

City of Bloomington Common Council

Legislative Packet

Wednesday, 18 November 2015

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

For legislation and background material regarding Ordinance 15-24 please consult the [04 November 2015 Legislative Packet](#).

All other material contained herein.

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
<http://www.bloomington.in.gov/council>

City of
Bloomington
Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: November 13, 2015

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Annual Council Schedule for 2016

- **Annual Schedule**
 - **Memo to Council** from Dan Sherman Administrator/Attorney
Contact: Dan Sherman at 349-3409, shermamd@bloomington.in.gov

Legislation for Second Reading:

- **Ord 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)
Contact: Tom Micuda at 812-349-3423 or micudat@bloomington.in.gov

Please see the [Weekly Council Legislative Packet](#) issued for the 4 November 2015 Regular Session for the Legislation, related materials, and summary

Legislation and Background Material for First Reading:

- **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)
 - Memo from City Controller, Jeffrey Underwood
Contact: Jeffrey Underwood at 349-3416 or 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)
 - Map of District;
 - Map of National Register Districts and Zoning;
 - Memo to Council from Bethany Emenhiser, Program Manager, Housing and Neighborhood Development Department;
 - Staff Report to Council with Depictions of Architectural Styles;
 - Supplemental Information:
 - Council Res 15-15 - Urging the Bloomington Historic Preservation Commission to Initiate the Process of Establishing the Courthouse Square as a Historic District
 - with link to the [Weekly Council Legislative Packet](#) issued for the 6 May 2015 Regular Session where the legislation, National Register Nomination Form and other related materials regarding this Council action can be found; and
 - [link](#) to the Draft Design Guidelines and other information on the Historic Preservation Commission webpage

Contact:

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

Minutes from Regular Sessions:

- May 21, 2014
- October 15, 2014
- November 4, 2015

Memo

Regular Session Followed by a Committee of the Whole on Wednesday, November 18th

Because of Thanksgiving, the Council will hold two meetings next Wednesday and no meeting the following week. Those meetings will start with a Regular Session and end with a Committee of the Whole. At the Regular Session, there is one ordinance ready for Second Reading (see above), two ordinances ready for First Reading, and the Annual Schedule ready for consideration under the Council Schedule. At the Committee of the Whole, the two ordinances introduced earlier in the evening will be ready for discussion. Those ordinances (along with the Annual Schedule) are included in this packet and summarized herein.

Council Schedule

Annual Schedule for 2016

This packet contains the proposed Council Schedule for 2016 and a memo explaining it. Please review the material and offer your comments and be ready to vote on it on November 18th - unless you need another few weeks to consider the matter. Acting on it in November makes it likely that the Council Intern will be able to complete and distribute the Annual City Calendar before she leaves for Winter Recess.

The Annual Schedule includes 21 legislative cycles which are set forth in rows with five columns of dates for the following meetings and deadlines associated with each legislative cycle:

- Internal Work Sessions;
- Deadline for submittal of ordinances and associated materials to the Council Office (and another for resolutions);
- First Regular Session;
- Committee (of the Whole); and
- Second Regular Session.

As you know, the Council generally meets on the first four Wednesdays of the month for Regular Sessions and Committees of the Whole. It also meets on Fridays about twice a month for Staff-Council Internal Work Sessions to informally hear about upcoming legislation and other pending matters. Here are some of the meetings (and deadlines) that would *not* follow the usual rule (please see the proposed Schedule and Memo for more detailed information):

- **January** – This schedule proposes holding:
 - an Organizational Meeting and Committee of the Whole on Wednesday, January 13th (which is the second Wednesday of the month and the last day to hold this meeting without a special vote of the Council);
- **February** – *Nothing unusual*
- **March** - This schedule would avoid meeting during Spring Break (which falls on the third week of March) and holding the second Regular Session and Committee of the Whole on the fourth Wednesday and fifth Wednesdays of that month instead.
- **April** - *Nothing unusual*

Budget Meetings (May, August, September, and October) - This schedule proposes largely following the last few years' example by holding the:

- Budget Advance on the second Wednesday in May (May 11th) at 5:30 p.m.;
 - Four evenings of Departmental Budget Hearings at 6:00 p.m. commencing on the fourth Monday of August (running from August 22nd to 25th) and *including a due date for Budget Books on Monday, August 15th*, and
 - Final Budget hearings:
 - starting with a Special Session and Committee of the Whole on the fourth Wednesday in September; and
 - wrapping them up with a Special Budget Session on Thursday, October 13th (the *second Thursday in October*) which would provide two weeks between meetings and avoid meeting on Yom Kippur (the Jewish Day of Atonement).
-
- **June** – This schedule accounts for the Annual Tax Abatement Report and uses a fifth Wednesday by holding:
 - A Special Session on the fourth Wednesday in order to act on the Annual Tax Abatement Report; and
 - A Regular Session on the fifth Wednesday in June.
-
- **July** – After scheduling a Regular Session on a fifth Wednesday, this schedule:
 - moves the Committee of the Whole and Regular Session to the first and second Wednesday in July; and
 - follows the last few years' example by commencing the Council Summer Recess after the first Legislative Cycle in July.
-
- **August** – As noted above (under Budget Meetings), this schedule holds:
 - the Department Budget Hearings starting on the fourth Monday in August (and includes a due-date for the Budget Books on the third Monday of the month); and
 - a Regular Session and Committee of the Whole on the last (fifth) Wednesday of the month.
-
- **September** – As noted above, this schedule largely follows the last few years' example by starting the first legislative cycle in September with an evening of meetings on the last Wednesday in August and holding a special Budget Cycle starting at the end of September, but concluding this year on the second *Thursday* in October (rather than second Wednesday) in order to avoid meeting on Yom Kippur.

- **October** – the holding of the Special Budget Session on the second Thursday in October, in essence, replaces the First Regular Session that month. The rest of the Wednesdays follow the usual four-Wednesday schedule.
- **November** – In order to account for the holiday on the fourth Wednesday (Eve of Thanksgiving), this schedule holds a Committee of the Whole on the fifth Wednesday of the month.

Other Exceptions and Irregularities

- **Fifth Wednesdays** - note that there are four months with five Wednesdays next year - in March, June, August, and November - *which may affect deadlines for filing legislation and provide opportunities to shift your meetings.*
- **Because of holidays, deadlines for Ordinances and Resolutions:**
 - **Overlap on:**
 - Monday, December 21st (2015);
 - Monday, August 15th;
 - Monday, September 12th (Budget Legislation); and
 - Wednesday, December 28th; and
 - Fall on some other day than Monday on:
 - Friday, January 15th
 - Friday, March 18th
 - Friday, April 29th
 - Friday, May 27th
 - Friday, September 2nd
 - Wednesday, September 7th
 - Wednesday November 2nd; and
 - Wednesday November 23rd
- **Unusual Dates for Staff/Council Internal Work Sessions:**
 - Thursday, March 24th (a day earlier than usual because of a holiday on the following Friday); and
 - Monday, December 19th (because folks take time-off or leave town later in the month).

Regular Session – First Reading

Item One - App Ord 15-06 (End-of-Year Appropriation Ordinance)

App Ord 15-06 is scheduled for introduction and discussion this Wednesday. Otherwise referred to as the typical end-of-year appropriation ordinance, this legislation proposes to make a number of inter-departmental transfers from those departments with a surplus to those who anticipate shortages. The measure also appropriates \$632,640 in additional monies from the following funds: the Risk Management Fund, BMFC Showers – Controller, Parking Facilities, Municipal Arts Fund, Police Pension Fund, Solid Waste Fund, the Alternative Transportation Fund and the Rental Inspection Program Fund. The nature of the transfers and the additional appropriations are described below.

General Fund Transfers– Zero Net Impact

App Ord 15-06 transfers \$198,900 in General Fund monies from departments which have a surplus to departments which may have a shortfall. According to the memo submitted by Controller Underwood, these transfers are made to cover the difference between the initial budget prepared for 2015 and the actual operational results. Departmental surpluses are typically due to budgeting for positions that become vacant. Departmental deficits stem from overtime expenses, additional hours for temporary employees, additional staff, salary increases, and payout for departing employees. As Controller Underwood makes clear, these transfers simply shift money between departments – the transfers will have a “zero net impact” on the total budget.

INTER-DEPARTMENTAL TRANSFERS			
TRANSFER OUT	-	TRANSFER IN	+
Planning & Transportation	(121,800)	Police	139,500
Community & Family	(46,000)	HAND	59,400
Board of Public Works	(20,000)		
Economic & Sustainable Development	(6,100)		
Human Resources	(3,000)		
City Council	<u>(2,000)</u>		
TOTAL	(198,900)		198,900

Risk Management Fund – \$275,000 additional appropriation

Unlike the General fund appropriations, this request is for an additional appropriation of \$275,000 to cover the increasing costs associated with worker compensation. As communicated by Underwood, the increased costs are due to more injuries, higher cost injuries and higher overall treatment costs. As required by the DGLF, Underwood explains that the cash balance in the fund will support the additional appropriation.

Bloomington Municipal Facilities Corporation Showers Bond – Controller -- \$640 additional appropriation

The Controller provisions for the City's bonds. As communicated by Controller Underwood, the funds budgeted for the BMFC Showers Bond fund in 2015 were not sufficient to cover the bank fees charged for the administration of this fund. For that reason, this appropriation ordinance appropriates an additional \$640 to this fund.

Parking Facilities Fund -- \$64,000 additional appropriation

The Public Works Department request an additional \$64,000 to cover fees associated with credit card and debit card transactions at City garages and City lots only; this appropriation is not a request for fees associated with on-street parking meters. As Underwood explains, this is the first year the City has operated these facilities in a number of years, and the credit and debit card fees were underestimated in last year's budget.

Police Pension Fund -- \$250

The Pension Secretary for this Fund is retiring from service as a police officer. As such, Medicare and Social Security taxes are due on the Secretary's wages. The cash balance in the fund supports the added appropriation.

Solid Waste Fund -- \$22,203 (Zero Net Impact)

Public Works requests a transfer of \$22,203 from Classification 3 (Services and Charges) to Classification 1 (Personal Services) to cover additional wages paid for temporary and overtime work.

Alternative Transportation -- \$1,250 (Zero Net Impact)

The Planning and Transportation Department requests on behalf of the Police Department, a transfer of \$1,250 from Classification 2 (Supplies) to Classification 3 (Services and Charges) to cover costs and utilities, including cell phones, related to the Neighborhood Parking Permit Enforcement Program.

Municipal Arts Fund -- \$12,750 additional appropriation

This fund was established as part of the City's *Percentage for the Arts Program*, which created a policy of including work of art and/or design services of artists in certain capital projects. Per the Municipal Code, expenditures from this fund "may be used for design services of artists and for the selection, acquisition, commissioning, and display of art works, for maintenance, and administration of the program as outlined in the guidelines and annual public art project plan." (BMC §2.12.021(f)). Appropriation from this fund requires Council approval. As relayed by Controller Underwood, the cash balance in this fund supports this appropriation.

HAND Rental Inspection Program -- \$280,000 additional appropriation

In 2012, the Indiana General Assembly enacted a new law requiring that rental inspection fees be deposited in a separate fund (I.C. §36-1-20-3). While revenue is deposited into this designated fund, the expenses for the rental inspection program are appropriated in the General Fund. Locally, the Rental Inspection Program Fund is the fund into which local inspection fees are deposited. As of 31 October 2015, \$215,000 in inspection fee revenue has been deposited into the fund. Note that while the City has collected \$215,000 of the end of October, there is \$280,000 available for transfer from this fund due to monies collected during the last three months of 2014. For this reason, this legislation reimburses the General Fund \$280,000 for program expenses.¹

¹ Notably, the funds deposited into this fund have grown by over \$100,000 since 2012. This is attributable to a combination of an increase in inspection fees and several large developments built in 2014 that were not ready for inspection until 2015.

Item Two – Ord 15-25 – Amending Title 8 (Historic Preservation and Protection) to Establish the Courthouse Square Historic District

Ord 15-25 establishes the Courthouse Square Historic District. It follows Council **Res 15-15**, which was adopted in May of this year and urged the Bloomington Historic Preservation Commission (Commission) to initiate the process of this designation and to take steps “in the interest of fully engaging all stakeholders and community members.”

A copy of **Res 15-15** is included in the material and the reader can find a link to the Weekly Council Legislative Packet where it was presented in the Table of Contents (above). In brief, this resolution declared that:

- “Bloomington’s Courthouse Square is an iconic representation of our community, the heart of our city, and an anchor of a shared sense of place...;” and
- “the distinctive historic nature (of the Courthouse Square) has long been recognized” as evidenced by:
 - its listing on the National Register of Historic Places in 1990;
 - the adoption of the Preservation Plan for Downtown Bloomington and the Courthouse Square in 1998 (1998 Plan) ;
 - the adoption of the Downtown Vision and Infill Strategy Plan in 2005;
 - the development of “a set of context-sensitive, advisory design guidelines for the downtown entitled, *Common Issues and options for Treating Older Buildings in Downtown Bloomington*” by the Center for Historic Preservation College of Architecture and Planning at Ball State in 2005; and
 - the updating of the 1998 in 2012 which “echoed and strengthened the call for local designation ...(finding, in part, that):
 - The most significant part of Bloomington’s historic building inventory – the Courthouse Square – is unprotected by historic designation. We must work with downtown businesses, building owners, and civic leaders to preserve this historic commercial and governmental core for future generations (p. 2)”;
- and concludes that:
 - “the historic nature of the Courthouse Square represents our community’s past, informs our shared community life in the present, and promises to continue to shape economic vibrancy and community character in years to come. Twenty-five years after nomination to the

National Register of Historic Places, local historic designation and protection of this community resource is long overdue.”

The paragraphs below offer an overview of Title 8, regarding Historic Preservation and Protection, and the grounds under which the Commission made its recommendation for this designation.

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

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

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

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

Districts, Areas, and Ratings

Statute and local code offer gradations of districts, areas, and ratings that, in general, tie the level of historic/architectural significance to a level of regulation and protection. In that regard, there are two levels of historic districts, two levels of areas, and four levels of ratings, which are briefly noted below:

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

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

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

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

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

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

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

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

- “Outstanding” is the highest rating and is applied to properties that are listed or are eligible for listing on the National Register of Historic Places and “can be of local, state, or national importance”;
- “Notable” is the second-highest rating and applies to properties that are of

above average, but not outstanding importance, and “may be eligible for the National Register”;

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

Designation Procedures

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

Although not done so with this designation, the Commission may impose interim protection on the district that prevents any exterior alteration of the property until the Council acts on the designation. Please note that under local demolition delay provisions, the Commission also has an opportunity to consider historic designation of properties listed on the Bloomington Survey of Historic Sites and Structures which are slated for demolition. (See BMC 8.08.016 and cites to Title 20 [Unified Development Ordinance]).

