

# **City of Bloomington Common Council**

## **Legislative Packet**

**Wednesday, 02 December 2015**

**Regular Session followed by a  
Committee of the Whole**

*For legislation and background material regarding  
Appropriation Ordinance 15-06 and Ordinance 15-25 please consult the  
[18 November 2015 Legislative Packet.](#)*

*All other material contained herein.*

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## Packet Related Material

### Memo

### Agenda

### Calendar

### Notices and Agendas:

- **Notice of Committee of the Whole** to be held after Regular Session on December 2, 2015 and **Special Session** to be held immediately before the Committee of the Whole on December 9, 2015

### Legislation for Second Reading at Regular Session on Wednesday, December 2<sup>nd</sup>:

- **App Ord 15-06** To Specially Appropriate from the General Fund, Risk Management Fund, and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Solid Waste Fund, Alternative Transportation Fund; and, Appropriating Additional Funds from the Municipal Arts Fund, Risk Management Fund, BMFC Showers Bond, Parking Facilities, Police Pension, and Rental Inspection Program Fund)

*Contact: Jeffrey Underwood at 349-3416 or [underwoj@bloomington.in.gov](mailto:underwoj@bloomington.in.gov)*

- **Ord 15-25** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: Courthouse Square Historic District (Bloomington Historic Preservation Commission, Petitioner)

*Contact:*

*Bethany Emenhiser at 349-3401 or [emenhisb@bloomington.in.gov](mailto:emenhisb@bloomington.in.gov)*

*Please see the [Weekly Council Legislative Packet](#) issued for the 18 November 2015 Regular Session for the Legislation, related materials, and summary*

**Legislation and Background Material for First Reading at the Regular Session on December 2<sup>nd</sup>**

**To be Discussed at the Committee of the Whole on December 9<sup>th</sup> and be Considered for Second Reading at the Regular Session on December 16<sup>th</sup>**

- **Ord 15-26** To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code (Re: Amending 20.05.020 (“CF-01 [Communication Facility- General]”) and 20.09.320 (“Surety standards – Performance surety”) to Reflect Changes in State Law; Revising the Definition of “Fraternity/Sorority House,” and Correcting Minor Errors)
  - Plan Commission Certification (Exhibit D)
  - Memo from Patty Mulvihill, City Attorney
  - Exhibit A: Indiana Code §8-1-32.3
  - Exhibit B: Indiana Code §36-7-4-709
  - Exhibit C: Plan Commission amendments

*Contact: Patty Mulvihill at 349-3552 or mulvihip@bloomington.in.gov*
  
- **Ord 15-27** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Stop, Multi-Stop, Yield, and Signalized Intersections; Turning Right on Red; School Speed Zones; Angled Parking, No Parking, Limited Parking, Loading, and Bus Zones; and, Accessible Parking for Persons with Disabilities
  - Memo from Tom Micuda, Director, Planning and Transportation and Patty Mulvihill, City Attorney;
  - Maps

*Contact: Tom Micuda, 812- 349-3423, micudat@bloomington.in.gov*  
*Patty Mulvihill, 812-349-3426, mulvihip@bloomington.in.gov*

**To be Discussed at the Committee of the Whole on December 2<sup>nd</sup> and be Considered for Second Reading at the Special Session on December 9<sup>th</sup>**

- **Ord 15-28:** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” ( Re: Amending Chapter 2.21 Entitled “Department of Law” to Remove the Voluntary Nature of Investigation and Mediation of Complaints Based on Sexual Orientation and Gender Identity Discrimination)
  - Memo from Councilmember Neher, Sponsor
  - Memo from Barbara McKinney, Director of Bloomington Human Rights Commission and Assistant City Attorney

*Contact: Darryl Neher at 812.269.2727 or neherd@bloomington.in.gov*

### **Minutes from Regular and Special Sessions:**

- Regular Session on May 7, 2014
- Special Session on July 9, 2014
- Regular Session on September 3, 2014
- Regular Session on September 17, 2014
- Regular Session on October 29, 2014
- Regular Session on November 18, 2015

### **Memo**

#### **Regular Session Followed by a Committee of the Whole on Wednesday, December 2<sup>nd</sup>**

There are two meetings next week. The first is a Regular Session where two ordinances are ready for Second Reading. These ordinances can be found online as indicated above. In addition, there are three ordinances ready for First Reading. These ordinances are included in this packet and are summarized herein.

The second meeting next week is a Committee of the Whole where one of the three ordinances introduced at the Regular Session will be discussed. That ordinance is Ord 15-28, which amends the Bloomington Human Rights Ordinance to extend full protection for persons who discriminated against based upon their sexual orientation or gender identity. That ordinance is then scheduled for Second Reading at a Special Session scheduled before the Committee of the Whole on Wednesday, December 9<sup>th</sup>. *Please note that it appears first in the summary below.*

### **Legislation and Background Material for First Reading:**

#### **Item Three under First Reading – Sole Item for Discussion at Committee of the Whole on December 2<sup>nd</sup>**

#### **Ord 15-28 (Amending Title 2 of the BMC)**

Ord 15-28 is sponsored by Councilmember Neher with support from Mayor Kruzan. The ordinance removes the voluntary nature of compliance with the City's sexual orientation and gender identity anti-discrimination provisions. This change is informed by evolving judicial and agency interpretations that increasingly locate protection from discrimination based on sexual orientation and/or gender identity within the broader protected category of sex. This change is consonant with those decisions, the State's Human Rights Law, and the will of the community.

The ability of a locality to enact laws that differ from State law is enabled and constrained by Indiana Home Rule Law. §36-1-3 et seq. Indiana Home Rule provides that any doubt as to the existence of a power of a unit be resolved in favor of its existence §36-1-3-3 and that a unit may exercise any power it has to the extent that the power: (1) is not expressly denied by the Indiana Constitution or by statute; and (2) is not expressly granted to another entity. §36-1-3-5.

The human rights public policy of the State is, “to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based solely on race, religion, color, sex, disability, national origin, or ancestry since such segregation is an impediment to equal opportunity.”<sup>1</sup> IC §22-9-1-2 While Home Rule affords local units certain powers, it also explicitly withholds others. One of the powers withheld is the “power to prescribe the law governing actions between private persons.” I.C. §36-1-3-8(a)(2). For this reason, it has long been the opinion of the City’s human rights attorney, Barbara McKinney, that the City does not have authority to create new protected categories out of whole cloth, as to do so would be prescribing the law between private parties.<sup>2</sup> For this reason, complaints of discrimination based on sexual orientation, gender identity, and housing status are all subject to voluntary compliance.

While existing statute may not support creating new categories of protection that do not exist in State law, evolving judicial and agency interpretations support locating both “gender identity” and “sexual orientation” within the protected category of “sex.” This is an interpretation that McKinney supports and indeed one that was anticipated when the Council added the protection of gender identity to the Bloomington Municipal Code in 2006. At that time, some courts were holding that those suffering from discrimination on the basis of gender identity could pursue their complaints as forms of sex discrimination. For that reason, in the same section regarding the voluntary nature of investigation and mediation of complaints based on sexual orientation or gender identity, the Council also

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<sup>1</sup> Veteran status and familial status (protected re: housing only) are located in separate provisions of the code.

<sup>2</sup> In pursuing a complaint of discrimination, the Bloomington Human Rights Commission may not only use subpoenas, but may issue a settlement agreement that may call for a number of actions, such as: requiring an employer to pay back pay and damages to the complainant; requiring re-instatement or promotion; requiring fair employment training; requiring the employer to alter its current policies; requiring an employer to expand its recruitment efforts. If a settlement cannot be reached, the Commission may hold a public hearing after which it issues an order. If the employer does not comply with that order, the Commission and the complainant may take the employer to court.

included language making clear that, “the commission attorney may also, with the consent of the complainant, pursue complaints of sexual orientation discrimination, gender identity discrimination, or both, as forms of sex discrimination if warranted by the circumstances and the state of the law.” BMC §2.21.150.

Since that language was added in 2006, much has changed. An increasing number of courts and administrative agencies have held that sex discrimination includes discrimination against persons based on their sexual orientation and gender identity. As Ordinance 15-28 points out, in interpreting the Indiana Civil Rights Law, Indiana courts look to interpretation of similar federal statutes for guidance.<sup>3</sup> While a sizable body of case law supports the interpretation of gender identity discrimination as a form of sex discrimination, decisions locating sexual orientation discrimination as a form of sex discrimination have emerged more recently. While these decisions are not binding on Indiana courts, they do have persuasive value. For this reason, McKinney agrees that pursuing complaints of gender identity discrimination and sexual orientation discrimination as forms of sex discrimination is a defensible position to take, and as such, the voluntary compliance proviso can be reliably removed from the Bloomington Municipal Code. Ordinance 15-28 does just that. *See* attached Memo from McKinney.

While the rationale behind this change is substantive, the technical change to the City ordinance is fairly simple. The ordinance removes all mention of sexual orientation and gender identity from the voluntary compliance section such that the section only applies to complaints of housing discrimination.

Please know that this is an area of the law that is rapidly changing. Rather than looking to judicial and agency interpretations, it is very likely that the Indiana General Assembly will make a change to the Indiana Civil Rights Law adding sexual orientation and gender identity as protected categories. If the Indiana General Assembly extends protection to these categories, the need to locate the categories within the umbrella category of sex is obviated. To date, it appears that two differing proposals will be offered: One would simply add sexual orientation and gender identity to the State’s extant list of protected categories: race, religion, color, disability, national origin, ancestry, or status as a veteran.<sup>4</sup> Under this proposal, all protected categories are co-equal. Under a competing proposal,<sup>5</sup> as

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<sup>3</sup> *Indiana Civil Rights Com’n. v. Alder*, 714 N.E. 2d 632 (1999). Most guiding decisions have occurred in the context of Title VII of the Civil Rights Act of 1964, the federal statute that prohibits employment discrimination by private employers.

<sup>4</sup> Preliminary Draft 3169, <http://indianasenatedemocrats.org/wp-content/uploads/2015/10/CRA.PD3169.pdf>

<sup>5</sup> Known as SB 100,

[http://www.indianasenaterepublicans.com/clientuploads/Documents/2016%20Session/SB100\\_LS6175.pdf](http://www.indianasenaterepublicans.com/clientuploads/Documents/2016%20Session/SB100_LS6175.pdf)

described in the Memorandum from Councilmember Neher, while sexual orientation and gender identity are purportedly added as protected categories, the measure largely preempts local ordinances and carves out broad exceptions, exceptions that have the effect of sanctioning discrimination against LGBT residents.

Because the law is changing on this matter, Ord 15-28 does ordain that the “City’s Human Rights policy shall be enforced within the limits provided by statutory and Constitutional law.” This acknowledges the pace with which both law and the interpretation of laws are shifting. If an Indiana court rules that the Indiana Civil Rights Law does not capture sexual orientation discrimination and/or gender identity discrimination within its prohibitions against sex discrimination, then we would be required to revisit our argument. Similarly, if the Indiana General Assembly adds these categories as explicit categories of protection, the argument is moot. If the General Assembly passes a measure that would eclipse local ordinances that offer greater protection than, or conflicts with, State law, then our ability to deviate from the requirements of State law – such as the current pending proposal that would allow businesses with fewer than four employees to refuse service to a same-sex couple -- would be constrained considerably.

**Item One under First Reading – First Item for Discussion at Committee of the Whole on December 9<sup>th</sup>**  
**– Ord 15-26 (Housekeeping Amendments to Title 20)**

Ord 15-26 is proposed by the Administration and is characterized as a general housekeeping measure: modifying Title 20 in response to recent changes in State law, tightening up a definition, and rendering consistent all references to the City of Bloomington Survey of Historic Sites and Structures. The Plan Commission approved these changes on 09 November 2015. The measure was certified to the Council on 10 November 2015.

**State Law Changes**

In 2015, the Indiana General Assembly made changes to two chapters of the Indiana Code that call for change in Title 20. First, the General Assembly added an entirely new chapter to the Indiana Code governing permits for wireless service providers, Second, the Assembly adopted new provisions governing how and when a local unit can require certain bonds. These statutory changes are described below.

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### ***I.C. 8-1-32.3 et seq., “Permits for Wireless Service Providers”***

In the 2015 session, the General Assembly added a new chapter to the Indiana Code governing permits for wireless service providers.<sup>6</sup> The measure provides a framework for uniform statewide applications for new towers, substantial modifications, and collocation requests. While the provision significantly limits the ability of local units to make certain requirements for cell towers, such as screening, vehicular access, and design requirements, the measure also provides that the local units of government retain zoning control over where new cell towers are sited.

In response to these changes, City Legal has largely deleted the existing provisions in the local code attaching to communications facilities and added either language or citations tracking State statute. As reviewed in the attached memo from City Attorney Mulvihill, some of the most notable changes impinging on local control include the following:

- **APPLICATION REQUIREMENTS.** All application requirements for siting, “substantial modification,” and collocation are now governed by State statute, rather than local code.

Siting: Ord 15-26 incorporates the new statutory requirements for eligibility and application for a new cell phone tower pursuant to IC §§8-1-32.3-19 through 20 (*See Exhibit A for text*). However, the City retains zoning control over where these towers can be sited. IC 8-1-32.3-18. Notably, cell phone towers are only permitted in three of the City’s fifteen zoning districts: Industrial General (IG); Institutional (IN) and Quarry (QY). Cell phone towers are listed as conditional uses in four districts: Residential Estate (RE); Commercial Arterial (CA); Business Park (BP); and Medical (MD).

“Substantial Modification”: Ord 15-26 mirrors the new statute when it comes to “significant modification” of cell phone towers. “Substantial modification” includes changes such as those in height (either 10% of original or 20 feet) and horizontally-protruding appurtenance (greater of 20 feet or width of appurtenance).

Collocation. According to the statute, “collocation” is defined as “the placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved

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<sup>6</sup> See, [HEA 1318](#). According to the fiscal impact for this measure.

equipment compound.” IC 8-1-32.3-4. Prior to this law change, the Bloomington Municipal Code spelled out requirements for collocation in 20.05.020 (See attached UDO Amendment UDO-001 for a strikeout version of local code). The new State statute requires that an application for collocation is only required to meet minimal application requirements. Further, the new provisions makes it clear that an application for a permit for collocation is *not* required to comply with zoning or land use requirements and is *not* subject to a public hearing.

- **FALL ZONE REQUIREMENTS.** The new statute requires that the City may not impose a fall zone requirement that is larger than the area within which the wireless support structure is designed to collapse. IC 8-1-32.3-17. For that reason, Ord 15-26 eliminates set back requirements.<sup>7</sup>
- **WIRELESS PROVIDERS AFFORDED SAME TREATMENT AS PUBLIC UTILITIES.** Significantly, the new statute provides that wireless providers are to be treated just as public utilities when it comes to: 1) approving applications, approving permits or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities; 2) authorizing or approving tax incentives; 3) providing accesses to public rights-of-way, utility poles, river and bridge crossings, and other physical assets. I.C. 8-1-32.3-17(a)(1)-(3).
- **EXPEDITED REVIEW.** Concerning applications for construction and substantial modifications, the City must review applications within 10 business days of receipt to determine if they are complete. If applications are deemed complete, the City has 90 days to review applications to determine if they comply with applicable laws or ordinances governing land use and zoning. For collocation projects, the City has 10 business days to determine if the application is complete. If the applications are deemed complete, the City has 45 days to determine if these applications comply with applicable building permit requirements.

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<sup>7</sup> Provided, however, that the new statute states that a locality may impose a fall zone requirement that is larger than the aforementioned area if the locality provides evidence that the applicants engineering certification is flawed. In this case the locality must produce evidence in the form of a study performed and certified by a professional engineer. IC §8-1-32.3-18

Due to the advocacy efforts of the Indiana Cities and Towns (IACT), this measure did not become effective on the typical 01 July dates; instead, the measure becomes effective on 01 January 2016. As relayed by Mulvihill during the Plan Commission proceedings, IACT urges all cities and towns to bring their local codes into alignment with the new State statute to head off anticipated litigation by wireless providers.

***I.C. 36-7-4-709(d)-(i), Subdivision Control and Bonding Requirements***

Unlike the wireless provider provision, this provision of the Indiana Code became effective on 01 July 2015.<sup>8</sup> According to Mulvihill, these changes to State law are relatively minor and require just a few adjustments to local code. Under the new State statute, a local unit may not adopt an ordinance to require a land developer of a Class 1 or Class 2 structure<sup>9</sup> to obtain a performance bond before the date on which the land developer records an approved secondary plat. However, local units may still require a performance bond before an approved secondary plat is recorded if the area under development is within the existing or related to erosion control.<sup>10</sup>

The measure also limits a maintenance bond to three years for a land developer of Class 1 or Class 2 structures. Note that Ord 15-26 also attaches this three-year limitation to performance bonds. In separate communication, Mulvihill advises that this time limit for performance bonds was made to track the time limit for maintenance bonds for the sake of consistency and to avoid confusion. The measure also requires that annual partial releases of all bonds must occur and must

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<sup>8</sup> [HEA 1508](#)

<sup>9</sup> A Class 1 Structure means any part of the following:

- (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
  - (A) The public;
  - (B) Three (3) or more tenants;
  - (C) One (1) or more persons who act as the employees of another.
- (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
- (3) Outdoor event equipment.
- (4) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (f). I.C. §22-12-1-4.

A Class 2 structure means any part of: (1) A townhouse or a building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a **Class 1 structure**; or (2) An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, including an above ground swimming pool, unless any part of the outbuilding is regularly used as a **Class 1 structure**. I.C. §22-12-1-4.

<sup>10</sup> It also authorizes a local unit to require the land developer, as a condition precedent to recording the secondary plat, to obtain a performance bond or other surety for an incomplete or unfinished right-of-way, streets, sanitary piping, storm water piping systems, water mains, sidewalks and ornamental landscaping in common areas and erosion control.

be done pursuant to a written agreement between the City and the developer. Ord 15-26 makes changes to clarify the effective period of bonds, the time at which a bond can be required, and provisions for the partial release of bonds. All other existing provisions of the Bloomington Municipal Code were compliant with the new requirements.

### **Definition of Fraternity/Sorority**

City Legal recommends tightening up the BMC's definition of fraternity/sorority in the UDO. At present, the definition does not require any recognition or sanction by I.U. According to Mulvihill, without such recognition, such a large structure could be essentially a large apartment complex that meets the technical requirements for a fraternity/sorority. The proposed refined definition requires both that students inhabiting such a structure be enrolled at I.U. and that I.U. recognize the fraternity or sorority as such. City Legal drafted this definition based on a review of definitions from other college communities.

### **References to the "City of Bloomington Survey of Historic Sites and Structures"**

The City's new historic preservation expert, Program Manager Bethany Emenhiser, pointed out that Title 20 uses various terms to refer to the City's survey of historic sites and structures. Ord 15-26 cleans up all references to the survey so the references track the title of the survey as found in the definition section of the UDO: "City of Bloomington Survey of Historic Sites and Structures."

### **Statutory Constraints - Actions and Timeframes**

State law outlines the procedural requirements for both Council and Plan Commission initiation, development, and review of amendments to the City's zoning ordinance. IC 36-7-4-602(b) and IC 36-7-4-607(b)-(f).

The Common Council has 90 days from date of certification of Plan Commission action to act on the ordinance. The Plan Commission certified the matter to the Council on 10 November 2015. If the Common Council adopts the ordinance within the 90-day window, the legislation goes into effect. In the event the Common Council fails to act, then the recommendation of the Plan Commission goes into effect upon the lapse of that timeframe. The 90-day window expires on about 10 February 2015.

If the Common Council rejects or amends the ordinance within the 90-day window, then the legislation and an accompanying statement are forwarded to the Plan Commission. The Commission then has 45 days to approve or reject that action of the Council. If the Plan Commission approves the action of the Common

Council within 45 days, then the legislation goes into effect upon the filing of a report of approval to the Common Council. If the Plan Commission fails to act within 45 days, then the legislation stands as passed by the Common Council at the end of that 45-day period. If the Plan Commission disapproves the amendment or rejection of the Common Council within 45 days, then the legislation stands only if the Common Council confirms its action by another vote within 45 days after certification of Plan Commission disapproval.

**Item Two under First Reading – Second Item for Discussion at the  
Committee of the Whole on December 9<sup>th</sup> -  
Ord 15-27 “Routine” Amendments to Title 15 (Vehicles and Traffic)**

Ord 15-27 brings forward “routine” amendments to Title 15 (Vehicles and Traffic) and was discussed at the Internal Work Session on Friday, November 13<sup>th</sup>.

These changes to Title 15 affect: stop, multi-stop, yield, and signalized<sup>11</sup> intersections; school speed zones; and, angle parking, no parking, limited parking (including new enforcement hours for one area), loading, bus, and accessible parking for persons with physical disabilities zones.

The changes are summarized below:

**Stop Intersections (Maps 1 - 6) [BMC 15.12.010, Schedule A] – Section 1 of Ord 15-27**

Locations:

- **Morton North Development (North Morton and 11<sup>th</sup> Street Area)**
- **Countryside Lane**
- **Habitat Project south of Diamond Street**
- **Roman’s Way and Fenbrook Area**
- **South Patterson and West Howe Street**
- **Renwick Area**

Action/Reason:

These changes codify 20 existing stop signs (typically) in newly developed areas.

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<sup>11</sup> This includes restricted turns on red lights.

**Multi-Stop Intersections (Maps 7 - 8) [BMC 15.12.010, Schedule B] – Section 2 of Ord 15-27**

Locations:

- **Fullerton Pike & Leonard Springs Road**

Action/Reason:

This change codifies an extended 90-day order for a 3-way stop to address traffic generated by a temporary detour due to work on I-69.

- **Hawksmoore Drive & Renwick Blvd**

Action/Reason:

This change codifies an existing 3-way stop at this intersection in the Renwick development

**Yield Intersections (Map 9) [BMC 15.12.020, Schedule C] – Section 3 of Ord 15-27**

Locations:

- **Two Roundabouts in Renwick Development at:**

- **Cathcart and Ira Streets**
- **Renwick Boulevard, Ramsey Drive & Queens Way**

Action/Reason:

These changes direct motorists entering roundabouts from identified streets to yield to traffic on the roundabout.

**Signalized Intersections (Map 10) [BMC 15.12.030 (b) and Schedule D(1) – Sections 4 & 5 of Ord 15-27**

There are two kinds of changes to this section of the local code. The first revises the text in ways that do not reflect any changes for the experience of motorists and will be referred to as “Change in Text.” The second revises the code to reflect new signalized intersections and will be referred to as “Locations of Newly Codified Signalized Intersections.”

**Changes in Text:**

- **Explanation of Pedestrian Hybrid Beacon Signals [BMC 15.12.030(b)]**
  - A few years ago, at the suggestion of Susie Johnson, Director of Public Works, the Council authorized the installation of Pedestrian Hybrid Beacons and created a schedule to indicate where they would be installed. Upon reading the explanation to motorists on how to approach and pass through these

intersections, Planning and Transportation staff recommends removal of text regarding a phase for these devices that is not present in those used by the City.<sup>12</sup>

- **Delete and Replace Schedule D(1) - Signalized Intersections - [BMC 15.12.030]**
  - This ordinance deletes and replaces Schedule D(1) (Signalized Intersections) to remove the columns regarding “Flasher Hours and Days” and “Preferentiality” from the schedule and, as recommended by the Traffic Commission, leave those determinations to the Transportation and Traffic Engineer. Please note that BMC 15.12.030(a) already gives this Engineer the power to make those determinations.<sup>13</sup>

### **Locations of Newly Codified Signalized Intersections**

In addition, six new intersections are added to Schedule D (1) and four duplicated intersections are deleted. The new intersections are at the following locations:

- **Leonard Springs/Tapp Road**

Action/Reason:

This signal addresses traffic resulting from the I-69/Fullerton Pike detour. It was installed as a 90-day order which, if extended beyond that period, should be authorized by the Council.

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<sup>12</sup> (b) The intersections described in Schedule D(2), attached hereto and made a part hereof, are designated pedestrian hybrid beacon signal intersections. When appropriate traffic control signals are installed at such an intersection, the operator of a vehicle entering the intersection shall obey the signal displayed as the driver approaches the intersection except when directed by an officer to do otherwise. The operator of a vehicle entering an intersection and facing a pedestrian hybrid beacon on which no indication is displayed may proceed without stopping. ~~The operator of a vehicle entering an intersection and facing a pedestrian hybrid beacon on which a yellow lens with an arrow illuminated with rapid intermittent flashes is displayed may turn only after yielding to oncoming traffic. The city engineer shall determine which intersections shall operate during certain times with flashing signals, which days and hours such intersections shall flash, and the preferentiality of such intersections (i.e. which streets/direction shall flash red and which yellow).~~

<sup>13</sup> (a) The intersections described in Schedule D(1), attached hereto and made a part hereof, are designated signalized intersections. When appropriate traffic control signals are installed at each intersection, the operator of a vehicle entering the intersections shall obey the signal displayed as the driver approaches the intersections except when directed by an officer to do otherwise. **The transportation and traffic engineer shall determine which intersections shall operate during certain times with flashing signals, which days and hours such intersections shall flash, and the preferentiality of such intersections (i.e. which streets/direction shall flash red and which yellow).** The operator of a vehicle entering an intersection controlled by a flashing signal shall obey the signal displayed as the driver approaches the intersection.

- **Bloomfield Road/Rolling Ridge**

Action/Reason:

This signal<sup>14</sup> will help with traffic at Twin Lakes Recreation Center and should be operational in January 2016.

- **Seventeenth/Woodlawn**

Action/Reason:

This signal was recently constructed as part of an Indiana University project; was authorized by a 90-day order; and, was activated this month.

- **Bloomfield Road/Basswood**

- **Walnut/Rhorer/Gordon Pike**

- **Patterson/Adams Street**

Action/Reason:

These changes codify existing signals.

**Restricted Turns on Red at Signalized Intersections (Map 11) [BMC 15.20.020, Schedule H] – Section 6 of Ord 15-27**

Location:

- **Third Street and Indiana Avenue**

Action/Reason

Traffic moving west on Third Street will not be allowed to turn right (north) onto Indiana Avenue as recommended by the Traffic Commission at its February, 2015 meeting. The minutes and background material for that meeting (online) indicate that the high level of pedestrian and vehicular traffic (including the right turns at this signalized intersection) and a nearby bus stop all create opportunities for pedestrian and vehicular conflict.

**School, Park and Playground Speed Zones (Map 12) [BMC 15.24.030, Schedule J] - Section 7 of Ord 15-27**

Location:

- **Rogers Street from 6<sup>th</sup> Street to 540' North of Eight Street**

Action/Reason:

Traffic moving along Rogers in the vicinity of the B-Line Trail and Fairview Elementary School will be restricted to 20 mph as recommended by the Traffic Commission at its June 2015 meeting.

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<sup>14</sup> At one time, some may recall, a roundabout was contemplated for this intersection.

**Angle Parking (Map 13) [BMC 15.32.030, Schedule L] – Section 8 of Ord 15-27**

Locations:

- **Howe Street from 135’ to 168’ East of Patterson on north side of the street**
- **Prospect Street from 35’ to 150’ East of Patterson on both sides of the street**

Action/Reason:

These changes codify angle parking installed with new development.

**No Parking Zones (Maps 14 - 16) [BMC 15.32.080, Schedule M] – Section 9 of Ord 15-27**

Locations:

- **330 and 334 South Dunn Street**

Action/reason:

This is under a 90-day order at the request of the Fire Department which wanted better access to fire engines making the Atwater/Dunn Connection

- **North Dunn from 10<sup>th</sup> Street to 12<sup>th</sup> Street (Alternate Sides)**

Action/Reason:

This change would impose no parking on alternate sides of North Dunn from 10<sup>th</sup> to 12<sup>th</sup> Street, splitting the first block at the alley (starting with the east side) and alternating by block further north. At its October 2015 meeting, the Traffic Commission recommended no parking on the west side of North Dunn for the full length of the changes. Upon further examination and in order to preserve parking and two 15-minute zones, staff proposed the alternate parking. The alternate parking will help with snow-plowing and trash collection on this narrow street.

- **Moravek Way from Diamond Street to 40’ South of B-Line Trail (Both Sides)**

Action/Reason

This coincides with the new Habitat project and would prevent cars from parking on the approaches to the B-Line Trail.

**Limited Parking Zones (Maps 17 – 19) [BMC 15.32.090, Schedule N] – Section 10 - 12 of Ord 15-27**

Locations:

- **Second Street from Fess Avenue to 170' West of Fess Avenue (South Side) – Bloomingfoods Coop (Elm Heights)**

Action/Reason

These changes are being made at the request of Bloomingfoods Coop which is experiencing non-customer parking over the weekend. The current limitation is for 1 hour parking from 8:00 am – 5:00 pm, Monday through Friday. The new hours of enforcement are 8:00 am to 10:00 pm, Monday through Saturday. This requires a new coding (16) which appears in the “Legend” at the end of the schedule. The enforcement, as I understand it, will be through the downtown parking enforcement officers.

- **College Avenue from 17<sup>th</sup> Street to 270' South of 17<sup>th</sup> Street (East Side) - at Request of Cedarview Management**

Action/Reason

At its October 2015 meeting and upon the request of the property owner (Cedarview Management) of a new development at this location, the Traffic Commission recommended introducing two 15' parking spaces followed to the south by about 14 2-hour parking to be enforced 9:00 am to 5:00 pm every day except Sunday and Holidays (Code [1]). These two spaces will help with turn-over for the retail uses in this development.

Please note that an ADA accessible parking space is also included along this stretch (see below).

- **College Avenue from 260' to 275' North of 10<sup>th</sup> (West Side) – at request of Cedarview Management**

Action/Reason

At that same meeting and upon request of the same property owner, the Traffic Commission recommended allowing a 15' limited parking zone in front of the property at the northwest corner of 10<sup>th</sup> and College.

- **Rogers Street from Kirkwood Avenue to Sixth Street (West Side)**

Action/Reason

This codifies a 2-hour parking zone from 5:00 am – 5:00 pm from Monday to Friday that is signed as such, but was not in the code.

**Loading Zones (Map 20) [BMC 15.32.100, Schedule 0) – Section 13 of Ord 15-27**

Location:

- **300 Block of South Washington 220 Feet North of Smith Avenue – (West Side) – at Request of Middle Way House – Two Spaces**

Action/Reason:

This codifies two existing (loading zone) spaces in front of Middle Way House. Please note that these spaces are in addition to the spaces set aside for Specially Endangered Persons approved by Ord 15-08 earlier this year.

**Bus Zones (Map 21) [BMC 15.32.110, Schedule P] – Section 14 of Ord 15-27**

Locations:

- **Three Locations Along East 7<sup>th</sup> Between Dunn and Washington Street (Two on North Side and One on South Side) – Requested by Bloomington Transit**

Action/Reason

At its September 2015 meeting, the Traffic Commission recommended codifying these three bus zones along East 7<sup>th</sup> Street at the request of Bloomington Transit. There are approximately 164 bus trips per day on this street and the buses (with mirrors) are as wide as the travel lane and need room to pull-off the street to take on and drop-off passengers.

**Accessible Parking for Persons with Physical Disabilities (Map 19) [BMC 15.32.150, Schedule M] – Section 15 of Ord 15-27**

Location:

- **1200 Block of North College Avenue – 140' to 155' South of 17<sup>th</sup> (East Side)**

Action/Reason

This change adds an accessible parking space as one of the 16 along this new development as recommended by the Traffic Commission and staff at the October 2015 meeting.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL  
REGULAR SESSION AND COMMITTEE OF THE WHOLE  
7:30 P.M., WEDNESDAY, DECEMBER 02, 2015  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**REGULAR SESSION**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

<b>III. APPROVAL OF MINUTES FOR:</b>	Regular Session	May 07, 2014
		September 03, 2014
		September 17, 2014
		October 29, 2014
		November 18, 2015
	Special Session	July 09, 2014

**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 15-06 To Specially Appropriate from the General Fund, Risk Management Fund, and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Solid Waste Fund, Alternative Transportation Fund; and, Appropriating Additional Funds from the Municipal Arts Fund, Risk Management Fund, BMFC Showers Bond, Parking Facilities, Police Pension, and Rental Inspection Program Fund)

Committee Recommendation:                      Do Pass                      8-0-1

2. Ordinance 15-25 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: Courthouse Square Historic District (Bloomington Historic Preservation Commissioner, Petitioner)

Committee Recommendation:                      Do Pass                      9-0-0

**VII. LEGISLATION FOR FIRST READING**

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

(over)

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

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

3. Ordinance 15-28 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: Amending Chapter 2.21 Entitled “Department of Law” to Remove the Voluntary Nature of Investigation and Mediation of Complaints Based on Sexual Orientation Discrimination and Gender Identity Discrimination

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

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

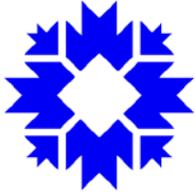
*To be immediately followed by a*

**COMMITTEE OF THE WHOLE**

**Chair: Dorothy Granger**

1. Ordinance 15-28 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: Amending Chapter 2.21 Entitled “Department of Law” to Remove the Voluntary Nature of Investigation and Mediation of Complaints Based on Sexual Orientation Discrimination and Gender Identity Discrimination

Asked to Attend: Councilmember Darryl Neher, Sponsor



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

To Council Members  
From Council Office  
Re Weekly Calendar – 30 November – 04 December 2015

**Monday, 30 November**

11:00 am Board of Public Works – Work Session, Kelly  
4:00 pm Council on Community Accessibility, McCloskey  
5:00 pm Utilities Service Board, Utilities  
5:30 pm Bloomington Human Rights Commission, McCloskey  
5:30 pm Plan Commission, Chambers

**Tuesday, 01 December**

5:30 pm Board of Public Works, Chambers

**Wednesday, 02 December**

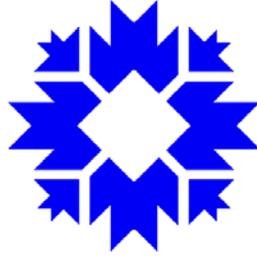
12:00 pm Bloomington Urban Enterprise Association, McCloskey  
2:00 pm Hearing Officer, Kelly  
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey  
6:30 pm Arts Alliance of Greater Bloomington, Hooker Room  
7:30 pm Common Council – Regular Session followed by a Committee of the Whole,  
Chambers

**Thursday, 03 December**

4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey  
5:30 pm Commission on the Status of Women, McCloskey  
6:30 pm “The Next American Revolution” - Gar Alperovitz, Chambers

**Friday, 04 December**

9:00 am South Central Housing Network, McCloskey



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

# NOTICE

## THE COMMON COUNCIL WILL HOLD A

**COMMITTEE OF THE WHOLE**

immediately after the

**REGULAR SESSION**

scheduled for Wednesday, 02 December 2015.

