

# City of Bloomington Common Council

## Legislative Packet

**02 September 2015**

## **Regular Session**

*For legislation and background material regarding  
Ordinance 15-16 please consult the  
[26 August 2015 Legislative Packet](#).*

*All other material is 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](mailto:council@bloomington.in.gov)  
<http://www.bloomington.in.gov/council>



## Packet Related Material

### Memo

### Agenda

### Calendar

### Notices and Agendas:

*None*

### Legislation for Second Reading:

- **Ord 15-16** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Chapter 2.21 Entitled “Department of Law” to Include “Veteran Status” and “Housing Status” as Protected Classes in the Bloomington Human Rights Ordinance  
*Contact: Barbara McKinney at 812-349-3429 or [mckinneb@bloomington.in.gov](mailto:mckinneb@bloomington.in.gov)*

*Please see the [Weekly Council Legislative Packet](#) issued for the 26 August 2015 Regular Session and Committee of the Whole for the legislation, summary, and related-materials,*

### Legislation and Background Material for First Reading:

- **App Ord 15-02** - To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating \$15,000 for the Operation of the Community Sheltering Project for the Remainder of 2015)
  - Memo from Darryl Neher, Council Member, District 5
  - Open Letter in Support of these Services Issued by the Jack Hopkins Social Services Funding Committee

*Contact: Jeff Underwood at 812-349-3412, [underwoj@bloomington.in.gov](mailto:underwoj@bloomington.in.gov)  
Darryl Neher at 812-349-3409, [neherd@bloomington.in.gov](mailto:neherd@bloomington.in.gov)*

- **Ord 15-15** To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan for Parcel F of the Canada Farm PUD - Re: 2602 E. Creeks Edge Drive (Evergreen Partners II, LLC, Petitioner)

- Certification of Plan Commission Action (7-0-0);
- Maps of Site and Surrounding Area;
- Memo to Council, from Eric Greulich, Zoning Planner;
- Memo from Environmental Commission;
- Excerpt from Growth Policies Plan;
- Architectural Renderings of Site, Footprint and Floor Layout, and Elevations; and
- Petitioner's Statements Dated August 6<sup>th</sup> and July 27<sup>th</sup>

*Contact: Eric Greulich at 812-349-3526, greulice@bloomington.in.gov*

- **Ordinance 15-17** To Vacate a Public Parcel - Re: Two 12-foot Wide Alley Segments Located at the Southwest Corner of West 11th Street and North Rogers Street

- Maps of Alleys and Area;
- Memo from Staff
- Petition
- Transmittals to Utility and Safety Services
- Survey and Legal Description for Each Alley
- Summary of Responses from Utilities
- Board of Public Works – Staff Report

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

**Minutes from Regular Session:**

- February 18, 2015
- May 20, 2015
- August 26, 2015

## Memo

### **One Ordinance Ready for Second Reading and Three Ordinances Ready for Introduction at the Regular Session on Wednesday, September 2<sup>nd</sup> (Reminder – Meeting will be Held at the Utilities Board Room)**

There is one ordinance ready for second reading and three ordinances ready for introduction at the Regular Session next Wednesday. Please remember that it will be held at the Board Room at the Utility Services Center (600 East Miller Drive). The one ordinance ready for second reading and related material can be found in the packet issued last week as indicated above. The three ordinances, which include an appropriation ordinance, and related material are included in this packet and summarized herein.

#### **First Readings:**

#### **Item One – App Ord 15-02 (Appropriating \$15,000 from the General Fund to help Pay for the Operation of the Community Sheltering Project at 919 South Rogers for the Remainder of this Year)**

App Ord 15-02 appropriates \$15,000 from the General Fund to help pay for the operation of what has become known as the “Community Sheltering Project” for the rest of this year. As the memo from Councilmember Neher explains, he, along with Councilmembers Granger, Mayer, and Sandberg have been meeting over the summer with other elected officials and community leaders regarding the continuation of emergency shelter services provided at 919 South Rogers.

That facility is owned by the Office of Perry Township Trustee and has been operated as an emergency shelter with case management services for sober individuals since 2004. It is currently a 40-bed facility with 28 beds for men and 12 beds for women. In the 12 months ending April 2015, it sheltered an average of 51 persons per month for an average of 15 nights (with a total of 294 unduplicated clients being sheltered for a total of 9,510 nights).

Earlier this year, the managing entity, Martha’s House, Inc., dissolved. In response, Dan Combs, Perry Township Trustee, committed funds for its operation until the end of September and brought potential community partners together over the summer to explore what should be done.

Those meetings are on-going and three steps have been taken to chart a course for the future of those services.

The first step addresses the need for approximately \$45,000 to fund operations for the rest of 2015. The \$15,000 from the City would match an equal amount provided by Monroe County and join \$6,000 promised by Lillian Henegar, Bloomington Township Trustee to pay for township residents who stay there over that time. That would secure funding into December and leave about \$9,000 to be raised from other sources.

The second step addresses the immediate management of the Community Sheltering Project. As noted in Councilmember Neher's memo, "the United Way has agreed to be the nonprofit entity that will collect and distribute the monies for the ongoing operation of ...the Community Sheltering Project. In addition, an operations committee has been meeting separately to go over the management issues involved in the current shelter operations, and various nonprofit leaders are stepping up to provide support and management while a new nonprofit entity that will be sustainable is formed."

The third step addresses the long-term management of this project. In that regard, the memo states "several elected officials, community leaders, and concerned citizens continue to work together to identify solutions for the long-term operations of the Community Sheltering Project. The conversations are comprehensive, identifying partners who will manage the operations, establishing clear expectations that the shelter will continue to offer the same services it has been offering to individuals experiencing homelessness, and developing a funding and development plan that ensures long-term stability of the facility."

The five Council members on the Council's Jack Hopkins Social Services Funding Committee (Committee) will recall that additional funds for emerging social services needs were being explored by the Committee after its first meeting in February. At that time, the Committee began conversations with the Mayor about the possibility of additionally appropriating \$13,176 for that purpose. This figure equaled the amount of the previous year's unspent funds that reverted to the General Fund at the end of 2014. Upon hearing that the Mayor was open to submitting an additional appropriation to the Council, the Committee adopted a motion in May requesting that the Mayor use those new funds for emerging needs of social services agencies. Then, in June, the Committee issued an open letter

calling upon members of the public and private sector to work together to keep these services in operation.

Please also note that the appropriation would add those funds to the Common Council budget under Grants (Line 3960). The grant, in this case, would go to United Way of Monroe County in accordance with a Memorandum of Understanding which would assure proper use of these funds.

**Item 2 – Ord 15-15 Amending the PUD District Ordinance and Preliminary Plan for Parcel F of the Canada Farm PUD at 2602 E. Creeks Edge Drive (Evergreen Partners II, LLC, Petitioners)**

Ord 15-15 amends the District Ordinance and Preliminary Plan for Parcel F of the Canada Farm Planned Unit Development (PUD) at 2602 E. Creeks Edge Drive. This PUD amendment is made at the request of Evergreen Partners II, LLC. Evergreen Partners II, LLC is a Maine corporation specializing in affordable housing and is slowly expanding its efforts westward. This amendment adds “assisted living facility” as a permitted use and provides for a change in development standard to allow the facility to be constructed as a three-story building. The site is 5.78 acres and this proposed facility will serve low-income adults aged 62 years or older.

**The Site**

The Canada Farm PUD was created in 1996 and is designated as a “Community Activity Center” in the City’s Growth Policies Plan. Parcels E and F were approved for a 30,000 sf anchor grocery store and 50,000 for additional retail space. In 2005, an IMA medical facility was constructed on Parcel E. In 2006, a plat approval was given to subdivide Parcel F and to allow a multi-tenant office to be constructed on Lot #2. In 2011, 18 additional parking spaces were added only to the internal driveway to supplement surface parking for the multi-tenant office building. According to the Staff Memo from Zoning Planner, Eric Greulich, a daycare was recently constructed on adjacent Lot #1, but the remaining lots have remained vacant. According to Greulich, the site “consists mostly of open meadow with some scattered mature trees in the center.” This proposal populates this vacant space with an affordable housing assisted living facility. As mentioned by Planning and Transportation Director, Tom Micuda, at the Council’s Internal Work Session, a developer is currently working on a proposal with the County to build a mixed-use commercial component on the southeast corner of Sare and Rogers. Such commercial component could include facilities such as a grocery store.

Furthermore, there are two other lots within the Canada Farm PUD (#3 and #6) that are both vacant and immediately adjacent to this project and could be occupied by commercial uses, including a grocery store. The presence of another commercial center to the north of this site, as well as other vacant parcels in this PUD that would allow for a grocery store or other neighborhood-serving use, all contribute to fulfilling the desire that this area develop as a Community Activity Center.

### **The Proposal**

Through this proposed PUD amendment, the petitioner is requesting two changes: a change in proposed use and a change in a development standard. First, the petitioner is requesting an amendment to the list of approved uses for Parcel F to allow for an assisted living facility with 115 units to be constructed on Lot #4 and #5. An “assisted living facility” is defined by the Unified Development Ordinance as:

a facility combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming and bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but do not require hospitalization. An "assisted living facility" does not contain equipment for surgical care or for treatment of disease or injury. The term "assisted living facility" does not include "nursing/convalescent home." (UDO §20.11.020)

The proposed assisted living units would be constructed under a non-competitive tax credit to provide affordable housing. This facility will serve low-income residents aged 62 years or older whose income at or below 60% of the area’s median income. Greulich writes, “[t]he typical resident is someone who needs help to maintain their independence, but who does not require skilled nursing care.”

Secondly, the Petitioner requests an amendment to the approved development standards to allow for the facility to be built as a three-story building. The building will be three stories in the front, with a walkout basement facing the creek and wooded area to the east. As relayed in the Memo from Greulich, the increased height “is necessary from the petitioner’s perspective.” *Please see* attached building renderings. Greulich

indicates that the Plan Commission was supportive of this change as the increased height supports the affordable housing aspect of this proposal. Note that staff propose that the public street interaction could be improved by bringing the front of the building closer to Creek's Edge Drive. This will be part of the final PUD plan review.

Parking has been reconfigured with this proposal. Nine of the 18 additional spaces provided in 2011 are proposed to be removed in order to provide for the installation of a sidewalk and street trees. The UDO provides for one space per employee on the largest shift plus one space per three residential units. This adds up to a total allowance of 66 parking spaces. This proposal allows for a parking lot with 67 spaces. Staff recommended, and the Plan Commission supported, the allowance for 67 spaces to address concerns expressed by the adjacent office who would otherwise suffer a loss of parking with the removal of the nine aforementioned on-street spaces. Notably this development will share extra parking spaces with the adjacent office.

The proposal also makes accommodations for sustainability. First, the petitioner has committed to using native plant species along the floodplain and riparian buffer areas. Second, the petitioner will provide on-site recycling. Third, as Greulich notes, a recently-approved project will allow the Jackson Creek Trail to extend north to Rogers Road. There is an asphalt sidepath that was stubbed to the property that must be extended through the site to connect with Jackson Creek Trail. The petitioner has proposed a bike path from Sare Road to the Trail, wrapping around the parking area. Staff would prefer a straight connection to the trail and will review the issue during the final PUD plan approval. An additional bicycle/pedestrian connection will be made along the east side of Lot#5.

### **Environmental Commission Recommendations**

As spelled out in a Memo from the Environmental Commission, the Commission recommends that the petitioner "commit to using green building practices to create a high performance, low-carbon-footprint structure that exhibit our city's commitment to environmental sustainability." Toward this end, Commission offered four specific recommendations:

- Use locally-sourced, real limestone or sandstone instead of cast concrete;
- Enhance weather, air, and thermal barriers of the building envelope to reduce the energy consumption associated with conditioning indoor air;
- Provide individual apartment air temperature controls;



- Use reflective roofing material, which is now available in asphalt shingles to maintain the look that the developer wants to achieve.

### **The Growth Policies Plan**

Under the GPP, this area is designated as a “Community Activity Center” (CAC), ideal for high-density, mixed-use development. As directed by the GPP, the primary land use in a CAC should be medium-scaled commercial retail or residential uses arranged as a central node. When asked at the Council’s Internal Work Session what would result should the proposed assisted living business model not work out, Greulich responded that the only option for this area – absent a re-zone – is commercial or assisted living; multi-family units would *not* be allowed.

### **Plan Commission Action**

The Plan Commission unanimously voted to forward this petition to the Council with a positive recommendation. The Plan Commission attached the following six conditions of approval:

- The petitioner will work with staff to review the possibility of rotating the building orientation to face Edge Creek Drive prior to final PUD approval;
- A PUD final plan approval is required prior issuance of a grading permit;
- Petitioner will provide on-site recycling;
- Native species must be used in areas adjacent to the floodplain and riparian buffer;
- While petitioners are requesting 115 units, a maximum of 125 units is allowed; and
- A final plat amendment is required for any relocation of easement locations.

### **Standard of Review**

The Council is required to vote on a PUD proposal within ninety days of certification from the Plan Commission. The matter was certified to the Council on August 17, 2015. In instances in which the Plan Commission gives a proposal a favorable recommendation, but the Council fails to act within the ninety-day window, the ordinance takes effect within ninety days after certification.

In reviewing a PUD proposal, State statute directs that the legislative body “shall pay reasonable regard” to the following:

- the comprehensive plan (the Growth Policies Plan);

- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; *and*
- responsible development and growth. (I.C. §36-7-4-603)

When adopting or amending a PUD district ordinance, State law provides that the Council may adopt or reject the proposal and may exercise any powers provided under State law. Those powers include:

- Imposing reasonable conditions;
- Conditioning issuance of an improvement location permit on the furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of a proposed public improvement;
- Allowing or requiring the owner of real property to make written commitments (I.C. §36-7-4-1512).

**Item Three – Ord 15-17 To Vacate Two Alley Segments which are Twelve Feet Wide and a Total of 417.16 Feet Long Located at the Southwest Corner of West 11th Street and North Rogers Street  
(City of Bloomington Redevelopment Commission, Petitioner)**

**Ord 15-17** vacates two twelve-foot wide alley segments located at the southwest corner of West 11th Street and North Rogers Street. Together, these segments total 417.16 feet of public right-of-way. These alleyways are located within the Certified Technology Park (CTP).

This vacation of right-of-way request is slightly different than others considered by the Council in a couple of ways. First the petitioner is the City’s Redevelopment Commission (RDC) – most usually it is a private developer seeking vacation. Secondly, this request is being made in anticipation of future development – most usually, a vacation request is made in response to a current, active development proposal. As described by City of Bloomington Planning and Transportation Director Tom Micuda in supporting documents, this request is being made in order to facilitate construction of future housing projects associated with the City’s [Certified Technology Park](#) development.

**The RDC’s Argument for Vacation and the Nature of the Project**

As is made clear by Micuda, when the City’s Redevelopment Commission acquired 12 acres from Indiana University in interest of the CTP, 4 of those acres

were conveyed to the RDC. This land is located west of Rogers Street and is currently vacant. During the City's CTP [Master Plan](#), this site was identified as one for senior, workforce and affordable housing (notably, *not* for student housing). To realize this vision, the City will soon shift into the process of issuing requests for proposals for these 4 acres. However, the opportunity for creative development on this property is constrained by two twelve-foot wide alley segments located at the southwest corner of West 11th Street and North Rogers Street. As relayed by Micuda, these alley rights-of-way affect the development of the RDC property by essentially "divid[ing] the property into three parcels: 1) a 0.4 acre parcel in the northwest corner, 2) a 0.6 acre parcel in the northeast corner, and 3) a remaining parcel of less than 3 acres." Micuda writes that this division "makes high density housing development less attractive." Specifically, the rights-of-way create very small parcels on the northwest and northeast lots. These postage-stamp sized parcels create development challenges with site and scale. The extant small parcel size could mean that a development project is overscaled for a small property. The City argues that freeing up these rights-of-way will provide more flexibility in development of this area and will maximize responses to the RFP, encourage more creative proposals, and, ultimately "the best development outcome for the City."

### **Procedural Matters**

Vacations of rights-of-way are governed by specific procedures enumerated in State statute (I.C. §36-7-3-12 et seq.) Such procedures are commenced when a petitioner files a petition with the Common Council. Under these procedures, the City Clerk must assure that owners of property abutting the right(s)-of-way are notified by certified mail of the proposed action. The Clerk must also advertise the hearing wherein the public may offer the Council its comments and objections (September 16, 2015). Those objections or grounds for remonstrance are generally limited by statute to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole. (*See* I.C. §36-7-3-13) Please note that aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way. In the event the ordinance is adopted, the Clerk must then file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Lynne Darland, Zoning and Enforcement Manager, then reviews the request and notifies all the utility services, safety services, and the Board of Public

Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria (described below), Darland prepares a report and an ordinance for the Council.

Please note that the Council's action to vacate a right-of-way or an easement must be done in the public interest. It extinguishes the City's interest in the property and generally has the effect of splitting the right-of-way between the owners of adjacent lots.

### **Concerns of Surrounding Property Owners**

The subject alleyways abut two properties: one owned by Bender Lumber LLC and the other owned by the City's Redevelopment Commission. The Staff Report from Micuda does not mention any concerns from neighbors.

### **Description of Vacated Property**

Again, this request is for the vacation of two, twelve-foot wide alley vacations located at the southwest corner of West 11th and North Rogers with the CTP. One alley segment runs north/south and the other runs east/west. The east/west segment runs south of lots 46, 47, 48, 49, and 50 in Maple Heights Second Addition for 285.14 feet. The north/south segment runs between lots 47 and 48 south from 11th Street for 132.02 feet. According to Micuda, these rights-of-way have never been used for public access to the property. Please note that the attached survey map and the legal description of this right-of-way were provided by the RDC and the legal description is also set forth in the ordinance.

### **Interest of Utilities and Safety Services**

State statute protects utilities which occupy or use all or part of the public way from losing their rights upon the vacation of the right-of-way, unless they choose to waive those rights (I.C. §36-7-3-16). The Memo from Micuda and supporting materials indicate that the City of Bloomington Fire Department, Police Department, Information Technology Department, Bloomington Digital Underground, ATT Midwest, Comcast, and Vectren had no objections. However, Duke Energy and the City of Bloomington Utilities (CBU) Department have facilities in the area and would like an easement for those facilities. Additionally, CBU has 1 1/2" water line located within the north-south alley to which there are no water meters or services connected. For this reason, CBU requests that this line be cut and capped. *Please see attached Summary of Responses from Utilities*; copies of original responses can be found in the Council Office.

## **Local Criteria**

The Council has adopted local guidelines for the review of a request for a vacation of a public right-of-way. Those criteria include the following. Micuda's response to the satisfaction of these criteria follows each criterion.

1) **Current Status-Access to Property:** The current utilization of the right-of-way in question – as means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

- *Response: Micuda advises that access to the property is available via North Rogers and 11th Street and that both City Police and Fire can service this area absent the subject rights-of-way. Micuda further provides that “[f]inal access plans will come with a development proposal.”*

2) **Necessity for Growth of the City:**

- **Future Status:** The future potential for public utilization, possible future need for the R.O.W. due to future changes in land use;
  - *Response: Micuda writes, “[t]he rights-of-ways in question are not currently improved. There is no guidance from City transportation plans or even the CTP Master Plan to improve the right-of-ways for future land development needs or adjacent property connectivity.”*
- **Proposed Private Ownership Utilization:** The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to City growth);
  - *Response: The two subject right-of-way segments will become the property of the City's Redevelopment Commission until they are sold.*
- **Compliance with Regulations:** The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change-of-use?);
  - *Response: Micuda writes these vacations do not create any compliance*

*conflicts with local regulations. Note that the City's Plan Commission must approve any redevelopment plan for the real estate.*

- **Relation to Plans:** The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.
  - *Response: Micuda writes that “[t]his proposal is consistent with City Plans. Encouraging appropriate infill and redevelopment projects into the city’s downtown to maintain a vibrant active space is a goal of the Unified Development Ordinance, the Growth Policies Plan, the Downtown Vision & Infill Strategy Plan, and the Certified Technology Park Master Plan.”*

### **Approvals and Recommendation**

The Staff Report indicates that the Redevelopment Commission and the Board of Public Works are in favor of the proposed vacation request.



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

To Council Members  
From Council Office  
Re Weekly Calendar – 31 August – 05 September 2015

**Monday, 31 August**

4:00 pm Council on Community Accessibility, McCloskey

**Tuesday, 01 September**

4:00 pm Bloomington Community Farmers' Market, Corner of Sixth Street and Madison Street

**Wednesday, 02 September**

12:00 pm Bloomington Urban Enterprise Association, McCloskey  
2:00 pm Hearing Officer, Kelly  
5:00 pm Redevelopment Commission, McCloskey  
5:30 pm Commission on Hispanic and Latino Affairs, Kelly  
6:30 pm Arts Alliance of Greater Bloomington, Hooker Room  
7:30 pm Common Council – Regular Session, Utilities

**Thursday, 03 September**

9:00 am Community Development Block Grant Informational Meeting, McCloskey  
4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey  
5:30 pm Commission on the Status of Women, Hooker Room

**Friday, 04 September**

12:00 pm Staff - Council Internal Work Session, Council Library

**Saturday, 05 September**

8:00 am Bloomington Community Farmers' Market, Showers Common,  
401 N. Morton St.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, SEPTEMBER 02, 2015  
UTILITIES MEETING ROOM  
630 E. MILLER DR.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** Regular Sessions on: February 18, 2015  
May 20, 2015  
August 26, 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 15-16 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Chapter 2.21 Entitled “Department of Law” to Include “Veteran Status” and “Housing Status” as Protected Classes in the Bloomington Human Rights Ordinance

Committee Recommendation: Do Pass 9 – 0 – 0

**VII. LEGISLATION FOR FIRST READING**

1. Appropriation Ordinance 15-02 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating \$15,000 for the Operation of the Community Sheltering Project for the Remainder of 2015)
2. Ordinance 15-15 To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan – Re: 2602 E. Creeks Edge Drive (Evergreen Partners II, LLC, Petitioner)
3. Ordinance 15-17 To Vacate a Public Parcel - Re: Two 12-foot Wide Alley Segments Located at the Southwest Corner of West 11th Street and North Rogers Street

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

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

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



**APPROPRIATION ORDINANCE 15-02**

**TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND EXPENDITURES  
NOT OTHERWISE APPROPRIATED  
(Appropriating \$15,000 for the Operation of the Community Sheltering Project  
for the Remainder of 2015)**

WHEREAS, the Jack Hopkins Social Services Funding Committee and its members in concert with the Office of the Mayor and Controller, have considered the additional appropriation of funds to address emergent social service needs in 2015; and

WHEREAS, following the loss of the managing entity for emergency shelter services provided at 919 South Rogers and positive steps being taken to continue those services, the Mayor and Council agree to help fund the operation of what is now called the “Community Sheltering Project” for the rest of 2015; and

WHEREAS, those positive steps include the contributions from the Perry Township Trustee, who committed funds for operation until the end of September and brought community officials and leaders together to chart a path forward for the project, the Bloomington Township Trustee, who committed up to \$6,000 towards operations for the remainder of the year, the United Way of Monroe County, which will accept and disburse funds on behalf of managing this project, and many others; and

WHEREAS, to match an equal appropriation by the Monroe County Council, the sum of \$15,000 shall be appropriated for this purpose; and

WHEREAS, the appropriation will be expended in the form of a grant, pursuant to Memorandum of Understanding with the City in order to assure proper use of these funds;

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 additionally appropriated, transferred or (reduced) 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 – Common Council	
Line 3960 – Grants	\$ <u>15,000.00</u>
Total General Fund – Common Council	<u>15,000.00</u>
Grand Total General Fund	<u>15,000.00</u>
Grand Total All Funds	\$ <u>15,000.00</u>

PASSED AND ADOPTED 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 an additional \$15,000 from the General Fund to the Common Council budget to help pay for the operation of the Community Sheltering Project for the remainder of 2015. These funds shall be expended in the form of a grant to a non-profit entity pursuant to a Memorandum of Understanding with the City.

To: Council Members and Mayor  
From: Darryl Neher, Councilmember, District 5  
Re: Additional Appropriation of \$15,000 for a Grant to Help Fund the Operation of the Community Sheltering Project for the Remainder of 2015  
Date: August 28, 2015

Over the past several months Councilmembers Granger, Mayer, Sandberg and myself met with other elected officials and community leaders to identify possible solutions to continue emergency shelter services that are in peril of closing unless community partners work together to provide support. To ensure operations continue, we ask for your support to appropriate \$15,000 from the General Fund to help fund what is now called the Community Sheltering Project for the remainder of 2015.

For well over a decade, the community has supported and benefited from a homeless shelter with case management services to persons who were drug- and alcohol-free and without regard to their gender, religious beliefs, or reasons for homelessness. Currently, residents of Monroe, Lawrence, and Owen counties may stay at the facility for up to 90 days, with others limited to 10 days of shelter.