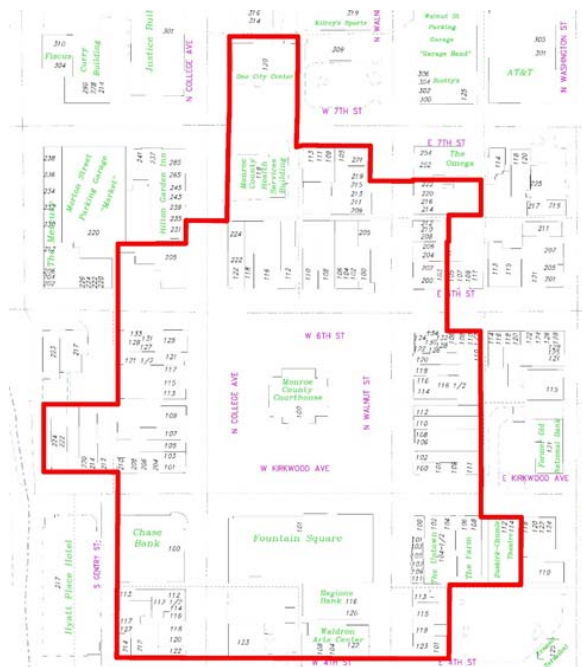
The ordinance typically:

- Describes the district and classifies the properties;
- Attaches the map and the report;
- Approves the map;
- Establishes the district and amends the local code to insert the newly established district into BMC 8.20; and
- In the case of conservation districts, addresses their elevation to a full historic district at the third anniversary of the adoption of the ordinance, unless a majority of the property owners object to the Commission in writing in a timely manner.

Genesis, Boundaries, and Zoning of the Courthouse Square Historic District

As mentioned in the opening paragraphs of this summary, the Council, with passage of Res 15-15 this May, urged the Commission to initiate this designation. According to the Memo from Bethany Emenhiser, Program Manager, in the Housing and Neighborhood Development Department, “as a result of (the resolution) the Commission (met) ... on May 14, 2015 (and) recommended that 57 properties located in or adjacent to the area known as the “Square” be locally historically designated.” As of the end of October, the Commission had held 16 public meetings with “members of the public and property owners.” These meetings continue and are intended to: 1) give these persons an opportunity to voice questions, concerns, and support; and, 2) work with these people toward developing Design Guidelines for the proposed district. On November 12, 2015, the Commission approved and forwarded the map and Report to the Council for consideration.

This district is within the Commercial Downtown (CD) and, except for one parcel,² lies within the Courthouse Square Overlay District. As shown in the map below, it is roughly bounded by 7th Street on the north, Walnut on the east, 4th Street on the south, and College on the west:



² Masonic Temple at 123 West 7th Street

Statistical Overview of the District

Buildings:	57
Ratings:	5 outstanding, 19 notable, 28 contributing, and 5 non-contributing properties
CD zone:	100%

Historic and Architectural Criteria for this Designation

The Commission, in approving the Staff Report (Report), granted this designation based upon both the historic and architectural significance of the area and its buildings.

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

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

In support of these findings, the Report notes that this area has served as the town center since it was first laid out in 1818 “in what is known as the ‘Shelbyville Plan, (with) cross streets (that) intersect at the corners of the square.’” This was soon followed by construction of the first courthouse, which was “small log structure,” and after another incarnation, was then replaced, in 1907, by the courthouse we see today.

Early businesses on the square, including the Seward Foundry,³ along with “tanneries, lumber, woolen and grist mills, and distilleries” served “the local agricultural and daily needs of the community.” Subsequent businesses, most

³ The Report notes that the Foundry “was an early blacksmith shop that started in 1822 at 7th and Walnut (and) continued operation until the 1980’s, and that the proprietor, Austin Seward, is “known for creating the fish weathervane that has topped every courthouse since 1826.”

prominently the Showers Brothers Furniture Factory, which began on “the eastside of the square as a coffin and bedstead manufacturer in 1856,” were able to benefit from advances in transportation systems – stage coach routes, waterways, railroads, and then highways – to serve a national market and eventually transform the City. Department stores, like the Wicks Bee Hive, which operated on the square from 1891 to 1976, provided goods for the community for well over a century.

Over the years, hotels⁴, lodges, rough saloons, restaurants, auditoriums, and for a time, movie theaters, provided “a center for entertainment” which “continues today with many live music venues, bars, restaurants, specialty shops, and annual events creating the public downtown experience.”

The square is preserved today largely through the work of CFC, with renovation of the Graham Hotel and the entire south side of the square (in what is now known as Fountain Square Mall). Many others also invested in the reuse of these old buildings with the help of tax credits.⁵ The Report highlights the role of the Commission for Bloomington Downtown (now Downtown Bloomington Inc.) and the “Main Street program” along with local funding efforts in promoting the vitality of the area.

Please note that the proposed local district follows the same boundaries as the National Register district (nominated in 1990) and contains four individually listed properties: the Courthouse (1976), Princess Theatre (1983), Wicks Building (1983) and the old City Hall (1989).

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

- Embod(y) distinguishing characteristics of an architectural or engineering type;

Here, the Report, finds that the district is the “centerpiece of commerce and government within the City and County” and “showcases the growth and development of business and trade within southern Indiana.” These businesses

⁴ The Report notes that hotels, including the Bundy European Hotel, Faulkner Hotel, and “the grandest of them, the Graham” still stand.

⁵ Tax credits are available for restoration of national historic district property in accordance with Secretary of Interior standards. According to the Report, these renovation projects include the Fee, Sudbury, Wicks, Vance Music, Howe, Harp Motors Sales Co., Allen, Knights of Phythias buildings and the Princess and Buskirk-Chumley/Indiana theatres.

and trades include the limestone quarrying and milling industry and the “fine craftsmanship and design details” which are displayed “across the district.”
(*See also the architectural types below*)

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

Here, the Report, identifies Marshall Mahurin of the Fort Wayne firm of Wing and Mahurin (who designed the courthouse in the Beaux Arts Classicism Style); Alfred Grindle (who favored the Spanish colonial style seen in “The Vogue”⁶ and is attributed to other projects as well); and John L. Nichols (a local designer of many local buildings).

- Contain elements of design, detail materials, or craftsmanship which represent a significant innovation;
- Contain any architectural style, detail, or other element in danger of being lost;

Here, the Report, focuses on the “overwhelming influence (of the limestone industry) on the architecture, design, and social history of Bloomington.” With a base of “skilled stone carvers, many of Italian and German birth,” the rise of the railroads, and introduction of steam-powered and then electrically-powered stone-cutting machines, the local limestone industry went from production of small-scale projects to stone facades first popularized in the 1893 Columbian Exposition in Chicago. The Report extolls “the intricate limestone pieces (that) can be seen across the district, on many prominent buildings such as the Courthouse, Allen Building, Wicks Building, and many more.”

- Exemplif(y) the built environment in an era of history characterized by a distinctive architectural style.

Here, the Report, states that the district “encompasses the highest concentration of nineteenth and twentieth century commercial architectural styles in Bloomington” and highlights five of them:

⁶ 120 N. Walnut

- Beaux-Arts – which “started in the Ecole des Beaux-Arts in Paris ... (and) mirrored City Beautiful ideals...that would inspire its inhabitants to moral and civic virtue ... (and) evoke feelings of order, calm, and propriety therein.” Examples in the district include the: Courthouse, former City Hall, former Federal Building; and the Masonic Temple (now One City Center);
- Italianate – which “grew out of the Picturesque movement in England in the mid-to-late 1800s” that harkened back to “a more classical form in America,” and featured “large glass storefronts with decorative cast iron detailing... (and) ornate bracket cornices.” It appears in “redesigned (brick) facades after the turn-of-the (19th) century” and is best exemplified in the Bundy’s European Hotel (now the Crazy Horse).
- Classic Revival –which was “also sparked by the Columbian Exposition in Chicago in 1893,” paralleled a “higher demand for architect and builder constructed structures,” and captured a popular trend of “looking back to Anglo-American and European influence from previous times and styles ... (and which included) Colonial Revival, Neoclassical Revival/Classical Revival, Spanish Revival, and many more.” Locally, these buildings were largely built from 1847 to 1936 and two examples of the Neoclassical Style are the façade on 110 N. Walnut and Graham Hotel at 205 N. College.
- Chicago – which followed the Chicago fire of 1871 and was seen in “high-rise buildings” that featured “fireproof material...; skeleton construction that creates a three-dimensional appearance; and large windows to give the vertical appearance.” The Wicks Building on the north side of the square is a good example of this style.
- Art Deco – which started in the 1920-1930s “break(ing) from the traditional or classic styles ... (with) a vertical focus ...(and) distinguished by geometric shapes and stylized motifs, and smooth wall surfaces.” The 1936 Monroe County Jail on S. Walnut is one of the best examples of this style.

Draft Design Guidelines

As noted above, the staff and members of the Commission have been meeting with owners of the properties and the public about, among other matters, the

development of Design Guidelines (Guidelines). The Guidelines “are intended to assist property owners in making informed decisions about their historic properties” and are still in draft form. Even though it is the Commission, and not the Council, which approves the Guidelines, the October 13th version is available to see via this [link](#) to the Commission’s webpage.⁷

Property Owner Concerns

The Courthouse Square is - in so many respects - the center of this district and, as authorized by statute, this ordinance designates it (along with 56 other properties) as historic. You may have read in the H-T that the Monroe County Commissioners would prefer to be in control of decisions regarding the maintenance of their own properties. Although efforts are being taken to work out the differences, the matter remains, as yet, unresolved.

⁷ You’ll find a link to the draft Design Guidelines directly under the map of the proposed Courthouse Square District.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, NOVEMBER 18, 2015
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

REGULAR SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: Regular Session May 21, 2014
October 15, 2014
November, 04, 2015

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. 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)

Committee Recommendation: Do Pass 7-0-0

VII. LEGISLATION FOR FIRST READING

1. 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)
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)

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

IX. COUNCIL SCHEDULE

- **2016 Annual Council Schedule**

X. ADJOURNMENT

*To be immediately followed by a
(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.

COMMITTEE OF THE WHOLE

Chair: Steve Volan

1. 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)

Asked to Attend: Jeffrey Underwood, Controller

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)

Asked to Attend: Bethany Emenhiser, Program Manager, Housing and
Neighborhood Development
Lisa Abbott, Director of Housing and Neighborhood Development



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

To Council Members
From Council Office
Re Weekly Calendar – 16-21 November 2015

Monday, 16 November

11:00 am Board of Public Works – Work Session, Kelly
12:00 pm Bloomington Entertainment and Arts District, McCloskey
3:00 pm Hospital Reutilization Committee Meeting, Chambers
5:00 pm Utilities Service Board, Utilities
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

Tuesday, 17 November

11:30 am Plan Commission – Work Session, Kelly
4:00 pm Board of Public Safety, McCloskey
4:00 pm Board of Park Commissioners, Chambers
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Animal Control Commission. Kelly
5:30 pm Board of Public Works, Chambers
5:30 pm Commission on the Status of Children and Youth, Hooker Room

Wednesday, 18 November

9:30 am Tree Commission, Rose Hill Cemetery Office, 930 W. 4th St.
10:00 am Metropolitan Planning Organization – Technical Advisory Committee, McCloskey
2:00 pm Hearing Officer, Kelly
2:30 pm Affordable Care Act Committee, McCloskey
4:00 pm Board of Housing Quality Appeals, McCloskey
5:00 pm Bloomington Arts Commission, McCloskey
5:30 pm Dr. Martin Luther King, Jr. Birthday Commission, Hooker Room
6:30 pm Council of Neighborhood Associations, Hooker Room
6:30 pm Metropolitan Planning Organization – Citizens’ Advisory Committee, McCloskey
7:30 pm Common Council – Regular Session & Committee of the Whole, Chambers
Happy Birthday, Council Member Dorothy Granger!

Thursday, 19 November

8:00 am Bloomington Housing Authority Board of Commissioners, Bloomington Housing Authority, 1007 N. Summit St., Community Room
3:30 pm Bloomington Municipal Facilities Corporation, Dunlap
5:15 pm Monroe County Solid Waste Management District – Citizens’ Advisory Committee, McCloskey
7:00 pm Environmental Commission, McCloskey

Friday, 20 November

12:00 pm Domestic Violence Taskforce, McCloskey

Saturday, 21 November

9:00 am Bloomington Community Farmers’ Market, Showers Common, 401 N. Morton St.

**COMMON COUNCIL
MEETING SCHEDULE AND LEGISLATION DEADLINES FOR THE YEAR 2016
(Subject to Revision by Common Council)**

LEGIS CYCLE	INTERNAL WORK SESSIONS ⁹	DEADLINE FOR ORDINANCES; E-MAILED TO CCL BY NOON	DEADLINE FOR RESOLUTIONS; E-MAILED TO CCL BY NOON	REGULAR SESSION 1st READING FOR ORDS.	COMMITTEE DISCUSSION	REGULAR SESSION 2 nd READINGS AND RESOLUTIONS	<i>* Note on Legislative Cycle</i>
1	Fri. Dec. 18 (2015)	Mon. Dec. 21 (2015)	Mon. Dec. 21 (2015)	¹ Jan. 13	¹ Jan. 13	Jan. 20	
2	Fri. Jan. 8	Mon. Jan. 11	Fri. Jan. 15	Jan. 20	Jan. 27	Feb. 3	
3	Fri. Jan 22	Mon. Jan. 25	Mon. Feb. 1	Feb. 3	Feb. 10	Feb. 17	
4	Fri. Feb. 5	Mon. Feb. 8	Mon. Feb. 15	Feb. 17	Feb. 24	Mar. 2	
5	Fri. Feb. 19	Mon. Feb. 22	Mon. Feb. 29	Mar. 2	Mar. 9	² Mar. 23	
6	Fri. Mar. 11	Mon. Mar. 14	Fri. Mar. 18	² Mar. 23	² Mar. 30	Apr. 6	
7	Thurs. Mar. 24	Mon. Mar. 28	Mon. Apr. 4	Apr. 6	Apr. 13	Apr. 20	
8	Fri. Apr. 8	Mon. Apr. 11	Mon. Apr. 18	Apr. 20	Apr. 27	May 4	
9	Fri. Apr. 22	Mon. Apr. 25	Fri. Apr. 29	May 4	³ May 11	May 18	
10	Fri. May 6	Mon. May 9	Mon. May 16	May 18	May 25	June 1	
11	Fri. May 20	Mon. May 23	Fri. May 27	June 1	June 8	June 15	
12	Fri. June 3	Mon. June 6	Mon. June 13	June 15	⁴ June 22	⁵ June 29	
13	Fri. June 17	Mon. June 20	Mon. June 27	⁵ June 29	⁵ July 6	⁵ July 13	
SUMMER RECESS AND DEPARTMENTAL BUDGET HEARINGS (STARTING THE FOURTH MONDAY IN AUGUST) ³							
14	Fri. Aug. 12	Mon. Aug. 15	Mon. Aug. 15	⁵ Aug. 31	⁵ Aug. 31	Sep. 7	
15	Fri. Aug. 26	Mon. Aug. 29	Fri. Sept. 2	Sep. 7	Sep. 14	Sep. 21	
16	N/A	Mon. Sep. 12	Mon. Sep. 12	⁶ Sep. 28	⁶ Sep. 28	⁶ Oct. 13	
17	Fri. Sept. 2	Wed. Sept. 7	Mon. Sept. 19	⁷ Sep. 21	⁷ Oct. 5	⁷ Oct. 19	
18	Fri. Oct. 7	Mon. Oct. 10	Mon. Oct. 17	⁷ Oct. 19	Oct. 26	Nov. 2	
19	Fri. Oct. 21	Mon. Oct. 24	Mon. Oct. 31	Nov 2	Nov. 9	Nov. 16	
20	Fri. Oct. 28	Wed. Nov. 2	Mon. Nov. 14	⁸ Nov. 16	⁸ Nov. 30	Dec. 7	
21	Fri. Nov. 18	Wed. Nov. 23	Mon. Dec. 5	Dec. 7	Dec. 14	⁵ Dec. 21	
YEAR END RECESS							
First Legislative Cycle for 2017:							
1	Mon. Dec. 19	Wed. Dec. 28	Wed. Dec. 28	¹ Wed. Jan. 11 (2017)	¹ Wed. Jan. 11 (2017)	Wed. Jan. 18 (2017)	

Deadlines for Legislation: The deadline for submitting legislation and all accompanying materials, including a summary memo, is set at noon on the date listed. For information on the manner for submitting these materials, please inquire with the Council Office.