## THE COMMON COUNCIL WILL ALSO HOLD A

**SPECIAL SESSION**

immediately after the

**COMMITTEE OF THE WHOLE**

scheduled for Wednesday, 09 December 2015.

Per Indiana Open Door Law (I.C. §5-14-1.5), this provides notice that these meetings will occur and are open for the public to attend, observe, and record what transpires.

**ORDINANCE 15-26**

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)  
OF THE BLOOMINGTON MUNICIPAL CODE**

**Re: Amending 20.05.020 (“CF-01 [Communication Facility- General]”) and  
20.09.320 (“Surety standards – Performance surety”) to Reflect Changes in State Law;  
Revising the Definition of “Fraternity/Sorority House,” and Correcting Minor Errors**

**WHEREAS,** During the 2015 legislative cycle the Indiana General Assembly created a new Chapter in the Indiana Code, Chapter §8-1-32.3, entitled “Permits for Wireless Services Providers”, which requires the City to modify certain provisions within the Unified Development Ordinance in order for said Ordinance to comply with this new Indiana Code Chapter; and

**WHEREAS,** During the 2015 legislative cycle the Indiana General Assembly made changes to how and when local units of government can require performance bonds for development projects, said changes occurring in Ind. Code §36-7-4-709; as a result, the Unified Development Ordinance must be amended to comply with these new Indiana Code requirements; and

**WHEREAS,** During a review of the Unified Development Ordinance, City staff noticed that the definition of “fraternity/sorority” does not require that the structure be occupied by students enrolled at the Bloomington campus of Indiana University or that the University recognize the structure as a legitimate fraternity; and

**WHEREAS,** During a review of the Unified Development Ordinance City staff noted that references to the City of Bloomington Survey of Historic Sites and Structures is referred to by numerous different terms and phrases instead of using the term as denoted by the Definition Chapter of the Ordinance; and

**WHEREAS,** On November 9, 2015, the Plan Commission considered this case, ZO-27-15, and made a positive recommendation in favor of the package of amendments to the UDO, as described herein;

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

**SECTION 1.** Section 20.03.010, entitled “Courthouse Square Overlay (CSO)-District Intent”, shall be amended by deleting the number “2001”.

**SECTION 2.** Whenever the phrase “Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report” is referenced in the subsections below, the same shall be renamed to read “City of Bloomington Survey of Historic Sites and Structures”:

- Subsection 20.03.060(a)(2);
- Subsection 20.03.060(c)(2);
- Subsection 20.03.130(a)(2);
- Subsection 20.03.130(c)(2);
- Subsection 20.03.200(a)(2);
- Subsection 20.03.200(c)(2);
- Subsection 20.03.270(a)(2);
- Subsection 20.03.270(c)(2);
- Subsection 20.03.340(a)(2);
- Subsection 20.03.340(c)(2);
- Subsection 20.03.410(a)(2); and
- Subsection 20.03.410(c)(2).

SECTION 3. Section 20.05.020, entitled “CF-01 (Communication Facility-General)”, shall be deleted in its entirety and replaced with the following:

**20.05.020 CF-01 (Communication Facility – General)**

Purpose. The purpose of these standards is to provide sensible and reasonable development standards for the provision of reliable public and private telecommunication service; and whereas, there is a need to maximize the use of any communication transmission towers in order to reduce the total number of towers needed to serve the communications needs of the area; and whereas, there is a need to minimize the adverse, undesirable visual effects of such communication towers and to provide for the reasonable location of such towers in the city.

This communication facility standards section applies to the following zoning districts:



All communication facilities must comply with the following provisions:

- (a) Eligible Applicants: Must comply with the standards of Ind. Code § 8-1-32.3-19.
- (b) Application Requirements and Review: Must comply with the standards of Ind. Code § 8-1-32.3-20.
- (c) Construction Requirements: All antennas, communication towers, accessory structures and any other wiring shall comply with the following requirements:
  - (1) All applicable provisions of this title and of the Indiana Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.
  - (2) All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association.
  - (3) With the exception of necessary electric and telephone service and connection lines approved by the board of zoning appeals, no part of any communication equipment or communication tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.
  - (4) All communication towers and communication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
  - (5) All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).
  - (6) All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.
  - (7) An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, and strength requirements to withstand natural forces such as ice, wind, and earth movements.
- (d) Existing Structures: Modification of existing antennas, communication towers and communication equipment shall comply with Ind. Code §8-1-32.3-21.
- (e) Abandoned Towers: Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after thirty days from the date a notice of violation is issued, the city may remove the tower and bill the owner for the costs of removal and cleanup of the site.

SECTION 4. Subsection 20.09.220(b)(5) shall be amended by deleting the words “Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report adopted on October 17, 2002, by the Bloomington Historic Preservation Commission (hereinafter “HPC”) as the same may be hereafter amended or replaced (hereinafter “Historic Survey”)” and replacing them with the following: “City of Bloomington Survey of Historic Sites and Structures”.

SECTION 5. Subsection 20.09.230(b) shall be amended by deleting the words “historic survey” and replacing them with the following: “City of Bloomington Survey of Historic Sites and Structures”.

SECTION 6. Subsection 20.09.320(a) shall be amended by deleting the phrase “Prior to or at the time of approval” and replacing it with the phrase “In conjunction with the approval of a Final Plat”.

SECTION 7. Subsection 20.09.320(b)(3) shall be amended by adding the phrase “and shall comply with Ind. Code §36-7-4-709(i)” at the end of the subsection.

SECTION 8. Subsection 20.09.320(c)(1)(E) shall be amended by adding the phrase “, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three (3) years” at the end of the first sentence within the subsection.

SECTION 9. Subsection 20.09.320(d)(2) shall be amended by deleting the phrase “two additional years” and replacing it with the phrase “one additional year”; and be further amended by adding the phrase “, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three (3) years” at the end of the subsection.

SECTION 10. Subsection 20.09.320(e)(1) shall be deleted in its entirety and replaced with the following:

- “(e) Changes or Amendments.
  - (1) Performance Surety Reductions. Annual partial releases of performance sureties held by the City shall be approved by the City Planning and Transportation Department in accordance with a partial release schedule agreed to in a signed written document, said document being signed by the Director of the Planning and Transportation Department, or his or her designee, and the developer, or his or her designee.”

SECTION 11. Section 20.11.020, entitled “Defined Words”, shall be amended by deleting the term “Fraternity/Sorority House” and replacing it with the following:

“Fraternity/Sorority House” means a building or portion thereof used for sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of unmarried students who meet the following requirements: all students living in the building are enrolled at the Indiana University Bloomington campus; and Indiana University has sanctioned or recognized the students living in the building as being members of a fraternity or sorority through whatever procedures Indiana University uses to render such a sanction or recognition. Shall also include a building or portion thereof in which individual rooms or apartments are leased to individuals, but occupancy is limited to members of a specific fraternity or sorority, regardless of the ownership of the building or the means by which occupancy is so limited, provided the two requirements noted in the first sentence of this definition are also met.

SECTION 12. If any section, sentence, chapter or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any other section, sentence, chapter, provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 13. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, with approval of the Mayor, and after any required waiting and/or notice periods under Indiana law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

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REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends Title 20 of the Bloomington Municipal Code (the Unified Development Ordinance) in four key ways. First, it brings the Title into compliance with the newly-created Indiana Code Chapter §8-1-32.3, which governs permits for wireless service providers and providers' ability to erect, alter, and maintain wireless communication towers. Second, it updates the Title to reflect changes in the Indiana Code prescribing requirements for some bonds. Third, it updates the definition of "fraternity/sorority house" to make it clear that any such house is defined as one that only permits Indiana University, Bloomington students and is officially recognized by the University. Fourth, it amends the Title such that all references to the *City of Bloomington Survey of Historic Sites and Structures* are consistent.

# MEMO:

**To: City of Bloomington Common Council**  
**From: Patty Mulvihill, City Attorney**  
**Tom Micuda, Director of Planning & Transportation**  
**Date: November 10, 2015**  
**Re: ZO-27-15 – Ordinance Amending Title 20 of the BMC**

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City staff is proposing four types of amendments to the Unified Development Ordinance (“UDO”). Each amendment is considered to be “clean-up” in nature by staff in that the updates are the result of changes in the Indiana Code or errors found in the UDO.

First, during the 2015 legislative session the Indiana General Assembly created a new chapter in the Indiana Code, Chapter 8-1-32.3, entitled “Permits for Wireless Service Providers”. The new chapter makes it infinitely easier for wireless service providers to establish and modify cell phone towers. Key highlights of the changes include the following:

- The City is required to treat communication service providers and public utilities in the same manner in respect to the following: approving applications; issuing permits; approving tax incentives; providing access to right-of-way; and providing access to physical assets owned or controlled by the City.
- The City cannot impose a fall zone requirement that is larger than the area within which the wireless support structure is designed to collapse as set forth by the provider’s engineers.
- The City is now statutorily limited to what it can require on an application to construct a new wireless support structure. These limitations are specifically noted in Ind. Code § 8-1-32.3-19 and 20. As a result of these limitations, examples of items deleted from the City’s current ordinance include: screening; use of existing drives to access the facility; collocation requirements; and siting requirements.
- The City is now statutorily limited to what it can require on an application to make substantial modifications to an existing wireless support structure. These limitations are specifically noted in Ind. Code § 8-1-32.3-21.
- Generally speaking if an application meets the requirements noted in the Indiana Code it is deemed complete. The City will now only have ten (10) days to review applications that have been filed.
- Applications for collocation are not required to comply with zoning and land use requirements, nor are they subject to public hearings.

- The City cannot require or regulate the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.

For ease of reference a copy of the new Indiana Code Chapter is attached to this Memorandum as Exhibit A.

Second, during this past year's legislative cycle the Indiana General Assembly passed new laws that regulate how and when local units of government can require performance bonds. The changes made by the General Assembly generally occurred in Ind. Code § 36-7-4-709(d)-(i), entitled "Subdivision control; secondary approval of plat; proof of financial responsibility; rule for determination of completion of improvements and installations".

The changes associated with the new restrictions on performance bonds includes the following:

- Prohibits a bond from having an effective period which exceeds three years.
- Annual partial releases of all bonds must occur and must be done pursuant to a written agreement entered into between the City and the developer.
- Provides the limited standards that must be met before a bond can be required.

For ease of reference a copy of this new Indiana Code Section is attached to this Memorandum as Exhibit B.

Third, City staff noticed that the definition of "fraternity/sorority" did not include a restriction that the students living in the house be associated with Indiana University or be recognized by the University. As a result of this oversight, staff has proposed an update to the definition of this term to make it clear that students living in a structure are only classified as a fraternity or sorority if they are enrolled at Indiana University-Bloomington and if the University itself recognizes the group as a fraternity or sorority.

Fourth, in working with the new Program Manager in the Housing & Neighborhood Development Department who is assigned to staff the Historic Preservation Commission, City staff determined that the UDO utilizes many different terms or phrase refers to the City of Bloomington Survey of Historic Sites and Structures. In order to ensure the same terms and phrases are used consistently throughout the UDO, staff has suggested deleting the inaccurate terms and phrases and replacing them with the term actually identified in the Definition Chapter of the UDO.

The City's Plan Commission considered these amendments to the UDO at their meeting on November 9, 2015. Upon reviewing staff's proposal the Plan Commission provided a positive recommendation for each of the proposed amendments. A copy of the ordinance amendments, in a reader-friendly format, provided to the Plan Commission are attached to this Memorandum as Exhibit C. Also attached, and noted as Exhibit D, is the Plan Commission's certification.

**IC 8-1-32.3**

**Chapter 32.3. Permits for Wireless Service Providers**

*Effective 1-1-2016.*

**IC 8-1-32.3-1**

**"Antenna"**

*Effective 1-1-2016.*

Sec. 1. As used in this chapter, "antenna" means any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-2**

**"Base station"**

*Effective 1-1-2016.*

Sec. 2. As used in this chapter, "base station" means a station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-3**

**"Business day"**

*Effective 1-1-2016.*

Sec. 3. As used in this chapter, "business day" means a day other than a Saturday, a Sunday, or a legal holiday (as defined in IC 1-1-9-1).

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-4**

**"Collocation"**

*Effective 1-1-2016.*

Sec. 4. As used in this chapter, "collocation" means the placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-5**

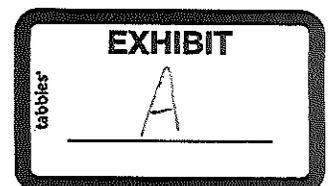
**"Electrical transmission tower"**

*Effective 1-1-2016.*

Sec. 5. As used in this chapter, "electrical transmission tower" means a structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

*As added by P.L.145-2015, SEC.3.*

Indiana Code 2015



**IC 8-1-32.3-6**

**"Equipment compound"**

*Effective 1-1-2016.*

Sec. 6. As used in this chapter, "equipment compound" means the area that:

- (1) surrounds or is near the base of a wireless support structure; and
- (2) encloses wireless facilities.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-7**

**"Existing structure"**

*Effective 1-1-2016.*

Sec. 7. As used in this chapter, "existing structure" does not include a utility pole or an electrical transmission tower.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-8**

**"Permit authority"**

*Effective 1-1-2016.*

Sec. 8. As used in this chapter, "permit authority" means a unit, a board, a commission, or any other governing body that makes legislative or administrative decisions concerning the construction, installation, modification, or siting of wireless facilities or wireless support structures. The term does not include:

- (1) the Indiana department of transportation;
- (2) the Indiana finance authority;
- (3) the state or any of its agencies, departments, boards, commissions, authorities, or instrumentalities;
- (4) the director of the department of natural resources; or
- (5) a court or other judicial body that reviews decisions or rulings made by a permit authority.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-9**

**"Small cell facility"**

*Effective 1-1-2016.*

Sec. 9. (a) As used in this chapter, "small cell facility" means:

- (1) a personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or
- (2) a wireless service facility that satisfies the following requirements:
  - (A) Each antenna, including exposed elements, has a volume of three (3) cubic feet or less.
  - (B) All antennas, including exposed elements, have a total volume of six (6) cubic feet or less.
  - (C) The primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less.

(b) For purposes of subsection (a)(2)(C), the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure:

- (1) Electric meters.
- (2) Concealment equipment.
- (3) Telecommunications demarcation boxes.
- (4) Ground based enclosures.
- (5) Back up power systems.
- (6) Grounding equipment.
- (7) Power transfer switches.
- (8) Cut off switches.

*As added by P.L.145-2015, SEC.3.*

#### **IC 8-1-32.3-10**

##### **"Small cell network"**

*Effective 1-1-2016.*

Sec. 10. As used in this chapter, "small cell network" means a collection of interrelated small cell facilities designed to deliver wireless service.

*As added by P.L.145-2015, SEC.3.*

#### **IC 8-1-32.3-11**

##### **"Substantial modification of a wireless support structure"**

*Effective 1-1-2016.*

Sec. 11. (a) As used in this chapter, "substantial modification of a wireless support structure" means the mounting of a wireless facility on a wireless support structure in a manner that:

- (1) increases the height of the wireless support structure by the greater of:
    - (A) ten percent (10%) of the original height of the wireless support structure; or
    - (B) twenty (20) feet;
  - (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of:
    - (A) twenty (20) feet; or
    - (B) the width of the wireless support structure at the location of the appurtenance; or
  - (3) increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet.
- (b) The term does not include the following:
- (1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna.
  - (2) Increasing the diameter or area of a wireless support structure to:
    - (A) shelter an antenna from inclement weather; or
    - (B) connect an antenna to the wireless support structure by cable.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-12**

**"Utility pole"**

*Effective 1-1-2016.*

Sec. 12. As used in this chapter, "utility pole" means a structure that is:

- (1) owned or operated by:
  - (A) a public utility;
  - (B) a communications service provider;
  - (C) a municipality;
  - (D) an electric membership corporation; or
  - (E) a rural electric cooperative; and
- (2) designed and used to:
  - (A) carry lines, cables, or wires for telephony, cable television, or electricity; or
  - (B) provide lighting.

The term does not include a wireless support structure or an electrical transmission tower.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-13**

**"Wireless facility"**

*Effective 1-1-2016.*

Sec. 13. As used in this chapter, "wireless facility" means the set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-14**

**"Wireless support structure"**

*Effective 1-1-2016.*

Sec. 14. As used in this chapter, "wireless support structure" means a freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-15**

**Application; permits for new construction, substantial modification, or collocation**

*Effective 1-1-2016.*

Sec. 15. This chapter applies to permits issued by a permit authority, under local law and consistent with IC 36-7, for the following:

- (1) Construction of a new wireless support structure.
- (2) Substantial modification of a wireless support structure.
- (3) Collocation of wireless facilities on an existing structure.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-16**

**Application fees; prohibited unless required for similar types of development; limitations**

*Effective 1-1-2016.*

Sec. 16. (a) A permit authority may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application for a permit unless the permit authority requires payment of the same or a similar fee for applications for permits for similar types of commercial development within the jurisdiction of the permit authority.

(b) A fee associated with the submission, review, processing, or approval of an application for a permit, including a fee imposed by a third party that provides review, technical, or consulting assistance to a permit authority, must be based on actual, direct, and reasonable costs incurred for the review, processing, and approval of the application.

(c) A fee described in this section may not include:

- (1) travel expenses incurred by a third party in its review of an application; or
- (2) direct payment or reimbursement of third party fees charged on a contingency basis.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-17**

**Discrimination among providers or utilities prohibited; limits on fall zone requirements**

*Effective 1-1-2016.*

Sec. 17. (a) A permit authority may not discriminate among communications service providers or public utilities with respect to the following:

- (1) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
- (2) Authorizing or approving tax incentives for wireless or wireline communications facilities.
- (3) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the permit authority.

(b) A permit authority may not impose a fall zone requirement that:

- (1) applies to a wireless support structure; and
- (2) is larger than the area within which the wireless support structure is designed to collapse, as set forth in the applicant's engineering certification for the wireless support structure.

However, a permit authority may impose a fall zone requirement that is larger than the area described in subdivision (2) if the permit authority provides evidence that the applicant's engineering

certification is flawed. The permit authority's evidence must include a study performed and certified by a professional engineer.  
*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-18**

**Zoning, land use, planning, and permitting authority not affected; land use laws and ordinances apply**

*Effective 1-1-2016.*

Sec. 18. This chapter does not:

- (1) affect the ability of a permit authority to exercise zoning, land use, planning, or permitting authority otherwise allowed under law, including IC 36-7, with respect to the siting of new wireless support structures; or
- (2) exempt an applicant from complying with applicable laws and ordinances concerning land use.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-19**

**Eligible applicants; application requirements**

*Effective 1-1-2016.*

Sec. 19. (a) The following may apply for a permit under this chapter on a form and in the manner prescribed by the appropriate permit authority:

- (1) A person that provides wireless communications service.
  - (2) A person that owns or otherwise makes available infrastructure required for wireless communications service.
- (b) An application for a permit must include the following:
- (1) The name, business address, and point of contact for the applicant.
  - (2) The location of the proposed or affected wireless support structure or wireless facility.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-20**

**Application to construct new wireless support structure; requirements; review for completeness; notification of approval or denial; additional time for review**

*Effective 1-1-2016.*

Sec. 20. (a) An application for a permit to construct a new wireless support structure must include only the following:

- (1) All information required by section 19 of this chapter.
- (2) A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
- (3) Evidence supporting the choice of location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless

support structure was not a viable option because collocation:

- (A) would not result in the same wireless service functionality, coverage, and capacity;
- (B) is technically infeasible; or
- (C) is an economic burden to the applicant.

(4) If an applicable zoning ordinance specifies that a special exception, special use, contingent use, or conditional use must be approved for the proposed wireless support structure in accordance with IC 36-7-4-918.2, evidence showing that the application complies with the criteria set forth in the ordinance with respect to the special exception, special use, contingent use, or conditional use.

(5) If the proposed wireless support structure is not a permitted use under an applicable zoning ordinance, evidence showing that the application complies with the criteria for a variance of use from the terms of the zoning ordinance in accordance with IC 36-7-4-918.4.

A permit authority may not require an applicant to submit information about, and may not evaluate an applicant's business decisions with respect to, the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.

(b) An application that contains the information required under subsection (a) is considered complete.

(c) A permit authority shall review an application within ten (10) business days of its receipt to determine if the application is complete. If a permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If a permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.

(d) An applicant that receives a written notice under subsection (c) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within thirty (30) days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

(e) Subject to subsection (f), not more than ninety (90) days after making an initial determination of completeness under subsection (c), a permit authority shall:

- (1) review the application to determine if it complies with applicable laws and ordinances governing land use and zoning; and
- (2) notify the applicant in writing whether the application is approved or denied.

(f) Notwithstanding the ninety (90) day period set forth in subsection (e), the following apply:

- (1) If the applicant requested additional time under subsection (d) to cure defects in the application, the ninety (90) day period

set forth in subsection (e) is extended for a corresponding amount of time.

(2) If the application for the proposed wireless support structure requires a variance of use from the terms of an applicable zoning ordinance in accordance with IC 36-7-4-918.4, the permit authority may have not more than thirty (30) additional days to comply with subsection (e).

*As added by P.L.145-2015, SEC.3.*

#### **IC 8-1-32.3-21**

#### **Application for substantial modification of wireless support structure; requirements; review for completeness; notification of approval or denial; additional time for review**

*Effective 1-1-2016.*

Sec. 21. (a) An application for a permit for substantial modification of a wireless support structure must include only the following:

(1) All information required by section 19 of this chapter.

(2) A construction plan that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

(3) If an applicable zoning ordinance specifies that a special exception, special use, contingent use, or conditional use must be approved for the proposed substantial modification of a wireless support structure in accordance with IC 36-7-4-918.2, evidence showing that the application complies with the criteria set forth in the ordinance with respect to the special exception, special use, contingent use, or conditional use.

(4) If the proposed substantial modification of a wireless support structure is not a permitted use under an applicable zoning ordinance, evidence showing that the application complies with the criteria for a variance of use from the terms of the zoning ordinance in accordance with IC 36-7-4-918.4.

A permit authority may not require an applicant to submit information about, and may not evaluate an applicant's business decisions with respect to, the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.

(b) An application that contains the information required under subsection (a) is considered complete.

(c) A permit authority shall review an application within ten (10) business days of its receipt to determine if the application is complete. If a permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If a permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.

(d) An applicant that receives a written notice under subsection (c) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within thirty (30) days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

(e) Subject to subsection (f), not more than ninety (90) days after making an initial determination of completeness under subsection (c), a permit authority shall:

- (1) review the application to determine if it complies with applicable laws and ordinances governing land use and zoning; and
- (2) notify the applicant in writing whether the application is approved or denied.

(f) Notwithstanding the ninety (90) day period set forth in subsection (e), the following apply:

- (1) If the applicant requested additional time under subsection (d) to cure defects in the application, the ninety (90) day period set forth in subsection (e) is extended for a corresponding amount of time.
- (2) If the application for the proposed substantial modification of a wireless support structure requires a variance of use from the terms of an applicable zoning ordinance in accordance with IC 36-7-4-918.4, the permit authority may have not more than thirty (30) additional days to comply with subsection (e).

*As added by P.L.145-2015, SEC.3.*

#### **IC 8-1-32.3-22**

**Application for collocation; requirements; conformance with building permit requirements; consolidated application; review for completeness; notification of approval or denial; additional time for review**

*Effective 1-1-2016.*

Sec. 22. (a) An application for a permit for collocation must include only the following:

- (1) All information required by section 19 of this chapter.
- (2) Evidence of conformance with applicable building permit requirements.

(b) An application for a permit for collocation:

- (1) is not required to comply with zoning or land use requirements; and
- (2) is not subject to public hearing.

(c) A permit authority shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities that are located within the jurisdiction of the permit authority. The permit authority shall issue a single permit for all wireless service facilities included in the application rather than individual permits for each wireless service facility.

(d) A permit authority shall review an application within ten (10)

business days of its receipt to determine if the application is complete. If a permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If a permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.

(e) An applicant that receives a written notice under subsection (d) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within fifteen (15) days of receiving the notice. If an applicant is unable to cure the defects within the fifteen (15) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

(f) Not more than forty-five (45) days after making an initial determination of completeness under subsection (d), a permit authority shall:

- (1) review the application to determine its conformity with applicable building permit requirements; and
- (2) notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time under subsection (e) to cure defects in the application, the forty-five (45) day period is extended for a corresponding amount of time.

*As added by P.L.145-2015, SEC.3.*

#### **IC 8-1-32.3-23**

##### **Written notice of approval or denial; basis for decision; application considered approved upon authority's failure to act**

*Effective 1-1-2016.*

Sec. 23. (a) In a written notice issued under section 20, 21, or 22 of this chapter, a permit authority shall state clearly the basis for its decision to approve or deny an application. If the permit authority denies an application, the written notice must include substantial evidence in support of the denial.

(b) For purposes of this section, a notice is considered written if it is included in the minutes of a public meeting of a permit authority.

(c) If a permit authority fails to act on an application within the applicable deadline under section 20, 21, or 22 of this chapter, the application is considered approved.

*As added by P.L.145-2015, SEC.3.*

#### **IC 8-1-32.3-24**

##### **Guidelines to protect confidential or proprietary information**

*Effective 1-1-2016.*

Sec. 24. A permit authority shall establish guidelines to protect any confidential or proprietary information disclosed in an application.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-25**

**Utility poles and electrical transmission towers; requirements and regulations prohibited**

*Effective 1-1-2016.*

Sec. 25. A permit authority may not require or regulate the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.

*As added by P.L.145-2015, SEC.3.*

**IC 8-1-32.3-26**

**Small cell facilities constituting single network; consolidated application; single permit**

*Effective 1-1-2016.*

Sec. 26. A permit authority shall allow an applicant to submit a single consolidated application for multiple small cell facilities that are located within the permit authority's jurisdiction and constitute a single small cell network. The permit authority shall issue a single permit for the small cell network rather than multiple permits for each small cell facility.

*As added by P.L.145-2015, SEC.3.*

West's Annotated Indiana Code  
Title 36. Local Government (Refs & Annos)  
Article 7. Planning and Development  
Chapter 4. Local Planning and Zoning

IC 36-7-4-709

**36-7-4-709** Subdivision control; secondary approval of plat; proof of financial responsibility; rule for determination of completion of improvements and installations

Effective: July 1, 2015

Currentness

Sec. 709. (a) Secondary approval under section 710 of this chapter may be granted to a plat for a subdivision in which the improvements and installments have not been completed as required by the subdivision control ordinance, if:

(1) the applicant provides a bond, or other proof of financial responsibility as prescribed by the legislative body in the subdivision control ordinance, that:

(A) is an amount determined by the plan commission or plat committee to be sufficient to complete the improvements and installations in compliance with the ordinance; and

(B) provides surety satisfactory to the plan commission or plat committee; or

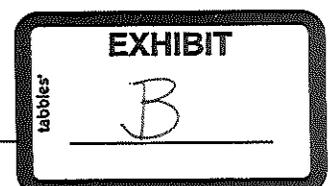
(2) with respect to the installation or extension of water, sewer, or other utility service:

(A) the applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and

(B) the plan commission or plat committee determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with the subdivision control ordinance.

(b) Any money received from a bond or otherwise shall be used only for making the improvements and installments for which the bond or other proof of financial responsibility was provided. This money may be used for these purposes without appropriation. The improvement or installation must conform to the standards provided for such improvements or installations by the municipality in which it is located, as well as the subdivision control ordinance.

(c) The plan commission shall, by rule, prescribe the procedure for determining whether all improvements and installations have been constructed and completed as required by the subdivision control ordinance. The rule must designate the person or persons responsible for making the determination.



(d) As used in this section, "land developer" has the meaning set forth in IC 6-1.1-4-12(a).

(e) As used in this section, "under development" means a situation with respect to land in which a primary plat has been filed and approved and work has commenced to make substantive physical improvements to the land, excluding any work performed for the purpose of preparing the land.

(f) Notwithstanding subsection (a), a local unit may not adopt or enforce an ordinance, rule, or other policy requiring a land developer of Class 1 or Class 2 structures to do any of the following:

(1) Obtain a performance bond or other surety before the date on which the land developer records an approved secondary plat. However, a local unit may require the land developer to obtain a performance bond or other surety before an approved secondary plat is recorded if the area under development is:

(A) within the existing public right-of-way; or

(B) related to erosion control.

(2) Obtain a maintenance bond that has an effective period greater than three (3) years.

(g) After a secondary plat is approved, a local unit may require, as a condition precedent to recording the secondary plat, that the land developer obtain a performance bond or other surety for any incomplete or unfinished streets, sanitary piping, storm water piping systems, water mains, sidewalks and ornamental landscaping in common areas, and erosion control that:

(1) are:

(A) in the approved development; or

(B) required to service the approved development; and

(2) are included within:

(A) the legal description of the recorded plat; or

(B) a section in the legal description of the recorded plat;

identified in the land developer's secondary plat filing.

(h) Any ordinance, rule, or policy requiring a land developer to obtain a performance bond or other surety under subsection (g) must include a provision for:

(1) the release of a performance bond or other surety upon completion to the satisfaction of the local unit of the subject matter upon which the performance bond or other surety was obtained; and

(2) the partial release of the performance bond or other surety on an annual basis in accordance with a partial release schedule agreed to in a signed writing by:

(A) the local unit, or the local unit's designated official or body; and

(B) the land developer or the land developer's designated agent;

before or during development.

(i) A performance bond or other surety requirement under subsection (f)(1) or subsection (g):

(1) must be based on a value provided for in an engineer's estimate or an actual contract amount, if available, to complete:

(A) the portion of the area or improvement of the project; or

(B) designated section in the project;

being bonded;

(2) may be based on an amount in excess of the full value of the engineer's estimate or actual contract amount, as appropriate, provided that any excess amount is based upon a reasonable adjustment for the estimated cost of inflation of materials and labor encompassed within the subject matter of the performance bond or other surety; and

(3) may not include any land that is not under development at the time the bond or other surety is required, such as sections of adjacent or contiguous land that remain undeveloped, except to the extent that the land not then under development is used to access the site or provide utilities or other necessary services to the land that is under development.

#### Credits

As added by Acts 1981, P.L.309, SEC.23. Amended by Acts 1982, P.L.211, SEC.13; P.L.337-1985, SEC.1; P.L.126-2011, SEC.20; P.L.105-2015, SEC.1, eff. July 1, 2015.

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I.C. ~~36-7-4-709~~, IN ST ~~36-7-4-709~~

The statutes and Constitution are current with all 2015 First Regular Session of the 119th General Assembly legislation.

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Amendment #: UDO-001

**Synopsis:**

During the 2015 session for the Indiana General Assembly, a new chapter was added to the Indiana Code. This new chapter is known as Ind. Code Chapter 8-1-32.2 and entitled "Permits for Wireless Service Providers". This new Chapter specifically prohibits local units of government from requiring cell phone tower developers and providers to submit any information other than that which is required by Ind. Code §§ 8-1-32.2-19, 20. The information that is required by this new Indiana Code Chapter is considerably less than that which the City has previously required of cell phone tower developers and providers. For example, co-location is specifically exempted from regulation and compatibility with a zoning ordinance. Because we are now prohibited from requiring more than what the State itself requires, the proposed amendment deletes all current requirements on our applications and replaces them with references to the Indiana Code provisions.

**Proposed Amendment:**

Page 5-18

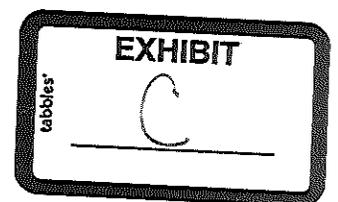
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Purpose. The purpose of these standards is to provide sensible and reasonable development standards for the provision of reliable public and private telecommunication service; and whereas, there is a need to maximize the use of any communication transmission towers in order to reduce the total number of towers needed to serve the communications needs of the area; and whereas, there is a need to minimize the adverse, undesirable visual effects of such communication towers and to provide for the reasonable location of such towers in the city.