Since 2004, those services have been located at 919 South Rogers in a property owned by the Office of the Perry Township Trustee. After the addition of 12 beds in 2013, the facility has been able to serve 40 persons each night (with 28 beds for men and 12 beds for women). From May 2014 to April 2015, it sheltered an average of 51 persons for an average of 15 nights each month (with a total of 294 unduplicated clients being sheltered for a total of 9,510 nights).

According to Dan Combs, Perry Township Trustee, the cost of these services, including utilities and the salaries and benefits of five staff is approximately \$14,100 each month.

Until it dissolved earlier this year, these services had been overseen by Martha's House, Inc. In the absence of a managing entity, the Perry Township Trustee committed funding operations until the end of September and brought potential community partners together in late June to discuss whether to continue these services and, if so, how to move forward in that regard.

Although no formal action was taken, the consensus after that meeting was that:

- Services provided at 919 South Rogers play a vital role in the services offered in the continuum of care;
- Concerted effort by public and private sectors should be made to continue these services;
- Securing funding through the end-of-the year was a critical first step; and
- Identifying an entity to oversee these services was an essential and major challenge for continuation of these services in future years.

Significant progress has been made over the last two months. Support of our requested appropriation from the City of Bloomington will move our community closer to securing the \$45,000 needed to ensure sheltering services for the remainder of the year. The Monroe County Council has appropriated \$15,000 and Lillian Henegar, Bloomington Township Trustee, has agreed that \$6,000 will be available to pay for service to residents of her township who use this facility. With the contribution of \$15,000 from the City's General Fund, funding into December

would be in place and only \$9,000 will be needed from other sources for the remainder of that month.

Second, the United Way has agreed to be the nonprofit entity that will collect and distribute the monies for the ongoing operation of what is now being called the "Community Sheltering Project." In addition, an operations committee has been meeting separately to go over the management issues involved in the current shelter operations, and various nonprofit leaders are stepping up to provide support and management while a new nonprofit entity that will be sustainable is formed.

Third, several elected officials, community leaders, and concerned citizens continue to work together to identify solutions for the long-term operations of the Community Sheltering Project. The conversations are comprehensive, identifying partners who will manage the operations, establishing clear expectations that the shelter will continue to offer the same services it has been offering to individuals experiencing homelessness, and developing a funding and development plan that ensures long-term stability of the facility.

Please note that the appropriation of additional funds for emerging social services needs was being discussed by the Council and Mayor prior to June. In February, the Jack Hopkins Social Services Funding Committee of the Council (Committee) requested that its Chair, Susan Sandberg, inquire whether the Mayor would favorably consider appropriating approximately \$13,176 for that purpose. This figure equaled the amount of the previous year's unspent funds that reverted to the General Fund at the end of 2014. In May, the Chair reported that the Mayor was open to taking that step and, in response, the Committee adopted a motion requesting that the Mayor use that amount of funds "for emergent needs for not-for-profit [social services agencies] who appeal to the City." Then, in June, when wrapping-up its deliberations for the year, the Committee authorized a letter calling "upon members of the public and private sector to work together to keep (these shelter services) in operation."

Please also note that the appropriation would add those funds to the Common Council budget under the Grants line (3960). The grant, in this case, would be to United Way of Monroe County under suitable terms written into a Memorandum of Understanding.

Respectfully,

Darryl Neher, Councilmember, District 5  
Bloomington Common Council



City of Bloomington  
Office of the Common Council

**Open Letter from the Bloomington Common Council's Jack Hopkins Social Services Funding Committee In Support of Maintaining the Services of the Emergency Shelter formerly known as *Martha's House*.**

The Bloomington Common Council's Jack Hopkins Social Services Funding Committee is pleased to submit our recommendations for 2015 funding. The Committee's funding allocations are guided by service to our community's most vulnerable residents. We deeply appreciate the tireless work of local non-profits who work to alleviate suffering by providing vital services such as food, shelter, and healthcare to those in emergency need.

Improving the common good is a collective effort. For that reason, we thank everyone in this generous community for their private and public support of non-profit agencies. The improvement of individual lives most in need makes our community stronger as a whole. While the Hopkins Committee works to support the critical work of our non-profits, some community issues, at some junctures, call for wide-spread, coordinated public support. We are at one of those junctures.

For the last decade, Martha's House has provided temporary emergency shelter for sober, drug-free adults who are experiencing homelessness and who are working toward becoming self-sufficient, productive citizens. This has been -- and still is -- an important shelter option for those who are serious about their addiction or alcoholism recovery or who would not otherwise fare as well in a low-barrier shelter. No other local agency provides this service.

This year, Martha's House was not among the Hopkins recipients due to a solemn reality: they are dissolving and closing their doors. Effective August 30, 2015 those who were housed under the safe, sober and case-worker model of housing, effectively become "unhoused." Up to 40 men and women in need of temporary housing will join the growing number of people who experience homelessness in our community.

The members of the Jack Hopkins Social Services Committee call upon members of the public and private sectors to work together to keep these shelter services in operation. While it may take years to achieve complete non-profit stability with a new management team, the current residents being served by this facility need our help now. This community has a few short months to come up with immediate funding and a strategy to save this essential emergency shelter and keep it within local control.

The Perry Township Board has agreed to provide the emergency funding to keep Martha's House running until the end of August. The members of the Jack Hopkins Social Services Committee **encourage all public sector entities** -- including the leadership of the City of Bloomington, Monroe County government, Perry and Bloomington Townships, and others -- to continue strategy discussions and to pool resources to provide the necessary interim funding until a long-term plan and management team can be identified. The next meeting to discuss the future of this emergency shelter will take place on **Monday, June 22 at 5:30 pm in the Perry Township Office on South Walnut. There is room at the planning table for all of us.**

***2015 Jack Hopkins Social Services Funding Committee***

Susan Sandberg (Chair), Darryl Neher, Dorothy Granger, Tim Mayer, Marty Spechler and Sue Sgambelluri

**ORDINANCE 15-15**

**TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) DISTRICT  
ORDINANCE AND PRELIMINARY PLAN  
- Re: 2602 E. Creeks Edge Drive  
(Evergreen Partners II, LLC, Petitioner)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning," including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions," went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-16-15, and recommended that the petitioner, Evergreen Partners II, LLC, be granted an amendment to the approved PUD District Ordinance and Preliminary Plan approval. The Plan Commission thereby requests that the Common Council consider this petition.

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

SECTION 1. Through the authority of IC §36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the list of approved uses and development standards shall be amended for Parcel F of the approved PUD on the property located at 2602 E. Creeks Edge Drive. The property is further described as follows:

Lots Number Four (4), and Five (5) as shown on the recorded plat of Final Plat Amendment, Third Replat of Parcels E/F Canada Farm Subdivision Phase 1, in the office of the Recorder of Monroe County, Indiana, in Plat Cabinet D, Envelope 50.

SECTION 2. This amendment to the District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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 4. This ordinance 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 ordinance amends the list of permitted uses and development standards of the PUD District Ordinance for Parcel F of the Canada Farm PUD to allow for an “assisted living facility.” It also approves a Preliminary Plan for up to 115 units in a three-story building.

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

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 15-15 is a true and complete copy of Plan Commission Case Number PUD-16-15 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 10, 2015.

Date: August 17, 2015

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

Received by the Common Council Office this 17th day of August, 2015.

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

Appropriation Ordinance # \_\_\_\_\_ Fiscal Impact Statement Ordinance # \_\_\_\_\_ Resolution # \_\_\_\_\_

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure \_\_\_\_\_ Emergency \_\_\_\_\_  
 Unforeseen Need \_\_\_\_\_ Other \_\_\_\_\_

Funds Affected by Request:

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

Signature of Controller

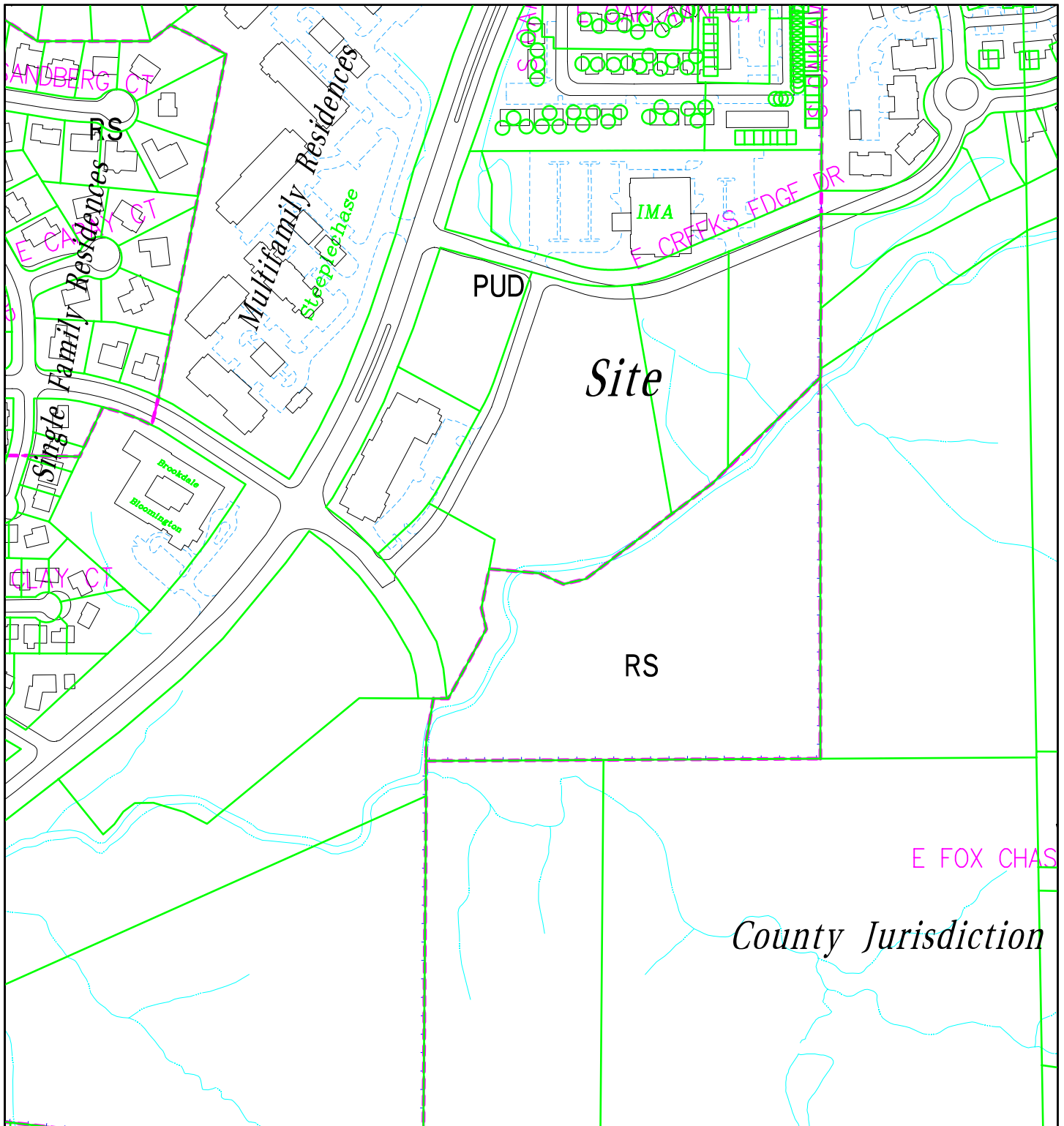
Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

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

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

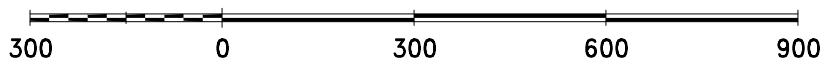
If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)





PUD-16-15 Evergreen Partners II, LLC  
 2602 E Creek's Edge Drive  
 Plan Commission  
 Site Location, Zoning, Land Use, Parcels

By: greulice  
 9 Jul 15



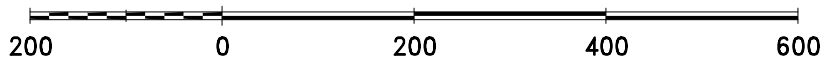
City of Bloomington  
 Planning & Transportation

Scale: 1" = 300'

For reference only; map information NOT warranted.



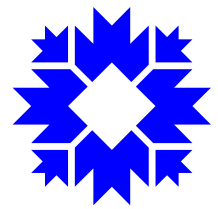
By: greulice  
9 Jul 15



For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation



Scale: 1" = 200'

## Interdepartmental Memo

**To: Members of the Common Council**  
**From: Eric Greulich, Zoning Planner**  
**Subject: Case #PUD-16-15**  
**Date: August 14, 2015**

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case #PUD-16-15. The Plan Commission heard this petition at the July 13 and August 10, 2015 hearings and voted 7-0 to send this petition to the Common Council with a favorable recommendation.

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**REQUEST:** The petitioner is requesting an amendment to the list of permitted uses and development standards for Parcel F of the Canada Farm PUD to allow for a 115-unit assisted living facility.

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### **SITE INFORMATION:**

**Area:** 5.78 acres  
**Current Zoning:** PUD  
**GPP Designation:** Community Activity Center  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Assisted Living Facility  
**Surrounding Uses:** North – Medical Office  
West – Child Day Care/Offices  
East – Vacant  
South – Vacant

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**SUMMARY:** This property is located at 2602 E. Creeks Edge Dr. and is on Parcel F of the Canada Farm PUD. The site is currently vacant and consists mostly of open meadow with some scattered mature trees in the center. A portion of the property is encumbered by 100-year floodplain of the East Fork of Jackson Creek, which is located along the southeast property line. The Jackson Creek Trail is also located on this property and runs along the southeast property line. There is a substantial grade change across the property with the grade going downhill toward the creek to the east.

When the Canada Farm PUD was created in 1996 (PUD-67-95), Parcel E and F were approved for a 30,000 square foot anchor grocery store and 50,000 square feet of additional retail space. This was conceptually shown in the preliminary plan as a centrally located grocery store with several surrounding out-buildings and shared parking throughout the shopping center. A doctor's office for IMA was constructed on Parcel E in 2005 (PUD-29-05). A plat approval was given in 2006 (PUD-13-06) to subdivide Parcel F and to allow a multi-tenant office to be constructed on Lot #2. There were two sections of on-street parking that were approved and installed in 2011 (PUD-26-11) that provided an additional 18 parking spaces along the internal driveway to supplement surface parking for the multi-tenant office building. A portion of those on-street spaces are proposed to be removed with this petition to allow for a sidewalk and street trees to be installed. A daycare facility was recently constructed on the adjacent

Lot #1. The remaining lots have remained vacant.

The petitioner is requesting an amendment to the list of approved uses for Parcel F to allow for an assisted living facility with 115 units to be constructed on Lot #4 and #5. Also requested is an amendment to the approved development standards to allow for a 3-story building. The units would be constructed under a non-competitive tax credit to provide affordable housing. The facility would specifically serve low income adult seniors 62 years of age or older. The individuals at this facility will have income levels at or below 60% of the area's median income. The typical resident is someone who needs help to maintain their independence, but who does not require skilled nursing care.

There would be a 67-space surface parking lot constructed to provide parking for this use as well as additional parking for an adjacent multi-tenant office. The building will be finished with a stone masonry veneer base and fiber cement panels. A mix of colors and window trim has been provided to enhance design details around the exterior. There are two, one-story extensions along either side of the building with exterior porches to provide additional building design and reduce the massing of the building, as well as to provide outdoor seating areas. A circle drive has been shown along the internal driveway to provide access to a covered entryway and drop-off area on the front. The building will be three-stories along the front with a walk-out basement facing the creek and wooded area to the east. There is an asphalt sidepath that was stubbed to the property from the offices and daycare to the west that must be extended through the site to connect to the Jackson Creek Trail. There would also be an additional connection to the Jackson Creek Trail from Creek's Edge Drive that would extend along the east property line. The petitioner has committed to utilizing native species along the floodplain and riparian buffer areas. On-site recycling will be provided as well.

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#### **SITE PLAN ISSUES:**

**Architecture/Design:** The building will be finished with a stone masonry veneer along the base with fiber cement panels and fiber cement shakes along the exterior. The roof will be a pitched roof with shingles. The PUD required that all buildings in these commercial parcels be one-story with pitched roofs. Due to this different land use, the building is proposed to be three-stories along the front with a walk-out basement facing the creek and wooded area to the east. The increased height and three stories is necessary for this project to be feasible from the petitioner's perspective, and they are requesting an amendment to allow the three-story building. The petitioner has submitted an exterior rendering showing the proposed building in relation to the adjacent building and surroundings. The Plan Commission expressed support for the 3-story building as the extra height and massing supported the affordable housing aspect of this petition. Staff believes that that proposed building layout could be further improved by placing the building front along Creek's Edge Drive to provide a better public street interaction. This issue will be reviewed separately with PUD final plan review.

**Access:** There is a circle drive proposed along the private internal drive to provide access to the front and to facilitate drop-offs. There is a covered awning proposed that extends over this driveway and entrance. There is another drivecut proposed along the internal driveway for the parking area located in the rear of the property. A sidewalk and street trees were required along the west side of the internal driveway with the previous

petitions for the multi-tenant building and the daycare facility, and would be required along the east side of the internal drive as well with this petition. A secondary emergency access drive has been shown along the east side of Lot #5 to provide an additional access point for emergency services.

**Development Standards:** The petitioner is requesting to amend the approved development standards for Parcel F as well as the list of uses. Specifically, the petitioner is proposing to adopt the development standards outlined for the Commercial General (CG) zoning district and to amend the list of approved uses to allow “assisted living facility”. No other changes to the PUD are proposed or approved. This amendment would apply to Lots #4 and #5 only. Maximum parking would be as outlined in the UDO unless otherwise approved by the Plan Commission.

**Landscaping:** The petitioner has not yet submitted a full landscape plan and that will be reviewed with the final site plan approval. No deviations are expected from the UDO standards for landscaping. The petitioner has committed to using native species for plantings along the floodplain and riparian buffer. Staff will also work with the petitioner to preserve as many existing trees as possible.

**Environmental:** The site is a mixture of mature trees and open pasture. There is an intermittent stream/drainage channel that drains east through the property and connects to Jackson Creek. Portions of this have been modified with previous approvals to redirect drainage through the site. The portion of the site that is encumbered by the 100-year floodplain was placed in a conservation easement with previous plats. There is a group of mature trees located within the center of the site that staff encourages the petitioner to try and save. There were not any specific areas of conservation or preservation that were required with the PUD. Areas of preservation within the overall Canada Farm PUD were outlined and approved with the initial outline plan and rezoning. Only the portion of this site within the floodplain was outlined for preservation, which was set aside with a previous plat approval.

**Parking:** The UDO allows a maximum of 1 space per employee on the largest shift plus 1 space per 3 residential units. There would be a maximum of 28 employees on the largest shift and 115 units which combines for a maximum of 66 parking spaces allowed. There is a parking lot with 67 parking spaces proposed with this petition. Staff is supportive of the extra parking space as this use will be sharing extra parking spaces with the adjacent office. As mentioned previously, there were 18 parking spaces created along the internal driveway to supplement on-site parking for the multi-tenant office. Nine of those spaces are proposed to be removed with this petition. The removal of the parking spaces allows for the required sidewalk and tree plot along the east side of the driveway along this property to increase pedestrian connectivity. In response from concerns from the adjacent owner, Staff recommends that additional parking spaces be added to the parking plan to replace the parking spaces being removed along the internal drive. The Plan Commission can allow for additional parking spaces to be installed above the maximum to supplement existing parking spaces for adjacent uses. Although Council may hear from the adjacent owner, this issue will be dealt with when the petitioner comes forward for PUD final plan approval.

**Pedestrian Facilities:** The Jackson Creek Trail is located along the south and east

sides of this property and extends from Canada Drive to the south, to the north side of the Creek's Edge development to the north of this site. A recently approved project located at the southeast corner of Sare and Rogers Roads will allow the trail to be extended north to Rogers Rd. A small portion of the Jackson Creek trail will need to be extended along the southeast portion of this site to extend it all the way to the property line. A bike path connection from the multi-use path on Sare Road to the Jackson Creek Trail was required with previous approvals and a stub was placed to this property from the west. The petitioner has shown a bike path connection from Sare Road to the Jackson Creek Trail that wraps around a proposed parking area. Staff would prefer to see a straight connection through the site. This issue will be reviewed separately with the future PUD final plan approval. Additional connections were also expected from Creek's Edge Drive to the Jackson Creek Trail along the property lines of Lot's #4,5, and 6. To that end, an additional bike/ped connection has been shown along the east side of Lot #5. There is a 5' wide concrete sidewalk and tree plot currently along the property frontage on Creek's Edge Drive. Street trees were not installed along Creek's Edge Dr. and are required with this petition.

**Utilities:** Water service is available along Creek's Edge Drive and sanitary service is available along the rear of the property adjacent to the Jackson Creek Trail. At this point, no issues have been identified with providing utility service to the building. Final acceptance and approval from CBU is required prior to issuance of any permits. Stormwater detention is provided by a large detention pond that was installed with previous approvals that was intended to serve all of the lots in this development. The petitioner will be evaluating this pond to see if there is enough storage capacity provided and if there are any changes that are needed. The pond was seeded with a rain garden mix to provide stormwater quality improvements.

**Lighting:** A lighting plan has not been submitted yet and will be reviewed prior to issuance of any permits. No deviations from the lighting code are expected.

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**ENVIRONMENTAL COMMISSION RECOMMENDATIONS:** The Bloomington Environmental Commission (EC) has made 4 recommendations concerning this development.

1. The Petitioner should apply green building and site design practices to create a high performance, low carbon-footprint structure, and grounds that exhibit our City's commitment to environmental sustainability.

**Staff response:** Although not required, staff encourages the petitioner to incorporate as many green building practices as possible.

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**GROWTH POLICIES PLAN:** The Growth Policies Plan designates this area as a "Community Activity Center". This area is described as being ideal for high density, mixed use developments. Providing open space for interaction is also an important site design, which this petition incorporates through walking trails and connections to the Jackson Creek Trail. This site is near to a Bloomington Transit bus route. The GPP calls for careful site design to avoid large open areas of asphalt, which has been incorporated with a minimal parking area. The GPP encourages minimal building setbacks and staff is working with the petitioner to bring the building closer to Creek's

Edge Drive to improve pedestrian accessibility. The GPP states that parking should be located and designed with an emphasis on minimizing pedestrian obstacles. The parking area is located behind the building and adjacent pedestrian trails have been located to avoid conflicts with the parking area. There are existing commercial uses and vacant commercial parcels in this portion of the PUD that fulfill the goal of providing commercial uses at this location. The GPP also encourages the creation of new affordable housing, which would be provided with this petition. The GPP outlines 3 specific guidelines for land use in the CAC:

- The primary land use in the CAC should be medium scaled commercial retail and service uses

**STAFF FINDING:** The primary land use of Parcel F will still be predominantly non-residential uses. There are remaining vacant lots for future commercial uses. The inclusion of additional residential units in close proximity can further help the development of surrounding commercial lots with desired commercial businesses.

- Residential units may also be developed as a component of the CAC, and would be most appropriate when uses area arranged as a central node rather than along a corridor.

**STAFF FINDING:** The residential units will not be the primary component of the area and as mentioned will supplement adjacent residential units. The inclusion of additional density will help make adjacent commercial uses more viable.

- Provision of public spaces should be used as an incentive to allow additional residential units or commercial space to be developed as part of the planning approval process.

**STAFF FINDING:** The presence of the Jackson Creek Trail and open space on this property provides access to public space and resources for the residents.

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**CONCLUSION:** The Plan Commission was supportive of the proposed amendment and felt comfortable with the proposed building size and massing. The location of this use next to a school, a day care, and medical offices provides a mix of adjacent land uses that compliment this use. The presence of a bus route along the adjacent street frontage and the Jackson Creek Trail along the rear of the property provide several active transportation and recreation possibilities for the tenants.

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**RECOMMENDATION:** The Plan Commission voted 7-0 to forward this petition to the Common Council with a positive recommendation and the following conditions of approval:

1. The petitioner will continue to work with staff to review the possibility of rotating the building orientation to face Creek's Edge Drive prior to PUD final plan approval.

2. No PUD final plan approval is granted with this request. A PUD final plan approval is required by the Plan Commission prior to issuance of a grading permit.
3. The petitioner will provide on-site recycling for the residents per their commitment outlined in the petitioner statement.
4. Native species must be used in the areas adjacent to the floodplain and riparian buffer.
5. Although only 115 units are requested with this petition, a maximum of 125 units is approved for this parcel.
6. A final plat amendment is required for any relocation of easement locations.