Usual Day, Location, and Time of Meetings: Unless otherwise indicated, the Council meets on the first four Wednesdays of the month in the Council Chambers in Room 115 of the Showers Center, 401 North Morton, at 7:30 p.m. It also meets for a Staff-Council Internal Work Session on Fridays about 10 days before the beginning of the next legislative cycle typically to hear about items to be considered during that legislative cycle. (See the first column of the above chart and footnote #9 for the day, time, and location of those meetings.)

*** Note on the Legislative Cycle:** While it is typical for the Council to introduce and take final action on legislation during the same cycle, the Council may schedule legislation or other matters for further consideration at subsequent Committees of the Whole, Regular Sessions, or Special Sessions.

The following footnotes list and explain the exceptions to this general rule:

- The Council will hold an annual Organizational Meeting on this date when, along with other matters, it elects officers and gives legislation first reading. Under local code, the meeting must be held by the second Wednesday in January unless rescheduled by a majority of the Council. (BMC 2.04.010 and BMC 2.04.050[a, c & d]). This meeting will be immediately followed by a Committee of the Whole.
- The Council will hold its second Regular Session in March on Wednesday, March 23rd, and second Committee of the Whole that month on the 30th. This schedule avoids meeting over Spring Break (when many residents are out-of-town) and takes advantage of a fifth Wednesday to shift meetings to the fourth and fifth Wednesdays of the month.
- The Council will hold a Council Budget Advance in the McCloskey Room (Room 135) of City Hall at 5:30 p.m. on Wednesday, May 11th and Departmental Budget Hearings in the Council Chambers at 6:00 p.m. on Monday, August 22nd, Tuesday, August 23rd, Wednesday, August 24th, and Thursday, August 25th, 2016. Budget Books are scheduled to be delivered on Monday, August 15th, which is one week before the start of the Departmental Budget Hearings.
- The Council will hold a Special Session at 7:30 p.m. on Wednesday, June 22nd before the Committee of the Whole to consider the Annual Tax Abatement Report.

5. BMC 2.04.050[e] & [g] call for the Council to take a brief recess after the first Regular Session in August and the second

Regular Session in December, and not introduce legislation for first reading at these meetings. By approving this Annual Schedule, the Council will be taking the Summer Recess after the first Legislative Cycle in July and returning for meetings in August. Please note that the first Legislative Cycle in July begins on the fifth Wednesday in June and is followed by a Committee of the Whole on the first Wednesday and Regular Session on the second Wednesday in July. Please note that the meetings in August include an Internal Work Session in mid-August, four evenings of Departmental Budget Hearings during the fourth week of the month, and an evening with a Regular Session and Committee of the Whole on the last (fifth) Wednesday of that month. (See Footnote #3 for more information on the Departmental Budget Hearings.)

6. After holding Departmental Budget Hearings in the latter part of August (See Footnote #3), the Council will formally consider the City Budget for 2017 during a separate legislative cycle (known as the "Budget Cycle") starting in late September and ending in early October. In keeping with the Wednesday meeting schedule, this Budget Cycle typically starts with a Special Session and Committee of the Whole on the fourth Wednesday in September and ends with a Special Session on the second Wednesday in October. The occurrence of Yom Kippur – the Jewish Day of Atonement – on the second Wednesday in October has led to changes in the typical schedule. The Budget Cycle in 2016 will entail a Regular Session and Committee of the Whole on Wednesday, September 28th and a Special Session on Thursday, October 13th. Please note that the statutorily required initial public hearings associated with the City Budget package will be held during the aforementioned Committee of the Whole and the adoption hearings will be held at the Special Budget Session on October 13th.

7. The second Legislative Cycle in September overlaps with the Budget Cycle and is intended to allow for consideration of routine, non-budget legislation during that time. That will result in the Second Legislative Cycle spanning from the third Wednesday in September to the third Wednesday in October. Those meetings include a Regular Session on September 21st, a Committee of the Whole on October 5th (a first Wednesday), and a Regular Session on October 19th. In essence, this arrangement will replace one legislative cycle in early October with the Budget Cycle.

8. The Council will not meet for a Committee of the Whole on the Wednesday before Thanksgiving per BMC 2.04.050 (f). Because there are five Wednesdays in November, that meeting will be held on the last Wednesday in November.

9. Staff-Council Internal Work Sessions provide an opportunity for the Council members to learn about City initiatives, most of which are close to formal consideration by the Council. These meetings will be held in the Council Office Library (Room 110 of City Hall) at noon. If the room is too small for the meeting, the Council may move it to another room in City Hall and post notice on the door of the Council Office the day of the change in location. Except for the meetings on Thursday, March 24th, 2016, and Monday, December 19th, 2016, these meetings will be held on a Friday.



Office of the
Common Council

Memorandum

To: Members of the City of Bloomington Common Council, Mayor, and City Clerk
From: Daniel Sherman, Attorney/Administrator, Common Council
Re: Annual Council Schedule for 2016
Date: November 5, 2015

Dear Council Members, Mayor, and City Clerk – I’m sending a preliminary draft of the proposed Annual Schedule for early discussion and, hopefully, in time for one to go out with the Council Weekly Packet distributed on November 13th for consideration at the Regular Session on November 18th.

The Annual Schedule provides notice of the Council meetings and, importantly, limits the need to post additional notice of meetings to only those occasions when the essential facts about the meeting (e.g. day, time, and kind of the meeting) are changed. This reduces the risk of having to cancel or redo a meeting because of a failure to post notice.

It is brought forward in the prior year – even election years¹ – because the Annual Schedule entails use of the Council Chambers and other meeting rooms and its approval is followed by identifying and resolving conflicts in room reservations before the Annual Calendar is printed and distributed in early December. The Annual Calendar is currently provided by the Council Office and offers a more user-friendly format for City meetings and Council deadlines than the Annual Schedule. Please know that the Annual Schedule requires a majority vote to be adopted and, if needed in the future, amended.

Please review and respond to Dave or me over the next week.

Highlights of Deviations of the Four-Wednesday-Rule and Other Significant Changes in Proposed Annual Schedule for 2016

As you know, the Council generally meets on the first four Wednesdays of the month for Regular Sessions and Committees of the Whole. It also meets on Fridays about twice a month for Staff-Council Internal Work Sessions to informally hear about upcoming legislation and other pending matters. Here are some of the meetings (and deadlines) that would *not* follow the usual rule:

- **Internal Work Sessions** are scheduled on Friday at noon in the Council Library (unless a bigger room is necessary) except for:
 - Thursday, March 24th – (immediately before Good Friday); and
 - Monday, December 19th – (before folks often take time off for the holidays);

¹ Please note that this Memo and Draft Annual Schedule is being sent to the current as well as newly elected officers or their representatives.

- **January - Organizational Meeting and first Committee of the Whole** are scheduled for second Wednesday in January per past practice;
- **March** – The Council does not meet over IU Spring Break (March 13th – 20th) and shifts the Regular Session and Committee of the Whole to the fourth and fifth Wednesdays of the month (thereby avoiding a two-meeting evening);
- **June, July & August – A Fifth Wednesday and Summer Recess** – *rather than take the fifth Wednesday in June off, that night is scheduled for a Regular Session and the first two Wednesdays in July are scheduled for a Committee of the Whole and Regular Session. This would set the Summer Recess from the Regular Session on July 13th to the Internal Work Session on August 12th.*
 - *Did you want to the last week of June off and hold meeting on the first three Wednesdays in July?*
- **Budget Schedule - May and August thru early October** - The Budget Schedule has some minor changes because of five Wednesdays in August and Yom Kippur ² falling on the second Wednesday of October and entail:
 - A Budget Advance on the second Wednesday in May at 5:30 pm in the McCloskey Room
 - Department Budget Hearings over four evenings starting on the fourth Monday in August (Monday the 22nd – Thursday the 25th)
 - *Because there are five Wednesdays in August and more time typically yields better information on revenue, the hearings are scheduled for the fourth Monday and not the third Monday;*
 - *This schedule also lists the expected arrival of the Budget Books a week before the hearings begin.*
 - Formal Consideration of the Budget with a:
 - Special Session and Committee of the Whole on *September 28th*; and
 - Special Session on *Thursday, October 13th* (in order to avoid meeting on Yom Kippur (Day of Atonement on the Jewish calendar)
 - *This separates the two evenings by about two weeks (15 days)*
- **Other Meetings in October** – the scheduling of the budget cycle in early October results in one rather than two regular Legislative Cycles in October. The first Committee of the

² Religious Holiday Adjustments – this proposal adjusts schedule in October for Yom Kippur (the Jewish Day of Atonement). I'll need to confirm these dates and can use your help in determining whether there are other religious holidays to be observed. Please see this link to the IU Religious Holiday Schedule - http://www.indiana.edu/~vpfaa/docs/religious_observances/religious-observances-calendar-2013-2018.pdf

Whole is scheduled for the first Wednesday and Special Budget Session on the second Thursday is followed the usual course of meetings for the remaining Wednesdays of October.

- **November** - the Council does not meet on the eve of Thanksgiving but, given the five Wednesdays that month, the Committee of the Whole typically scheduled for the fourth Wednesday, is now scheduled for the last Wednesday of November.

More Detailed Overview of Exceptions to Four-Wednesday-Rule and Other Notable Meeting Dates in the Proposed Annual Schedule for 2016 Here is a more detailed look at unusual meeting dates in 2016:³

January

Wednesday, January 13 Organizational Meeting and Committee discussion.
Please note that the schedule sets this meeting on the second Wednesday of the month which, with a recent change in our local code, is the last day we can hold that meeting.

February

(Nothing Unusual)

March

In 2016, the IU Spring Break will occur during the week of March 13th – 20th. This schedule would have the Council skip over the Wednesday during Spring Break and meet for a Regular Session and Committee of the Whole on the fourth and fifth Wednesdays that month. It also moves an Internal Work Session from a holiday to Thursday.

Wednesday, March 16th No Meeting – Spring Break
Wednesday, March 23rd Regular Session
Thursday, March 24th Internal Work Session (*the Friday is a holiday*)
Wednesday, March 30th Committee of the Whole (*fifth Wednesday*)

April

(No Irregularities.)

May

Budget Advance

Wednesday, May 11th “Budget Advance” in the McCloskey Room at 5:30 p.m.

- *Please note that this draft of the Annual Schedule is being sent to the executive branch at the same time as it is going to the Council and, therefore, may be changed based upon their suggestions.*

³ This lists a few, but not all, of the Internal Work Sessions.

June & July

Uses fifth Wednesday in June for a Regular Session and begins Council Summer Recess on second Wednesday with a Regular Session on July 13th

Wednesday, June 22nd Special Session *immediately followed by a* Committee of the Whole
Wednesday, June 29th Regular Session
Wednesday, July 6th Committee of the Whole (*on a first Wednesday*)
Wednesday, July 13th Summer Recess begins after the second Regular Session in July (*on second Wednesday*).

August

Keeps change in budget schedule instituted in 2013.

Friday, August 12th Internal Work Session
Monday, August 15th Budget Books due in Council Office
Monday, August 22nd Start four evenings of Departmental Budget Hearings (*on fourth Monday*)
Thursday, August 25th End Departmental Budget Hearings
Wednesday, August 31st Regular Session followed by Committee of the Whole

September and October

Keeps Initial Budget Hearing on fourth Wednesday of September, but schedules the Adoption Hearing on the second Thursday in October to avoid meeting on Yom Kippur (Jewish Day of Atonement).

Wednesday, September 7th Regular Session
Wednesday, September 14th Committee of the Whole
Wednesday, September 21st Regular Session
Wednesday, September 28th Special Budget Session and Committee of the Whole
Wednesday, October 5th Committee of the Whole (*on MCCSC fall break*)
Thursday, October 13th Adoption Hearing on Budget
Wednesday, October 19th First Regular Session in October
Wednesday, October 26th Second Committee of the Whole in October

November

Five Wednesdays and a holiday – no need to double-up meetings

Wednesday, November 23rd Off – Thanksgiving
Wednesday, November 30th Committee of the Whole (on a fifth Wednesday)

December

Schedules the first Internal Work Session on a Monday before folks take off for the holidays.