This communication facility standards section applies to the following zoning districts:

All communication facilities must comply with the following provisions:

- (a) ~~All communication facilities in this section shall be subject to staff site plan review and shall meet the following requirements and all other requirements of this title. Eligible Applicants: Must comply with the standards of Ind. Code § 8-1-32.3-19.~~
- (b) ~~Buffer Requirements. The location of the tower and equipment buildings shall comply with all local, state and federal natural resource protection standards. The following buffer plantings shall be located around the outermost perimeter or security fence of a communication facility: Application Requirements and Review: Must comply with the standards of Ind. Code § 8-1-32.3-20.~~
  - (1) ~~An evergreen screen consisting of a hedge, planted at a maximum of three feet on center, or a row of evergreen trees planted at a maximum of ten feet on center shall be planted around the entire communication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting shall be no less than five feet.~~
  - (2) ~~An eight foot high wood fence or brick masonry wall shall completely surround the entire communication facility, excluding the guy wires and anchors.~~
- (c) ~~Access to Site. Proposed communication towers and antennas shall meet the following access requirements:~~



- ~~(1) Vehicular access to the tower and equipment building shall be provided along an existing driveway, whenever feasible.~~
  - ~~(2) The communication facility shall be fully automated and unattended on a daily basis, and may be visited only for periodic maintenance, emergencies, installations, or equipment removal.~~
- ~~(d) Design Requirements. Proposed communication towers and antennas shall meet the following design requirements:~~
- ~~(1) All communication towers shall be a monopole design.~~
  - ~~(2) Communication towers and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging, landscaping, materials, and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration (FAA).~~
  - ~~(3) Only lighting that is for safety or security reasons, or required by the FAA or other federal or state authority shall be permitted. All required lighting shall be oriented inward so as not to project onto surrounding properties.~~
  - ~~(4) The use of any portion of a communication facility for signs other than warning or equipment signs shall be prohibited.~~
- ~~(e) Setbacks.~~
- ~~(1) Communication towers shall be set back from any property line a distance equal to at least eighty percent of the height of the tower.~~
  - ~~(2) No tower shall be placed closer to any residential structure than five hundred feet.~~
  - ~~(3) Communication towers are generally not permitted in front yards, except where evidence provided by the petitioner demonstrates that placement in a front yard would provide the best camouflage for the tower.~~
- ~~(f) Maximum Height.~~
- ~~(1) Tower. One hundred ninety nine feet;~~
  - ~~(2) Accessory Structure. Fifteen feet.~~
- ~~(g) Collocation Requirements. Proposed communication towers and antennas shall meet the following collocation requirements:~~
- ~~(1) At a minimum, all proposed monopoles shall be constructed to support the initial user plus the anticipated loading of the number of additional users required in accordance with this title.~~
  - ~~(2) Any proposed communication tower shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the proposed user and the number of additional users as required in accordance with this title. Communication towers shall be designed to allow for future rearrangement of communication equipment and antennas upon the tower and to accept communication equipment and antennas mounted at varying heights.~~

~~(3) A minimum of four additional antenna sites shall be provided on a tower of one hundred fifty feet or more in height.~~

~~(b) Siting Requirements: A proposal for a new communication tower shall not be approved unless the petitioner submits verification that the communication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one or more of the following reasons:~~

~~(1) The planned communication equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved towers, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned communication equipment at a reasonable cost.~~

~~(2) The planned communication equipment would cause interference impacting the usability of other existing communication equipment at the site if placed on existing structures. A qualified and licensed professional engineer shall submit supportive documentation indicating that the interference cannot be prevented at a reasonable cost.~~

~~(3) The existing or approved towers, buildings or structures within the search radius cannot accommodate the planned communication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.~~

~~(4) Other unforeseen reasons that make it infeasible or impossible to locate the planned communication equipment upon an existing or approved tower, building or structure.~~

~~(5) Additional land area is not available at the base of existing towers, buildings or structures to accommodate the proposed communication facility.~~

~~(c) Construction Requirements: All antennas, communication towers, accessory structures and any other wiring shall comply with the following requirements:~~

~~(1) All applicable provisions of this title and of the Indiana Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.~~

~~(2) All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association.~~

~~(3) With the exception of necessary electric and telephone service and connection lines approved by the board of zoning appeals, no part of any communication equipment or communication tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.~~

~~(4) All communication towers and communication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.~~

~~(5) All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).~~

- ~~(6) All signal and remote control conductors of low energy extending between a communication tower and other communication equipment, or between communication towers, shall be at least ten feet above the ground at all points, unless buried underground.~~
- ~~(7) All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.~~
- ~~(8) An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, and strength requirements to withstand natural forces such as ice, wind, and earth movements.~~
- ~~(9) All communication towers and communication equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least eighty miles per hour with one half inch of ice and to accommodate all collocation sites as required by this title.~~
- (d) Existing Structures: The following shall apply to Modification of existing antennas, communication towers and communication equipment shall comply with Ind. Code § 8-1-32.3-21.
- ~~(1) Existing structures shall not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this title.~~
- ~~(2) Any request for the modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment which does not substantially change the physical dimensions of such tower or base station shall be approved as required by federal law.~~
- (k) Inspection of Towers. The following shall apply to the inspection of communication towers:
- ~~(1) All communication towers may be inspected at least once every five years, or more often as needed to respond to complaints received, by the planning and transportation director and/or a qualified and licensed consulting engineer to determine compliance with the original construction standards. Deviation from original construction for which any permit was obtained shall constitute a violation of the Unified Development Ordinance.~~
- ~~(2) Notices of violation shall be sent by registered mail to the owner and the owner will have thirty days from the date the notification is issued to make repairs. The owner is required to notify the planning and transportation director that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results of same.~~
- (e) Abandoned Towers: Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after thirty days from the date a notice of violation is issued, the city may remove the tower and bill the owner for the costs of removal and cleanup of the site.

**Amendment #:** UDO-002

**Synopsis:**

During the 2015 session, the Indiana General Assembly amended when and how local units of government can require performance bonds. Examples of the mandated changes include: (1) prohibiting a bond from having an effective period which exceeds three years; (2) requiring annual partial releases of bonds in accordance with a written agreement entered into between the City and the developer; and (3) providing certain limited standards that must be met before a bond can be required of a developer. In addition to these mandatory changes by the General Assembly, an inconsistency within the Bloomington Municipal Code was found. Right now BMC 20.09.190(e)(3) conflicts with 20.09.320 & 330 in terms of when bonds may be required. This amendment brings the Unified Development Ordinance into compliance with the new Indiana Code provisions and fixes the internal conflict within our local ordinance.

**Proposed Amendment:**

*Page 9-41*

*20.09.320*

20.09.320 Surety standards—Performance surety.

- (a) Intent. ~~Prior to or at the time of approval~~ In conjunction with the approval of a Final Plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the city, that all public facility improvements and installations required under the provisions of this title and planning and transportation department requirements shall be completed.
- (b) Applicability.
  - (1) A performance agreement between the petitioner and the city, supported by a performance bond or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the city of Bloomington planning jurisdiction area shall be bonded in accordance with Monroe County bonding policy.
  - (2) The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.
  - (3) The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the city. The time period and amount of the performance guarantee shall be determined by the board of public works and shall comply with Ind. Code § 36-7-4-709(i).

(c) City Planning and Transportation Department.

- (1) Review. The city planning and transportation department shall review the estimate upon receipt of a complete application and supportive documents. The city planning and transportation department shall verify that the performance bond or letter of credit shall:
  - (A) Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with the Unified Development Ordinance and city planning and transportation department requirements;
  - (B) Provide surety satisfactory to the city or to the county;
  - (C) Run to and be in favor of the city or the county;
  - (D) Specify the time for the completion of the improvements and installations (both on- and off-site);
  - (E) Be in effect and shall not terminate until a period of two years after the date of substantial completion of the public improvements, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three (3) years. The performance surety will remain in effect during this two-year period in the amount of five percent of the original performance surety, or ten thousand dollars, whichever is greater, or as determined by the transportation and traffic engineer; and
  - (F) Be in a form approved by the city legal department.
- (2) Report. The city planning and transportation department shall recommend approval or rejection of the performance surety to the board of public works.
- (3) Record. The city planning and transportation department shall maintain records of all applications, plans, and permits filed for a performance surety.

(d) Duration.

- (1) Time Limit. The completion of public facility improvements and installations shall be within two years of the approval of the project.
- (2) Extension of Completion Time. Should the petitioner not complete the public facility improvements and installations as herein required within a two-year period, the city planning and transportation department may approve the petitioner's written request for an extension of time for up to ~~two~~ one additional years, granted at six-month intervals and conditioned in every case upon extension or renewal of the surety accordingly, for completion of the required public facility improvements and installations, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three (3) years.
- (3) Nonperformance. Should the petitioner not complete the public facility improvements and installations as herein required within the two-year period or within any time extension approved by the city planning and transportation department, the city may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

- (4) Expiration. The performance bond or letter of credit shall be in effect and shall not terminate until thirty calendar days after the certificate of final acceptance is approved by the city planning and transportation department, and the maintenance surety has been accepted.
- (e) Changes or Amendments.
- (1) Performance Surety Reductions. ~~Periodic~~ Annual partial releases of performance sureties held by the city ~~may~~ shall be approved by the city planning and transportation department in accordance with a partial release schedule agreed to in a signed written document, said document being signed by the director of the planning and transportation department, or his or her designee, and the developer, or his or her designee.
  - (2) The following standards shall apply to any request for a bond reduction:
    - (A) No more than three reductions shall be permitted within any twenty-four-month period.
    - (B) No performance surety shall be reduced beyond seventy-five percent of the original bond amount.
    - (C) Periodic partial releases shall not occur before completion of at least thirty percent of the improvements covered by the performance surety.

**Amendment #:** UDO-003

**Synopsis:**

During a general review of the Unified Development Ordinance, City staff determined that the definition of "Fraternity/Sorority House" fails to specifically and emphatically note that a fraternity or sorority needs to be recognized by Indiana University.

**Proposed Amendment:**

*Page 11-19*

*20.11.020*

**Fraternity/Sorority House:** A building or portion thereof used for sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of unmarried students ~~in attendance at a college or university~~ who meet the following requirements: all students living in the building are enrolled at the Indiana University Bloomington campus; and Indiana University has sanctioned or recognized the students living in the building as being members of a fraternity or sorority through whatever procedures Indiana University uses to render such a sanction or recognition. Shall also include a building or portion thereof in which individual rooms or apartments are leased to individuals, but occupancy is limited to members of a specific fraternity or sorority, regardless of the ownership of the building or the means by which occupancy is so limited, provided the two requirements noted in the first sentence of this definition are also met.

**Amendment #:** UDO-004

**Synopsis:**

During a general review of the Unified Development Ordinance, City staff determined that while the definition section of the UDO uses the term “City of Bloomington Survey of Historic Sites and Structures” to reference the City’s survey of historic properties, it does not use that term to describe said survey throughout the UDO. Instead, the substance of the UDO uses other terms or phrases. In order to ensure consistency throughout the UDO, this amendment deletes inappropriate phrases and references to the survey and replaces them with the properly defined term.

**Proposed Amendment:**

*Page 3-4*

*20.03.010*

**20.03.010 Courthouse square overlay (CSO)—District intent.**

The courthouse square overlay (CSO) district is intended to guide both new development and redevelopment activities as follows:

Ensure that new development is compatible in mass and scale with structures listed in the ~~2001~~ City of Bloomington Survey of Historic Sites and Structures located in the courthouse square character area.

Provide a diverse mix of traditional commercial retail uses at the street level to capitalize on, maintain and enhance the pedestrian activity generated by the CSO district.

Visually define the sidewalk edges with interesting buildings that respect the established context of traditional commercial storefront buildings that are two to four stories in height.

Preserve historic structures to maintain the integrity and heritage of the downtown.

**Proposed Amendment:**

*Page 3-6*

*20.03.060(a)(2)*

(a)

- (2) Building Alignment. New buildings located immediately adjacent to the side of an outstanding, notable and/or contributing structure as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall align their respective facades to match the front setback established by the surveyed structure rather than the required build-to line.

**Proposed Amendment:**

*Page 3-8*

*20.03.060(c)(2)*

(c)

- (2) Building Height Step Down. Buildings located immediately adjacent to the side of outstanding, notable and contributing structures as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall incrementally step down upper stories at each respective facade module to within one story or fourteen feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

**Proposed Amendment:**

*Page 3-13*

*20.03.130(a)(2)*

(a)

- (2) Building Alignment. New buildings located immediately adjacent to the side of an outstanding, notable and/or contributing structure as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall align its respective facade to match the front setback established by a surveyed structure. If no historic structure is located immediately adjacent to the side of the site then the build-to line as identified in Section 20.03.120(d)(1), Build-to line shall apply.

**Proposed Amendment:**

*Page 3-15*

*20.03.130(c)(2)*

(c)

- (2) Building Height Step Down. Buildings located immediately adjacent to the side of outstanding, notable and contributing structures as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall incrementally step down upper stories at each respective facade module to within one story or fourteen feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

**Proposed Amendment:**

*Page 3-19*

20.03.200(a)(2)

(a)

- (2) Building Alignment. New buildings located immediately adjacent to the side of an outstanding, notable and/or contributing structure as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall align its respective facade to match the front setback established by a surveyed structure.

**Proposed Amendment:**

*Page 3-21*

20.03.200(c)(2)

(c)

- (2) Building Height Step Down. Buildings located immediately adjacent to the side of outstanding, notable and contributing structures as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall incrementally step down upper stories at each respective facade module to within one story or fourteen feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

**Proposed Amendment:**

*Page 3-24*

20.03.270(a)(2)

(a)

- (2) Building Alignment. New buildings located immediately adjacent to the side of an outstanding, notable and/or contributing structure as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall align its respective facade to match the front setback established by a surveyed structure. If no historic structure is located immediately adjacent to the side of the site then the build-to-line as identified in Section 20.03.260(d)(2), Maximum Front Setback shall apply.

**Proposed Amendment:**

*Page 3-26*

*20.03.270(c)(2)*

(c)

- (2) Building Height Step Down. Buildings located immediately adjacent to the side of outstanding, notable and contributing structures as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall incrementally step down upper stories at each respective facade module to within one story or fourteen feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

**Proposed Amendment:**

*Page 3-30*

*20.03.340(a)(2)*

(a)

- (2) Building Alignment. New buildings located immediately adjacent to the side of an outstanding, notable and/or contributing structure as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall align its respective facade to match the front setback established by a surveyed structure.

**Proposed Amendment:**

*Page 3-32*

*20.03.340(c)(2)*

(c)

- (2) Building Height Step Down. Buildings located immediately adjacent to the side of outstanding, notable and contributing structures as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall incrementally step down upper stories at each respective facade module to within one story or fourteen feet whichever is less above the highest elevation of the respective adjacent historic structure.

**Proposed Amendment:**

Page 3-36

20.03.410(a)(2)

(a)

- (2) Building Alignment. New buildings located immediately adjacent to the side of an outstanding, notable and/or contributing structure as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall align its respective facade to match the front setback established by a surveyed structure.

**Proposed Amendment:**

Page 3-38

20.03.410(c)(2)

(c)

- (2) Building Height Step Down. Buildings located immediately adjacent to the side of outstanding, notable and contributing structures as identified in the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ City of Bloomington Survey of Historic Sites and Structures shall incrementally step down upper stories at each respective facade module to within one story or fourteen feet whichever is less above the highest elevation of the respective adjacent historic structure.

**Proposed Amendment:**

Page 9-28

20.09.220(b)(5)

(b)

- (5) Any action, whether or not listed in subsections (b)(1) through (b)(4) of this section, that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as "Outstanding," "Notable," or "Contributing" on the ~~Indiana Historic Sites and Structures Inventory: 2001 City of Bloomington Interim Report~~ adopted on October 17, 2002, by the ~~Bloomington Historic Preservation Commission~~ (hereinafter "HPC") as the same may be hereafter amended or replaced (hereinafter "Historic Survey") City of Bloomington Survey of Historic Sites and Structures. Such action shall be subject to the procedures outlined in Section 20.09.230, Demolition and demolition delay. An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered "listed" within the meaning of this title unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the staff. Such determination shall be based upon resources that may include but shall not be limited to

Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of HPC or its staff.

**Proposed Amendment:**

*Page 9-29*

*20.09.230(b)*

- (b) Demolition Delay Required. No certificate of zoning compliance (hereinafter "CZC") authorizing release of a permit allowing the demolition or partial demolition of a building or structure that is listed as outstanding, notable or contributing on the ~~historic-survey~~ City of Bloomington Survey of Historic Sites and Structures, or any accessory building or structure of the same era of construction as the principal building or structure that is so listed, shall be issued earlier than ninety or one hundred twenty-calendar days after notice has been given as provided in subsection (b)(1) below. The ninety-day period shall apply in all cases unless the director of HAND or his/her designee finds that an additional thirty day delay period is needed in order for the HPC to responsibly consider and determine whether to recommend designation of the property. The HAND director shall make such finding only where there are multiple demolition permits and/or historic designation proposals pending or expected to come before the HPC during the ninety-day period; or, where the demolition request presents unusually complex public policy issues due to the location or survey classification of the structure. Location within an area that contains multiple surveyed properties and/or location within an area designated on the National Register of Historic Places and/or survey classification of the structure or building proposed for demolition as notable or outstanding shall be sufficient, but not necessary, to justify a determination that the one hundred twenty-day period will apply. The HAND director will give notice of his determination to apply the one hundred twenty-day period to a demolition request in accordance with subsection (b)(1) below.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 15-26 is a true and complete copy of Plan Commission Case Number ZO-27-15 which was given a recommendation of approval by a vote of 8 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 9, 2015.

Date: November 10, 2015

  
 \_\_\_\_\_  
 Thomas B. Micuda, Secretary  
 Plan Commission

Received by the Common Council Office this 17<sup>th</sup> day of NOVEMBER, 2015.

  
 \_\_\_\_\_  
 Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation Budget Transfer Salary Change  Zoning Change New Fees	End of Program New Program Bonding  Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

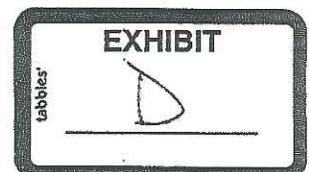
Signature of Controller

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

Yes \_\_\_\_\_ No \_\_\_\_\_

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

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



**ORDINANCE 15-27**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED "VEHICLES AND TRAFFIC" -  
Re: Stop, Multi-Stop, Yield, and Signalized Intersections; Turning Right on  
Red; School Speed Zones; Angled Parking, No Parking, Limited Parking,  
Loading, and Bus Zones; and, Accessible Parking for Persons with Disabilities**

WHEREAS, City staff from the following departments: Planning and Transportation; Police Department; Fire Department; and Legal Department, as well as the Traffic Commission recommend certain changes be made in Title 15 of Bloomington Municipal Code entitled "Vehicles and Traffic";

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

SECTION 1. Section 15.12.010 Schedule A, "Stop Intersections", shall be amended to add the following:

**STOP INTERSECTIONS**

<b>Traffic on:</b>	<b>Shall Stop for Traffic on:</b>
Adams Hill Circle	Countryside Lane
Ashlynn Park Drive	Eleventh Street
Ashlynn Park Drive	Twelfth St
Cathcart Street	Renwick Blvd
Cathcart Street	Sare Road
Diamond Street	Cottage Grove Avenue/Moravec Way
Fenbrook Lane	Sara Court/Fenbrook Lane
Fenbrook Lane	Mary Beth Drive
Howe Street	Patterson Drive
Melville Circle	Hawksmore Drive
Moravec Way	The B-Line Trail
Moravec Way (eastbound)	Moravec Way (northbound/southbound)
Nora Hill Drive	Hawksmoore Drive
Nora Hill Drive	Ramsey Drive
Railway Circle	Hawksmore Drive
Ramsey Drive	Renwick Blvd
Roman's Way	Fenbrook Lane
Seminary Drive	Renwick Blvd
Springhouse Drive (Two Locations)	Ramsey Drive
Twelfth Street	Morton Street

SECTION 2. Section 15.12.010 Schedule B, "Multi-Stop Intersections", shall be amended to add the following:

**MULTI-STOP INTERSECTIONS**

<b>Intersection</b>	<b>Type of Stop</b>
Fullerton Pike & Leonard Springs Road	3-way
Hawksmoore Drive & Renwick Blvd	3-way

SECTION 3. Section 15.12.020 Schedule C, "Yield Intersections", shall be amended to:

a) delete the following:

**YIELD INTERSECTIONS**

<b>Traffic on</b>	<b>Shall Yield to Traffic on</b>
Renwick Boulevard	Roundabout

and;

b) add the following:

**YIELD INTERSECTIONS**

Traffic on	Shall Yield to Traffic on
Cathcart Street	Roundabout
Ira Street	Roundabout
Renwick Boulevard	Roundabout (at Moores Pike)
Renwick Boulevard	Roundabout (at Ramsey Drive)
Ramsey Drive	Roundabout
Queens Way	Roundabout

SECTION 4. Section 15.12.030(b) shall be amended by deleting the following sentences: “The operator of a vehicle entering an intersection and facing a pedestrian hybrid beacon on which a yellow lens with an arrow illuminated with rapid intermittent flashes is displayed may turn only after yielding to oncoming traffic. The city engineer shall determine which intersections shall operate during certain times with flashing signals, which days and hours such intersections shall flash, and the preferentiality of such intersections (i.e. which streets/direction shall flash red and which yellow).”

SECTION 5. Section 15.12.030 Schedule D (1), "Signalized Intersections", shall be deleted in its entirety and replaced with the following:

**SIGNALIZED INTERSECTIONS**

<b>Cross Street</b>	<b>Cross Street</b>
Adams Street	Bloomfield Road
Atwater Avenue	Henderson Street
Atwater Avenue	Woodlawn Avenue
Bloomfield Road	Basswood Drive
Bloomfield Road	Rolling Ridge Way
Bryan Street	High Street /Third Street
College Avenue	Eleventh Street
College Avenue	Fourth Street
College Avenue	Kirkwood Avenue
College Avenue	Second Street
College Avenue	Seventeenth Street
College Avenue	Seventh Street
College Avenue	Sixth Street
College Avenue	Tenth Street
College Avenue	Third Street
College Avenue	First Street
College Mall Rd.	Buick Cadillac Blvd.
College Mall Rd.	Covenanter Drive
College Mall Rd.	Eastland Plaza
College Mall Road/ Sare Road	Moores Pike
Dunn Street	Seventeenth Street
Fee Lane	Seventeenth Street
Fee Lane	Tenth Street

First Street	Walnut Street
Fourth Street	Walnut Street
Grimes Lane	Walnut Street
Hawthorne Drive	Third Street
Hillside Drive	Henderson Street
Hillside Drive	Walnut Street
Hillside Drive/ Moores Pike	High Street
Indiana Avenue	Tenth Street
Indiana Avenue	Third Street
Jordan Avenue	Atwater
Jordan Avenue	Tenth Street
Jordan Avenue	Third Street
Jordan Avenue	Law Lane
Kinser Pike/Madison Street	Seventeenth Street
Kirkwood Avenue	Adams Street
Kirkwood Avenue	Rogers Street
Kirkwood Avenue	Walnut Street
Landmark Avenue	Bloomfield Road
Leonard Springs	Tapp Road
North Drive	Walnut Street
Patterson Drive	Adams Street
Patterson Drive	Allen Street
Patterson Drive	Bloomfield Road
Patterson Drive	Fairview Street
Patterson Drive	Rogers Street
Patterson Drive	Third Street
Rockport Road	Rogers Street
Rogers Street	Country Club Drive
Rogers Street	Second Street
Rogers Street	Third Street
Second Street	College Mall Road
Second Street	High Street
Second Street	Walnut Street
Second Street	Walker Street
Seventeenth Street	Woodlawn Avenue
Seventeenth Street	Walnut Street
Seventh Street	Walnut Street
Sixth Street	Walnut Street
South Drive	Walnut Street
Sunrise Drive	Tenth Street
Tenth Street	Union Street
Tenth Street	Walnut Street
Tenth Street	Woodlawn Avenue
Third Street	Cory Lane
Third Street	Dunn Street

Third Street	Franklin Road
Third Street	Kimble Drive
Third Street	Landmark Avenue
Third Street	Lincoln Street
Third Street	Madison Street
Third Street	Walnut Street
Third Street	Washington Street
Third Street	Woodcrest Drive/ Hillsdale Drive
Third Street	Woodlawn Avenue
Walnut Street	Gordon Pike/ Rhorer Road
Walnut Street	Miller Drive
Walnut Street	Smith Avenue
Walnut Street	North Old SR 37
Winslow Road	Henderson Street
Winslow Road/ Country Club Drive	Walnut Street

SECTION 6. Section 15.20.020 Schedule H, "Restricted turns on red at signalized intersections", shall be amended to add the following:

RESTRICTED TURNS ON RED AT SIGNALIZED INTERSECTIONS

<b>Intersection</b>	<b>From</b>	<b>To</b>
Third Street & Indiana Avenue	East	North

SECTION 7. Section 15.24.030 Schedule J, "School speed zones", shall be amended to add the following:

SCHOOL, PARK AND PLAYGROUND SPEED ZONES

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Posted Speed</b>
Rogers Street	Sixth Street	540' North of Eighth Street	20 M.P.H.

SECTION 8. Section 15.32.030 Schedule L, "Angle Parking", shall be amended to add the following:

ANGLE PARKING

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Side of Street</b>
Howe Street	55' East of Patterson Drive	168' East of Patterson Drive	North
Prospect Street	35' East of Patterson Drive	150' East of Patterson Drive	Both

SECTION 9. Section 15.32.080 Schedule M, "No parking zones", shall be amended to add the following:

NO PARKING ZONES

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Side of Street</b>	<b>Time of Restrict</b>
Dunn Street	North Property line at 330 South Dunn Street	South Property line at 334 South Dunn Street	West	Any Time
Moravec Way	Diamond Street	40' South of the B-Line	Both	Any Time

Dunn Street	Tenth Street	Trail Alley North of Tenth Street	East	Any Time
Dunn Street	Alley North of Tenth Street	Cottage Grove	West	Any Time
Dunn Street	Cottage Grove	Eleventh Street	East	Any Time
Dunn Street	Eleventh Street	Twelfth Street	West	Any Time

SECTION 10. Section 15.32.090 Schedule N, "Limited parking zones", shall be amended to delete the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
Second Street	Fess Avenue	170' West of Fess Avenue	South	1 Hr. (3)

SECTION 11. Section 15.32.090 Schedule N, "Limited parking zones", shall be amended to add the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
Second Street	Fess Avenue	170' West of Fess Avenue	South	1 Hr. (16)
College Avenue	Seventeenth Street	50' South of Seventeenth Street	East	15 Min.
College Avenue	50' South of Seventeenth Street	270' South of Seventeenth Street	East	2 Hr.(1)
College Avenue	260' North of Tenth Street	275' North of Tenth Street	West	15 Min.
Rogers Street	Kirkwood Avenue	Sixth Street	West	2 Hr. (8)

SECTION 12. 15.32.090 Legend, "Limited parking zones", shall be amended to add a new subsection (16) to read as follows:

"(16) 8:00 a.m. to 10:00 p.m. Monday through Saturday."

SECTION 13. Section 15.32.100 Schedule O, "Loading Zones", shall be amended to add the following:

300	Block of South Washington Street, two spaces approximately 220 feet north of Smith Avenue, on the west side
-----	---

SECTION 14. Section 15.32.110 Schedule P, "Bus zones", shall be amended to add the following:

BUS ZONES

Street	From	To	Side of Street	Time of Restriction
Seventh Street	Lincoln Street	58' West of Lincoln Street	North	Any Time
Seventh Street	Grant Street	82' East of Grant Street	North	Any Time
Seventh Street	Dunn Street	67' West of Dunn Street	South	Any Time

SECTION 15. Section 15.32.150 Accessible Parking for Persons with Physical Disabilities Schedule S, shall be amended to add the following:

1200 Block of North College Avenue – 140' to 155' south of 17<sup>th</sup> Street.

SECTION 16. 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 provisions or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 17. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and publication in accordance with State law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DAVE ROLLO, President  
City of Bloomington

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance seeks to amend several sections of Title 15 of the Bloomington Municipal Code in order to make changes suggested by the following: City of Bloomington Planning & Transportation Department; City of Bloomington Police Department; City of Bloomington Fire Department; Bloomington Transit; and the City of Bloomington Traffic Commission. There are several changes that include adding regulatory signs associated with new developments; removing locations for flashing traffic signals (the determination of which is already delegated to the transportation and traffic engineer); properly identifying all signalized intersections in the City and properly identifying yield intersections. Additional changes include the following: adding a no right turn at a signalized intersection; adding a new school speed zone near Fairview Elementary; adding new no parking locations on North and South Dunn Street; adding new limited parking zones to primarily accommodate new developments; codifying an existing loading zone; adding in new bus zones on 7th Street to meet the needs of Bloomington Transit Corporation; and adding an accessible parking space at a new development on North College Avenue.

# MEMO:

To: City of Bloomington Common Council  
From: Tom Micuda, Director of Planning & Transportation Department  
Patty Mulvihill, City Attorney  
Date: November 20, 2015  
Re: Ordinance 15-27, Updates to Title 15 of the Bloomington Municipal Code

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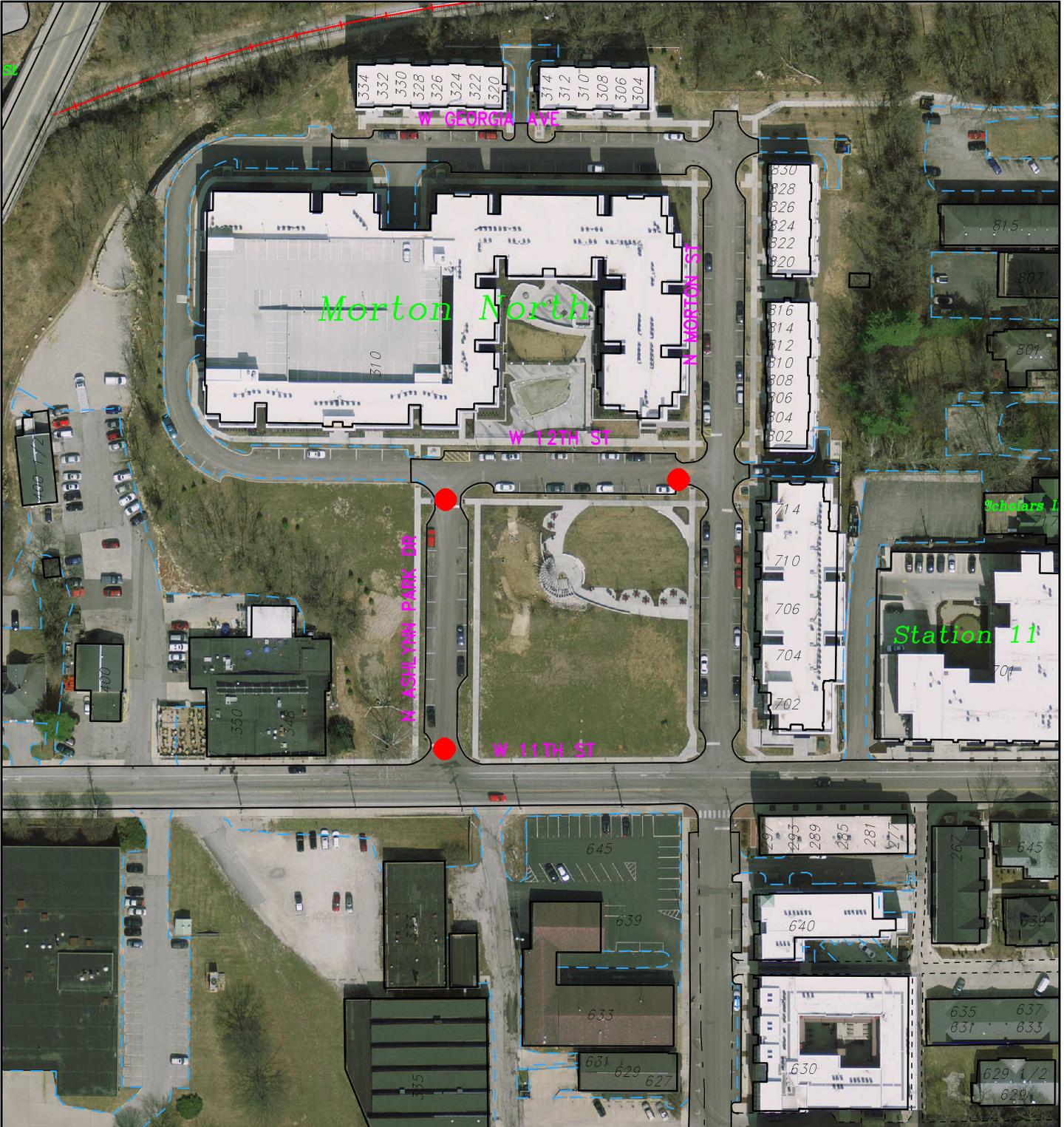
The proposed update to Title 15 of the Bloomington Municipal Code (“Code”) aligns the Code with what is on the streets of Bloomington, incorporates Traffic Commission recommendations, and makes additional changes that City staff believe to be “clean-up” in nature. Changes proposed by this Ordinance include:

- Adding twenty (20) new stop intersections to Schedule A;
  - These intersections are generally recently constructed intersections built through development that have not yet been codified
  
- Adding two (2) new multi-stop intersections to Schedule B;
  - Fullerton Pike & Leonard Springs Road – This is a temporary all-way stop associated with the I-69 Fullerton Pike detour. It has an active 90 day order but the all-way stop is anticipated to be in operation beyond 90 days
  - Hawksmoore Drive & Renwick Blvd – This is a recently constructed intersection built through development with that has not yet been codified
  
- Adding five (5) new yield intersections to Schedule C;
  - The Cathcart/Ira intersection is an existing all-way yield intersection not yet codified. Additional striping will be added so it fits the definition of a roundabout
  - The Renwick/Ramsey/Queens intersection is an existing 4-leg uncontrolled intersection with a traffic circle. Staff plans to add signage and pavement markings so the intersection can operate like a roundabout
  
- Deleting inaccurate information pertaining to pedestrian hybrid beacons;
  - Staff identified text regarding pedestrian hybrid beacons that does not apply to these traffic control devices and proposes removing the inaccurate language
  
- Updating Schedule D, the Schedule that deals with signalized intersections;
  - Five signalized intersections are added to the list
    - Leonard Springs/Tapp – This is a temporary signal associated with the I-69 Fullerton Pike detour. The signal is in operation with an active 90 day order but the signal is anticipated to be in operation beyond 90 days
    - Bloomfield/Rolling Ridge – This is a new traffic signal under construction and is anticipated to be operational in January 2016
    - 17<sup>th</sup>/Woodlawn – This is a recently constructed signal activated in November. A 90-day order is currently in place.