# MEMORANDUM

**Date:** July 31, 2015

**To:** Bloomington Plan Commission

**From:** Bloomington Environmental Commission

**Through:** Linda Thompson, Senior Environmental Planner

**Subject:** PUD-16-15, Evergreen Assisted Living facility, second hearing  
2602 E. Creeks Edge Drive

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This memorandum contains the Environmental Commission's (EC) input and recommendations regarding a request for an amendment to the Preliminary Plan of the Canada Farm Planned Unit Development (PUD) to allow an assisted living use. The EC has no objections to the added use in this PUD, but does recommend some design measures that would reduce the greenhouse gas emissions and the overall environmental footprint associated with this development.

The EC believes that the proposed site represents an opportunity to enhance that special sense of environmental character that Bloomington is known for, by demonstrating through example that we are, indeed, a Tree City USA, a National Wildlife Federation Wildlife Habitat Community, a winner of America in Bloom's national competition, and that we are committed to reducing the carbon footprint of our community while meeting the needs of our people.

## **ISSUES OF SOUND ENVIRONMENTAL DESIGN**

### **1.) LANDSCAPING**

The EC previously recommended that the plants adjacent to the floodplain and riparian buffer be native to south central Indiana. The EC applauds the Petitioner for committing to this request.

### **2.) GREEN BUILDING & SITE DESIGN**

The EC previously recommended that green building practices be employed at this site. Since that time, the building size has been reduced and an additional path has been added, but no other green building commitments have been made. Therefore, the EC still encourages the Petitioner to make a priority of employing green building practices.

Green building and environmental stewardship are of utmost importance to the people of Bloomington and sustainable features are consistent with the spirit of the Unified Development Ordinance (UDO). Additionally, they are supported by Bloomington's overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors' Climate Protection Agreement signed by Mayor Kruzan; by City Council Resolution 06-05 supporting the Kyoto Protocol and reduction of our community's greenhouse gas emissions; by City Council

Resolution 06-07, which recognizes and calls for planning for peak oil; and by a report from the Bloomington Peak Oil Task Force, *Redefining Prosperity: Energy Descent and Community Resilience Report*.

Some general recommendations the EC offers for this site include LED lighting and energy-saving appliances; solar systems (e.g. solar photovoltaic cell and solar hot water systems); and recycled products, such as counter tops and carpets.

Some specific recommendations for this site include the following four actions.

- a. Use locally-sourced, real limestone or sandstone instead of cast concrete as described in the Petitioner's Statement for accents on the facade of the building.
- b. Enhance the weather, air, and thermal barriers of the building envelope to reduce the energy consumption associated with conditioning indoor air.
- c. Provide individual apartment air temperature controls.
- d. Use reflective roofing material, which is now available in asphalt shingles to maintain the look that the developer wants to achieve.

### 3.) RECYCLING

The EC previously recommended that space be allocated for recyclable-materials collection, and the Petitioner has agreed to this request, which the EC applauds.

## EC RECOMMENDATIONS

- 1.) The Petitioner should commit to using green building practices to create a high performance, low-carbon-footprint structure that exhibit our city's commitment to environmental sustainability.



## PART 2: The Geography of the Policies

### Community Activity Center (CAC)

#### Intent

The Community Activity Center is designed to provide community-serving commercial opportunities in the context of a high density, mixed use development. The CAC must be designed to serve not only the pedestrian traffic from nearby neighborhoods, but also a community-wide group of users that may drive a personal vehicle to the CAC. Parking will become more important in this area than the NAC, but should still be kept to reasonable levels and skillfully designed to avoid large open areas of asphalt.

#### Land Use

The Community Activity Center is a mixed commercial node, larger in scale and higher in intensity than the Neighborhood Activity Center. The CAC will incorporate a balance of land uses to take advantage of the proximity to goods and services. Rather than serving a single neighborhood, commercial uses in and surrounding the CAC will be developed so as to be accessible to multiple neighborhoods by non-motorized means, without becoming a major destination for the entire City and/or region. As the central commercial node of the surrounding area, public gathering space is an ideal addition to the mix of uses. Residents will need outdoor space to access, and public open space can provide a valuable amenity to customers of the commercial units. In accordance with their greater scale, commercial uses in a Community Activity Center will have more intense site development. Average square footages of commercial spaces should be greater than those of the Neighborhood Activity Center.

- The primary land use in the CAC should be medium scaled commercial retail and service uses
- Residential units may also be developed as a component of the CAC, and would be most appropriate when uses are arranged as a central node rather than along a corridor.
- Provision of public spaces should be used as an incentive to allow additional residential units or commercial space to be developed as part of the planning approval process.

#### Urban Services

Like Neighborhood Activity Centers, Community Activity Centers should be located within or very near to existing developed neighborhoods. This is essential in reducing the need for extensions of sewer, water, and road facilities. The City may consider upgrading utilities

in areas designated for Community Activity Centers in order to provide an incentive to develop or redevelop these locations.

- Public Transit access should be a major component of the urban services provided for any Community Activity Center.
- Community Activity Centers should be connected to a future city-wide greenway system in order to create adequate public recreation space as well as an alternative means to access the development.
- A Community Activity Center should be located at an intersection which is made up of designated Collector or Arterial streets, in order to provide automobile access without overwhelming the pedestrian aspects of the development.
- In new development or redevelopment projects, utilities should be placed underground and located so as to minimize potential conflicts with trees and other landscaping features.

#### Site Design

Community Activity Centers will be integrated into existing development, and CAC design should be sensitive to the surrounding context. As with similar land use districts defined in this plan, an increased emphasis must be placed on urban design and the creation of a distinctive design style in each area. A formal streetscape will help to define a Community Activity Center as a distinct node of activity serving a group of neighborhoods. The CAC should take on the form of an urban center, with a pedestrian focus and several floors of usable space, both commercial and residential.

- Buildings should be developed with minimal street setbacks to increase pedestrian and transit accessibility.
- Parking should be located and designed with an emphasis on minimizing pedestrian obstacles to accessing businesses.
- Street cuts should be limited as much as possible to reduce interruptions of the streetscape.
- Incentives should be created to encourage the inclusion of second-story residential units in the development of Community Activity Centers.
- In order to buffer pedestrians on busy corridors as well as reduce off-street parking needs, on-street parking and tree plots should be encouraged in new developments and maintained on built roadways.



Canada Farms Assisted Living  
Bloomington, IN

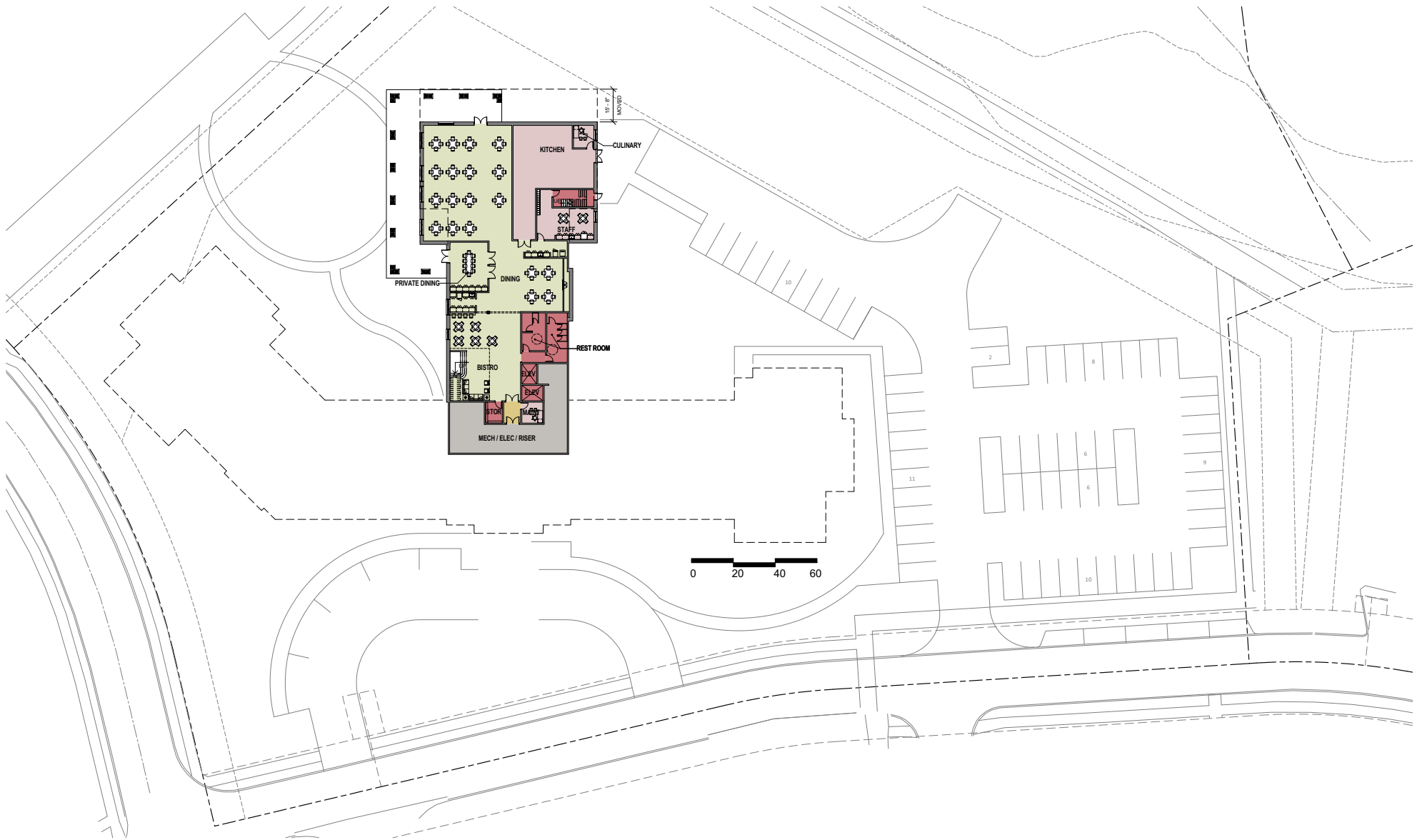
Site Plan



August 5, 2015  
 DEVELOPER : Evergreen Partners  
 OPERATOR : Gardant Management Solutions  
 ARCHITECT : The Architectural Team

14205

tat | the architectural team



CANADA FARMS AL  
BLOOMINGTON, INDIANA

LOWER LEVEL PLAN

Scale : 1" = 20'-0"

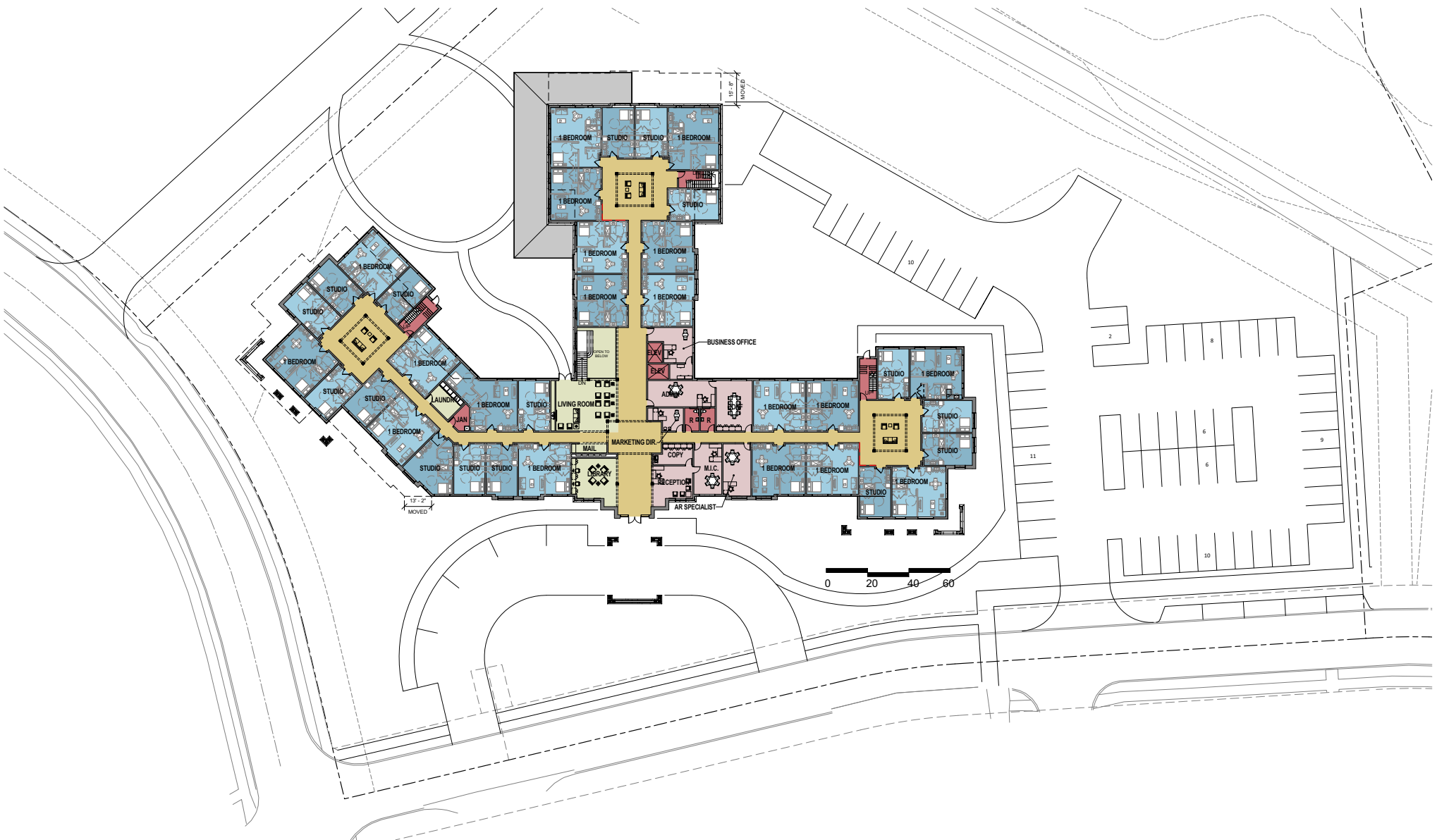
05/07/15

DEVELOPER : EVERGREEN PARTNERS

ARCHITECT : The Architectural Team

14205

tat | the architectural team



CANADA FARMS AL  
BLOOMINGTON, INDIANA

FIRST FLOOR PLAN

Scale : 1" = 20'-0"

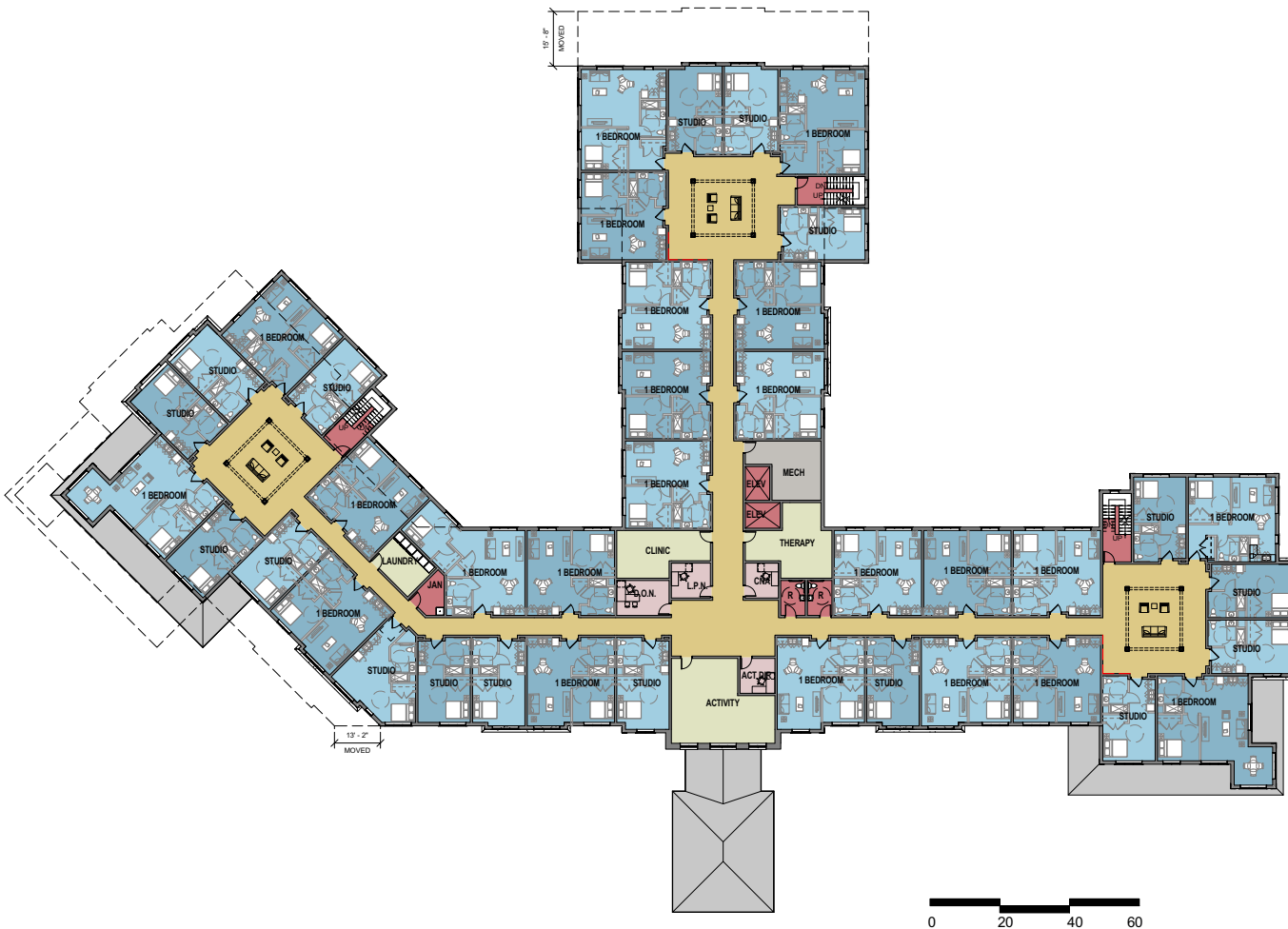
04/06/15

DEVELOPER: EVERGREEN PARTNERS

ARCHITECT : The Architectural Team

14205

tat | the architectural team



CANADA FARMS AL  
BLOOMINGTON, INDIANA

2nd FLOOR PLAN

Scale : 1/16" = 1'-0"

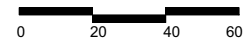
04/06/15

DEVELOPER : EVERGREEN PARTNERS

ARCHITECT : The Architectural Team

14205

tat | the architectural team



CANADA FARMS AL  
BLOOMINGTON, INDIANA

3rd FLOOR PLAN

Scale : 1/16" = 1'-0"

05/08/15

DEVELOPER : EVERGREEN PARTNERS

ARCHITECT : The Architectural Team

14205

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West Elevation



East Elevation



South Elevation

Canada Farms Assisted Living  
Bloomington, IN

Building Elevations



August 5, 2015

DEVELOPER : Evergreen Partners

OPERATOR : Gardant Management Solutions

ARCHITECT : The Architectural Team

14205

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Canada Farms Assisted Living  
Bloomington, IN

Aerial Perspective

August 5, 2015

DEVELOPER : Evergreen Partners

OPERATOR : Gardant Management Solutions

ARCHITECT : The Architectural Team

14205

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Canada Farms Assisted Living  
Bloomington, IN

Rendered Perspective

August 5, 2015

DEVELOPER : Evergreen Partners

OPERATOR : Gardant Management Solutions

ARCHITECT : The Architectural Team

14205

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Canada Farms Assisted Living  
Bloomington, IN

Rendered Perspective

August 5, 2015

DEVELOPER : Evergreen Partners

OPERATOR : Gardant Management Solutions

ARCHITECT : The Architectural Team

14205

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Canada Farms Assisted Living  
Bloomington, IN

Rendered Perspective

August 5, 2015

DEVELOPER : Evergreen Partners

OPERATOR : Gardant Management Solutions

ARCHITECT : The Architectural Team

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Canada Farms Assisted Living  
Bloomington, IN

View from South Sare

August 5, 2015

DEVELOPER : Evergreen Partners

OPERATOR : Gardant Management Solutions

ARCHITECT : The Architectural Team

14205

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Canada Farms Assisted Living  
Bloomington, IN

View from South Sare

August 5, 2015

DEVELOPER : Evergreen Partners

OPERATOR : Gardant Management Solutions

ARCHITECT : The Architectural Team

14205

tat | the architectural team



August 6, 2015

Mr. Eric Greulich  
City of Bloomington, Planning Department  
401 N. Morton St., Suite 160  
Bloomington, IN 47402-0100

RE: Assisted Living Facility - Canada Farms PUD Outline Plan Petitioner's Statement Update

Dear Eric:

In response to the feedback we received from the Planning Commission on July 13, 2015, below is a list of the revisions and changes to our plan for the Canada Farms Affordable Senior Assisted Living Facility:

*Extension of the Height of the Exterior Building Stone Facade:*

- We have implemented Planning Commissioner's Sturbaum recommendation to expand the building's exterior "stone" facade in several places from the ground level to the eaves. This change helps to break-up the visual feel of the building and improves the exterior architecture. We have replaced the stone with brick so the building's exterior materials are in line with the building materials utilized by the neighboring properties. For more information, please see the revised project drawings and building mock-up which capture the proposed facade change.

*Building Rendering/Site Design:*

- Though the Plan Commission expressed support for the building height and general look, comments were made with regard to reducing the overall mass of the building where possible. Based on feedback from our market analyst and the Plan Commission we will be reducing the numbers of apartments at the project from 125 units to 115 units. This is expected reduce the overall building size to approximately 107,133 from the prior layout of 112,924. The north wing has been reduced by 13'-2" and the East wing (rear of the building) by 15'-8".

We will present a revised rendering of the building and site plan at the meeting on August 10<sup>th</sup>, 2015. The materials will include a mock-up of the building demonstrating how it will look/sit amongst the neighboring properties along E. Creeks Edge Drive and South Sare Road. We believe the proposed building's massing and its visual impact is appropriate for the site.



### Parking:

- We have been able to increase the total number of parking spaces to 67 from 62. As part of the installation of the new sidewalk/bike path along E. Canada Drive, we will likely need to remove the 9 existing horizontal parking spaces utilized by Lot 2 via the Parking Easement. We are currently planning to replace these spaces with 5 new parallel parking spots. We have shared this proposed change with the owner's of Lot 2. If necessary, we will work with them to amend the parking easement to allow for some form of a shared parking arrangement to exist between the two sites.

### Bike Path:

- We are proposing adding a bike path that will connect to the property at E. Canada Drive and will connect to the Jackson Creek Trail path via access we will provide along the boundaries of Lot 4 and Lot 3. We have redirected the bike path along the property line to minimize conflicts between public bicyclists and private parking area pedestrians accessing our facility. By turning the path to the south and avoiding long straight-a-ways, bicyclists will necessarily have to slow down through this area. These precautions will reduce the opportunity for accidents to occur.

### Multi-Purpose Path/Emergency Vehicle Access:

- We are proposing adding a combination public walking path and emergency access road within Lot 5. This path/road will provide a sidewalk connection to E. Creeks Edge Drive and the Jackson Creek Trail. The multi-purpose path will be clearly distinguished from the sidewalk along E. Canada Drive, per the PUD requirements. Access will be limited to pedestrians and emergency vehicles. Access by bicycles and non-emergency motorized vehicles will be prohibited. Beyond the point where emergency vehicle access is needed we are considering narrowing the multi-purpose path and/or utilizing bollards to limit access to Jackson Creek Trail only to pedestrian traffic.

### Environmental/Green Building:

- Although construction materials have not yet been selected, we will use best efforts to utilize green building materials such as low/no-VOC paints, green flooring materials and other energy efficient/green building materials where financially feasible. We also intend to implement a recycling program at the property.

### Native Planting:

- We propose a native plant zone for the area East of the parking lot and service drive, extended to the north property line as indicated on the revised site plan. Any plants installed within this area will be Midwest native species.

### Planned Use for Lot 5:

- We will be utilizing a portion of Lot 5 for the construction of the Multi-Purpose Path/Sidewalk Connection/Emergency Vehicle Access described above. At this point in time, we intend to

leave the balance of the parcel as undeveloped green space and do not plan to develop another building on this Lot 5.

The following Planning Commission recommendations were taken into consideration but not implemented into our revised plan for the project at this time:

Outdoor Recreation Area/Playground:

- Due to the financial constraints of the project, we are not able to implement the request for an outdoor recreation/sitting area and/or playground area at this point in time. As described earlier, we will be connecting the project to the nearby Jackson Creek Trail. Additionally, the project is located in close proximity to Olcott Park (adjacent to Jackson Creek Middle School). Access to the Jackson Creek Trail and Olcott Park will provide ample outdoor and recreational opportunities for both families/guests visiting the facility and its residents.

The aforementioned modifications are reflected on our revised preliminary Site Plan. Should you have any questions about these items prior to our 2<sup>nd</sup> Planning Commission meeting scheduled for August 10<sup>th</sup>, 2015 please let us know and we can schedule a time to discuss.

We continue to look forward to working with you/your staff, the Planning Commission and City Council to make this project a success. Thank you for your help with this matter.

Sincerely,



Nick Bouquet



July 27, 2015

Mr. Eric Greulich  
City of Bloomington, Planning Department  
401 N. Morton St., Suite 160  
Bloomington, IN 47402-0100

RE: Assisted Living Facility - Canada Farms PUD Outline Plan Petitioner's Statement Update

Dear Eric:

In response to the feedback we received from the Planning Commission on July 13, 2015, below is a list of the revisions and changes to our plan for the Canada Farms Affordable Senior Assisted Living Facility:

Building Rendering/Site Design:

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- We will be utilizing a portion of Lot 5 for the construction of the Multi-Purpose Path/Sidewalk Connection/Emergency Vehicle Access described above. At this point in time, we intend to leave the balance of the parcel as undeveloped green space and do not plan to develop another building on this Lot 5.

The following Planning Commission recommendations were taken into consideration but not implemented into our revised plan for the project at this time:

#### ~~Extension of the Height of the Exterior Building Brick/Limestone:~~

- ~~• At this time we are unable to commit to the extension of the height of the exterior building brick/limestone to the roof line due to the increased project costs associated with this change.~~

~~Due to the affordable nature of this project, the construction budget for the project is limited and is the major factor in ensuring we are able to structure a financial feasible development. We appreciate and understand the Planning Commission's recommendation to help break up the massing and feel of the building upon the lot. As demonstrated in the revised project drawings and 3-D mock-up, we believe we have accomplished to the best of our ability within our limited construction budget to minimize the feel and massing of the building.~~

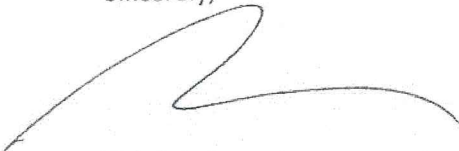
Outdoor Recreation Area/Playground:

- Due to the financial constraints of the project, we are not able to implement the request for an outdoor recreation/sitting area and/or playground area at this point in time. As described earlier, we will be connecting the project to the nearby Jackson Creek Trail. Additionally, the project is located in close proximity to Olcott Park (adjacent to Jackson Creek Middle School). Access to the Jackson Creek Trail and Olcott Park will provide ample outdoor and recreational opportunities for both families/guests visiting the facility and its residents.

The aforementioned modifications are reflected on our revised preliminary Site Plan. Should you have any questions about these items prior to our 2<sup>nd</sup> Planning Commission meeting scheduled for August 10<sup>th</sup>, 2015 please let us know and we can schedule a time to discuss.

We continue to look forward to working with you/your staff, the Planning Commission and City Council to make this project a success. Thank you for your help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bouquet', with a stylized, sweeping flourish.

Nick Bouquet

**ORDINANCE 15-17**

**TO VACATE PUBLIC PARCELS**

**Re: Two Alley Segments which are Twelve Feet Wide and a Total of 417.16 Feet Long  
Located at the Southwest Corner of West 11<sup>th</sup> Street and North Rogers Street  
(City of Bloomington Redevelopment Commission, Petitioner)**

- WHEREAS, I.C. §36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and
- WHEREAS, the Petitioner, the City of Bloomington Redevelopment Commission, has filed a petition to vacate a parcel of City property more particularly described below; and
- WHEREAS, pursuant to I.C. §36-7-3-12(c), the City Clerk has provided notice to owners of abutting property and published notice of the public hearing on this matter, which will be held during the Common Council Regular Session on Wednesday, September 16, 2015 at 7:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and
- WHEREAS, pursuant to I.C. §36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana 47402; and
- WHEREAS, pursuant to I.C. §36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

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

- SECTION 1. Through the authority provided by I.C. §36-7-3-12, two portions of City owned property shall be vacated.
- SECTION 2. The first property is a north/south alley segment running between Lots 47 and 48, south from West 11<sup>th</sup> Street, more particularly described as follows:
- BEGINNING at the Northeast corner of said Lot 47; thence NORTH 89 degrees 34 minutes 08 seconds EAST along the south right-of-way of West 11<sup>th</sup> Street a distance of 12.00 feet to the Northwest corner of said Lot 48; thence South 00 degrees 34 minutes 45 seconds WEST along the west line of said Lot 48 a distance of 132.02 feet to the Southwest corner of said Lot 48; thence continuing SOUTH 00 degrees 34 minutes 45 seconds WEST along the southerly extension of said west line a distance of 94.50 feet to the southeast corner of said north-south twelve foot alley; thence SOUTH 89 degrees 34 minutes 08 seconds WEST along the south line of said north-south twelve foot alley a distance of 12.00 feet to the Southwest corner of said north-south alley; thence NORTH 00 degrees 34 minutes 45 seconds EAST along the southerly extension of the east line of said Lot 47 a distance of 94.50 feet to the Southeast corner of said Lot 47; thence NORTH 00 degrees 34 minutes 45 seconds EAST along the east line of said Lot 47 a distance of 132.02 feet to the POINT OF BEGINNING, containing 2718 square feet, more or less.
- SECTION 3. The second is an east/west alley segment running along the south edge of Lots 46, 47, 48, 49, and 50 in Maple Heights Second Addition, more particularly described as follows:
- BEGINNING at the Southwest corner of said Lot 46; thence NORTH 89 degrees 34 minutes 08 seconds EAST along the south line of said Lots 46, 47, 48, 49, and 50 a distance of 285.14 feet to the southeast corner of said Lot 50; thence South 00 degrees 35 minutes 04 seconds WEST along the west right-of-way of North Rogers Street a distance of 12.00 feet to the south line of said twelve (12) foot alley; thence SOUTH 89 degrees 34 minutes 08 seconds WEST along the south line a distance of 285.14 feet to the northwest corner of the property described by Warranty Deed to The Trustees of Indiana University recorded in Deed Book 195, page 152 in the office of the Recorder of Monroe County, Indiana; thence NORTH 00 degrees 34 minutes 45 seconds EAST 12.00 feet to the POINT OF BEGINNING, containing 3422 square feet, more or less.

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  
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.

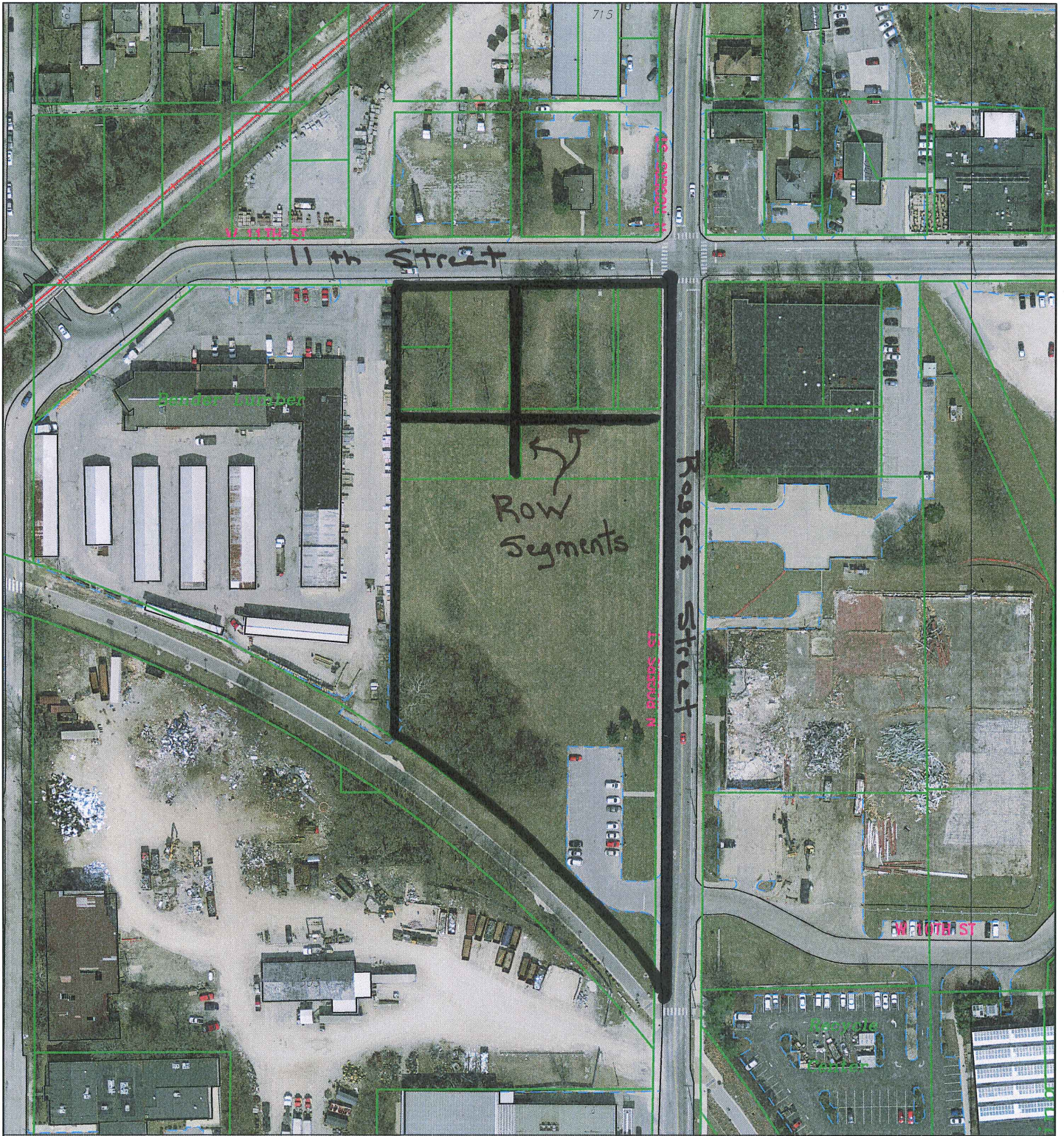
\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

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

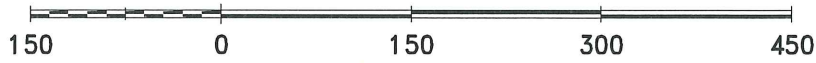
\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

The petitioner, the City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way at the southwest corner of West 11<sup>th</sup> Street and North Rogers Street in order to facilitate construction of future housing projects associated with the City's Certified Technology Park development.



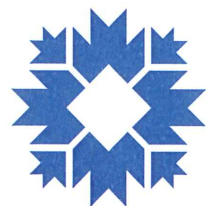
By: darlandl  
27 Aug 15



For reference only; map information NOT warranted.

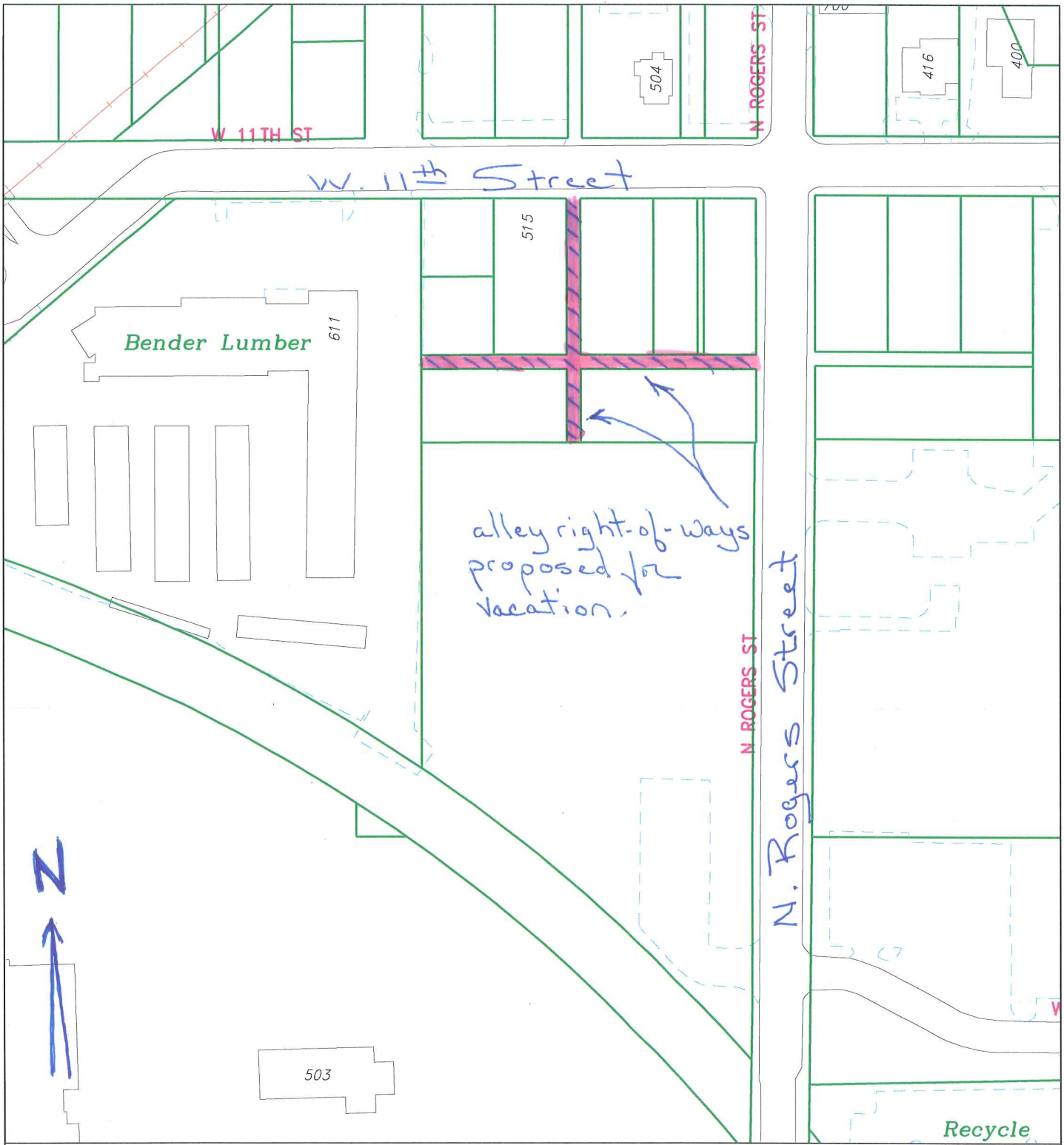


City of Bloomington

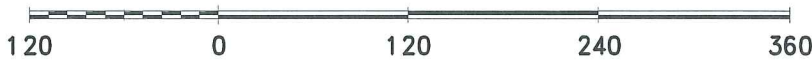


Scale: 1" = 150'



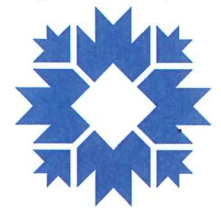


By: darlandl  
30 Mar 15



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 120'





**CITY OF BLOOMINGTON  
PLANNING DEPARTMENT  
MEMORANDUM**

**DATE:** August 21, 2015  
**TO:** City of Bloomington Common Council Members  
**FROM:** Tom Micuda, Planning and Transportation Director  
**SUBJECT:** Request for vacation of two alley segments on the southwest corner of W. 11th Street and N. Rogers Street  
**PETITIONER:** City of Bloomington Redevelopment Commission

---

**LOCATION:** The subject of this right-of-way vacation petition is two twelve foot wide alley segments located on the southwest corner of West 11th Street and North Rogers Street. One alley segment runs north/south and the other runs east/west. The north/south segment runs between lots 47 & 48 south from West 11th Street for 226.52 feet. The east/west segment runs along the south edge of lots 46, 47, 48, 49, and 50 in Maple Heights Second Addition for 285.14 feet.

---

**BACKGROUND:** When the City' Redevelopment Commission acquired approximately 12 acres from Indiana University for future development consistent with the City's Certified Technology Park vision, an approximately 4 acre parcel was conveyed to the RDC west of Rogers Street. Currently, the property is vacant except for a small surface parking lot installed by Indiana University.

When City staff and the RDC undertook the Master Plan process for the CTP, the 4 acres west of Rogers Street was identified as a site for future housing development not oriented towards Indiana University students. More specifically, the thought process for the property was to see housing or mixed use development targeted towards markets such as active seniors, future Tech Park employees, residents with below average median income, or workforce housing in general.

While the City continues to work towards infrastructure installation east of Rogers as well as both redevelopment of the historic buildings and new development, City staff is ready to move forward and send out a development RFP to target this important downtown housing project. In this process, the City wishes to make sure it receives the greatest number of creative proposals possible.

The rights-of-way on the property affect the development potential of the four acres. Essentially, they divide the property into three parcels: 1) a 0.4 acre parcel in the northwest corner, 2) a 0.6 acre parcel in the northeast corner, and 3) a remainder parcel of less than 3 acres. This division makes high density housing development less attractive. The two very small parcels in the northwest and northeast corners that are created by the rights-of-way provide little flexibility for construction. Such an

arrangement will require virtually 100% of the small parcels to be covered with buildings that could be too tall and that would be without open space amenities for future residents. In order to create maximum interest from respondents as well as the most flexibility for good site plan design, the City's Redevelopment Commission is requesting that the Council vacate these rights-of-way.

City staff realizes that Council members generally prefer to have a project up for discussion in association with right-of-way vacation requests. The argument in favor of going forward now is to encourage more proposals, creative proposals, and the best development outcome possible for the City. This is a rare opportunity to achieve affordable housing in a downtown real estate environment, which staff and the RDC believe is the public benefit the Council should consider.

---

**UTILITY INTERESTS:** The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way:

- **The City of Bloomington Public Works Department**
- **The City of Bloomington Utilities Department (CBU)**
- **The City of Bloomington Information & Technology Services Department (ITS)**
- **AT&T**
- **Duke Energy**
- **Comcast Communications**
- **City of Bloomington Police Department**
- **City of Bloomington Fire Department**
- **Vectren**

The Board of Public Works (BPW) heard the request for vacation on May 6, 2015. The BPW voted to recommend vacation of the rights-of-way. City Fire, Police, ITS, ATT Midwest, Comcast, and Vectren have no objections to the proposed vacation. Duke Energy and CBU have facilities in the area and would like an easement for their facilities. CBU has a 1 1/2 inch water line located in the north/south running alley. CBU would request this line be cut and capped.

---

**CRITERIA:** The criteria utilized to review a public ROW or easement vacation request are as follows:

**1. Current Status - Access to Property.**

Access to the property is available along N. Rogers Street and 11<sup>th</sup> Street. Final access plans will come with a development proposal. As previously stated, both the Fire and Police Departments concluded that they can adequately serve the future development without use of these right-of-way segments.

**2. Necessity for Growth of the City:**

*Future Status:* The right-of-ways in question are not currently improved. There is no guidance from City transportation plans or even the CTP Master Plan to improve the right-of-ways for future land development needs or adjacent property connectivity.

*Proposed Private Ownership Utilization:* The City of Bloomington Redevelopment Commission owns the entire property. The two alley rights-of-way segments in question will become property of the City of Bloomington Redevelopment Commission until they are sold to the private sector for development.

*Compliance with Regulations:* The vacation of these two alley segments will not create any issues regarding compliance with local regulations. The Plan Commission must approve any redevelopment plan for the real estate.

*Relation to Plans:* This proposal is consistent with City Plans. Encouraging appropriate infill and redevelopment projects into the city's downtown to maintain a vibrant active space is a goal of the Unified Development Ordinance, the Growth Policies Plan, the Downtown Vision & Infill Strategy Plan, and the Certified Technology Park Master Plan.

---

**RECOMMENDATION:** City staff, the Redevelopment Commission, and the Board of Public Works are in favor of the proposed vacation request.



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

**Petition for Vacation of Public Right-of-Way**

<b>Ordinance:</b>		<u>Ord 15-17</u>
<b>Hearings:</b>		
<b>Council Chambers</b>	<b>Regular Session - First Reading</b>	September 2, 2015
<b>401 North Morton Street</b>	<b>Committee of the Whole - Discussion</b>	September 9, 2015
<b>7:30 p.m.</b>	<b>Special Session – Public Hr &amp; Final Action</b>	September 16, 2015

**Address of Properties:** Two twelve-foot wide alley segments located at the southwest corner of West 11th Street and North Rogers Street.

**Descriptions of Proposed Vacations:**

Property 1: North/south alley segment running between Lots 47 and 48, south from West 11th Street for 226.52 feet.

Property 2: East/west alley segment running along the south edge of Lots 46, 47, 48, 49, and 50 in Maple Heights Second Addition for 285.14 feet.

**Name of Petitioner** City of Bloomington Redevelopment Commission  
**Address** 401 N. Morton, Suite 130  
 Bloomington, IN 47402  
**Phone** 812-349-3420

**Consultant** Bledsoe Riggert Guerrettaz  
 1351 W. Tapp Road  
 Bloomington, IN 47403  
 812-336-8277

**Abutting Property Owners:** Bender Enterprises, LLC.  
 20151 W. Vernal Pike  
 Bloomington, IN 47404

City of Bloomington Redevelopment Commission  
 401 N. Morton, Suite 130  
 Bloomington, IN 47402

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will provide a list of and notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature:                     *Thomas B. Miller*                    

Date:                     August 25, 2015



**City of Bloomington**  
**Planning and Transportation Department**  
DEVELOPMENT REVIEW TRANSMITTAL

Date: March 30, 2015

Type of Request: right-of-way vacation, 2 alley segments

Project Name: 515 W. 11<sup>th</sup> Street

Owner: City of Bloomington Redevelopment Commission

Location: The subject of this right-of-way vacation petition is two twelve foot wide alley segments located on the southwest corner of West 11th Street and North Rogers Street. One alley segment runs north/south and the other runs east/west. The east/west segment runs south of lots 46, 47, 48, 49, and 50 in Maple Heights Second Addition for 285.14 feet. The north/south segment runs between lots 47 & 48 south from 11th Street for 132.02 feet.

Proposed Use: The purpose of this vacation request is to allow the owners to use this property for redevelopment purposes.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

We need your comments by: April 15, 2015

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

The petitioner is seeking right-of-way vacation of two alley segments on the southwest corner of 11th Street & Rogers Street in the Bloomington Tech Park area. One alley segment runs east/west directly west of Rogers Street and one alley segment runs north/south directly south of 11th Street crossing the east/west alley segment. Both alleys measure 12 feet in width. The east/west alley right-of-way measures 285.14 feet in length, and the north/south alley right-of-way measures 132.02 feet in length.

Refer to the enclosed site plans, legal description, and petitioner's letter.

Please respond in writing or email concerning the effect this vacation would have upon your provision of service to this area.

Please reply to: Lynne Darland, AICP  
darlandl@bloomington.in.gov  
Planning and Transportation Department  
City of Bloomington  
P.O. Box 100  
Bloomington, IN 47402



**City of Bloomington  
Planning and Transportation Department**

March 30, 2015

City of Bloomington Planning & Transportation Department  
Attn: Lynne Darland  
Showers City Hall - Suite 130  
401 N. Morton Street  
Bloomington, IN 47404

Re: Request for Right-of-Way Vacation of Two Alley Segments in Maple Heights  
Second Addition

Dear Ms. Darland:

On behalf of the City of Bloomington Redevelopment Commission, I am respectfully submitting this application for right-of-way vacation. The two right-of-ways in question are unimproved 12 foot wide alley segments located at the southwest corner of West 11th Street and North Rogers Street. The right-of-ways have never been used for public access to the property which was purchased by the City of Bloomington Redevelopment Commission from Indiana University in 2010.

The purpose of the purchase was for redevelopment in association with the City's Certified Technology Park initiative. The City is in the process of working with developers to sell the entire property west of Rogers Street. Rather than having these right-of-ways encumbering the property and causing problems with land aggregation, the City wishes to vacate the right-of-ways to allow future development without any property restrictions.