Wednesday, December 14th Last meeting of the year
Monday, December 19th Internal Work Session (for first Legislative Cycle in 2017)

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)**

- WHEREAS, Various Departments within the General Fund desire to transfer Classifications 1, 2, 3 & 4 amounts for non-union pay increases, overtime, supplies, services and capital replacement not included in the adopted budget; and
- WHEREAS, the Police Department desires to increase its budget Classification 1 – Personal Services in its Police Pension Fund to fund payments due to payroll taxes due; and
- WHEREAS, the Risk Management Department desires to increase its budget in Classification 3 – Services and Charges to pay for additional claims related to workers compensation; and
- WHEREAS, the Controller’s Department desires to increase its budget in Classification 3 – Services and Charges to pay for bank fees for the BMFC Showers Bond; and
- WHEREAS, the Public Works Department desires to increase its budget for the Parking Facilities Fund in Classification 3 – Services and Charges to pay for bank credit card fees; and
- WHEREAS, the Public Works Department desires to transfer funds in the Solid Waste Fund budget between Classifications 1 and 3 to pay for overtime; and
- WHEREAS, the Planning and Transportation Department desires to transfer funds in the Alternative Transportation budget between Classifications 2 and 3 to pay for additional utility costs; and
- WHEREAS, the Municipal Arts Commission desires to increase its budget for the Municipal Arts Funds in Classification 3 – Services and Charges to pay for expenditures not otherwise appropriated; and
- WHEREAS, the Housing & Neighborhood Development Department desires to increase its budget in Classification 3 – Services and Charges in its Rental Inspection Program Fund to reimburse the General Fund for program expenses;

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

SECTION I. For the expenses of said municipal corporation the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund – Animal Care & Control	
Classification 1 – Personal Services	\$ 2,000.00
Classification 2 – Supplies	\$ 3,000.00
Classification 3 – Services and Charges	\$ <u>(5,000.00)</u>
Total General Fund – AC&C	<u>0.00</u>
 General Fund – Board of Public Works	
Classification 1 – Personal Services	\$ (40,000.00)
Classification 2 – Supplies	\$ 20,000.00
Total General Fund – BPW	<u>(20,000.00)</u>

General Fund – Community and Family Resources	
Classification 1 – Personal Services	\$ (51,000.00)
Classification 3 – Services and Charges	\$ 5,000.00
Total General Fund – CFRD	<u>(46,000.00)</u>
General Fund – City Council	
Classification 2 – Supplies	\$ (2,000.00)
Total General Fund – City Council	<u>(2,000.00)</u>
General Fund – Economic and Sustainability Development	
Classification 3 – Services and Charges	\$ (6,100.00)
Total General Fund – ESD	<u>(6,100.00)</u>
General Fund – Housing & Neighborhood Development	
Classification 1 – Personal Services	\$ 62,000.00
Classification 3 – Services and Charges	\$ (2,600)
Total General Fund – HAND	<u>59,400.00</u>
General Fund – Human Resources	
Classification 1 – Personal Services	\$ (3,000.00)
Total General Fund – HR	<u>(3,000.00)</u>
General Fund – Planning and Transportation	
Classification 1 – Personal Services	\$ (121,800.00)
Total General Fund – P&T	<u>(121,800.00)</u>
General Fund – Police	
Classification 1 – Personal Services	\$ 79,500.00
Classification 2 – Supplies	\$ (5,000.00)
Classification 3 – Services and Charges	\$ 5,000.00
Classification 4 – Capital	\$ 60,000.00
Total General Fund – Police	<u>139,500.00</u>
Grand Total General Fund	\$ <u>0.00</u>
Risk Management Fund – Legal	
Classification 3 – Services and Charges	\$ 275,000.00
Total Risk Management Fund – Legal	<u>275,000.00</u>
Grand Total Risk Management Fund	\$ <u>275,000.00</u>
BMFC Showers Bond - Controller	
Classification 3 – Services and Charges	\$ 640.00
Total BMFC Showers Bond - Controller	<u>640.00</u>
Grand Total BMFC Showers Bond Fund	\$ <u>640.00</u>
Parking Facilities	
Classification 3 – Services and Charges	\$ 64,000.00
Total Parking Facilities	<u>64,000.00</u>
Grand Total Parking Facilities Fund	\$ <u>64,000.00</u>

Municipal Arts Fund	
Classification 3 – Services and Charges	\$ 12,750.00
Total Municipal Arts Fund	<u>12,750.00</u>
Grand Total Municipal Arts Fund	\$ <u>12,750.00</u>
Police Pension Fund	
Classification 1 – Personal Services	\$ 250.00
Total Police Pension Fund	<u>250.00</u>
Grand Total Police Pension Fund	\$ <u>250.00</u>
Solid Waste Fund	
Classification 1 – Personal Services	\$ 22,203.00
Classification 3 – Services and Charges	\$ <u>(22,203.00)</u>
Total Solid Waste Fund	<u>0.00</u>
Grand Total Solid Waste Fund	\$ <u>0.00</u>
Alternative Transportation Fund	
Classification 2 – Supplies	\$ (1,250.00)
Classification 3 – Services and Charges	\$ <u>1,250.00</u>
Total Alternative Transportation Fund	<u>0.00</u>
Grand Total Alternative Transportation Fund	\$ <u>0.00</u>
Rental Inspection Program Fund – HAND	
Classification 3 – Services and Charges	\$ <u>280,000.00</u>
Total Rental Inspection Program Fund - HAND	<u>280,000.00</u>
Grand Total Rental Inspection Program Fund - HAND	\$ <u>280,000.00</u>
Grand Total All Funds	\$ <u>632,640.00</u>

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:

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 appropriates various transfers of funds within the General Fund, Alternative Transportation Fund and Solid Waste Fund. It also appropriates additional funds from the Risk Management Fund, BMFC Showers, Municipal Arts Fund, Parking Facilities Fund, Police Pension Fund, and Rental Inspection Program Fund.



MARK KRUZAN
MAYOR

CITY OF BLOOMINGTON

401 N Morton St
Post Office Box 100
Bloomington IN 47402

JEFFREY H. UNDERWOOD
CONTROLLER

CONTROLLER'S OFFICE

p 812.349.3416
f 812.349.3456
controller@bloomington.in.gov

Memorandum

To: Council Members
From: Mark Kruzan, Mayor & Jeffrey Underwood, Controller
Date: November 5, 2015
Re: Appropriation Ordinance 15-06

Appropriation Ordinance 15-06 is our comprehensive 2015 year-end appropriation. The total "net" additional appropriation is \$632,640.00. In addition, there are appropriations that are simple transfers between departments that have zero net impact on the total budget.

1. **General Fund – Various** The majority of this ordinance transfers appropriations between departments and categories in order to cover changes between the initial budget prepared, and actual operational results. As in previous years, the net effect on the actual appropriation from the General Fund is zero.
2. **Risk Management – Human Resources** The Human Resources Department is requesting an additional appropriation in this fund to cover increased costs related to worker compensation. This is due primarily to several higher cost injuries coupled with higher medical and pharmacy costs. The cash balance in the fund will support the additional appropriation.
3. **Bond Appropriations** – In one bond fund budgeted in 2015, the appropriation was not sufficient to cover the bank fees charged by the financial institutions to administer these funds. The cash balance in the fund will support the additional appropriation.
 - a. **BMFC-Showers** – Additional appropriation of \$640.00.
4. **Parking Facilities Fund** –The Public Works Department is requesting an additional appropriation in this fund to cover increased costs due to fees paid for credit and debit card transactions. This is the first year that the City has operated the facilities in a number of years and the usage and the amount of the fees were underestimated. The cash balance in the fund will support the additional appropriation.
5. **Municipal Arts Fund** –The ordinance establishing this fund requires approval from the City Council for any expenditures from the fund. It is estimated that the Commission will expend \$12,750.00. The cash balance in the fund will support this appropriation.
6. **Police Pension – Police** The Pension Secretary for the fund retired from service as a police officer, and due to this change in status, Social Security and Medicare taxes are due on these wages. The cash balance in the fund will support the additional appropriation.
7. **Solid Waste Fund** – The Public Works Department is requesting a transfer of funds from Classification 3 – Services and Charges to Classification 1 – Personal Services to cover additional wages paid for temporary and overtime wages.
8. **Alternative Transportation** – The Police Department is requesting a transfer from Classification 2 – Supplies to Classification 3 – Services and Charges to cover additional costs for utilities and supplies related to the neighborhood permit enforcement program.
9. **Rental Inspection Program – HAND** In 2012 the state legislature created new rules regarding rental inspection programs. This requires the City to deposit receipts from the program in a designated fund. As of October 31, that fund has collected approximately \$215,000.00 for 2015. Although the revenue is now accounted for in the new fund, expenses for the program are still appropriated in the general fund. As such, we will be creating an invoice to reimburse the general fund from the rental inspection program fund.

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)**

WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, on May 6, 2015 this Common Council passed Resolution 15-15 which: noted that the City of Bloomington’s Courthouse Square is an “iconic representation of our community, the heart of our city, and an anchor of our shared sense of place”; identified the areas bounded by 7th Street, Walnut Street, 4th Street and College Avenue as an area worth of protection by local historic designation; noted that “local historic designation and protection of this community resource is long overdue”; urged the Commission to initiate the process of locally designating the Courthouse Square as historic; and, encouraged the Commission to hold more than one public information session on the local designation in the interest of fully engaging all stakeholders and community members; and

WHEREAS, on May 14, 2015, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed designation of the Courthouse Square Historic District, which is roughly bounded by 7th Street, Walnut Street, 4th Street and College Avenue; and

WHEREAS, at the May 14, 2015 meeting, the Commission found that the areas outlined on the map are related by history and development sufficiently to be considered as a district; and

WHEREAS, at the May 14, 2015 meeting, the Commission found that the district has historic and architectural significance that merits the protection of the properties as a historic district; and

WHEREAS, since the May 14, 2015 meeting, the Commission, along with the City’s staff appointed to assist the Commission, have held at least sixteen (16) public meetings to discuss the local designation of the Courthouse Square and to work with the public and affected property owners on establishing and drafting appropriate Design Guidelines; and

WHEREAS, on November 12, 2015, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and

WHEREAS, on November 12, 2015, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of said properties;

NOW THEREFORE, B E I T H E R E B Y O R D A I N E D B Y T H E C O M M O N C O U N C I L O F T H E C I T Y O F B L O O M I N G T O N , M O N R O E C O U N T Y , I N D I A N A , T H A T :

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

The Courthouse Square Historic District shall consist of the buildings at the following addresses:¹

North College Avenue:	101-103 ² ; 105; 107; 109; 113; 115-117; 121; 125-133; 205;
South College Avenue:	100; 112-116; 118-120; 122; 123;
North Walnut Street:	100 ³ ; 102; 106-108; 110; 112; 114-116; 118; 120; 122-132 ⁴ ; 200-202 ⁵ ; 204-206; 208-212; 214-22; 213-221 ⁶
South Walnut Street:	113; 115; 116-120; 119; 122; 123;
North Gentry Street:	113;
West 4 th Street:	212 ⁷ ;
East Kirkwood Avenue:	100 ⁸ ; 102-104; 106-108; 112-114;
West Kirkwood Avenue:	100; 101; 210; 212-220; 222-224;
East 6 th Street:	108-110;
West 6 th Street:	100 ⁹ ; 102-106; 108; 110; 112; 116; 118; 122 ¹⁰ ;
West 7 th Street:	109-113; 119; and 120.

SECTION 2. The properties within the Courthouse Square Historic District shall be classified as follows:

Outstanding:

North Walnut Street:	204-206;
South Walnut Street:	122;
East Kirkwood Avenue:	112-114;
West Kirkwood Avenue:	100;
West 6 th Street:	116;

Notable:

North College Avenue:	101-103; 125-133; 205;
South College Avenue:	112-116; 118-120;
North Walnut Street:	100; 110; 114-116; 120; 122-132; 200-202; 208-212;
East Kirkwood Avenue:	102-104; 106-108;
West Kirkwood Avenue:	212-220;
East 6 th Street:	108-110;
West 6 th Street:	112;

¹ This list identifies the address of each building within this historic district. A range of addresses is intended to identify addresses for businesses and apartments within the building (which were derived from the City's GIS database prior to November, 10, 2015). These ranges of addresses may change over time as the interior of these properties are renovated for new or additional uses or properties are divided into separate ownership. The remaining footnotes identify corner buildings where the addresses are on two streets.

² This is a corner building with a North College address, which also includes 204-208 West Kirkwood.

³ This is a corner building with a North Walnut address, which also includes 103 – 111 East Kirkwood Avenue.

⁴ This is a corner building with a North Walnut Street address, which also includes 106 East 6th Street.

⁵ This is a corner building with a North Walnut Street, which also includes 103 East 6th Street.

⁶ This is a corner building with addresses on North Walnut along with one at 105 West 7th Street.

⁷ This is a corner building with a West 4th Street address with "map addresses inside the selected parcel" which also include 214 West 4th and 127 North Gentry Street.

⁸ This is a corner building with an East Kirkwood address, which also includes 101-111 on South Walnut

⁹ This is a corner building with an East 6th Street address, which also includes 205 North Walnut.

¹⁰ This is a corner building with an East 6th Street address, which also includes 222-224 North College.

West 7 th Street:	119; 120;
Contributing:	
North College Avenue:	105; 107; 109; 113; 115-117; 121;
South College Avenue:	100; 122;
North Walnut Street:	102; 106-108; 112; 118; 213-221, 214-222;
South Walnut Street:	115; 116-120; 119;
North Gentry:	113;
West 4 th Street:	212;
East Kirkwood Avenue:	100;
West Kirkwood Avenue:	101; 210; 222-224;
West 6 th Street:	108; 110; 118; 122;
West 7 th Street:	109-113;
Non-contributing:	
South Walnut Street	113; 123
South College Avenue:	123;
West 6 th Street:	100; and 102-106.

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

Courthouse Square Historic District (57 properties).

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

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

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

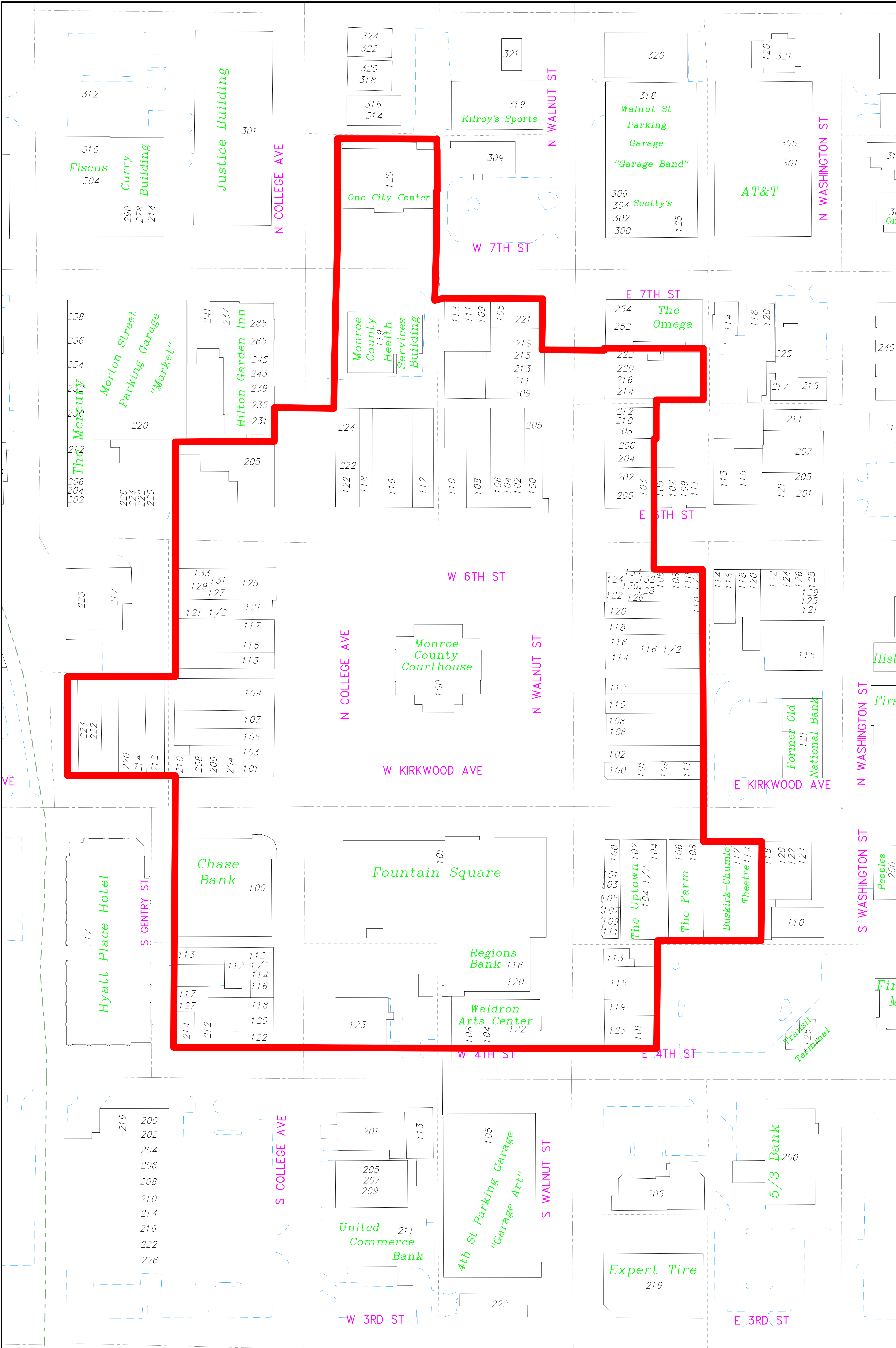
SYNOPSIS

This ordinance (Ord 15-25) amends the List of Designated Historic Districts in the City of Bloomington by establishing the Courthouse Square Historic District. In recommending this designation, the Bloomington Historic Preservation Commission (“Commission”) relied on a survey; held a public hearing on May 14, 2015; and submitted a map and accompanying report to the Council. The map describes the boundaries of the district, classifies the total number of properties within the district, and is approved by the ordinance. The report demonstrates how this district meets the necessary criteria. Local designation will provide the protection needed to ensure that these properties are preserved.