- Bloomfield/Basswood – This traffic signal is not yet codified
    - Walnut/Rhorer/Gordon Pike – This traffic signal is not yet codified
  - Four signalized intersections are listed twice and the duplicate listing is removed from the list
    - 3<sup>rd</sup>/Hawthorne
    - Walnut/South
    - Walnut/North
    - 3<sup>rd</sup>/Hillsdale – One location currently only lists “Hillsdale”
  - Remove columns specifying: Flasher Hours and Days; and Preferentiality
    - Traffic Commission voted to recommend removal of these columns at their June 2015 meeting to enable staff the ability to no longer operate late night flash
- Adding a new intersection to Schedule H, the Schedule that restricts turns on a red light;
  - Traffic Commission voted to recommend restricting right turns on red at the 3<sup>rd</sup>/Indiana intersection (westbound to northbound) at their February 2015 meeting.
- Adding a new school speed zone to Schedule J;
  - Traffic Commission voted to recommend implementation of a 20mph school speed zone on Rogers from 6<sup>th</sup> Street to the B-Line trail (Fairview Elementary) at their June 2015 meeting.
- Adding two new locations for angled parking in Schedule L;
  - These are existing uncoded angle parking locations constructed through development
- Adding six (6) new no parking zones to Schedule M;
  - South Dunn Street – This is an active 90-day order restricting parking in front of 330 and 334 S Dunn Street per Fire Department’s request so they are able to maneuver their fire engines through the Atwater-Dunn connection when responding to emergencies
  - North Dunn Street - Traffic Commission voted to recommend implementation of a no parking zone on the west side of N Dunn from E 10<sup>th</sup> Street to E 12<sup>th</sup> Street at their October 2015 meeting per Public Work’s request. Upon further examination staff refined the recommendation to alternate sides of the street parking restrictions are in place to minimize loss of parking and avoid impacting two codified 15-minute parking spaces
  - Moravec Way – This is a segment of a road built through development

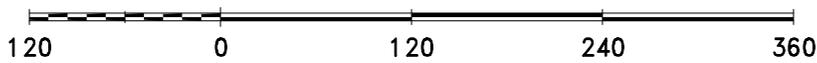
- Adding five (5) new limited parking zones to Schedule N;
  - Second Street - Traffic Commission voted to recommend extending the current day and time parking regulation in front of Bloomingfoods (per Bloomingfoods request) at their August 2015 meeting.
  - College Avenue - Traffic Commission voted to recommend designating some 15 minute parking spaces in front of two Cedarview Management properties (per Cedarview Management's request) and designating a two hour parking limit in front of one of these properties at their October 2015 meeting.
  - Rogers Street – Parking enforcement identified an existing two hour parking zone not in code
  
- Adding a new time constraint that is applicable to the Limited Parking Zones in Schedule N;
  - Traffic Commission voted to add a new day and time parking regulation as a part of the above listed Second Street proposal at their August 2015 meeting.
  
- Adding a new loading zone to Schedule O;
  - Staff identified an existing loading zone for Middle Way House not yet in code
  
- Adding three (3) new bus zones to Schedule P; and
  - Traffic Commission voted to add three bus zones on 7<sup>th</sup> Street at their September 2015 meeting. This is in response to a Bloomington Transit inquiry. Bloomington Transit committed to relocating some of their bus stops and installing bus pads
  
- Adding a new handicap parking space in the 1200 block of North Walnut Street.
  - Traffic Commission voted to recommend adding an ADA parking space to meet ADA requirements at their October 2015 meeting.

# Map 1



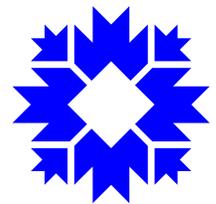
SECTION 1. Section 15.12.010 Schedule A, "Stop Intersections", shall be amended to add the following:  
**STOP INTERSECTIONS**

By: kehrberg  
 20 Nov 15



For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation

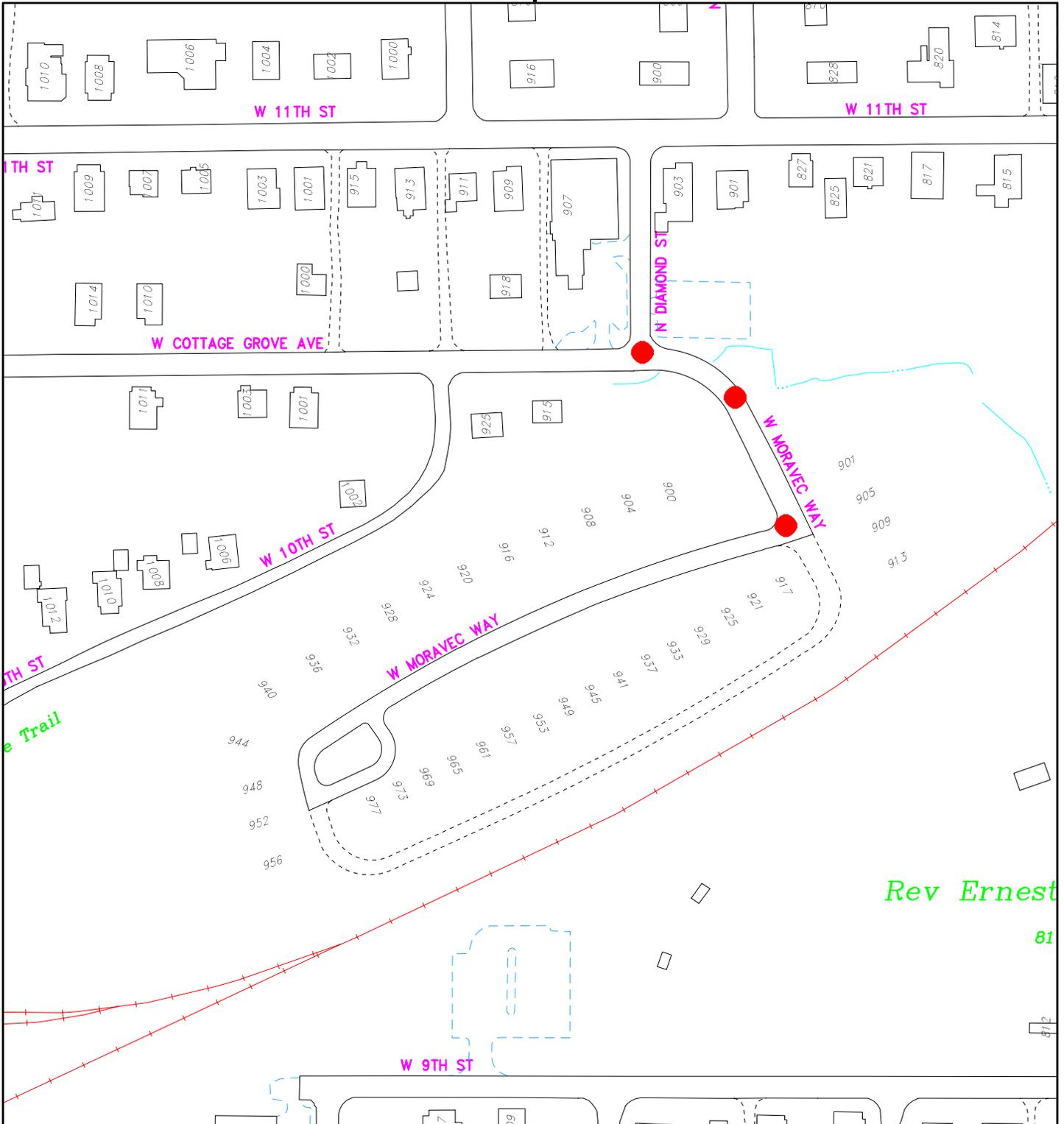


Scale: 1" = 120'



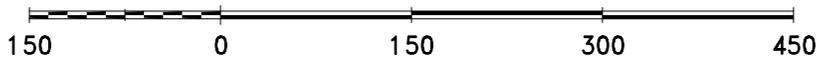


# Map 3



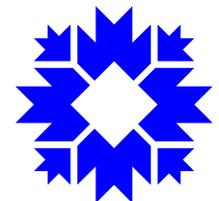
SECTION 1. Section 15.12.010 Schedule A, "Stop Intersections", shall be amended to add the following:  
**STOP INTERSECTIONS**

By: kehrberp  
 20 Nov 15



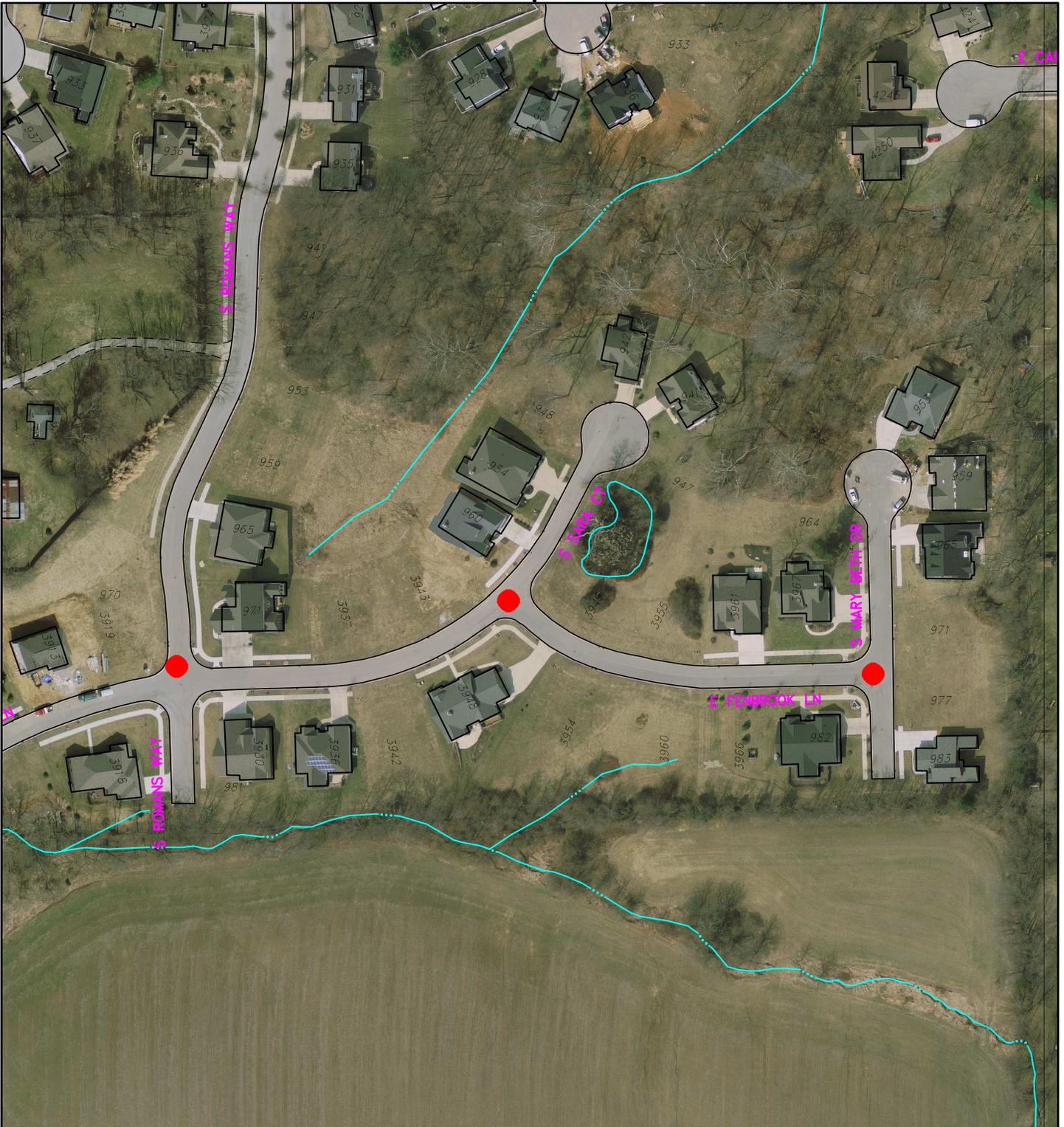
For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation



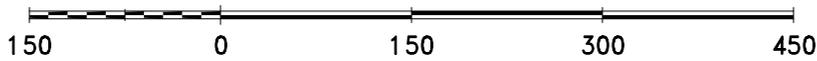
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# Map 4

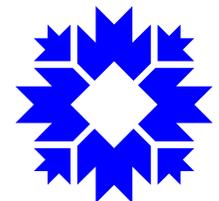


SECTION 1. Section 15.12.010 Schedule A, "Stop Intersections", shall be amended to add the following:  
STOP INTERSECTIONS

By: kehrberg  
20 Nov 15



N



Scale: 1" = 150'

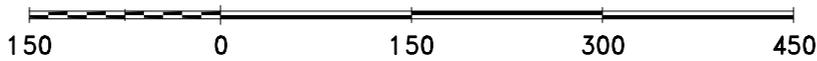
For reference only; map information NOT warranted.

# Map 5

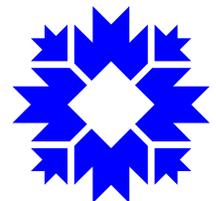


SECTION 1. Section 15.12.010 Schedule A, "Stop Intersections", shall be amended to add the following:  
STOP INTERSECTIONS

By: kehrberg  
20 Nov 15



City of Bloomington  
Planning & Transportation

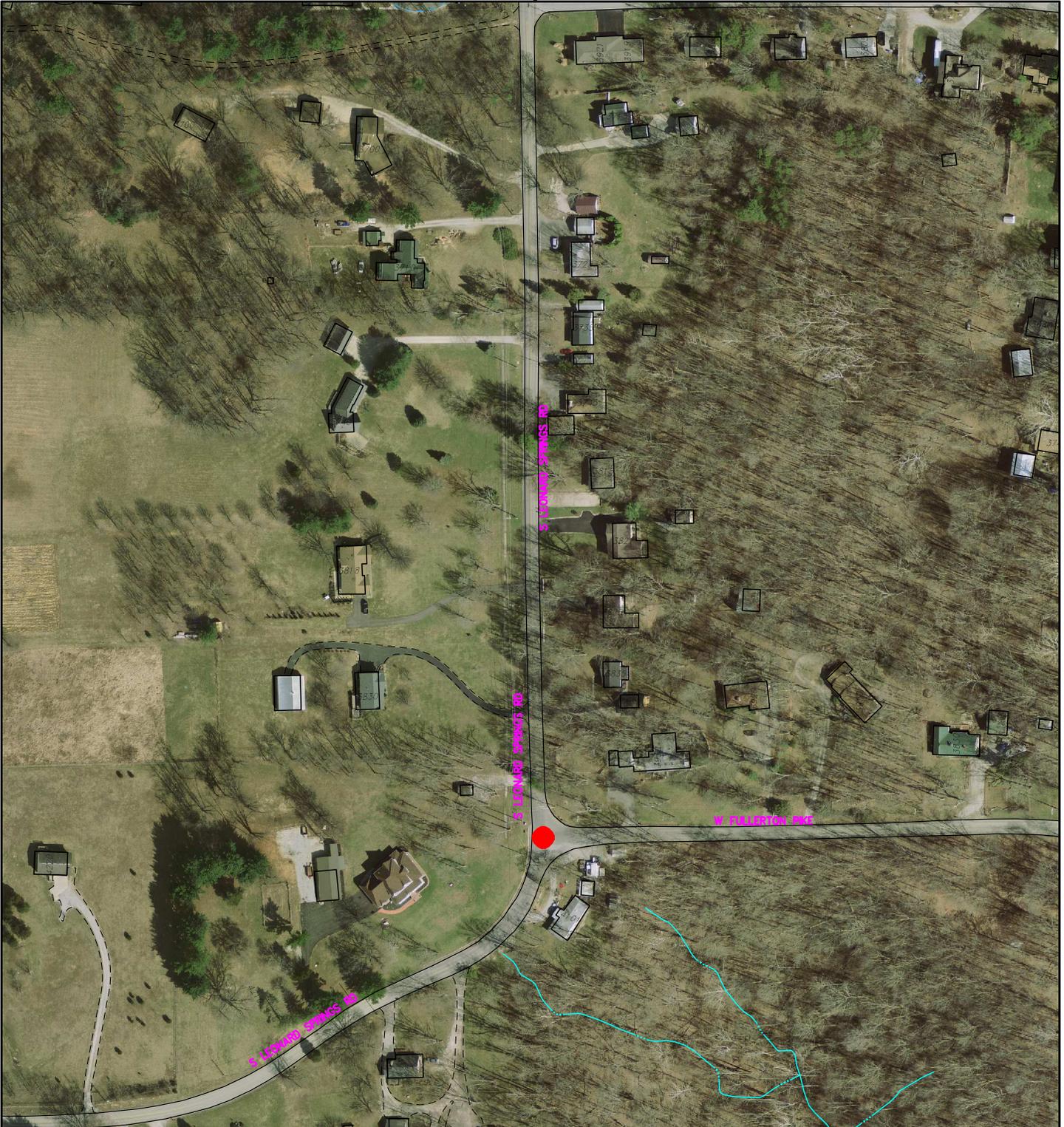


Scale: 1" = 150'

For reference only; map information NOT warranted.

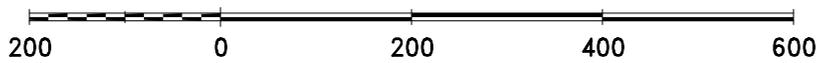


# Map 7



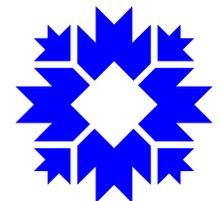
SECTION 2. Section 15.12.010 Schedule B, "Stop Intersections", shall be amended to add the following:  
**MULTI-STOP INTERSECTIONS**

By: kehrberg  
20 Nov 15



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation

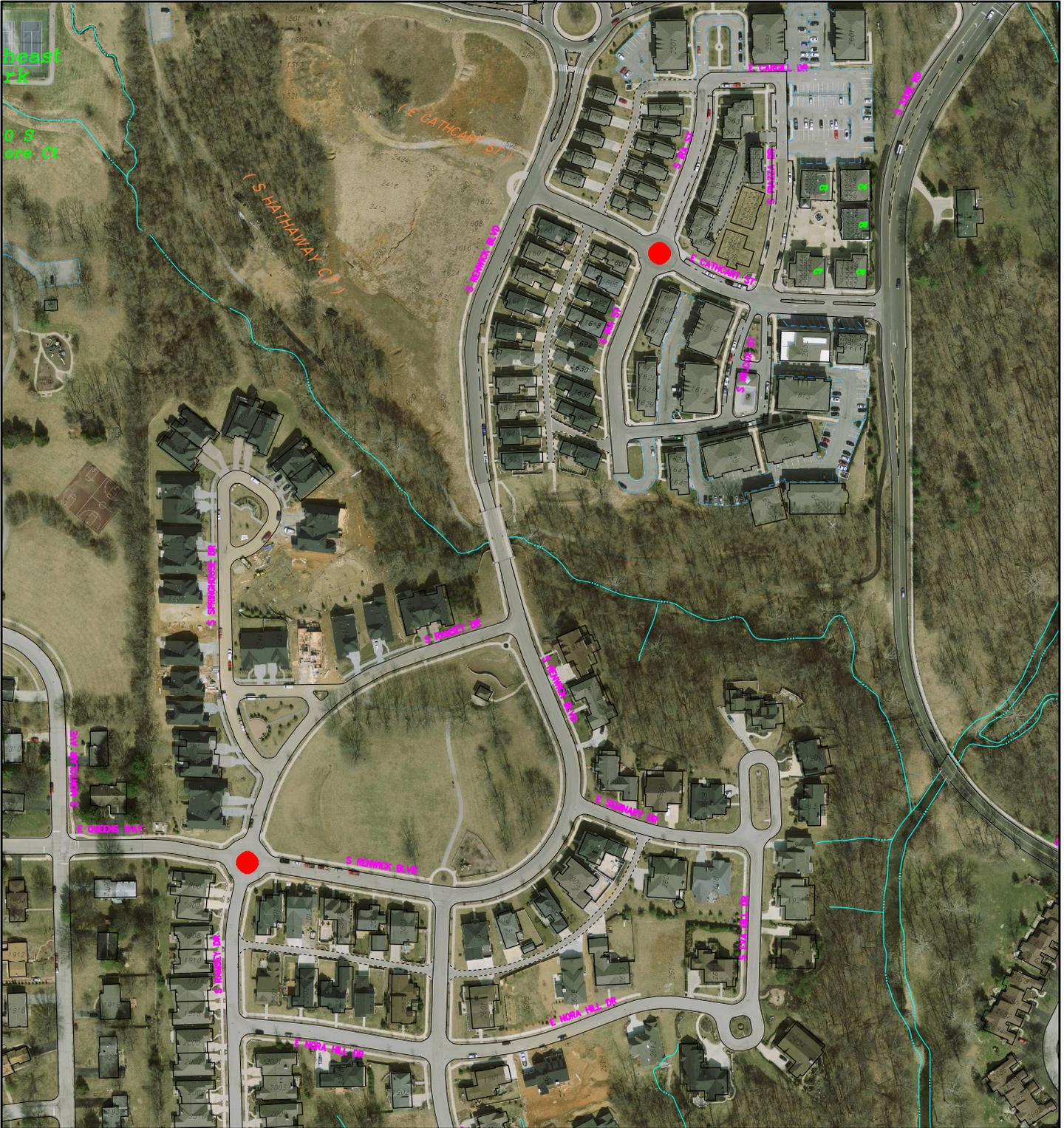


Scale: 1" = 200'





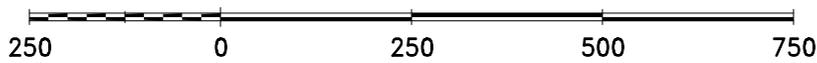
# Map 9



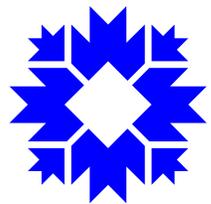
SECTION 3. Section 15.12.020 Schedule C, "Yield Intersections", shall be amended to add the following:

YIELD INTERSECTIONS

By: kehrberg  
20 Nov 15



City of Bloomington  
Planning & Transportation



Scale: 1" = 250'

For reference only; map information NOT warranted.



# Map 11

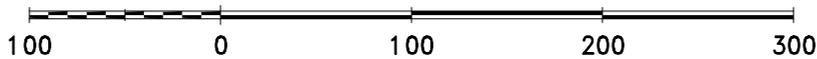


Section 6. Section 15.20.020 Schedule H. "Restricted turns on red at signalized intersections", shall be amended to add the following:

Restricted Turns on Red

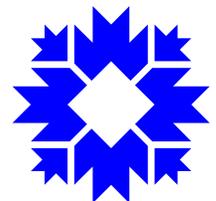
By: cibora

20 Nov 15



For reference only; map information NOT warranted.

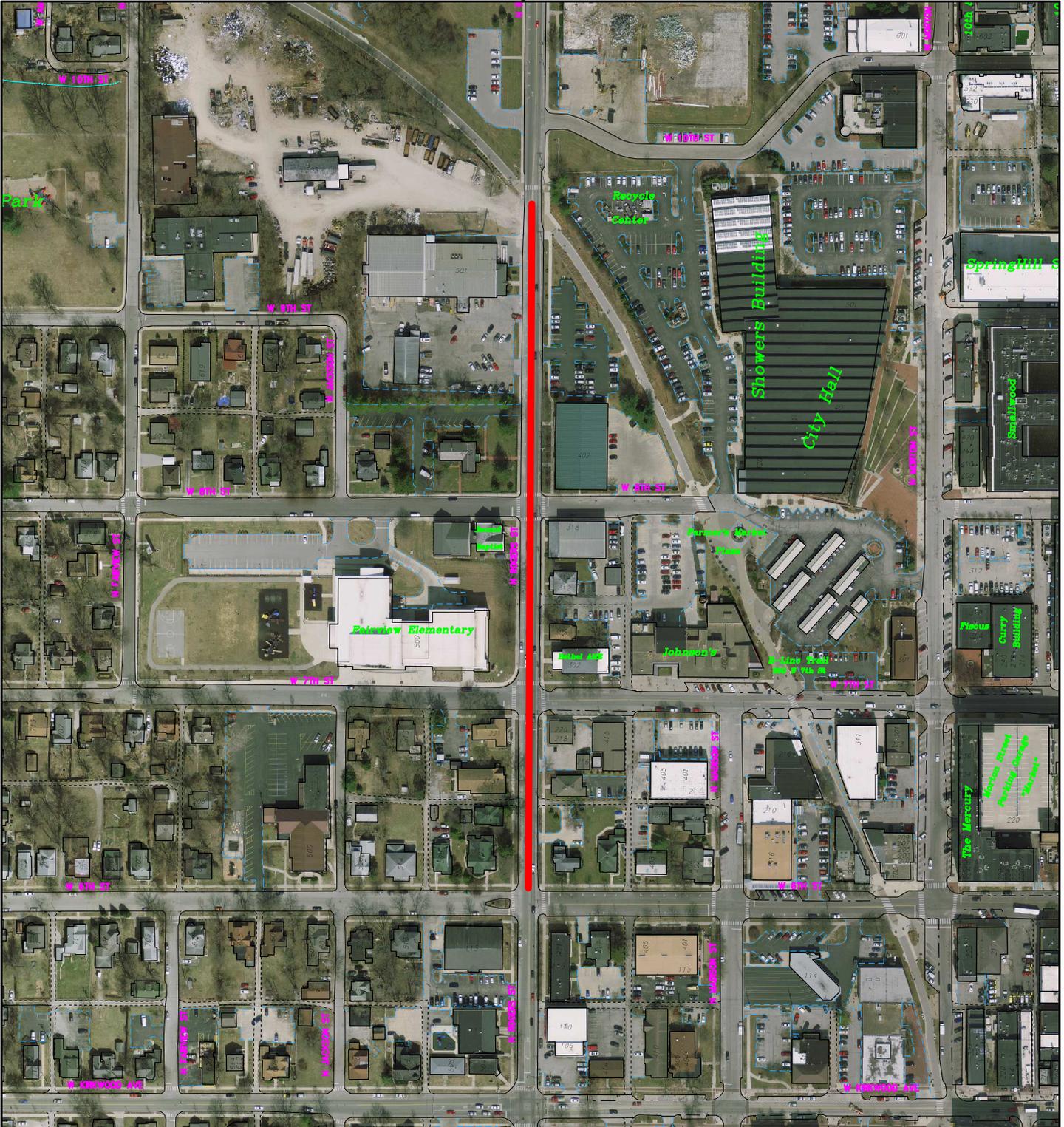
City of Bloomington  
Planning & Transportation



N

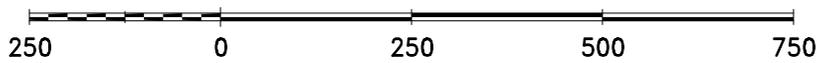
Scale: 1" = 100'

# Map 12

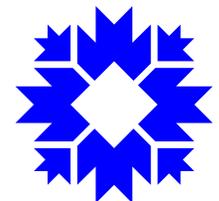


Section 7. Section 15.24.030 Schedule J. "School Speed Zones", shall be amended to add the following:  
School Speed Zone

By: cibora  
20 Nov 15



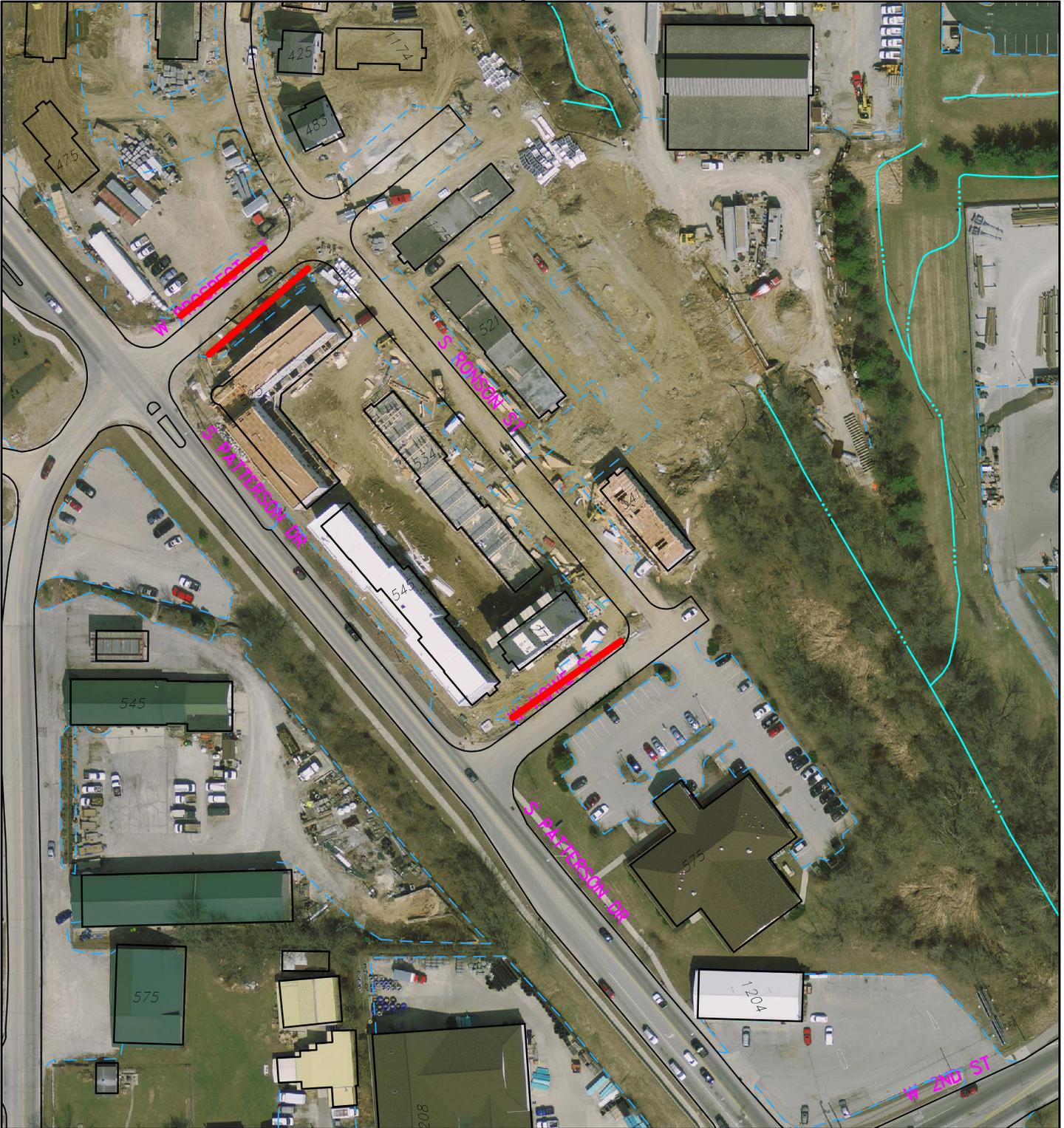
City of Bloomington  
Planning & Transportation



Scale: 1" = 250'

For reference only; map information NOT warranted.

# Map 13

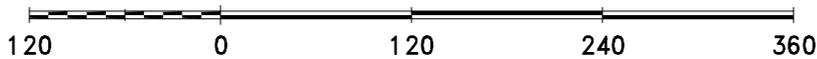


SECTION 8. Section 15.32.030 Schedule L, "Angle Parking", shall be amended to add the following:

**ANGLE PARKING**

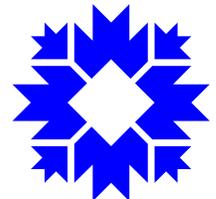
By: kehrberg

20 Nov 15



For reference only; map information NOT warranted.