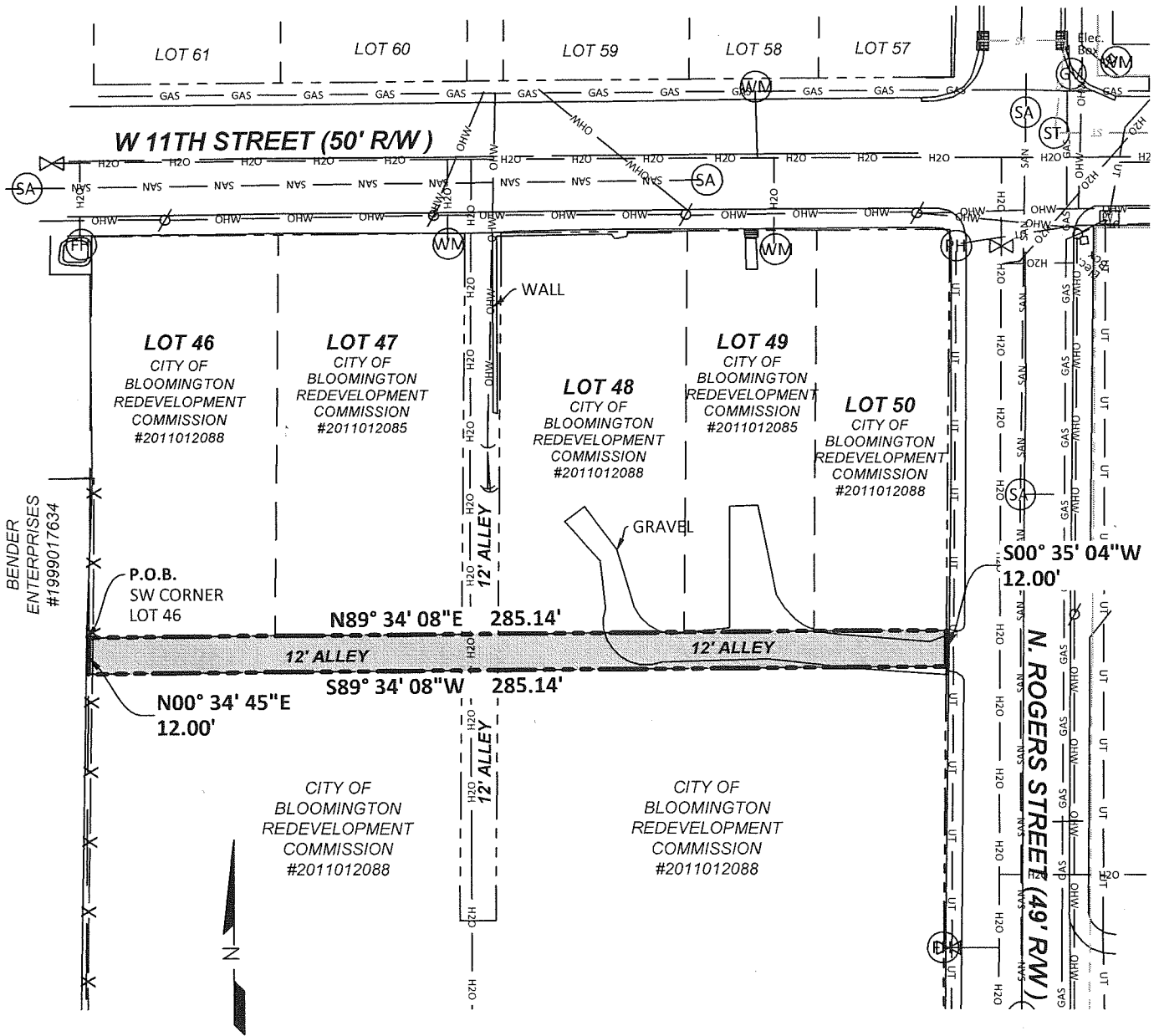
Sincerely,

Tom Micuda, AICP  
Director of Planning & Transportation  
Acting Agent for the Redevelopment Commission



## RIGHT-OF-WAY DESCRIPTION

ALL OF THE 12' EAST-WEST ALLEY LOCATED SOUTH OF LOTS 46, 47, 48, 49 AND 50 IN  
 MAPLE HEIGHTS SECOND ADDITION TO THE CITY OF BLOOMINGTON  
 PLAT BOOK 21, PAGE 10  
 MONROE COUNTY, INDIANA



BENDER ENTERPRISES #1999017634

P.O.B. SW CORNER LOT 46

N00° 34' 45" E 12.00'

N89° 34' 08" E 285.14'

S89° 34' 08" W 285.14'

S00° 35' 04" W 12.00'

SCALE 1"=50'  
 IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

**Prepared For:** City of Bloomington  
**Project:** City of Bloomington Tech Park  
**Prepared By:** Bledsoe, Riggert & Guerrettaz, Inc.  
 1351 W Tapp Road, Bloomington, IN 47403  
 (812) 336-8277  
 JOB #8120

LEGEND			
	ELEC. BOX		FENCE
	GUY ANCHOR		OVERHEAD WIRES
	LIGHT POLE		GAS LINE
	CURB INLET		SAN. SEWER LINE
	GAS VALVE		STORM SEWER LINE
	PHONE MANHOLE		UNDER COMM.
	UTILITY POLE		WATER LINE
	PHONE VAULT		WATER METER
	SEWER MANHOLE		WATER VALVE
	STORM MANHOLE		FIRE HYDRANT
	EAST WEST ALLEY: 3,422 SQ FT		

**RIGHT-OF-WAY DESCRIPTION**

ALL OF THE 12' EAST-WEST ALLEY LOCATED SOUTH OF LOTS 46, 47, 48, 49 AND 50 IN  
MAPLE HEIGHTS SECOND ADDITION TO THE CITY OF BLOOMINGTON  
PLAT BOOK 21, PAGE 10  
MONROE COUNTY, INDIANA

All of the twelve (12) foot wide east-west alley located south of Lots 46, 47, 48, 49 and 50 in Maple Heights Second Addition to the City of Bloomington, as recorded in Plat Book 21, page 10 in the Office of the Recorder of Monroe County, Indiana, more particularly described as follows:

**BEGINNING** at the Southwest corner of said Lot 46; thence NORTH 89 degrees 34 minutes 08 seconds EAST along the south line of said Lots 46, 47, 48, 49 and 50 a distance of 285.14 feet to the southeast corner of said Lot 50; thence SOUTH 00 degrees 35 minutes 04 seconds WEST along the west right-of-way of North Rogers Street a distance of 12.00 feet to the south line of said twelve (12) foot alley; thence SOUTH 89 degrees 34 minutes 08 seconds WEST along said south line a distance of 285.14 feet to the northwest corner of the property described by Warranty Deed to The Trustees of Indiana University recorded in Deed Book 195, page 152 in the office of the Recorder of Monroe County, Indiana; thence NORTH 00 degrees 34 minutes 45 seconds EAST 12.00 feet to the POINT OF BEGINNING, containing 3,422 square feet, more or less.

This description was prepared based on an ALTA/ACSM Land Title Survey by Ben E. Bledsoe dated August 10, 2011 (Bledsoe Riggert Guerrettaz Job #6091) and a Topographic Survey by Rachel A. Oser dated September 4, 2014 (Bledsoe Riggert Guerrettaz Job #8120).

This survey was executed according to survey requirements contained in Sections 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this 27<sup>th</sup> day of March, 2015



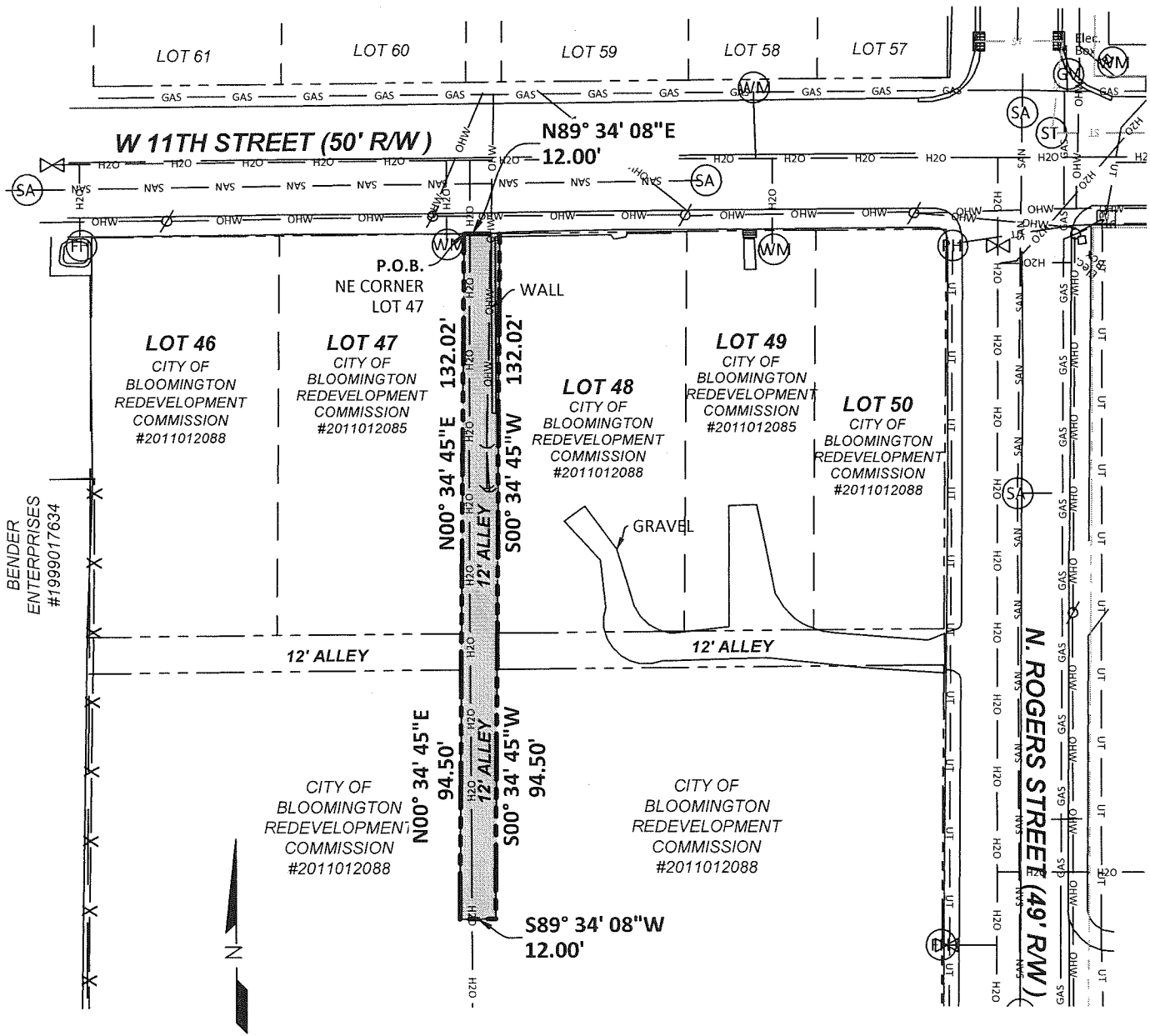
Rachel A. Oser  
Professional Surveyor No. 21100022  
State of Indiana



**Prepared For:** City of Bloomington  
**Project:** City of Bloomington Tech Park  
**Prepared By:** Bledsoe, Riggert & Guerrettaz, Inc.  
1351 W Tapp Road, Bloomington, IN 47403  
(812) 336-8277  
JOB #8120

# RIGHT-OF-WAY DESCRIPTION

ALL OF THE 12' NORTH-SOUTH ALLEY EXTENDED SOUTH BETWEEN LOTS 47 & 48 IN  
 MAPLE HEIGHTS SECOND ADDITION TO THE CITY OF BLOOMINGTON  
 PLAT BOOK 21, PAGE 10  
 MONROE COUNTY, INDIANA



SCALE 1"=50'  
 IF THIS BAR DOES NOT  
 MEASURE 1" THEN DRAWING  
 IS NOT TO SCALE

**Prepared For:** City of Bloomington  
**Project:** City of Bloomington Tech Park  
**Prepared By:** Bledsoe, Riggert & Guerrettaz, Inc.  
 1351 W Tapp Road, Bloomington, IN 47403  
 (812) 336-8277  
 JOB #8120

LEGEND			
	ELEC. BOX		FENCE
	GUY ANCHOR		OVERHEAD WIRES
	LIGHT POLE		GAS LINE
	CURB INLET		SAN. SEWER LINE
	GAS VALVE		STORM SEWER LINE
	PHONE MANHOLE		UNDER COMM.
	UTILITY POLE		WATER LINE
	PHONE VAULT		WATER METER
	SEWER MANHOLE		WATER VALVE
	STORM MANHOLE		FIRE HYDRANT
	NORTH SOUTH ALLEY: 2,718 SQ FT		

**RIGHT-OF-WAY DESCRIPTION**

ALL OF THE 12' NORTH-SOUTH ALLEY EXTENDED SOUTH BETWEEN LOTS 47 & 48 IN  
MAPLE HEIGHTS SECOND ADDITION TO THE CITY OF BLOOMINGTON  
PLAT BOOK 21, PAGE 10  
MONROE COUNTY, INDIANA

All of the twelve (12) foot wide north-south alley extended south between Lots 47 and 48 in Maple Heights Second Addition and the to the City of Bloomington, as recorded in Plat Book 21, page 10 in the Office of the Recorder of Monroe County, Indiana, more particularly described as follows:

**BEGINNING** at the Northeast corner of said Lot 47; thence NORTH 89 degrees 34 minutes 08 seconds EAST along the south right-of-way of West 11th Street a distance of 12.00 feet to the Northwest corner of said Lot 48; thence SOUTH 00 degrees 34 minutes 45 seconds WEST along the west line of said Lot 48 a distance of 132.02 feet to the Southwest corner of said Lot 48; thence continuing SOUTH 00 degrees 34 minutes 45 seconds WEST along the southerly extension of said west line a distance of 94.50 feet to the southeast corner of said north-south twelve foot alley; thence SOUTH 89 degrees 34 minutes 08 seconds WEST along the south line of said north-south twelve foot alley a distance of 12.00 feet to the Southwest corner of said north-south twelve foot alley; thence NORTH 00 degrees 34 minutes 45 seconds EAST along the southerly extension of the east line of said Lot 47 a distance of 94.50 feet to the Southeast corner of said Lot 47; thence NORTH 00 degrees 34 minutes 45 seconds EAST along the east line of said Lot 47 a distance of 132.02 feet to the POINT OF BEGINNING, containing 2,718 square feet, more or less.

This description was prepared based on an ALTA/ACSM Land Title Survey by Ben E. Bledsoe dated August 10, 2011 (Bledsoe Riggert Guerrettaz Job #6091) and a Topographic Survey by Rachel A. Oser dated September 4, 2014 (Bledsoe Riggert Guerrettaz Job #8120).

This survey was executed according to survey requirements contained in Sections 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this 27<sup>th</sup> day of March, 2015



Rachel A. Oser  
Professional Surveyor No. 21100022  
State of Indiana



**Prepared For:** City of Bloomington  
**Project:** City of Bloomington Tech Park  
**Prepared By:** Bledsoe, Riggert & Guerrettaz, Inc.  
1351 W Tapp Road, Bloomington, IN 47403  
(812) 336-8277  
JOB #8120

**ORDINANCE 15-17**

**TO VACATE PUBLIC PARCELS -**

**Re: Two Twelve-Foot Wide Alley Segments Located at the Southwest Corner of West 11th Street and North Rogers Street  
(City of Bloomington Redevelopment Commission, Petitioner)**

**Responses from Utilities and Safety Services**  
**(Available in the Council Office)**

I.C. 36-7-3-16 (b) provides that utilities that are occupying and using all or part of the right-of-way for the location and operation of their facilities at the time the vacation proceedings are instituted may continue to do so after the vacation of right-of-way, unless they waive their rights by filing written consent in those proceedings.

**Safety Services Interest in the Alley Ways**

Police Department    *Has “no problems” with the project.*  
Fire Department      *Has “no comments or objections related to the project.”*

**Utility Interests in the Alley Ways**

Vectren                    *Has “no gas main facility in the alley that the petitioner is requesting to vacate on the Southwest Corner of West 11th Street and North Rogers.”*

Duke                        *Has facilities in the area and would like an easement for those facilities.*

Comcast                   *Has no facilities within the subject right of way.*

City of  
Bloomington  
Utilities Dept            *CBU has facilities in the area and would like an easement for those facilities.*  
  
*“CBU currently has a 1 1/2” water line located within said 12 foot wide north-south alley. There are no water meters or services shown connecting to this line . . . We would request that the developer cut and cap this [line] so as to take it out of service, prior to construction within this alley. . . Given these facts, CBU would not object to the vacation of said alleyways.”*

AT&T                        *“Has no facilities in the described right of way and has no plans for future construction. The vacation of the right of way will have no effect on AT&T Midwest service provisioning.”*

Bloomington  
Digital  
Underground            *Has “no reservations with this request.”*



## Board of Public Works Staff Report

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**Project/Event:** Right-of-Way vacation of two alley segments located on the southwest corner of 11th Street and Rogers Street

**Staff Representative:** Tom Micuda

**Petitioner/Representative:** Danise Alano-Martin

**Date:** May 6, 2015

**Report:** The subject of this right-of-way vacation petition is two twelve foot wide alley segments located on the southwest corner of West 11th Street and North Rogers Street. One alley segment runs north/south and the other runs east/west. The north/south segment runs between lots 47 & 48, south from West 11th Street for 226.52 feet. The east/west segment runs along the south edge of lots 46, 47, 48, 49, and 50 in Maple Heights Second Addition for 285.14 feet.

There are many right-of-ways in the downtown area which are not obvious rights-of-way or alleys as they are unimproved natural segments of land. Visually, these two alley segments appear to be part of a privately owned grass covered yard. The purpose of these two alley vacation requests is to allow for the redevelopment of this area in the City's Certified Technology Park. The Redevelopment Commission is working with City Staff to develop a Request for Proposals for an affordable housing project on the southwest corner of West 11th Street and N. Rogers Street. As a result, it is extremely important for the land to be unencumbered for sale and redevelopment of the area.

The Growth Policies Plan, Certified Technology Park Master Plan, and the Downtown Vision & Infill Strategy Plan support the redevelopment of this area.

**Recommendation and Supporting Justification:** Staff sent notices to area utilities and other city entities and found no conflicts with vacating these two unimproved alley segments. There is an old water line running north/south that will need to be cut and capped. CBU and Duke Energy are requesting easements be placed once a development plan is in place.

**Recommend**  **Approval**  **Denial** by \_\_\_\_\_

In the Council Chambers of the Showers City Hall on Wednesday, February 18, 2015 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.	COMMON COUNCIL REGULAR SESSION February 18, 2015
Roll Call: Rollo, Ruff, Sandberg, Volan, Granger, Sturbaum, Neher, Spechler, Mayer Absent: None	ROLL CALL
Council President Rollo gave the Agenda Summation.  It was moved and seconded that the council amend its agenda to place <u>Resolution 15-04</u> regarding IU Health Bloomington Hospital at the end of the items under Second Readings and Resolutions. There was no debate on the motion. The motion to amend the agenda was approved by a roll call vote of Ayes: 9, Nays: 0.	AGENDA SUMMATION
There were no minutes to be approved at this meeting.	APPROVAL OF MINUTES
	REPORTS
Dorothy Granger noted that February was Black History Month and urged people to attend one of the many events in celebration.  Tim Mayer thanked the Public Works Department for keeping the streets clean and safe during recent bad weather. He also thanked the firefighters and police officers for keeping citizens safe in inclement weather. He thanked the utility workers for keeping water running in the extreme cold conditions, and he thanked the Sanitation workers also, and then noted that because of extreme cold temperatures, trash pickup for the following day would be postponed until Friday of that week. Mayer congratulated two firefighters, Fred Matthews and Mark Webb, on their recent retirement, noting that they had each served for over thirty years.  Dave Rollo announced that on-street metered parking enforcement would be suspended from 8 am February 19 <sup>th</sup> until Monday February 23 <sup>rd</sup> due to severe weather conditions. Rollo asked the council to accept a Disclosure of a Conflict of Interest. He said he, his wife and others owned Stranger's Hill Organics which had a vendor contract with the city's Farmers' Market. It was moved and seconded that the council accept Rollo's Conflict of Interest Statement. The motion to accept the Disclosure Statement was approved by a roll call vote of Ayes: 9, Nays: 0.	<ul style="list-style-type: none"> <li>• COUNCIL MEMBERS</li> </ul>
There were no reports in this segment of the meeting.	<ul style="list-style-type: none"> <li>• The MAYOR AND CITY OFFICES</li> </ul>
There were no reports from council committees at this meeting.	<ul style="list-style-type: none"> <li>• COUNCIL COMMITTEES</li> </ul>
There was no comment from the public in this section of the meeting.	<ul style="list-style-type: none"> <li>• PUBLIC</li> </ul>
It was moved and seconded to reappoint the following persons to the following commissions: <ul style="list-style-type: none"> <li>• Susie Hamilton to the Housing Quality Appeals Board</li> <li>• Barbara Fuqua to the Martin Luther King, Jr. Birthday Commission.</li> <li>• Jack Khan to the Commission on Aging</li> <li>• Alice Oestreich to the Commission on Aging</li> <li>• Sue Sgambelluri to the Redevelopment Commission</li> <li>• David Walter to the Redevelopment Commission</li> </ul>	APPOINTMENTS TO BOARDS AND COMMISSIONS

<ul style="list-style-type: none"> <li>• Paul Ash to the Bike and Pedestrian Safety Commission</li> <li>• Mark Stosberg to the Bike and Pedestrian Safety Commission</li> <li>• Gary Charbonneau to the Commission on Sustainability.</li> </ul> <p>The reappointments were approved by a voice vote.</p> <p>It was moved and seconded to appoint Maria Carrisquillo to the Commission on Hispanic and Latino Affairs. The appointment was approved by a voice vote.</p>	<p>Appointments (cont'd)</p>
	<p>LEGISLATION FOR SECOND READING AND RESOLUTIONS</p>
<p>It was moved and seconded that <u>Ordinance 15-02</u> be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that <u>Ordinance 15-02</u> be adopted.</p> <p>Patrick Murphy, Director of Utilities for the City of Bloomington, said that the bond refinancing would recoup savings to the Utility. He noted that the technical specialist had been present at a previous committee meeting on this issue. He noted that this measure would save \$700,000.</p> <p>Rollo said, for the people present at the meeting, that the council had received information on this item several weeks before this date, had a publicly noticed internal work session with the administration, a committee meeting with a full discussion, and were now taking final action and adoption. He noted the committee's recommendation.</p> <p>Sturbaum said that everyone was unanimously in favor of saving money.</p> <p><u>Ordinance 15-02</u> received a roll call vote of Ayes: 9, Nays: 0.</p>	<p><u>Ordinance 15-02</u> - A Supplemental Bond Ordinance of the City of Bloomington, Indiana, Supplementing and Amending <u>Ordinance 05-35</u>, Adopted on December 21, 2005, as Previously Amended by <u>Ordinance 06-05</u>, Adopted on March 2, 2006, All for the Purpose of Authorizing the Modification of Certain Contractual Rights of the City of Bloomington, Indiana, the Execution and Delivery of its Amended Sewage Works Revenue Bonds of 2006, Series A-1, and Approving Certain Related Matters in Connection Therewith</p>
<p>It was moved and seconded that <u>Ordinance 15-03</u> be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that <u>Ordinance 15-03</u> be adopted.</p> <p>Utilities Director Murphy said this was a wastewater bond that would result in savings of about \$480,000. He said the Utility wanted to take advantage of the market to realize these savings. He noted the presence of Gregory Small, Assistant City Attorney, who could also take questions.</p> <p>Mayer thanked Small for his work and thanked the Utilities Service Board for their work on the issue.</p> <p>Spechler noted that this bond refinancing was similar to a person refinancing their own home, in that it came about when the prevailing interest rate in the market had fallen as greatly as it had. He said that the city had examined the refinancing carefully and saw no problem. He said the council was happy to help save the money.</p> <p>Ruff noted that this was a final vote in what had been a long deliberative process. He said a lot of questions had been asked of the administration and Utilities' leadership and the council was ready for the final vote.</p> <p>Rollo thanked the administration for the amortization schedule that they had provided for the council deliberation.</p> <p><u>Ordinance 15-03</u> received a roll call vote of Ayes: 9, Nays: 0.</p>	<p><u>Ordinance 15-03</u> - A Supplemental Bond Ordinance of the City of Bloomington, Indiana, Supplementing and Amending <u>Ordinance 05-12</u>, Adopted on April 20, 2005, as Previously Amended by <u>Ordinance 06-04</u>, Adopted on March 2, 2006, All for the Purpose of Authorizing the Modification of Certain Contractual Rights of the City of Bloomington, Indiana, the Execution and Delivery of its Amended Waterworks Revenue Bonds of 2006, Series A, and Approving Certain Related Matters in Connection Therewith</p>



It was moved and seconded that Resolution 15-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 5-1-3.

It was moved and seconded that Resolution 15-01 be adopted.

Danise Alano-Martin, Director of Economic and Sustainable Development, said she and Jason Carnes, Assistant Director, would discuss both this and Ordinance 15-01 together as they related to the same project.

Carnes recapped the previous committee presentation. He noted that the Economic Development Commission had made the recommendation to establish the Economic Revitalization Area (ERA) and an Economic Development Target Area (EDTA). He reviewed the proposed project, and noted commercial space and residential units that would target renters without vehicles. He noted the \$2M investment, and said that the project would increase tax liability on the property by over \$40,000 annually.

Carnes referenced questions from the committee meeting about bike parking. He said the developer proposed one bike parking spot per bedroom which, he said, was a new threshold. Carnes noted sustainability features of the new building that included LED lighting in common areas, a white heat reflective membrane on the roof, locally sourced materials, testing of a washer/dryer in the accessible units, and Energy Star appliances and HVAC systems.

He noted that EDTA acreage for the City of Bloomington was capped at 15%, and that this would only increase that acreage by 0.001% for a total of 0.1094% of total city acreage designated as EDTA.

Alano-Martin addressed the question of the impact to other residents of the city. She said that in the three years of the proposed abatement, the increase in taxes per \$100,000 of assessed value was about \$.02 in the first year and less each year after that.

Alano-Martin noted the Enterprise Zone Investment Deduction (EZID) value for the property at 340-346 S. Walnut owned by this developer and adjacent to this proposed plan. She said that the total amount of taxes saved by the developer on that project over a ten year period was over \$560,000, but would be reduced to \$392,000, after paying part of their savings to the state and the enterprise zone, as required by the plan.

The administration, said Alano-Martin, supported this project at 338 S. Walnut for its effect on revitalization of South Walnut Street. She said that that while the market rate residential aspect of the project probably didn't merit a ten year abatement, the revitalization of South Walnut and other aspects of the project deserved support. She said the value of the abatement to the developer over the three year period would be a little over \$80,000.

Noting that the project was in the Downtown TIF, Alano-Martin said staff found the project provided benefits to the TIF, and that the proposal was compatible with the plan. She said that there were no additional public investments needed for the project that would be paid out of TIF funds.

Alano-Martin noted this project would enhance the assessed value of the property, provide commercial space to create new jobs, had sustainability features, and provided a mixed use project on Walnut Street to enhance community character.

Alano-Martin noted that the Economic Development Commission unanimously recommended that the property be designated an EDTA and ERA for tax abatement purposes. She discussed the Memorandum of Understanding that would accompany the agreement including the standard language and any clawbacks in case the common council found they were not in compliance with their promises.

Resolution 15-01 - To Designate an Economic Revitalization Area, Approve Statements of Benefits, Authorize Periods of Abatement for Real Property Improvements - Re: 338 S. Walnut Street (Big O Properties, LLC, Petitioner)

Spechler said that he was told by the county assessor that due to two unfavorable court decisions, the net assessed value of property in Monroe County and the City of Bloomington would be cut considerably. He asked what she knew about that situation, and if the costs of the abatement to other taxpayers would be larger because of that situation. Alano-Martin said she was marginally aware of the cases, but that they were regarding larger commercial properties. She said the purpose of incentives, such as tax abatements, were to induce the creation of additional assessed value which would ultimately reduce what other tax payers would pay. She said without inducement of private investment for things that would be difficult for the private sector to do, the city would not be able to mitigate the impact of the court cases.

Spechler asked should the net assessed value of property in Bloomington be cut, if the cost of this and other abatements mean the average tax payer would pay more taxes. Alano-Martin, said she thought so, but that that scenario would be true of anything that would reduce assessed value. She also said that her model did not project any change to the net assessed value for the area, and that she could not predict what external changes might happen. She said that those issues could occur whether this particular abatement existed or not.

Volan asked if the EDTA was at 10.84% of the city. Alano-Martin noted it was one tenth of one percent.

Volan asked what the petitioner had proposed that was above and beyond what was required by any city measure. He asked if a mixed use building was required in this area. Alano-Martin said some projects had the ground floor commercial requirement waived. Volan asked about the bike parking and Energy Star appliances. Alano-Martin said the proportion of bike parking was above and beyond city code. She said that this area on South Walnut Street was in need of revitalization. She said Big O was willing to invest there and that would spur additional private investment in the area. She said the project in this area merited additional assistance to get the project off the ground, to continue that investment, and to attract additional private investment.

Volan said he didn't think this block was suffering with 'blight' whereas blocks south of that area needed more investment. Alano-Martin said that blight, as most people thought of it, was not a condition of an Economic Revitalization Area. She said that the ERA was designated after a cessation of growth, that the area was undesirable, and that there were obstacles to redevelopment. She said the administration believed that those things existed on South Walnut with older buildings that were becoming obsolete. She said the city recognized the need for inducing private investment and therefore made infrastructure improvements there.

Volan asked what features of the building were above the requirements of code in the area. Marc Cornett, the architect for the petitioners, said they would be developing two parking spaces on Walnut Street. He said it was not required by code or by the planning process, and that the developer wanted to add them at the cost of \$30,000-\$40,000 each. He said this was half of the amount of the abatement, and it was included in the project budget because the on-street spaces would be important to the health of the project. Cornett said the petitioner wanted to hold out for the right type of retail per the council request in committee discussions.

Volan asked why the spaces would cost so much. Cornett said that surface parking lot spaces cost a minimum of \$10,000, but added that these two on-street spaces would need demolition of the curb, removal of a concrete paneled area and reconfiguring the parking area with respect to the specifications of Utilities and other issues. He added that the spaces would become revenue generators for the city. Volan asked what the developer could have done instead of putting in these spaces. Cornett said the tax abatement would offset the cost of putting in

the spaces, as it was a hardship to the developer to put in that public parking. Volan said it was a good argument but asked if the space could have been used as a sidewalk space for a café. Cornett said there would still be space for that as the proposed parking spaces were currently grassy areas.

Neher asked if the spaces would have a direct benefit to the developer in terms of easier leasing of the commercial/retail space. Cornett said they would directly benefit retail in the entire area as there were only twelve spaces to park on South Walnut between 2<sup>nd</sup> and 3<sup>rd</sup> Streets. Volan asked for an image of the area. Cornett said the curb cuts would be done to city specifications. Cornett reiterated that the developer was not obligated or mandated to reconfigure the space for public parking. He assumed the city would then install meters as in the rest of the block.

Rollo asked Alano-Martin if she would monitor and verify the clawback provisions, specifically sustainability features promised by the developer. Rollo asked her to report back to the council.

Ruff said that he needed to be convinced of the public benefits that would accrue and would not otherwise accrue if not for the tax abatement. He asked that these items be highlighted as the parking spaces had been.

Cornett said that it was difficult to do that because the whole project had been fleshed out at this point. Ruff asked what percentage of commercial space beyond what was required by code would result from the abatement. Cornett said the city required 2600 square feet of retail space. He said the petitioners have asked that be reduced by 1600 sq. ft. because of the very narrow, deep site that would not easily accommodate multiple tenants. He said the tenant spaces in the area were about 800-1500 sq. ft. spaces.

Spechler asked if two parking spaces would have to be made, whether or not the tax abatement was approved. Cornett said the petitioner made the decision, and that this was not a specification from either the plan staff or Plan Commission. Volan clarified that the curb currently went into the street and filled the area where cars could park, and that the petitioner would voluntarily construct parking spaces there for the city. Cornett said he didn't understand why the spaces were not created when the street was recently updated.

There was no public comment on this item.

Sturbaum said this was a worthwhile abatement.

Volan noted that the decision was tough for him and not automatic. He commended the staff and petitioner for being reasonable in their request, said that three years was a reasonable time for abatement, and appreciated that the developer was adding a facet to the development that was not required. He noted the bike parking was good, acknowledged the hardship of the site regarding commercial space issues, and noted he had been persuaded to support the petition.

Granger said she really liked the accessible units and the additional parking, but said that \$900 for one a bedroom unit was not affordable for most. She added that the tax abatement was a tool that should be used to encourage affordable housing, and would not be voting for the abatement.

Spechler said he was against tax abatements because they created a bad precedent for commercial/residential sites. He said he would be in favor

of an abatement producing jobs or affordable housing, but this one did neither, with no incentive to produce either item if the abatement was approved. He said the project would be built regardless of the abatement; it didn't need an abatement as an incentive. He added that the \$80,000 in projected tax savings for the developer could go to the TIF for the Switchyard Park. He said the developers were nice people but did not warrant an abatement for a project that would be built without one. He said the answer was clear: the \$80,000 should be used for public good, not to help a developer, no matter how wonderful they were.

Sandberg said this was a modest proposal that would bring the full amount of taxes due to the city at the end of the abatement period. She said she was a strong advocate for affordable housing. She noted the architect of this project was a player in the building of affordable housing and would help the city. She said having a local developer made a difference and the target audience of the development was couples, a significant change for this type of building.

Neher applauded the fact that the Friedmans took council's feedback from their last project and brought it into this new project's process. He said a three year abatement, modestly structured, was a benefit. He said council was clear in their voice for future projects with the desire for bike-ability, walkability and attracting different demographics. He said this was a different kind of project that would benefit the tax base in the second year.

Ruff said he voted more often against tax abatements than for them, including two by this same developer, and stood by his scrutiny of proposals. He said after the initial presentation, the developers, in good faith, changed the project to make it more consistent with the downtown goals. He said they asked for a more modest abatement of 3 years and would create two new meter spots to correct what he called a city mistake. He said this proposal would have his support.

Mayer noted the creation of two ADA compliant apartments added a new and different facet to downtown development and in itself made the project worth a good look. He said the council had developed criteria for tax abatement that the staff used to work with a developer in creating proposals, and projects that met the criteria were worthy of support.

Volan clarified that support of one project did not automatically indicate support of all. He added that the council, while developing the criteria for abatements, hadn't ceded responsibility for the decision of abatement or oversight of these projects. The council needed to keep an open mind that staff may have negotiated too much. He said that addition of two parking spaces would have been a good use of TIF money, and it was a good give-and-take on that measure. He stated that there were tangible benefits to the city and added that while he was reluctant, he would support this proposal.

Rollo noted that this project would not be in its present form without some negotiation at the council level. He said that when it had first been presented in an internal work session the developer took feedback to improve the project with one-to-one bike parking, green building materials, local sourcing, and parking. He said he liked the appeal to an older demographic and felt there would be action by the council in the future on affordability of housing. He said the three year abatement and the increase in assessed value were good.

Granger said she liked many things about the project but would not vote on this proposal because of the affordability factor.

<p>She pledged to work with city staff and colleagues to insure that affordable housing would be included in future tax abatement applications.</p> <p><u>Resolution 15-01</u> received a roll call vote of Ayes: 7, Nays: 1 (Spechler), Abstain: 1 (Granger).</p>	
<p>It was moved and seconded that <u>Ordinance 15-01</u> be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 4-1-4</p> <p>It was moved and seconded that <u>Ordinance 15-01</u> be adopted.</p>	<p><u>Ordinance 15-01</u> - To Designate an Economic Development Target Area (EDTA) – Re: Property Located at 338 S. Walnut Street and Identified by the Monroe County Parcel ID Number 015-47812-00 (Big O Properties, LLC, Petitioner)</p>
<p>It was moved and seconded that Amendment #1 to <u>Ordinance 15-01</u> be adopted.</p> <p>Rollo read the amendment into the record. There were no council questions on the amendment.</p> <p>There was no public comment on the amendment.</p> <p>Spechler noted that this ordinance was required to go along with the resolution and therefore he would be against such a measure. He said this designation was simply an accommodation for the previous resolution.</p> <p>Amendment #1 to <u>Ordinance 15-01</u> received a roll call vote of Ayes: 8, Nays: 1 (Spechler).</p>	<p>Amendment #1 to <u>Ordinance 15-01</u> This amendment makes changes to this ordinance largely as a result of action taken by the Economic Development Commission after the ordinance was tabled on January 14, 2015. Those changes:</p> <ul style="list-style-type: none"> <li>○ reflect the hearing and resolution adopted by the EDC on January 23, 2015;</li> <li>○ correct a statutory cite in the first Whereas clause; and</li> <li>○ add the name of the Council President to the signature line (which was not formally decided when the legislation was released to the public in the packet the week before).</li> </ul>
<p>Danise Alano-Martin said this Economic Development Target Area (EDTA) designation was required of tax abatement projects that were located within an economic revitalization area if the project was primarily retail or housing oriented. She read the requirements of an EDTA and an Economic Revitalization Area (ERA) to the council for reference; she noted their similarities. She noted the petitioner was present for more questions.</p> <p>Marc Cornett, architect for the petitioner, spoke about the area noting that although it could be called ‘blighted,’ that term meant there was a lack of development. He noted that the project was a gateway corridor to the city. He said that 293,000 square feet of property existed on the corridor between 2<sup>nd</sup> and 3<sup>rd</sup> Streets with 91,000 square feet of buildings in the areas. He said that in this “CD” zone, 100% coverage was encouraged and that there was no parking required for development. He said that there were significant holes in the built environment, what he called ‘dead space,’ and noted that this, surface parking, many curb cuts, weather conditions, speed of vehicles on the street, lack of trees for shade and lack of street parking actually inhibited pedestrian traffic in the area. He noted that this was the history of the area, and that there was little change in the last 20 years except for three buildings, including the transit station. He said the reduction in that block from 35 parking spaces to 20 spaces was detrimental to retail business in that corridor. He referred to nationally recognized studies on parking and the impact on the health of the downtown, and said that based on those concepts alone this area qualified for the EDTA designation. He said</p>	<p><u>Ordinance 15-01</u> as amended</p>

according to his analysis there was a potential for 60 spaces on Walnut Street, and regretted that the streetscape was renovated without the foundations for sidewalk cafés and retail health.

Spechler said the question was not if the area was blighted, but if there was adequate parking for the type of retail space there. He said there was no proof that there was not enough parking, and that businesses would locate where there was sufficient parking for customers. He said there was no evidence that this was absent in this area.

Spechler speculated about the likely development in the area, and said he depended on the private sector to develop those parts without tax abatements. He said the claims by Cornett were part of the tax abatement 'play' and he would vote against it.

Volan said it all came down to parking, and that he was persuaded by Cornett's arguments. He noted that the decision to install parking meters came after the plans for renovation of the Walnut streetscape. He said The Project School was in the area, and several retail destinations were located there. He said the designation would further encourage development in the area, and that this area should have 100% coverage, with no spaces between buildings.

Ordinance 15-01 received a roll call vote of Ayes: 8, Nays: 1 (Spechler).

It was moved and seconded that Resolution 15-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation. It was moved and seconded that Resolution 15-04 be adopted.

President Rollo read the entire Resolution.

It was moved and seconded to allow each speaker on this item five minutes to speak to this Resolution. The motion was approved by a voice vote.

There were no council questions since the resolution was sponsored by all nine council members. Rollo called for public comment.

James Allison said that the resolution was a great one. He stated that the present location of the hospital was ideal. He asked about the reasons for the hospital relocation, asking if we were in the medical version of a Kleenex throw-away society with regards to the hospital age and location. He noted he preferred that the hospital act less like a corporation and show more concern for the citizens of Bloomington who would have to deal with an abandoned site should the hospital move. He added that this move would not survive a referendum.

Charlotte Zietlow likened the move of the hospital to a former issue of moving the center of county government to the by-pass area. She said the people making that decision took into consideration the offices, banks, and other institutions that may have needed to relocate and found the rippling effect of costs along with transportation issues for people who visited the government offices made that solution unreasonable. She said the move would have eviscerated the historical center of town.

Zietlow noted that while the hospital was not a taxpayer funded entity, it had been supported for years by the community in many ways. She noted since IU Health had obtained the hospital the entity was governed by people not from this community, and didn't consider itself part of Bloomington, but rather a part of another entity.

Zietlow reiterated that the move of the hospital friendly to patients or the community. She hoped that people of good will would work to prevent this move from happening.

Resolution 15-04 - Calling upon Indiana University Health's Leadership to Accept the City's Ongoing Offer to Re-Engage City Government and the Community in a Transparent and Meaningful Discussion about Keeping Indiana University Health Bloomington Hospital at its Current Location

Rita Lichtenberg applauded the city resolution supporting the hospital remaining on Second Street and remodeling to achieve its goals. She noted that recently there had been a \$36M renovation and expansion. She said that a hospital downsizing to 200 beds should not require building on 85 unused acres of land. She noted that the aged, the poor, and the sick may not have the means to get to a more remote hospital location. She told of the creation, nurturing and financing of the hospital by the people of Bloomington, and said the hospital board needed to listen to those people. She added that a relocation would create a difficult situation in the current area as many operations related to the hospital would also move. Lastly, she urged citizens to contact the hospital board of directors regarding this issue.

John Hamilton said he was present to support the resolution, and said if a new hospital could be successful in the downtown, it would benefit everyone in the community. He said this decision about location was one that came once in a century. He said that the decision should also reflect costs that are not directly incurred by the building of a new hospital in a different location and would include reuse costs, lost revenues, property values around the old site, demolition costs, ancillary medical office and services relocation, transportation, environmental impacts of greenfield development, greater demand on private autos, a threat to the downtown and the human costs for the most vulnerable in the community.

Hamilton noted that there had not been a lot of information shared, asked that relevant facts be publicly shared, and asked how decisions were being made. He noted that his petition to keep the hospital downtown had over 500 signatures after only one week. Lastly, he noted that we, as a community, must keep fighting for this much needed community engagement.

Gregory Travis, while supporting the resolution, also noted his experiences with Bloomington Hospital, of living in a centuries old structure, and of working in the health care industry. He showed a satellite view of the hospital and surrounding area referring to the image as he noted the following: the land owned by the hospital and related medical facilities totaled 27 acres; the current hospital main building occupied about 5 acres; the remaining acreage was primarily surface parking which he said was underutilized space. He said the current garage had as much space for cars as all the rest of the surface parking, and suggested building two more garages for the net gain of 9 acres of land, enough to build another hospital bigger than the existing one.

Travis reiterated that the facts of how and why it would be much more expensive to renovate than new construction was not yet known by the community. He said the location should be a community discussion, and the burden of a case for relocation and the benefit of it should be on the ones who presumed it to be in public benefit to do that. He said that a relocation would have a profoundly negative economic effect on the city.

Travis said that recent literature had shown evidence that smaller, less sophisticated and perhaps even less modern facilities managed to deliver better health care outcomes than modern mega-hospitals.

Philippa Guthrie noted her main concern with a hospital move was access to care for those who often need it the most – those with disabilities, elderly and poor. Their care would diminish, or become too difficult to access. She said she was a member of the board of both Volunteers in Medicine (VIM) and Centerstone, both located in close proximity to the hospital, which she said, provided almost all the tests for VIM clients, and many for Centerstone clients as well

Guthrie applauded Mayor Kruzan for creating a committee to study this issue, and urged members to put access to hospital care at the top of their agenda.

Kathleen Bartunek said she thought everyone would suffer in some way if the hospital was moved. She noted that when she came to Bloomington, she took note of the location of the hospital before she even located the grocery store. She said homes would lose value, and that close proximity to the hospital was important for people who lived within the city limits.

Isabel Piedmont-Smith said that the hospital had been nourished by the community for over a hundred years, and that the citizenry was getting a lack of respect, a lack of communication, and a disregard for those who were impoverished and lacked transportation to get to a more remote location. She said the decision for relocation was made outside of Bloomington, by those who had no relation to our community, and who would never have to deal with the brownfield that would be left.

She asked if members of the hospital board were present at the meeting or if there was a representative of the hospital present to hear the public remarks. She also said without facts to fill a void of information, she was left to jump to conclusions. She reiterated that it was necessary to support local control in businesses and in health care issues rather than depend on those who had no vested interest in the community at large.

Dr. Jean Creek noted he had been the Director of Medical Education at the Bloomington Hospital, its Chief of Staff, and founder of Internal Medicine Associates, but was now a private citizen with no affiliation with any of these entities except as a consumer. He said this issue went back several years to when the Local Council of Women was pressured into giving up local control of the hospital. He said while he never anticipated IU taking over health care here, he felt an obligation to support them because of his long affiliation with them. He noted he was greatly disappointed that there was no discussion with the local community about this relocation.

Creek said that sunshine was the best disinfectant, and added that he thought it was also true in this issue; it needed a lot more discussion.

He also said his Willie Sutton question was "Where is the money coming from?" and that was still unanswered. Noting that banks and bonding institutions would take note of disharmony in this decision, he hoped that there could be more discussion on the issue.

Larry Jacobs, with the Chamber of Commerce, said that IU Health Bloomington Hospital was the county's second largest employer, one of a regional nature with 36% of employees coming from out of county. He said that we were fortunate to have the quality regional hospital here, and that the employees were engaged in the community with many volunteer hours dedicated to various aspects of the community. He said they were engaged and wanted to help create possibilities for the reuse and redevelopment of the hospital property.

He added that the administration of the Chamber appreciated the efforts of Mayor Kruzan, the medical community, staff and hospital leadership in working to explore how it might be feasible to build on the existing site, and hoped that all would continue working for a solution for all parties concerned.

Dave Harstad, real estate broker, thanked the council for their concern regarding what he called 'this huge' issue surrounding the hospital. He said the debate should center on health care, and also should be most civil. He said he personally didn't feel that health care needs should trump the needs of the downtown and economic development.



He thought the hospital should be built somewhere else. He said he wrote a letter to the editor calling for people to carefully study the issue and ask tough questions. He said asking the hospital to use their old building was like asking someone to keep an old car for sentimental reasons. He said there had been changes in health care that created a need for a new facility.

He also asked the council to consider that if the hospital moved, they should not ask that the land be just given over to the city. He said that the land was exceedingly valuable and that the city itself should not be the owner and developer of this site, and that the city should not go further and further into the development business.

**Council Comments:**

Rollo noted a question about the presence of a representative of IU Health. Rollo said he invited Mark Moore, President and CEO of the South Central Region of IU Health Bloomington the previous day; Moore declined the invitation to attend. Rollo said that Moore indicated, earlier that day that he would send a representative of IU Health Bloomington to the council meeting to listen firsthand to input from the council and the public. He also noted to Rollo that IU Health would be responsive to the questions and comments heard at this meeting. Rollo noted that the statements made by the public were very important in this regard.

Rollo noted a lengthy memo written to the council from Moore regarding why the current site of the hospital was not feasible for a new hospital. Moore cited cost, length of time for construction, age of the facility, ceiling heights that would not accommodate new equipment, load bearing walls that would not accommodate new equipment, outdated infrastructure that limited ability for electrical service for ventilation and utilities, and the need to maintain an unusually large facility as reasons for the unsuitability of the current site.

Sturbaum said that in 2010 he and several others served on a committee that investigated facilities and possibilities. He said he recently found his file on this committee work, and noted that a consultant had made the statement *"Everything older than 30 years is obsolete."*

Sturbaum said the committee visited several hospitals in suburban and urban areas where they found 'serial rebuild' as a model. He noted that it meant as something aged, it would get rebuilt.

He said the consultants presented four options to the committee, looking at positive aspects and challenges of each option. He said that only one option renovated the existing facilities, which would have to be done one room at a time, which Sturbaum admitted was less than desirable. He also noted another option was to replace the hospital to the west of the existing site, while the existing hospital continued use during construction time. He said that would necessitate the acquisition of new land. He noted one option showed a phased redevelopment on the existing campus to the front of the existing hospital. The scenario would not require any new land but would place the building very close to the street, and would reuse several units in the existing hospital. The fourth plan showed replacement of the hospital to the east straddling Rogers Street, with a possible new medical office building on adjacent land. He objections were having patients in a construction zone, the cost of tens of millions of dollars more, and ongoing maintenance of the outdated facility at the same time which would divert funds from critical care.

Sturbaum said he agreed that a new hospital was needed, but did not agree that it needed to be outside of the town. He said there would be real harm to the community with the abandonment of the present site, along with medical facilities that would need to relocate as well. He said the community would be left with a mess, and left holding the bag. He added that he understood that Moore was trying to run a hospital and Sturbaum was sympathetic to that task.

Sturbaum read his statement from the end of the committee work:

Resolution 15-04 (cont'd)

*I would be so excited if the reinvestment was made at the current site. There are so many economic and sustainable issues that this would affect positively that everyone would be over the moon to see that kind of investment in the city. On the other hand, the current plan hurts the city in a number of ways. Health and safety would be negatively affected due to longer ambulance trips. Health care for the less fortunate would be more difficult. Walkability for visitors and staff is eliminated by the new suburban site. And an area that would be thriving if the reinvestment went to the current site would be left behind and blighted by the abandonment of the hospital after over a hundred years on the current site. I simply can't be happy with this plan. Costs would probably go up out there, the demolition of relatively new facilities that wouldn't need replacing for decades seems financially and sustainably ill-advised as well. I wish I could agree with you on this move, but I can't see this move as a positive to Bloomington.*

Concluding his statement, Sturbaum thanked everyone paying attention to the issue, and said he really thought the hospital would be rebuilt on-site.

Spechler said Sturbaum's comments were very helpful to him. He said he had a very different perspective. He said he worked in Comparative Economics, and it was a fact that the US spends more on medical care than any other developed country in the world. He said it was also a fact that the results from this medical care were lower than most countries in the world, with a lot of morbidity, sickness and unresolved medical problems especially in low income people and minorities. He said it was a fact that hospitals had been built to a luxurious standard, with sophisticated and expensive machinery just for prestige and that was not fully used. He said this equipment could be shared with other hospitals. He said this was a race between hospitals and their administrators for the prestige. He said medical care was too expensive for the poor results.

Spechler said he got a long call from Mark Moore, and regretted that he couldn't come to answer questions at the council meeting. He said Moore told him of the physical facilities that were inadequate, and Spechler said that his statements were persuasive. Moore also told him that some elements of the present hospital were okay, and Spechler said it all sounded very honest. Spechler said that the problem with the analysis left out the welfare of the patients. He never said that patients were not getting adequate care, and Spechler felt that Greg Travis' comment was most accurate in that new hospitals did not provide better outcomes for patients. Spechler said the welfare of the patient was the most important thing, and not money spent on another luxurious accommodation to satisfy prestige objectives of a small number of people who control the decision.

Neher said even though the council and community had been told to listen to the experts, it had been difficult to get engagement from them. He said conversations about health care outcomes had not been a centerpiece to any discussion, nor had the case been made for the downtown location not being viable.

Neher asked what the benefits to the hospital would be in moving ancillary services to the new site. He said the council had the obligation to ensure the best possible outcome and that that would begin with making the case to stay in the same place.

He added that if the hospital ultimately decided to relocate, the city had the obligation to hold the hospital accountable, as a community partner, to ensure that the present location would not be left as a brownfield, as in the case of Richmond, Indiana. He said the hospital demolition in Richmond was estimated at \$6M. He said this could not happen in Bloomington.

Neher said the time for reengagement was now. He said he looked forward to having a productive conversation that required a genuine engagement by hospital leadership.

Ruff said that IU Health Bloomington Hospital was a regional hospital, and it would most likely not change as communities outside of a certain range used hospitals in Indianapolis, Evansville, Louisville, Terre Haute and Columbus. He said this argument of growing a regional hospital didn't have much substance.

Ruff noted that hospitals in urban locations expanded in place all the time. He said it was not about renovation, but building a new facility which could be done on this site. He said the city had made the offer to the hospital administration and board to do whatever would be needed to keep the hospital in the existing location. He said the offer had even included declaring eminent domain for the hospital's use of land.

He noted the claim had been made that the city didn't have a right to claim any ownership of the hospital property. He said the cumulative value of federal, state and local forgone taxes that the hospital hadn't paid in its entire life, or economic transactions that it did not pay taxes on for decades, would represent the cumulative public investment and would be a staggering amount. Ruff noted they were served by the same infrastructure as the other tax paying citizens. He said, in a way, the citizens were investors and owners of the hospital. He said he rejected the concept that the city didn't have the right to make statements of their investment rights to the property.

Ruff said the hospital could not serve the community well at the proposed west side location, especially the population that was poor, elderly, or transportation challenged. He said the irony was this segment of the population defined the non-profit status of the hospital because the hospital provided services to this group.

He said arguments presented were a vague narrative created to justify the move which was actually being done for other reasons. He said this move was partly a real estate deal because the hospital itself would not need the whole 85 acres in the proposed area and could lease property to other medical interests that needed to be near the hospital.

Ruff cited recent literature which stated hospital moves, even for non-profit hospitals, were done to shed patients that were not able to pay or were not well insured by moving to an inaccessible location for them. He said amenities were for the well insured or people who could pay their own way.

Ruff said there was a way to work to ensure access to the poor and elderly and transportation challenged to have good access. He said they needed to have good proximity to Volunteers in Medicine, the Community Kitchen, mental health services, shelter accommodations, group homes and a host of other services. To ensure this, he said the community needed to work to make sure there was a full hospital on that current site whether it was this hospital organization or a different and new group. He said the same kind of offer of assistance and help, in zoning and transportation improvements, should be made to another hospital that might be interested in that site. He added that IU Health Bloomington Hospital may have rejected the city's offers, but another entity might be interested. He said that whoever used the site would be seen as the new Bloomington Hospital.

Ruff said patients and their families often had great experiences at the hospital, and the community appreciated that. He said that those experiences had everything to do with the professionalism, the skills, commitment, and compassion of the nurses, doctors, techs and support staff and EMTs along with other fundamental employees there. He added that it had little to do with the hospital administration and board.

Sandberg asked who would benefit from a new hospital in a suburban setting. She said the new structure would come at a cost to some folks,

namely the most vulnerable. She asked what barriers hospitals faced and speculated that it might have to do with who had the ability to pay for services. She said her personal experiences with high intensity patients cared for in hospitals and nursing facilities were not especially good. She said Medicare, Medicaid, insurance provisions and ability to pay for services dictated the care a patient would get.

She said that a package sewer system would be needed to service the new building at the west side location, and that was an issue that was still to be discussed.

She stressed the need for civility in pursuing more information as all involved should understand what was really involved in this decision.

Volan said he calculated some stats on mileage and drive times from various locations within the community to the present hospital and the proposed location at Curry Pike and SR46. He said places that one would think would have to be closer to the proposed location were not in actuality. He said at least half of the patients would not be better served with the same or likely worse travel times to the proposed hospital location.

Volan commented on the number of people who were present in the council chambers when there was a chance of another hospital locating within the city limits, and again when the Local Council of Women entertained a merger with Clarion. He asked why all those people were not at this meeting, and wondered about the tactics used to mobilize folks.

Volan said the hospital hadn't fully communicated with the city because they just didn't have to. He referred to his theory of a "College Driven Metro" where 15% or more of the population of an area was enrolled in a four year university, and where higher education was also the largest employment sector. He said the second largest employer in these areas was usually health care.

Volan noted that no one disputed the quality of care within the walls of the hospital, but people were concerned about the facility or campus, and the fact that it was controlled by an entity some distance away from the city of Bloomington. He said that he was concerned about the hospital's willingness to reinvest in the community. He wondered why, if the new hospital was going to be seven stories high, it couldn't be built in the parking lot at Second and Rogers Streets. He said the genuine engagement by the hospital with the city would be to share data on why they needed a facility so far out of town, the costs, and the details on why the move was necessary.

Volan said if the hospital left town, the courteous thing to do would be to remove the "Bloomington" name, so it could be left for another health facility.

Mayer thanked Sturbaum, his council colleague who served with him on the hospital location committee, for bringing his material from that committee work. He said the group had laid out four scenarios counter to the far location, but there was another scenario that he liked the best. He said the block surrounded by Rogers, Second Street, Morton Street and First Street would be a perfect site for a hospital after the structures on that block were cleared. He said the current site could be used until that time, and then repurposed.

Mayer said the neighborhoods surrounding the hospital had issues with employees parking on the neighborhood streets, and those cars should be considered, even as far as environmental concerns.

Mayer said the hospital should explain to the city their financial costs of building downtown compared to a greenfield site. He said the 85 acres out of town could be sold rather than building on it. He asked the hospital to please engage with the city, and give them some hard numbers to understand and work with.

Mayer said the council had received two letters from the hospital CEO

<p>Mark Moore, and that both talked about the value of patient care. Mayer said he hoped motivations to move the hospital did not go beyond that, because health care was about taking care of people.</p> <p>Rollo agreed the hospital cared about patients, but said the out of town location was not accessible to the most vulnerable people in our community, and called the move regressive and said it was done at the expense of those who could least afford it. He said it seemed to be motivated by elite care users. He said 85 acres must be meant to include more than a hospital facility.</p> <p>Rollo said he respected policy that was evidence based, transparent, and accountable to the public. He hoped the hospital would show some hard data related to this decision. He said there was no full cost accounting that included social costs to the community.</p> <p>Rollo said civility was achieved with partners working together with mutual respect, transparency and sharing of information. He said that until that happened, the process wasn't civil. He noted the irony of this resolution being sent out in the packet on Friday and the hospital announcing their move just hours later.</p> <p><u>Resolution 15-04</u> received a roll call vote of Ayes: 9, Nays: 0.</p>	<p><u>Resolution 15-04 (cont'd)</u></p>
<p>There was no legislation to introduce at this meeting.</p>	<p>LEGISLATION FOR FIRST READING</p>
<p>There was no public comment at this portion of the meeting.</p>	<p>PUBLIC COMMENT</p>
<p>Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday, February 20, 2015 at noon. Rollo said it was open to the public.</p>	<p>COUNCIL SCHEDULE</p>
<p>The meeting was adjourned at 11:12 pm.</p>	<p>ADJOURNMENT</p>
<p>APPROVE:</p> <p>Dave Rollo, PRESIDENT Bloomington Common Council</p>	<p>ATTEST:</p> <p>Regina Moore, CLERK City of Bloomington</p>

In the Council Chambers of the Showers City Hall on Wednesday, May 20, 2015 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
May 20, 2015

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

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

Marty Spechler said that the Plan Commission had recently granted a variance to the Graduate hotel proposed on E. Kirkwood for height restrictions. He said most people felt the hotel was too large for the streetscape, and noted that the Plan Commissioners didn't consult with the elected officials before their vote. He said the council presently had no authority to change this decision, but that the council intended to take action to prevent this type of 'mistake' by the Plan Commission, unelected officials, in the future.

REPORTS

- COUNCIL MEMBER

Spechler noted a possible problem with a liquor license being granted to the hotel because the three churches in the area had the ability to protest the issuance of a liquor license due to their proximity to the site.

Steve Volan, noting Spechler's comments, explained that the state legislature recently changed the restrictions on alcohol permits to allow houses of worship to waive their right of close proximity to establishments selling alcohol instead of what was formerly an outright prohibition of selling alcohol in these areas. He noted that this should have been known by the developer, because at this point in the process the churches had the choice as to whether the state would issue that permit or not.

Volan said that if he were on the Plan Commission, he would not have thought to check with the council regarding his vote. He said that years ago the council gave blanket authority to the plan commission to waive height requirements and that the council should act to revoke this authority immediately. He said he would be active in this measure.

Tim Mayer said he attended the dedication of the first two homes in the new Habitat for Humanity neighborhood. He was struck by the hospitality of one of the two homeowners who invited everyone to her front porch which she called the 'front porch for the whole neighborhood.' She offered to serve coffee or iced tea, depending on the season. He lauded Habitat for their work in this new neighborhood.

Beverly Calendar Anderson, Director of the Community and Family Resources Department, introduced Rafi Hasan, Safe and Civil City Director.

- The MAYOR AND CITY OFFICES

Hasan told a little of his background and said he was eager to work to make Bloomington a safe and civil city.

Spechler thanked Hasan for his invitation to meet with him.

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

President Rollo called for public comment, and there was none.

- PUBLIC

It was moved and seconded to appoint Chad Roeder and Andy Marrs to the Environmental Commission.

APPOINTMENTS TO BOARDS  
AND COMMISSIONS

The appointments were approved by a voice vote.

It was moved and seconded that Resolution 15-14 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-1.

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS

It was moved and seconded that Resolution 15-14 be adopted.

Mayor Mark Kruzan said the administration was prepared to answer any questions the council members had after the committee discussion of the previous week. He noted the web address for all the background materials for the bond issue.

Kruzan said the proposal was the culmination of months of preparation and years of prioritization. He said the staff was committed to the projects and also appreciative of the council's comments regarding various projects and the work that had gone into them so far.

Spechler asked when the council could expect substantial work on the Switchyard Park. Mick Renneisen said the master plan was available online for all to see. He noted that there would be approximately a two year window for completion of the Park after design, bidding, prioritization of the projects included in the bond, and the sale of the bonds. Spechler asked if late in 2016 was a reasonable time for construction to begin. Renneisen said it was.

Spechler asked how much was collected yearly from TIFs at the present time and if it was enough money to service the debt of the bonds. Controller Jeff Underwood said from 2008 through 2014 total TIF revenues collected in the Consolidated TIF was \$40,118,000. He noted the 2014 revenue was \$7,445,403. He said these figures were used by the consultants as the basis for the projections for the bonds -- the size and coverage. Underwood said the debt service on the bond proposal would be about \$3M per year.

Volan asked about using bond revenue versus using TIF revenue for certain projects. Underwood said no individual TIF would be able to bond and fund the Switchyard Park project because it was too large. He added that there were some projects that could not be finished in one year and would take a portion of revenues over a two to three year period. He said these two things necessitated this proposal's flexibility in financing.

In response to Volan's question on using TIF funds versus borrowing for projects, Underwood said that most of the city work was paid for by TIF revenues from 2009-2013. He added that bonds worth \$12M were sold to acquire the Certified Tech Park and help demolish some of the old buildings there, in addition to some ongoing projects. He said the consolidated TIF fund had a balance of \$15M which he called 'healthy' which would be used to fund other projects on the list. He said a combination of existing revenues, cash on hand and revenues that would come in over time would be used on projects.

Sturbaum asked about doing smaller projects that would culminate in the large park rather than planning and financing it all at once. He asked if smaller TIF amounts could be looked at the same way, rather than handling a huge amount at one time. Underwood said the choice was to not issue bonds and use a pay-as-you-go system or issue one large bond. He said the latter would allow the city to have an additional up front sum of \$25M for projects, and also allow for the maximizing of cash on hand and excess revenues. He said it was not a good practice to issue bonds annually because of the issuance cost and payback issues.

Sturbaum said he wanted to hear from Parks and Recreation regarding phasing and financing.

Mick Renneisen said the Switchyard Park was designed to be a four phase project. He said the B-line was planned as a three phase project and ended up being two, which saved one set of mobilization and demobilization costs. He also said that the impact of the B-line on the community (\$75M of investment within a half mile of the trail) happened four years earlier than if it had been a three phase plan. He said private development surrounding the Switchyard Park would enhance the area and quality of life for citizens, and the sooner the four phases could begin the sooner public dollars could be of use developing and enhancing the area.

Resolution 15-14 - A Resolution Approving the Issuance of Bonds of the Bloomington Redevelopment District, Acting in the Name of the City of Bloomington, Indiana, in an Amount Not to Exceed \$48,000,000 to Finance Acquisition and Construction of Certain Improvements in the Bloomington Consolidated Economic Development Area

Renneisen said the cost of labor and materials would only go up over time, and it was less expensive to not have a contractor repeatedly on and off site. He added, regrettably, the present situation with common construction wage made it cheaper to build now.

Sturbaum asked what percentage of the park project could be achieved within a 3-5 year period. Renneisen said 75% - 90% of the project might be completed. He said there needed to be remediation of ash and cinders on the property and that should be done at one time, rather than in phases.

Rollo asked what would happen with economic downturns and contractions. He asked if the city had experienced any revenue declines in the TIF during the recession of 2008-2010, and if Underwood had considered effects of any related contractions of revenues to the TIF fund in this proposal.

Underwood said a conservative approach was taken for coverage of the bond. He described approaches that would account for downturns or stagnation in revenue streams and still allow the city to cover existing debt and continue to provide funds for ongoing projects.

Rollo noted that development in the Tech Park and in the TIF would add to the assessed value and thus bring in more revenue, but Underwood chose to not include this in his conservative calculations. Underwood said there would be increased growth, but wanted to make sure that there were sufficient funds to pay the debt and to have the projects developed. He said there would be growth in those revenue streams.

Volan asked what the amount of savings with one larger bond issued now rather than multiple smaller bonds issued over time. Underwood said that rates would most likely raise by 50 basis points in the near future. He showed a slide that took this into effect with a \$10M bond issued in June 2015 and a \$30M bond issued in June 2016. He said that that scenario would cost \$2.1M in additional costs to bifurcate the bond issue. He said the savings in interest would be over \$1.5M.

Ruff asked for an example of a community that had issued bonds less conservatively.

Herschell Frierson, counsel from Crow Horwath said some other areas had less flexibility and tighter coverage of the debt.

Mayor Mark Kruzan clarified an earlier statement by saying that in his remaining time in office there would not be savings based on the change in common construction wage law. He said the city would continue to pay the wage prior to the change in law. He said that he hoped the council would hold future administrations to the same concept of trying to preserve the middle class.

Kruzan said he wanted to credit the council, and the preceding councils, with not listening to naysayers who cautioned against the financial expenses associated with the Buskirk Chumley Theater, the purchase of the Sportsplex, and the expansion of the water treatment plant. He said that in the last decade the city had faced down the recession to invest in itself, never backing down from investing in community priorities. He said the police and fire training facility, the B-Line, the Bloomington Entertainment and Arts District (BEAD), hundreds of acres of green space, the downtown transit hub and dispatch center, the Walnut and South Rogers streetscapes, a nationally recognized trail system and the water treatment plant were examples of these things that would serve generations into the future. He said the confidence and commitment of the council now would help finance a world-class Switchyard Park, an expansion of the downtown driven by the community's vision.

He said during his time in office, the council had stood as one that asked extremely difficult questions and that took a cautious approach. He said that this proposal was a chance for a 'once in a lifetime opportunity' rather than a missed opportunity. He said that he appreciated all the council had done to improve the quality of Bloomington making it a better place to live.

Kruzan said the proposal would allow for long time funding priorities of the community, but also would maintain flexibility within the funding. He



said the project list was not a firm list, but would reflect community priorities moving forward. He also said the proposal preserved cash and bonding capability for future years.

Public comment:

Larry Jacobs, Chamber of Commerce, said that 900 businesses were members of the organization. He thanked the council and Redevelopment Commission on their behalf. He said TIFs were important tools for local government to leverage funds for reinvesting within the TIF districts. He said that with changes that the General Assembly put into place, it was imperative for the city and county to act quickly or risk losing the funding option for the community and its investments. He said the Chamber was supportive of moving forward with extending the consolidated TIF through a bond at this time, recognizing that to do otherwise would jeopardize the ability to make investments in many projects that the community would like to see.

Jacobs said some members were concerned with the amount of the bond, even though the projects had general merit, adding that it was difficult for some to feel comfortable with the large amount. He noted that the Chamber acknowledged that the vote at this time was for the size of the bond, and not the list of projects as described. He said the Chamber supported bonding at this time, and would not like to see a TIF sunset prematurely without providing options to the community. He added that the Chamber would be presenting input on the projects as they moved forward.

Laurel Cornell, homeowner on South Rogers Street, resident of the Prospect Hill Neighborhood and Chair of the City of Bloomington's Tree Commission, was in favor of the TIF funding. She said it was an important economic development tool. She said the strength of the community was the strong economic development policies that had been pursued over the last several decades, which included innovative activities from the Parks Department. She asked for approval of the proposal.

Council comments:

Spechler said a large single bond issue approved at this time would allow for the best planning of all projects. He said if the staff was unsure that the funding was available, the planning would be uncertain and would have to take a variety of possibilities into account and would be more complicated. He said the large bond issue would make planning easier projects completed sooner. He thanked Underwood for his explanations.

Granger said she supported the bond for the TIF projects as they had been in the minds of the community for some time and would serve the community well as both a quality of life and economic development tool. She said this was a good opportunity to move forward on these projects. She said in the grand scheme of things, she felt that this was prudent and thanked Underwood for his conservative approach to the income projections and financing.

Granger read a statement from Susan Sandberg who was not able to be at the meeting. The statement:

*Last week my support was strong for Resolution 15-14 – approving the issue of bonds not to exceed \$48,000,000 to finance acquisition and construction. It's a big move, carefully calculated to move beneficial projects forward. This week, while not present to vote, I still say 'yes' to investing in a variety of projects important to the economic vitality and quality of life in the resourceful city of Bloomington. There's not a single category of projects included in this resolution that hadn't been part of the community conversations since my tenure on council began in 2007.*

*Sustainability and reuse, maintenance and building of public amenities and infrastructure, support for the arts and new public attractions, Switchyard Park, affordable housing, working with the private sector in development of the Tech Park to strengthen the urban core – all are valuable target for public investment and all will provide public benefits for residents of Bloomington. When council members participate in annual budget advances and the budget hearings, these projects are raised in our personal priority lists that we've developed through constituent contact and by keeping a careful watch on emerging community*

*needs. To have this opportunity to approve a significant amount of public funding for a significant investments in Bloomington's future progress is highly gratifying. As it always does, the seeds planted in this progressive administration will grow into the next, providing ample opportunities for future harvest and new beginnings.*

*Some have recently questioned the value of this resolution and have worried about risks. I embrace due diligence in thinking through these questions. However my questions have been answered and I am confident that the risk is not being taken without careful and conservative calculations. Projects do not move forward without our willingness to take calculated risks.*

*I encourage my fellow council members to remain optimistic in planning for Bloomington's future, and to vote 'yes' on Resolution 15-14. Our job is to provide public service and that does not happen without making a commitment to public investments.*

Sturbaum said he remembered waiting for the B-Line Trail to be completed. He said when the first phase of the B-Line was built, waiting for the next phase was hard because everyone wanted it. If the Switchyard Park was slowly built, or partly built or badly built, it could be a negative rather than a positive. He said he had seen the master plan for both the Switchyard Park and the Tech Park and the buildings that people expected to be built around the park. He noted that when the Shower's factory was repurposed, the change radiated out and spurred interest in the area. He noted that the city would build the commons – parks, streets, lights – and that would attract investors and developers. He expressed his support.

Volan said some issues had been confusing to the general conversation. He said the list of projects and capital priorities were not really in question, and the further layers of review later in the process was not the question. He said the question was to ask if the financing scheme was the most optimal scheme. He agreed that the council had been conservative in their approach to budgeting.

Volan noted his disagreement with Sturbaum's idea that common spaces needed to be built before developers would build. He said developers should have been required to build some of the infrastructure in the past so that the city would not have to do it now, referencing public goods. He noted his support.

Mayer said these projects had been in his mind for about sixteen years. He thanked the mayor for his prioritization as an essential part of the process. He said the Switchyard Park was important, and noted that he had participated in the B-Line Trail development process. He said that Mayor Allison and Lloyd Olcott had the dream that the rail line in the city could be replaced with a trail. He noted that Mayor Fernandez had worked his way through the legal hurdles to acquire the rail line and the switchyard. He added that Mayor Kruzan finished this public process by leading meetings for visioning and developing the master plan for the park. He said the park would change the community in positive ways, and it was a rare and positive opportunity.

Neher said he was grateful to be able to vote 'yes' on the bond issuance. He said the approach to laying out the funding mechanism, the answering of questions of the council, and the impact of the projects as they have unfolded with the community were points that he was grateful for. He noted attending the committee meetings of both the Switchyard Park and the Tech Park and said this was the culmination of those plans.

Neher said he was happy to see the upgrades to the animal shelter and several other initiatives that he thought were important on the project list. He said the Switchyard Park would change the Walnut Street corridor and called for people to get involved in the Growth Policies Plan and Unified Development Ordinance revisions that would be taken up by the next council and administration.

Ruff said the projects were key to the quality of life and therefore the strategy for economic development in the community. He said he needed to be convinced that the debt service on such a large bond issue would outweigh larger costs that would be incurred in issuing smaller bonds over

time. He said he needed to be convinced that this plan would not compromise funding in the future. He said he had been convinced that this plan was reasonably conservative and judicious. He called this a conservative approach to the issue and future interest rate increases. He said he appreciated the planning and presentation of this big step that promised big returns, and would support the resolution.

Rollo said he appreciated Mayor Kruzan's reflection and reference to projects that the council had reviewed and passed. He said he was wrong about his hesitancy to support the purchase of the Sportsplex, and relayed that to the director of Parks and Recreation. He said that society was experiencing a significant drag of costs related to debt service and energy. He said debt had been expanding by 8% per year for six decades, and wondered how much longer this could go on. He said economic performance from energy costs was countered by lowering interest rates to a record low, and other measures to stimulate the economy. He asked what the risks were to acquiring a debt that would take several decades to pay down, and thus his skepticism regarding this legislation. He said he had been convinced that the debt could be attended to, and that there was room for future priorities. He said the administration had aggregated a superb list of community priorities, and he agreed they were important to the community.

Resolution 15-14 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded that Appropriation Ordinance 15-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-1. She also noted that the public comment portion of this item was considered to be the legally advertised public hearing.

Appropriation Ordinance 15-01 – An Ordinance Authorizing an Additional Appropriation of Proceeds of Bonds and Any Investment Earnings Thereon.

It was moved and seconded that Appropriation Ordinance 15-01 be adopted.

Mayor Kruzan thanked the council for their 'vote of confidence' on the last resolution. He noted this was the spending mechanism for the previous item, and that Controller Underwood would answer any questions.

Spechler, referencing the 'dark box' valuation of large retail properties, asked how that valuation would affect the city's ability to generate TIF revenue. Underwood said if that policy were allowed to stand, there would be a few businesses in the Whitehall TIF that could be impacted and reduce the assessed valuation. He said city TIFs didn't have those properties and he didn't expect a major impact.

There were no comments from the public on this ordinance, however, Dan Sherman, Council Attorney/Administrator read two emails sent to the council:

*May 18, 2015 from Molly McLaughlin  
I live in Broadview Neighborhood and I LOVE the idea of Switchyard Park. I even love the name. I would be so happy to have my tax dollars go to building this park. Thanks for your time. Holly McLaughlin*

*May 20, 2015 from Evelyn Powers  
Dear Council: Were I able to be there tonight, I would, not only speak in favor of the \$3 million dollars for affordable housing, but, actually ask you to increase it!*

*A national study, just released, shockingly revealed that many Americans are paying up to 50% of their monthly income on rent. Though this was not shocking to me, many people seemed to be taken aback by it. With all due respect to one of the Mayoral candidates, still a member of the Council, affordable housing is NOT an "amorphous" term. One can either afford their rent, or, they can't. Those of us in the U.S. who are earning less than \$30,000 a year, before taxes, before Social Security, before Medicare, before Medical Insurance, Dental and Vision, find ourselves paying up to 50% of our net income on rent in Bloomington, not including utilities. When they were first advertising the*

*Patterson Pointe apartments, I got very excited until I realized I was earning \$1,000, yes, \$1,000 a year over the maximum they were allowing for their sliding scale rents.*

*At least one Council member (that I know of) thinks of affordable housing as Section 8 and/or Habitat for Humanity housing. However, there are, among the working poor, those who earn a little bit more than the maximum one can earn to even submit an application for either one of those housing options and THOSE are the people I am talking about here!*

*So, were I there tonight, I would, respectfully, ask you to raise the amount of monies for affordable housing to \$5 million dollars by either raising the total TIF Bond to \$50 million dollars (which you CAN do). or, trimming \$2 million dollars from one of the other categories.*

*I applaud our current Mayor for allocating \$3 million dollars...I really do! But, let's make this an even stronger, even more convincing push for affordable housing than we have ever seen in Bloomington! Let's set the example for ALL the other cities and towns our size in the State just as we have raised the bar for so many other things in our great city over decades and decades of insightful leadership!*

*Thank you. Evelyn Powers, 28 year resident of Bloomington*

Council comments:

Volan likened this appropriation to the budget process and asked if the council, like in the budget process, could cut funds from this appropriation. He asked if the council could increase the amount of the bond. Attorney Sherman counseled that the council did not have the authority to add funds to the total amount, it could only be cut.

Volan noted the city would build the common areas, and private business and other development would thrive on that. He noted that government's role was to build the infrastructure, and that he wanted to counter the notion that any authoritarian methods would be employed in this area of development. He was disturbed by the references to the area as a campus, noting that the Switchyard Park was the trellis on which a garden could be planted. He noted the city as a partner with the community.

Appropriation Ordinance 15-01 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded that Ordinance 15-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1

It was moved and seconded that Ordinance 15-11 be adopted.

Nancy Hiestand, Program Manager for Housing and Neighborhood Development and the staff liaison to the Historic Preservation Commission (HPC) was present to explain the ordinance.

Hiestand said she wanted to respond to Spechler's concern expressed in the committee meeting that historic preservation was antithetical to economic development, and that perhaps the HPC's mission and not-for-profit support systems may have been misperceived by the community. She noted that over the last decade historic preservation had been actively involved in economic development.

Spechler denied that he ever said that 'historic preservation was antithetical to economic development.' He speculated that his words were misinterpreted.

Hiestand said she wanted to correct her perception of his comment. She said Donovan Rypkema, an economist from Columbia University, spoke to the HPC in 2005. She said she drew heavily from his ideas for her statement. She quoted a professor from Singapore University:

*The influences of globalization have fostered the rise of heritage conservation as a growing need to preserve the past, both for continued economic growth and for strengthening national cultural identity.*

Hiestand noted her own skepticism of moving of the Farmer's Market to the Showers Plaza. She said, however, the market grew because it was couched in the historic setting.

Ordinance 15-11 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish Four Buildings at Six Addresses as Historic Districts - Re: Showers Brothers Furniture – Company Complex (Bloomington Historic Preservation Commission, Petitioner)

She noted that new construction on Kirkwood had attracted national chains, and the Tech Park would attract smaller businesses in the historic properties. She noted Bloomington Restoration Inc., and HAND had worked to build affordable housing, creating 80 new units. She said the city had also invested in properties that were not actually beautiful, but were developed for retail and other commercial uses. She showed slides of the City Bakery noting that the Kiln building in the Tech Park would have a similar look and use. She said the mission of Title 8 was filled by conservation districts and other measures that allowed neighborhoods to grow and change while protecting them from incompatible development.

She noted the square renovation had enhanced tourist attraction to the downtown, and noted, too, the BUEA had invested \$375,000 in grants to 15 different owners for projects in the downtown. She said rehabilitation jobs mainly used a larger portion of materials purchased locally rather than new construction.

She noted Arts and Culture projects for artists, galleries, heritage tourism signs, and walking tours which also created economic development. She showed a map of historic rehabilitation projects that were initiated by the restoration of the Showers Plant #1, now City Hall.

Hiestand gave council information on design guidelines and staff contact for the historic sites, and she said prospective owners and stakeholders were in agreement on this issue.

Rollo said it was common to get criticism related to preservation of historic structures.

Ron Walker from CFC Properties noted the revisions to the guidelines and agreed that the process was smooth and open. He said he wanted to thank the council, staff and commission for their openness to dialogue.

Duncan Campbell, Chair of the Monroe County Preservation Board of Review said he was an advisory member to the city's Historic Preservation Commission for many years. He said preservation was important to him, and he'd spent three decades as a contractor and consultant for both public and private developers and now worked as the Director of the Historic Preservation Department at Ball State University. He said the designation had been a long time coming. He said preservation of the downtown square and revitalization of the near west side had created many opportunities and had enhanced the city. He said historic preservation was a necessary partner, not an optional one, of economic development of any urban center. He said that this was a team project by the Historic Preservation Commission, the City of Bloomington, the Economic and Sustainable Development department, and private owners. He said that economic development and attracting new businesses created an enticement to the prospective developers for the site. He asked for support for this measure.

Spechler said he appreciated the value of historic preservation in some cases but was not an enthusiast. He said preservation of older buildings was an alternative use of valuable land in the city and judgment had to be made among the costs of preservation, value to people, and the advantage of a new building. He said in this instance, the case was only made for one side of the issue.

Spechler said new buildings could be attractive, would have better technology, and better ecological sustainability. He said to present historic preservation as THE way to economic development was one-sided, and often overdone. He said the designation of the Leonard's Laundry Building preserved one of the ugliest, least usable buildings in the whole city which should have been torn down and replaced by a modern building that would have contributed to the neighborhood. He said the ugly building was still there and he didn't understand why people thought it was a major accomplishment. He said he did believe that some buildings were renovated and preserved to the benefit of the city, but felt that the HPC only really presented one side of the issue to the council.

Spechler said he liked three of the four building in this proposal, but questioned the necessity of preserving the kiln building that he felt would

take a lot of money to correctly retrofit. He said it occupied land that could be a green space within the Tech Park. He said enthusiasm for historic preservation on the part of some people shouldn't overwhelm an alternative way to develop the city. He noted he would vote against the ordinance unless the kiln building was removed from the proposal.

Granger said preservation was valuable in relaying the history of a community. She said the kiln building reuse created an opportunity for creativity. She said society was quick to destroy buildings, and she liked the opportunity to be able to creatively reuse buildings. She thanked Hiestand for her well researched presentations.

Sturbaum said while he disagreed with Spechler on this issue, there was plenty of space for new buildings. He said the 1995 Preservation Plan outlined areas for new development. Consultant Rypkema noted there was room to build out for 50 years with just the infill possibilities within the city limits and historic buildings contributed character to new development.

Sturbaum said the process of developing guidelines was a good one that included many voices. He said they agreed on the theme, and enjoyed the idea of building technology in the place where technology was used in previous centuries.

Sturbaum said there could be both new and old in the creation of this space, and expressed his support.

Neher noted much conversation about the kiln building, and said if Spechler knew all the ideas that had been discussed about its use and potential, he might change his mind. He said the opportunities for the buildings to be anchor points for the Tech Park were enormous and he would support the ordinance.

Volan noted the disagreement on historic preservation and new construction. He said he was not fond of the Leonard's Laundry Building and the efforts to preserve it. He described the post WWII building period that tore out old buildings and built for the automobile era with parking lots like College Mall and Eastland Plaza. He said new construction was untested in its staying power. He said he felt that preserving buildings gave a cue to developers as to the types of new buildings the community desired. He said there was a strong rationale for historic preservation, especially the buildings that had been most congenial to society.

Mayer thanked Hiestand for her work on this project and ones before it.

Rollo said he was glad that CFC and the HPC were able to come to agreement on the design guidelines. He noted Hiestand's presentations were unparalleled in their detail and preparation, and that he had learned so much of the city's history from her. He said this area was integral in the city's history, and since so much of the area had been lost, it was a good idea to preserve the parts that remained.

Sturbaum noted that Mayor Allison, CFC and IU were all willing to take on the rehabilitation and preservation of the Showers Plant #1 so that the building could go into the future.

Volan said he would have liked to have heard Spechler's comments on the removal of the kiln from the proposal and asked why he did not make that motion.

Spechler said he didn't think the kiln would be used effectively and that the cost of renovation would be considerable. He didn't care to make the amendment against the rest of the council. He said he valued modern architecture as much as the old architecture, that opinions differed, and that successful cities integrated both. He said he wanted to point out that mistakes had been made in preserving some buildings in the past.

Ordinance 15-11 received a roll call vote of Ayes: 7, Nays:1 (Spechler)

It was moved and seconded that Ordinance 15-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0.  
It was moved and seconded that Ordinance 15-12 be adopted.

Ordinance 15-12 - To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

Jeff Cockerill, Monroe County Legal Department Attorney, noted he was the staff for the Monroe County Redevelopment Commission. He said this ordinance was needed because the city had annexed a portion of the Westside development before the county could issue bonds for the building of a road.

There were no council questions, no public comment, no further council comments on this ordinance.

Ordinance 15-12 received a roll call vote of Ayes: 8, Nays: 0

Ordinance 15-14 - To Amend Title 2 of the Bloomington Municipal Code, Entitled "Administration and Personnel" - Re: Amending BMC 2.18.050, Regarding the Rules and Bylaws for the Bloomington Redevelopment Commission, to Codify Certain Existing Internal Financial Controls

LEGISLATION FOR FIRST READING  
Ordinance 15-14

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 22, 2015, but noted it was not necessary to hold this.

COUNCIL SCHEDULE

It was moved and seconded to cancel this internal work session. The motion was approved by a voice vote.

The meeting was adjourned at 9:52 pm.

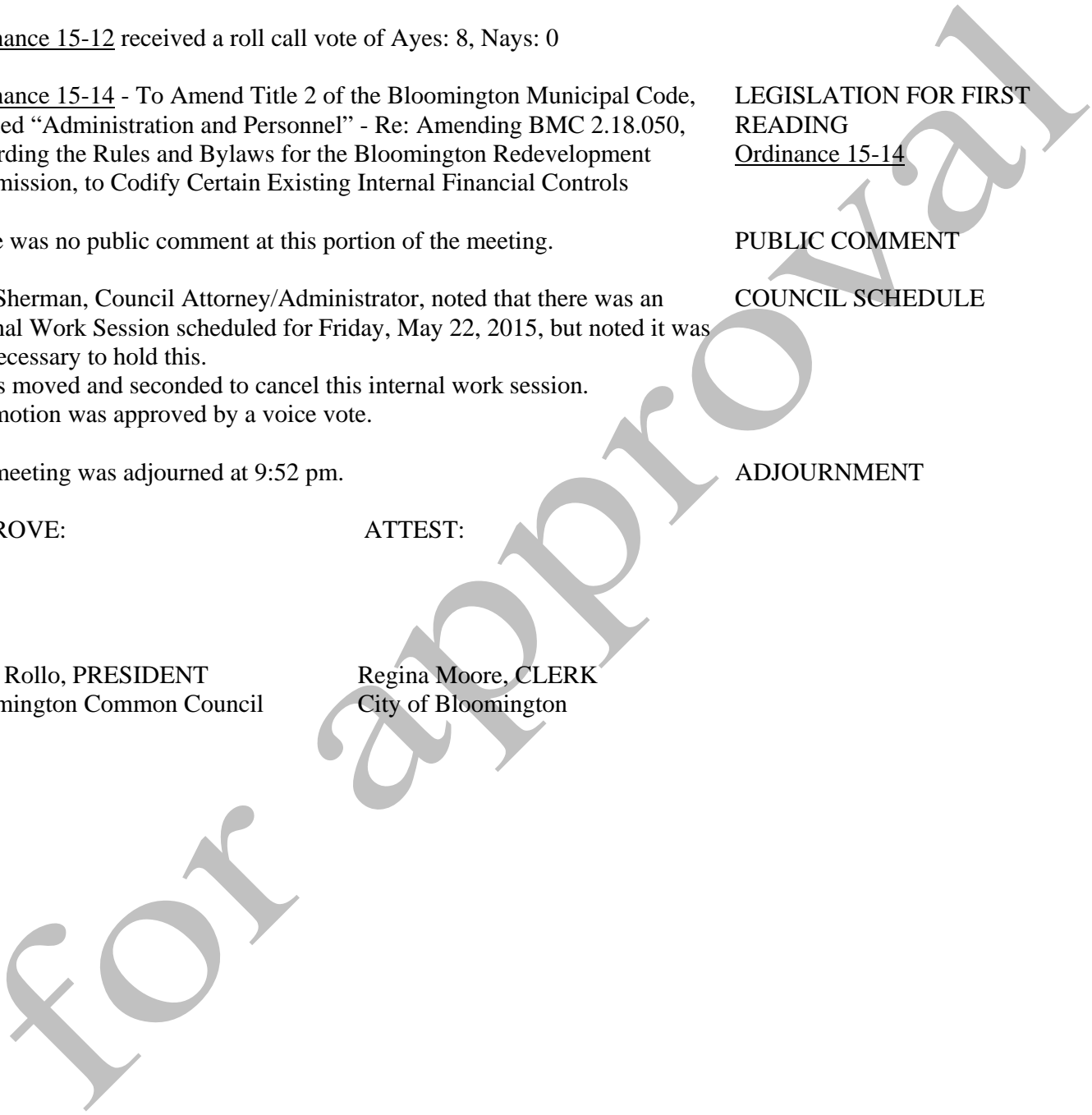
ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



In the Utilities Board Room, 600 E Miller Drive, on Wednesday, August 26, 2015 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
August 26, 2015

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

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes for April 8, 2015 and July 1, 2015 were approved by a voice vote.

APPROVAL OF MINUTES

Dorothy Granger noted the day, August 26, as Women's Equality Day. She said that Congresswoman Bella Abzug was responsible for this designation in 1971. She read the statement:

REPORTS

- COUNCIL MEMBERS

*This date was selected to commemorate the 1920 passage of the 19<sup>th</sup> Amendment to the Constitution granting women the right to vote. This was a culmination of a massive peaceful, civil rights movement by women that had its formal beginning in 1848 at the world's first Women's Rights Convention in Seneca Falls, New York.*

Granger said the day also, to her, called attention to the women's continuing efforts towards full equality.

Tim Mayer lauded organizers and musicians who participated in the 4<sup>th</sup> Annual Jazz Fest over the past weekend. He said the weather was cool and the jazz was cooler.

Volan welcomed students for the beginning of their school year, and noted that students were actual residents of the town as any other citizen, per the US Census. He invited them to reach out to their council representatives.

Sturbaum, approached by the Monroe County Health Department to write a letter of support regarding a health emergency, asked for the council to sign a letter of support for the needle exchange program that Monroe County Government would be asking the state to authorize in the county. He spoke about the program, the public health emergency in our community and about hepatitis and other diseases spread by the use of syringes. Sturbaum moved and it was seconded that the Council authorize distribution of a letter in support of the Monroe County Syringe Exchange Program.

- Authorizing a Letter in Support of the Monroe County Syringe Exchange Program

Sturbaum read the letter that had been prepared for the council to sign in support. *That letter is attached to these minutes.* He introduced Penny Caudill, administrator of the MCHD, who said the letter was eloquently written. She noted the Monroe County Commissioners would have a hearing on September 4, 2015, with the intention of asking the state to allow this program in the community. She said these programs were not new to our nation or state; there were models for these programs. She said syringe exchanges did not increase crime, and noted other safety precautions in an exchange program. She thanked the council for their support.

Spechler asked Caudill how the program was a link to treatment for addictions. He asked what the community was doing for addictions. He asked how the program worked.

Caudill explained the process saying that those exchanging syringes were given intake numbers similar to other programs that required confidentiality. She added that they were also linked to other services so that they could begin a process of becoming more stable and then begin to think of addiction treatment. Caudill said the Health Department was looking to all community partners to provide a plan to provide services to these people.



Spechler asked about the activities of the people who did the intake of the people who came to exchange needles. She said they would be submitting a plan to the state regarding the entire program and would be assessing, re-evaluating and making adjustments as the program progressed. She further explained the process of applying for the program, through the review and approval process to local implementation. She said the project's approval by the state's Health would include a requirement for regular routine reporting.

Sandberg asked about confidentiality and who the partners for coordination of delivery of services would be. Caudill said that for the program to work, there had to be a decriminalization so that the person entering the program could not be followed out of the program and be arrested. She said the program would need to coordinate with law enforcement and the health department.

Neher asked how long it would take for the process of approval and the start of the program. Caudill said the Health Commissioner had 10 days after the submission of the application to approve, deny, or ask for additional information. She said they were already working with community partners on this issue, and added that program implementation within a month was a reasonable expectation.

Volan asked how privacy would be assured and how would she answer someone that was afraid they'd get turned in to law enforcement. He also asked how the intake people were trained for their jobs. Caudill said that some counties used their health department staff to do intake. Monroe County might rely more on partner agencies that already be familiar with that target population. She said rapport built between people and the providers helped get those people to the other types of services they needed. She said the partners already had some of those protocols with regard to confidentiality and disease already in place.

Sandberg asked what other options were available for those who wanted a second step, actual drug treatment. Caudill said it was a fact that there were not enough resources in Monroe County for folks to have help exactly the day they want it. Centerstone had been part of the partnership in the program, but there were also some grants to fill gaps in treatments options that the health department was looking for.

Spechler said there was a danger of a person who had Hepatitis C or HIV passing a needle to someone else for their use, i.e., sharing needles. Caudill noted that many addictions start as a prescription drugs addiction and then the person might move to heroin because it was cheaper. She said then they ended up using the drug in order to not be sick and feel awful. Spechler asked if the needles could be obtained for another person.

Caudill noted that the needle exchange would be preventing the use of needles that had been used before, as even one person using the same needle repeatedly posed health issues. Rollo noted that there was a hazard having used needles left around, and that it would be an educational effort to get the needles back.

Spechler said the press should know the council was trying to mitigate harm, and was not endorsing the use of illegal drugs.

Mayer thanked Sturbaum, Dan Sherman, and Stacy Jane Rhoads and Penny Caudill for collaborating and for their help in crafting this letter.

Sandberg said she had gotten a letter from social worker Donyel Byrd who related a story of a person who was addicted, overdosed and ended up, while getting treated, having criminal charges levied. Sandberg said that it was overwhelming that someone who was trying to get help had that burden of those charges added to the issues faced. She thanked Caudill for answering all the questions.

Neher said “*opposition to needle exchange programs are both stupid and dangerous,*” while quoting a news headline. He said the Syringe Exchange Program would save lives, not in just keeping people from dying, but in protecting people through programs that have been proven to be effective. He noted the long-time successful exchange program in San Francisco as an example. He said San Francisco had one eighth the number of discarded needles on the street as Miami, even though Miami had half the number of users. He said the cost of treatment of HIV was about \$120,000 per year, and the protection of even one person was the right thing for this community to do. We should celebrate this rather than push back and say it was a wrong thing.

Council letter supporting  
needle exchange program (*cont’d*)

Sturbaum said there had been seven deaths this year due to heroin related overdoses in Monroe County. He said the needle exchange program could give people a true point of entry into a system of help. He said addictions could make someone so isolated that they didn’t have access to health care or the kind of drug that could stop one from dying of an overdose. He said he was glad the Monroe County Health Department was working on this, and thanked the council for supporting the letter.

Rollo asked Caudill to come back to report to the council after the program had been instituted.

The motion to support the Monroe County Syringe Exchange Program with a letter from the council received a roll call vote of Ayes: 8, Nays: 0.

There were no reports from the Mayor or other City Officers.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC

There were no reports from council committees at this meeting.

President Rollo called for public comment. There was none.

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

APPOINTMENTS TO BOARDS  
AND COMMISSIONS

There was no legislation for Second Reading or Resolutions at this meeting.

LEGISLATION FOR SECOND  
READING AND  
RESOLUTIONS

Ordinance 15-16 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Chapter 2.21 Entitled “Department of Law” to Include “Veteran Status” and “Housing Status” as Protected Classes in the Bloomington Human Rights Ordinance

LEGISLATION FOR FIRST  
READING

Ordinance 15-16

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

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator noted the council would meet in the Utilities Board Room on September 2, 2015, and that meetings on September 9<sup>th</sup> and afterwards would be in the council chambers.

COUNCIL SCHEDULE

The meeting was adjourned at 8:14 pm.

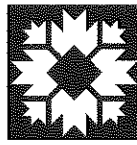
ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



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

26 August 2015

Monroe County Commissioners  
100 West Kirkwood Avenue Courthouse, 3rd Floor  
Bloomington, Indiana 47404

Dear Monroe County Commissioners:

Our community is suffering a public health crisis. In recent years, the rate of Hepatitis C infections has soared among our community's residents: from 2009 to 2014, Hepatitis C cases in Monroe County increased 83 percent. This is largely attributable to injection drug use, including heroin. According to data provided by the Indiana University Health Bloomington Hospital, heroin poisonings resulting in trips to the hospital have increased more than 50% each year for the last three years.

Being sick with the Hepatitis C Virus is costly. New treatments for Hepatitis C cost \$1,000 per pill and the cost of one, 12-week course of treatment runs fully \$84,000.<sup>1</sup> Left untreated, Hepatitis C may progress into grave liver disease, including cirrhosis, liver cancer, and liver failure requiring expensive transplant.

Hepatitis C infection can be prevented through a syringe exchange program. Syringe exchange programs have been supported as a harm reduction strategy by many health and governmental organizations, including the Centers for Disease Control, the American Medical Association, the American Psychiatric Association, and, the U.S. Conference of Mayors. When used as part of a comprehensive public health response, syringe exchange prevents the spread of disease, saves lives, and connects residents to vital care. Indeed, exchange programs are often an important link to mental health and addiction treatment, and serve as key entry points for other health care services, such as testing for blood-borne illnesses and STDs; vaccinations; overdose prevention kits; and, education and counseling.

Significantly, syringe exchange programs save money. One study found that for every dollar invested in a preventative exchange program, \$3-\$7 is saved in treatment costs.<sup>2</sup> To wit: the cost of a syringe is approximately \$0.50 while the average cost of treating a blood-borne disease triggered by use of shared needles, such as HIV, can range from \$385,200-\$618,000.

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<sup>1</sup> amfAR, The Foundation for AIDS Research, *Hepatitis C and Drug Pricing: The Need for a Better Balance*, Issue Brief (February 2015).

<sup>2</sup> amfAR, The Foundation for AIDS Research. Retrieved from <http://www.amfar.org/>.

On August 20, 2015 the Monroe County Health Department declared a public emergency for our community. As officials charged with protecting the health, welfare, and safety of City of Bloomington residents, we urge a swift and robust implementation of the Monroe County Syringe Exchange Program. The lives of our community's residents and our collective community wellbeing depend on it.

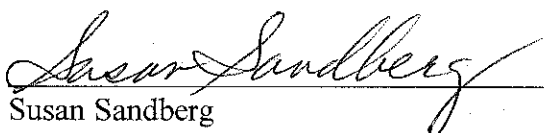
Sincerely,



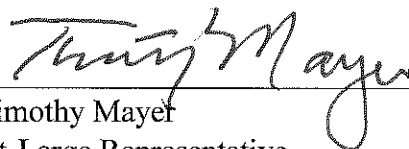
Dave Rollo  
President and District IV Representative



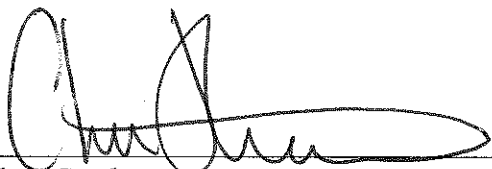
Andy Kuff  
Vice President and At-Large Representative



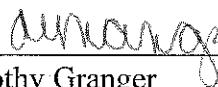
Susan Sandberg  
Parliamentarian and At-Large Representative



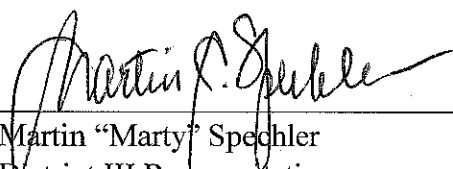
Timothy Mayer  
At-Large Representative



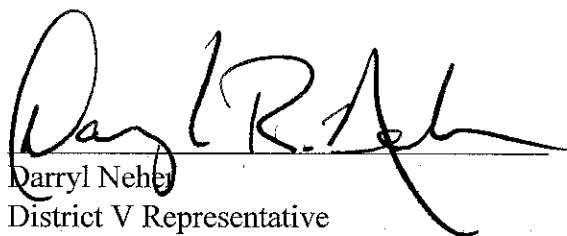
Chris Sturbaum  
District I Representative



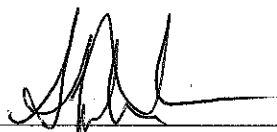
Dorothy Granger  
District II Representative



Martin "Marty" Spechler  
District III Representative



Darryl Neher  
District V Representative



Steve Volan  
District VI Representative