights how trade agreements can undermine domestic public interest policies.

Threaten free speech. The TPP makes substantive changes to copyright law, including the impairment of the Fair Use Doctrine. The intellectual property changes proposed by the TPP are wide-sweeping and affect consumers, creators, and technology companies. Notably, many of the TPP’s intellectual property provisions mirror the proposals found in the Stop Online Piracy Act – a measure that has *not* been successful in Congress. This effectively creates an end-around our democratic processes.

Expunge “Buy American” and “Buy Local” policies.

The TPP’s procurement chapter requires that all firms operating in any signatory country be provided access equal to that of domestic firms to U.S. government procurement contracts over a certain dollar threshold. To implement this requirement, the U.S. would agree to waive “Buy American” procurement policies for firms operating in the TPP countries. This impairs our ability strengthen our own local economies and create local jobs through “Buy American” and “Buy Local” policies.

Accelerate Global Warming

The offshoring of manufacturing increases air and sea transport around the Pacific Rim, thereby increasing greenhouse gas emissions.

WHEREAS, the TPP is an open “docking agreement” -- eventually, every country in the region (including China) may be included, thereby significantly magnifying the economic, social, and environmental harms of the agreement; and

WHEREAS, over 1,500 labor, health, and environmental organizations have expressed their opposition to the TPP, including: the AFL-CIO, the Sierra Club, Greenpeace, the Natural Resources Defense Council, Doctors Without Borders, Physicians for Social Responsibility, and Defenders of Wildlife; and

WHEREAS, U.S. trade policy *can* be a tool for creating fair-wage jobs, protecting the environment, protecting consumers, and improving quality of life but the TPP does just the opposite; and

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

SECTION I. We oppose the TPP because it will diminish the City's ability to act in the best interests of our residents, our workforce, our local businesses, and to protect our shared environment.

SECTION II. The City of Bloomington supports fair international trade agreements, agreements that respect labor rights, are protective of the environment, do not diminish the ability of local, State, and federal governments to protect their citizens, do not further exacerbate economic inequality, and that improve the quality of life for the citizens of all participating and, by extension, the entire globe.

SECTION III. We call upon other local communities to express their opposition to the TPP.

SECTION IV. We direct the City Clerk to send a copy of this resolution, duly adopted, to our Congressional delegation, to the President of the United States, and to the United State Trade Representative, Michael Froman.

PASSED AND ADOPTED 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.

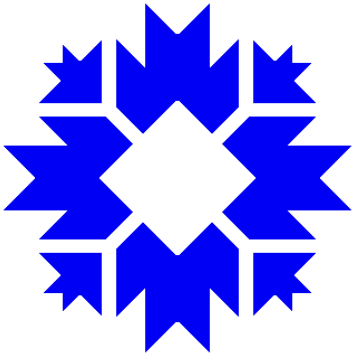
NICOLE BOLDEN Clerk
City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Rollo and Ruff and opposes the Trans-Pacific Trade Partnership (TPP) multinational trade agreement. Documenting the lack of transparency, the offshoring of jobs, and the environmental, labor, health, and human rights harms of the TPP, the resolution calls upon the Congress to reject the TPP. The measure further resolves that the City of Bloomington supports fair international trade agreements, agreements that promote equality, protect labor, protect the environment, protect human health, and protect human rights. The resolution directs the City Clerk to send the legislation to the President of the United States, the Indiana Congressional delegation, and the United States Trade Representative.



City of Bloomington Common Council

MEMORANDUM

To: Councilmembers

From: Councilmembers Rollo and Ruff

Date: 26 February 2016

Re: Resolution 16-02: Opposing the Trans-Pacific Partnership (TPP) Agreement

Resolution 16-02 opposing the Trans-Pacific Partnership (TPP) agreement is rooted in the protection of the health and well-being of our local community. While the TPP purports to be a “trade” agreement, much of the proposal is not about trade but rather about expanding corporate powers and rights at the cost of undermining and weakening democracy and workers’ rights and protections. Similar to the North American Free Trade Agreement (NAFTA), the TPP bestows great protection and power to corporations who offshore American jobs. These kinds of agreements, masquerading as “free trade,” have cost our community thousands of relatively good-paying jobs and there is good evidence that they have depressed wages overall. Indeed, the loss of US manufacturing jobs due to the rules of the globalized playing field, being largely set by policies set out in agreements such as NAFTA and the proposed TPP, has exacerbated income inequality, both in Bloomington and nationally.

As detailed in the resolution, the TPP’s broad negative fallout includes: increased pharmaceutical costs, increased healthcare costs, significant impairment of environmental protections, grave compromises to food safety, and secret trade tribunals which would be authorized to award big corporations huge cash settlements, paid by the taxpayers of the impacted countries, for policies adopted through democratic processes, that these corporations consider to have reduced their total profit potential.

At its foundation, TPP is a corporate rights agreement. It was composed by over 600 trade bureaucrats, meeting in secret, and has a narrow mission to expand corporate power and profits. The undemocratic nature of the agreement is further assured by preventing any amendments and limiting discussion under a “fast track” authority. The TPP would harm communities such as Bloomington, and potentially subject our citizens to unsafe consumer goods, downward pressure on wages, off-shoring of jobs, and rulings by a quasi-judicial unelected body of international trade representatives that may challenge national, state and local policies and standards derived through our democratic processes for the benefit of our community. The resolution does not oppose trade per se, and it recognizes that fair trade policies developed with priorities promoting economic opportunities and well-being for all people, protecting the environment, and respecting sovereignty and local democracy, can be beneficial to trade-partnering countries.

We look forward to consideration of this resolution at the Regular Session on March 2nd and respectfully request Council member support for its adoption.

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)**

- WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, on February 25, 2016, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of 305 East Vermilya Avenue; and
- WHEREAS, at the same hearing, the Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, at the same hearing, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of said properties; and
- WHEREAS, at the same hearing, the Commission also placed the property located at 305 East Vermilya Avenue under interim protection pending action by the Common Council under Bloomington Municipal Code 8.08.015;

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

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The legal description of this property is further described as:

Parcel Number: 015-55380-01: Pt Ne Nw 9-8-1w .47a in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property at “305 East Vermilya Avenue” shall be classified as “Outstanding”.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to insert “305 East Vermilya Avenue” and such entry shall read as follows:

305 East Vermilya Avenue.

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

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

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

ANDY RUFF, President
City of Bloomington

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

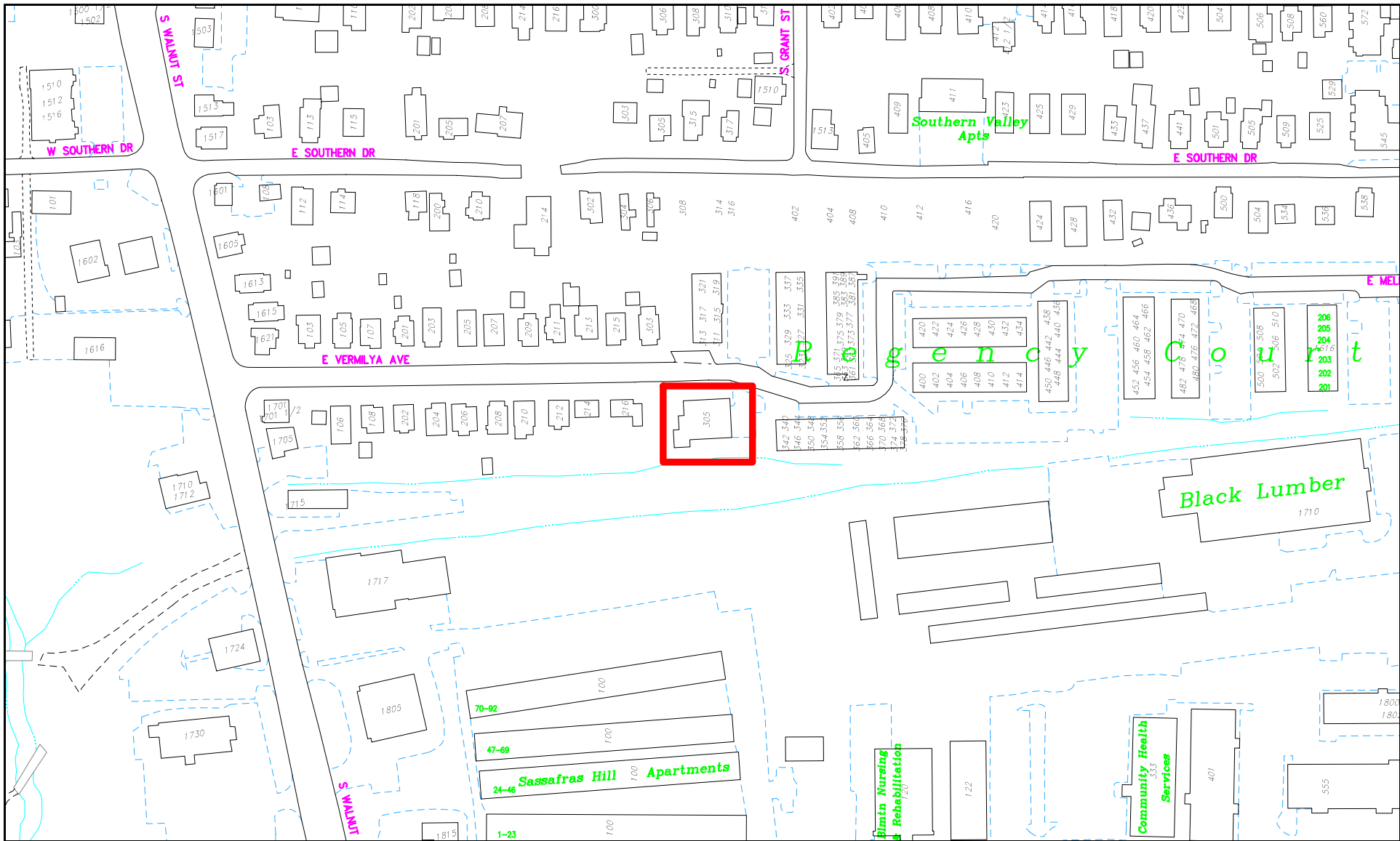
NICOLE BOLDEN, Clerk
City of Bloomington

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

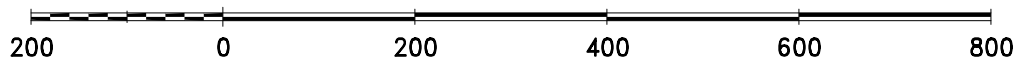
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate “305 East Vermilya Avenue” as a historic district. The Bloomington Historic Preservation Commission sought this action after review under the Demolition Delay Ordinance and, after a public hearing on February 25, 2016, recommended that the structure be designated historic with a rating as “Outstanding” based upon certain historic and architectural criteria set forth in Title 8 of the Bloomington Municipal Code entitled “Historic Preservation and Protection.” Local Designation will provide the protection needed to ensure that these properties are preserved.



By: emenhisb
17 Feb 16



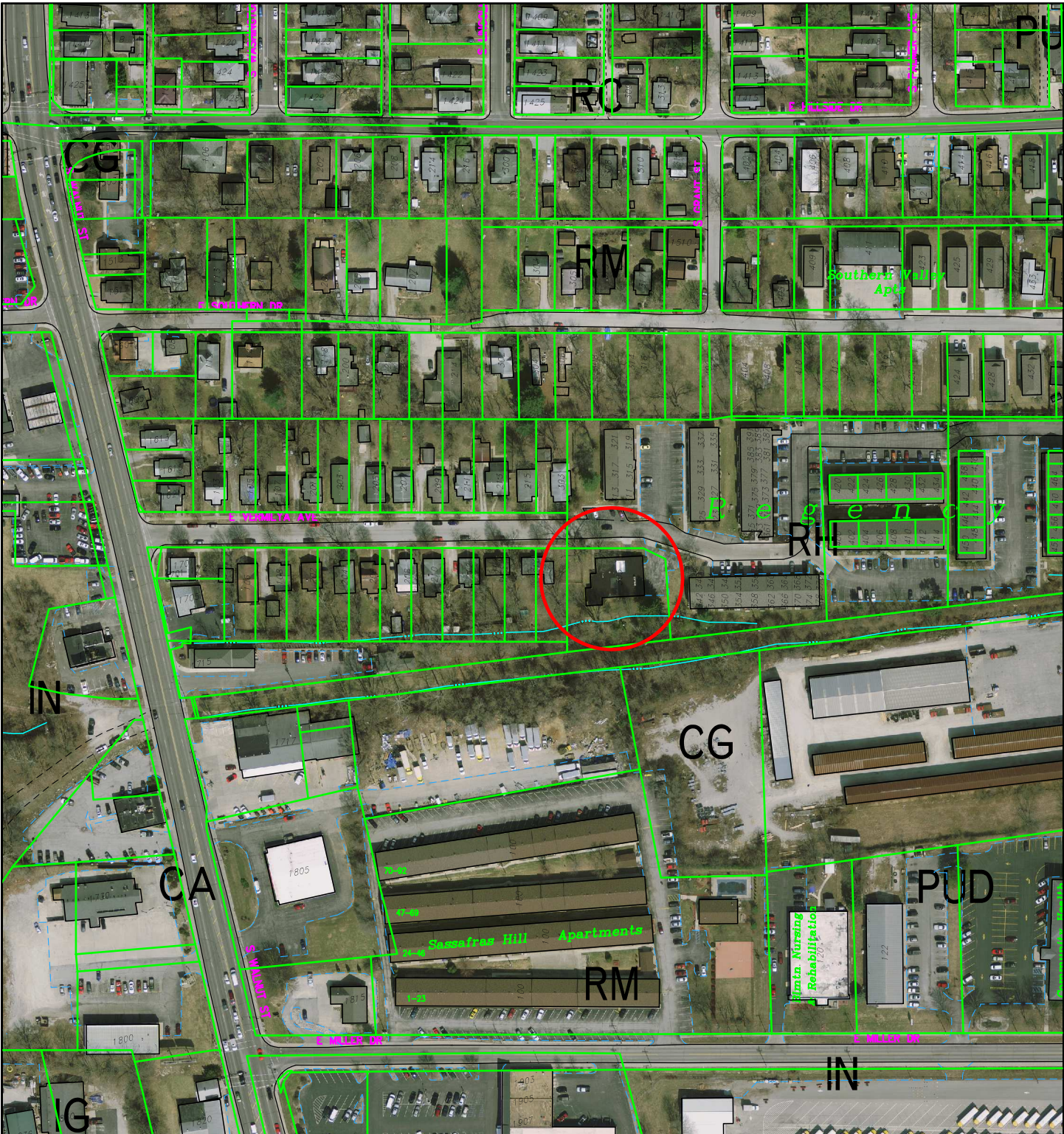
For reference only; map information NOT warranted.



City of Bloomington
Housing & Neighborhood

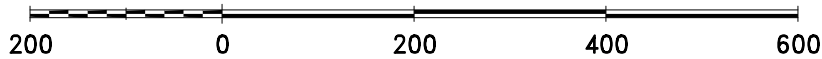


Scale: 1" = 200'

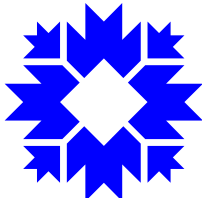


Ord16-02 – Historic Designation of 305 East Vermilya Avenue

By: shermand
25 Feb 16



City of Bloomington
Clerk & Council



Scale: 1" = 200'

For reference only; map information NOT warranted.

MEMO:

To: City of Bloomington Common Council
From: Doris Sims, Director of Housing & Neighborhood Development
Bethany Emehiser, Project Manager
Patty Mulvihill, City Attorney
Date: February 21, 2016
Re: Request to Designate 305 East Vermilya Avenue as a Historic District

The structure located at 305 East Vermilya Avenue (“the Property”) is a slightly altered Massed Ranch style home that is circa 1960. The structure on the Property takes on elements of a front-gable Contemporary style residential building.

Contemporary style residential structures are characterized by recessed entries, wide overhanging eaves, broad horizontal focused faces, open carports, and tend to have larger expanses of glass and windows. The overall design provides an open feeling and connects the inside of the home to the exterior landscape.

Because the Property remains practically unaltered since its construction in the 1960’s, it is classified as an “Outstanding” structure. An “Outstanding” rating signifies that the Property has “sufficient historic or architectural significance”. Because of this high level of rating the Property is eligible for listing on the National Register of Historic Places.

On January 14, 2016, the Property was submitted to the Historic Preservation Commission (“Commission”) for review under the Demolition Delay provisions outlined in Section 20.09.230 of the Bloomington Municipal Code (“BMC”). The reason the Property was submitted to the Commission was that the prospective buyers of the Property wish to remove the ribbon windows (a series of side-by-side windows that form a continuous horizontal band across a façade) and replace them with a door and side lights. Removing these windows and replacing them with a door and side lights constitutes a “partial demolition” under the Demolition Delay Ordinance.

Partial demolition is defined as the “substantial removal or destruction of any discrete exterior portion of a building or structure”. Included within the definition of partial demolition are the following:

- Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature.
- 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.
- Any work resulting in the obscuring from view of forty percent or more of the exterior of a façade, 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 an exterior façade.

- Construction or attachment of any addition to a building or structure.
- ***Replacement of any window where the window opening is enlarged in such a manner as to require a building permit.***

During the Commission's review of the Property on January 14, 2016, there were two parties with a financial and legal interest in the Property. First, the William Parker Tennell Trust, who was represented by attorney Mike Carmin. Second, Regency Consolidated Residential LLC, who was represented by Dan Becker. The Trust was in the process of selling the Property to Regency Consolidated. Regency Consolidated owns an adjacent apartment complex and plans to use the Property as both its leasing office and as an additional single-family residential rental unit. As of the date of this Memorandum the sale in question was completed and the only entity with a legal interest in the Property at this point is Regency Consolidated.

While reviewing the request to replace the ribbon windows with the door and sidelights the Commission also learned that the parties planned on replacing the Property's current membrane roof with a metal roof. The roof replacement does not constitute "partial demolition" and was not subject to review by the Commission.

However, as the Commission discussed both the window replacement and the potential roof replacement the Commission began discussing whether or not the Property warranted local historic designation. The Commission, or at least a majority of the Commission, wanted further time to review the Property and consider its architectural and historic significance as the Property is rated as "Outstanding" and is located in such an unusual location. To that end, the Commission scheduled a hearing, pursuant to its authority under BMC Chapter 8.08, for February 25, 2016, to consider whether or not the Property warrants designation as a local historic district.

Staff prepared legal notices for the Commission's scheduled hearing and mailed them to affected property owners. In the instant case, legal notices were sent to the two parties with an interest in the Property as well as a several adjacent property owners. The notices advised property owners that they had the right to attend the February 25, 2016, meeting or send a representative. Property owners were also informed that they could submit comments to the Commission via email or in writing.

Prior to the February 25, 2016, hearing, staff for the Commission received an email from the current owner of the Property, Regency Consolidated Residential LLC. Dan Becker, representing Regency, advised City staff of the following in regards to the Commission's consideration of locally designating the Property as historic:

"Concerning your question about do we object. I would say that we are not in favor of designation. We feel like it encumbers the property and removes rights that the owner would otherwise have. However, as long as we are able to move forward with the plan to make the requested changes and then operate the house as a rental unit

with an attached leasing office we are not going to protest or fight designation.”

At the conclusion of the public hearing on the proposed district the Commission made the following motion(s):

- Recommended the Common Council approve the proposed map;
- Approved a report on the reasons behind locally designated the Property as a historic district and moved that said report should be forwarded to the Common Council; and
- Pursuant to their authority under Bloomington Municipal Code § 8.08.015, placed the Property under “Interim Protection”.

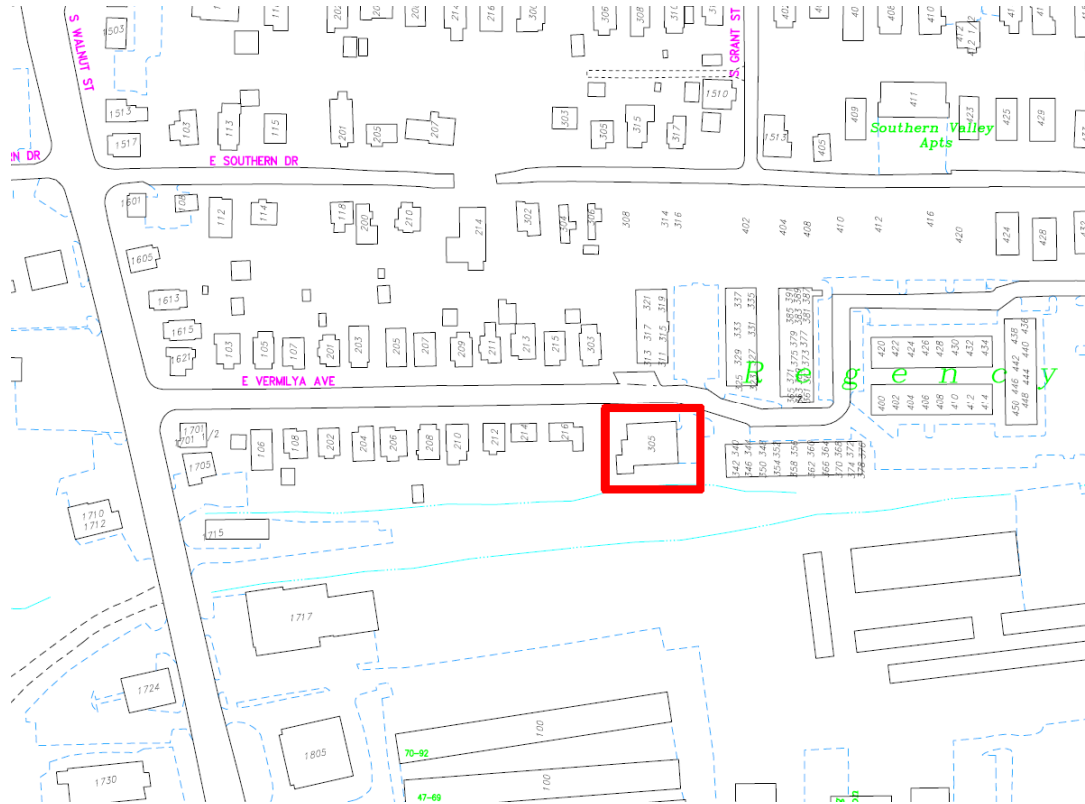
In accordance with Bloomington Municipal Code § 8.08.15, all property owners inside of the proposed district, as well as all property owners adjacent to the district, were provided written notification that the structures in the proposed district are currently under “Interim Protection”. This notice advised the property owners of what it means for the structures to be placed under “Interim Protection” and how they can go about seeking exterior modifications on said structures while under this level of protection.

Attached to this Memo you will find a map of the Property, it is labeled Exhibit A. Also attached is the Report adopted by the Commission at its February 25, 2016, public hearing, it is labeled Exhibit B.

305 East Vermilya

Staff Report

Bloomington Historic Preservation Commission



Basis for Architectural Significance:

- **Embodies distinguishing characteristics of an architectural or engineering type; or**
- Is the work of a designer whose individual work has significantly influenced the development of the community; or
- Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
- Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- **Contains any architectural style, detail, or other element in danger of being lost; or**
- Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or
- **Exemplifies the built environment in an era of history characterized by a distinctive architectural style.**

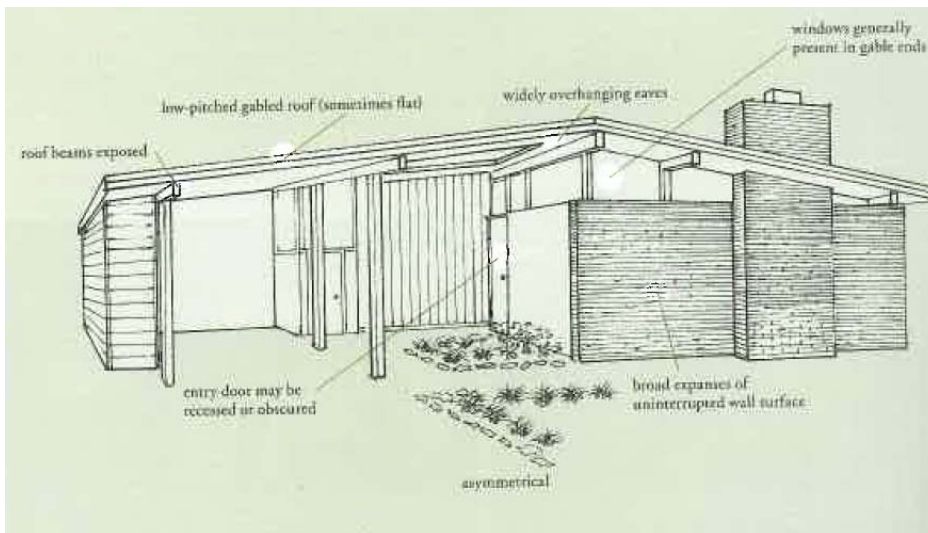


This residential structure is located just off of South Walnut Street and is zoned as Residential high-density multifamily (RH). The property is an anomaly for the area as there is an apartment complex to the east and early 20th century bungalows and cottages to the west. The property does not appear on historic air photos until 1967 as it was not yet constructed when the 1961 air photos were taken. The property was constructed off of plans sent away for by the Tennell family in the early 1960s, according to their daughter, and has not changed significantly since the date of construction.

This property has an “Outstanding” rating on the state historic properties inventory. The state survey lists the property as a slightly altered c. 1960 Massed Ranch style home, but takes on more elements of a front-gabled Contemporary style. This style was made popular by many prominent California based suburban developers and architects, such as Joseph Eichler. Key elements of an Eicher house are post-and-beam construction, walls of glass, strong indoor-outdoor connections to an atrium, courtyard, or patio, and a mid-century modern esthetic. More broadly Contemporary style is often characterized by recessed entries, wide overhanging eaves with exposed beams, low-pitched roofs, broad horizontal-focused façades, open carport, and large expanses of glass and windows, providing an open feeling connected to the landscape. This style was most prominent between post-WWII and the mid-1960s.

The Modern movement of architecture can be observed in the United States as early as the 1900s with Prairie and Craftsman style, primarily spread through the Midwest by architect Frank Lloyd Wright. In the 1930s-1950s, influences from Germany’s modernist

architecture and design school, Bauhaus, brought the International style to America via architects such as Meis van der Rohe. International style was “machine age” architecture that removed ornamentation that is typical in previous styles or more traditional forms. There was also a more widespread use of new technologies in the form of building techniques and materials, such as steel and wide expanses of glass. However, mid-century architecture can generally be categorized into two categories, modern-traditional and mainstream Modern. In 1934, Congress created the Federal Housing Administration (FHA). The same year, the National Housing Act of 1934 was released by the FHA, which intended to “regulate interest rates and mortgage terms after the banking crisis of the 1930s.”¹ The FHA’s purpose in the mortgage program was to combine efforts of private and public interests and provide affordable, market-oriented housing to low-income people. The FHA also provided assistance to many veterans through mortgage programs post-WWII. “The FHA did not believe that neighborhoods of starkly modern houses were a good investment for veterans—or for anyone else—and therefore lenders financed a more conservative branch of modernism” the less daring “Bankers Modern” styles, consisting of basic Minimal Traditionals and casual Ranch houses.”² This house is representative of the more Avant guard mainstream Modern, while many houses of this era took on the more conservative “Bankers Modern” style, making this a unique style.



As this style is not prominent in the Midwest, it makes this property a unique style to Bloomington. It is also surrounded by later construction apartment buildings and smaller cottages, which

makes this a hidden gem that should be protected. It is listed as “Outstanding” on the State survey, an honor left to those properties that best represent a particular era or style and worthy of local designation to protect for future generations.

The owners “would say that we are not in favor of designation. We feel like it encumbers the property and removes rights that the owner would otherwise have. However, as long as we are able to move forward with the plan to make the requested changes and then

¹ “The Federal Housing Administration (FHA),” U.S. Department of Housing and Urban Development, http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/fhahistory.

² Virginia McAlester, *A Field Guide to American Houses: The Definitive Guide to Identifying and Understanding America's Domestic Architecture*, 2nd ed. (New York: Knopf, 2013), 549.

operate the house as a rental unit with an attached leasing office we are not going to protest or fight designation.”

Staff recommends local designation.

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)**

- WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, on January 28, 2016, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed designation of the Greater Restaurant Row Historic District, which roughly includes portions of East Fourth Street, South Dunn Street, South Grant Street, and East Kirkwood Avenue; and
- WHEREAS, at the same hearing, the Commission found that the areas outlined on the map are related by history and development sufficiently to be considered as a district; and
- WHEREAS, at the same hearing, the Commission found that the district has historic and architectural significance that merits the protection of the properties as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, at the same hearing, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of said properties; and
- WHEREAS, at the same hearing, the Commission also placed the area referred to as the Greater Restaurant Row Historic District under interim protection pending action by the Common Council under Bloomington Municipal Code 8.08.015;

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

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The Greater Restaurant Row Historic District shall consist of the buildings at the following addresses:¹

- East Fourth Street: 322, 402, 403, 405, 407, 408, 412, 413, 415, 416, 420, 424, 430, 502;
- South Dunn Street: 208, 209;
- South Grant Street: 113, 114, 209, 210, 212; and
- East Kirkwood Avenue: 322, 408².

¹ This list identifies the address of each building within this historic district. Where one address appears in the ordinance and multiple addresses appear on the map for the same building, the address identified here corresponds with that listed on the City’s GIS database as of November, 10, 2015. These multiple addresses for one building may change over time as the interior of these properties are renovated for new or additional uses.

² The Trinity Episcopal Church appears as 111 South Grant on the map and 408 East Kirkwood on the City’s GIS database as of November 10, 2015. The ordinance uses the address provided by the City’s GIS database.

SECTION 2. The properties within the Greater Restaurant Row Historic District shall be classified as follows:

Outstanding:

East Fourth Street: 502;

Notable:

South Dunn Street: 209;

Contributing:

East Fourth Street: 322, 412, 415;

South Grant Street: 114;

East Kirkwood Avenue: 408;

Non-contributing:

East Fourth Street: 402, 403, 405, 407, 408, 413, 416, 420, 424, 430;

South Dunn Street: 208;

South Grant Street: 113, 209, 210, 212;

East Kirkwood Avenue: 322.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to include the Greater Restaurant Row Historic District which shall read as follows:

Greater Restaurant Row Historic District (23 properties).

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

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

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

ANDY RUFF, President
City of Bloomington

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

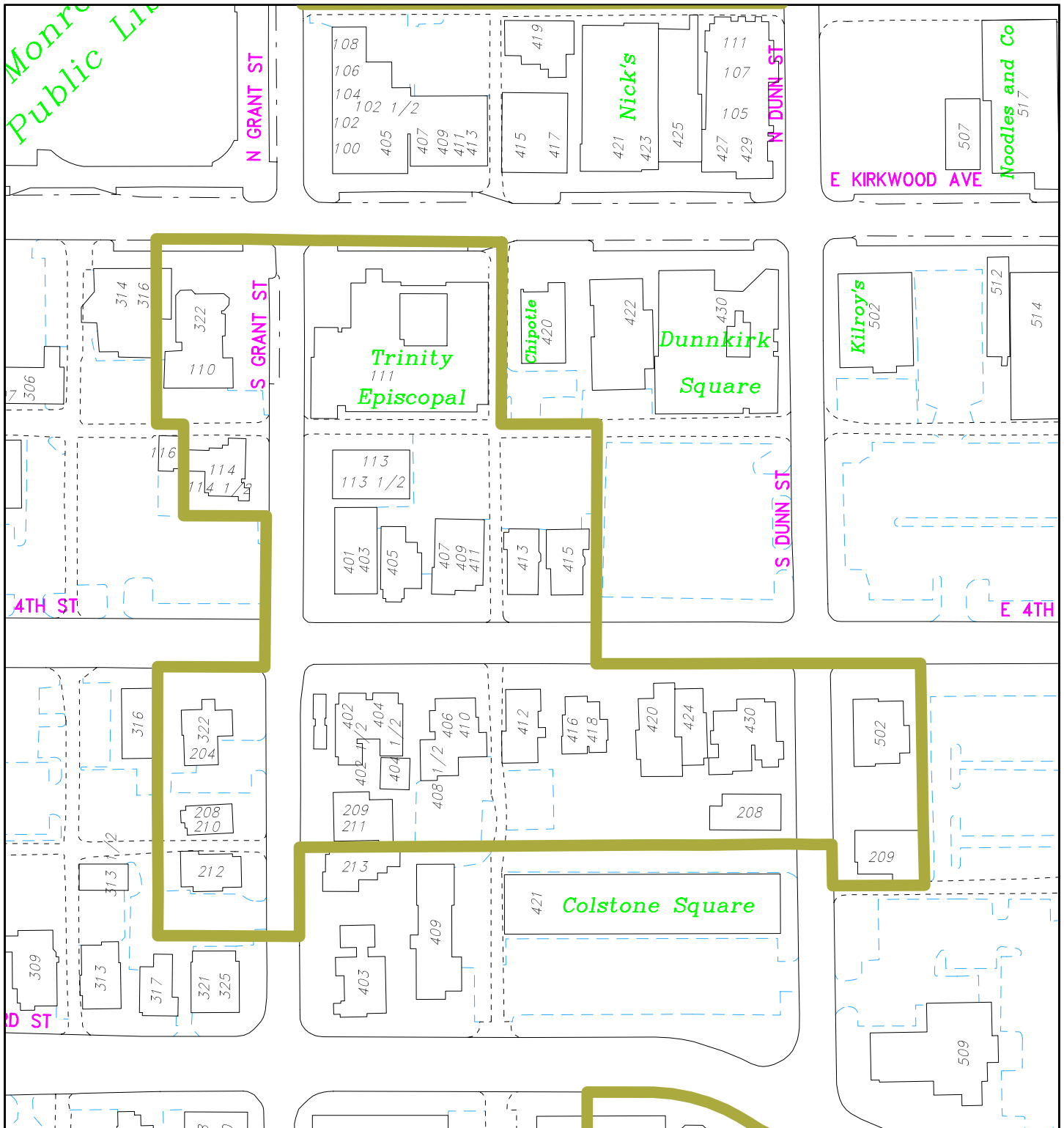
NICOLE BOLDEN, Clerk
City of Bloomington

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

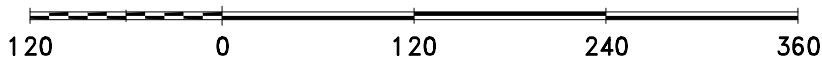
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

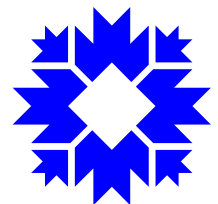
This ordinance amends the List of Designated Historic Districts in the City of Bloomington by establishing the Greater Restaurant Row Historic District. In recommending this designation, the Bloomington Historic Preservation Commission (“Commission”) relied on a survey; held a public hearing on January 28, 2016; and, submitted a map and accompanying report to the Council. The map describes the boundaries of the district, classifies the total number of properties within the district, and is approved by the ordinance. The report demonstrates how this district meets the necessary criteria. Local designation will provide the protection needed to ensure that these properties are preserved.



By: emenhisb
30 Nov 15

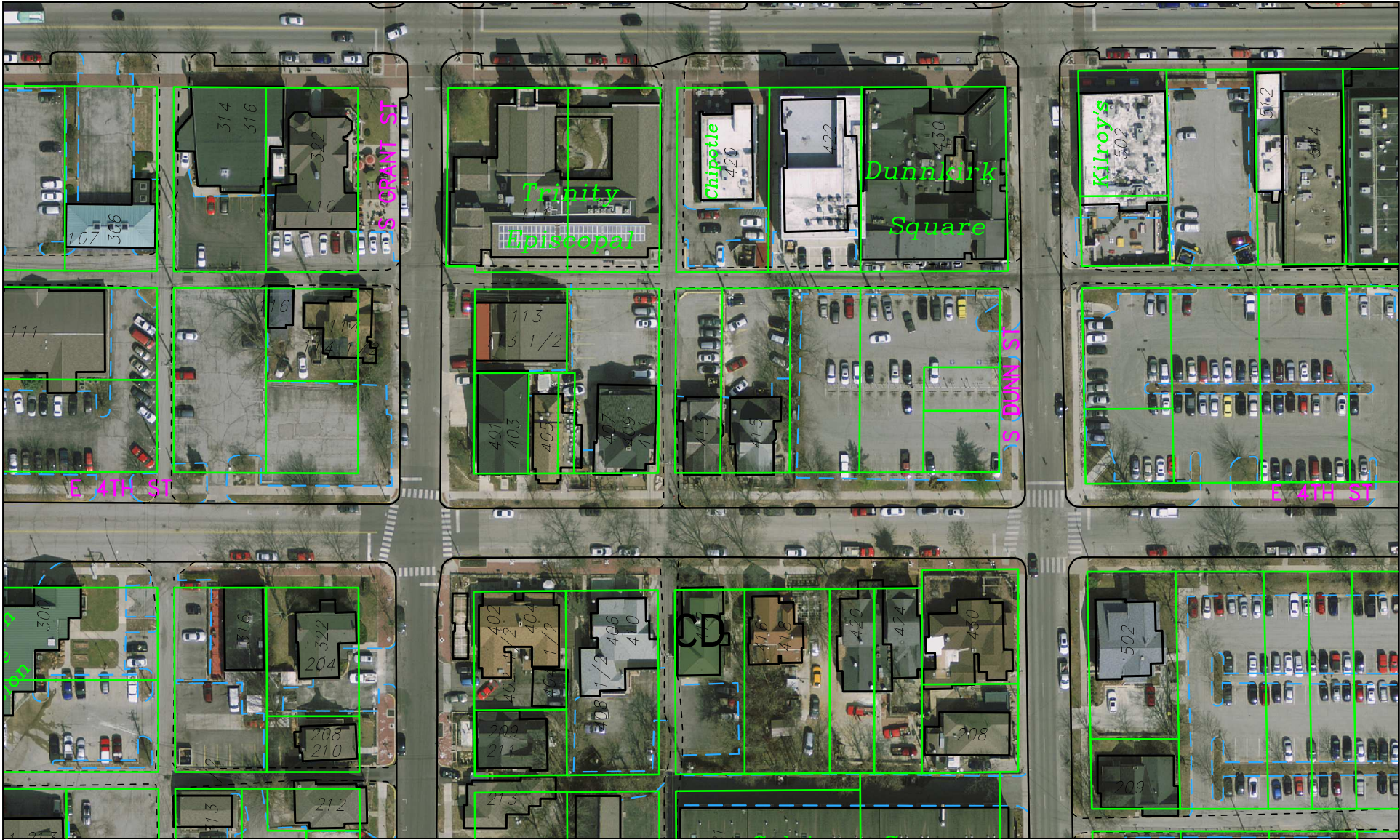


City of Bloomington
Housing & Neighborhood



Scale: 1" = 120'

For reference only; map information NOT warranted.



Ord 16-03 – Historic Designation of Greater Restaurant Row Historic District

By: shermand
25 Feb 16



For reference only; map information NOT warranted.



City of Bloomington
Clerk & Council



Scale: 1" = 100'

MEMO:

To: City of Bloomington Common Council
From: Doris Sims, Director of Housing & Neighborhood Development
Bethany Emenhiser, Project Manager
Patty Mulvihill, City Attorney
Date: February 21, 2016
Re: Request to Create the Greater Restaurant Row Historic District

The City of Bloomington uses a historic survey that identifies properties that may be worthy of historic designation. These properties, at a minimum, are at least 40 to 50 years old, and have been identified as being “Contributing”, “Notable”, or “Outstanding”. This survey is used to identify which properties must go through the Demolition Delay process outlined in Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code.

The survey is prepared by the Indiana State Historic Architecture and Archaeological Research Database (SHAARD) and was created using funds from the State, Federal and local governments. The data contained in SHAARD was collected from previously conducted cultural resource inventories, National and State listings, research projects, and cultural resource management project reports. SHAARD includes data from County Survey Programs, the Indiana Cemetery and Burial Ground Registry, historic bridges, properties listed in the National Register of Historic Places, properties listed in the Indiana Register of Historic Sites and Structures, and historic theaters in Indiana. SHAARD identifies property it lists as “Contributing”, “Notable” and “Outstanding”.

A “Contributing” structure means the property is at least 40 to 50 years old, but does not meet the criteria for an "Outstanding" or "Notable" rating. Such resources may be important to the density or continuity of the area's historic fabric. Contributing structures can be listed on the National Register only as part of an historic district. A “Notable” property means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register. An “Outstanding” property means that the property has sufficient historic or architectural significance that it is already listed, or is eligible for individual listing, on the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.

When determining whether or not a property is subject to Demolition Delay the City utilizes the SHAARD.

The SHAARD was recently updated. The update was done in recognition that more than 10 years had passed, meaning more structures now meet the 40 to 50 year old requirement, and to ensure that those structures already inventoried and listed still should be listed and/or still contained the correct label (should they still be “Notable” or drop to “Contributing”, as an example).

The recent SHAARD update removed a significant number of structures located in the Restaurant Row Overlay from the SHAARD¹. In other words, a large number of structures located in Restaurant Row are no longer considered “Contributing” and therefore worthy of a possible historic designation based on their architecture.

The removal of several structures in Restaurant Row from SHAARD is not unexpected in the sense that these structures have been heavily modified and altered over the years. As a result, a lot of the original structural and architectural integrity of these structures has been so lost that classifying them as “Contributing” from an architectural standpoint is not necessarily appropriate.

If the properties along Fourth Street in Restaurant Row start being demolished the entire feel and character of that area will be forever changed. As a result, former Mayor Kruzan advised City staff to notify the Historic Preservation Commission of this issue and to see if the Commission was interested in recommending Restaurant Row for local historic designation based on its history and meaning to the community.

A local historic district can be established even if the structures within the proposed district are not worthy of architectural protection. Bloomington Municipal Code § 8.08.010(e)(1)(A) and (C) read as follows:

- “(A) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation.
- (C) Exemplifies the cultural, political, economic, social, or historic heritage of the Community.”

The Commission was advised by City staff of this issue during a retreat on December 4, 2015. During this retreat, staff was directed by the Commission to post this matter on their next agenda for discussion.

At the Commission’s meeting on December 10, 2015, the Commission passed a motion directing City staff to put forward a map of Restaurant Row, a report on why Restaurant Row meets the criteria for local historic designation, and send out notices to property owners that the Commission would hold a public hearing on January 28, 2016. The notice included a statement that during this public hearing the Commission could make a motion to recommend Restaurant Row for local historic designation.

Staff prepared the notices as directed by former Mayor Mark Kruzan and the Commission and mailed them to affected property owners the week of December 21, 2015. The notices advised property owners that they had the right to attend the January 28, 2016 meeting or send a representative. Property owners were also informed that they could submit comments to the Commission via email or in writing.

Prior to the Commission meeting on January 28, 2016, HAND staff received feedback on the proposed designation from Bruce Storm. Mr. Storm owns several properties in the area

¹ A map of the area in question is attached.

recommended for local designation. In general, Mr. Storm advised staff that he was not supportive of local designation. Staff also received an email from John Harvey, another property owner in the proposed district. Mr. Harvey also expressed displeasure with the possible designation of his property. He believes designation should only occur when structures are architecturally worthy of protection.

During the January 28, 2016, Commission meeting three members of the public provided testimony.

- The property owners of the building commonly referred to as Kirkwood Manor were represented by attorney Mike Carmin. Mr. Carmin advised the Commission that his clients are opposed to their property being locally designated as part of an area including Restaurant Row for several reasons: (1) they are opposed to a building which is no longer classified as being worthy of architectural protection being locally designated; and (2) they do not believe that the Kirkwood Manor is commonly associated with Restaurant Row by the general community and believe the cultural reasons for designating those properties along 4th Street are not applicable to the Kirkwood Manor. At a minimum Mike Carmin expressed a belief that if the Kirkwood Manor is to be considered for local designation, it should be considered as a stand-alone structure, and not as part of the larger proposed district.
- Sib Sheikh owns a property along 4th Street in the proposed District. He stated that he was in Bloomington 14 years ago before he moved here permanently more recently and one of the memories that stayed with him when he left was Restaurant Row; a historic street of tiny homes with beautiful ethnic restaurants. He stated that he carried this highlight and memory of Restaurant Row with him during his entire absence from the Bloomington community. He testified that he believes this is one of the truly unique areas of town, he finds it memorable. Sib stated that it's a natural consequence that if we don't protect areas like Restaurant Row via a formal process, it will not be preserved and the hand of time will dilute the uniqueness of Restaurant Row. Coming from an investor, he feels like this initiative is heading us in the right direction. The business side of the community doesn't like to give up property control because the business worries it stifles economic development, but in Sib's experience with the Commission and with the Courthouse Square Designation, it was a phenomenal experience.
- Jenny Southern, a community resident with no property ownership in the proposed district, spoke in support of the designation. She indicated that everyone she has spoken to about the proposal is thrilled about protecting Restaurant Row. She believes that the area of Restaurant Row came together by chance and she doesn't think it can be recreated anywhere else; it won't happen in Bloomington again if we lose it. The Fourth Street Festival is always there, and when Jenny attend this year she questioned the vendors about designating the area as historic, and the visiting artists were excited about the prospect.

There are approximately twenty (20) property owners within the proposed district. Staff received feedback from four of said owners prior to or during the public hearing on the matter.

Of the four property owners, three are opposed to the designation and one is in favor of the designation.

The Commission, during its designation of the proposed area, determined that naming the proposed area the “Restaurant Row Historic District” was not adequate as the proposed area encompasses more than Fourth Street. In adopting the proposed map and the Report the Commission also voted to name the proposed area “the Greater Restaurant Row Historic District”.

Much of the discussion at the Commission’s meeting on January 28, 2016 dealt with two topics: (1) is it appropriate to locally designate an area as historic if the structures in the district are not architecturally worthy of protection; and (2) is it appropriate to include areas outside of Fourth Street proper in the proposed district. Ultimately the Commission, by a significant majority, found that it is appropriate to establish the Greater Restaurant Row Historic District even if a significant number of the structures are not worthy of architectural protection and further found that extending the proposed district past Fourth Street was appropriate. Highlights of this discussion include the following:

Historic & Cultural Resource Issue

- Jeff Goldwin advised that he feels the history of the proposed area is just as important to protect as the architecture itself.
- Chris Sturbaum noted he has worked on some really old houses that have had modifications and the modifications essentially become historic overtime. The transformation and establishment of Restaurant Row happened as a result of the University’s growth. All those forms represent a time in Bloomington when residential areas and structures were changing to commercial uses and structures. He believes the areas in the proposed district have cultural significance and that the proposed district is tied together by a lot of things: structurally, by use, and by the history.
- Derek Richey stated that he recently took a tour of the proposed district, house-by-house, and that while he agrees that the buildings have been mutilated if you are a historic preservation purist, he also takes into account the culture of the proposed district and the way the community values this area. The cultural history of the area and the value it provides to Bloomington warrant local designation.

Extending Boundary Past Fourth Street Proper Issue

- Marjorie Hudgins stated that when the City puts on the Fourth Street Art Festival, Trinity Church always participates in the event and Kirkwood Manor always participates as well. It was Marjorie’s opinion that the participation by Trinity Church and Kirkwood Manor in the Fourth Street Art Festival is evidence that the two consider themselves part of Restaurant Row for events surrounding the use of Fourth Street.

- Jeff Goldwin indicated that the area as proposed, including the areas outside of Fourth Street, is the area he thinks of when he thinks of Restaurant Row. He believes the area is meant to and thought to include more than just Fourth Street proper.
- Derek Rickey advised that he believes the entire proposed area is appropriate for local designation as the entire proposed area is worthy of cultural and historic protection.

At the conclusion of the public hearing on the proposed district the Commission made three motions, all of which passed. Those motions were:

- Recommended the Common Council approve the proposed map as the Greater Restaurant Row Historic District;
- Approved a report on the reasons behind establishing a Greater Restaurant Row Historic District and moved that said report should be forwarded to the Common Council; and
- Pursuant to their authority under Bloomington Municipal Code § 8.08.15, placed the proposed Greater Restaurant Row Historic District under “Interim Protection”.

In accordance with Bloomington Municipal Code § 8.08.15, all property owners inside of the proposed district, as well as all property owners adjacent to the district, were provided written notification that the structures in the proposed district are currently under “Interim Protection”. This notice advised the property owners of what it means for the structures to be placed under “Interim Protection” and how they can go about seeking exterior modifications on said structures while under this level of protection.

Attached to this Memo you will find a map of the proposed Greater Restaurant Row Historic District, it is labeled Exhibit A. Also attached is the Report adopted by the Commission at its January 28, 2016, public hearing, it is labeled Exhibit B.

Greater Restaurant Row

Staff ReportBloomington Historic Preservation Commission**Basis for Historic Significance:**

- **Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history.**
- **Exemplifies the cultural, political, economic, social, or historic heritage of the community.**



Part of the original 1818 plat surveyed by James Borland, the four hundred block of East Fourth Street contains several large and substantial homes dating from the late nineteenth century and early twentieth century. The east, west and north sides of the district are anchored by structures listed in the historic sites survey or in the Indiana University survey. The oldest structure is a restored brick, federal style I-house located at 322 East

Fourth Street built in 1850 by Augustus Holtzman, who also owned a woolen mill nearby at what is now Third and Lincoln Streets. Before the end of the century, the house passed to W.D. Dill, who owned a mill on the West Side of Bloomington. Currently, the structure houses the offices of Bruce Storm Real Estate and apartments.



To the north of the Holtzman-Dill house is a turreted stone and frame Dutch Revival House built much later in 1907. The use of a curved limestone porch and cross gambrel roof resembles many of those designed by architect J.L. Nichols, who also built the structure to the immediate north. From 1920 to 1935, the building was the home of Indiana University German Professor Bert John Vos, who was also special

assistant to American Legation at The Hague 1918-19 and a member of the U.S. Mission to Berlin in 1919.

“Kirkwood Manor”, as the property on Kirkwood, also attributed to Nichols is called, was occupied by the Sigma Nu fraternity house from 1916-1951. It was built for a family in 1893, but was converted to fraternity use as Kirkwood slowly evolved into an area of clubs and boarding houses associated with the University. By the mid-twentieth century, these had evolved into commercial uses. Both buildings are listed in the 1986 survey as



is the Trinity Episcopal Church across the street at 111 South Grant. Designed by architect Alfred Grindle, Trinity Church was built in 1909 in the English Country Church Style. Grindle was trained in England and based his design for the church on the memories of his childhood.



To the east, the Henry A. Lee House at 502 East Fourth Street anchors the district, which is a Stick Style house with Arts and Crafts elements, built in 1913. The 1996 University survey gives it an “outstanding” rating. Lee was a prominent attorney who was active in local Republican Party politics. The structure is now vacant, but in the past Indiana University used it as an Annex to the Law Department and

most recently the Mathematics Department. Immediately to the south at 209 South Dunn, is a locally designated vernacular Gabled-ell with Italianate and Greek Revival detailing that for a time was occupied by Henry Lee’s son, also a prominent attorney.

Between the Lee and Holtzman houses on Fourth Street are several substantial two-story houses and a couple of one-story cottages built between 1890 and 1927. Most are Queen Anne style, but there are two Dutch Colonial Revival houses at 413 and 415 East Fourth and two bungalows at 401/403 and 405 East Fourth. At the turn of the century, City directories indicate that a large number of transient residents lived along Fourth Street, often seven or more students in one house. By the 1920’s single owners again dominated, and one of the City’s oldest beauty parlors, Bingham Beauty Parlor, occupied the structure at 401/403 East Fourth from 1922 to 1940.

After World War II medical professional offices increasingly occupied the block. Of eleven structures listed in the 1970 City directory, six housed physicians, a dentist, and an optometrist. Significantly, four structures are listed as “vacant,” indicating a period of decline. However, low rental rates contributed to a commercial revival that by 1980 saw the block occupied by a variety of businesses, including a restaurant, a music store, a beauty salon, yarn shops, and one physician. By 1990, the block was known locally as “Restaurant Row” due to the proliferation of new ethnic restaurants. Today these restaurants are the core of a successful and bustling commercial district.

Most of the buildings have been modified for commercial purposes such as larger windows for displays and added ornaments as well as rear additions to accommodate restaurant kitchens. However, it should be emphasized the basic integrity of these structures is sound, and it is their historical character that has attracted so many restaurants and patrons to the area.

This district also has local historic designations, such as a limestone hitching post in front of 416 E. 4th St., a stone sidewalk and 209 S. Dunn St.

Basis for Architectural Significance:

- **Is the work of a designer whose individual work has significantly influenced the development of the community.**
- **Is the work of a designer of such prominence that such work gains its value from the designee's reputation.**

As has been established above, this district is sprinkled with architect designed homes by prominent local architects Nichols and Grindle. Among Nichols designed homes is the “Kirkwood Manor,” and 114 S. Grant St. “Kirkwood Manor” was the home to Sigma Nu, Indiana University’s first fraternity. Alfred Grindle designed the Trinity Episcopal Church in 1909. These buildings showcase limestone, which played a larger part in the development of the city.

- **Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city.**

Greater Restaurant Row is a unique district in the City of Bloomington, which retains the streetscape and feel of where it originally began. The district evolved as a single family neighborhood toward the end of the 19th century as Indiana University was developing at the east end of 4th Street. This in and of itself does not specifically distinguish this district from others of this same era. However, the fact that it has grown into a flourishing food destination for international and ethnic cuisine while still maintaining the rhythm and feeling of a single family neighborhood provides a unique scale for a business district. The relationship between historic buildings, and streetscape and landscape features within the district help to define the historic district and therefore must be retained and preserved. If left unprotected, the streetscape and scale of the district could change significantly and in turn affect the overall character of the unique character district.

In 2012, the Bloomington Historic Preservation Commission compiled the “Preservation Plan for Historic Bloomington,” which identified Restaurant Row as a distinct character area. The preservation plan highlights the significant features of the area and specific strategies and recommendations such as, “maintain narrow vertical expression of façades, retain the rhythm of residential window forms on the second story, keep uniform setback from the street with green space, use on-street parking or new garage spaces, deny demolition for higher density or height, retain public tree cover and preserve existing trees, create guidelines to create visual compatibility, and preserve hitching post and memorialize with signage.” The Greater Restaurant Row character area is one of three called out in the greater University Village character analysis areas in the preservation plan. The University Village is made up of the Kirkwood Corridor, Restaurant Row, and the Old Library District (or “Café District”) and is also called out in the “Downtown Vision and Infill Strategy Plan.” The “Downtown Vision and Infill Strategy Plan”

specifically calls out Restaurant Row as a top priority for local designation to “provide greater protection of important historic properties and ensure that they remain a vital part of the downtown fabric for years to come.”

The significance of this district goes beyond the restaurants and is a designation for arts and culture as well. The Bloomington Arts and Entertainment District (BEAD) “brings the business and creative sectors together to advance commerce and culture, build community and spur economic development through a designated downtown cultural district.” Restaurant Row is identified by BEAD as showcasing “diverse and delicious” food and has a way of transforming a visitor to another world. Another great destination event that brings people to the District is the 4th Street Festival, which is held every Labor Day weekend. The restaurateurs bring their unique cuisines to the street and are a diverse mix of ethnic food and artists from all over the country.

In the Buskirk-Chumley Theater, Kirkwood Avenue on Tuesday, February 16, 2016 at 7:03 pm with Council President Andy Ruff presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
February 16, 2016

Council President Ruff welcomed everyone and called the meeting to order. He noted that since it was a Special Session for the State of the City, the meeting would be considered adjourned when the Mayor's remarks concluded. He then asked Clerk Nicole Bolden to call the roll.

CALL TO ORDER

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

ROLL CALL AND WELCOME

Clerk Bolden welcomed the audience and introduced the Bloomington High School North Advanced Jazz Ensemble, led by Director Janis Stockhouse and Student Teacher Curtis Pritchard.

Clerk Bolden introduced Poet Adrian Matejka and his daughter to the stage for a poetry reading.

POETRY READING

Acting Deputy Mayor Mick Renneisen introduced Mayor John Hamilton who presented to the Common Council, the City Clerk, the citizens of Bloomington, and, via the internet and television, citizens around the world, the 2016 State of the City Address.

INTRODUCTION OF MAYOR

Mayor Hamilton presented the State of the City Address (text provided by the Office of the Mayor), which was as follows:

STATE OF THE CITY ADDRESS

"Thank you all for being here. I want to thank the members of the City Council, partners in leading government for our city. I want to thank my fellow city employees, from Deputy Mayor Mick Renneisen and his kind introduction, to Communications Director Mary Catherine Carmichael who organized this evening, to all our department heads, and to all 650 of my fellow city employees. Thanks to all elected and public officials here. Specific thanks to: Family, past Mayor Tomi Allison, IU Provost Lauren Robel, Ivy Tech Chancellor Jennie Vaughan, those watching on CATS. And thanks to all of you, to each of you, for being here and for all you do for our city.

We've enjoyed some hot jazz and cool poetry. Please join me in thanking once again two outstanding representatives of Creative Bloomington, the North High School advanced jazz ensemble, and IU professor Adrian Matejka. My goodness, such talent, what a treat! We should be relaxed and also energized, our minds expanded and our imaginations activated - that's what the arts can do right? OK so now we are rolling up our sleeves and getting to work on our city. Sit back and let's talk about Bloomington, where we are, and where we want to go....

James Fallows, one of our country's finer journalists and chroniclers, recently hopscotched 50,000 miles across America in a small propeller plane, visiting scores of cities over a 3-year period. He was trying to understand what was working in cities across America. One specific, striking comment he made was: "Many people are discouraged by what they hear and read about America, but the closer they are to the action at home, the better they like what they see."

I believe if you ask my dear wife Dawn, she will tell you that I am an optimistic person. I believe things are getting better, and will continue

to do so, as we all pull together. And Fallows' quote rings true to me: most of us, while we may indeed often be 'discouraged' by what we read and hear about our national events and politics, most of us are more encouraged by our experiences with our neighbors, our school teachers, our store clerks, our fellow worshipers, our little league coaches, our local nonprofits addressing poverty or hunger or housing or safety or promoting arts, our librarian, our nurse, our local business owners, and on and on. We see progress. We recognize the vast number of people of good will. But sometimes we're discouraged by national images and stories.

In a recent survey, among people who reported that their lives were stressful, they were asked what daily events added to their general stress. First choice was juggling schedules of family members, not a surprise perhaps. But second and third highest daily stressors? hearing about what the government or politicians are doing, and watching, reading, or listening to the news!

No wonder some people say they just turn off the news or don't pay attention to national affairs. Of course I do not advise that we succumb to that temptation. Nor do I suggest that there are not serious challenges ahead of us at the national and global levels - of course there are. There is lots of talk of late about building walls, HUGE walls, figuratively and literally, to keep away the problems of the world. I promise I won't say the name of any presidential candidate tonight - That is no solution for our country - nor for our city, nor for any of us.

But James Fallows' observation reminds us that what we often hear from that national media is not Reality. Reality is not what paid TV commentators say it is. It is not captured by stories designed to attract eyeballs and sell products. Reality is here in front of us, and it is what we make of it.

Just one example of good news that hasn't hit the top of the news items (but I expect some in this audience know): The unsubsidized cost of electricity generated at scale in the U.S. from wind power fell 61% in the last six years, and for solar the unsubsidized cost fell 82%. These sustainable energy sources are cost-competitive with fossil fuels even with large decreases in the cost of natural gas and oil. (and that's not considering environmental externalities.) Such good news often doesn't travel as fast or far as bad news. That's one reason progressive cities cannot succeed in isolation, but have a need and an obligation to be leaders in the state and nation and even world, at times. We are putting solar panels on our city hall this summer, and by the way, we intend to offer wholesale prices to residents here who want to install panels on their homes or businesses. In this and many other ways we're working to combat climate change, a defining issue of our generation. Cities like ours must act and speak out for the good of our community and our planet, for example against a concerted effort led by ALEC to prevent consumers and generators of solar power to be able to sell excess power to utilities.

So I want to talk about that 'action at home,' the stuff that, often, the closer we are to it, the more we appreciate what we see. As Mayor, my job this evening is to talk about the State of our City. Where we are now, and where we ought to be going next. With a particular focus on city government and our role.

There is an awful lot to like about Bloomington. You know that. We have a fantastic community with so many assets and such a bright

future. Let me tell you, it's really a privilege and a thrill to be mayor of this great city. (You can ask Dawn, and I think she'll tell how much I look forward to getting to work every day.....) Like most of you, I feel deep gratitude to be able to live here. I think also like most of you, I feel a responsibility to steward it for future generations as well. To make good decisions, do the right things, make smart investments, to assure it continues to be a place where all kinds of people live together creatively, peacefully, positively.

We can highlight a litany of indicators of excellence, such as our Gold level Bicycle Friendly city; our Tree City designation; and our perfect score by the Human Rights Campaign Equality Index (the only city in Indiana, one of 47 in the country) - and this really matters, being a progressive LGBTQ city in a state with leadership that has embarrassed us and put Indiana in a negative national spotlight two years running. And being a city leader on reproductive health and women's rights matters too, with our city and county councils both in the last six months supporting Planned Parenthood at a time of unprecedented state and national assaults. And we can point to our increasing trails and trail miles . . . how we are reducing trash generation . . . to rising high school graduation rates . . . to an ever-growing use of our award-winning bus system, and much more.

I could go on for the rest of my time tonight celebrating what is wonderful about Bloomington. But we need to shift and address some current difficulties, some pending challenges. We need to face facts with clear vision.

First our economy. Our Metropolitan Statistical Area includes Monroe and Owen counties. During the national and state recession of 2008-09 we actually did not have a recession in our MSA, as you can see on the graph, with the green line on top. But we're in one now. And have been for FOUR YEARS, with a shrinking real gross domestic product for our MSA, shown in the green bar on the right. We must talk too about too many of our friends and neighbors who are struggling - needing shelter, or a job, or better health care, or addiction services. There are too many people in our community - including kids - who are not secure about their next meal, their bed, their paycheck, their medicines.

Second our crime rate. We enjoy a relatively safe city. But statistics tell us that our violent crime rate, in blue there, has risen significantly over the last decade. And this is counter to the long national trend downward, in red.

Third, our public assets, our infrastructure. That's an abstract word that describes a critical part of what government provides every day. We haven't kept some of our infrastructure in shape. A few examples: During a 3-month period last year while replacing a storage tank, we had nearly 40 water main breaks in our system. You'll recall that last month I announced deteriorating drinking water quality that demanded quick attention. During the first snow of this year, 20% of our snowplow vehicles were out of action, nonfunctional. Last year we had 20 weekends with zero back-up fire engines available, which is not prudent for public safety. Our physical assets like water treatment plants, pipes, sidewalks and streets, public parks, storm sewers, trails, fire trucks and police cars, cherry pickers, snow plows and mowers; we must be good stewards of these shared assets.

Fourth, some basic city operations need attention. Sanitation services are operating in a system that was modern, in the 1960s. Our

sanitation workers labor mightily, but bear the brunt with injuries and rising worker compensation costs up over 60% in the last three years, and totaling more than a quarter million dollars for our 22 hard-working employees. You heard also our parking meters weren't working like they were supposed to. - as we learned just recently, basically every one of our 1,500 meters failed during the first two years of operation, and we still find a 5% monthly failure rate - far too high. And as we've also been reminded recently, our fiscal controls and planning have needed closer attention.

Fifth, we're shortchanging training and skills building for our city employees working every day to keep our city humming - plowing streets, delivering clean water, policing our neighborhoods, responding to fires and emergencies - as we've noted often with less than adequate equipment or processes. But for this workforce lately our city has invested less than 0.5% of payroll annually for skills and training - for every \$100 of employee salaries and wages we're spending less than 50 cents on skills and training. Far below industry standards, and not fair to our employees.

Sixth, we must pay close attention to changes going on in public education - while graduation rates are going up and our outstanding teachers make miracles happen every day in our classrooms, state policy is pulling more than \$1 million from our local public schools to private schools this year through unlimited vouchers.

So we've got some challenges.....and I mention these not because I'm alarmist. It's because I want to be transparent. As your mayor I owe it to you to be direct and invite discussion of difficult facts, choices, and realities. We're already taking significant steps about a lot of these too, and I'll very briefly outline some of it:

On the economy - First let me say I've been sitting down with a lot of our employers and local leadership to talk about this issue. There are a lot of good ideas and efforts out there. Crawford Homes helped deal with some of our most disadvantaged residents. I've assembled an outstanding task force of local leaders to make recommendations about wage growth and steps we should take. More about this issue shortly....

Public safety - Our police department is undergoing national accreditation, I've asked the public safety board to review in detail the 2015 President's Commission on 21st Century Policing, to be sure our excellent force is doing all we can to have the most effective, community-oriented public safety efforts possible.

Public assets - I will be asking the city council this month for \$3 million from last year's reversions for immediate replacements and repairs so our vehicles are safe and effective - this should help with our snow plows and fire trucks, for example. And I'm also asking for reverted funds for investment in employee skills and training, up to about 1% of payroll. I met with our fiscal taskforce this week to review and recommend a plan for a capital replacement budget and stronger oversight and planning. As one example, going forward we will not be using 25-year borrowed money to pay for short-term assets or basic maintenance.

As to City Operations - I have ordered immediate improvements in our drinking water system that are already underway. I've ordered a resolution of our parking meter problem as soon as possible, which is

also underway. And we're reviewing options for our sanitation system in the near future. State of the City Address (cont'd)

And on education, I will work for and we need to pass a referendum this fall to protect the gains we have achieved together.

So I can report that we are taking steps that are needed. We'll certainly be working together on more in the months and years ahead.

I'll mention two more related areas of concern or opportunity. First is Annexation. Our county population has grown by 21 thousand in the last 12 years, and urbanization is spreading, but our municipal boundary has remained fixed. Looking at our history of annexation beginning in 1970, we've generally followed the urbanizing areas, as you can see, decade by decade. But we haven't expanded an inch during the past dozen years. In 1990 our city included 85% of the county's urbanized area, but today our city includes only 73% of the urbanized area. Perhaps this is the right strategy for our community. Perhaps not. We should talk about that.

Second and related is Regionalism. Bloomington is a city not an island. We interact daily with our county, our region, our state. Our people work elsewhere. And people from elsewhere work in Bloomington. Our economy is regional. We just became part of an exciting major regional grant. But last year we terminated the agreement with the county about zoning in the two-mile-fringe, the orange areas intended for annexation. I think that was a mistake. We need more cooperation in that vein rather than less. I'm committed to working very closely with our county and our region, to help make decisions together.

We've just outlined where we are at this time. Not exhaustive of course. And not exhausting I hope. Now I want to turn to the longer vision - the things I believe we need to be doing together, to protect and enhance the quality of life - for all - that we want in Bloomington.

I say this very conscious of the fact that as a community we need to settle on these directions together. I will be working with city council and our partner governments in the townships, county, state and nation. And also of course outside government with all the players and people of our community to help us achieve our collective potential and goals.

First and foremost I want to return to Bloomington's economy. Our future depends upon our community being able to generate sufficient jobs and wages and wealth and assets for us to share in the quality of life we seek together. We live in an ever-changing economy, locally and globally. Oil prices have swung from over \$100 to less than \$30 a barrel. The Great Recession devastated tens of millions of families and their savings. At home we see local companies facing competition across the street and around the world.

We must help existing local enterprises to prosper, and we must encourage new-business formation as well. Tracking new business formation is the single most important guide to future employment trends. This reflects a vital economic fact: Over the past decades, all the net new job growth within the U.S. economy has come from firms in their first five years of existence (and mainly from fast-growing firms in their very first year).

Large and existing employers are critically important for our community and we must help support mutual prosperity with them.

But nurturing and attracting small new employers also is essential to Bloomington's success in the coming decades.

State of the City Address (cont'd)

As I've mentioned, I've created a Wage Growth Task Force for some practical advice. Additional steps are needed.

I believe that Bloomington's digital infrastructure will play a central role in our community's economic prosperity development and our residents' quality of life. Connectivity is essential for modern businesses, the creative arts, education, healthcare and home life. And world class connectivity is essential for our community to continue to thrive. I believe this digital connectivity is the 21st century equivalent of electricity and water infrastructure in the 20th century.

We do not have the digital network we need right now, and we certainly don't have the network we will need in 10 years. Bloomington simply must not lag behind while state and national peers secure gigabit class connectivity for their residents.

There are now over 1,000 Fiber To The Home networks in North America, of various sizes, some cities, some small neighborhoods. Places that have made next-generation connectivity a priority and have achieved it. I believe it is essential that Bloomington be counted among them.

Conversations I've had now with dozens of experts in the field and local and national service providers have re-emphasized for me that the time is right for Bloomington to act. We have studied other communities that have built their own infrastructure. One thing is clear: no one cookie-cutter approach works everywhere. Some have partnered with brand new providers like Google Fiber; others have partnered with universities and other governments; others have persuaded existing providers to accelerate infrastructure upgrades. For Bloomington, I have outlined what I believe are the vital guiding principles: Bloomington's 21st Century Broadband must be community wide, community controlled and revenue positive. These are ambitious goals, but I believe we can achieve them.

I am pleased tonight to announce three important steps. First, we have retained CTC Technology & Energy, a highly experienced, nationally regarded firm in the field to assist us as we move forward with our efforts. Second, in collaboration with Indiana University (and I want to thank IU's Vice President and CIO Brad Wheeler particularly) we will be co-hosting a Digital Bloomington Symposium at 1pm on Tuesday March 1st, two weeks from today.....And third, we expect to release a Request for Information within six weeks, seeking potential partners in our creation of Bloomington's 21st century digital infrastructure.

Besides digital infrastructure, we also need Financial infrastructure - innovative financial tools for our businesses and organizations to grow and thrive. We should consider establishing a Community Development Financial Institution in our city or region. We need creative collaboration between public and private sectors to meet financing needs all around us.

Our economic progress must be based fundamentally on fairness - our successes must help to lift all up. Our social safety net is part of our quality of life, just as arts and education are. And our progress must

be regional. We are the hub of a regional economy including Crane, IU, neighboring counties, and now the reality of I-69.

State of the City Address (cont'd)

Second we need to talk about housing. Our city MUST work for people of all walks of life. We cannot gentrify into neighborhoods of haves and have nots. This requires strategies to create and preserve housing that is affordable to the full range of our residents. I know the city council cares a great deal about this issue. I believe we should pursue Inclusionary Zoning and Long-Term Affordability as new tools. We should support Accessory Dwelling Units. Tiny Houses. Cooperative Housing. Permanent Supportive Housing. Senior Housing. And Planned Unit Developments, all to help achieve more affordable housing throughout the city, in both home ownership and rental. We need to protect mixed-income neighborhoods.

Third we need to update our government - HOW we do what we do. I've spent some time with other mayors from around Indiana and around the country. We all try to learn from those around us - the new companies, the new organizations - to see how they operate successfully. 21st century organizations relate to their customers and clients differently. They use big data. They share much more information. They realize the importance of speed and transparency. They know how important it is to experiment, and FAIL FAST, LEARN CHEAP. Like them, city government needs to be more nimble, use the power of the crowd, the customer, the client, and keep trying to get better at everything, getting feedback fast, fixing, tweaking, evolving.

This is SO DIFFERENT from how our governments have been designed - mostly in the early 20th century - to be bureaucracies that are hard to move, hard to influence, hard to change, and that are loathe to make any errors.

What does this mean? Expect us to try things to see how they work. Examples: utility bills. What information that we share encourages conservation? Participatory budgeting. Does it engage our constituents well? Pedestrian and bicycle options - what approaches draw people in? Policing - what techniques help create safer streets? Green infrastructure. Decentralized utility for water control, electricity generation, and more.

I've launched our Task Force on Government Innovation, including outside volunteers and frontline city workers to challenge and change how we do what we do.

And we've already implemented a 24/7 anonymous tip line. And weekly town hall meetings. And our B-Clear site with more and more public information available to download, analyze, and manipulate, for a more effective government and a more engaged community. All this transparency is important. And it will be paired with explicit goals, where we will say what we'll do; and do what we say. We have to measure what we are doing. And check whether we're going the right direction. One additional announcement I'm making tonight is meant to get data about where our residents think we are and should be. We will commence a periodic survey of residents about how we are all doing, what's working well and where we need more attention on issues and conditions in our city.

And fourth is public education, the bedrock of our community. Have I mentioned we must pass the referendum this fall? I will work closely as well with IU and Ivy Tech to be their partner as they deliver world-class education here. I'll help advocate for public education. And I've

been meeting with principals and teachers in MCCSC to find ways we can work together better, whether on parks and grounds, transportation, food, tutoring and volunteers, summer jobs, student engagement, and more.

These Big Four: Jobs, Housing, Innovative Government, and Education - are plenty to keep us busy. And they will be a key focus for our administration going forward, working with all of you.

We will of course also continue specific efforts to fix what needs fixing, like our water system, and our sanitation services, and our parking meters, and our financial oversight, and probably some things that you and I both don't know about yet.

We will also soon be discussing an updated Growth Policies Plan. What should Bloomington look like in 2040? I know we'll want a richly diverse community, a sustainable city, a beautiful city, a city of trails and parks and arts and local food and energy and innovation and competing ideas and competitive businesses and thriving nonprofits and no doubt some surprises. That will be an important and rich conversation coming up.

I also have to highlight a 'String of Pearls' - 4 development opportunities that line up along the magnificent B-Line Trail. From north to south, we have the Trades District (aka Certified Tech Park), the Convention Center with its great potential to enhance services and reach, the current Hospital Grounds which will create new opportunity, and Switchyard Park anchoring what can be fantastic new neighborhoods and energy south. Look at the 4 areas in red. We have an incredible opportunity to do some good things, over the next several years, to do things that 50 years from now, people will enjoy and appreciate. We'll be working together on this string of pearls in the months and years ahead.

And note that green area - the new IU Health investment coming to the east side of town. Hundreds of millions of dollars committed to a state-of-the-art health campus -- hospital, medical center, education center, with clean, good-paying jobs and top-quality training, assuring Bloomington is a regional health center for generations to come.

That is a lot on our plate. These are SOME of the things we need to do, in my view, to make our community work for people from all walks of life. As I said on January 1st, our government doesn't need unloving critics, and we don't need uncritical lovers. We need loving critics, who will roll up sleeves and be the do-ers for our great city.

Before we leave and have some refreshments in the lobby I want to talk about one more thing. And it's not an easy one..... One way I think about my job as mayor is to realize that really bad things can sometimes happen in wonderful communities like ours. We could face a serious disaster or crisis. Natural. Or human-made. Communities just like ours have gone through horrific events. We read about them and shudder. Cry. Pray. You know the stories and names. I have met mayors of some of those places. So I think about, God forbid, if something like that were to happen here, are there things we would have benefitted from having done? Things that we would wish we had done, ahead of time? Of course we have to train and practice and prepare for the specifics, and we do.

But what I am thinking now about is different, deeper and more fundamental to creating a resilient community for all, ahead of these

awful possibilities. If such a thing were to happen, I think, I know, we would come together as a community and hold each other tight, and remember how much we have in common, and forgive each other a lot of little unimportant things we worry about today. We would comfort the afflicted and affected. We've done that before, here, after challenges.

I also believe we might wish we had been more observant of, attentive to, people on the margins. Perhaps we would wish we had listened more closely to someone who felt excluded or rejected, or marginalized, or dispossessed. Or to voices calling for more imagination.

We might wish we had supported better mental health services, or addiction services. Perhaps also we'd wish we had better communication across groups that don't as regularly talk to each other, more direct conversation about issues or differences that sometimes divide us, of race, ethnicity, religion, politics. You may well have your own sense of this. My challenge is to ask us to try to do at least some of those things now, to feel that shared sense of community, that shared sense of bigger purpose, before, not after. And that shared sense of caring and listening. I hope we can imagine that and take some actions now, not later.

The reason I sought this job, and the reason I relish getting to work every day, is because the future of this community is so exciting. Yes we have challenges. But who doesn't? I wouldn't want to be anywhere else than here. Thanks to those who have made this community what it is. With much work to be done, to improve it and to make sure it keeps working for all, I'll be your head cheerleader about our future. And I'll be working hard every day to do what I can to help us get there.

After his cross-country hopscotching trip, James Fallows distilled hundreds of interviews and conversations to 11 indicators of a successful city, a place where the future is bright, where people are working together for that future, a place one would want to bet on. It's encouraging to look at those eleven factors from our seats.....

You know, we look really good on that list. Check it out....(examples) And by the way the final marker, which Fallows calls 'perhaps the most reliable' to show a successful city on the rise, one that comes with a certain kind of entrepreneurs, and a critical mass of young people, is . . . it will have craft breweries and probably some small distilleries too. Now that's a way to recognize and celebrate a city on the rise! We're on the move with a year of action ahead. I look forward to getting back together around this time next year and talking about what we've accomplished together.

Thank you all for being here, and I'll see you in the lobby now, or at a craft brewery soon.

As Council President Ruff stated, the meeting is adjourned."

The meeting was adjourned at 8:03pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall on Wednesday, February 17, 2016 at 7:32 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 17, 2016

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

ROLL CALL

Council President Ruff gave the Agenda Summation.

AGENDA SUMMATION

The minutes for the Regular Session of February 3, 2016 were approved by voice vote.

APPROVAL OF MINUTES

Allison Chopra noted that she was excited to appoint people to Boards and Commissions later in the evening.

REPORTS

- COUNCIL MEMBERS

Isabel Piedmont-Smith commented that her next constituent meeting would be held on Saturday, February 26, 2016 from 10 to 11am at the Monroe County Library in Room 2A. She said that Hopscotch Coffee, where she had her first meeting, had great coffee, but was a little too noisy for a meeting.

Steve Volan welcomed the students of Carl Weinberg's SPEA class that came to the meeting that night. He pointed out that councilmembers frequently circulated around both before and after meetings, and were happy to meet with citizens and tell them how meetings were run. He said that folks did not have to be students to get introductions to the council, and encouraged everyone to spread the word.

Dorothy Granger reminded the public that it was still February, and that it was still Black History Month. She also noted that there was still a lot going on and encouraged people to look at all of the opportunities and events being offered in the hopes that they would avail themselves of them.

Tim Mayer thanked the firefighters who had a busy January and early February. He asked for others to remember to thank the firefighters for their fine work and let them know that they were appreciated. He also thanked the Public Works Department for removing the snow, even on the recent holiday. He also thanked residents for clearing their sidewalks of snow.

Susan Sandberg offered thanks again to the Downtown Resource Officers who received an award at the February 3, 2016 meeting. She asked that the approved minutes include a correction to the name of the social worker who worked with the Downtown Resource Officers, since the minutes listed her as Vivian Hall, but her name was actually Virginia Hall.

Volan thanked Councilmember Sandberg for talking to the class while he was out of the room. He then corrected himself and disclosed that the class was not a SPEA class, but was instead a PACE (Political and Civic Engagement) class.

Andy Ruff read a letter that he wrote to the Indiana Legislature to develop awareness about how to reduce plastic waste, in particular single-use plastic bags. He reported that the state government had preemptively acted to prevent action on the local level. He thought that it was inappropriate for the state to change the state code in a

broad way that prohibited local government decision-makers from taking action. He explained that the initial intent was to take a more formal council action, but because the state legislature moved so quickly, there was no time to do anything except compose a letter to be signed by the council president. He also disclosed that all of the councilmembers supported the letter. Ruff then read the letter-copy attached- and stressed that it was not a council action.

- Council Members (cont'd)

Rollo thanked Ruff for writing the letter, and thanked staff for their research. He remarked that it was a bad precedent for the state legislature. He hoped that local and regional media would take note of what the legislature had done, and that he thought the issue deserved more attention from citizens.

Ruff said that it was up for action at the state level, and thanked Rollo for pointing out the hard work that the staff had done.

Piedmont-Smith voiced a concern about the minutes that the council had just voted to approve. She said that there had been several appointments to the boards and commissions that were not listed in the minutes.

Volan suggested that the council make a motion at the next regular session to correct the minutes, and asked Council Attorney Dan Sherman what he advised.

Sherman advised the council to amend their action.

It was moved and seconded to reconsider the approval of minutes to account for the corrections recently noted. The motion was approved by a voice vote.

Israel Fernando Herrera, Chair of the Commission on Hispanic and Latino Affairs (CHLA), reported to the council on behalf of the commission. He discussed several upcoming events and programs for CHLA, which included: Hispanic Heritage month in September and October, the Learn-to-Earn program, a literacy bill that went through the state legislature, and a school outreach program. He then introduced Ruben Martí, who was the Vice-Chair of CHLA.

- The MAYOR AND CITY OFFICES

Commission on Hispanic and Latino Affairs (CHLA)

Martí spoke about the subcommittee formed for public safety. He spoke about the commission's efforts to assist other agencies with translation issues, particularly with domestic violence. He noted that the county prosecutor's website had everything translated into Spanish, and they had a strong outreach program. He also spoke about the need for a Spanish speaker at the 911 dispatch center, and how CHLA offered to help facilitate hiring Spanish speakers. Last, he relayed that CHLA has also reached out to La Casa at Indiana University.

Maria Carrasquillo, from the government sub-committee of CHLA, spoke next about their efforts to better include Latinos in the political process. She spoke about the difficulties posed by language barriers, and what the commission had done to overcome them. Carrasquillo also recounted the committee's efforts to promote voting literacy. Finally, she informed the council of efforts to reinstate a Citizen's Academy in Spanish so that Latino citizens could better understand how the government worked.

Rollo commented that language seemed to be a major barrier. He asked if the commission had looked into the use of smart phone apps to fill in the spaces until further action could be taken. Marté responded that it was a good idea, but also expressed the concern that it was often an issue of improved timing. He stressed that the system used in Monroe County was used throughout the country, and would benefit most from having a Spanish-speaker on staff.

Commission on Hispanic and Latino Affairs (cont'd)

Volan declared that he was excited about the prospect of taking Citizen's Academy in Spanish in order to improve his own language skills. He then queried as to whether everything the CHLA members had said was in their annual report, if they in fact produced one. Carrasquillo responded that they would make certain the council got a copy of their annual report.

Rollo inquired what the city could do in terms of outreach. Marté and Herrera both responded by listing several media outlets and agencies that they used for outreach. Rollo speculated as to whether CATS could be of service. Marté agreed that it was a great idea.

Ruff thanked the members for their report and their hard work.

There were no reports from Council Committees.

- COUNCIL COMMITTEES
- PUBLIC

President Ruff called for public comment.

It was moved and seconded to re-appoint Sue Sgambelluri and David Walter to the Redevelopment Commission. The motion was approved by a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded to re-appoint Tom Coleman and George Hegeman to the Tree Commission. The motion was approved by a voice vote.

It was moved and seconded to re-appoint Gwendolen White to the Commission on Sustainability. The motion was approved by a voice vote.

It was moved and seconded to re-appoint Leslie Abshire as an Advisory Member to the Historic Preservation Commission.

Volan asked whether there was a provision for advisory members on the HPC. Ruff affirmed that there was.

The motion was approved by a voice vote.

It was moved and seconded to re-appoint Jim Rosenbarger to the Bicycle and Pedestrian Safety Commission. The motion was approved by a voice vote.

It was moved and seconded to re-appoint Julie Hill to the Commission on Aging. The motion was approved by a voice vote.

It was moved and seconded to appoint Marcus Debro and Mary Tourner to the Martin Luther King Jr. Birthday Commission. The motion was approved by a voice vote.

It was moved and seconded to re-appoint Abigail Pietsch and Sara Ryterband to the Traffic Commission, to appoint Lenny Haywood to the Traffic Commission, and to appoint to the one-year term Markeus Farrand to the Traffic Commission. The motion was approved by a voice vote.

Appointments to Boards and Commissions (*cont'd*)

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Resolution 16-01 be introduced and read by title and synopsis. Clerk Bolden read the legislation and synopsis; there was not a committee recommendation. It was moved and seconded that Resolution 16-01 be adopted.

Resolution 16-01 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2016

Doris Sims, Director of the Housing and Neighborhood Development Department, explained the allocation process for the distribution of the Community Development Block Grant funds under Title 1 of the Housing and Community Development Act of 1974 (as amended). She said that the city was an Entitlement City under the block grant program which meant that if the city applied for the funding each year they would automatically get the grant if they followed the procedures of the program. Sims reviewed the guidelines for the allocation of the funds. She noted citizens were involved in the extensive process of reviewing applications, attending hearings and making the recommendations. She noted and thanked Councilmembers Sandberg and Mayer who also sat on the committee. She also thanked the council for reappointing two of the Redevelopment Commissioners earlier in the evening. Sims also thanked the staff in HAND for their assistance. She pointed out to the council that the city received notification of their final allocation that day, and that it was more than anticipated.

Sims reviewed the recommendations of the fund allocations as follows:

Social Service Funding	
Boys & Girls Club-Crestmont Club	\$24,765
Hoosier Hills Food Bank	\$24,999
Middle Way House – Domestic Violence	\$21,458
Mother Hubbards Cupboard	\$21,458
Community Kitchen	\$24,999
Physical Improvements	
Bloomington Housing Authority	
Crestmont Interior Building Renovations	\$130,811
New Hope	
Facility Improvements of two structures on West Second St	\$29,753
HAND	
Home Modifications for Accessible Living	\$33,311
Boys & Girls Club	
Lincoln Street Renovation	\$100,811
Life Designs	
Facility Improvements in North Dunn Street	\$34,000
Middleway House	
New Wings	\$19,000
Planning and Transportation	
West 17 th Street	\$55,000
Parks and Recreation	
Banneker Center’s Retaining Wall Reconstruction	\$68,000
HAND	
Curbs and Sidewalks	\$39,258
CDBG Administration	\$156,906
Total	\$784,529

Ruff asked if Sandberg and Mayer if they would like to add anything at that point as chairs of the committees.

Sandberg said that she was delighted there was more money than they anticipated for all of the nonprofits. She thanked the committee for their work, and thanked Sue Sgambelluri in particular, who was

there that night. She said that it was a good process, and that it was hard not to fund everyone that came to them for help.

Resolution 16-01 (cont'd)

Mayer said that he was glad they were able to fund almost all of the projects to the full amount. He wanted folks to know that some of the projects had been ongoing on an annual basis, which allowed the committee to work closely with them over time. He especially noted that the façade on the Boys and Girls Club was a very small part of their project, and that they would be rehabbing the entire facility.

Rollo inquired about an emergency funding request from Shalom Center that was not funded, versus a non-emergency request from the Boys and Girls Club that was funded for roughly the same amount.

Sandberg answered that the Shalom Center request was for the Community Sheltering Project and was hastily written. But she noted that they received a grant from the BUEA for a years' worth of funding, in addition to another matching grant. She reported that because of the requirements of the grant application, the Shalom Center did not have all of the information needed. She concluded by noting that when all of the information was considered, she felt good about the decisions the committee made.

Sims added that the social service committee went through an extensive process, and looked at all of the information they could. She also underlined the need to meet all of the required elements, which the Shalom Center application did not meet.

Rollo asked about any redundancy for sidewalk funding.

Sherman clarified that this funding was in a different location.

Piedmont-Smith asked why all of the administrative funding went to HAND.

Sims explained that HAND was responsible for overseeing all of the agreements, contracts, and distribution. She noted that HAND made certain that all of the federal requirements were met, not the other departments.

Chopra asked why the numbers in the packet were different than the ones Sims gave in her presentation.

Sims stated that the final numbers had just been received that day, and that the numbers in the packet were only an estimate. She noted she consulted with Council Attorney Sherman, who pointed out the packet had a provision for the change in amounts.

Rollo asked for clarification on the process by which amounts were received.

Sims replied that the determination was based on a lot of different factors.

Rollo asked if that meant we would receive less the following year.

Sims said that she hoped not, but it really depended on factors that they could not predict.

Rollo said that it had implications for Jack Hopkins funding.

Sims noted that the amount of funding had generally decreased over the years.

Sturbaum asked if the additional \$66,000 was already reallocated by staff.

Sims affirmed that the numbers she presented already had the additional funding included.

Piedmont-Smith asked for an email with the new figures.
Sims said that she would be happy to do so.

Resolution 16-01 (cont'd)

Ruff called for public comment. There were no public comments, so he moved on to final council comments.

Granger commented that she appreciated the work that goes into this, and that she was pleased at the additional funding. She thanked Ms. Sims and everyone else on the committee for their work.

Volan joined in thanking the committee for its work. He commented that he was grateful that he did not have to do the work that went into making the recommendations.

Rollo also appreciated the work of the committee, and likened it to the difficulty of the work of the Jack Hopkins Committee because the need was so great. He said that it called for tough decisions in an open, public process. He ended by thanking the committee.

Ruff referred to the citizens who serve on the committee as unsung heroes because they volunteered their time with nothing in return other than the satisfaction of serving the community.

Mayer reiterated that the committee made a point of planning for if the allocation was higher or lower. He thanked Sims for the good news and the good work.

Sandberg thanked the individual members of the social services committee.

Rollo noted for the sake of the students in the room that every year, the fund got less money back. He said that these were our tax dollars that we sent to Washington, and every year we got less back. He said that every community was experiencing this, but that Bloomington was fortunate because it was more well-to-do than other communities of its size, and was able to fill in the gaps. He said he was disappointed to see the downward trend in funding.

Resolution 16-01 received a roll call vote of Ayes: 9, Nays: 0

LEGISLATION FOR FIRST READING

Appropriation Ordinance 16-01 – To Specially Appropriate from the General Fund, Parks General Fund, Motor Vehicle Highway Fund, Parking Meter Fund, Fleet Maintenance Fund, and the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2015 for Unmet Needs in 2016).

Appropriation Ordinance 16-01

There were no comments in this segment of the meeting.

ADDITIONAL PUBLIC COMMENT

COUNCIL SCHEDULE

Council Attorney Dan Sherman asked if council members would be available for the Internal Work Session for February 19, 2016. The majority said they would be.

Internal Work Session February 19, 2016.

The meeting was adjourned at 8:43 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval



City of Bloomington
Office of the Common Council

12 February 2016

Indiana Senate
Indiana State House
200 W. Washington St
Indianapolis, IN 46204-2786

Dear Senators:

As President of the Bloomington City Council, I write regarding HB 1053. Among other changes, HB 1053 amends Indiana's Home Rule statute to prohibit a local government from regulating, prohibiting, or attaching a fee to disposable auxiliary containers. My opposition to this proposal is rooted in the fundamental spirit of Home Rule: that areas of regulation that are local in nature should be resolved at the level closest to the people. The needs and the character of Indiana communities are diverse. Home Rule affords local units of government the ability to respond to unique local concerns in context-sensitive ways that reflect local circumstances and local ethos.

Indiana lawmakers have long-recognized the value of local autonomy. For over thirty years, the Indiana Code has provided that the Home Rule policy of the State is "to grant units all the powers that they need for the effective operation of government as to local affairs"¹ and that "any doubt as to the existence of a power of a unit shall be resolved in favor of its existence."² Just as it is frequently pointed out that States are laboratories of democracy, so too retaining the ability of local government to address local challenges fosters innovation, citizen participation, self-reliance, and responsiveness.

To be sure, powers granted to local units are not – and should not be – limitless. Matters such as open meetings, open records, and the protection of Indiana's natural resources should not be left up to each community to decide; instead, these protections should be made available to all Indiana citizens. Indeed, Indiana's Home Rule law enumerates powers that are specifically withheld from local units such as the power to levy a tax, to prescribe penalties for conduct constituting a crime, and to impose duties on other political subdivisions. No doubt, these are matters that transcend local boundaries and are of statewide concern demanding statewide uniformity.

When it comes to single-use auxiliary containers, it is not difficult to point up the potential local effects. Such containers may contribute to local litter and clog local storm drains and sewers. However, just how to address these local concerns – be it through law change or education – should be a decision left up to local communities after a robust community conversation with citizens, businesses, and other stakeholders. As with any process that is intensely democratic, such local decision making is messy: the issue is complex and we may

¹ I.C. § 36-1-3-2

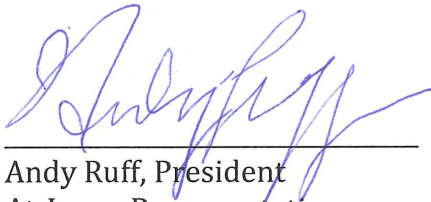
² I.C. § 36-1-3-3

not all agree on how to address the problem. However, in the end the decision is one in which all residents have had a chance to participate and one in which we've tried to find common ground. Non-linear as the process may be, it is a key component in how we – and many other Indiana cities and towns – “make community.”

As local officials charged with protecting the health, welfare, and safety of our community, the City Council looks to our State lawmakers as partners in the governance of the same people. While State lawmakers address those matters that are of statewide concern, we take care of the issues that are close to home. Local government should not be competing with the State legislature or special interest groups that seek to limit their authority. For these reasons, I respectfully request that you reject HB 1053.

Thank you for your consideration and for your work on behalf of all Indiana residents.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Andy Ruff", is written over a horizontal line. The signature is fluid and cursive.

Andy Ruff, President
At-Large Representative