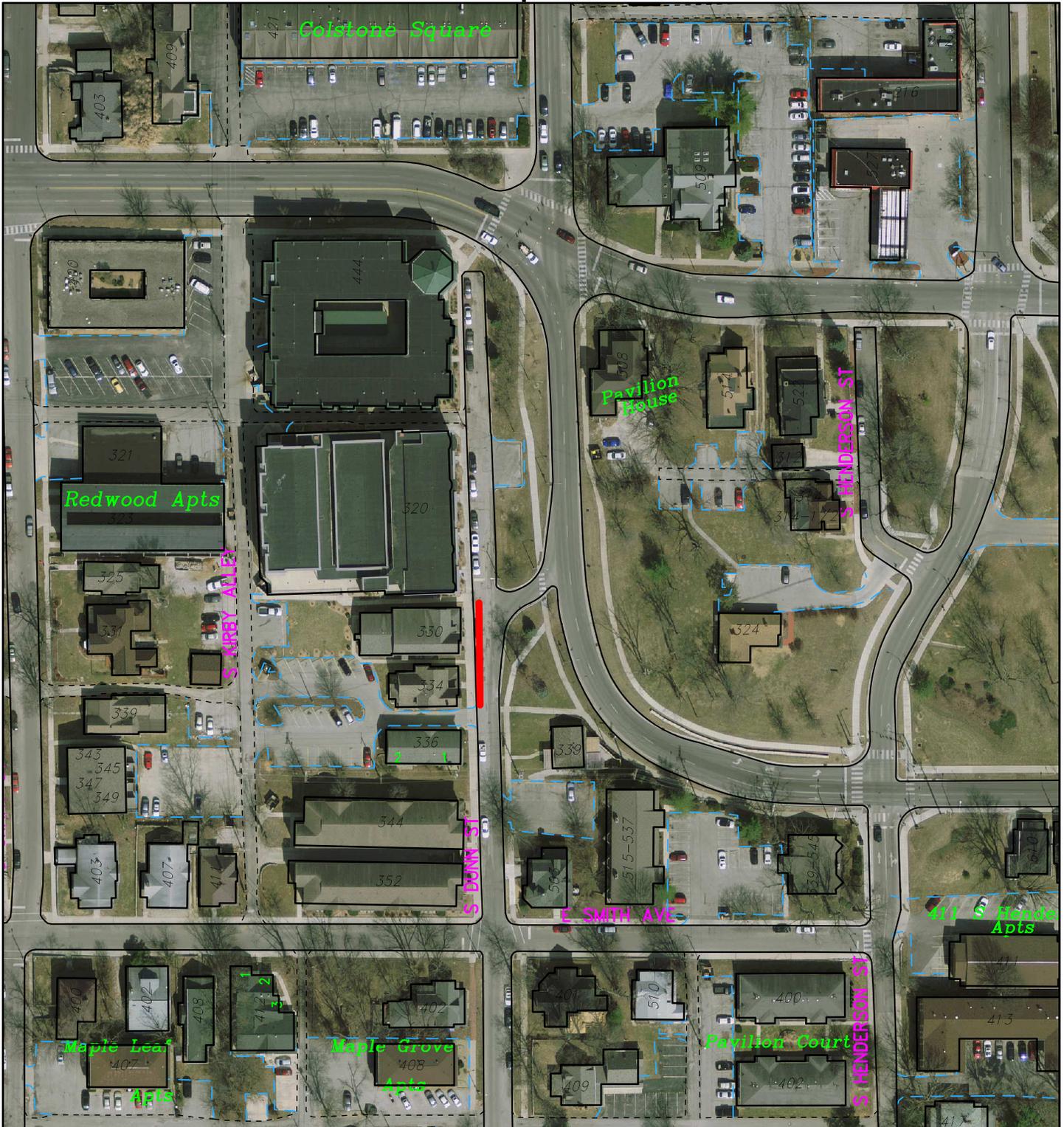
City of Bloomington  
Planning & Transportation



Scale: 1" = 120'



# Map 14

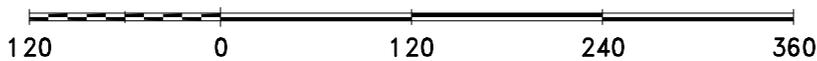


SECTION 9. Section 15.32.080 Schedule M, "No Parking Zones", shall be amended to add the following:

**NO PARKING ZONES**

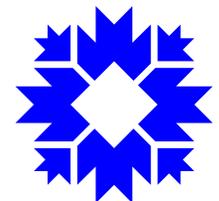
By: kehrberg

20 Nov 15



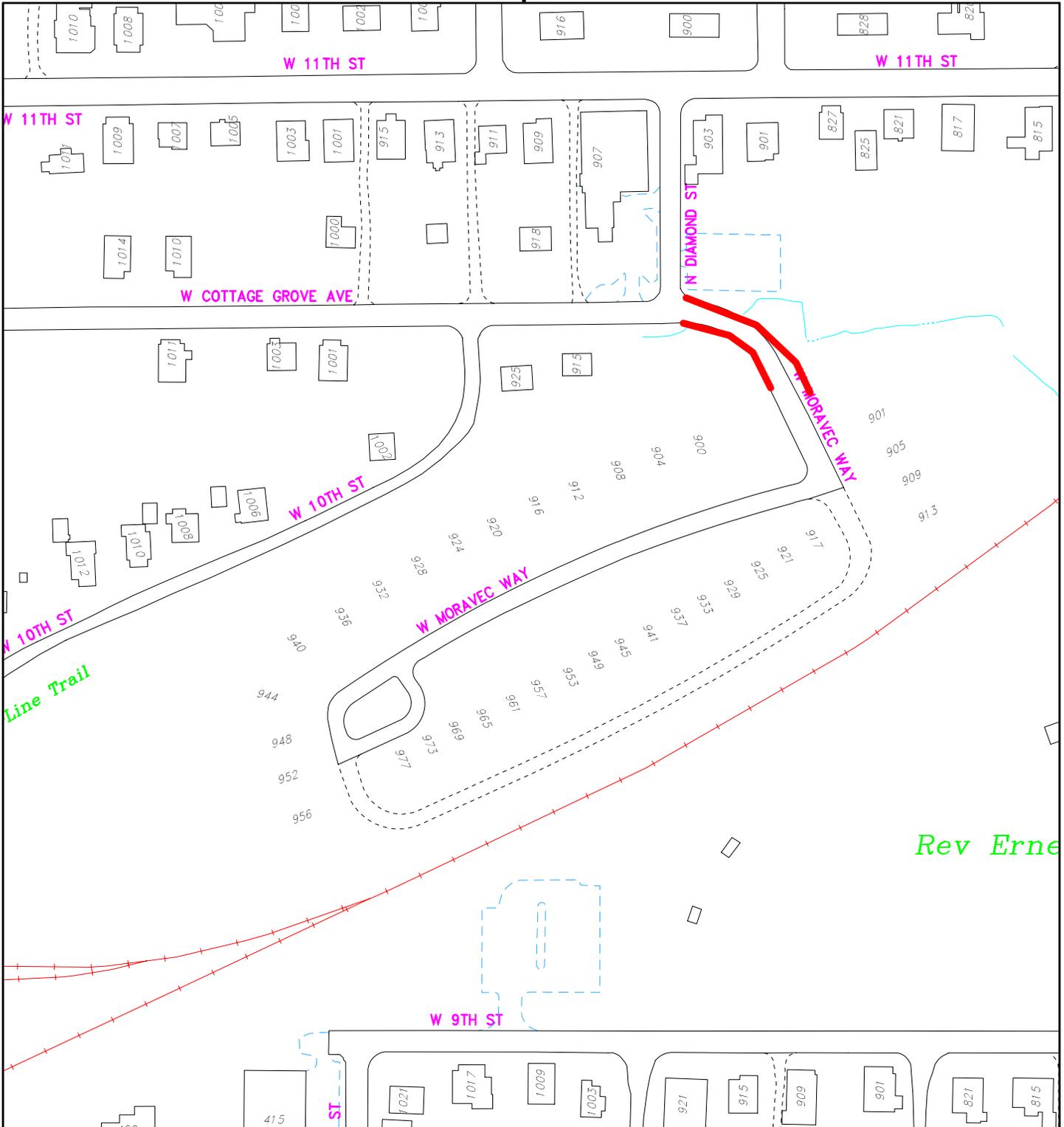
For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



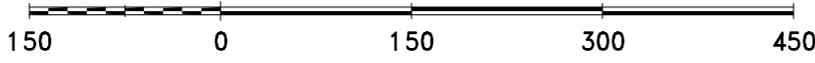
Scale: 1" = 120'

# Map 15



SECTION 9. Section 15.32.080 Schedule M, "No Parking Zones", shall be amended to add the following:  
**NO PARKING ZONES**

By: kehrberg  
 20 Nov 15



City of Bloomington  
 Planning & Transportation

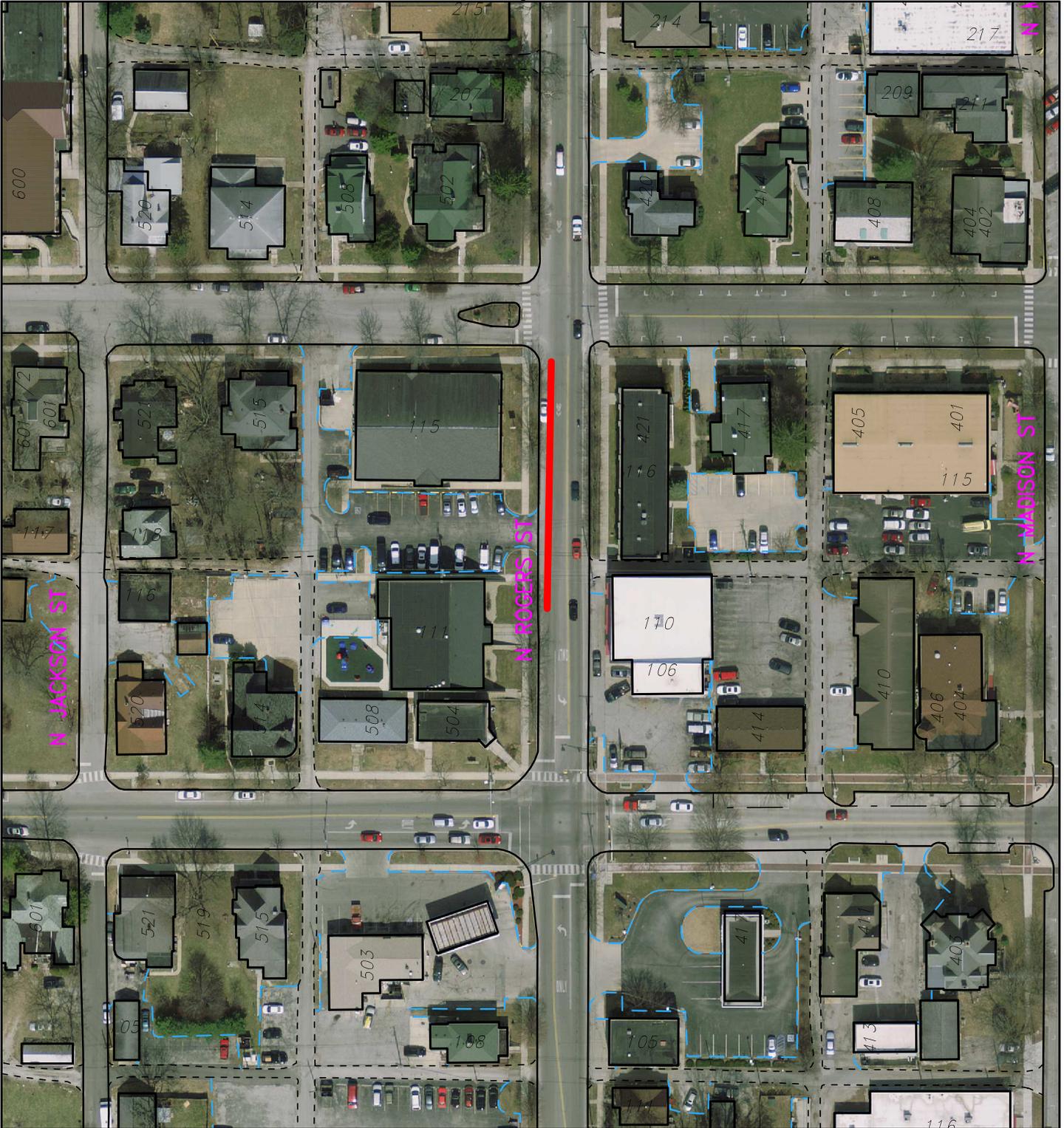
Scale: 1" = 150'

For reference only; map information NOT warranted.





# Map 18



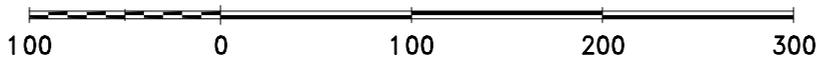
Section 10. Section 15.32.090 Schedule N, "Limited Parking Zones",

shall be amended to add the following:

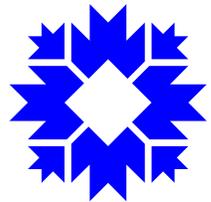
**LIMITED PARKING ZONES**

By: cibora

20 Nov 15



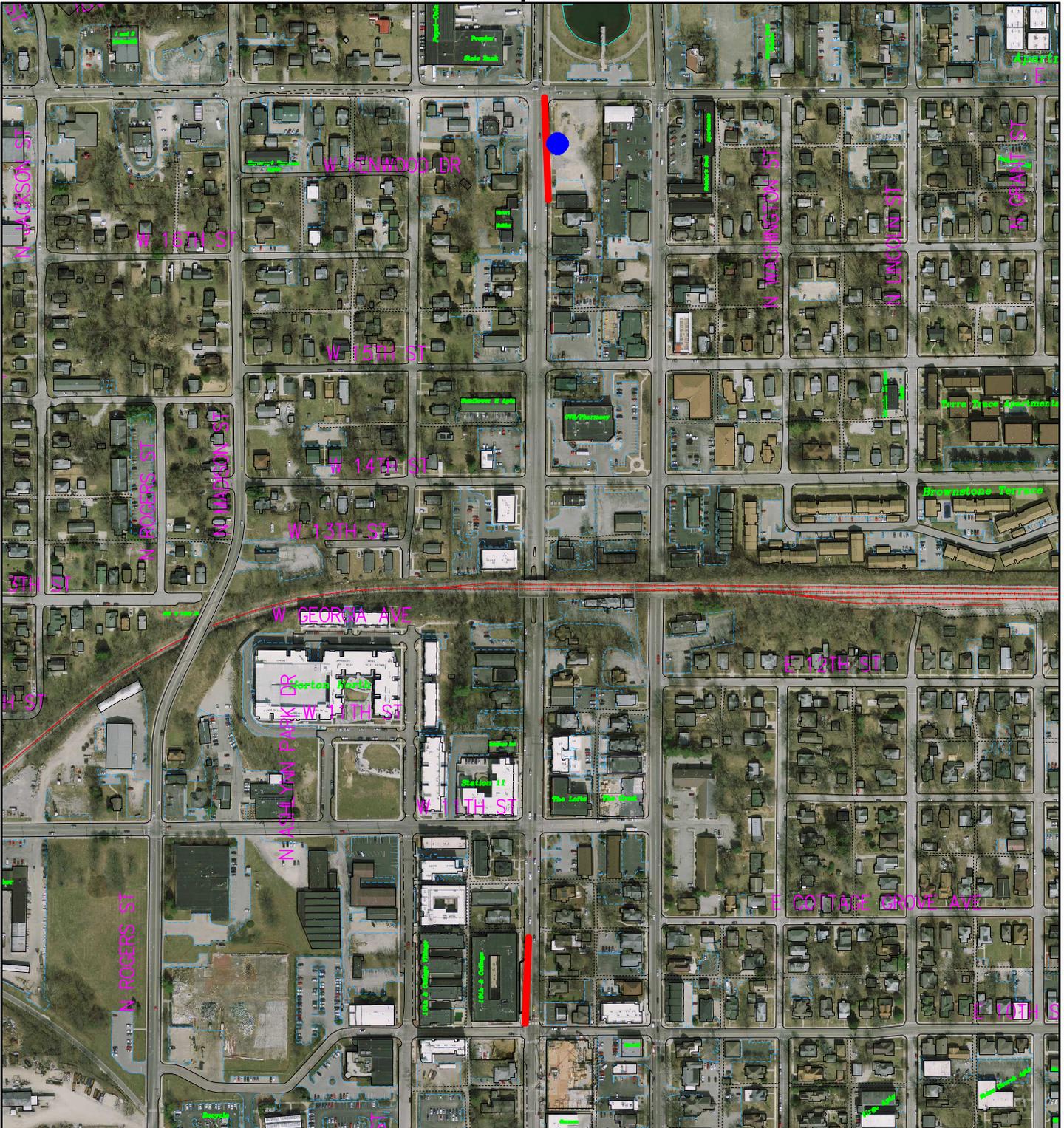
City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

# Map 19



Section 10. Section 15.31.090 Schedule N, "Limited Parking Zones", shall be amended to add the following:

### LIMITED PARKING ZONES

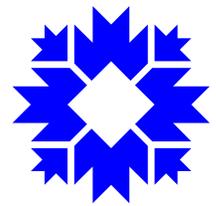
Section 15.32.150 Accessible Parking for Persons with Physical Disabilities

By: cibora

20 Nov 15



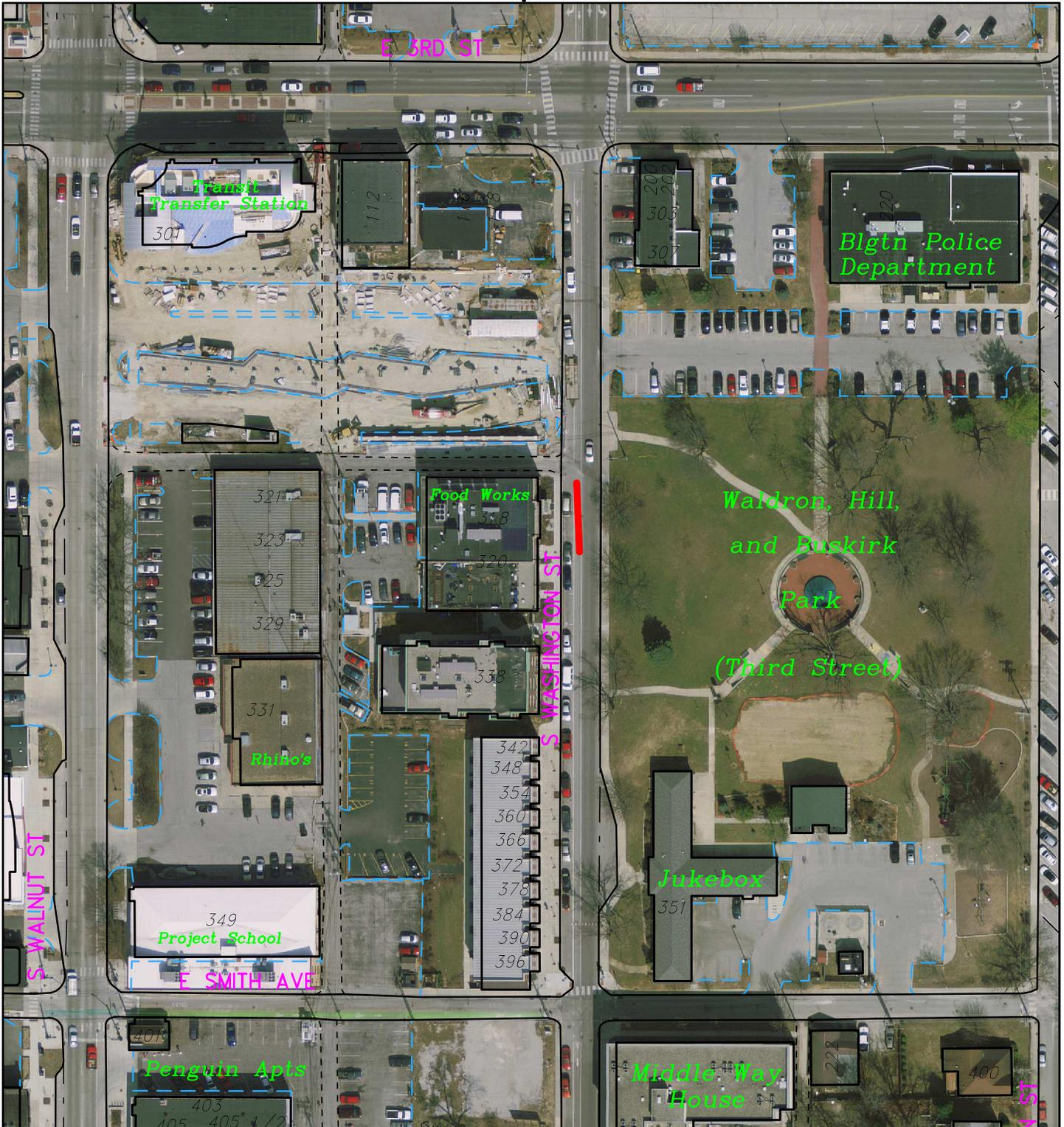
City of Bloomington  
Planning & Transportation



Scale: 1" = 400'

For reference only; map information NOT warranted.

# Map 20

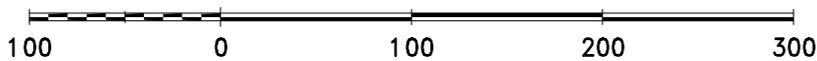


Section 12. Section 15.32.100 Schedule 0, "Loading Zones", shall be amended to add the following:

**LOADING ZONE**

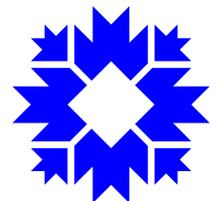
By: cibora

20 Nov 15



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

# W 7th St Bus Stop Relocation Proposal

- \* Relocation of 3 transit stops
- \* Net removal of 5 on-street metered parking spaces



## Benefits to BT Transit:

- \* Improves accessibility of transit stops located behind on-street parking.
- \* Creates pull-off areas to reduce crash hazards for vehicles passing buses in the opposite direction.

### Legend

- ★ BTransitBusStops
- ★ Relocation
- EdgeOfPavement
- BTransitBusRoutes
- 6
- 9cwe



**ORDINANCE 15-28**

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
“ADMINISTRATION AND PERSONNEL” -**

**Re: Amending Chapter 2.21 Entitled “Department of Law”  
to Remove the Voluntary Nature of Investigation and Mediation of  
Complaints Based on Sexual Orientation Discrimination  
and Gender Identity Discrimination**

WHEREAS, the City of Bloomington (the “City”) seeks to protect its citizens in the enjoyment of civil rights and to promote mutual understanding and respect among all who live and work within our community; and

WHEREAS, prejudice, intolerance, and discriminatory practices directly and profoundly threaten the rights and freedom of Bloomington residents and our imperil our collective well-being; and

WHEREAS, It is the policy of the City that it does not discriminate in the provision or implementation of its programs and services on the basis of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran. It is the public policy of the City to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran, since such segregation is an impediment to equal opportunity (Bloomington Municipal Code §2.21.020); and

WHEREAS, Equal protection of individuals based on sexual orientation and gender identity has been a policy of the City for decades:

- In 1975, sexual orientation was first added to the City’s Human Rights Ordinance; however, the provision became void upon a declaration that the Indiana Civil Rights Law in effect at the time was unconstitutional;
- In 1993, the City added sexual orientation back into the City’s Human Rights Ordinance as a quasi-protected class;
- In 2006, the City added gender identity as a quasi-protected class; and

WHEREAS, while Bloomington has long afforded protections based on sexual orientation and gender identity, State law has lagged behind; the Indiana Civil Rights Law, I.C. §§ 22-9-1-1 to -17 does not explicitly enumerate “sexual orientation” and “gender identity” as protected categories; however, State law does provide that it is impermissible to discriminate against a person based on “sex;” and

WHEREAS, operating under the constraints of the Indiana Home Rule Act, I.C. §§ 36-1-3-1 to -9, the Bloomington Municipal Code provides that the Human Rights Commission’s authority to pursue complaints of discrimination based on sexual orientation and gender identity is typically limited to voluntary investigation and voluntary mediation; and

WHEREAS, in 2006, the City amended the Bloomington Municipal Code to make it clear that the Commission’s attorney may pursue complaints of discrimination based on sexual orientation and/or gender identity as forms of sex discrimination when warranted by the circumstances and the state of the law; and

WHEREAS, since 2006, interpretation of laws protecting the rights of those suffering discrimination on the basis of sexual orientation and gender identity has rapidly changed, with some federal courts and administrative agencies holding that sexual orientation and gender identity are forms of sex discrimination, and therefore, entitled to full protection under relevant federal law; and

WHEREAS, the Indiana Supreme Court has held that Indiana courts often look to federal case law for guidance in interpreting the Indiana Civil Rights Law and similar ordinances; while federal interpretations of federal laws are not binding on Indiana courts, such interpretations are persuasive and often given deference by Indiana courts; and

WHEREAS, due to the evolution in case law, the Council and the Mayor wish to extend full protection to the categories of sexual orientation and gender identity, thereby removing the voluntary nature of investigation and mediation of complaints based on these categories; and

WHEREAS, this change, and the City's Human Rights policy *in toto*, serves a compelling governmental interest and is the least restrictive means of furthering this interest; and

WHEREAS, extending full protection to the categories of sexual orientation and gender identity is the right thing to do;

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

SECTION 1. Bloomington Municipal Code 2.21.150, "Complaints of sexual orientation discrimination, gender identity discrimination or housing status discrimination" shall be amended to remove references to "sexual orientation" and "gender identity." The provision shall be amended in the following manner:

First, the heading shall be amended to read "Complaints of housing status discrimination." and this heading shall also be reflected in the table of contents for Bloomington Municipal Code Chapter 2.21.

Second, the body of this section shall be amended to read as follows:

In complaints of discrimination on the basis of housing status discrimination, the commission's authority shall typically be limited to voluntary investigations and voluntary mediation.

SECTION 2. The City's Human Rights policy shall be enforced within the limits provided by statutory and Constitutional law.

SECTION 3. 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 the end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor, and any promulgation when required by law.

PASSED by the Common Council of the City of Bloomington on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

Attest:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

Presented by me to the Mayor of the City of Bloomington, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

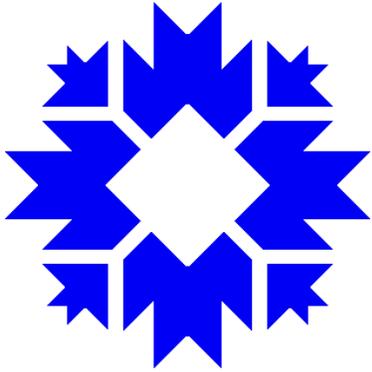
\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

Signed and approved by me, the Mayor of the City of Bloomington, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance is sponsored by Councilmember Neher and amends the Bloomington Municipal Code to extend full protection to the classes of “sexual orientation” and “gender identity.” This shift is informed by changing judicial and agency interpretation of the laws protecting these categories. Such changing interpretations increasingly locate sexual orientation discrimination and gender identity discrimination within the protected category of sex discrimination. Location of these classes within the protected category of sex provides the City with a defensible position in calling for mandatory, rather than voluntary, compliance with the Bloomington Municipal Code’s prohibition against sexual orientation discrimination and gender identity discrimination.



## MEMORANDUM

### CITY OF BLOOMINGTON Office of the Common Council

**To: Councilmembers**  
**From: Darryl Neher, Councilmember, District V**  
**Date: 25 November 2015**  
**Re: Ordinance 15-28: to Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” ( Re: Amending Chapter 2.21 Entitled “Department of Law” To Remove the Voluntary Nature of Investigation and Mediation of Complaints Based on Sexual Orientation and Gender Identity Discrimination)**

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Ordinance 15-28 removes the voluntary nature of investigation and mediation of complaints based on sexual orientation discrimination and/or gender identity discrimination. Rather than voluntary, under this proposal compliance with the City’s provisions prohibiting discrimination against LGBT residents will be mandatory. As explained in further detail in the memo from Council staff, courts and administrative agencies are increasingly finding that sexual orientation discrimination and gender identity discrimination are forms of sex discrimination. While the Indiana Code does not explicitly enumerate sexual orientation and gender identity as protected classes, State statute does provide for protection from discrimination based on sex. I am sponsoring this shift from voluntary to mandatory compliance with the support of Mayor Kruzan. I am sponsoring the change both because the state of the law warrants it and because it is the right thing to do.

Bloomington has long led the way in protecting residents suffering from sexual orientation and gender identity discrimination. In 1975, Bloomington added sexual orientation to our human rights ordinance, a measure that was later voided when the Indiana Civil Rights Law in effect at the time was declared unconstitutional. In 1993, we added the sexual orientation back into our local code, despite protest because it was the right thing to do. In 2006, we added protection for gender identity into our local code because it was the right this to do. In 2015, full protection for our LGBT residents is long overdue. Rather than waiting on the Indiana State Legislature to do what is right, it’s important that we make clear that nondiscrimination against our LGBT community members is not a voluntary matter. It is compulsory.

Expressing our collective local voice becomes even more urgent as some Indiana lawmakers have proposed legislation that would erode the ability of local governments to protect their residents from discrimination. While the measure purports to add sexual orientation and gender identity discrimination as protected classes, the measure treats LGBT Hoosiers unequally and exacts more harm than protection. Its transgressions are numerous. I highlight just a handful below.

While the bill is an attempt to repair our State's image after the Religious Freedom and Restoration Act controversy, the bill does not reflect inclusiveness. Instead, the bill actually sanctions discrimination against LGBT residents. Small businesses with fewer than four employees are free to discriminate in providing goods and services to same-sex couples. Religiously-affiliated hospitals and social service providers, such as foster care and adoption agencies, receiving taxpayer money may discriminate based on their religious views on marriage. The bill further provides that local governments cannot deny contracts to agencies who discriminate based on such beliefs. The measure also inexplicably requires that those suffering from gender-identity discrimination "prove" their gender identity and reinforces myths about transgender people by requiring that one's identity must be "sincerely held, part of the individual's core identity, and not being asserted for an improper purpose." In addition, the bill contains punitive measures for those seeking to file complaints based on gender identity and sexual orientation discrimination, thereby having a chilling effect on equality.

Not only does the proposal enumerate many wrong-headed, radically unequal provisions, the bill also would require local communities – communities with a long-standing policies against prejudice, intolerance, and discriminatory practices – to follow the State mandate. The bill prohibits any community from passing legislation that extends beyond, is stricter than, or conflicts with State law. That means that our effort to extend full and meaningful protection to all Bloomington residents would be nullified, and local control and local ethos would be expunged in favor of a fear-based unequal law that does not reflect the will of our community.

At its heart, our municipal code is our shared civil code for living together. Informed by common values, it is a document we use to constitute ourselves as a community. It is in this spirit that I respectfully request your support of Ordinance 15-28.

**TO:** Members of the Bloomington Common Council

**FROM:** Barbara E. McKinney, Director, BHRC/Assistant City Attorney

**RE:** Proposed amendments to the Bloomington Human Rights Ordinance

**DATE:** 11/24/15

I strongly support any steps that the City of Bloomington can take to ensure that no one is discriminated against in employment, public accommodations or housing on the basis of their sexual orientation or gender identity. I am confident that every member of the Bloomington Human Rights Commission is equally supportive of such measures.

I believe that the amendment drafted by Stacy Rhodes is a reasonably legally defensible attempt to achieve this shared goal. It's possible that Indiana courts will not agree with defining sexual orientation or gender identity discrimination as forms of sex discrimination. It's also possible that the Indiana state legislature will clarify in 2016 that local governments have no authority to go beyond what the Indiana Civil Rights Law provides, and will define "sexual orientation" and "gender identity" inconsistently with how those terms are interpreted in Stacy's draft. But I believe that Stacy's proposal is a good faith step in the right direction.

I am truly sorry that I am unable to attend the council meetings on December 2 and 9. I am confident that City Attorney Patty Mulvihill will be able to address any concerns you might have at the meeting, and I am of course willing to talk to you about those concerns as well.

Thank you.

In the Council Chambers of the Showers City Hall on Wednesday, May 7, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
May 7, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler,  
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes for the Regular Sessions of February 19, 2014 were approved by a voice vote.

APPROVAL OF MINUTES

Marty Spechler spoke about Stanford University's decision to cease investments in the coal industry. He felt that universities should not make political statements and should use their endowments to ensure more low income individuals could afford a university education. However, he urged Indiana University to cease their own coal usage on campus. He said switching to clean coal was not enough to preserve the environment, and he said the only viable way to prevent climate change would be to use a new way to generate electric power: fusion energy.

REPORTS

- COUNCIL MEMBERS

Steve Volan congratulated everyone who made it through the academic year.

Tim Mayer wished all graduating students the best, and he wished everyone a happy Mother's Day.

Dorothy Granger thanked everyone who voted in the previous day's primary election.

Susan Sandberg reminded those in attendance that the following evening the Jack Hopkins Social Services Funding Committee would be hearing from organizations that were seeking funding. She felt it was important to invest in social services in the community.

Chris Sturbaum quoted four lyrics from the Beatles:

*I'm fixing a hole where the rain gets in  
I have to admit it's getting better all the time  
I get by with a little help from my friends, and  
with our love we can save the world*

Gracia Valliant, Commissioner from the Commission on Hispanic and Latino Affairs, gave a report from the Commission that included the creation of a four step strategic plan: procuring funds for educational and cultural events; coordinating or networking among Latino organizations; advancing a research program on Latinos in Bloomington in order to fill gaps in knowledge; and garnering a more public image through use of media, press releases, and distribution of information. She said the commission would also hold public events to discuss issues facing the Latino community, raise funding for research projects, and garner understanding of how documented and undocumented Latinos access the complex network of education, employment, and healthcare in the local economy.

- The MAYOR AND CITY OFFICES

Israel Herrera, President of the Commission on Hispanic and Latino Affairs, spoke about the educational programs the Commission began with the Monroe County Community School Corporation. He said that the commission was working to introduce Spanish Language courses for after-school elementary programs. He said that IU and the Commission had begun the process of incorporating educational opportunities for Latinos throughout the community.

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

President Neher called for public comment.

- PUBLIC

Tonia Matthew read a poem entitled “Cement Truck” in honor of National Poetry Month.

Kay Bull talked about low-profile police cars and speeding drivers on the road where she lived.

It was moved and seconded that Abigail Pietsch be appointed to the Traffic Commission.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

The motion was approved by a voice vote.

#### LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Ordinance 14-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 3-1-4.

It was moved and seconded that Ordinance 14-07 be adopted.

Ordinance 14-07 An Ordinance to Amend Ordinance 13-16 which Fixed Salaries for Certain City of Bloomington Employees for the Year 2014 and to Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: To Centralize City Accounting and Purchasing Functions by Moving Positions to the Office of Controller and to Authorize the Controller to Appoint a Deputy

Sue West, City Controller, explained that the ordinance was a step towards centralizing accounting functions within the city. She said the goal was to prevent purchasing authority and receipt of payments from being done department by department. She said the ordinance was part of the plan presented to the council earlier in the year to put in place better safeguards for city assets, internal control, and segregation of duties.

#### Council Questions:

Volan asked if the seven positions in the ordinance would physically move into the controller’s office and what the purchasing manager would do. West said that some would; she gave the example of customer service which would remain in their current office. She said there was enough space for the additional workplaces needed in the controller’s office. She explained that the purchasing manager would handle every purchase needed for city departments.

Volan asked if there would be cost saving from centralizing purchases. West explained that having one purchasing manager would prevent departments from purchasing the exact same item multiple times when they could be sharing the resources.

Spechler asked if any employee affected by the ordinance would have their salary reduced or their working conditions made more difficult. West said that there would be more training for those individuals and more support from other controller employees. She said no salaries would be reduced.

Granger asked how staff were told about the upcoming changes. West said that the decentralization of purchasing was done three years prior, but those given the new duties were not trained properly. John Whikehart, Deputy Mayor, explained that he had personally met with individuals affected by the change and worked with them to create a description of their necessary duties. He said that the shifting in duties would result in an increased salary for some employees in the 2015 budget. He said that change was always unsettling, but the administration needed these employees help in ensuring that no duties were lost in the change.

Volan asked how many employees were involved in the conversations surrounding the changes. Whikehart said that seven employees were affected and all were involved in the discussion. One position was eliminated and a new one was created to replace it.

Volan asked if any employees were involved in the discussion that were not directly affected but worked with individuals who were. Whikehart said

Ordinance 14-07 (cont'd)

that directors involved in the restructuring were involved in the discussions. He said he was sure that West had discussions with her staff. West said that she met with each division head in Public Works and ensured that they understood the reasoning behind the changes.

Volan asked why the person whose job was eliminated was not simply moved to the replacement position. Whikehart said that the elimination of the job was different from moving the other jobs.

There was no public comment on the ordinance.

Council Comments:

Granger said that she was concerned about staff morale, and she said that it was bigger than internal controls. She said she would support the ordinance despite her concern about the timing of the restructuring.

Sandberg said that the changes were planned in April. She said that what they were hearing about morale was caused by the insecurities from the coming changes. She said she hoped this would diminish as the changes were finished.

Volan said he agreed with Sandberg and Granger that employee morale was coloring the legislation before the council. He said he was concerned that there was a management issue causing the problems in morale. He said he looked forward to addressing further oversight issues.

Sturbaum said he had heard that ordinary purchases took 2-3 weeks to be made. He hoped that the tightening of fiscal controls would not prevent the city from performing its duties.

Ordinance 14-07 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Ordinance 14-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6-0-2. It was moved and seconded that Ordinance 14-08 be adopted.

West said that this ordinance would allow the city to replace the use of credit cards with electronic transfers. She said it would also allow the city to pay routine utility bills if the due date was out of the normal claim cycle.

Council Questions:

Rollo asked how much money could be saved by cutting credit card transaction fees. West said she did not have the figures, but she thought that they were usually 2-3% of the bill.

Volan asked for clarification. West said that the city used credit cards to pay utility bills outside of the normal claim cycles.

There was no public comment on the ordinance.

Council Comment:

Volan said he was astonished that the city was paying bills with credit cards and incurring a 2-3% interest cost. He said this change was long overdue.

Ordinance 14-08 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Resolution 14-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 0-5-3. It was moved and seconded that Resolution 14-06 be adopted.

Danise Alano-Martin, Director of Economic and Sustainable Development, explained that an Enterprise Zone Investment Deduction (EZID) was a property tax reduction for qualified investments and was defined by state

Ordinance 14-08 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Chapter 2.26 Entitled "Controller's Department" to Authorize Procedures Necessary for the Fiscal Management and Operations within that Department

Resolution 14-06 To Approve an Enterprise Zone Investment Deduction (EZID) in the Downtown Tax Increment Financing (TIF) District – Re: 9 North Holdings, LLC, 508 N. College Ave

code. She said that this deduction was normally automatic, but this part of the Enterprise Zone was within a Tax Increment Financing (TIF) District. Therefore, it needed to be approved by the local legislative body, in this case the council. She noted that Ordinance 13-23 had set guidelines for the council's approval of EZIDs. She said that each application needed to include a fiscal impact statement. She described the Bloomington Urban Enterprise Association (BUEA), the nonprofit that would be receiving a portion of saved property taxes if the EZID was approved. She described the expenditures made within the TIF district for the year 2013 to demonstrate how the fund would be affected by the EZID.

Rollo asked if debt service paid from the TIF, over \$1 million, was ongoing and when the payments would cease.

Alano-Martin said it was ongoing until 2032.

Neher asked if reselling the property would pay off the debt early. Alano-Martin said that was true.

Volan asked if any major public infrastructure improvements would be funded with TIF funds. Alano-Martin said she did not have specific projects, but the department was working on a plan for the area.

Volan asked if the Certified Technology Park (CTP) would be included in the plan. Alano-Martin said it would.

Sturbaum asked Alano-Martin to restate the percentage of property tax funds that would be given to the TIF and the BUEA. Alano-Martin said that the BUEA would get 20% for a participation fee (\$94,165), Redevelopment Commission would get 9% (\$42,374), and the Indiana Economic Development Commission would receive 1% (\$4,708) if the total savings exceed \$1,000.

Sandberg asked which city department assisted the BUEA and how many staff members were dedicated to the process. Alano-Martin explained that the duties had been transferred from the Housing and Neighborhood Development Department to the Economic and Sustainable Development Department. One primary staff member assisted the group with help from other departments as needed.

Spechler asked if additional funds could be used to pay off CTP debt earlier or the Switchyard Park. Alano-Martin said that the park was in a different TIF District and could not be supported by the Downtown TIF funds. She said that it was up to the Redevelopment Commission to pay off the CTP debt early.

Alano-Martin resumed her presentation on the resolution. She said that the specific property in the EZID would realize a total savings to the petitioner of \$329,577 dollars after appropriate fees. She said that the project was mixed use and was completed in 2012. She said the project was also within the Downtown CREED, and payroll and sales taxes would support the CREED increment funds that the city received. She said that the city did not have to spend any funds on the infrastructure improvements for the project.

#### Council Questions:

Sturbaum asked the petitioner how the EZID fit into the financial planning of the project. Tim Hanson, Petitioner, explained that the project included the EZID in financial planning to pay management soft costs. He said that the company invested \$8.1 million in the downtown and increased the property value of several buildings from \$500,000 to \$10.8 million which increased the tax base on one building fourfold and the other building tenfold. He said the investment would not otherwise be realized, and he said part of the savings would support BUEA staff liaisons and the TIF. Eric Stolberg, Petitioner, said they provided first class commercial space to two growing entities, German American Bank and First Financial Bank. He

Resolution 14-06 (cont'd)

said he believed that those entities would add more services to the growing number of downtown residents.

Volan asked about the condition of the sidewalks in the area due to construction. Alano-Martin said that the construction of the 10 North Building closed both sidewalks as determined by the Board of Public Works. Hanson said that there were concrete barriers that created a walk-around for pedestrians that were removed by the city earlier that day. He said the city gave him permission to put in a new temporary walk-around.

Neher asked council staff to explain how changes in council procedure and state law affected their decision. Dan Sherman, Council Attorney, said that the state decided that properties within both an EZID and TIF were entitled to a deduction only if the local governing body approved it. He said that the state provided no guidelines for approval and the council produced their own with Ordinance 13-23.

Volan asked if the possibility of obtaining an EZID was considered by developers when initial plans were created. Hanson said that city staff reached out about the EZID while the first building was being constructed.

Volan asked if the developer would have preferred having the buildings solely residential because he heard that some developers were opposed to mixed use. Stolberg said that they preferred mixed use because it was more valuable, but he understood that it depended on the location.

There was no public comment on this resolution.

**Council Comment:**

Spehler said that the reasonable criteria for a tax abatement should require public benefits, but the developers said that the benefit was an increase in the tax base. He said abating these taxes with an EZID would defeat this purpose for the first ten years of the project. He said he welcomed these projects, but he did not see a public good above and beyond creating housing and commercial space. He said that there were no affordable housing components, employment benefits, or environmental considerations. He said he would not support the resolution.

Sturbaum said that having centralized housing and commercial spaces downtown was a benefit to the area. He said in the big picture this EZID would be beneficial to the BUEA and the public as a whole. He said he would support the resolution.

Granger thanked Sturbaum for broadening her thinking on the resolution. However, she said she would vote against the resolution because she did not see enough merits in the application.

Volan said that Bloomington had the second lowest housing vacancy rate in the state. He said that people believed, wrongly, that the downtown had been overtaken with student housing. He said that the TIF funding made development in the area more viable and was more beneficial than abating general taxes. He said he would vote against the ordinance.

Rollo said that there were too many anticipated expenditures of TIF funds to reduce the income stream of the fund.

Neher said he appreciated Rollo framing the decision in terms of the health of the TIF. He said the council needed to consider the needs of the TIF and would vote against the resolution.

Resolution 14-06 received a roll call vote of Ayes: 1 (Sturbaum), Nays: 8 and thus FAILED.

It was moved and seconded that Resolution 14-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 0-5-3.

It was moved and seconded that Resolution 14-07 be adopted.

Alano-Martin said that this petition was similar to the previous request. She laid out the financial benefit to the BUEA (\$315,582), Redevelopment Commission (\$142,012), and Indiana Economic Development Commission (\$15,779).

**Council Questions:**

Mayer asked what public improvements were created during the development process. Hanson said that the site was improved with a new sidewalk, street trees, and 290 extra feet of new pipelines for the city's water main.

Mayer asked if there were environmental issues. Hanson said that there was an old fuel tank that needed to be removed and soil that needed to be replaced.

Stolberg finished the presentation by thanking Sturbaum for his comments on the previous resolution. He said that the land for the development was still owned by two long-time community members who asked the developer to build something they could be proud of. He said that the building would be unique and serve multiple uses for the community. He said he understood the affect it could have on the TIF, but he felt it was beneficial to the downtown.

There was no public comment on this resolution.

**Council Comment:**

Spechler said that the developer had no right to expect a guaranteed EZID. He said there was no public benefit that would offset the loss of tax funds for the downtown. He said he would vote against the ordinance.

Volan said the property needed the environmental remediation that the developer did, but he said that the council could not change the tax deduction that the developer would get just to offset the cost of the remediation. He said the project did not merit such a large abatement on taxes, and he would vote no on the resolution.

Granger said the project did not add to the viability or diversity of the district. She said she would vote no on the resolution.

Sandberg said her no vote did not reflect on the quality of the project of the developer. She said that the cost of the loss of taxes for ten years was not offset by the benefit of the urban infill.

Rollo said that the council did not need to incentivize the construction of more apartments in the downtown area. He said he wanted to see more owner occupied units downtown.

Resolution 14-07 received a roll call vote of Ayes: 1 (Mayer), Nays: 8 and thus FAILED.

It was moved and seconded that Resolution 14-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 0-2-6

It was moved and seconded that Resolution 14-08 be adopted.

Alano-Martin said that all of the commercial spaces in this property were filled. She said the building would be set back from the street in order to make room for a water meter pit, because the Geographic Information

Resolution 14-07 To Approve an Enterprise Zone Investment Deduction (EZID) in the Downtown Tax Increment Financing (TIF) District – Re: 10 North Holdings, LLC, 530 N. College Ave

Resolution 14-08 To Approve an Enterprise Zone Investment Deduction (EZID) in the Downtown Tax Increment Financing (TIF) District – Re: Big O Properties, LLC, 340-346 S. Walnut Street

Resolution 14-08 (cont'd)

System (GIS) line of the property was incorrectly listed, and the placement was approved by the Board of Public Works. She said that shifting the placement of the building required some completed work to be redone. She said that the developer would have \$560,000 in abated taxes if this were to pass and the BUEA (\$112,972), Redevelopment Commission (\$50,432), and Indiana Economic Development Commission (\$5,604) would benefit. She said this EZID would not affect the CTP and would not require financial expenditures from the taxpayer.

Rollo asked if the council could change the duration of the tax abatement. Alano-Martin said that the council could not do that.

Mary Friedman, Big O Properties, explained that the company had bought three parcels of land for the original design of the building. She said that because of an economic recession they sold the third parcel of land to fund the environmental remediation required on the land and preserve an historic building on the parcel. She said that the company tore down two substandard and vacant buildings in order to begin the new development. She said that Big O Properties had been building in downtown Bloomington near the square for 15 years, and they wanted to improve the southern area of the downtown.

**Council Questions:**

Rollo asked how far the building had been moved during the planning process. Alano-Martin said she believed it was less than eight feet but was not confident in her answer.

Rollo asked if the footprint of the building had been changed to accommodate the move. Friedman said that the footprint remained the same, but they sacrificed additional parking spaces behind the building.

Volan asked how many parking spaces were lost. Friedman said there were three.

Volan asked why the GIS line was listed incorrectly. Alano-Martin said that GIS was merely a representation and not as accurate as the survey line.

Volan asked if the fronts of the other buildings matched the survey line or the GIS line. Alano-Martin said she did not know.

Volan asked if there was enough room for outdoor seating for a café in the commercial space. Friedman said there would be if a permit could be obtained.

Volan asked what cleanup efforts were needed for the property. Friedman said there were gasoline tanks that needed to be removed, and soil that needed to be remediated.

Volan asked about the public benefit of the development. Friedman said that the area was underdeveloped prior to the company's work.

Volan commended the petitioners on their foresight in purchasing the property before several development incentives were implemented. Friedman said that they were alerted to several tax incentives when they purchased the property.

Volan asked what incentives they had benefited from. Friedman said they had not benefited from any at the time.

There was no public comment on the resolution.

**Council Comment:**

Spechler said he appreciated that there were unexpected costs in any enterprise, but he felt the council was not responsible for making sure that every developer made a profit. He said Big O Properties had done good

work, and he hoped they would continue to do so in the future. He added that the area was unattractive prior to the development and discovery of environmental problems reduced the market value of the property. He said any extra costs had already been offset by the low cost of purchasing the property. He said he would vote against the ordinance.

Volan said he disagreed with Spechler. He said the council had reasons to incentivize certain developments and drew contrast to Smallwood near City Hall. He said that the building was designed to be monolithic to offset the cleanup cost of the land. He said he wanted to incentivize developments in areas that needed remediation without allowing developers to construct large buildings to offset that cost.

Sandberg said she was impressed with the development. She said she agreed that the South Walnut Corridor needed to be developed. She said the project was not perfect, but she liked the smaller apartments and local businesses within the commercial suites. She said that the remediation was also a compelling reason to support the ordinance.

Rollo said that if a development had not occurred in the area the environmental remediation would not have been completed. He said that the cleanup was necessary and the building was in a part of the city that deserved high quality development. He said he would support the resolution.

Granger noted that she had voted against the previous two EZIDs, but she was drawn to Sturbaum's comments about keeping development in the center of town. She said she liked the idea of more developers building in the wide open spaces of the area. She said she would support the resolution.

Mayer said he was bewildered by his colleagues' decisions to support the resolution when the previous EZIDs were for buildings that replaced substandard buildings as well. He said that the previous developer improved the area's utilities and had to remediate the land as well. He said the council was not being fair in the attention they had given the previous EZIDs.

Ruff said he would support the resolution if they could implement a graduated abatement structure. He said that not being able to modify the amount of taxes abated made it difficult for him to decide on the resolution.

Neher said that he appreciated the developer going through the difficulty of the EZID application process. He said that the council had to balance the fiscal health of the TIF and BUEA with the desire for development. He said he would not support the resolution. He said he wished that the state had been clearer in explaining the process of granting EZIDs.

Rollo said he agreed that the previous developments were worthy projects, but he felt that contamination of groundwater in the downtown was a risk to public health and this development worked to remediate that.

Ruff responded to Neher by saying he agreed that it was unfortunate that the state was unclear in the criteria for granting EZIDs. He said in Indiana he was grateful that local government had been given some amount of control.

Volan said that the council would be setting precedent for future developers who might pursue EZIDs. He said he agreed with Rollo that cleanup of contamination was a greater public good. He said he felt that Mayer's statement was compelling as well. He said the council should consider the location of each project individually and the types of development that were constructed in that area.

Mayer stated that the South Walnut Street improvements were driven by Bloomington Utilities (CBU). He said that the department excavated the

land and invested in new sewer and water mains.

Resolution 14-08 (cont'd)

Volan asked Mayer how much money the utilities department spent on the project. Mayer said he was not sure of the exact figures.

Spechler said that environmental remediation and development in an underserved area were not strong reasons to provide an EZID. He said that more developers would seek this deduction even though the market already provided a private incentive with lower costs. He said this was evidenced by the company's purchase and development of the land prior to the approval of an EZID. He said the tax dollars could be spent directly for the public benefit.

Rollo asked for the total deduction. Alano-Martin said it would be \$560,000, and after participation fees would be \$392,000.

Neher said that private incentives alone were not enough to encourage the kind of development that the council wanted to see.

Resolution 14-08 received a roll call vote of Ayes: 5 (Sturbaum, Sandberg, Granger, Rollo, Volan), Nays: 4 (Ruff, Neher, Mayer, Spechler).

LEGISLATION FOR FIRST READING

Ordinance 14-06 To Rezone a 2.58 Acre Property from Residential Single-Family (RS) to a Planned Unit Development to be Known as Bloomington Cohousing and Approve a Preliminary Plan and District Ordinance – Re: 2005 S. Maxwell Street and 1325 E. Short Street (Bloomington Cohousing LLC, Petitioner)

Ordinance 14-06

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

It was moved and seconded to cancel the Internal Work Session on May 9<sup>th</sup>, 2015. The motion was approved by a voice vote.

COUNCIL SCHEDULE

It was moved and seconded that the 2015 Budget Advance be rescheduled for May 28, 2014 at 5:30 pm. The motion was approved by a voice vote.

The meeting was adjourned at 10:32 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, July 9, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
July 9, 2014

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

LEGISLATION FOR FIRST  
READING

Ordinance 14-12 To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code (Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and to Render Applicable Sections Reflective of the City's Practices and Policies)

Ordinance 14-12

Ordinance 14-13 To Amend Ordinance 13-15 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2014 – Re: Reflecting Collective Bargaining Agreement Affecting Positions in the Fire Department

Ordinance 14-13

Ordinance 14-14 To Amend Ordinance 13-16 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2014 – Re: Adding a Position in the Office of the City Clerk (Records Archivist)

Ordinance 14-14

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS

It was moved and seconded to consider Ordinance 14-12 on the same night that it was introduced. This was a procedural motion that was undebatable, and would require unanimous consent to pass.  
The motion was approved by a roll call vote of Ayes: 7, Nays: 0 (Volan out of the room).

Motion to consider Ordinance 14-12 on the same night as first reading

It was moved and second that Ordinance 14-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no Do Pass recommendation on this item.  
It was moved and second that Ordinance 14-12 be adopted.

Ordinance 14-12 To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code (Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and to Render Applicable Sections Reflective of the City's Practices and Policies)

Patty Mulvihill, Assistant City Attorney, stated that this ordinance would reflect all of the changes in the Code that were created with two previous ordinances that reorganized and moved several departments. She said that the title of the Planning Department would be changed everywhere it appeared in the Bloomington Municipal Code to the title Planning and Transportation Department, any reference to the Planning Director would be changed to the Planning and Transportation Director, all references to Planning Staff would be changed to staff, and any reference to the Engineering Department would be changed to the Planning and Transportation Department.

Also, she said that references to the Director of Public Works in reference to the City Engineer were changed to the Director of Planning and Transportation to reflect the change in reporting, references to the City Engineer were changed to Transportation and Traffic Engineer. Spelling and typographical errors in these sections were corrected, and the ordinance also changed gendered pronouns to gender neutral pronouns.

Council Questions:

Volan asked if the City Engineer was required to report to the Public Works Department. Mulvihill said that the City Engineer needed to be appointed by the Mayor and needed to sit on the Plan Commission, but the code did not dictate to whom the Engineer needed to report.

Volan asked if staff had concerns about having the Engineer report to the

lead staff member supporting the commission. Mulvihill said that staff could not see any conflict of interest because, ultimately, the Engineer and Planning and Transportation Director had to report to the Mayor.

Spechler asked what Title 20 was. Mulvihill said that it was the city's ordinance that regulated zoning and subdivisions within the city. It also set development standards and demolition of buildings.

Spechler asked what would change in Title 20. Mulvihill said that names were changed to be consistent with previous ordinances that had been passed by the council. She clarified that the ordinance would not change policy.

There was no public comment on this ordinance.

Council Comments:

Mayer thanked Mulvihill for all the work on the ordinance.

Granger said she appreciated moving towards gender neutrality in the language of the code.

Volan said that he had wanted a Transportation Department within the city for years. He said this was the next best thing, and he was happy staff would have more authority and be efficient in implementing policies. He said that city goals would be more likely to be implemented with everyone in one department.

Spechler said that most planning decisions in recent years had involved transportation issues. He said this change would make sure planning and transportation would be consistently designed. He said he would support the ordinance.

Neher reminded the council that because the ordinance was considered the same night it was introduced it would require a 2/3 majority to pass.

Ordinance 14-12 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 14-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there had not been a committee hearing on this item. It was moved and seconded that Resolution 14-13 be adopted.

Neher noted that Resolution 14-13 and Ordinance 14-13 were companion pieces of legislation that should be resolved at the same time.

Margie Rice, Corporation Counsel, said that both the firefighters' union and the administration had many meetings to reach the agreement. She said that many representatives from both sides of the negotiation were present at the meeting to answer questions. She said that negotiations formally began in June of 2013 and there were seven formal sessions. She said that 13 different versions of the agreement were created throughout the process. She said that the free advisement service of the Federal Mediation and Conciliation Services was required to break a negotiation impasse and neither party left the negotiation completely satisfied.

She said base pay would stay the same in 2014 with a 1% raise in 2015 and 1.5% raise in 2016. Longevity pay increased by five hundred dollars per category, except the final category (20 years of service) which increased by twelve hundred and fifty dollars. She said that the increased longevity pay was the final piece to reaching an agreement. The agreement also eliminated additional certification (EMT, membership in the Confined Space Rescue Team, and coordination of the Confined Space Rescue Team) in favor of a one-time one thousand dollar buyout for each firefighter whether or not they had the certifications. She said the EMT certification was now a requirement for employment. Duties of the Confined Space Rescue Team would be transferred to a new team within the department.

She said that bereavement and pregnancy leave had been changed to be

Resolution 14-13 To Approve and Authorize the Execution of a Collective Bargaining Agreement Between the City of Bloomington and the Bloomington Metropolitan Professional Firefighters, Local 586

consistent with the city's personnel policies. She said that disciplinary measures older than three years could be considered in personnel disputes if those measures were brought before the Board of Public Safety.

Previously, those measures could not be considered after three years.

Bob Loviscek, President of Bloomington Professional Firefighters Local 586, asked for the council to approve the contract. He said that organized labor had accepted a 0% increase for the last few years in order to balance the budget. He said that Bloomington Firefighters were 38<sup>th</sup> in the state in compensation and that future spending priorities should be changed in order to ensure that fair and just compensation increases be given. He thanked Rice and her team for a very professional negotiation process.

#### Council Questions:

Sandberg asked if the administration foresaw a time when union contracts would include higher salary increases. Rice said that the administration was working towards being able to do that. She said that stagnated revenue streams made it difficult to be able to provide raises for employees. She said that past contracts had 3% salary increases and the administration needed to make up for that with smaller raises.

Spechler asked if increasing pension costs with longevity pay would affect the budget. Rice said that the state reimbursed the city for some pension costs, but she was not prepared to give hard numbers.

Spechler asked how the city would incentivize firefighters to seek an EMT certification without the extra pay. Rice said that there was a \$4,800 cap on certification pay for each firefighter and removing base level certification from this amount would free up that money to go to rewarding other certifications.

Spechler asked if the department had enough EMT certified firefighters to respond in an emergency. Loviscek said that 70% of the department had this certification and that there were enough certified members to respond in an emergency.

Spechler asked if a retiree would receive more in pensions because of the proposed increase in longevity pay. Loviscek said that was true.

Rollo asked what the difference between being ranked 38<sup>th</sup> and 10<sup>th</sup> in the state for firefighter pay was. Loviscek said that the difference was around \$10,000, but they did not expect to be paid equivalently to Indianapolis or Carmel. He said being ranked 38<sup>th</sup> was a concern for the members of the union. Rice noted that the ranking did not take into account the longevity boost, clothing allowance, or certification pay. She said that ranking did not tell the whole story.

Sturbaum noted that a firefighter crew attending the meeting had hurried out the door in the middle of the last question. He asked where the fire was. Loviscek gave the location, and Sturbaum thanked them for their work.

Volan asked if the way to fix the ranking was higher pay or more staff. Loviscek said that salary and manpower were not comparable. He said that the public would be safer with more police and firefighters on the ground, and he added that a report would soon be released that detailed the manpower needs of the city.

Sandberg asked what strain the department currently experienced and how much turnover the department faced. She also asked what the growth of the downtown would do to the department. Loviscek said that the area could experience a 17% growth in population and that would strain the department. He said the turnover rate of the department was around 36%, mostly due to retirement. Roger Kerr, Fire Chief, said that turnover would increase because a large group was preparing for retirement. He also said that the department had people leave the department to become Chiefs and Operation Chiefs in other cities. He added that new buildings in the downtown had built in fire suppression but having more people created more need for EMT services.

Sandberg asked if low salaries caused turnover. Kerr said he did not

believe so.

Spechler said that ranking departments was deceptive. He asked if people wanted to come to work for the department. Kerr said that Bloomington was a destination point for people who wanted to work as firefighters. Spechler asked if the department was losing people due to the salaries offered. Kerr said they were not.

Rollo asked if the fire department needed more facilities to adequately serve the city. Kerr said that the growth of the city to the south and southwest would create a future need for new stations. He said that each station was packed with equipment to keep up with needs. Rollo asked when a new station would be needed. Kerr said it would be five to seven years.

Neher asked what the administration could do to prepare for the next collective bargaining agreement. Loviscek said that the recent negotiation had illuminated some changes that both sides would need to implement. Rice agreed with Loviscek and added that working with limited resources made the decisions difficult. She said that starting the process earlier would allow the next negotiation to be smoother. Loviscek said that the city had the best labor management relationship in Southern Indiana.

There was no public comment on this legislation.

Spechler said that he was unclear on the impact of the pension increase. He said that department was not getting a 0% raise because they were getting money outside of their base pay. He said that objective indications showed that the compensation was fair.

Granger thanked negotiators for their work. She said she would support the resolution.

Sandberg said that it was a source of pride to have a strong fire department that served as a model for the rest of the state. She said she hoped that the city could do a better job at fairly compensating the department in the next contract.

Rollo echoed Sandberg's comments. He said the most important role of government was public safety, and he was concerned about being ranked 38<sup>th</sup> in the state. He said that he would support the resolution because both parties were in agreement.

It was moved and seconded to consider Resolution 14-13 after discussion of Ordinance 14-13. Neher reiterated that Ordinance 14-13 would require unanimous consent to be considered that evening.

The motion to continue consideration until after Ordinance 14-13 received a roll call vote of Ayes: 7, Nays: 0 (Volan out of room)

It was moved and seconded to consider Ordinance 14-13 on the same night that it was introduced. This was a procedural motion that was undebatable, and would require unanimous consent to pass.

The motion was approved by a roll call vote of Ayes: 7, Nays 0 (Volan out of the room).

It was moved and seconded that Ordinance 14-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there had not been a committee hearing on this item.

It was moved and seconded that Ordinance 14-13 be adopted.

Margie Rice, Corporation Counsel, said that the ordinance would change the salary ordinance to reflect the contract that would be approved by Resolution 14-13.

Council Questions:

Motion to consider Ordinance 14-13 on the same night as first reading

Ordinance 14-13 To Amend Ordinance 13-15 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2014 – Re: Reflecting Collective Bargaining Agreement Affecting Positions in the Fire Department

Volan asked when the contract negotiations started. Rice said that they started on June 5, 2013 and lasted until June 4, 2014.

Volan asked why the process lasted so long. Rice said that there were seven formal meetings with many communications in between. She reiterated that there were 13 versions of the contract during negotiation. Loviscek added that the negotiation was slightly longer than usual, but he did not think it was noticeably longer than it should have been.

Ordinance 14-13 (cont'd)

Volan said that the council was asked to approve the contract and related ordinance in a single night. He asked if thought was given to the council schedule. Loviscek said that he appreciated that the council was willing to work on an abbreviated timeline.

Volan asked why the union wanted the legislation passed that evening. Loviscek said that passing the legislation this evening would allow the changes to take effect by the end of the month.

Spechler asked how much the contract would cost the city. Rice said that the administration estimated the total cost would be \$471,000. Dan Sherman, Council Attorney, said that the previous four year contract was \$355,000 each year.

Volan asked council staff asked why the council did not consider the legislation sooner. Neher said that the legislation reached the council the previous week, and that evening's schedule was full. He said that the council had discussed the need for an expedited discussion the previous week when Volan was absent. Sherman said that the legislation did not arrive early enough to introduce the legislation the previous week. He reminded Volan about the multitude of legislation that had recently come before the council.

Volan asked the administration why the legislation did not reach the council earlier. John Whitehart, Deputy Mayor, said that the administration was respectful of the council's schedule and time and did not want to overburden their schedule.

There was no public comment on this legislation.

**Council Comment:**

Volan objected to introducing and discussing the ordinance on the same evening.

Spechler said it was hard to turn down a contract that had been agreed on by both sides, but he questioned the cost figures that were given for the contract.

Mayer thanked union membership and Rice for going through difficult negotiations. He said that money was tight for the community, and he appreciated everyone working to ensure that the city did not overextend financially. He said that every time a firefighter left the station on a run, they put their lives at risk. He said he hoped the city could do better in the future.

Granger noted that the cost of the contract was listed clearly in the supplemental information to the ordinance. She said she would support the ordinance.

Ordinance 14-13 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Spechler)

Resolution 14-13 received a roll call vote of Ayes: 8, Nays: 0

Vote on Resolution 14-13

It was moved and seconded that Appropriation Ordinance 14-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, and noted that there had not been a

Appropriation Ordinance 14-01  
Additional Appropriation for  
Bloomington Transportation

committee hearing on this item. She also noted that public comment on this ordinance constituted the duly advertised public hearing. It was moved and seconded that Appropriation Ordinance 14-01 be adopted.

Lew May, General Manager of Bloomington Public Transportation Corporation (PTC), said that the appropriation would cover the cost of three items in 2014: additional costs of the Bloomington Downtown Transit Center, a 40-foot diesel bus, and professional services. He added that a portion of the cost would be paid for through the reserve fund of the PTC. He said that construction of the transit center encountered problems when construction workers discovered fuel tanks under the concrete slab underground, and he said that the soil was contaminated and needed to be replaced. He detailed the surprise costs in construction and added that the corporation intended to pursue litigation against the original owners of the land to recoup some of the costs. He said that the planned size of the center was increased when the 911 Emergency Dispatch Center was added on the top floor of the facility and when designers added a multipurpose room to the floorplan. He said that some elements were removed from the project to offset some of the extra costs he listed.

May said that the Indiana Department of Transportation gave a grant to the corporation to replace a diesel bus, but they needed to replace two more. He also said that recently acquired bus tracking software needed to be maintained by a professional, but they overlooked this cost in their original budget for the year.

#### Council Questions:

Mayer asked for more detail about what construction unearthed at the site. May said that eight underground storage tanks were found underneath the original building that were not mentioned in the sale. He reiterated that the previous owners could be liable for the cost of removal.

Mayer asked if the corporation pursued brownfield funding from the Indiana Department of Environmental Management. May said no grant money was available.

Mayer asked if the nearby Fleener Building was being remediated. May said that the work on the building was finished, but the construction on both the Fleener Building and the transit center occurred at the same time. He said construction from the Fleener Building caused wastewater to flow on to the transit site that needed to be cleaned up.

Rollo asked why the fuel tanks were missed in the environmental survey. May said there was no indication that there were fuel tanks beneath the building. He said soil testing around the building showed no contamination.

Rollo asked how the corporation would use reserve funds. May said that they were used for capital replacements and matching federal grant funds.

Rollo asked where the reserves came from. May said that all funding sources contributed to the reserve fund. He said that having six months of the annual budget in reserve was fiscally sound.

Rollo asked if the dispatch center was paid for by the PTC. May said that they provided no financial assistance for the construction of the center, but the delay in design for the center increased construction costs for the corporation.

Rollo asked if the new bus would be a hybrid vehicle. May said it would not be, because a hybrid bus was too tall to fit under the 10<sup>th</sup> Street underpass.

Volan asked if the county, which was partially responsible for the dispatch center, should contribute financially for the delay caused by the dispatch center. May said that having police presence in the center was worth the extra cost associated with the delay.

Corporation for 2014 (For Downtown Transit Center, New Transit Bus, and Professional Services)

Appropriation Ordinance 14-01 (cont'd)

Volan reiterated his question. May said that the dispatch center could have been built anywhere, but the corporation wanted it in the transit center.

Volan asked what features of the facility were scaled down to save money. May said that they removed a traffic gate and adjusted alley width to reduce the need for traffic calming design around the facility. Appropriation Ordinance 14-01 (cont'd)

Spechler asked if May had asked the city or county to approve the changes to the facility. May said they did not.

Volan asked about the art installation for the center. May said that the Bloomington Arts Commission would install an abstract piece on the Walnut Street side of the facility.

Volan asked when the installation would occur. May said it would be before the center opened in early August.

Volan asked when the dispatch center would start its operation. May said he thought it would be early August as well.

Rollo asked May to speak to the value of the facility to public transportation. May said it was a once in a career type of investment. He said transit centers in other cities across the state were opening new centers in their downtowns. He said that it was critical for public transportation. He said that the design included opportunities for expansion as use of public transportation increased. He said the old center had no passenger amenities, but the new one had modern amenities to serve the three and a half million riders each year. He said that further growth was expected, and the center was designed to accommodate it. He said Rural Transit and intercity bussing systems would partner with the corporation.

Granger asked what would happen with the old transit center site. May said that the land was owned by the city and the building was owned by the corporation. He said that the Federal Transit Association needed to determine what would happen with the building. He said that he expected the building to be returned to the city.

Volan asked if airport shuttles could use the center. May said that if they were interested, the corporation would be happy to work with them.

Volan asked if rapid transit routes would be implemented in the future. May said that the center could accommodate them. He said that rapid transit could be used on campus.

Volan asked why a wall was constructed on the southern side of the land. May said that the center could not have an adverse effect on an historical property according to federal law. He said the wall was designed to look similar to the historical building on the land south of the center.

Volan asked for more information about the reserve fund. May said that it was primarily used to replace older busses because vehicles' lifespans ranged from 4-12 years. He said other expenditures could include bus tracking technology and other capital improvements.

Neher asked if more costs could arise as the construction came to a close. May said that they included extra dollars in the appropriation in case of additional costs.

Neher asked how long it would take the corporation to recoup the reserve dollars spent on the project. May said the corporation expected to finish the year with \$4.1 million, but the future would depend on how many dollars came from the state and federal government.

Spechler asked if IU busses would use the center. May said that IU expressed no desire to use the facility, but the facility would be open and able to accommodate them in the future.

Spechler asked if there would be a cab stand near the building. May said that cabs could use the lane in front of the building to pick up and drop off passengers but could not solicit customers from the area.

Appropriation Ordinance 14-01 (cont'd)

Public Comment:

Larry Jacobs, Chamber of Commerce, praised May for his work with the transit corporation. He encouraged the council to approve the ordinance.

Council Comment:

Volan said he had a tour of the facility and was impressed. He said the facility was a long overdue improvement to the community, and he was pleased that it was nearing completion. He said the costs were reasonable, and he was glad to know that the corporation would be pursuing remediation from the previous owner to recoup the cost of removing the fuel tanks. He said he would support the ordinance.

Rollo said he hoped that future projects would try other methods to discover potentially contaminated soil. He said he thought the center would be a strong boon to the downtown area, and he said he would support the ordinance.

Mayer said he had been following the transit corporation since the 70s, and he saw incredible growth in use of the busses. He said he was happy with how the building looked.

Volan added that there would be eight bike lockers and twenty-two bike racks on site. He said the multipurpose room in the building could seat fifty people and could be used for public meetings.

Granger commended May on his incredible work on the project. She said she liked the way it looked and appreciated the expansion of the alley along the south of the facility. She said she was proud to support the ordinance.

Sturbaum said that the design money was well spent. He said that the quality of the local materials used in the construction was a positive addition. He congratulated the corporation on their work.

Neher said he hoped everyone had learned from the extra costs that had appeared through the construction. He said the facility would provide necessary services for many years, and he thanked May for answering the council's question.

Appropriation Ordinance 14-01 received a roll call vote of Ayes: 8,  
Nays: 0

Dan Sherman, Council Attorney/Administrator, noted that there were no items on the council's schedule that needed immediate attention.

COUNCIL SCHEDULE

The meeting was adjourned at 10:10 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, September 3, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
September 3, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler  
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes for the Regular Sessions of August 27, 2014 were approved by a voice vote.

APPROVAL OF MINUTES

Marty Spechler noted his opposition to the recently announced Parks & Recreation Department policy that would require trainers and teachers who hold classes in the city park properties to purchase a permit. He said he would like to hear the arguments for this policy.

REPORTS

- COUNCIL MEMBERS

Steve Volan said he and Dave Rollo were having a constituent meeting at the Elm Heights Bloomingfoods.

Dave Rollo offered what he called a modest proposal. He talked about the prospect of not doing any more large scale development until the Comprehensive Plan, *Imagine Bloomington*, was completed. He said this would allow the city to take some time, and would allow more public input. He wanted a new comprehensive plan before any more major development.

Darryl Neher announced his constituent meeting on Saturday, September 6, at 11:00 a.m. in the McCloskey Room of City Hall.

There was no report from the mayor or any city offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no committee reports at this meeting.

- COUNCIL COMMITTEES

Lisa Marie Napoli invited the council members to attend an October 4th, 2014 event where monks would celebrate a new monastery north of town. She said she would follow this announcement with an email invitation.

- PUBLIC

It was moved and seconded that Mark Strosberg be appointed to the Bicycle and Pedestrian Safety Commission.  
The appointment was approved by a voice vote.

APPOINTMENTS TO BOARDS  
AND COMMISSIONS

It was moved and seconded that Resolution 14-16 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 9-0-0.  
It was moved and seconded that Resolution 14-16 be adopted.

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS

Josh Desmond, Assistant Director of the Planning and Transportation Department, noted briefly that the Americans with Disabilities Act Transportation Plan (ADA Plan) outlined how the city facilities either did comply or would comply with this law in the future. He said the city's updated plan was tied to the ability to receive federal and Housing and Urban Development grant funding. He said that an inventory had been created of all curb ramps and sidewalks in the public right of way. He said they had been evaluated for their compliance, and he noted that there were also cost estimates in planning for upgrades to the facilities that needed change.

Resolution 14-16 To Approve an Update to the City of Bloomington's Americans With Disabilities Act Transition Plan

Volan asked if there was a difference between the 'low' priority and no priority at all. Desmond said that was the case, and that no cost was involved in those categories.

Spechler wanted to know the action plan for the high priority accessible areas, and how many of these improvements would be made in the next 12-18 months. He wanted assurances more than just words.

Desmond said that as street resurfacings were done, ramps in those areas would be upgraded. He said the city was looking for federal funds through the Metropolitan Planning Organization (MPO) and was pursuing a curb/ramp update through the MPO. Spechler said that was a marginal side activity, and not a real plan. He asked Desmond if it wasn't a lower priority activity. Desmond said there was not one pot of money identified to cover this implementation plan. He said it was a newer priority, and not a low priority activity, that needed to be worked into the program.

Spechler asked for a more defined effort to comply with the law.

Rollo asked if the transition plan was amendable if a particular area was overlooked. Desmond said it was amendable, and it should actually be a living document that got changed as priorities changed.

There were no public comments on this Resolution.

Council comments:

Mayer thanked staff for bringing the city within compliance of the ADA.

Spechler said that intentions were good, and that citizens needed this so he would be voting for it. He said he would watch for action in the next year.

The motion to adopt Resolution 14-16 (which included a page updated after packet distribution -- page 11) received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Ordinance 14-15 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 9-0-0. It was moved and seconded that Ordinance 14-15 be adopted.

Lisa Abbott, Director of the Housing and Neighborhood Development Department, briefly outlined the changes that would be made in the maps and code. She said it would allow people to change exterior paint colors without the necessity to obtain a Certificate of Appropriateness from the Historic Preservation Commission (HPC). She said it would also change the conservation district designation to full historic districts in the Bloomington Municipal Code and on all city maps.

Volan noted confusion in the historic status of the districts. He said that when these conservation districts were created, people thought that they were going to be told what to do with their homes. He wondered if there would be more concerns and changes to come. Abbott said that state statute dictated that this exemption be specifically stated in the ordinance. She noted that all three districts wanted this exemption, and that they were working on design guidelines. Volan noted that there were residents of the districts present, and he wished to hear from them on this issue.

Rollo asked if photovoltaic cells could be added to a property, noting that they were allowed in the past. Nancy Hiestand said that was the case in Prospect Hill, and McDoel Gardens had adopted it in their design guidelines that had been ratified by the HPC. She said this had become a fairly routine thing with specific mention in the guidelines.

Mayer asked if homes could be painted a different color on each side. Abbott said painting would no longer be included in the Certificate of Appropriateness process.

Ordinance 14-15 An Ordinance to Amend Ordinance 01-04, Establishing the McDoel Conservation District, Ordinance 08-04, Establishing the Prospect Hill Conservation District, Ordinance 11-05, Establishing the Garden Hill Conservation District and Title 8 of the Bloomington Municipal Code Entitled "Historic Preservation and Protection" – Re: Exempting Changes in Paint Color from the Certificate of Appropriateness Requirement, Re-titling Maps and Amending the Municipal Code to Reflect the Full Historic District Status of these Districts

Ordinance 14-15 (cont'd)

Public comment:

Elizabeth Cox-Ash spoke for the McDoel Gardens neighborhood. She commended Abbott and Hiestand for their work on this issue, and their support in helping McDoel Gardens amend their plan. She asked the council to support this ordinance. She noted that the guidelines were crafted so that they covered existing homes, aging in place, energy efficiency and privacy fences. She said that there were both 'preferred' and 'acceptable' categories to correspond with different levels of expense. Cox-Ash said that the process took five months. Of the 237 votes on the plan, 69 ballots were returned, 52 of those approved the plan, and 17 were not in favor of the plan. She noted a simple majority was needed to adopt the plan.

Council questions:

Spechler asked if someone who was dissatisfied with the regulations in McDoel Gardens could sell their home. Abbott said they could.

Council comments:

Spechler said color expressed individuality in all parts of life, and was supportive of this change.

Granger thanked the staff, especially Nancy Hiestand, who helped make this happen for home owners.

Sturbaum said two neighborhoods that were concerned about the change got together and listened to each other. He said that through discussion, each neighborhood had customized their own guidelines, and that the process worked well. He was surprised and pleased at the result.

Volan said he was pleased to hear Sturbaum's take on this. He said he expected there to be a lot more changes, more concern, when the only change was paint color. He complemented the staff, neighborhoods and Sturbaum.

Neher said that when the elevation to historic status took place, the McDoel Gardens neighborhood leaders met with Sturbaum and Neher. They weren't aware that the neighborhood had been elevated to a full Historic District. He said the neighborhood discussion and action was a model for how this process should work. He said genuine commitment on the part of the neighbors, Historic Preservation Commission and the HAND Department were to be commended.

Spechler said he would vote for this, even though Historic Districts put restrictions on what could be changed. He added it enhanced the property values in the area, and people who voted against this proposal could always move.

Ordinance 14-15 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 14-14 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 5-0-4. It was moved and seconded that Resolution 14-14 be adopted.

Danise Alano-Martin, Director of Economic and Sustainable Development, noted the committee discussion on all the portions of this proposal, and noted that she would recap the project features, the financial impact on the Tax Increment Financing (TIF) district fund, and would address questions that were posed by council members in the committee hearing. She noted that the CEO and Chairman of the LLC, the developer, and the architect for the project were present for this discussion.

She noted this resolution was part of the tax abatement process set by state statute. It defined the Economic Revitalization Area so that a tax abatement could be authorized in that area. Staff recommended a 5 year

Resolution 14-14 To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements and Personal Property - Re: Properties at 304 W. Kirkwood Avenue (Elmore Y Orrego, LLC, Petitioner)

abatement for real property (that would be phased in over that period of time). She said that a 10 year abatement for personal property (that included new information technology equipment) was recommended for a full 100% abatement for each of the ten years of the benefit.

She said the next step would be consideration of an ordinance to set an Economic Development Target Area. She said that this was required with retail and/or housing components to a project. She added that the requirement for a public hearing would be satisfied with the discussion of the 'confirmatory' resolution later in the month.

Alano-Martin described the redevelopment of the downtown property that would contain commercial space, possible retail along the B-Line, and market rate residential owner-occupied condos with two residences for the owners of the property.

Addressing questions from the council members in the committee discussion, she noted the following:

- Job and Wage Creation: She said 12 new jobs would be created at this site, and 55 jobs would be retained with wages of \$15 per hour.
- Capital Investment: She noted that capital investments would total \$14.6 million divided into new construction, public infrastructure and personal property, and this would increase the tax liability on the parcels by seven. Alano-Martin provided details of capital investments and itemized each of the three categories.
- Tax Liability changes: She outlined changes and projected assessments for both personal property and real estate.
- Building Design: She noted there would be parking spaces within the structure for both residential and office uses. She noted that there was a potential for a few on-street parking spaces to be created on Kirkwood.
- Sustainability Features: She said these were provided by the petitioner and referenced both green development and also LEED certification for commercial and residential areas.

Alano-Martin noted the TIF funds would not need to be used for public infrastructure to accommodate this project and, in fact, the development would contribute over \$215,000 annually to the TIF account after the abatement period was over, and over \$430,000 during the five year abatement period. She noted that this TIF revenue also supported the Certified Technology Park (CTP) redevelopment in the same district.

She noted the 2010 TIF Plan Development Objectives stated many of these same goals with increased employment, adding office space, adding public space, and adding upper story residential uses.

She said the staff believed the proposal would contribute in strong ways to the TIF, the CTP, and the synergy between them.

Rollo asked Tom Micuda, Planning and Transportation Director, if he could relate what would be allowable to be built by right, what a typical proposal would be in terms of scale of the building, and how this proposal would measure in that context. He also asked about uses.

Micuda said the intensity of use, the uses of commercial, retail and residential were fine, but the scale was a little over what was allowed. He said the Plan Commission had granted a height waiver for a recessed fourth floor.

Rollo asked if the plaza area was public or private. Micuda said the plaza encroached on the right-of-way and went through the process for encroachment. He said it was in the public right-of-way and would be accessible to the public.

Rollo asked for the price point for the owner occupied residential units. Alano-Martin, after noting that these were not intended to be student residences, asked the developer to comment.

Resolution 14-14 (cont'd)

Greg McHenry said their market survey showed a lack of comparable condo sales in the Bloomington market. He said there was a potential for this type of housing, and the purchase price was based on comparable prices of about \$200 per square foot range. He said the price would be between \$275,000 and \$600,000 depending on the size of the unit.

Spechler asked what percentage of units on the second floor would be occupied by the owners and their families. Alano-Martin said that 100% of the condos on the fourth floor would be occupied by the owners. Spechler asked what percentage of the entire residential space would be occupied by the owners. Alano-Martin said this was 9%. Spechler asked if this were usual for projects that were awarded tax abatement. Alano-Martin said that she didn't think there were any others that had this component.

Volan asked if a café or restaurant renting commercial space would be permitted to encroach into the plaza area. Alano-Martin said this would go through a public works permitting process as would other restaurants with outdoor seating.

Volan noted the building's metal paneling being described as 'timeless' versus "modern." He asked for an explanation of these design terms. McHenry said he misspoke using the term 'modern' and asked Gary Weaver with Weaver Sherman Design to answer. Weaver said it was a classical form on the first two levels which he called timeless. He also noted different facades along the B-Line. He said metal was used throughout older buildings, too. He said it was designed to not look like it was created in a specific time period.

Sturbaum asked to see the B-Line elevation. He asked for the percentage of the façade that would be covered with metal. Micuda said 21% of the building's Kirkwood face would be metal, and 17% of the building's B-Line face would be metal. Sturbaum said it looked more like the metal portions were the predominant parts of both sides of the building with limestone highlights. He said he did not see this at the Plan Commission hearing. He asked how the percentages were figured.

McHenry said the metal was only on the face of the building on one side and on the bay windows on the other. He said the three dimensional quality of the building skewed the initial perception, and that the recessed parts of the buildings were not metal, but a different material. They calculated the length of the façade, and all the metal panels including metal surrounding the storefront windows on the first floor to derive the percentage of metal material. He said it would not be 'read' as a metal building in reality, and at street level. He said the majority of the 21% of the Kirkwood face was on the third floor of the building and it would not be visible from street level.

Sturbaum asked if the use of metal was a cost saving decision. McHenry said it was not, and he had looked at many materials. He said the choice was not typical in that it was an engineer composite panel that would have all connections concealed behind the panels. He said this would prevent 'waviness' or 'oil canning' and noted the grain of the metal panels would all run in the same direction.

Sturbaum asked about the longevity of the panels. McHenry said they were guaranteed for 30 years but would last beyond that time. McHenry showed the panel and spoke of features that supported the metal and a built in drainage system for moisture. He noted the metal and composite material created a smooth finished edge.

Granger asked about part time employee pay listed at \$9.38 per hour in the application for tax abatement. Alano-Martin said the 2014 Living Wage was \$12.06 per hour, and that 2015 was being calculated. She said the figure on the application was the current starting wage, and may not be what the employees actually make as a starting employee. She said

that if the project were approved for tax abatement, all positions would need to comply with the Living Wage Ordinance.

Volan asked if there were mechanicals at the top of the building because the roof was used for residences. McHenry said that they were in the garage area where there would be a 14 foot ceiling.

Volan asked if an elevator shaft needed to be located on the top of the building. McHenry said it would go about 3 to 4 feet above the roof line. He said it would be finished in the same way as the rest of the building and adjacent finishes on the roof area.

Volan asked Micuda if the annual number of demolition permits in the city had gone down in the last 20 years. Micuda said they had. Volan asked if a video or three dimensional rendering was required for this proposal. Micuda said developers could do a physical model or do a computer model. He said there were many images (rather than a video) presented to the Plan Commission.

Ruff moved and it was seconded that Resolution 14-14 be amended by Amendment #2. He explained that the amendment would remove the residential condominiums on the top floor that would be occupied by the owners of the building from tax abatement. He said the state of Indiana already differentiated these types of properties from the 1%, 2%, and 3% tax caps. He said the condos would be taxed at 1% and the commercial units would be taxed at 3%. He said the state already recognized the separate taxable units.

He said he believed it would bring long term benefits to the community as well as being profitable to the owners with \$675,000 in annual revenue for 32 units offered as rentals. He referred to the nation's huge wealth inequality that had developed over the past decades and said the inequality in the US was one of the highest in the developed world. He noted that this inequality degraded the democratic system and said every action taken by the council needed to be closely examined to determine how it fit into that larger picture of inequality. He said there might be innocent transfers of wealth in an upward direction, even with good intentions, but this should be carefully scrutinized.

Ruff said he knew the investors were not out to game the system, and had presented a good project. He said the long term tax and financial implications of the proposal were complicated. He said the owner occupancy aspect of the upper floor condo units would be receiving a big tax break from the state anyway, even at a million dollars each. He said in this context, despite his good feeling about the project, he could not support the tax abatement on the personal dwelling units of the relatively high net worth owners.

He said this measure should not affect the project's completion and future, but would make it cleaner and add to its credibility.

Volan asked if there was a fiscal impact figure on the proposal. Ruff said that the rental units were taxed at three times the rate of the known residential units on the top floor. Volan asked for the fiscal impact of this amendment on the entire project. Alano-Martin said she received the amendment within the hour, and quick calculation with assumptions said the difference could be about \$120,000 over five years. She reiterated that this was very quick calculation and she could not be entirely certain of the amount until further study was made.

Mayer noted the Economic Development Commission (EDC) had reviewed the proposal and had recommended a five year abatement on the real estate.

Alano-Martin said the EDC had viewed the project in its entirety as a worthy one. She noted the EDC recommended a phased-in abatement until year five when full taxes would be paid. She said the taxes paid under this proposal would be \$477,526 while taxes abated would amount to \$716,356. She said the administration's position was strongly

Amendment #2 to Resolution 14-14

This amendment is sponsored by Councilmember Ruff. It would remove the residential condominiums occupied by the principals of Elmore Y Orrego, LLC from eligibility for this tax abatement. The amendment is coming forward pursuant to IC 6-1.1-12.1-2(I)(2), which allows the Council to impose additional reasonable conditions on a tax abatement by resolution that are consistent with purposes in statute and local guidelines.

in support of the entire project as presented. She agreed that this project would fulfill the goal of owner occupied housing in the downtown, with both the top floor units and also the other units. She reminded the council that in the past they had asked for owner occupied units. She noted the owners were long term entrepreneurs in the community, and brought their wealth to the project to invest in creating jobs.

Neher said he remembered from the EDC discussion that the fact that the owners would be living in the building was a factor in using a five year abatement rather than a ten year one allowed by law. Alano-Martin said that since it was market rate residence rather than affordable or reduced rate housing, a five year abatement was recommended instead of one longer than five years.

Ruff noted Alano-Martin said that removing the fourth floor condominiums would reduce the benefit of the tax abatement by \$120,000. Ruff said even if the whole building were taxed at a full 3%, it would not amount to that number. She explained her figuring and Ruff still disputed her calculations.

Spechler noted Alano-Martin had said there was value in having the leadership of these entrepreneurs living on site. He asked if having them as leaders, promoters and advisors of the development of the whole block and near the technology park would be worth what the city would lose in taxes that were abated. Alano-Martin said that was true. She added that having the development near the Certified Technology Park (CTP) and having new TIF revenue supporting the development of the CTP were strong public community benefits that would help create new technology jobs. She saw this as a new synergy with indirect economic impact with the new jobs created within this structure. She said having the owners living on site was a factor of sustainability. She added that it would not become college student housing because the owners would influence policies and activities there.

Referring to Ruff's comment on income equality in the US, Spechler asked if he was aware that tax abatements and Enterprise Zone Investment Deductions recently awarded gave benefits to people at the upper end of the income spectrum. Ruff said he was certainly aware of that fact, and noted he was talking about abating taxes on fairly luxurious personal residences. He said it was separate from the purpose of the abatement in helping to create jobs or provide a good mixed use building in the downtown. He said he was supportive of those things, but the partnership of the public and community would be better served without inclusion of personal residences.

Volan asked Alano-Martin about her statement regarding the possible relocation of this business if the tax abatement was not approved. He asked if the project would continue to be developed if the amendment was approved. Alano-Martin said another project was not amenable to making the residences owner occupied, and this project took the staff's recommendation to do so.

Granger and Ruff noted that the amendment only applied to the top floor, the two owner occupied residences.

Volan said it was better to consider the percentage of square footage of the building contained within these two fourth floor units rather than the portion of the number of units he asked for that number. Alano-Martin said she would like to talk to the county assessor on the tax impact of this amendment.

Volan noted he thought the question was relevant, and since this answer might not be readily available, he said he might ask for more time to consider this issue. Greg McHenry said the information was not immediately available.

Alano-Martin said the amendment as currently written needed to be tightened up because it didn't include specific parcel numbers and wouldn't until the parcel was built and subdivided. She speculated that as it was written, it might not be something that the auditor could interpret as it was intended.

Neher asked Patty Mulvihill, City Attorney, to express her concerns. Mulvihill said the amendment needed to be written to be more precise so that the county assessor's office would know exactly how to interpret the council's intent. She noted that the administration was not supportive of the amendment, but should it pass, staff would like to see tighter language on September 17<sup>th</sup>. She said she wanted to talk to Monroe County Assessor Judy Sharp to make sure she had the information needed to make sure the tax abatement was correct.

Neher asked if the amendment needed to pass at this time or if the intent of Ruff's amendment could be added at a later date. Dan Sherman, Council Attorney/Administrator, noted that this resolution would, in the ordinary course of the process, need a confirmatory resolution. He noted that that resolution could both modify and confirm, or even reject Resolution 14-14. He said if the question was not ready to be resolved at this time, it could be done on September 17<sup>th</sup> with that confirming resolution.

Volan asked for clarification in actual adoption of Resolution 14-14 at this meeting. Sherman said it could be modified by the confirmatory resolution. Neher asked Ruff if this was amenable to him. Ruff said it would be if Sherman thought this was a good way to proceed. Sherman said that in either instance, more specific language would be needed to change Resolution 14-15 at the meeting of September 17<sup>th</sup>.

Volan asked if Ordinance 14-16 would need to be amended also. Sherman said that ordinance would not need to be changed.

Ruff asked if there was a preference of one procedure over the other. Sherman said it was important that there be a good definition of the exempted property. He said that could be done on September 17<sup>th</sup>. Neher asked that Ruff to withdraw his amendment and said that on September 17<sup>th</sup> there would be all the information necessary to judge the amendment on its merits.

There were no public comments on this amendment.

#### Council comments:

Spehler said he understood Ruff's intention, symbolic as it was. He said the presentation was superb and the project was superb, and the fact that it was supported by Alano-Martin indicated that there would be substantial tangible and other benefits from having the owners on-site. He said that fact was worth not 'disfiguring' the resolution. He said he would vote against the amendment because he said he didn't want to jerk the developer around. He said this was a 'key' starter investment in the Certified Technology Park.

Volan said 'disfiguring' the project was not respectful of the author of the amendment. He said the notion that the council was 'getting in the way of a good project' or 'holding up progress' had not been heard from this petitioner. He said it was incumbent upon the council to ask the questions. He said this also was not a symbolic action, but would have a measurable effect on the tax impact of the project with about half of the taxes abated. He said it was appropriate to take some time to pursue the details.

Sandberg thanked Ruff for bringing the discussion forward in regards to investments of public money. She said the lack of specific numbers would cause her to vote against the amendment at this meeting, but she

wanted to hear more. She was skeptical that the condo residential development might not be as successful as the developer desired. She said she appreciated the fact that the owners would occupy the fourth floor.

Amendment #2 to Resolution 14-14  
(cont'd)

Ruff expressed appreciation for the council members' willingness to engage in the discussion without full numbers. He said he was grateful that the owners wanted to live downtown in this building. He noted the EDC debated the prospect of abating taxes on market rate residential property and their five year graduated plan rather than the ten year plan allowed by the state. He noted the overall value of the project and the commitment of the owners, but said he was anxious to get harder numbers.

Neher said he would not vote for the amendment. He said the implication was that if the owners didn't live in their own facility, the two residences in question would be eligible for abatement. He said the value of the original plan was in the commitment to work towards owner occupancy in the building and aligned with other commitments made to the EDC on marketing and leasing to non-student populations.

Councilmember Ruff moved to withdraw this amendment. The motion was seconded.

The motion to withdraw Amendment #2 to Resolution 14-14 received a roll call vote of Ayes: 9, Nays: 0

Sturbaum asked Micuda if the brushed stainless steel panels were presented as materials for this development during the hearing of the Plan Commission. Sturbaum said he didn't remember seeing a sample of the material and didn't remember that exterior materials for the building were discussed at the Plan Commission. Micuda said the information was provided to the Plan Commissioners, but there was not an exhaustive discussion about it.

Resolution 14-14 (cont'd)

Sturbaum asked Micuda if didn't think that the building would be perceived as a brushed stainless steel building with limestone accents, because that's the way he perceived the building at this point. He added that the percentages of limestone to steel was almost irrelevant against the perception of so much metal and he wanted council to understand that perceptions could be different than what numbers might indicate. Micuda said the B-Line façade had a masonry and brick component, a mixed material building with combinations of metal, masonry and limestone.

Micuda noted that metal was a permissible material in this overlay, and believed that was why the percentages were not discussed at the Plan Commission meeting. He said the predominant materials would be limestone and metal, and he didn't think it would read as a majority metal exterior. Sturbaum asked if the reason this metal was permitted was that it was reflective, but not highly reflective. Micuda said that in each of the six downtown overlays, a list of prohibited materials existed. He said it was not a highly reflective material.

Sturbaum said he finally understood that the materials permitted or not permitted by code did not allow for newer building materials. He asked how long the planning department operated on the model of "if it's not listed as prohibited, it's okay."

Micuda said when a material was not listed as prohibited, it was available to be used as either a primary or secondary material. He said in most overlay districts, it was available as an option. He said metal allowed for modern design touches and use of color in this area, with less traditional types of architecture.

Sturbaum noted that there could be an all metal building in this overlay. Micuda noted that it was a clearly acceptable material and the code was set up that way.

Rollo asked Micuda for recent buildings that used metal as part of the façade. Micuda noted the Rubicon building on Kirkwood near the corner of 4<sup>th</sup> Street and Grant. He said masonry was the predominant material but red metal accents were used. He said the design idea was to augment a classic material with a more modern material to put a splash of color on the building, and it had been well received.

Sturbaum asked about galvanized metal as a building material. Micuda said that there was a difference in proposals with that material.

Public comment:

Allison Chopra said she appreciated Ruff and Sandberg's sensitivities to abating taxes in this proposal. She asked that the council not be wooed by owner occupied condos. She related an earlier proposal for condos at the corner of Kirkwood and Washington and noted that they did not sell at the price point similar to the ones in this proposal, and the project did not go forward. She said that with her mortgage calculator and a ten percent down payment, one would have to make three times the living wage to qualify to purchase these residences.

She thought the condos would be attractive for rentals, and perhaps should not receive incentives for development.

Daniel McMullen talked about student housing. He said the market for residences in the downtown would grow.

Council Comments:

Spechler said he would vote for this project. He said the council should not be concerned with the commercial viability of any project that came before them. He said proposals were made by people who were putting their own money at risk, and it was their job to see what the market would bear with price reductions or failure as their other option. He said even if the business failed, the new building would still remain. He said the discussion on aesthetics was presented by qualified architects and it was not the council's job to express views on this as long as the buildings were not endangering the health and safety of the community, transportation, or public policy. He said he would make an exception for truly ugly projects.

Spechler said developers should be allowed to develop, and not have to wait for the Growth Policies Plan to be updated. He said he wanted development as soon as possible.

Rollo noted his disagreement with Spechler adding that there was a public investment in tax abatements. He said it was appropriate to review the aesthetics of the building, use of the building, and the tenancy of the building. He said this was the best hope for owner occupied units in the downtown. He said the petitioner was offering the proposal on good faith, but it was possible that the market would not support owner occupied development. He noted new proposals may have further incentives or restrictions depending how this project fared.

He said the project generated income, brought employment downtown, noted it optimized the use of the property, and had a successful design of a large building to break up a large building face. He said he wasn't sure about the metal component, but thought the project was good.

Rollo reiterated that the rate of development downtown was overcoming the downtown, and that it was the council's responsibility to do something about that and not let the market run amok and let interest rates dictate any development.

He thanked Alano-Martin for her presentation, especially with regards to the TIF projections.

Resolution 14-14 (cont'd)

Granger said she liked the owner occupied feature of the project. She thanked Alano-Martin for her attempt at calculating on the quick.

Sturbaum said he didn't mean to put the council in an uncomfortable spot with the issue of metal siding. He said it was a mistake to use stainless steel on this building.

He said he now looked more closely at the permissible materials in the code with a different slant. He said his vote against this would be a protest vote.

Volan said he was concerned about the look of the building and the viability of the owner-occupied condo building. He noted that the aesthetics of the building was a concern of the city as outlined in the Unified Development Ordinance. He said this was the measure by which developments would be judged. He noted his preference for three dimensional models for these projects to avoid surprises or misinterpretations of elevations.

Volan said that he was much more concerned about the viability of a condo project. He believed it was a viable concept and believed there would be a demand for condos, but was concerned that the units might be bought up and rented. He named four projects where many units were rented by their owners, which, he said, made them ineligible for 30 year fixed financing. He said this didn't encourage owner occupancy. He noted that he had asked if there was going to be a restriction on the number of units that would be available for rent. He said the council could have stipulated, for example, that if more than 25% of the units were rented at any one time, the tax abatement would cease. He said he would be interested in pursuing this measure in the next two weeks.

Ruff said he might vote no on the project overall if his amendment were to fail in the future meeting. He asked what it made the most sense to do at this point, abstain or vote no. Sherman said this resolution had to be adopted before the confirmatory vote could take place with amendments on September 17<sup>th</sup>. Ruff asked if his voting yes on the resolution at this meeting created support he would not be able to retract if his amendment on September 17<sup>th</sup> failed. Sherman said Ruff was free to vote any way he wished on September 17<sup>th</sup>'s confirmatory resolution, no matter which way he voted on the resolution at hand.

Mayer said aesthetics were difficult as 'ugly' was in the eye of the beholder. He noted his favorite was the Seagram Building in New York City, built in 1959 and made of steel and glass. He had previously asked for the timeline on the project and said it began in October, 2012, and was decided by the Plan Commission in December, 2013, a total of 15 months. He was sure that they didn't plunk down drawings at the first meeting, but noted there were discussions, examinations of material samples, reviews, and revisions all along the way. He noted that it was supported by all Plan Commissioners and that it was important to understand that entire process from concept to approval.

Mayer said he liked the project, liked the openness of the plaza, and liked the work/live residences.

Neher said he supported the project as it was reviewed by the Economic Development Commission and would continue to support it. He said the challenges of owner occupied units downtown and the willingness of the petitioner to take the risk was part of his reason for support. He said it kept an employment center in the downtown, would decrease tax rates in year two of the project, and had a great geographic relationship to the CTP.

Sturbaum said he liked everything about the project and it was well designed. He said he didn't like symbolic votes and would be voting in favor of the project.

Resolution 14-14 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Ruff, Volan)

Resolution 14-14 (cont'd)

It was moved and seconded that Ordinance 14-16 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 5-0-3. It was moved and seconded that Ordinance 14-16 be adopted.

Ordinance 14-16 To Designate an Economic Development Target Area (EDTA) – Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300 (Elmore Y Orrego, LLC, Petitioner)

Danise Alano-Martin explained that the designation of an Economic Development Target Area (EDTA) was required by state statute in order to enable the authorization of tax abatements on a project that had retail or residential components. She said the EDTA designation could find that the area, building or parcel had been subject to one of a series of factors: a lack of development, cessation of growth, deterioration of improvements, character of occupancy, age, obsolescence, substandard buildings or other factors that impaired values or prevent normal development or use. She said that both Lockerbie Court Condominiums and Madison Park Condominiums had also been similarly designated EDTAs. She said the ‘substandard building’ applied in this case and the redevelopment from a single use property to a mixed use property was desirable.

There were no council questions on this ordinance.  
There were no public comments on the ordinance.

Volan said that a vote for this Ordinance was a vote for mixed use development. He noted the two condo developments mentioned by Alano-Martin did not have this configuration.

Ordinance 14-16 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Ruff).

ORDINANCE 14-17 TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “UNIFIED DEVELOPMENT ORDINANCE” (Revising the Definition of “Standardized Business” Under BMC 20.11.020 [Defined Words])

LEGISLATION FOR FIRST READING

ORDINANCE 14-17

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

It was moved and seconded to cancel the next work session due to lack of agenda items to be discussed.

COUNCIL SCHEDULE

The work session for Friday, September 5, 2014 was cancelled by a voice vote.

The meeting was adjourned at 10:42 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, September 17, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
September 17, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler.  
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Andy Ruff noted that - in the face of continued distortions and misrepresentations - he wanted to correct statements that were made by members of a group advocating for non-lethal deer management in the Griffy Nature Preserve. He commented on an article about the forum held on September 9<sup>th</sup> that was sponsored by Bloomington Activists for Nonviolent Innovative Deer Stewardship (BANIDS). The article was published in the IDS on Sept 10<sup>th</sup> and included a quote attributed to IU Professor and BANIDS member Sandra Shapshay:

REPORTS

- COUNCIL MEMBERS

*“Humane non-lethal population control methods were never explored by the city council or the Deer Task Force. No city official ever invited non-lethal deer control experts to the city, even when the Humane Society of the United States offered to send someone to Bloomington.”*

Ruff said the first claim was untrue and offensive to members of the Deer Task Force (DTF), and that the second statement was a misrepresentation. He said the DTF spent many months exploring humane, non-lethal population control methods. It wasn't until after a year and a half of exhaustive research that the DTF reluctantly presented their recommendation. Each council member also did extensive investigation on their own before rendering a decision. He said that this level of personal research applied to the Parks Board of Commissioners as well.

Ruff noted that the Deer Task Force had a conference call in 2012 with Stephanie Boyles Griffin of the Humane Society of the US, who was the main presenter at the BANIDS/HSUS forum in Bloomington the previous week. He said that during the call, DTF members came to the realization that they were already familiar with all the things that Boyles Griffin had to offer, attributable to their careful review and consideration of the relevant literature and research on the subject. He emphasized that the HSUS was not dismissed, and that the DTF did not overlook an opportunity to gain new information. He said that the DTF had consulted Griffy experts, PhD biologists and ecologists, animal welfare representatives, and deer experts on the task force and at their disposal.

Ruff said one of BANIDS' leading members, Maria Heslin, was Deputy Mayor during the entire time the DTF held public and open work sessions and deliberations. He said that former Deputy Mayor, James McNamara, also active in BANIDS, was aware of what was going on. Mayor Kruzan was also aware of the DTF work and ultimately vetoed the legislation.

Ruff said that at the forum the previous week, HSUS advocate, Ms. Boyles Griffin, referenced the very same projects and research that the DTF and the council had considered in their deliberations. Ruff asserted that Ms Boyles Griffin also chose to “cherry pick” the results she presented at the forum, although she did acknowledge that an immuno-

contraceptive approach had never been proven to be effective in controlling deer populations in open systems such as the Griffy Nature Preserve.

Susan Sandberg announced that the annual Lotus World Music Festival for the Arts was being held in a few days and encouraged support for this incredible gem of our community.

Marty Spechler said that he looked forward to the opening of the IU Theatre season and the IU Opera season the following week. He also commented on the local controversy regarding managing deer overpopulation. Spechler stated that in his district – the northeast side of Bloomington - people wanted relief from the damage caused by deer. He would prefer a non-lethal solution but said he didn't think there was one.

Steve Volan welcomed the IU students in the chambers, and also spoke in support of what he called the “phenomenal” 21<sup>st</sup> annual Lotus World Music and Arts Festival. Additionally, he mentioned that the County Council just approved the 2015 budget of the Solid Waste Management District which included capital for a recycling recovery facility.

Dave Rollo spoke on his experience at the BANIDS/HSUS forum the prior week. He said that he and the representative from the HSUS both agreed that Griffy was an open system and that no methods of non-lethal management had been proven effective in an open system.

There were no reports from the mayor or city offices at this meeting.

There were no reports from council committees at this meeting.

President Neher called for public comment.

Daniel McMullen spoke about the deer reduction issue, noting that he liked the fact that the deer meat from the cull would be providing animal protein to poor people in our community.

Director Julio Alonso and Jake Bruner, from Hoosier Hills Food Bank, encouraged everyone to vote online in the PBJ fundraising campaign to support HHFB in winning a \$60,000 grant from WalMart.

Maria Heslin thanked attendees of the BANIDS/HSUS forum the previous week. She especially thanked Councilmember Granger for issuing the invitation to the HSUS.

Heslin announced that the local chapter of Women's Success Network was holding their Fall Kickoff Celebration on September 23, 2014, with Sherry Dunbar-Kruzan as the keynote speaker. All women were encouraged to attend.

Brian Bell, board member of Monroe County Court Appointed Special Advocates (CASA), spoke about the prevalence of child abuse and neglect locally and nationally. He reported that most victims were under the age of five, with 60% being under the age of one. He called upon every adult citizen in Monroe County to help vulnerable children by calling the Indiana Abuse and Neglect Hotline if they suspected that child abuse or neglect was occurring. He said that Monroe County CASA had 126 open cases with 93 of those having CASA representation; seventy five children were on the waiting list. Mr. Bell encouraged concerned community members to consider becoming a CASA volunteer.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC

Public Comment (cont'd)

Scott Wells, member of the Monroe County Plan Commission, Board of Zoning Appeals, and the Metropolitan Planning Organization (MPO), reported on the MPO meeting held on September 12, 2014, and expressed outrage that there was no media coverage. He proceeded to show pictures of soil runoff problems due to I-69 construction, which caused contaminated streams, creeks, and ponds and polluted drinking water. He disputed the State's claim that they were taking care of erosion control, and faulted the State for not responding to the MPO's complaints. Mr Wells asserted that representative government had failed in this situation.

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

It was moved and seconded that Ordinance 14-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 9-0-0. It was moved and seconded that Ordinance 14-17 be adopted.

Tom Micuda, Director of the Planning and Transportation Department, talked about the reason for the change, which was brought forward by CFC and Dave Harstad. The exception clause would indicate that a business or professional office on an upper floor would not be considered a "standardized business" and therefore would not be subject to the same regulations as ground floor uses. The Plan Commission approved the amendment by unanimous consent. Micuda recommended support of this minor ordinance amendment.

Volan referenced the Redeemer Church on the second floor of a downtown building which had a very large sign. He asked if churches were considered "standardized businesses" and if the large church sign was problematic. Micuda replied that churches did not fall under the category of standardized businesses and that upper floor signage had tight limitations per the sign code. Micuda said that the church sign in question had not gone through a review process, but that he would follow up on the issue of the sign's legality.

Mayer pointed out for the audience that Ordinance 14-17 had been thoroughly discussed at the previous week's meeting.

Neher added his appreciation for the timeliness with which the ordinance had been brought forward.

Ordinance 14-17 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Resolution 14-15 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that the September 3, 2014 Regular Session action on Resolution 14-14 was 8-0-1 in favor of adoption. She also noted that this was the statutorily required public hearing on this legislation.

It was moved and seconded that Resolution 14-15 be adopted.

Danise Alano-Martin, Director of Economic and Sustainable Development for the City of Bloomington, was introduced along with Jason Carnes, Assistant Director, and Greg McHenry, representative for the property owners. Alano-Martin identified Elmore Y Orrego as the developers of the Cornerstone Headquarters project at 304 W Kirkwood

APPOINTMENTS TO BOARDS  
AND COMMISSIONS

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS

Ordinance 14-17 To Amend Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" (Revising the Definition of "Standardized Business" Under BMC 20.11.020 [Defined Words])

Vote on Ordinance 14-17

Resolution 14-15 To Confirm Resolution 14-14 which Designated an Economic Revitalization Area, Approved Two Statements of Benefits, and Authorized Periods of Tax Abatement for Real Property Improvements and Personal Property – Re: Properties at 304 W. Kirkwood Avenue (Elmore Y Orrego, LLC, Petitioner)

*Note: The public comment on this item serves as the statutorily-required public hearing on this legislation.*

Ave. The proposal of both the administration and the Economic Development Commission was that the tax abatement apply to all the real estate improvements on the property. Alano-Martin pointed out that if the tax abatement was approved the project would be subject to the Living Wage Ordinance.

Resolution 14-15 (cont'd)

The Bloomington Economic Development Corporation (BEDC) provided data on the project's annual value of economic impact for Monroe County, which Alano-Martin reported was \$3,624,000. She stated that the next step in the process would be a Memorandum of Understanding between the city and petitioner Elmore Y Orrego which would specifically define Substantial Compliance and Remedies/Consequences.

It was moved and seconded that Amendment #1 to Resolution 14-15 – sponsored by Councilmember Ruff – be introduced. Amendment #1 would remove the two condominium units proposed for the top floor of this project from the tax abatement. If the amendment was approved, the owners would be responsible for paying an additional \$56,202 in taxes over the five year abatement period.

Amendment #1

The amendment was coming forward pursuant to IC 6-1.1-12.1-2(I)(2), which allowed the Council to impose additional reasonable conditions on a tax abatement, by resolution, that were consistent with purposes in statute and local guidelines, and IC 6-1.1-12.1-2.5, which gave the Council authority to confirm, modify and confirm, or rescind the declaratory resolution.

Neher asked Alano-Martin about the decision to recommend a five year abatement instead of a full ten year period. Alano-Martin replied that every proposed project was evaluated according to tax abatement guidelines as well as the economic development priorities of the city. On this project, which included premium market rate housing, the five year tax abatement met city standards better than the ten year abatement.

Spechler asked about the feasibility of the assessed value of the condominium units. Alano-Martin reassured him that the County Assessor and County Auditor were consulted in determining the estimated assessed value.

**Public Comment:**

Scott Wells talked about the approval process for granting a tax abatement from his perspective as a former county councilmember. He commented that this proposal appeared to meet the criteria, but wondered what would happen if the benchmarks were not met. Referring back to Amendment #1, Mr Wells was bothered that this project seemed to be a TIF within a TIF. He was concerned that it was not fair to give an abatement exception to one entity within a TIF, and thereby decrease the revenue intended to benefit all the residents within the TIF. He said that the project was already granted a height variance by the Plan Commission for the two residential units proposed on the top floor.

Wells was supportive of removing the personal condos from the tax abatement.

**Council Comments:**

Spechler noted that this was a difficult decision but that he was inclined to support the amendment proposed by Ruff.

Volan emphasized that the council did not have to say 'yes' to every request. He felt that Amendment #1 was an appropriate amendment and supported its passage.

Speaking from his perspective as a member of the Economic Development Commission (EDC), Neher pointed out that this issue was a topic of much discussion and consideration at EDC meetings. Consistent with the stance taken by the EDC, he intended to vote against the amendment.

Amendment #1 (cont'd)

Ruff thanked Alano-Martin for all of the challenging work she did regarding the complex issues surrounding this amendment.

Volan commented on the “optics” of the project. He said that if the goal was to achieve a certain amount of abatement, perhaps it could have been calculated another way. He was concerned about the whole development looking appropriate.

Granger agreed with Volan that there could have been better ways to get to the desired number (regarding the amount of the tax abatement); however she supported the amendment as it stood.

Amendment #1 to Resolution 14-15 received a roll call vote of Ayes: 8, Nays: 1 (Neher)

There were no council questions on the resolution as amended.

Resolution 14-15 as amended

Public Comment:

Scott Wells commented that he rarely supported a tax abatement, but he believed that this project was deserving.

Council Comments:

Rollo stated that this project was a good investment in general and agreed that personal residences should not receive tax abatements.

Spechler said that he promised voters in his district that he would not support tax abatement for residential property. He spoke in favor of the project in general.

Sturbaum looked forward to supporting tax abatements for affordable housing projects in the future.

Ruff commented on the absence of the developers at the meeting and believed that they deserved recognition.

Sandberg was supportive of this mixed-use development in the downtown area and looked forward to the opportunity to provide incentives to developers of affordable housing.

Volan liked that this development was mixed use with a building-forward design, and included owner-occupied residential units.

Neher compared this project to other problematic EZID (Enterprise Zone Investment Deductions) applications they had received. He stated that this project “checked the boxes” for what they wanted to see in downtown development proposals. Attractive components included investment in the downtown area, owner occupied units, jobs retained downtown, and a connection to the Certified Tech Park.

The question was called and seconded. Resolution 14-15 as amended received a roll call vote of Ayes: 9, Nays:0

Vote on Resolution 14-15 as amended

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST  
READING

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, reminded council-  
members about the budget schedule, noting that the next Tuesday night  
was a Special Session followed by a Committee of the Whole, with a  
second night on budget scheduled for Wednesday, October 8, 2014.  
Internal Work Sessions were scheduled for Friday, October 3, 2014 and  
for Friday, October 17, 2014.

COUNCIL SCHEDULE

The meeting was adjourned at 9:10 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

FOR APPROVAL

In the Council Chambers of the Showers City Hall on Wednesday, October 29, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
October 29, 2014

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

Andy Ruff reported that while in Lafayette, he wanted to hike a nature preserve so he searched online and found the Indiana Nature Preserve site which lead him to a map of various areas. The ones he was searching reported to be closed in November for a deer cull. He also reported that the Nature Conservancy and other land management organizations reported using lethal methods since it was the only effective way to manage deer herds in an open system like Griffy.

REPORTS

- COUNCIL MEMBERS

Dorothy Granger reported that she was a new member of the Monroe County Youth Council Advisory Board, and said she looked forward to working with them.

Dave Rollo responded to a letter in the Herald Times which asked about the possibility of fencing the Griffy Nature Preserve. He said the Deer Task Force actually seriously considered that, and noted that the expense would be about 1 million dollars and would still have to be managed. Rollo said the idea was rejected in order to keep it an open system.

He went on to describe the research that said there were no effective non-lethal methods. He followed up by saying that in terms of urban deer, one should keep an open mind because more data was needed, and it was unclear as whether urban deer constituted an open system.

Steve Volan announced that the next Tuesday was Election Day, and reminded everyone to vote. He said a constituent emailed him to say there were trees marked with orange tags in University Courts area, as if they would be removed. Volan believed it was because of the move of houses on E. 8<sup>th</sup> St. He said he would follow up with staff to determine if they were city or university managed.

Marty Spechler noted that early voting was available and it made voting very easy and convenient. He talked about why voting was important, and it was not just high school civics.

Spechler reminded all that with Halloween coming up, vandalism on Halloween was still vandalism and still illegal, and should be reported. He asked that parents be vigilant.

Darryl Neher said he had lots of candy for Halloween, and invited everyone to come Trick or Treat at his house on Dunn St. He also reminded the public that trick or treating hours were Friday night from 5:30 to 8:30.

There were no reports from the Mayor and City offices.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

Steve Wagshell said he would like to live in a safe, civil, and humane city. He disagreed with portions of the Deer Task Force Report, and

- PUBLIC

asked that they support a new ordinance that would delay the deer cull. Sandra Shapsay asked that the Council think differently about the deer cull, and whether there actually was an overabundance of deer. She said more attention needed to be paid to HSUS report which she called incredibly significant. She said the wildlife biologists from HSUS were unable to detect deer or signs of deer at Griffy, and suggested that a deer count was necessary in order to have a responsible deer management program. She encouraged the Council to partner with HSUS.

Marc Haggerty said no one from the Council or the Deer Task Force was willing to go to Lake Griffy to see what he had seen—that it's an IU deer problem, an IU Golf Course deer problem. He said there weren't any deer at Griffy, but rather on the IU property.

Laramie Wilson from the South Griffy neighborhood read several comments all opposing the deer kill that her group Stop the Griffy Deer Kill, collected while tabling at Farmers' Market.

Hattie Clark spoke on her own behalf as well as her husband Peter Jacobi and said that killing rarely helped any problem, and usually made the problem worse. She added that the other options discussed had been shown to be successful, and therefore should be used in Bloomington.

Julie Gray said that killing the deer was not the only option, and referred to the ample evidence of non-lethal options. In addition she said it had not been determined that there was even a problem of deer overpopulation.

Maria Katrien Heslin said this was a huge opportunity to work with the HSUS and IDNR to implement a non-lethal approach at Griffy and in the neighborhoods. She requested the council pass legislation that would outlaw bow hunting in city limits, and legislation that would call for a delay of any kind of lethal means at Griffy for at least two years.

David Slibaum commented on the area's winter shelter for the homeless population. He said without a place to stay overnight, those people undermined the operations of businesses that were opened at night. He asked that when shelters were opened, that people who needed them would use them. He suggested the new bus station be used for women and children to get out of the cold, and use the old bus station for veterans and men.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Ordinance 14-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded that Ordinance 14-23 be adopted.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 14-23 To Amend Title 17 of the Bloomington Municipal Code Entitled, "Construction Regulations" Re: Repealing and Replacing Chapter 17.16, "Unsafe Building Law"

Patty Mulvihill, City Attorney, presented the reason for the changes proposed. She said it was to bring the current city unsafe building law into compliance with state statute. The new law would model the state law. She said that three things needed to happen in order to enact this: passage by council, signature of the mayor, and approval by the State Fire Commission, which she reported should not be problematic since they looked upon this favorably.

Council Questions

Sturbaum asked if the Board of Public Works would be involved in overseeing orders as it was now, Mulvihill said yes, that wasn't a change.

Council Comments:

Ordinance 14-23 (cont'd)

Spechler said the general purpose of this was the prompt sealing of vacant buildings which could pose a danger. He added that the ordinance would enforce this in a fair and prompt manner.

Granger said inspection staff and their work were integral to keeping housing stock safe, and thanked Mulvihill for her work.

Volan said he was surprised to hear that the existence of our property maintenance code and inspection for rentals kept the city's housing out of the 'unsafe' category more than in other cities around the state. He said that having an inspection program and process, and the existence of the property maintenance code which didn't necessarily exist in other communities was the reason and for that he thanked the staff.

Ordinance 14-23 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded that Ordinance 14-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Ordinance 14-22 be adopted.

Volan explained that information was erroneously included in the ordinance and needed to be removed. He said this amendment struck the unintended addition of that language.

Micuda said this was a scrivener's error on the part of staff. He offered to answer any questions.

There were no council questions or public comments.

Council Comments:

Volan said this error was brought to his attention by a neighbor in the area, and that showed that people should speak up if they found issues that needed to be changed.

Amendment #1 received a roll call vote of Ayes: 8, Nays: 0

Neher explained that the amendment was needed to take out this section of the ordinance so that further study could be done.

Micuda said he had studied the turning movements and accident data from this intersection. He said there was nothing that indicated that this issue needed to be dealt with immediately, and would like to take it under advisement. He said that the Bicycle and Pedestrian Safety Commission had wanted "no turn on red" on many downtown intersections and that may be part of the further study and consideration for this and other downtown intersections. He said he thought it would be more productive to discuss "right-turn-on-red" in a very general discussion rather than just this one isolated situation.

Council Questions:

Volan asked if there was advice for businesses with parking lots that were at these corners to prevent cut through traffic. Micuda noted that there were accidents in the parking lot in question, and that a more narrow access point on Walnut and fewer access points to the parking lot could be a starting point.

Ordinance 14-22 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" Re: Stop and Signalized Intersections, One Way Streets, Restricted Turns on Red Light, Parking on Unimproved Surfaces, Angle Parking, No Parking, Bus Zones, and Appeals of Parking Violations

Amendment #1 – This amendment is sponsored by Councilmember Volan and corrects a drafting error in the proposed ordinance. Specifically, it removes proposed No Parking Zones which were mistakenly included as a result of confusion with streets included in Neighborhood Parking Zone 11.

Amendment #2 – Sponsored by Councilmember Neher and proposes deletion of Section 5 which proposed a no right turn on red restriction for eastbound traffic on Grimes Lane turning southbound at the South Walnut Street intersection. Further study on the cost and feasibility of alternative options as well as the effect on intersection performance is still needed before the proposed option can be considered by the Common Council.

Volan asked if the recommendation to narrow access points would alleviate accidents. Micuda said the parking lot configuration, access points and number of vehicles all contributed to accidents in the parking lot.

Spechler asked if the streets and lanes could be studied and maybe divided between those going ahead and left, and those turning right. Micuda said it was in the top 50 list in Crash Data Reports. He said more observation was needed and that he also was not a fan of dedicated lanes for turning movements, but that would be explored.

**Public Comment:**

Dave Slibaum recommended that a decision be delayed until the city had a traffic engineer. He also supported having dedicated lanes for turning to prevent congestions.

**Council Comments:**

Volan made reference to white or male privilege, and compared it to automotive privilege, which he said was the belief that people with engines that can go faster than humans should have priority on public roads. He said he thought that was the issue with this intersection.

Spechler said one of his constituents suggested a right turn only on a green arrow, which could benefit pedestrians. He said he supported this amendment, and added that pedestrian safety was most important and more important than motorists' convenience.

Neher thanked Micuda for his work on this.

Amendment #2 received a roll call vote of Ayes: 8, Nays: 0

Micuda addressed questions on three parts of the proposal that were not addressed by the amendments.

Ordinance 14-22 as amended

The first question concerned sections 1 and 2 of the ordinance which would reverse stop conditions on Gentry and Kirkwood. He said the traffic pattern changed with the completion of the Hyatt Hotel and he wondered if there were now safety issues with Gentry and Kirkwood. In his observations of the intersection during peak travel times (around 5 pm) he looked for pedestrians in conflict while crossing streets, and looked for back up activity that might cause the intersection to be blocked. He said pedestrian activity was low (7 crossings in 45 minutes) with no problems, and therefore concluded that at this particular point, there was no need for a dedicated crosswalk.

He said he also observed whether traffic blocked the intersection, causing a backup, and therefore hazards. He saw the intersection blocked 7 times in 45 minutes, which he reported was not a high number. He said there was no stacking problem, and therefore would not recommend any changes. He will continue to monitor this though in the future.

Micuda said the second part in sections 8 and 9 dealt with parking on 5<sup>th</sup> St. from Overhill to the dead end on 5<sup>th</sup> St. in the Green Acres neighborhood. He said parking was never regulated by ordinance, therefore there were no parking restrictions. He said this situation was taken to the Traffic Commission because the lack of parking regulations allowed cars to park on both sides of the street which caused problems for sanitation trucks being able to get through the street. The recommendation from the Traffic Commission was to limit parking to one side of the street.

Micuda said the third part was a question from Volan about 4<sup>th</sup> St. and Washington St. Micuda said it had been codified as a bus zone, and it was proposed to remove the bus zone and replace it with meters since this was in the meter zone. He said this would create 16 new spaces.

Council Questions:

Ordinance 14-22 as amended (*cont'd*)

Rollo asked about the entrance at the Hyatt. He said the entrance on 5<sup>th</sup> St. made sense, but asked if signage stating “do not block intersection” could help make a difference. Micuda said it was a good suggestion and would turn this over to a staff person to explore regulatory signage if the drive was blocked on a regular basis.

Mayer asked about placing an extra line on the street with the sign mentioned above, and asked that the suggestion be put into the mix.

Ruff wanted to know if there were other instances of parallel one way streets going in the same direction. Micuda apologized, said that he was aware of this question, but failed to research it.

Volan asked if there had been a count of pedestrians on the B-Line at the same time the traffic was monitored. Micuda said he would have needed help, and he was there alone, so couldn't count pedestrians and vehicles, but said he believed there were more crossings at the B-Line.

Rollo, asked whether pedestrians crossing the street in the middle of the block presented a hazard. Micuda said that would be a good study for a Friday/Saturday at check-in time at the hotel. He said he would continue to monitor.

There was no public comment

Council Comments:

Volan said he sympathized with Micuda for the new responsibilities of transportation added to his plate.

He also mentioned that there was a concept of too much signage in new urbanism. He said it wasn't all bad, if it didn't encourage the motorist to go fast. He said also there were strategies other than signs such as color of pavement or height of curbs. Volan concluded by saying he was happy the city was actively looking at this intersection and needed to reduce 'motorist privilege' here.

Ordinance 14-22 as amended received a roll call vote of Ayes: 8, Nays: 0

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

It was moved and seconded that the Internal Work Session scheduled for Friday, October 31, 2014 be cancelled, and authorize the council president to schedule another meeting if necessary. The motion was approved by a voice vote.

COUNCIL SCHEDULE

It was moved and seconded that the Committee of the Whole Session scheduled for Wednesday, November 5, 2014 be canceled. The motion was approved by a voice vote.

The meeting was adjourned at 9:09 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, November 18, 2015 at 7:35 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
November 18, 2015

Roll Call: Rollo, Ruff, Mayer, Volan, Granger, Sturbaum, Neher, Sandberg, Spechler  
Absent: None

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

Regular Sessions of May 21, 2014, October 15, 2014 and November 4, 2015 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer wished councilmember Dorothy Granger a Happy Birthday.

REPORTS

- COUNCIL MEMBERS

Marty Spechler mentioned that the IU Men's Soccer Team was invited to the NCAA Tournament that they had won eight times in prior years. The team would play Sunday, November 22, 2015 at noon. He said the team had a successful year, and he looked forward to seeing their performance.

Steve Volan blew on a noisemaker and wished Granger a Happy Birthday. Other councilmembers joined in on the noisemaking.

Ruff thanked Spechler for being his proxy at the Metropolitan Planning Organization (MPO) meeting.

There were no reports at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

President Rollo called for public comment.

- PUBLIC

Joselyn Whitticker, Corresponding Secretary of Delta Sigma Theta, said that the sorority had sponsored refreshments in the atrium. She spoke about their social agenda of the community, state, and the nation. She said that the sorority reflected diversity in race, employment, and social status; and served to empower women to the things that they would like to do. She said the organization focused on the local community first and was a Christian based sorority.

Spechler asked why the organization chose to be Christian based and excluded Jews, Muslims, and non-religious individuals.

Whitticker said that the organization did not exclude anyone based on race, religion, or creed.

Volan noted that Whitticker served on the Marion City Council. He said that more people should take advantage of the public comment section and share information about important events in the community.

Whitticker said that it was a national problem and that most people did not want to become political. She said that people needed to come together to come to decisions that served the needs of the greater good. She thanked the council for allowing her to share information on the sorority's work.

Daniel McMullen called for a moment of silence in remembrance of the attacks in Paris and Beirut in the past week. He spoke about a data breach in the United States Office of Personnel Management.

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

APPOINTMENTS TO BOARDS  
AND COMMISSIONS

It was moved and seconded that Ordinance 15-24 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of Do Pass 7-0-0. It was moved and seconded that Ordinance 15-24 be adopted.

Tom Micuda, Planning and Transportation Director, explained that 271 properties needed to be rezoned; some would be zoned higher, some lower. He explained the ordinance created zoning changes which had been approved by the council in 2007 and resulted in a lawsuit that the city lost. He said the department sent direct mailings to all of the owners of the properties in order to correct issues with the 2007 rezoning. Staff answered owner questions via email and phone calls; and the Plan Commission held two meetings to hear requests to revise the rezoning decision. The Commission received five requests to change the zoning of individual parcels, three of which were decided in favor of the property owners. He gave a brief synopsis of the changes that would be implemented by the ordinance. He said the proposal was thoroughly vetted by the Plan Commission.

**Council Questions:**

Spechler asked Micuda to clarify what he meant by higher and lower zoning. Micuda said that some zoning rules opened up more uses for the property and were considered “higher” zoning. He said less restrictive zoning gave the property a higher value.

Rollo asked if the new notification method was going to be used in the future. Micuda said that a court decision indicated that the city needed to make a stronger effort to notify property owners of the changes, and the legal department determined that to require direct mail to each individual.

Rollo asked how early would owners be notified before a Plan Commission meeting. Micuda said that the city was required to send it at least three weeks prior, but the department chose to issue notification five weeks prior in order to give enough time for questions and comments to be sent to the department.

Volan asked how the department determined how properties should be zoned. Micuda said that the decision was made from a combination of current property use, surrounding property use, and policy related documents.

Volan asked if zoning should follow use or if use should follow zoning. Micuda said that it was dependent on location and zoning philosophy.

Spechler asked if the neighbors of property owners were notified of the change and if they had a say in the changes. Micuda said that adjacent property owners could object to the process if they chose but only property owners were notified. He said that adjacent property owners were notified when a zoning change was requested by a private development.

Spechler asked if the city could erect a small sign to notify neighbors of the changes. Micuda said that signs were required for private development, but the department did not do that for city initiated actions. He said that notice was also listed in the newspaper.

**Public Comment:**

Daniel McMullen spoke about open forums and historic preservation.

Cheryl Underwood said that she had filed a lawsuit against the city four and a half years prior to this meeting because her properties were rezoned without notification. She said it was sad that the city council and mayor wasted taxpayer money on fighting the litigation which she ultimately won. She accused the council of being unaware of the actions

**LEGISLATION FOR SECOND READING AND RESOLUTIONS**

Ordinance 15-24 To Amend the Bloomington Zoning Maps for Two Hundred and Seventy-One Parcels Throughout the City's Jurisdiction (The City of Bloomington, Petitioner)

of the planning department.

Ordinance 15-24 (cont'd)

Council Comment:

Volan said that Underwood was correct in her litigation, and the council was not willing to act to correct the mistakes of the administration. He said he felt the case should not have gone to the Supreme Court, and he took responsibility for the council's lack of action. He said the council needed to decide if printed documents or existing use would be given priority in decision making about zoning and used Smallwood as an example of failed policy in zoning.

Ruff noted the council was accused of being asleep at the wheel. He asked staff why the administration appealed the court decision as many times as they did. Mulvihill said that every enacted ordinance did not need to have individual notice, but it did require notice through local media. She said that statute indicated that notice needed to be given to interested parties. Interested parties and method of notice were determined by the Plan Commission, and they considered every Bloomington citizen as an interested party and chose to notify them through local media. She said that the administration appealed the court's decision to clarify how to give notice and who should be considered an interested party in order to avoid future problems. Micuda reminded the council that a new procedure had been implemented in attempt to avoid future litigation.

Ruff said he disagreed with Volan that the council dropped the ball on the issue, and he reiterated that agreement with the administration did not mean that councilmembers were not doing their job.

Sturbaum congratulated Underwood for her victory in the litigation. He said that the Plan Commission was able to revisit some issues with the original zoning and correct issues. He encouraged the council to move on and lose with grace. He said that most of the large buildings downtown were built before the current zoning laws were implemented, and the Commission and city learned from their mistakes.

Neher said that the city moved forward in good faith with the new zoning, but they did not have clear direction from the court despite the appeals. He said that another law suit could be brought against the city. He said that big changes were yet to come through the Growth Policies Plan revision which he asserted would be the greatest challenge of the next council and administration. He said he hoped the community would become involved in the process.

Sandberg thanked Ruff for obtaining clarification from staff. She objected to the accusation that the council was asleep at the wheel, and she said the administration demonstrated no malfeasance in their efforts to pursue clarification through the court system. She said she would support the ordinance.

Mayer thanked Micuda and Mulvihill for their work, and he said it was unfortunate that clarification did not come from the court.

Spechler said that individual notices to property owners was the proper way to notify interested individuals. He said that the last round of zoning changes were properly notified through local media, and he said that less than 1% of the changes made were overturned. He said the city needed to change with the law.

Volan said he did not intend to impugn the motive of the administration or the council, but he felt that appealing the lawsuit was the wrong decision. He objected to the speed at which the council heard legislation and made decisions. He said that the city should admit their mistakes, and he said he would support the ordinance.

The motion to adopt Ordinance 15-24 received a roll call vote of Ayes: 9, Nays: 0

LEGISLATION FOR FIRST READING

Appropriation Ordinance 15-06 To Specially Appropriate from the General Fund, Risk Management Fund, and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Solid Waste Fund, Alternative Transportation Fund; and, Appropriating Additional Funds from the Municipal Arts Fund, Risk Management Fund, BMFC Showers Bond, Parking Facilities, Police Pension, and Rental Inspection Program Fund)

Appropriation Ordinance 15-06

Ordinance 15-25 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: Courthouse Square Historic District (Bloomington Historic Preservation Commission, Petitioner)

Ordinance 15-25

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that the 2016 Council Schedule was up for approval. The council fulfilled the public notice requirements by publishing an annual schedule. He gave the details of the schedule.

COUNCIL SCHEDULE

Volan asked when the budget hearings would begin. Sherman said they would begin on August 22, 2016.

Granger asked if newly elected councilmembers had been informed of the schedule. Sherman said the newly elected officials had been notified.

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

It was moved and seconded to authorize a letter from the council to the BUEA requesting transitional funding for operation of community sheltering project after 2015.

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

Sherman noted that there would not be a meeting the following week in observance of the Thanksgiving Holiday. He said that the council may want to hold additional meetings.

It was moved and seconded to schedule a Committee of the Whole on December 2, 2015 after the scheduled Regular Session and a Special Session on December 9, 2015 before the scheduled Committee of the Whole.

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

The meeting was adjourned at 9:14 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington