City of Bloomington
Common Council

LEGISLATIVE PACKET

Wednesday, 20 May 2020

Regular Session
Starting at 6:30 PM

For legislation and background material on Appropriation Ordinance 20-02 and Ordinance 20-08, please view the 06 May 2020 Legislative Packet.

*Please see the note on the Agenda addressing public meetings during the public health emergency*

For a schedule of upcoming meetings of the Council and the City’s boards and commissions, please consult the City’s Calendar.
**LEGISLATIVE PACKET CONTENTS**

**REGULAR SESSION**  
**WEDNESDAY, 20 MAY 2020 [6:30 PM]**

- Memo from Council Office  
- Agenda – Administration Committee – Monday, 18 May 2020  
- Agenda – Regular Session – Wednesday, 20 May 2020  
- Notice re: Administration Committee meeting to be held remotely – Zoom meeting link: [https://bloomington.zoom.us/j/93054015171](https://bloomington.zoom.us/j/93054015171)  
- Notice re: Regular Session to be held remotely – Zoom meeting link: [https://bloomington.zoom.us/j/95080859881](https://bloomington.zoom.us/j/95080859881)  
- Notice re: Jack Hopkins Social Services Funding Committee meeting to be held remotely – Zoom meeting link: [https://bloomington.zoom.us/j/97283224778](https://bloomington.zoom.us/j/97283224778)  
- Notice re: Work Session to be held remotely – Zoom meeting link: [https://bloomington.zoom.us/j/95612247864](https://bloomington.zoom.us/j/95612247864)

**Regular Session –**

*Reports from the Mayor and City Offices (materials contained herein)*

- **Update to City of Bloomington Historic Sites and Structures Survey** – Report to be provided by Conor Herterich, Program Manager - Historic Preservation, and Steve Wyatt, Bloomington Restorations, Inc.
  - Demolition delay informational packet (Flow-chart and FAQs)
  - Updated City of Bloomington Historic Sites and Structures Survey

*Second Readings and Resolutions (materials contained herein)*

- **Appropriation Ordinance 20-02** – To Specially Appropriated from the Local Income Tax Special Distribution Fund, Motor Vehicle Highway Fund, Motor Vehicle Highway Restricted Fund, and Cumulative Capital Development Fund Expenditures Not Otherwise Appropriated  
  - Report and recommendation from the Transportation Committee (to be issued as a Packet Supplement soon as available)

  → Please see the weekly Council Legislative Packet issued for the 06 May 2020 Regular Session for the above legislation, material, and summary.

**Contact: Jeff McMillian at 812-349-3412, mcmillij@bloomington.in.gov**
Preliminary Matters – Reminders for the Week, etc.

May 18, 2020 at 9:00 a.m. – Administration Committee – at: https://bloomington.zoom.us/j/93054015171

May 20, 2020 at 6:30 p.m. – Common Council Regular Session – at: https://bloomington.zoom.us/j/95080859881

May 21, 2020 at 6:00 p.m. – Jack Hopkins Social Services Funding Committee – at: https://bloomington.zoom.us/j/97283224778


Administration Committee Meeting – Council Office Transition

The Administration Committee, consisting of Cm. Rollo, Cm. Sgambelluri, Cm. Sims, and Cm. Volan [Chair] are scheduled to meet on Monday at 9:00 am to continue discussions about transition in the Council Office in light of the retirement of the current Council Administrator/Attorney this summer.

The Committee met in early March to, among other matters, hear from the Human Resources Department about approaches it could take to appoint a successor. At that time, it learned that, as a matter of guidance, but not a requirement for the Council, the Mayor is given discretion to follow the Recruitment, Selection, and Hiring and Internal Transfer sections 1 of the Personnel Manual, in regard to the appointment of department heads and positions which report directly to the Mayor. Department Heads, in turn, also have discretion in following the above sections when hiring deputies, assistant directors, and division heads.

In order to ease the transition for the Council and Council Office, by having all positions in place once the vacancy occurs, the current Council Attorney/ Administrator gave notice this week of his intent to retire at the end of the day on July 31st. This notice establishes a vacancy in office as of August 1, 2020, which the Council can fill when it is ready.

The Committee may discuss next steps and, if ready, may make a recommendation to the full Council regarding an appointment of a successor Attorney/Administrator.

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1 Sections 4.00 and 6.03

Contact: Caroline Shaw at 812-349-3404, shawcaro@bloomington.in.gov

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• **Ordinance 20-08** - An Ordinance to Amend Ordinance 19-21, which Fixed Salaries for Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City for the Year 2020 - Re: Adding a Position in the Information and Technology Services Department and Changing the Title in One Position and the Grade in another Position for Two Divisions within the Police Department
  
  o Report and recommendation from the Administration Committee (to be issued as a Packet Supplement soon as available)

  → Please see the weekly Council Legislative Packet issued for the 06 May 2020 Regular Session for the above legislation, material, and summary.

  **Contact:** Caroline Shaw at 812-349-3404, shawcaro@bloomington.in.gov
REGULAR SESSION – REPORTS – NEW MATERIALS - SUMMARY

Item 1:
Update to City of Bloomington Historic Sites and Structures Survey

In 2007, the Council passed Ordinance 07-03, which codified the adoption of the 2001 City of Bloomington Survey of Historic Sites and Structures (“Historic Survey”) as that Historic Survey might be thereafter amended or replaced. That Historic Survey was incorporated by reference in both Bloomington Municipal Code (BMC) Title 8 (BMC 8.08.060) and Title 20 (BMC 20.09.230). Please note that BMC Title 20 (as just cited) has since been repealed and replaced by Ordinance 19-24. The newly-adopted Title 20 has not yet been codified, but will also incorporate the Historic Survey by reference.

The Historic Survey is an inventory of historic resources in the city. This list identifies properties that may be proposed for historic designation under BMC Chapter 8, and is used in conjunction with the demolition delay process found in Title 20 of the BMC. An updated Historic Survey has been prepared and adopted by the Historic Preservation Commission, and is contained herein. The Historic Survey contains a list of historic properties, a reference to each property’s State Historic Architectural and Archeological Research Database (SHAARD) number (if applicable), and each property’s rating (non-contributing, contributing, notable, or outstanding).

As stated above, amendments or replacements to the Historic Survey by the Historic Preservation Commission are automatically incorporated by reference into the relevant code provisions. Local code also provides that two copies of the Historic Survey are to be available for inspection and copying in the Office of the City Clerk and in the Office of the Housing and Neighborhood Development (HAND) Department within the City. The Council need not pass any legislation to amend or replace the Historic Survey. Instead, a report on the amended Historic Survey will be provided to the Council by Conor Herterich, Program Manager - Historic Preservation in the HAND Department, and Steve Wyatt, from Bloomington Restorations, Inc., which helped prepare the updated survey. After receiving the report, the Council should direct that two copies of the new Historic Survey be placed on file and made available for inspection and copying in the Office of the City Clerk and in the Office of the Housing and Neighborhood Development (HAND) Department within the City.
NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL  
ADMINISTRATION COMMITTEE  
MONDAY, 18 MAY 2020 AT 9:00 AM  

Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:  
https://bloomington.zoom.us/j/93054015171  

Chair: Stephen Volan  

1. Transition for the Council Office due to Retirement of the Council Attorney/Administrator  
   a. Overview of 12 March 2020 Meeting (Approaches toward Appointment of Successor Attorney/Administrator)  
   b. Receipt of Notice of Retirement from Current Attorney/Administrator – which Establishes a Vacancy Starting August 1, 2020  
   c. Discussion of Next Steps and Possible Recommendation for an Appointment to the Council for Action as early as Wednesday, May 20, 2020.  

2. Other Matters  

3. Adjournment  

Statement on public meetings during public health emergency:  

As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:  
- allowing members of the Council or its committees to participate in meetings electronically;  
- posting notices and agendas for meetings solely by electronic means;  
- using electronic meeting platforms to allow for remote public attendance and participation (when possible);  
- encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).  

Please check https://bloomington.in.gov/council for the most up-to-date information about how the public can access Council meetings during the public health emergency.
I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES (none)

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)
1. Councilmembers
2. The Mayor and City Offices
   • Update on the City’s response to the COVID-19 emergency
   • Update on the City of Bloomington’s Historic Site and Structures Survey
3. Council Committees
4. Public*

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS
1. Ordinance 20-08 – An Ordinance to Amend Ordinance 19-21, which Fixed Salaries for Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City for the Year 2020 - Re: Adding a Position in the Information and Technology Services Department and Changing the Title in One Position and the Grade in another Position for Two Divisions within the Police Department
   Administration Committee Recommendation: (13 May 2020) Do Pass: 4-0

   Transportation Committee Recommendation: (13 May 2020) Do Pass: 2-1-1

VII. LEGISLATION FOR FIRST READING
None

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

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

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

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Posted: 15 May 2020
NOTICE

Monday, 18 May 2020

9:00 AM - Administration Committee

Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link: https://bloomington.zoom.us/j/93054015171

Statement on public meetings during public health emergency

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

Wednesday, 20 May 2020 at 6:30 PM

Regular Session

Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link: https://bloomington.zoom.us/j/95080859881

Statement on public meetings during public health emergency

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Posted: Friday, 15 May 2020
NOTICE

Jack Hopkins Social Services Funding Committee Pre-Allocation Meeting

Thursday, 21 May 2020, 6:00pm

Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link: https://bloomington.zoom.us/j/97283224778

Statement on public meetings during public health emergency

As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

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

Posted: Friday, 15 May 2020
NOTICE

COMMON COUNCIL WORK SESSION

Friday, 22 May 2020 at 12:00pm

Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:
https://bloomington.zoom.us/j/95612247864

Statement on public meetings during public health emergency

As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

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- posting notices and agendas for meetings solely by electronic means (See https://bloomington.in.gov/council);
- using electronic meeting platforms to allow for remote public attendance and participation; and
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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.
Demolition - the complete removal or destruction of any structure excluding its foundation

Substantial Demolition - the moving or razing of a building including the removal or enclosure of fifty percent or more of the structure

Partial Demolition - means the complete or substantial removal or destruction of any exterior portion of a structure, which shall include but not be limited to:
1. Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature
2. Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or; covering or otherwise obscuring the existing roof with a new roof of different pitch or material, or; adding any gable, dormer or other similar feature to an existing roof
3. Any work resulting in the obscuring from view of forty percent or more of the exterior of any facade on the structure; or, removal or destruction of the exterior surface of forty percent or more of the area of any exterior facade n the structure
4. Construction or attachment of any addition to a structure
5. Replacement of any window or door where the window or door opening is enlarged or obscured from view
6. Creation of any new window or door opening

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

City Planning + Transportation Department receives demolition permit application from County Building Department. 90 day delay period begins when Historic Preservation Program Manager is notified.

Is the Property on the Survey?

No

Demolition delay not applicable.

Yes

What is the rating?

Non-Contributing

Demolition delay not applicable.

Contributing

Partial Demolition or Substantial Removal

BHPC Review

Demolition delay not applicable.

Full Demolition or Substantial Demolition

BHPC Review

Procedure for local designation begins structure placed under interim protection.

Notable or Outstanding

BHPC Review

Demolition delay released. Delay period terminated.

Procedure for local designation begins structure placed under interim protection.

Demolition delay released. Delay period terminated.

Demolition delay not applicable.
Demolition Delay Ordinance FAQs

What is Demolition Delay?

The Demolition Delay Ordinance delays the issuing of a demolition permit to allow for public notice and discussion of proposed demolitions to structures listed on the City of Bloomington Historic Sites and Structures List. This provides an opportunity for the Historic Preservation Commission (BHPC) and the City Council to consider implementing formal historic preservation actions before structures that are potentially architecturally or historically significant are demolished or irrevocably altered. There are three different forms of demolition as defined in the Bloomington Municipal Code:

Demolition: means the complete removal or destruction of any structure excluding its foundation.

Substantial demolition: means the moving or razing of a building including the removal or enclosure of fifty percent or more of the structure.

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

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

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

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

4. Construction or attachment of any addition to a structure; or

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

6. Creation of any new window or door opening.

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

The Indiana State Historic Preservation Office rates historic properties based on their integrity and significance. Integrity is a historic resource’s ability to express the intentions of its designers through the materials and features of its construction. Significance is either architectural or historical and resources can be of local, state, or national significance.

Properties are listed as "notable" or "outstanding" if it is over fifty years old, an excellent, relatively unaltered example of a particular architectural style, and/or has a strong association with local history, settlement patterns, or important figures. Buildings that are rated notable or outstanding may be eligible for individual listing in the National Register of Historic Places.

Properties are listed as "contributing" if they are over fifty years old and retain enough historic integrity for the style or era they were constructed. Contributing structures are typically not individually eligible for the National Register of Historic Places and simply contribute to the larger district or neighborhood's historic character.

Properties are listed as “non-contributing” if they are less than fifty years old, or have been altered or neglected to the point that they have lost their integrity.

What does the survey record about my property?

Surveyors look at all properties at least 50 years old. In addition to age, a structure must show integrity of location, setting, design, materials, and workman-ship. The surveyors also take into account a property's association with important historical figures and events. They document structures that are architecturally outstanding as well as those that, while perhaps ordinary, are particularly representative of the city.

For each site included in the survey, the surveyor completes a form noting the approximate date of construction, architectural style, and significant features. The surveyor takes photographs to document the property and records its location on a U.S. Geological Survey map.

Are there exemptions from the Demolition Delay Ordinance?

Yes, there are two major exemptions:

1. A structure is already designated as locally historic. This means the structure is part of a local single or multi-property historic district, or a conservation district. In this case, any exterior work (including demolition) requires a Certificate of Appropriateness (COA) from the Bloomington Historic Preservation Commission.

2. A structure is listed as "Noncontributing" on the Bloomington Historic Sites and Structures List or is simply not on that list. In both cases, the Planning Department can issue demolition permits, without a delay period.
How long is the "delay" in Demolition Delay?

Typically 90 days but in rare circumstances that can be extended to 120 days. The timer starts once the City Planning and Transportation Department receives the building permit from the Monroe County Building Department. The BHPC, which meets twice a month, reviews the demolition delay and either releases the permit for approval or recommends historic designation and forwards the matter to the City Council.

How do I know if my property is listed on the survey?

Check the Bloomington Historic Sites and Structures Survey here:

https://bloomington.in.gov/sites/default/files/2020-05/historicsitesandstructuressurvey2018tablepdf.pdf

Please contact Conor Herterich, Historic Preservation Manager for the City of Bloomington, at (812) 349-3507 or herteric@bloomington.in.gov, if you have any other questions about historically designated structures in the city.