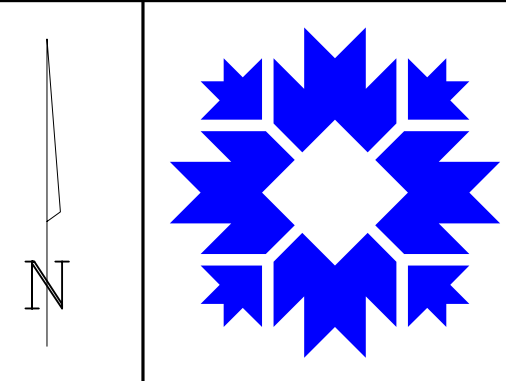
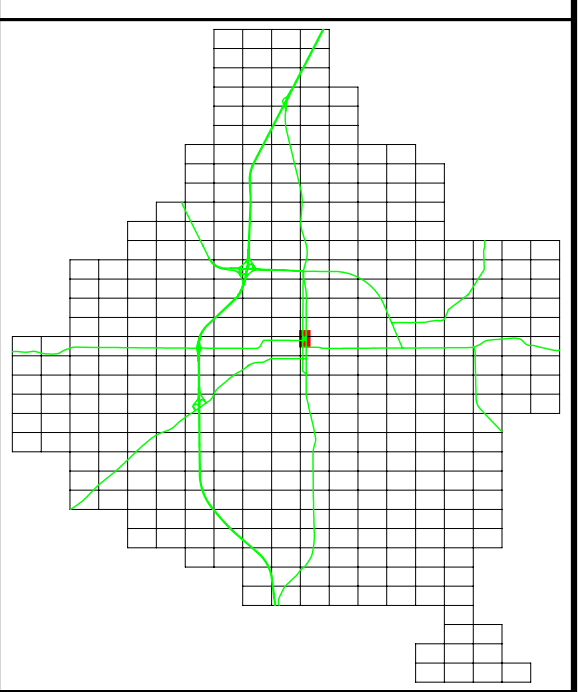
Legend

Base Map

-  Railroad
-  Creek
-  Intermittent stream
-  Spot elevation
-  Contour line
-  Index contour line with elevation
-  Building with address
-  Fence
-  100-year floodplain
-  PLS sect. 1/4-sect lines
-  1000-foot grid line
-  Edge of pavement
-  Edge of traveled lane
-  Edge of alley
-  Street centerline
-  Alley centerline
-  Private road centerline
-  Parking area
-  Municipal boundary (ticks on city side)



DPtempplot



Scale: 1" = 60'

15 Sep 15

stierm

Courthouse Square Local Historic District

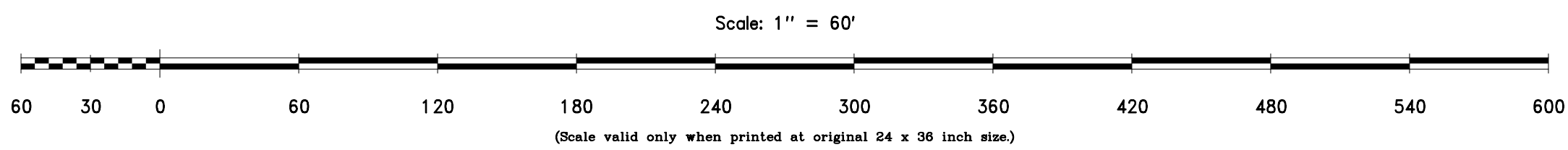
City of Bloomington, Indiana
Geographic Information System

This map was produced by the City of Bloomington GIS, for use by the City and general public as map information. The topographic and planimetric information is based on aerial photography flown in March 1991 and March 1992. Updates from aerial orthophotography took place in April 1998, April 2005, March 2006, and April 2010. Information is updated by GIS technicians from development drawings, plats, and other sources. The accuracy of information contained in this document is based on National Mapping Standards, however it is NOT warranted.

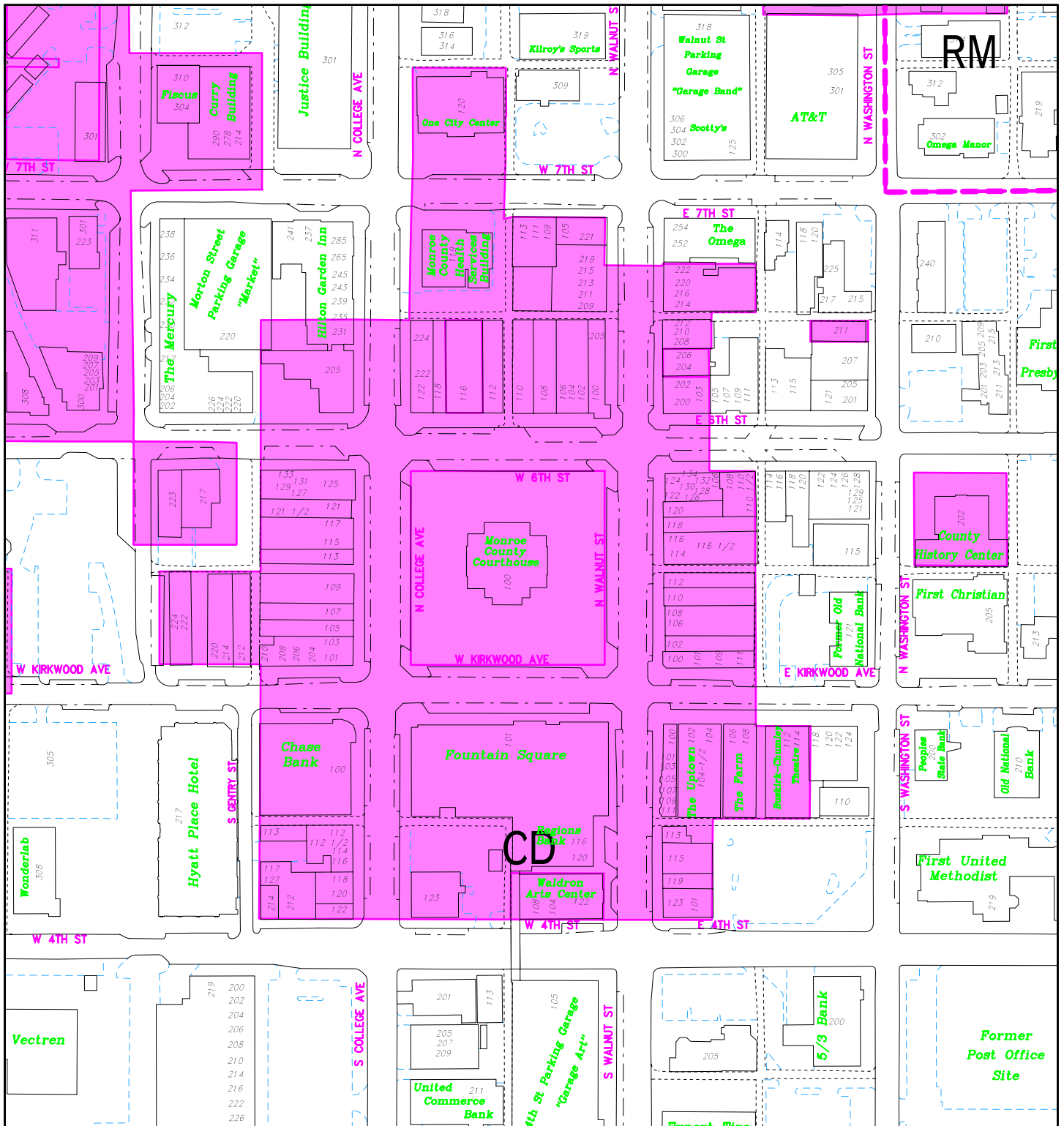
The Corporation boundary reflects annexations effective January 1, 2014.

Information and Technology Services Department
2 January 2015

Important Notice:
The positions of underground utilities are shown schematically.
Please call 811 to have all underground utilities located.



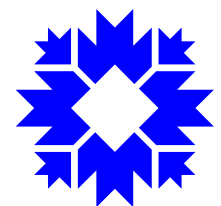
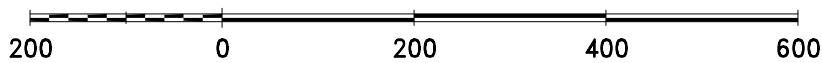
DPtempplot



Ord 15-25 – Designation of Courthouse Square Historic District
National Register Districts and Zoning (CD)

City of Bloomington
Clerk & Council

By: shermand
12 Nov 15



Scale: 1" = 200'

For reference only; map information NOT warranted.

MEMO:

To: Common Council of the City of Bloomington

From: Bethany Emenhiser, Program Manager

Date: October 30, 2015

Re: Ordinance Establishing the Courthouse Square Local Historic District

On May 6, 2015, the Common Council for the City of Bloomington adopted Resolution 15-15. With the adoption of said Resolution the Common Council asked the City's Historic Preservation Commission ("Commission") to review the areas surrounding the area known as the "Square" and to begin the process of locally historically designating said areas.

As a result of Resolution 15-15 the Commission convened and on May 14, 2015, recommended that 57 properties located in or adjacent to the area known as the "Square" be locally historically designated. The area in question is roughly bounded by 7th Street, Walnut Street, 4th Street and College Avenue. Within this area the Commission identified 5 properties as Outstanding, 19 properties as Notable, 28 properties as Contributing, and 5 properties as Non-contributing.

In preparation of this Ordinance the Commission and City staff conducted a series of meetings with members of the public and affected property owners. As of the date of this Memo the Commission and City staff have held 16 public meetings, with more meetings scheduled to occur. The purpose of these meetings is twofold: (1) to allow the public and affected property owners an opportunity to be heard regarding any questions they have, concerns they need to express, or support they want to provide; and (2) to work with the public and affected property owners to develop Design Guidelines for the proposed district. The typical attendance of each meeting ranges from 9 to 12 individuals who generally represent one of the following categories: property owners; City staff; County staff; Commission staff; and elected officials from both the City and the County.

At the Commission's meeting on November 12, 2015, the Commission adopted the map and the Report attached to this Memorandum and Ordinance.

Attached to this Memo you will find several documents for your review.

- Proposed Ordinance;
- Staff/Commission Report on the Proposed Courthouse Square District; and
- Map of the Proposed Courthouse Square District.

Courthouse Square Historic District

Staff Report

Bloomington Historic Preservation Commission

Basis for Historic Significance:

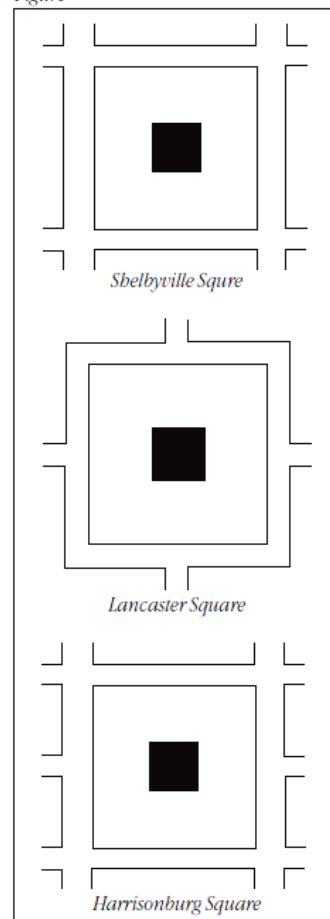
- **Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; and**
- **Exemplifies the cultural, political, economic,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

These criteria similarly illustrate the qualities that the Courthouse Square met to qualify for the National Register listing in 1990. Four buildings within the district are individually listed on the National Register—the Monroe County Courthouse (1976), the Princess Theatre (1983), the Wicks Building (1983), and the old City Hall (1989). Any historic district must be comprised of contiguous properties. The boundaries of the district were established by following the National Register district as there is little change since the nomination in 1990 and is roughly bounded by 7th Street, Walnut Street, 4th Street and College Avenue.

In 1818 the county agent was ordered to lay out a public square 276 feet on each side with streets 82 ½ feet wide. The original town stretched four blocks east and west of the square and two blocks north and south. Streets immediately surrounding the square were then named, quite logically, West Main (now College), East Main (Walnut), North Main (Sixth), and South Main (Kirkwood). Laid out in what is now known as the “Shelbyville Plan,” cross streets intersect at the corners of the square. The image on the right demonstrates the differences between various Indiana plans, originally from a 1968 article by cultural geographer Edward T. Price. A small log structure was the first of three courthouses built in the center of the square; the final and present courthouse has been standing since 1907. The lots surrounding the square were sold at public auction on June 22, 1818. By the following January, thirty families had taken up residence and established stores, taverns, and industries.

Early businesses supported only the local agricultural and daily needs of the community. The Seward Foundry, an early blacksmith shop that started in 1822 at 7th and Walnut, continued operation until the 1980's. Austin Seward is known for creating the fish weathervane that has topped every courthouse since 1826. Tanneries, lumber, woolen and

Figure



grist mills, and distilleries were other early businesses. As stagecoach routes, canals, rail lines and highways were established through the years, industries flourished and markets expanded as trade possibilities to and from Bloomington increased. The Showers Brothers Furniture Factory was originally founded on the eastside of the square as a coffin and bedstead manufacturer in 1856. By 1912 it had grown into the largest furniture factory in the world, relocating to a new building at 8th and Morton Street now reused as City Hall, Monroe County Government Center, CFC and other businesses. Wick's Bee Hive, a department store operating from 1891 to 1976, took up various posts along the North side of the square during its long existence.

Many hotels also opened in the downtown area with construction of a new passenger rail station on Gentry Street. Although now reused, the Bundy European Hotel and the Faulkner Hotel still stand, along with the grandest of them, the Graham. Through the years downtown became a center for entertainment with festivities revolving around rough saloons, Masonic ceremonies, restaurants, plays or recitations in various auditoriums, and eventually, movie theatres. The tradition continues today with many live music venues, bars, restaurants, specialty shops, and annual events creating the public downtown experience.

In 1984, the Commission for Bloomington Downtown (now Downtown Bloomington Inc.) was incorporated with the mission to revitalize downtown. Its highest priority was "preservation of the integrity and uniqueness of the square, one of the few substantially unaltered, turn-of-the-century squares remaining in Indiana." In 1986, the Commission became a certified National Main Street organization and the city a graduate partner in the Indiana Main Street program. Incorporating the Main Street program's four-point approach of organization, promotion, design, and economic restructuring, revitalization conferences were held, similar programs in other cities were examined, zoning was modified to encourage downtown housing, and a director was hired. Local funding initiative programs for revitalization and restoration were also established including Curb and Sidewalk, Street Tree, Downtown Loan, Façade Design, and Tax Abatement. Over \$40 million in public and private investments were made in downtown as the city's historic buildings were restored, reused and redeveloped.

One of the earliest local tax abatement projects involved the Graham Hotel, redeveloped as office space in 1984 by CFC, Inc. Federal historic tax credit projects redeveloped the Fee, Sudbury and Wicks Buildings, Vance Music Building, Howe Building, Harp Motors Sales Co. Building, Allen Building, the Knights of Pythias Building, and the Princess and Buskirk-Chumley/Indiana Theaters. The largest single project, again taken on by CFC, Inc., was reuse of all buildings on the south side of the square facing Kirkwood Street. As the buildings were found unstable, the facades were retained while the interior structures were rebuilt as one unit. Now a collection of shops and offices in a mall format, the building is collectively called Fountain Square Mall.

Basis for Architectural Significance:

- **Embodies distinguishing characteristics of an architectural or engineering type.**

The Courthouse Square since it has been platted in 1818 has been the centerpiece of commerce and government within the City and County. It showcases the growth and development of business and trade within southern Indiana. This growth was boosted by the ever prominent limestone quarrying and milling industry occurring throughout southern Indiana. The limestone industry's fine craftsmanship and design details are illustrated across the district. The diversity of architectural styles and exemplary building stock demonstrates the dominance of the district as the focal point for commerce and government. The most prevalent architectural styles in this district are Beaux-Arts, Italianate, Classical Revival, Chicago and Art Deco.

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

As already established, this district maintains many high style commercial architecture buildings and several were designed by distinguished Indiana architects who worked regionally and nationally such as Marshall Mahurin of Fort Wayne firm Wing and Mahurin, Alfred Grindle and John L. Nichols. Mahurin designed the new 1906 courthouse in the Beaux-Arts Classicism style. Grindle is attributed to "The Vogue" redesigned façade in the Spanish colonial style. Nichols, one of Bloomington's own, designed many buildings in this district as well as many other areas of Bloomington ranging from commercial, residential and even dabbling into theaters with the Princess Theater. As the limestone industry continued to grow, many buildings within the district received redesigned limestone facades, and can be attributed to the three architects listed above specifically.

- **Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation.**
- **Contains any architectural style detail, or other element in danger of being lost.**

The limestone industry had an overwhelming influence on architecture, design and social history in Bloomington. Many of the quarry owners brought over skilled stone carvers, many of Italian and German birth, who possessed refined artistry and skill in limestone carving. The industry in the early 1800s was limited by technology and transportation of the time to local small scale projects such as foundations and small architectural details. The construction of the railway system through Bloomington and throughout southern Indiana in the mid-1850s allowed for further transportation of Indiana (Salem) limestone.

The turning point in the production of limestone was in the 1870s with the invention of steam powered machines to aid with stone cutting into more manageable sizes. Beyond being more manageable, the cut stones were easier to transport increasing the demand for Indiana quarried stone. At the end of the 19th century, electricity improved technology and milling production became easier. Stone was becoming a more popular material for architecture due to its fire resistant qualities and the 1893 Columbian Exposition in Chicago or “The White City”. Popular architectural styles with emphasis on stone and/or intricate detail can also be attributed to the increased demand for limestone. The intricate limestone pieces can be seen across this district, on many prominent buildings such as the Courthouse, the Allen Building; The Wicks Building and many more. Architect Nichols brought a more diverse use of stone to the commercial buildings he designed. For example, the Allen Building a Notable building in this district, is a Queen Anne style commercial building with complex massing and cantilevered bays.



Please see the above photos of the detail of intricate stone detailing on the Allen Building and the Monroe County Courthouse.



- **Exemplifies the built environment in an era of history characterized by a distinctive architectural style.**

This district encompasses the highest concentration of nineteenth and twentieth century commercial architectural styles in Bloomington. As discussed previously, the increasing technologies in craftsmanship, design and transportation being brought to Bloomington continued into its building stock and that is observed through the many civic and commercial buildings in this district. The most prevalent styles in this district are Beaux-Arts, Italianate, Classical Revival, Chicago and Art Deco.

Beaux-Arts

Many of the district's outstanding buildings in this district are built in the Beaux-Arts style. The Beaux-Arts style started in the École des Beaux-Arts in Paris, a school for artists and architects. The influences from the Beaux-Arts school of design are mirrored in the City Beautiful ideals. The goal of the City Beautiful movement was to create a new landscape, "which would in turn inspire its inhabitants to moral and civic virtue." The beautification of cities was equated as an American goal that stemmed from the European Beaux-Arts movement and was meant more for beauty and entertainment than actual livability. The movement and city landscape were meant to evoke feelings of "order, calm, and propriety therein." This influence was first observed in the United States at the World's Columbian Exposition of 1893, also known as "The White City." The Columbian Exposition displayed architecture with the Beaux-Arts influence and also



featured the beginnings of city planning. Said to be a sort of utopia, the White City Exposition across the United States contrasted the industrialization happening across America at the turn of the twentieth century. The Beaux-Art style is well represented by the Monroe County Courthouse, the former Bloomington City Hall, the former Federal Building, and the Masonic Temple (now One City Center).



Italianate

Many of the buildings in this district received redesigned facades after the turn of the century. The Italianate style, a prominent style in the Midwest, also held prominence in many brick commercial buildings in this district. Italianate grew out of the Picturesque movement in England in the mid to late 1800s. It was the beginning of styles looking back to a more classical form in America. Prominent details on commercial buildings on the square are large glass storefronts with decorative cast iron detailing. Other details observed in this district are arched windows, cast iron detailed framing and ornate bracket cornices. Perhaps the best remaining example of this style is the Bundy's European Hotel.



Classical Revival

The revival styles were also sparked by the Columbian Exposition in Chicago in 1893. There was a higher demand for architect or builder constructed structures. It was a period in history, socially and architecturally, that people were looking back to Anglo-American and European influence from previous times and styles. Styles that generally fall into this group are Colonial Revival, Neoclassical/Classical Revival, Spanish Revival and many more. The period of significance in this district is 1847-1936 with the height of limestone use is 1912, so it is no wonder that the district is full of examples from this period. Two examples of Neoclassical architecture in this district are the limestone façade on 110 N Walnut St. and the brick and limestone Graham Hotel at 205 N. College Ave.



Chicago



Chicago School style or Commercial Style architecture is a unique style that occurred due to the Great Chicago Fire of 1871. This is a style primarily observed in high-rise buildings. Key characteristics that distinguish Chicago style buildings are a fireproof material such as stone, terra cotta, or

brick; skeleton construction that creates a three-dimensional appearance; and large windows to give the vertical appearance. The best example of this style is the Wick's Building.

Art Deco



Art Deco is a style that was intended to break from traditional or classic styles and had a vertical focus. It can also be distinguished by geometric shapes and stylized motifs, and smooth wall surfaces. It began in the 1920s-1930s and is prominent in civic and commercial buildings. One of the best examples in this district of the Art Deco style is former Monroe County Jail built in 1936.

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)**

Supplemental Material

- ***Council Res 15-15 - Urging the Bloomington Historic Preservation Commission to Initiate the Process of Establishing the Courthouse Square as a Historic District***
 - for further information, please see the legislation and related materials in the [Weekly Council Legislative Packet](#) issued for the 6 May 2015 Regular Session
- ***Draft Design Guidelines*** and other information available at the Commission webpage at:
 - http://bloomington.in.gov/sections/viewSection.php?section_id=142

RESOLUTION 15-15

URGING THE BLOOMINGTON HISTORIC PRESERVATION COMMISSION TO INITIATE THE PROCESS OF ESTABLISHING THE COURTHOUSE SQUARE AS A HISTORIC DISTRICT

WHEREAS, Bloomington's Courthouse Square is an iconic representation of our community, the heart of our city, and an anchor of our shared sense of place:

- It is a place of governance and law – the place where we collectively define how we wish to constitute ourselves as a community;
- It is place of celebration and a place of protest open to all residents in our community;
- It is a centralized space for economic and social activity;
- It is a space of deep and rich cultural history marked by a cohesive group of architecturally-diverse, predominantly civic and commercial structures – many from the turn of the last century – that represent our community's roots in the limestone industry;

WHEREAS, roughly bounded by 7th Street, Walnut Street, 4th Street and College Avenue, the distinctive historic nature of the Courthouse Square has long been recognized:

- In 1990, the U.S. Department of Interior recommended the Courthouse Square for listing on the *National Register of Historic Places*;
- In 1998, the *1998 Preservation Plan for Downtown Bloomington and the Courthouse Square* (“1998 Plan”) advised that historic preservation “protects the sense of place associated with the city” and that historic context “offers a sense of identity and cultural continuity to visitors and, most importantly, to the citizens of Bloomington.” The *Plan* encouraged local historic designation of the Courthouse Square;
- In 2005, the City further committed to the protection of our Downtown by commissioning the *Downtown Vision and Infill Strategy Plan* – a document that outlined strategies to foster a compact, walkable and architecturally-distinctive area. In speaking to the character of the Courthouse Square, the *Plan* pointed out that many structures in this area are of historic significance and that “preservation of historic properties within this area is a high priority,” further highlighting that “[m]uch of the area is eligible for local historic district designation;”
- Also in 2005, an independent team assembled by the Center for Historic Preservation College of Architecture and Planning at Ball State developed a set of context-sensitive, advisory design guidelines for the Downtown, entitled, *Common Issues and Options for Treating Older Buildings in Downtown Bloomington*. The guidelines were exclusively devoted to strengthening the historic character of the Downtown;
- In 2012, the Bloomington Historic Preservation Commission Updated the *1998 Plan* by way of the *Preservation Plan for Historic Bloomington*. Once again, this plan echoed and strengthened the call for local designation of the Courthouse Square finding that:

The most significant part of Bloomington's historic building inventory – the Courthouse Square – is unprotected by local designation. We must work with downtown businesses, building owners, and civic leaders to preserve this historic commercial and governmental core for future generations. (p. 2)

WHEREAS, the Bloomington Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, Bloomington Municipal Code Section §8.02.020 defines a historic district as a “single building, structure, object, or site or a concentration of buildings, structures, objects, spaces, or sites designed by ordinance adopted under this title” and

WHEREAS, the historic nature of the Courthouse Square represents our community’s past, informs our shared community life in the present, and promises to continue to shape economic vibrancy and community character in years to come. Twenty-five years after nomination to the National Register of Historic Places, local historic designation and protection of this community resource is long overdue.

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

SECTION 1. The Common Council urges the City of Bloomington Historic Preservation Commission to initiate the process of historic designation of the Courthouse Square.

SECTION 2. The Council encourages the Commission to hold more than one public information session on local designation of the Courthouse Square in the interest of fully engaging all stakeholders and community members.

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

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:

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 resolution is sponsored by Councilmembers Sturbaum and Rollo and documents twenty-five years of work to recognize and protect the historic and architecturally-worthy nature of the Courthouse Square. The resolution points out, in light of this steady recognition of the value of the Square, it's designation as a Historic District is long overdue. The resolution encourages the Bloomington Historic Preservation Commission to take steps toward designating the Downtown Square as a local Historic District and requests that the Commission hold more than one public information session to solicit stakeholder feedback on the matter.

In the Council Chambers of the Showers City Hall on Wednesday, May 21, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 21, 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
REPORTS

Steve Volan announced he would be absent from council meetings in the month of June as he would be traveling across the country doing thesis research on large college towns.

- COUNCIL MEMBERS

Marty Spechler noted that Governor Pence had announced a new program this week – the Healthy Indiana Plan - to substitute for the expansion of Medicaid. Spechler said this program would supposedly cover up to 350,000 people who were in the gap of non-coverage, but it was yet to be seen if the plan would actually work because poor people would have to make monetary contributions to the plan. Spechler believed this was a palliative move, not a solution.

There were no reports from the mayor or other city offices at this meeting.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

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

- PUBLIC

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Ordinance 14-06 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.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Ordinance 14-06 be adopted.

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

James Roach, Planning Department, gave a brief overview of the project. The Ordinance would approve creation of a new Planned Unit Development, a PUD District Ordinance and preliminary plan approval. In this co-housing project, homes would be clustered around a common green area and would include a “common house” for gatherings. Also, the ends of Short Street would be connected by a 12 foot wide alley, providing a desirable secondary access. Roach noted that the Plan Commission added ten Conditions of Approval before forwarding to the council with a unanimous recommendation for adoption.

Neher suggested that Reasonable Condition #03 be discussed separate from the project as a whole. It would remove the connection of Short Street as a requirement of the PUD.

Reasonable Condition #03 is sponsored by Councilmember Neher. It would strike Condition of Approval #7 (regarding Short Street) and remove the connection of Short Street as a requirement of this PUD.

Rollo asked what the specific requests of the Fire Chief were regarding this connection. Tom Micuda, Planning Department Director, indicated that the alley-style connection was not a request from the Fire Chief, but rather a recommendation from the Planning Department after consulting with emergency services, public works and engineering staff, the Mayor’s office, and the Petitioner.

Mayer asked if Maxwell Street served as a sufficient primary access. Roach answered that it did, and that the connectivity of Short Street would offer a secondary access. Mayer inquired about the engineering standards of the proposed connector. Roach replied that it had not been designed yet and would not be built before Phase III of the project.

Granger asked who would design the alley-style connection. Micuda replied that the developer's engineer would design the proposal based on city specifications, then it would be reviewed by the city.

Sturbaum asked about sidewalks for pedestrians. Micuda pointed out that the alley-style connection should be safe for walkers and bikers.

Spechler speculated that the connected street would not be very attractive unless it was leveled out considerably with adequate drainage installed.

Sandberg cited concerns about the drainage issue, and asked who was the engineer on retainer. Marc Cornett responded on behalf of the petitioner's engineer, Kevin Potter. Cornett stated that the low wet area would not be radically changed and that the natural drainage swale would be allowed to continue to function largely as it does now.

Volan asked about the history of the easement or right of way through this area. Planning staff replied that it was platted around 40 years ago with the intention of eventually building a street through the sub-division, but there had been no development activity to trigger that extension.

Neher resumed discussion of the connectivity issue. Micuda said that connectivity was desirable for a number of reasons, and that – because this was a low density area - the alley-style connector would serve appropriately for secondary access and for basic local transportation.

Rollo wanted to concentrate on emergency vehicle services and the safety issues involved. Micuda responded that having secondary access was highly preferable over a single access option on any given project.

Volan questioned why the recent Habitat for Humanity project was approved with single access only. Micuda reviewed the approval process that occurred and cited the hundreds of thousands of dollars that a secondary access would have added to the cost.

Sturbaum asked about how public services such as trash removal and snow plowing had occurred in that area up to now. Roach explained how Maxwell Street was currently used for those services and added that building a connection through this development would make delivery of public services much easier.

Public Comment:

Linda Mjolsnes, retired Bloomington Montessori School (BMS) employee of more than 40 years, expressed concern about the safety of the children who used the Montessori School playground, which was accessed by crossing Short Street. The playground was used three times per school day by students age 6 to 12 years, as well as on weekends and during after-school programs. If the Short Street connector was developed, Montessori would be forced to fence their playground and construct an underpass or bridge over Short Street to safely move children from the school to the playground. None of these measures were financially feasible, nor would they guarantee the safety of the children.

Tavia Hearn, also from BMS, asserted that the construction of a vehicular throughway on Short Street would jeopardize the safety and welfare of the pedestrians and cyclists who used the path there to access the YMCA facilities. She stated that driver convenience was not more important than child safety.

Dan Fitzsimmons, whose children attend BMS, asked if the consultants on the project were aware that the creation of the proposed secondary access would bisect the school's playground.

Margie Schroeder also spoke on behalf of BMS parents. She expressed concern about vehicles speeding recklessly on the proposed alley way, putting children at risk of serious harm. In general, most parents and staff

were supportive of the co-housing project, but not the Short Street connector.

Ordinance 14-06 (cont'd)
Reasonable Condition #03 (cont'd)

Alison Chopra wanted to be sure that the needs of people with wheelchairs and/or service animals were being considered in light of the increased traffic that the street extension would bring.

David Weigand, parent of two children at BMS and employee of the after-school program, expressed concern about the safety of the many children who used the undeveloped portion of Short Street to access the BMS playground if the connector was to be built.

Siri Terjesen, BMS parent, spoke against the proposed construction of a Short Street connector citing how dangerous the traffic would be for children in the area.

Laura Hannah referenced her experience as an emergency service responder and as a mother of three BMS students. She was highly concerned about the increase of pedestrian, bicycle and auto traffic if Short Street were to go through. She also asserted, as a former fire fighter, that having secondary access was not a necessity for this project.

Phaedra Pezzullo and her young son expressed concern about the potential danger of car traffic if Short Street was built through. They also spoke in favor of the co-housing concept in general.

Roxanne Smith, BMS parent, acknowledged that having Short Street connected would be a convenient shortcut for drivers, but a hazard for children in the area.

Brian Smith, BMS parent, said the proposed throughway would increase dangerous driving and encourage speeding, and would create a serious hazard for the children at BMS.

Minette Wolf, mother of two children at BMS, stated that even increased bicycle traffic would pose potential danger to children who crossed between the school and the playground. She opposed the proposal for the alleyway, especially since it was not necessary for emergency services.

Council Questions:

Volan inquired about methods that could be used to reduce traffic speed in alleys. Micuda explained various options that had been used on other projects for traffic calming.

Spechler asked who requested that Short Street be connected within this project. Micuda answered that it was a recommendation of Plan staff and City administration. The Petitioners were concerned about the cost involved.

Sandberg asked if representatives from BMS were involved in discussions with the Planning Commission regarding the issue of connecting Short Street. Roach replied that the school was notified of the hearings, but no BMS representatives participated.

Rollo asked if the administration could bring forth the request again if council voted tonight not to require the Short Street connection. Micuda answered that it could be done, but that it was unlikely to happen.

Volan posed a question to representatives from BMS regarding the location of the school playgrounds. It was explained that the lower playground was used by 6 to 12 year olds and that the upper playground was used by preschool age children.

Spechler asked about the 2 ½ hour after-school program and restroom provisions. All present agreed that children were likely to pay less attention to traffic hazards while experiencing urgency to relieve themselves.

Council Comments:

Volan asked why the parents of BMS students just found out about the proposal today, and suggested postponing the council decision on Reasonable Condition #03 to allow for more deliberation. He also suggested that a crossing guard may be sufficient to ensure children's safety, rendering an underpass or bridge over the Short Street connector unnecessary.

Rollo said he generally supported connectivity, but that there were exceptions to the rule. He tended not to be in favor of requiring a throughway for auto traffic within this PUD proposal, but would like to revisit the issue in the future.

Spechler commented that he would not support putting children at risk by connecting Short Street for vehicular traffic, especially since Maxwell Street provided sufficient access for emergency services. He supported removing the connection of Short Street as a requirement of this PUD.

Granger was very supportive of the Co-Housing PUD but wasn't convinced that connecting Short Street would be beneficial. She expressed her approval of Reasonable Condition #03.

Ruff asserted that a crossing guard would not solve the safety problem in this situation. He appreciated Planning staff's adherence to the principles of the GPP regarding connectivity, but he leaned toward support of the motion in this particular situation.

Sturbaum pointed out that cul-de-sacs had the same issue regarding no secondary access for emergency vehicles. He supported removal of the Short Street connection as a requirement of this PUD.

Sandberg referred to the GPP as a guiding document but emphasized the importance of looking at the context instead of being overly rigid. Her desire was to support approval of the Co-Housing PUD without requiring connectivity on Short Street.

Mayer spoke in favor of connectivity in general but acknowledged that there was a lot of concern about children's safety if Short Street was built through. He suggested that the City explore vacating this parcel of land and giving it to BMS.

Neher pointed out that the issue of connecting Short Street could be revisited in the future – if conditions changed - should the Council approve the motion tonight.

Volan expressed feeling infuriated when petitioners were considered more important than the public as a whole. He said that the GPP should be adhered to more stringently, and that there should be fewer exceptions based on sympathy for petitioners. He did not support approval of the Reasonable Condition #03.

The motion to approve Reasonable Condition #03 from Ordinance 14-06 received a roll call vote of Ayes: 8, Nays: 1 (Volan).

Vote on Reasonable Condition #03

There was no public comment on Ordinance 14-06 as amended.

Ordinance 14-06 as amended.

Council Comments:

Rollo praised the "public good" value of the co-housing design and wished the petitioners success.

Spechler said that this was a wonderful project, but that not everybody would want to live there.

Mayer pointed out for attendees that there was a long discussion about the project last week, and he thanked the petitioners for bringing it forward.

Ordinance 14-06 as amended (*cont'd*)

Sturbaum referred to the project as fantastic, exciting and good work for the area. He also thanked Planning staff for doing a heroic job.

Rollo thanked the staff who worked on this “out of the box” proposal.

Sandberg thanked the petitioners and the staff for the remarkable thoughtfulness that had gone into this project. She also praised the councilmembers for their willingness to make exceptions when conditions warranted it.

Volan commended the petitioners for the holistic nature of the co-housing design and thanked the staff for their good work. He was not in favor of deeding over the right of way to BMS as was suggested earlier.

Neher thanked the petitioners for their outreach to council early on in the process and for their persistence.

The motion to approve Ordinance 14-06 received a roll call vote of Ayes: 9, Nays: 0

Vote on Ordinance 14-06 as amended.

There was no legislation for first reading 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, noted that there was an Internal Work Session scheduled for Friday, May 23, 2014.

COUNCIL SCHEDULE

President Neher announced that there would be a Special Session of the council to be held on May 28, 2014 at 7:30 pm.

The meeting was adjourned at 9:48 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, October 15, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
October 15, 2014

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes for the Regular Session of September 23, 2014 were approved by a voice vote.

APPROVAL OF MINUTES

Dorothy Granger apologized for her absence the previous week and added she was out of the country on a trip that had been planned for over a year. She also noted the importance of the budget, saying she thought it was one of the council's primary responsibilities. She hoped no one thought she was shirking that responsibility by being absent from that session.

REPORTS

- COUNCIL MEMBERS

Dave Rollo referenced two radio shows on WFIU on which he appeared with two members of Bloomington Advocates for Nonviolent Innovative Deer Stewardship, the group which opposed the Griffy deer cull. He noted that the purpose of the broadcast was to discuss the ethics of the deer cull, but instead most of the time was spent by the BANIDS members attempting to refute the findings and the science of the issue, which he said was futile. He said the damage to the understory of Griffy was documented by a number of biologists and other scientists. He also said BANIDS attacked the methodology and conclusions of the Shelton study, even though it was peer reviewed and published in the *Journal of Forest Ecology and Management*. The group did not believe the study affirmed high deer density. Rollo said that just wasn't true. He reminded the BANIDS group that if they believed the study to be flawed, they should have contacted the editorial board of the journal, which they had not.

In terms of the criticism over the lack of a deer count, Rollo said the point was to measure for effect, the result of which was already known. Rollo added that the Chief Ecologist at the Smithsonian said, "waiting to get numbers of deer in the face of obvious damage is a waste of time and resources."

He ended by highlighting the ethics of the situation which he said were the central question. Rollo said the two choices were either to cull the deer and restore the balance in the ecosystem, or to do nothing and allow high deer density which causes ecosystem damage. This would mean declines in song birds and plant life. He noted grazing deer would eat acorns and seeds which small mammals relied on over winter. He said this caused small mammals to starve which meant their predators (foxes, owls, and bobcats) also had no food.

He summarized by saying the ethical question was whether to take a systems approach and restore the system where all organisms thrived, including deer, or do nothing.

Steve Volan mentioned an event by Open Streets Bloomington entitled "Rediscovering Streets as Public Spaces". He described how current rhetorical language actually originated with different meanings unknown by most. He cited the word "Jay Walking" which meant something different until 1924 when auto manufacturing created the idea that streets were for cars and not for people. This occurred by changing the message from speeding cars being blamed for children's deaths to careless pedestrians, therefore the negative term "Jay Walking" was coined.

Dorothy Granger read a Proclamation from the Mayor honoring the city's Commission on the Status of Women by proclaiming October 15, 2014 "Commission on the Status of Women Day."

- The MAYOR AND CITY OFFICES

Cathi Crabtree, President of the Commission on the Status of Women, gave a report on the Commission focusing on 40 years of work. She

recognized Charlotte Zietlow for her leadership in creating the vision and legislation for this Commission, despite opposition from then Mayor Frank McCloskey.

Report from the Mayor (cont'd)

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES
- PUBLIC

Mary Catherine Carmichael spoke about the need for more Court Appointed Special Advocates (CASAs) to represent children who were victims of abuse and neglect in cases where children were not otherwise represented in the court process. She described the rate of abuse of children in this community and said Monroe County CASA had 126 cases, but only 93 had CASA representation. She urged participation in this program.

Laramie Wilson, resident of the south Griffy neighborhood, advocated for stopping any killing of deer in Griffy Park. She read some representative comments from citizens that she had gathered by tabling at the Farmers' Market in opposition to the Griffy deer cull.

Sandra Shapshay stressed that the Griffy deer cull plan was predicated on a false premise that there was an overabundance of deer, which she called an unjustified assumption. She asserted the deer pellet count was inaccurate, damage to plants at Griffy was extrapolated from the IU Nature Preserve, and ground cover damage was not supported by the Shelton study. In addition, she said, deer inhibited invasive plants in Griffy which had been identified as the number one danger to the area, therefore making deer desirable in that area. She said that BANIDS proposed an ordinance with a two year delay on the deer cull in order to collect data on a deer count.

Ann Sterling, Bryan Park neighborhood, distributed to the council the proposed ordinance authored by BANIDS that called for a two year delay on the Griffy deer kill and a ban on bow hunting within the city limits. She described bow hunting as an inhumane method of hunting since arrows rarely kill deer immediately, but rather caused long periods of suffering prior to death.

Maria Heslin, Professional Women Network, said next Wednesday Women's Success Network would be meeting at Hyatt Place at 5:30. She noted the article she authored about Meatless Mondays published in the InStride Magazine.

Heslin mentioned that it was exactly one month away from the scheduled deer kill in Griffy. She urged council to support ordinance 14-DEER proposed by the BANIDS which called for a two year delay in the kill and for closing the bow hunting loophole. She said that when such a dramatic change to the community character was proposed, it caused the tension that was currently occurring in the community. Heslin said that in almost every other aspect of life, we did better and we innovated. She added we had time to do better – in harmony.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Resolution 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.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Resolution 14-17 be adopted. Patty Mulvihill, City Attorney, reminded Council that this Interlocal agreement was presented each year, but this year would be different. This Agreement essentially stated that the City of Bloomington agreed to house animals from Monroe County and Ellettsville at the City's Shelter, along with working to adopt those animals and in answering questions from the public. In return, the County and Ellettsville agreed to pay the City a specific dollar amount as reimbursement for those services.

Resolution 14-17 To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2015

The 2015 Animal Interlocal financial portion of the agreement was calculated using the 2013 Animal Shelter expenditures and dividing that by

Resolution 14-17 (cont'd)

the number of animals taken in by the Shelter from both the County and the Town of Ellettsville. That formula provided the three government agencies with a specific dollar amount that the County and Ellettsville must pay to the City.

The reimbursement rate for 2015 was:

Monroe County \$310,067.53
Ellettsville 24,983.47

Council questions:

Rollo asked about taking in animals from outside the county, and whether it was still fee-based. Mulvihill said that was still in effect, but was not a significant part of revenue.

He asked if the intake fee for out of county was the reason the intake numbers had dropped. Mulvihill said that data had not been computed, but she would get that information for the Council.

Ruff asked about the funding source for euthanizing animals. Mulvihill said she believed it was Shelter funds and not from an outside source.

There was no public comment.

Council Comments:

Mayer thanked Mulvihill for working on this and said he appreciated the new practice of billing for services rather than estimating costs.

Ruff noted how difficult the work of Animal Care and Control was and how gut wrenching it was for the staff. He added that it was an unfortunate but necessary activity for government. Ruff then compared feral cats and dogs who survived in the wild without host homes to the deer in Griffy that also survived in the woods.

Rollo said it was a good practice to assess a fee to other counties that brought their animals to Monroe County saying it was their responsibility to manage their animals whether it was euthanasia, adoption, or shipping to another county. He praised Lori Ringquist, Animal Care and Control Director, for her amazing work. Rollo reminded all that there was no objection to euthanizing the hundreds of cats and dogs during the past year for the public good, but there was an objection when euthanizing deer for the public good was mentioned.

Neher said the city was doing the dirty work of people who were not taking responsibility for spaying and neutering their pets. He recognized successes such as the volunteers and puppy trains that took dogs to other communities where there was a need for adoptable dogs.

Resolution 14-17 received a roll call vote of Ayes: 8, Nays: 0

Ordinance 14-22 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Stop and Signalized

LEGISLATION FOR FIRST READING

Intersections, One Way Streets, Restricted Turns on Red Light, Parking on Unimproved Surfaces, Angle Parking, No Parking, Bus Zones, and Appeals of Parking Violations

Ordinance 14-22

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"

Ordinance 14-23

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

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday, October 17, 2014 in the council library.

COUNCIL SCHEDULE

The meeting was adjourned at 8:42 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, November 4, 2015 at 7:31 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
November 4, 2015

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

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The following minutes were approved by a voice vote:
Regular Sessions of November 12, 2014 and October 21, 2015
Special Sessions of October 8, 2014 and October 14, 2015

APPROVAL OF MINUTES

Chris Sturbaum spoke about his father's failing health and lessons that he learned growing up. He said local politics were discussed at the dinner table with his family. He said politics was how to achieve very important goals through the city. He thanked everyone who had served the city and who would serve the city in the future.

REPORTS

- COUNCIL MEMBERS

Susan Sandberg offered her support to the Sturbaum family. She said that the Community and Family Resources Department would host a program called "Navigating the Caregiving Challenge" on Saturday, November 7th, 2015. The program was intended to educate attendees on how to care for an ailing relative. She said she would be on a panel that day to speak about her experience caring for her father.

Dorothy Granger spoke about the Monroe County Energy Challenge Task of the Month: insulating water heaters. She said that the county was competing for five million dollars. She added that a space heater was one of the biggest energy hogs in the home.

Tim Mayer thanked everyone who was involved in the Municipal Election the previous day. He said he thought it was a productive campaign, and he congratulated those who won.

There were no reports from administration at this meeting.

- The MAYOR AND CITY OFFICES

Chad Roeder, Downtown Bloomington Recycling Center, spoke about the history of the project. He said the project began as a private company that picked up recycling for downtown businesses and expanded to better suit Bloomington's recycling needs as a public amenity. He said the program partnered with the Monroe County Solid Waste Management District and the city, and had expanded to work with five vendors to move the material into the recycling process. He parsed the center's partnerships, environmental benefits, and educational opportunities, including better informed consumers and intern opportunities for students in the School of Public and Environmental Affairs.

- COUNCIL COMMITTEES

Sturbaum asked how the recycling center would fit in with the Tech Park development. Roeder said that its current location was the only suitable space downtown, and he hoped it would be able to remain as the Tech Park was developed. He said that services could be expanded to better suit the needs of the area.

Spechler asked about the labor cost reduction the center enjoyed with interns and delivery of materials. He asked if costs were being covered by revenue. Roeder said they were, but they were not making a large profit.

Spechler asked if Roeder's private business could combine with the public enterprise in order to demonstrate that no waste or fraud was occurring.

Roeder said that the original private enterprise was only a small part of the center's operation.

Spechler asked what resources the city provided. Roeder said that they were not charged rent by the city but they received no financial service.

Rollo asked if the center would need more space in the future. Roeder said that the goal was to be able to serve public and private haulers in order to gather large quantities of material in order to sell at market value. He said that the only way to handle large quantities would be to add a hydraulic compactor.

Volan asked if there was discussion with the District about cooperation in handling materials. Roeder said that the city would need to make a significant investment in order to provide electricity to the center for a hydraulic compactor.

Volan followed up on the Tech Park concern. He said that the center was located in the parking lot, and there should be concern over the location. Roeder said that the land was included in the Tech Park plan, and he was concerned that it would be included in the development. He said he did not anticipate development in the foreseeable future.

President Rollo called for public comment.

- PUBLIC

Sierra Johnson spoke against Planned Parenthood and abortion services.

Daniel McMullen spoke against Planned Parenthood and abortion services.

Kay Bull thanked the Mayor for appointing her to the Bicycle and Pedestrian Safety Commission.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Ordinance 15-23 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of Do Pass 4-0-3.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Ordinance 15-23 be adopted.

Ordinance 15-23 - To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan - Re: 751 E. Tamarack Trail (Jill's House, LLC, Petitioner)

Beth Rosenbarger, Planning and Transportation Department, spoke about the permitted uses of the Planned Unit Development. She said that the original parcel was meant to temporarily house those undergoing treatment at the IU Health Proton Therapy Center. She said that the original Jill's House had closed when the Proton Therapy Center closed, and the proposed use would retain the original building on site. She said the ordinance would add two uses to the PUD site and went over details of the plan to use the site for senior memory care.

Gary Scott, Petitioner, spoke to the difference between Jill's House, Inc., a nonprofit, and Jill's House, LLC, a for-profit. He said that the original Jill's House was a nonprofit that had closed, and the LLC hoped to carry on the legacy. He said that he and partners purchased the property in 2013 in order to assist the nonprofit, and they retained the property after the nonprofit closed.

Roy Marschke, House Investments, said he was present to answer questions and said his firm had a lot of experience in memory care facilities. He said they hoped to carry on the original mission of the site. They also intended to close on the purchase of the property before the end of 2015.

Council Questions:

Spechler asked who sold the property to Jill's House, LLC. Scott said Jill's House, Inc. sold the property for the cost of existing debt.

Spechler asked if the cost of purchasing the site was the exact amount of the debt. Scott said it was.

Spechler asked if the donations from the community had been lost. Scott said that the mission of the nonprofit was served well, but it could not control the actions of the proton therapy center.

Volan asked staff if approval of the original PUD in 2005 was contingent on the organization's operation as a nonprofit. Dan Sherman, Council Administrator, said that the petitioner was seeking to modify the proposal, but the original proposal was for a nonprofit. James Roach, Planning and Transportation, said that the PUD was for a specific use that happened to be a nonprofit. The ordinance would change the PUD because the original use was no longer feasible. He said the concerns with the original PUD revolved around environmental protection.

Sandberg asked Marschke what House Investments did and if they had done market research on the need for the service. He answered by saying that memory care was part of their services, but they focused on senior care overall. He said that the company had done preliminary market research and discovered that most local memory care facilities were nearing capacity, and most facilities had shared rooms. This project would have individual rooms.

Rollo asked Roach to expand on the need for the facility at the location in question. Roach said that the community was experiencing an aging population, and he said the specific issue was a vacant building that was well suited for re-use in the presented purpose. He also said the location's proximity to the large retirement facility, Meadowood, was a benefit.

Ruff asked how Jill's House, Inc. was making payments on the property before the purchase. Scott said that Jill's House, Inc. made interest only payments on the existing debt. He said that profit could be made when the property was sold, not during the tenure of the nonprofit. He added that Meadowood would be the primary user of the new facility.

Spechler asked if the name "Jill's House" would be maintained in perpetuity. He said that it was named after a young woman who was murdered. Scott said that it was up to the parents of the building's namesake. Marschke added that the facility needed to be tied into the community, and the name would be kept if the parents approved.

Volan asked if anyone involved in Jill's House, LLC (for profit group) was on the Jill's House, Inc. non-profit board. Scott said he was a former board member.

Volan asked if the facility would be a for-profit business, if Meadowood was a for-profit facility, and if the facility would have affordable units. Scott answered that both facilities in question were for-profit, and Marschke said that the plan was to keep the rental units within the facility at market rate.

Volan asked if House Investments would be unwilling to add affordability components. Marschke said he was not sure if it was plausible, and it would be up to the principles of the company.

Sandberg asked if any clients would be Medicaid or Medicare users. Marschke said it would be entirely private insurance and accepting Medicaid and Medicare required further applications with the State.

Volan asked staff how to add an affordable housing condition to the PUD. Sherman said that the council could impose Reasonable Conditions without returning the petition to the Plan Commission. He said that Reasonable Conditions should be submitted in writing as if it were an amendment.

Volan asked how the council could delay a vote in order to impose this condition. Sherman said that if the petition was rejected, the matter would be closed unless the process was restarted; but postponing the ordinance would give time to draft language for the Reasonable Condition.

Neher asked if the facility was intended to be housing or a medical facility. He asked if the affordability discussion could be applied to a medical facility. Roach said that staff was not prepared to answer the question without further research. Scott said that senior living was a complex issue. He said that discussion of senior housing should be divided into several sections, and affordability was more commonly used for senior apartments than assisted living services. Marschke said that affordable housing for senior living required an expensive application through the State. He said that he was not sure the project would be selected to qualify, and it would take a long time to get the project working with an affordability requirement.

Sandberg said she was familiar with elder care facilities in the area. She asked how this facility would compare in staffing to Hearthstone or Bell Trace. Marschke said that the facility would have seven to nine employees on location at any given time, but he was not familiar with either facility that Sandberg mentioned.

Sandberg asked if the care for these patients would be labor intensive. Marschke said that there would be nurses on staff, and security concerns would be addressed as was appropriate for the type of care provided. He said that the design – mirrors, paint color – had to be tailored for the Alzheimer's and dementia patients in the facility. He said the care needed for patients was far more intensive than an ordinary housing project.

Mayer asked the petitioner to elaborate on the changes to the facility. Marschke said that the inside would be remodeled to make the layout more conducive to medical care, including the addition of more rooms. He said the basement would be redesigned to add a walking path and other activities, and the kitchen facilities would be changed to better serve all residents.

Volan asked how long the typical person would stay in a memory care facility. Marschke said that it was his understanding that residents would stay until they transitioned to 24-hour nursing care. He said that a stay would last years rather than months.

There was no public comment on this ordinance.

Volan moved, and it was seconded, to postpone Ordinance 15-23 until the Regular Session on November 18, 2015.

Motion to Postpone Ordinance 15-23

Rollo asked staff if the schedule would accommodate postponement. Sherman said the date proposed in the postponement would be the week before Thanksgiving and added that there would be a Regular Session and Committee of the Whole that evening. He said that two Ordinances were already on the agenda that evening.

Volan said that the petition needed some kind of public benefit that fit the original purpose of the PUD. He said more time was needed to prepare a condition that would ensure the facility would provide a permanent public benefit to honor the building's namesake.

Rollo asked staff and the petitioner to weigh in on postponing the ordinance. Scott said that keeping the name was up to the parents of the building's namesake. He said he did not understand how adding an affordability condition would better serve the memory of Jill Behrman.

Sandberg asked if there was an affordability component to the original Jill's House. Scott said that, as far as he knew, everyone had to pay for their stay.

He said he believed that some people had financial assistance.

Motion to Postpone Ordinance 15-23
(cont'd)

Neher asked who would have to research affordability conditions as they applied to medical facilities. He expressed concern that the council was treading into the conversation about affordable healthcare rather than housing. Volan said that they would not find the answer to the question that evening.

Rollo asked staff how the amendment was compatible with the demonstrated 'public good' of the original PUD. Sherman said that the council needed to consider the Comprehensive Plan, current conditions and character of the district, the most desirable use for the land, conservation of property values, and responsible growth and development.

There was no public comment on the postponement.

Spechler said that he would vote against the postponement. He said there was no fair way to impose affordability requirements on the petitioner, and they would not be able to find an affordability scheme in two weeks.

Granger said that the request, as it was, was in line with the PUD. She said she had no objection to the name of the location, and she said that it was not appropriate to discuss affordability for a medical facility. She said she would vote against the motion.

Volan said that a tangible asset must be gained by the community in exchange for a zoning change in order for there to be a public benefit. He said that the same argument was used for the buildings on North College Avenue (apartments). He said that the community was better served by saying 'no' to developments that did not serve a public good. He said that it was possible that in two weeks there would not be a Reasonable Condition, but he wanted two weeks to do further research. He asked his colleagues to support the motion.

Sandberg said that the project sought a compatible use with the original mission of Jill's House. She said that it was irresponsible to spend two weeks trying to create a funding mechanism that was outside of the council's purview.

Mayer said that the original intent of Jill's House was to help those who sought treatment at the Proton Therapy Center. The goal was to keep the family unit as comfortable as possible during the treatment, and he said it took the goodness of people's hearts to make it work. He said that changing the PUD to a for-profit facility would provide professional staff, security, and amenities. He said that it was a very different model than the original PUD, but he said that two weeks was not enough time to navigate the complex nature of healthcare.

Ruff said that both positions on postponing were reasonable. He did not think it would be likely to reach a solution within two weeks. He said the council needed to explore every possibility, and the developer did not say there was no chance of providing affordability. He said Volan was correct in stating that the issue wasn't fully explored, and he would support the postponement.

The motion, to postpone Ordinance 15-23 until the Regular Session on November 18, 2015, received a roll call vote of Ayes: 4 (Neher, Ruff, Rollo, Volan), Nays: 5 (Granger, Mayer, Sandberg, Sturbaum, Spechler) and thus failed.

Vote to Postpone Ordinance 15-23

Council Comment:

Spechler said there was a demand for the services the facility would provide. He said it was obvious that the council should approve the use in order to best utilize an existing, currently vacant, building. He said he would support the ordinance.

Sandberg said that the issue of naming the facility was delicate and needed to be handled by the family. She said that the issue of memory care was not a small matter for a family to deal with, and she said that this was a positive re-use of the existing facility. She said she would support the ordinance.

Granger said that the petition was in line with the PUD, and she wanted to thank the petitioners for their effort, attendance, and answers. She said she would support the ordinance.

Neher said that the closing of the Proton Therapy Center was a significant loss for the area that necessitated the closing of Jill's House. He said that it was unfortunate that the closing occurred sooner than anticipated, but he said they were fortunate that someone was able to carry on the legacy of care. He said that people going through this situation deserved the best of care.

Volan said his colleagues did not understand the meaning of 'public benefit.' He said the use was changing from a "long term hotel" to a "residence." He said the owner and the nature of the property was changing (nonprofit to for-profit) and that he did not understand why it was not reasonable to explore possibilities. He said that it was responsible to spend two weeks researching the issue at hand, and he said he could not support the ordinance unless it was amended.

Rollo said that adding an affordability component would make him more amenable to approving the ordinance. He said that because it was an amendment to the original PUD, it did not need to demonstrate a 'public benefit.' He said the amendment to the PUD was compatible with the original intent, and he would support it.

The motion to adopt Ordinance 15-23 received a roll call vote of Ayes: 8, Nays: 1 (Volan)

Vote on Ordinance 15-23

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)

LEGISLATION FOR FIRST READING

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

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that Veteran's Day was the next Wednesday, therefore the next meeting would be held on Tuesday, November 10, 2015. He further noted that there was an Internal Work Session scheduled for Friday, November 6, 2015 at noon.

COUNCIL SCHEDULE

The meeting was adjourned at 9:54 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington