

City of Bloomington Common Council

Legislative Packet

27 August 2014

Regular Session and Committee of the Whole

All legislation and background material contained herein.

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



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading:

None

Legislation and Background Material for Items Introduced and/or Discussed at the Council Meetings on August 27th:

- **Res 14-16** To Approve an Update to the City of Bloomington's Americans With Disabilities Act (ADA) Transition Plan
 - Memo to the Council from Vince Caristo, Bicycle and Pedestrian Coordinator;
 - Draft Americans with Disability Act (ADA) Transition Plan

Contact: Vince Caristo at 349-3473 or caristov@bloomington.in.gov

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

Contact: Patty Mulvihill, 349-3426 or mulvihip@bloomington.in.gov

Material Regarding Tax Abatement for Mixed Use Project at 304 West Kirkwood (Elmore Y Orrego, LLC, Petitioner)

- Memo to Council from Danise Alano, Director of Economic Development and Jason Carnes, Assistant Director for Small Business;
- Aerial Photo of Site;
- Application for Tax Abatement;
- Statement of Benefits for Abatement on 1) Real Estate and 2) Personal Property (IT Equipment); and
- Estimate of Property Tax Calculations
- **Res 14-14** To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements and Personal Property - Re: Properties at 304 W. Kirkwood Avenue (Elmore Y Orrego, LLC, Petitioner)
 - EDC Res 14-02
- **Ord 14-16** To Designate an Economic Development Target Area (EDTA) - Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300 (Elmore Y Orrego, LLC, Petitioner)
 - EDC Res 14-01

Minutes from Regular and Special Sessions:

- March 12, 2014 (Special Session)
- March 26, 2014 (Regular Session)
- July 2, 2014 (Regular Session)

Memo

Four Items for Introduction at the Regular Session and/or Discussion at the Committee of the Whole on Wednesday, August 27th

There is a Regular Session followed by a Committee of the Whole next Wednesday night. Two ordinances will be introduced at the Regular Session and those ordinances along with two resolutions will be discussed at the Committee of the Whole to be held immediately after the first meeting. All the relevant legislation and associated materials are enclosed in this packet and summarized herein.

**Legislation Listed in Order of Consideration at the Committee of the Whole on
Wednesday, August 27th**

**Item One – Res 14-16 – Approving an Update of the City’s
ADA Transition Plan**

Res 14-16 approves an updated Americans with Disabilities (ADA) Transition Plan (Plan), which was initially adopted in 1990 and last revised in 1996. The development and approval of these plans is a means to implement aspects of the ADA and, along with offering good or best practices to improve accessibility for persons with disability, are also required to receive federal funding.

As mentioned in the memo from Vince Caristo, Bicycle and Pedestrian Coordinator, the ADA “prohibits state and local governments from discriminating against people on the basis of their disability and from excluding people from participation in programs, services, or activities because of their disability.” The ADA, in particular, “requires all public agencies with more than 50 employees to maintain an up-to-date Transition Plan, which should survey accessibility barriers in programs and services and a plan to remove them.” The memo assures that the “update will satisfy the ADA Transition Plan requirements of the FHWA (Federal Highway Administration), HUD (Housing and Urban Development), and other federal agencies.”

As noted above, the Plan should survey accessibility barriers in programs and services and implement a plan to remove them. The proposed Plan, focuses on City facilities and right-of-ways by first evaluating their accessibility and second prioritizing improvements.

City facilities include its buildings, parks, and trails. Here, “based upon guidance from INDOT and the FHWA, the Plan complies with the Public Right of Way Accessibility Guidelines (PROWAG) as the standard to follow for the design and construction of facilities in the public way.” PROWAG standards are in the course of being adopted at the federal level and, in anticipation of that change, have been adopted by the City’s Board of Public Works. (See Appendix A of Plan – page 15)

The Plan found that all the parking facilities and all but two buildings were compliant, with a bathroom in one fire station and the basement of the Police Department inaccessible. In both cases, the facilities were rarely, if ever, used by the general public and a low priority for correction. Given that they are largely green space, parks were a different story, where trails, in particular, were identified

as inaccessible. Asterisks in the associated tables indicate issues that would be addressed this fall and in the Parks 5-Year Capital Plan.

The bulk of the Plan evaluated and prioritized improvements to the City's 178 miles of sidewalks and curb ramps. Here, the Plan assigned an "accessibility" grade and a "location" grade. An "accessibility" grade was based upon a 100-point, 10-criteria¹ system where an "A" was assigned to sidewalks and curb ramps with at least 70 points and few or no barriers to accessibility and a "C" assigned to those with 50 points or less and significant barriers to accessibility. Approximately 1.36 miles (or less than 1%) of the city sidewalks fell into the latter category. The "location" grade is based upon whether the sidewalk or ramp serves a government facility², commercial area (which includes the IU campus), or other areas. These grades were then placed in a table where sidewalks with the lowest accessibility grade (i.e. "C") and serving government facilities, were given the highest priority and sidewalks and ramps with the highest accessibility grade located in "other areas" being given the lowest priority. According to this table, approximately 4.71 miles (or 2.6%) of city sidewalks are in the highest priority for improvement at a cost of about \$440,668.

Under the newly adopted PROWAG guidelines, all new construction of sidewalks along with repaving, traffic signal improvements and repairs will require the City to update associated pedestrian facilities (including accessible signal equipment) to the maximum extent possible.

The City's Human Rights Attorney, Barbara McKinney, also serves as the ADA Coordinator, and in that capacity both educates community businesses about their responsibilities under the Act and investigates allegations of violations of the Act. Another requirement of the Plan is that the grievance procedures be set forth; these are set forth in Appendix B (page 16).

Please note that a period of public input was provided as required by the regulations. (See page 13 of the Plan). That part of the Plan involved a presentation to the City's Council on Community Accessibility which has worked for decades to improve access for persons with disabilities within the City (and some of their accomplishments are noted in the Plan – on page 14).

¹ Sidewalks were rated on their grade, cross-slope, surface condition, heave, and pathway obstacles and curb ramps were rated on their street elevation, slope, cross-slope, transition area, and presence of a detectable warning.

² A government facility is defined as one owned by the City of Bloomington, Monroe County Community School Corporation, or the U.S. Postal Service.

**Item Two – Ord 14-15 -
Amending Ordinances Establishing the McDoel, Prospect Hill, and Garden Hill Conservation Districts to Exempt Paint Color Changes from the Certificate of Appropriateness Requirement and Making Other Changes to Reflect the Full Historic District Status of these Districts**

Ord 14-15 exempts three historic districts from the requirement that residents obtain a Certificate of Appropriateness when changing the exterior paint color of a structure located within a historic district. State statute provides that in an ordinance approving the establishment of a historic district, a unit may exclude changes in paint colors from the activities requiring the issuance of a Certificate of Appropriateness. I.C. §36-7-11-20. The Bloomington Municipal Code mirrors this option for paint color exclusion. BMC §8.08.010(f). Absent an exemption by way of ordinance, any conspicuous change in the exterior appearance of any historic building or appurtenance thereto, requires that a certificate of appropriateness be issued by the Historic Preservation Commission before work can commence (I.C. §36-7-11-10; BMC §8.08.020).

Recall that both the McDoel and Prospect Hill Conservation Districts were recently determined to have elevated to full historic status pursuant to I.C. §36-7-11-19.³ McDoel became a full historic district in 2004 and Prospect Hill elevated to full historic status in 2011. Garden Hill elevated to full historic district status in June 2014. Because these districts became full historic districts upon automatic operation, rather than action of the Council, the ordinances establishing these areas as Conservation Districts must be amended to exempt a change of paint color from the Certificate of Appropriateness requirement.

This exemption is endorsed by key stakeholders. The residents and neighborhood associations associated with each of these districts have expressed their support for this exemption. The Bloomington Historic Preservation Commission passed a resolution in support of these exemptions on 14 August 2014. As indicated in the accompanying Memo from Assistant City Attorney, Patty Mulvihill, and HAND Director, Lisa Abbot, staff also support these changes.

The ordinance also makes housekeeping changes to reflect the full historic status of these districts. It amends Chapter 8.20 of the Bloomington Municipal Code, the “List of Designated Historic and Conservation Districts” to update the status of these

³ This provision directs that a Conservation District automatically elevates to a full Historic District at the end of three years unless a majority of property owners object in writing.

districts to full historic districts. The ordinance also amends the titles of the maps attached to each district to reflect full historic district status.

**Items Three and Four –
Res 14-14 and Ord 14-16 - Proposing a Tax Abatement for the
Demolition and Construction of a New Mixed Use, Commercial and
Residential Project at 304 West Kirkwood
(Elmore y Orrego, LLC, Petitioner)**

The memo from Danise Alano-Martin and Jason Carnes explains a proposed tax abatement for the demolition of a one-story building and construction of a four-story replacement at 304 West Kirkwood, which is immediately west of the B-Line Trail. The owner of the property is Elmore Y Orrego, LLC, which is comprised of two principals who operate businesses within the current ill-fitting structure and intend to continue to do operate on site after the more suitable structure is built. One principal, D.G. Elmore, is founder and CEO of Cornerstone Information Systems (Cornerstone) which “provides technological solutions to more than 450 global travel management companies (such as Gant Travel), corporate travel departments, and online travel agencies ... (which) help improve efficiency and profitability of their clients’ reservation and information management systems.” The other principal, Mat Orrego, is Chairman of Gant Travel Management, which is a longstanding service company that arranges business travel, manages corporate travel, and supports vacation travel (and also has its “back-office accounting personnel” in the building).

The total project costs will be about \$14.6 million, with about \$11.5 million invested in the new building. That building “will include commercial space (office or retail) on the first floor along the B-Line Trail, apartments on the second and third floors, and condominiums on the fourth floor” (with a total of 35 units and up to 65 bedrooms). The rental units are designed to be convertible to condominiums and “will be marketed to professionals searching for leasing outside of the seasonal student market.” Sixty-eight parking spaces will be onsite with about 61 within the building (accessed by alley to the west) and 8 outside. An amount approaching \$2.7 million will go towards relocating the storm water infrastructure, street and public plaza work, and design and soft costs associated with the project. Another \$400,000 will be invested in information technology equipment for Cornerstone whose operations have global reach and involve hosting and co-locating hardware and software for hundreds of customers.

Evaluative Criteria in New Local Guidelines. In 2011, the City adopted new local Tax Abatement Guidelines (General Standards).⁴ The General Standards set forth, in part, four evaluative criteria for tax abatement projects that all address, in one way or another, whether the project makes a “significant contribution to overall economic vitality” of the City.⁵ Those criteria and how this project meets them are summarized in the following bullet points (and are followed, later in this memo, by more specific benefits relating to various statutory criteria):

- Quality of Life/Environmental Sustainability –
 - the project:
 - Supports sustainable development and living by adding residential density in the urban core, where residents typically use less private transportation, less new public infrastructure, and less energy resources;
 - will improve 4,000 sf of plaza space within the public right-of-way adjacent to the B-Line Trail;
- Affordable Housing –
 - While the project offers market-rate residential units, it serves other housing goals by catering to professionals (with units that are or can be converted to condominiums) and, thereby, aiming to diversify the tenant mix of the downtown;
- Community Service –
 - One of the principals, Mat Orrego, has been an advisory board member of the Bloomington Technology Partnership since it was founded and has been “extremely valuable in guiding the strategic efforts” of this organization;
- Community Character –
 - The project complements the City’s goals for the downtown by bringing professionals there and investing in the B-Line Trail network. (*See summary and application for more information*).

Initiative Requires Three Pieces of Legislation Over Two Legislative Cycles

The tax abatement for this mixed use project will require two resolutions and an ordinance. The first resolution, **Res 14-14**, designates an Economic Revitalization Area (ERA), approves two statements of benefits, and authorizes a 5-year period of phased abatement on improvements in real estate and a 10-year 100% abatement on investment in personal property (computer equipment). Please note that, in this case, it does *not*

⁴ With passage of [Res 11-01](#).

⁵ Please note that the General Standards offer petitioners the opportunity to offer contributions that do not fit into the four criteria.

declare the intent to waive certain statutory requirements regarding the timing of the development in relation to the decision to grant the abatement.

The second resolution needed for tax abatements, **Res 14-15**, confirms the first one. *Please note that the statute requires that we hold a legally-advertised public hearing before adopting this “confirming” resolution, which is scheduled for September 17, 2014.*

The ordinance for these tax abatements (**Ord 14-16**) establishes an Economic Development Target Area (EDTA), which is necessary for the proposed market-rent residential uses⁶ to be eligible for tax abatements.

Resolution Designating the ERA, Approving Two Statements of Benefits, Authorizing a Period of Abatement of 10 Years on Real Estate and 5 Years on Personal Property, and Taking Other Actions Regarding this Project

As mentioned above, **Res 14-14** makes a number of statutory determinations for this mixed use project. The following paragraphs summarize those determinations.

ERA. The first determination designates the property as an Economic Revitalization Area (ERA), which entails a finding that the property is not susceptible to normal growth and development. In that regard, the:

- building’s “one-story construction and awkward layout ...is a severe obstacle to Cornerstone’s potential for employment growth on the site” which would be removed with the new construction; and
- the site is also included in the following incentive districts intended to encourage development - the Community Revitalization Enhancement District (CRED), Bloomington Urban Enterprise Zone, and the Downtown Tax Incremental Finance (TIF) District.

ERA in TIF District. Since this site lies within the Downtown Tax Incremental Finance (TIF) District, statute also requires that the Council approve the ERA designation in light of that fact. TIF Districts are a local financing device authorized by statute, which set aside increases in taxes on real estate⁷ above a base year which are then used to carryout improvements according to the plan for the district. Any abated property taxes would not be deposited in the TIF and, therefore, not available for that purpose. The memo indicates that the abatement would not adversely affect the TIF because it is limited to a phased, 5-year period and there are sufficient revenues to meet

⁶ Please note that this designation would also allow certain retail uses to locate at this site.

⁷ Steps have not been taken to capture personal property taxes in the TIF district fund.

existing debt obligations. The material also indicates that the project does not involve any public investment.

Statement of Benefits. The second set of determinations approves the two Statement of Benefits. In so doing, the resolution finds that the stated benefits are a reasonable and probable outcome of the development and, in their totality, justify the tax abatement.

The benefits for improvements to real estate include:

- investing \$11.5 million on these improvements and increasing the assessed value (AV) of this parcel by an additional \$5.36 million for a estimated AV of \$6.3 million;
- improving the quality of life for the downtown by:
 - attracting at least 35 professionals as residents to the urban core;
 - opening the first floor to the B-Line Trail; and
 - increasing the “business viability” of the site;
- relocating storm water infrastructure and improving a public plaza and at least 250 lineal feet of public trails next to the B-Line Trail; and
- retaining 54 employees (52 full-time) with a payroll of \$3.64 million and adding 11 new FTEs (10 full-time and 2 part-time) positions for an additional payroll of \$825,000, all of which will comply with the Living Wage requirement of \$12.06 per hour.⁸

In addition to the job retention and expansion and enhancements to the quality of life of the City’s downtown, the benefits for investment in personal property (information technology equipment) include:

- \$400,000 of new technological investment with a net increase in AV of about \$62,000.

Additional Reasonable Requirements. Statute authorizes the City to impose additional, reasonable requirements on the project beyond those listed in the Statement of Benefits, as long as those benefits are cited in the resolution. Failure to make reasonable efforts to comply with these requirements, like the commitments in the Statement of Benefits, may become a basis for rescinding the abatement. These additional requirements include:

- the capital investment of at least \$11.5 million for real estate improvements and an estimated \$400,000 for new information technology equipment to be

⁸ In the case of some positions the requirement will be met by a benefits package (i.e. health insurance) the value of which can satisfy up to 15% of the hourly wage.

completed within twelve months of the completion date as listed on the application (11/30/15);

- the land and improvements will be developed and used in a manner that complies with local code;
- the Petitioner will comply with all the compliance reporting requirements as set forth in statute and the Memorandum of Agreement (including the Living Wage requirements).

Period of Abatement – Real Estate and Personal Property. The next action relates to the periods of tax abatement for the real estate and personal property components of this project. Please note that the State legislature provides for a 1-10 year period of abatement for real estate and personal property with, typically, a sliding scale of deductions, but also allows for an alternative schedule, with full deductions throughout the period of abatement.⁹ A recent change in State law will allow for a more generous deduction for business personal property in the future. Here, the resolution proposes a 5-year sliding deduction schedule for real estate and a 10-year, 100% deduction for personal property.

Tax Calculations – Real and Personal Property. In her memo, Danise Alano-Martin, has provided estimates of the tax consequences of granting these abatements.¹⁰ Calculations regarding the abatement of taxes on real estate indicate that the owner of the property would pay approximately \$477,526 and would forego approximately \$716,289 over the 5-year abatement on real estate and pay approximately \$238,763 per year thereafter. Calculations regarding the abatement on personal property indicate that the property owner will pay forego payment of the entire tax obligation of \$29,067 over the 10-year period of abatement and then pay taxes on the value of those assets at that time.

Additional Enforcement Provisions. The resolution provides for two enforcement provisions that were introduced with the adoption of the new General Standards in 2011. The first requires the petitioner to enter into a Memorandum of Agreement with the City that sets forth the petitioner's obligations and consequences for failing to comply with them. The second provides for what is called a "clawback" of payments in the event the petitioner ceases to operate at this site and the Council finds the petitioner

⁹ IC 6-1.1-12.1-4 (for real estate), IC 6-1.1-12.1-4.5 (for personal property), and IC 6-1.1-12.1-17 (for alternative deduction schedule).

¹⁰ These estimates are only approximations which are based upon the current AV of land and improvements, the 2014 tax rate, and the assumption that the AV will equal the amount of the investment.

intentionally provided false information concerning its plans to continue operation there.¹¹

EDC Action. On June 27th, the Economic Development Commission met and recommended these actions with the adoption of Res 14-02 (*Attached*)

An Ordinance Establishing an Economic Development Target Area Designation for the Retail and Market Rent Uses

Ord 14-16 designates this redevelopment project as an Economic Development Target Area (EDTA). The EDTA is a statutory designation that may only be applied to 15 % of the City’s jurisdiction and allows tax abatements for uses that would not otherwise be eligible for them (See I.C. 6-1.1-12.1-3[e][10-11] and IC 6-1.1-12.1-17). In this case, the designation would allow the proposed market-rent residential uses to receive a tax abatement.¹²

In order to grant this designation, State law requires that the Common Council find the property eligible either because of its historic character or because it has “become undesirable or impossible for normal growth and development.” In this case, the support for this designation rests on the barriers to normal growth and development.

The Economic Development Commission has, in accordance with State law, made a favorable recommendation on the designation. A copy of its resolution (Res 14-01) is included in the packet.

¹¹ These payments go to the County Treasurer per I.C. 6-1.1-12.1-12(e).

¹² It would also allow certain retail uses should that opportunity arise during the period of abatement.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, AUGUST 27, 2014
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR:	March 12, 2014	Special Session
	March 26, 2014	Regular Session
	July 02, 2014	Regular Session

- IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)
- 1. Councilmembers**
 - 2. The Mayor and City Offices**
 - 3. Council Committees**
 - 4. Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

None

VII. LEGISLATION FOR FIRST READING

1. Ordinance 14-15 An Ordinance to Amend Ordinance 01-04, Establishing the McDoel Conservation District, Ordinance 08-04, Establishing the Prospect Hill Conservation District, Ordinance 11-05, Establishing the Garden Hill Conservation District and Title 8 of the Bloomington Municipal Code Entitled “Historic Preservation and Protection” – Re: Exempting Changes in Paint Color from the Certificate of Appropriateness Requirement, Re-titling Maps and Amending the Municipal Code to Reflect the Full Historic District Status of these Districts
2. Ordinance 14-16 To Designate an Economic Development Target Area (EDTA) – Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300 (Elmore Y Orrego, LLC, Petitioner)

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

VIII. COUNCIL SCHEDULE

IX. ADJOURNMENT

Please turn page for Committee of the Whole Agenda

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

COMMITTEE OF THE WHOLE

Chair: Tim Mayer

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

Asked to Attend: Vince Caristo, Bicycle & Pedestrian Planner

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

Asked to Attend: Lisa Abbott, Director of Housing and Neighborhood Development

3. Resolution 14-14 To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements and Personal Property – Re: Properties at 304 W. Kirkwood Avenue (Elmore y Orrego, LLC, Petitioner)

Asked to Attend: Danise Alano-Martin, Director of Economic & Sustainable Development
Representative of Petitioner

4. Ordinance 14-16 To Designate an Economic Development Target Area (EDTA) – Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300 (Elmore Y Orrego, LLC, Petitioner)

Asked to Attend: Danise Alano-Martin, Director of Economic & Sustainable Development
Representative of Petitioner

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



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

To Council Members
From Council Office
Re Weekly Calendar – 25 - 30 August 2014

Monday, 25 August

12:00 pm Board of Public Works Work Session, Kelly
4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Utilities Service Board – Utilities, 600 E Miller Dr
5:30 pm Human Rights Commission, McCloskey

Tuesday, 26 August

4:00 pm Bloomington Community Farmers' Market – Madison St. between 6th and 7th
4:00 pm Board of Park Commissioners, Council Chambers
5:00 pm Arts Alliance of Greater Bloomington, McCloskey
5:30 pm Board of Public Works, Council Chambers
5:30 pm Bloomington Public Transportation Corporation – Transit, 130 W Grimes Ln

Wednesday, 27 August

10:00 am Metropolitan Planning Organization Technical Advisory Committee, McCloskey
5:30 pm Traffic Commission, Council Chambers
5:30 pm Dr. Martin Luther King, Jr. Birthday Commission, McCloskey
6:30 pm Metropolitan Planning Organization Citizens' Advisory Committee, McCloskey
7:30 pm Common Council Regular Session and Committee of the Whole, Council Chambers

Thursday, 28 August

12:00 pm Monroe County Suicide Prevention Coalition, McCloskey
5:00 pm Historic Preservation Commission, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, 29 August

No meetings are scheduled for this date.

Saturday, 30 August

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

Posted and Distributed: Friday, 22 August 2014

RESOLUTION 14-16

**TO APPROVE AN UPDATE TO THE CITY OF BLOOMINGTON'S
AMERICANS WITH DISABILITIES ACT TRANSITION PLAN**

- WHEREAS, Title II of the Americans with Disabilities Act (hereafter, ADA) prohibits state and local governments from discriminating against people on the basis of their disability and from excluding people from participation in programs, services, or activities because of their disability; and
- WHEREAS, the ADA requires all public agencies with more than 50 employees to maintain an up-to-date Transition Plan, which should survey accessibility barriers in programs and services and implement a plan to remove them; and
- WHEREAS, the City of Bloomington works with state and federal agencies that require an up-to-date ADA Transition Plan approved by the City's legislative body as a condition of receiving federal funding, including the Indiana Department of Transportation (INDOT), the Federal Highway Administration (FHWA) and the Federal Housing Administration (HUD); and
- WHEREAS, the Board of Public Works, with Resolution 2011-99, adopted the United States Access Board's Public Right of Way Accessibility Guidelines (PROWAG) for the evaluation, design, and construction of infrastructure in the public right of way; and
- WHEREAS, the Indiana Department of Transportation revised Section 51-1.08 of the *Indiana Design Manual*, effective March 3, 2010, to define most street repaving activities as a modification project that should include upgrades of adjacent pedestrian facilities to meet current ADA standards; and
- WHEREAS, the City of Bloomington prepared its first ADA Transition Plan in 1990 and has updated it several times since then, most recently in 2003; and
- WHEREAS, the document proposed for adoption by the Common Council will satisfy the ADA's requirement to have an up-to-date Transition Plan; and

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

SECTION I. The Americans with Disabilities Act (ADA) Transition Plan is approved as an advisory document outlining a plan for the City of Bloomington to be accessible to people of all abilities and is attached and made a part of this resolution.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

DARRYL NEHER, 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 _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution approves an Americans with Disabilities Act (ADA) Transition Plan that shall act as an advisory document outlining a plan for the City of Bloomington to be accessible to people of all abilities.



**City of Bloomington
Planning Department**

Memo To: Members of the City Council

From: Vince Caristo

Date: July 4, 2014

Re: Update to the Americans with Disabilities Act (ADA) Transition Plan

Background

The Americans with Disabilities Act (ADA) requires all public agencies with more than 50 employees to maintain an up-to-date Transition Plan, which should survey accessibility barriers in programs and services and a plan to remove them. Title II of the ADA prohibits state and local governments from discriminating against people on the basis of their disability and from excluding people from participation in programs, services, or activities because of their disability.

The City of Bloomington works with state and federal agencies that require an up-to-date ADA Transition Plan approved by the City's legislative body as a condition of receiving federal funding. This includes the Indiana Department of Transportation (INDOT), the Federal Highway Administration (FHWA), and the Federal Housing Administration (HUD).

The City of Bloomington prepared its first ADA Transition Plan in 1990 and has updated it several times since then, most recently in 1996. The document proposed for adoption by Council represents an update that will satisfy the ADA Transition Plan requirements of FHWA, HUD, and other federal agencies.

The ADA requires that public entities provide an opportunity for people to participate in the development of the Transition Plan by receiving comments. A draft of the proposed ADA Transition Plan was made available for public comment from February 5 to February 28, 2014. During this time, presentations were made to the City of Bloomington Bicycle and Pedestrian Safety Commission (BPSC), the City of Bloomington Council on Community Accessibility (CCA), and the Monroe County Coalition for Accessibility and Mobility (MCCAM). Comments received during this time were incorporated into the final draft of the ADA Transition Plan, which is proposed for your consideration.

City Hall

401 N. Morton Street ▪ Bloomington, IN 47404

Phone: (812) 349-3423 ▪ Fax: (812) 349-3535

www.bloomington.in.gov

e-mail: planning@bloomington.in.gov



City of Bloomington Planning Department

Plan Content

The proposed ADA Transition Plan includes an overview of the City's responsibilities to comply with Title II of the ADA. This includes a description of the process for responding to any grievances filed with the City alleging violations with the ADA. It also includes an evaluation of accessibility barriers that exist in city-owned facilities such as buildings, parks facilities, and public rights-of-way. Per the requirements of the ADA, barriers that occur on sidewalks and curb ramps are prioritized based on their proximity to pedestrian generators and government facilities.

Based on guidance from INDOT and the Federal Highway Administration, two policy changes are described in this document:

- First, the City will comply with the Public Right of Way Accessibility Guidelines (PROWAG) as the standard to follow for the design and construction of facilities in the public right of way. These guidelines were proposed by the United States Access Board in 2011, and are currently in the federal rulemaking process. Once these guidelines are adopted by the Department of Justice, they will become enforceable standards under title II of the ADA. The City of Bloomington Board of Public Works adopted these guidelines in 2011 (resolution 2011-99).
- Second, beginning in 2014, the City will update inaccessible curb ramps adjacent to street repaving projects. This policy follows from an interpretation of the ADA adopted by INDOT and FHWA that considers most street repaving projects a significant modification that requires the upgrading of adjacent inaccessible curb ramps.

Recommendation

We recommend that the Common Council adopt Resolution 14-16 that endorses the ADA Transition Plan as the City's policy guidance for accessibility issues.

City Hall

401 N. Morton Street ▪ Bloomington, IN 47404

Phone: (812) 349-3423 ▪ Fax: (812) 349-3535

www.bloomington.in.gov

e-mail: planning@bloomington.in.gov



CITY OF BLOOMINGTON

ADA TRANSITION PLAN



Adopted:
XXXX XX, XXXX

Prepared by:
City of Bloomington Staff

2014 UPDATE



401 N Morton Street
PO Box 100
Bloomington, IN 47404

Introduction	2
ADA Standards and Guidelines	2
Self-Evaluation	3
Evaluation of Physical Facilities	3
Evaluation of Public Rights of Way	7
Implementation Plan	9
Prioritizing Sidewalk Segments for Improvement	9
Estimated Costs	11
Funding Sources	12
Modifications and New Construction	12
Yearly Schedule	13
Public Input	13
Success Stories	13
Appendix A: PROWAG Resolution	15
Appendix B: ADA Grievance Procedure	16
Appendix C: Sidewalk and Curb Ramp Assessment Criteria	18
Appendix D: Sidewalk and Curb Ramp Assessment Results	23
Appendix E: Prioritization of Land Uses	27
Appendix F: Priority Ranking of City-owned Sidewalks	28



INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and amended effective January 1, 2009. Title II of the ADA prohibits state and local governments from discriminating against people on the basis of their disability and from excluding people from participation in programs, services or activities because of their disability.

Title II requires local governments to prepare Transition Plans. The City of Bloomington prepared its first ADA Transition Plan in 1990 and has updated it several times since then. Our goal is to ensure program accessibility for people with disabilities in our community by meeting or exceeding the requirements of the ADA. Periodic updates help us evaluate how well we are achieving that goal.



The City of Bloomington has designated the Bloomington Human Rights Director as the ADA Coordinator. The ADA Coordinator manages the City's efforts to comply with Title II of the ADA and to communicate with local businesses their responsibilities to comply with Title III of the ADA. The ADA Coordinator is responsible for investigating any alleging violations of the ADA by the City.

Title II of the ADA requires local governments to maintain a Transition Plan.

ADA STANDARDS AND GUIDELINES

The City is committed to ensuring that all of its new facilities and all of its renovations, including buildings, parks, trails and sidewalks, comply with the ADA.

In 2011, the City's Board of Public Works passed Resolution 2011-99, adopting the Public Right of Way Accessibility Guidelines (PROWAG) as the standards to follow for evaluation, design and construction of infrastructure in the public right of way (see Appendix A for a copy of the resolution). The City will comply with PROWAG in all future projects and renovations.



The City understands that its obligation under the ADA is an evolving one that changes as the ADA, technology and community needs change. The City is committed to meeting or exceeding its obligations now and in the future.

SELF-EVALUATION

Evaluation of Physical Facilities

In the spring of 2012, Indiana University students, using a survey form designed by the City’s Council for Community Accessibility and the City’s ADA Coordinator, surveyed City-owned structures to determine if they are in compliance with the ADA. Their survey results were reviewed by City staff.

Parking

Table 1. Assessment of City-owned Parking Facilities.

Type	Location	Assessment	Status
Parking Lot	E 6th St & N Lincoln St	compliant	compliant
Parking Lot	W 4th St & N Washington St	insufficient number of access aisles	corrected – compliant
Parking Lot	E 4th St & N Dunn St	compliant	compliant
Garage	300 N. Morton St. (‘Morton St Garage’)	compliant	compliant
Garage	W 7th St & N Walnut St (‘Walnut St Garage’)	compliant	compliant
Garage	W 4th St & N College Ave (‘4 th St Garage’)	compliant	compliant

Buildings

Table 2. Assessment of City-owned Buildings.

Name	Location	Assessment	Status	Notes
Allison-Jukebox Community Center	349 S Washington St	survey noted problems with entrances	corrected - compliant	
Animal Shelter	3410 S Walnut St	survey noted problems with accessible parking and threshold at entrance	corrected - compliant	



Name	Location	Assessment	Status	Notes
Banneker Center	930 W 7th St	survey noted problems with signs directing people to accessible entrance and accessible restroom	corrected – compliant	
Bloomington Fire Department Station 2	210 S Yancy Ln	survey noted problem with accessible parking	corrected - compliant	
Bloomington Fire Department Station 4	2201 E 3rd St	survey noted lack of accessible parking spaces, but Station 4 provides no public parking and thus ADA requirements for public parking do not apply. Restroom is not ADA-compliant.	not compliant	facility is not frequently used for public events and thus renovation of restroom is not the highest priority
Bloomington Fire Department Downtown	300 E 4th St	survey noted problems with accessible parking spaces, but downtown fire department provides no public parking and thus ADA requirements for public parking do not apply.	compliant	
Bloomington Police Department	220 E 3rd St	First floor was made accessible when building was renovated, including counter heights, restrooms, public entrance, etc. Basement is not accessible but is not used frequently by the public, and employees who work in the basement meet with members of the public on first floor as necessary.	corrected – compliant	Central Dispatch, currently located in the basement of this building, will be moving to the joint Transit/Central Dispatch building currently planned to be completed in 2014, and that facility will be fully ADA-compliant.
Cascades Golf Course Clubhouse	3550 N Kinser Pike	survey noted problems with accessible parking, counter height, signs and size of accessible stall in men’s restroom	corrected – compliant	All problems corrected.

ADA Transition Plan
City of Bloomington



Name	Location	Assessment	Status	Notes
Frank Southern Ice Arena	1965 S Henderson St	survey noted problems with accessible parking	corrected - compliant	Interior of facility needs to be surveyed when building is open.
Showers City Hall	401 N Morton St	compliant	compliant	
Twin Lakes Recreation Center	1700 W Bloomfield Rd	survey noted problems with accessible parking and with Braille signs in elevator	corrected - compliant	

Parks and Recreation Facilities

The City’s Parks and Recreation Department strives to exceed its obligations under the ADA. The department regularly surveys its facilities to make sure that they are accessible, and when it finds barriers to accessibility in possible violation with the ADA, it implements plans and budgets for removing those barriers as quickly as possible. There is a permanent position for an Inclusive Recreation Coordinator, to make sure that its programs are as accessible as possible. Anyone with a question about accessibility at a Parks property or event should contact the Parks and Recreation Department.

Table 3. Assessment of City-owned Parks and Parks Facilities

Park	Accessible	Inaccessible
B-Line Trail	3.1 mile hard surfaced recreational trail, parking lot, site amenities (benches, tables, fountains)	
Bloomington Rail Trail		2 mile crushed stone surface recreational trail
Broadview Park	Fully accessible shelter and playgrounds (2), site amenities	
Brown's Woods (owned by the Community Foundation)		Undeveloped property
Bryan Park	Picnic shelters (2), playgrounds (3), parking lots (6), swimming pool, restrooms, stream bridges (2), south of stream paved fitness trail, site amenities	North shelter, north of stream paved fitness trail, one stream bridge
Building & Trades Park	Basketball courts (5), restrooms, playgrounds (2), shelters (2), perimeter walking trail with ramp, parking lot	



Park	Accessible	Inaccessible
Butler Park	Playgrounds (2), parking lot, restrooms, basketball court	Paved walking trail
Cascades Park-Lower	Shelters(2), parking lot, playgrounds (2)	
Cascades Park-Upper-Lions Den	Shelter, playground, site amenities	
Upper Cascades-Skatepark	Basketball court, parking, site amenities	
Clear Creek Trail	Trailhead parking lots (3), site amenities, 2.3 mile hard surfaced recreational trail	
Crestmont Park	Parking lot, basketball courts, playground (1), site amenities	Shelters (2), Disc Golf Course
Ferguson Dog Park	Parking, access path to fenced dog area, site amenities	
Goat Farm		Undeveloped park property (any future development will be made accessible)
Griffy Lake Nature Preserve	Parking, boat rental, boat dock, trails	Trails
Highland Village Park	Parking, shelter, basketball courts, playground, paved walking trail, site amenities	
Jackson Creek Trail	0.6 mile hard surfaced recreational trail, site amenities	
Latimer Woods (owned by the Community Foundation)		Soft surface walking trails
Leonard Springs Nature Park	Restrooms	Hiking trails
Miller-Showers Park	Parking, observation pier, 0.5 mile paved walking trail, site amenities	
Olcott Park	Parking, woods trail, shelter, playground, restroom/concession building, site amenities	Trail to Sherwood Oaks Park
Park Ridge Park		Shelter**, playground** basketball courts
Park Ridge East Park	Tennis courts, shelter, basketball courts, playground, site amenities	Play field
Peoples Park	Sidewalks, site amenities	
RCA Park	Parking, tennis courts, basketball courts, shelters (2), restroom, playground, north walking trail, site amenities	South walking trail, hiking trails
Schmalz Farm Park	Playground, shelter, site amenities	Pedestrian entrance*, play field

ADA Transition Plan
City of Bloomington



Park	Accessible	Inaccessible
Seminary Park	Sidewalks, plaza, site amenities	
Sherwood Oaks Park	Parking, tennis courts, playground, site amenities	Access to shelter*, basketball court, play field
Southeast Park	Parking, tennis courts	Asphalt trail to basketball court*
Switchyard Property		Undeveloped park property (any future development will be made accessible)
Twin Lakes Sports Park	Parking, ballfields, playground, restrooms, concessions, site amenities	Perimeter soft surface walking trail
Wapehani Mountain Bike Park		Parking, mountain biking trails
Winslow Sports Park	Parking, ballfields, playground, restrooms, concessions	Soft surface fitness trail**
Winslow Woods Park	Parking, basketball courts, playground, shelter, garden plots, site amenities	Hiking trails, Community Orchard

* accessibility improvement listed in 5 year capital plan

** accessibility improvement planned for fall 2014

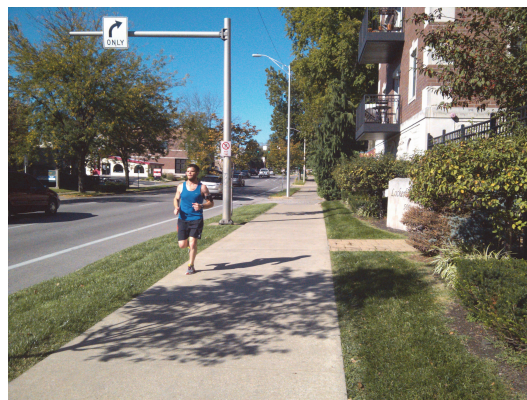
Evaluation of Public Rights of Way

Between 2007 and 2009, City of Bloomington Public Works staff surveyed every City-owned sidewalk and curb cut to evaluate compliance with ADA design standards and overall accessibility to persons with disabilities.

Accessibility Assessment Criteria

Ten assessment criteria were developed to include all the necessary elements to successfully represent the pedestrian’s need for accessible and usable facilities. Every sidewalk segment, including curb ramps, was assessed in each area, and given a composite score according to the weights shown in Table 4.

A detailed description of the criteria and scoring system is found in Appendix C.



Sidewalks and curb ramps were rated on their overall accessibility on a scale from A to C.



Table 4. Sidewalk Segment Assessment Criteria and Weights.

Element	Criteria	Weight
Sidewalks	Grade	5
	Cross-slope	30
	Surface Condition	20
	Sidewalk Heave	10
	Pathway Obstacles	10
Curb Ramps	Street elevation	5
	Slope	5
	Cross-slope	5
	Transition Area	5
	Detectable Warning	5
Maximum Points per Segment		100

Accessibility Assessment Results

In total, 178 miles of sidewalk were assessed as part of this inventory. Each sidewalk segment was assigned an accessibility grade – A, B, or C - based on the total number of points it was awarded during the field assessment.

Table 5. Accessibility Grades for Sidewalk Segments.

Accessibility Grade	Segment Score
C	<= 50
B	50 to 70
A	> 70

The point range for each accessibility grade, shown in Table 5, was determined by City Engineering staff to represent an overall assessment of a sidewalk segment’s accessibility and usability to persons with disabilities. Segments with accessibility grade ‘A’ were determined to have very few or zero barriers to accessibility. Segments with accessibility grade ‘B’ were determined to have some barriers to accessibility. Segments with accessibility grade ‘C’ were determined to have significant barriers to accessibility.

The results of the sidewalk assessment are shown in Table 6, and provide an overall picture of the assessment of City-owned sidewalks and curb ramps.



Table 6. Accessibility Grade of City-owned Sidewalk Segments.

Accessibility Grade	Miles of Sidewalks and Curb Ramps	Percent of Total
C	1.36	0.76%
B	14.13	7.94%
A	162.44	91.29%
Total Miles	177.93	100.00%

IMPLEMENTATION PLAN

The City of Bloomington uses many different strategies to remove barriers to accessibility in the public-right-of-way. This includes identifying and repairing barriers as identified by our sidewalk and curb ramp assessments, responding to citizen complaints, and removing barriers as part of new construction or resurfacing projects.

Prioritizing Sidewalk Segments for Improvement

Existing sidewalk segments are prioritized for improvement based on a combination of its accessibility grade, as assessed by City Engineering staff, and its location, as determined by its proximity to certain types of land uses. The original ADA, enacted in 1990, specifies that locations serving government facilities and commercial areas be prioritized over any other areas for the removal of accessibility barriers. Therefore, a sidewalk location with a poor accessibility grade that serves a government facility will be the highest priority for improvement.



The ADA specifies that locations serving government facilities are given priority.

For the purposes of this plan, each parcel in the City of Bloomington is assigned to one of three categories based on its ownership and function (Appendix E):

1. **Government facilities.** Government facilities are defined as buildings and parcels owned by the City of Bloomington, Monroe County School Corporation, or the U.S. Postal Service. This includes parks, schools, post offices, public



parking facilities, and other public buildings. *These areas are the highest priority for accessibility improvements.*

2. **Commercial areas.** Commercial Areas are defined as parcels with a commercial zoning designation, as identified by the City of Bloomington’s Unified Development Ordinance (UDO), or parcels owned and operated by Indiana University that serve an academic, administrative, or operational function.
3. **Other areas.** Parcels of land that do not meet the criteria for either the government facility or commercial area category. This includes residential areas. *These areas are the lowest priority for accessibility improvements.*

Each sidewalk segment is assigned to the highest priority land use that it serves. A sidewalk segment is considered to serve a government facility or a commercial area if it located on a block that includes a parcel with that designation, or is located on a street block that leads directly into a parcel with that designation. Each sidewalk segment is given a priority ranking – ‘High’, ‘Medium’, or ‘Low’ - based on the combination of its accessibility grade and the locations that it serves, as shown in Table 7.

Table 7. Priority Ranking of City-owned Sidewalk Segments based on Accessibility Grade and Location.

Accessibility Grade	Location		
	1 Serves a government facility	2 Serves commercial areas	3 Serves other areas
C	1C	2C	3C
B	1B	2B	3B
A	1A	2A	3A

Priority Ranking		
High	Medium	Low

The results of the priority ranking are shown in Table 8, which shows the number of miles of city-owned sidewalks falling into each improvement priority category.



Table 8. Priority of Improvement of City-Owned Sidewalk Segments

Priority Ranking	Miles of Sidewalk	Percent of Total
High	4.71	2.65%
Medium	85.15	47.86%
Low	88.06	49.49%
Total Miles	177.93	100%

Estimated Costs

The City of Bloomington estimates the cost of sidewalk reconstruction at \$18 to \$34 per linear foot of sidewalk, and \$1500 to \$2500 for the total replacement of a curb ramp. The cost to upgrade sidewalks with a ‘Low’ priority is assumed to be marginal, and do not add to the total cost estimate provided in Table 9. These estimates include materials and labor costs, and are subject to variations and fluctuation in each.

Table 9. Cost Estimate of Accessibility Improvements

Priority Ranking	Total Estimated Cost of Improvement
High	\$440,668
Medium	\$12,395,011
Low	-
Total Cost	\$16,835,679



Funding Sources

A variety of local, state, and federal sources of funding are available to remove the sidewalk and curb ramp access barriers identified in this Transition Plan. These sources include, but are not limited to those listed in Table 10.

Table 10. Eligible funding sources for accessibility upgrades in the public right of way

Funding Source	Type
General Funds	Local
Tax Increment Finance Districts (TIF)	Local
Alternative Transportation Fund (ATF)	Local
Community Development Block Grants (CDBG)	Federal (HUD)
Surface Transportation Program (STP)	Federal (FHWA)
Highway Safety Improvement Program (HSIP)	Federal (FHWA)
Transportation Alternatives Program (TAP)	Federal (FHWA)

Modifications and New Construction

Since 1995, the City of Bloomington has included pedestrian facilities in all of its public improvements, with few exceptions. For new construction projects, the City adheres to the Public Right of Way Accessibility Guidelines (PROWAG) for all pedestrian facilities included in our projects. In 2011, the Bloomington Board of Public Works formally adopted the PROWAG as our design standard at the request of the Engineering Department.



Curb ramps are upgraded in coordination with annual street repaving.

Improvements to the right-of-way such as repaving (mill and fill, overlay, etc.), traffic signal modernization, sidewalk improvements and repairs, et. al., require the City to update pedestrian facilities to meet ADA specifications. Therefore, the City's policy for paving operations is to update curb ramps at intersections with public streets and public alleys where sidewalks exist to the maximum extent feasible.



For traffic signal modernization projects, the City's policy, in addition to bringing existing curb ramps into compliance with ADA, is to include signal equipment such as pedestrian signal heads, audible pedestrian signals, pushbuttons and other features specified in PROWAG to the maximum extent feasible.

Yearly Schedule

Accessibility improvements will be achieved each year in coordination with the construction of capital facilities, street repaving projects, and traffic signal modernizations. It's estimated that 146 curb ramps will be upgraded to meet accessibility requirements in 2014. An additional 428 curb ramp upgrades are planned for 2015.

PUBLIC INPUT

The City provided the following opportunities for individuals and community organizations to comment on this Transition Plan:

- Public notice of a public comment period via a City press release (February 5 to February 28, 2014)
- Document made available on the City's website
- Document made available at the Monroe County Public Library
- Presentation and discussion with the City of Bloomington Council for Community Accessibility on 1/27/2014
- Presentation and discussion with the Monroe County Coalition for Accessibility and Mobility on 2/12/2014
- Presentation and discussion with the City of Bloomington Bicycle and Pedestrian Safety Commission on 2/17/2014
- Presentation and adoption by City Council on XX/YY/2014

SUCCESS STORIES

Since 1989, the City has been fortunate to enjoy the contributions of the Council for Community Accessibility, an advisory board. The CCA works with the City's ADA Coordinator to inform businesses about accessibility issues and awards decals to businesses that are accessible. The following key accomplishments highlight the work of the City and the CCA:

- The CCA worked with both the City and the Bloomington/Monroe County Convention Center to make sure that accessibility issues are featured on their websites.



- The CCA worked with the ADA Coordinator to create a Special Needs Dispatch Registry. Currently, more than 100 people with disabilities have voluntarily registered with the program. When these individuals call 911, information about their disabilities and emergency contacts show up on Central Dispatch's computer screen. Such information could be life-saving.
- The CCA, working with the ADA Coordinator, has surveyed hundreds of local businesses, letting them know if their premises were not fully accessible and awarding decals to businesses that are accessible.
- The City's Human Resources Department has established innovative, employee-friendly policies and management practices. These policies and practices encourage the recruitment and employment of people with disabilities. Supervisors are trained on their need to provide reasonable accommodations upon request and to comply with all aspects of the ADA.
- The City installed equipment in the Council Chambers to help people with hearing impairments hear discussions at public meetings.
- The City installed an ATM in City Hall that complies with the 2012 ADA regulations.
- In the past 4 years, an average of 3 traffic signals have been modernized each year, including the upgrading of associated curb ramps.
- In 2013, the City added 11 new on-street accessible parking spaces in the downtown area.
- In 2013, the City upgraded more than 45 curb ramps in coordination with street repaving projects.



APPENDIX A: PROWAG Resolution

**RESOLUTION 2011-99
BOARD OF PUBLIC WORKS
Accessibility Guidelines**

Whereas, the City of Bloomington is updating the ADA Transition Plan; and

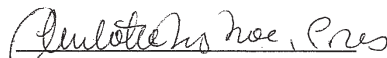
Whereas, to complete the revision, public infrastructure must be evaluated against criteria to determine compliance and barriers; and


Whereas, the United States Access Board has provided Public Right Of Way Accessibility Guidelines specific to pedestrian circulation in public rights of way (hereafter, PROWAG); and

Whereas, the Federal Highway Administration has identified PROWAG as best practices for accessible design for public rights of way.

Now, Therefore, Be it resolved that the Board of Public Works adopts the PROWAG for evaluation, design, and construction of infrastructure in the public right of way.

BOARD OF PUBLIC WORKS


Charlotte Zietlow, President


James McNamara


Dr. Frank N. Hrisomalos

Date: 9/27/11



APPENDIX B: ADA Grievance Procedure

The Americans with Disabilities Act requires that public entities such as the City of Bloomington that employ 50 or more people adopt and publish grievance procedures providing for prompt and equitable resolutions of grievances alleging any action that could be prohibited by Title II. The City of Bloomington's grievance procedure is described below. Anyone who believes he or she has been denied access to a City facility, program or service because of his or her disability may file a grievance. Anyone who is representing a person with a disability, as a parent, guardian, attorney or advocate, may do so as well.

Step One: Filing a Grievance

You or your representative should fill out an ADA complaint form as completely as possible. The form should be filed in writing with the ADA Coordinator within 60 days of the alleged discriminatory act. Upon request, reasonable accommodations will be provided in completing the form, or alternative formats of the form will be provided. You may obtain a copy of the form by calling 812-349-3429 (voice), by calling 812-349-3458 (TDD), by e-mailing human.rights@bloomington.in.gov or by going to <http://bloomington.in.gov/accessible>. The form explains the filing procedures.

Step Two: Conducting an Investigation

The City's ADA Coordinator will notify you that she has received your complaint within two business days of receiving it. She will begin her investigation into the merits of the complaint within five business days of receiving it. If necessary, she or an authorized representative may contact you to get more details about your complaint. If you do not want to be contacted, please indicate that on the complaint form.

If your complaint alleges misconduct on the part of the ADA Coordinator, the Mayor will appoint another individual to investigate the merits of your complaint.

Step Three: Decision

After full consideration of the merits of the complaint, the ADA Coordinator or other authorized individual will prepare a written decision. A copy of the decision will be mailed to you within three business days of completion.



Step Four: Appealing the Decision

If you are dissatisfied with the ADA Coordinator's written decision, you may file a written appeal with the Mayor's Office within 20 business days from the date the decision was mailed. Your appeal must include an explanation of why you are dissatisfied with the written decision, and must be signed by you or by someone authorized to sign on your behalf. The Mayor's Office will notify you that it has received your appeal within two business days of receiving the appeal. The Mayor's Office, working with appropriate City staff, will decide the appeal within 20 business days of receiving it. A copy of the written decision on the appeal will be sent to you within three business days of completion.

Any City employee involved with processing or investigating ADA complaints will maintain the confidentiality of all files and records relating to the complaint, unless disclosure is authorized by the complainant or required by law. Any retaliation or intimidation used to discourage a complainant from filing a complaint or to punish a complainant for filing a complaint is prohibited and should be reported immediately to the ADA Coordinator and/or the Mayor's Office, as appropriate.



APPENDIX C: Sidewalk and Curb Ramp Evaluation Criteria

The City of Bloomington maintains an inventory and assessment of its sidewalks including information on the location of various deficiencies.

Criteria is developed to provide a systematic approach that includes all the necessary elements to successfully represent the pedestrian's needs for that of a safe and accessible sidewalk with relation to grade, cross-slope, ramps, obstacles, drainage, etc.

I ASSESSMENT CRITERIA

Criteria is established on a rating scale that in total would equate to 100 points with a higher rating to indicated a better sidewalk in comparison to other sidewalks.

a. Grade (**5 POINTS Possible**):

Grade is the measured elevation change (percent) that is measured along the longitudinal (lengthwise) traverse of the sidewalk as witnessed from its steepest location. The City of Bloomington has many inclines that will influence this criteria with no solution for correction, however this criteria is to factor weight toward improving sidewalks that have excessive or difficult grades as they are by natural grade difficult to transverse for those with disabilities.

- 05 Points – Longitudinal grade does not exceed 2% at steepest location
- 04 Points – Longitudinal grade does not exceed 4% at steepest location
- 03 Points – Longitudinal grade does not exceed 6% at steepest location
- 02 Points – Longitudinal grade does not exceed 8% at steepest location
- 01 Points – Longitudinal grade does not exceed 10% at steepest location
- 00 Points – Longitudinal grade exceeds 10% at steepest location

b. Cross-Slope (**30 POINTS Possible**):

Cross-slope is the measured grade (percent) across the width of the sidewalk as witnessed at its steepest location. Cross-slope is designed for 2% cross-slope toward street for positive drainage away from private property and to prevent ponding.

- 30 Points – Cross-slope grade does not exceed 2% at steepest location toward street
- 28 Points – Cross-slope grade does not exceed 2% at steepest location toward property line
- 26 Points – Cross-slope grade does not exceed 3% at steepest location toward street



-
- 24 Points – Cross-slope grade does not exceed 3% at steepest location toward property line
 - 22 Points – Cross-slope grade does not exceed 4% at steepest location toward street
 - 20 Points – Cross-slope grade does not exceed 4% at steepest location toward property line
 - 18 Points – Cross-slope grade does not exceed 5% at steepest location toward street
 - 16 Points – Cross-slope grade does not exceed 5% at steepest location toward property line
 - 14 Points – Cross-slope grade does not exceed 6% at steepest location toward street
 - 12 Points – Cross-slope grade does not exceed 6% at steepest location toward property line
 - 10 Points – Cross-slope grade does not exceed 7% at steepest location toward street
 - 08 Points – Cross-slope grade does not exceed 7% at steepest location toward property line
 - 06 Points – Cross-slope grade does not exceed 8% at steepest location toward street
 - 04 Points – Cross-slope grade does not exceed 8% at steepest location toward property line
 - 02 Points – Cross-slope grade does not exceed 9% at steepest location toward street
 - 02 Points – Cross-slope grade does not exceed 9% at steepest location toward property line
 - 00 Points – Cross-slope grade exceeds 9%

c. Sidewalk Heave (vertical displacement) **(20 POINTS Possible):**

Sidewalk Heave is measured from the worst location of vertical displacement where a sidewalk has shifted from its initial point of installation (not from lack of accessible ramps or their wrongful installation which leaves a dropoff), which is typically due to tree root or other subsurface pressure as the primary cause.

- 20 Points – Vertical displacement does not exceed .5 inches
- 16 Points – Vertical displacement does not exceed 1 inch
- 12 Points – Vertical displacement does not exceed 1.5 inches
- 08 Points – Vertical displacement does not exceed 2 inches
- 04 Points – Vertical displacement does not exceed 2.5 inches
- 00 Points – Vertical displacement exceeds 2.5 inches



d. Sidewalk Walking Surface Condition **(10 Points Possible)**:

Sidewalks walking surface should be free of surface defects, delamination and flaws that could cause problems the ability for pedestrians to use the sidewalk with the aid of walkers, wheelchairs, etc. to maintain traction and stability along a smooth surface during normal weather conditions.

10 Points – Surface is smooth, clean and free of defects with a broomed finish for traction and stability

08 Points – Surface shows normal wear while still maintaining a defect free broomed finish

06 Points – Surface show some cracking and wear while still maintaining a defect free finish

04 Points – Surface has cracks and small (.5 inch or less) fragments loose or missing from walking surface

02 Points – Surface has medium (1 inch or less) fragments loose or missing from walking surface

00 Points – Surface has large (exceeding 1 inch) fragments loose or missing from walking surface

e. Sidewalk Ramp Condition (Streets, Alleys, and Drives) **(25 POINTS - Possible of 5 Categories)**:

Sidewalk ramps shall be installed at all street and alley intersections, and at both sides of a private or commercial drive. Ramps shall be evaluated individually for proper slope, grade, and transition (decision area) and exit to street elevation.

- Ramp Exit To Street Elevation **(5 POINTS)**:

05 Points – Ramp exit to street elevation does not exceed .5 inches or no ramp is required

04 Points – Ramp exit to street elevation does not exceed 1 inch

03 Points – Ramp exit to street elevation does not exceed 1.5 inches

02 Points – Ramp exit to street elevation does not exceed 2 inches

00 Points – Ramp exit to street elevation exceeds 2 inches



- **Slope To Street (5 POINTS):**

05 Points – Ramp slope does not exceed 4% toward street exit
04 Points – Ramp slope does not exceed 5% toward street exit
03 Points – Ramp slope does not exceed 6% toward street exit
02 Points – Ramp slope does not exceed 7% toward street exit
00 Points – Ramp slope does exceed 7% toward street exit

- **Grade – Cross-slope (5 POINTS):**

05 Points – Ramp cross-slope does not exceed 2%
04 Points – Ramp cross-slope does not exceed 3%
03 Points – Ramp cross-slope does not exceed 4%
02 Points – Ramp cross-slope does not exceed 5%
00 Points – Ramp slope does exceed 5%

- **Transition Area (5 POINTS):**

05 Points – Sidewalk transition (decision) area allows for 48 inch clearance to continue travel along sidewalk without entering ramp area.
04 Points – Sidewalk transition (decision) area allows for 36 inch clearance to continue travel along sidewalk without entering ramp area.
00 Points – No sidewalk transition (decision) area

- **Contrast Area with Tactile Dome (5 POINTS):**

05 Points – Ramp contains 2 foot by 4 foot minimum area to provide for color contrast area and tactile dome
04 Points – Ramp contains 2 foot by 4 foot minimum area with color contrast area OR tactile dome area (not both)



f. Pathway Obstacles (**10 POINTS**)

Sidewalk obstacles can include trees, vegetation, signs, utility poles that minimize the clear passageway of pedestrians along the sidewalk route at any given point of less than 5 feet. While some sidewalks are only 4 feet in width, they shall be treated as obstructed and automatically devalued.

10 Points – Sidewalk is free from obstructions for entire 5 foot width and have vertical clearance of 8 feet

09 Points – Sidewalk is free from obstructions for entire 5 foot width but have vertical clearance of 7 feet

08 Points – Sidewalk is free from obstructions for 4 foot width and have vertical clearance of 8 feet

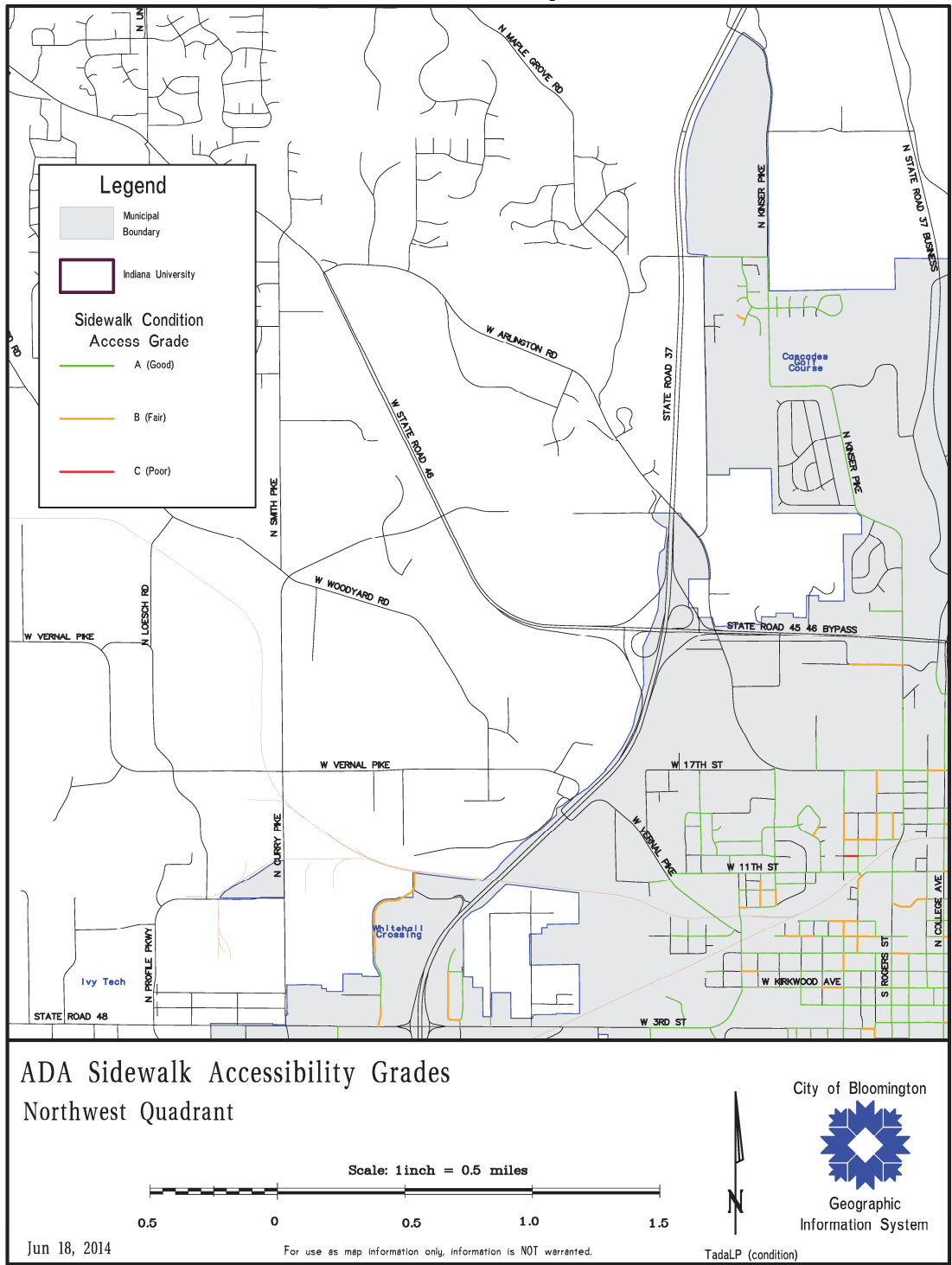
07 Points – Sidewalk is free from obstructions for 4 foot width but have vertical clearance of 7 feet

06 Points – Sidewalk is free from obstructions for 3 foot width and have vertical clearance of 8 feet

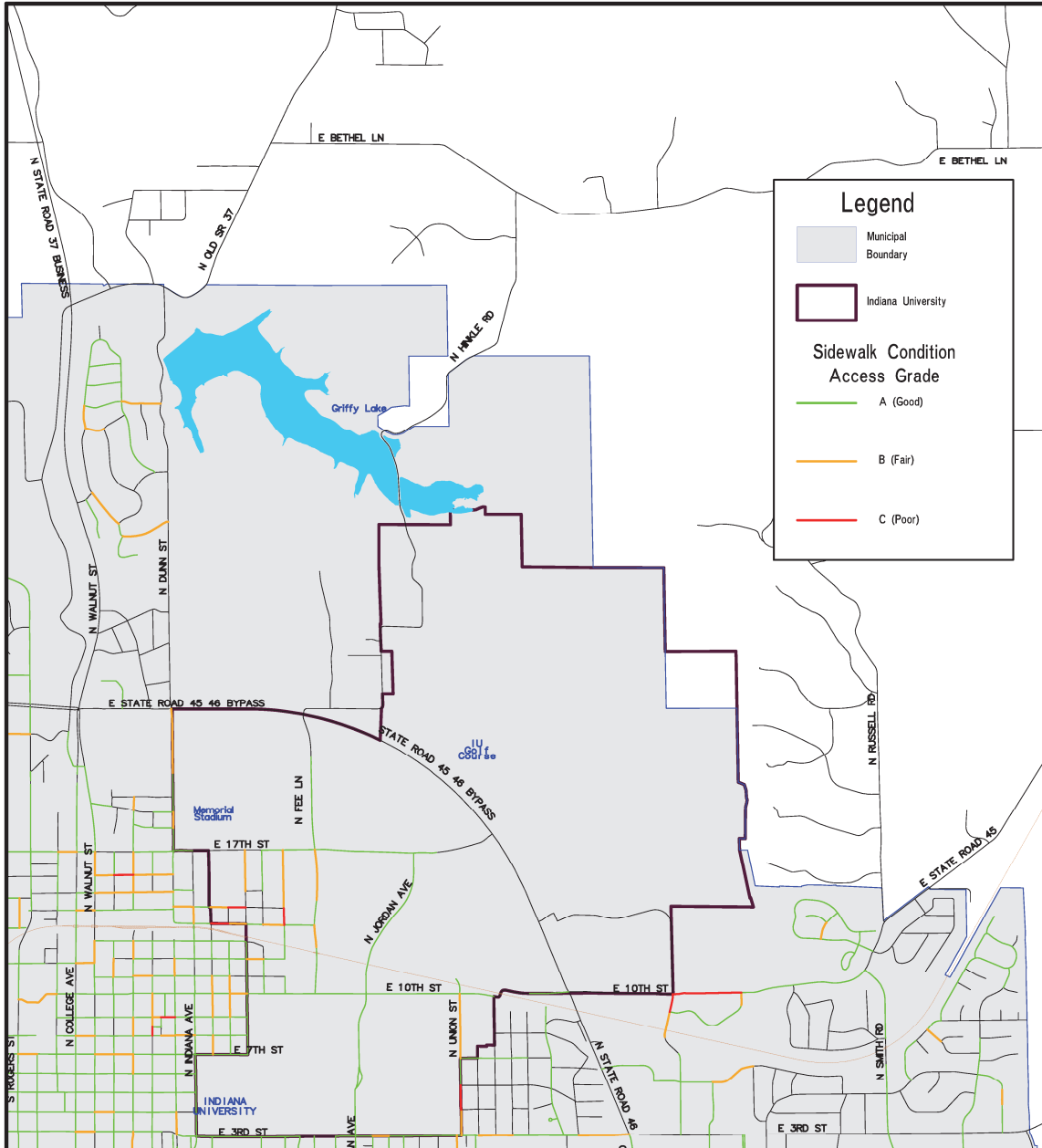
05 Points – Sidewalk is free from obstructions for 3 foot width but have vertical clearance of 7 feet



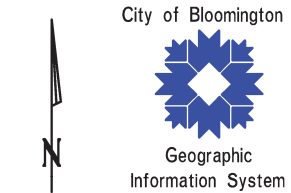
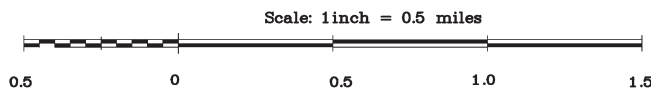
APPENDIX D: Sidewalk and Curb Ramp Evaluation Results



ADA Transition Plan City of Bloomington



ADA Sidewalk Accessibility Grades
Northeast Quadrant

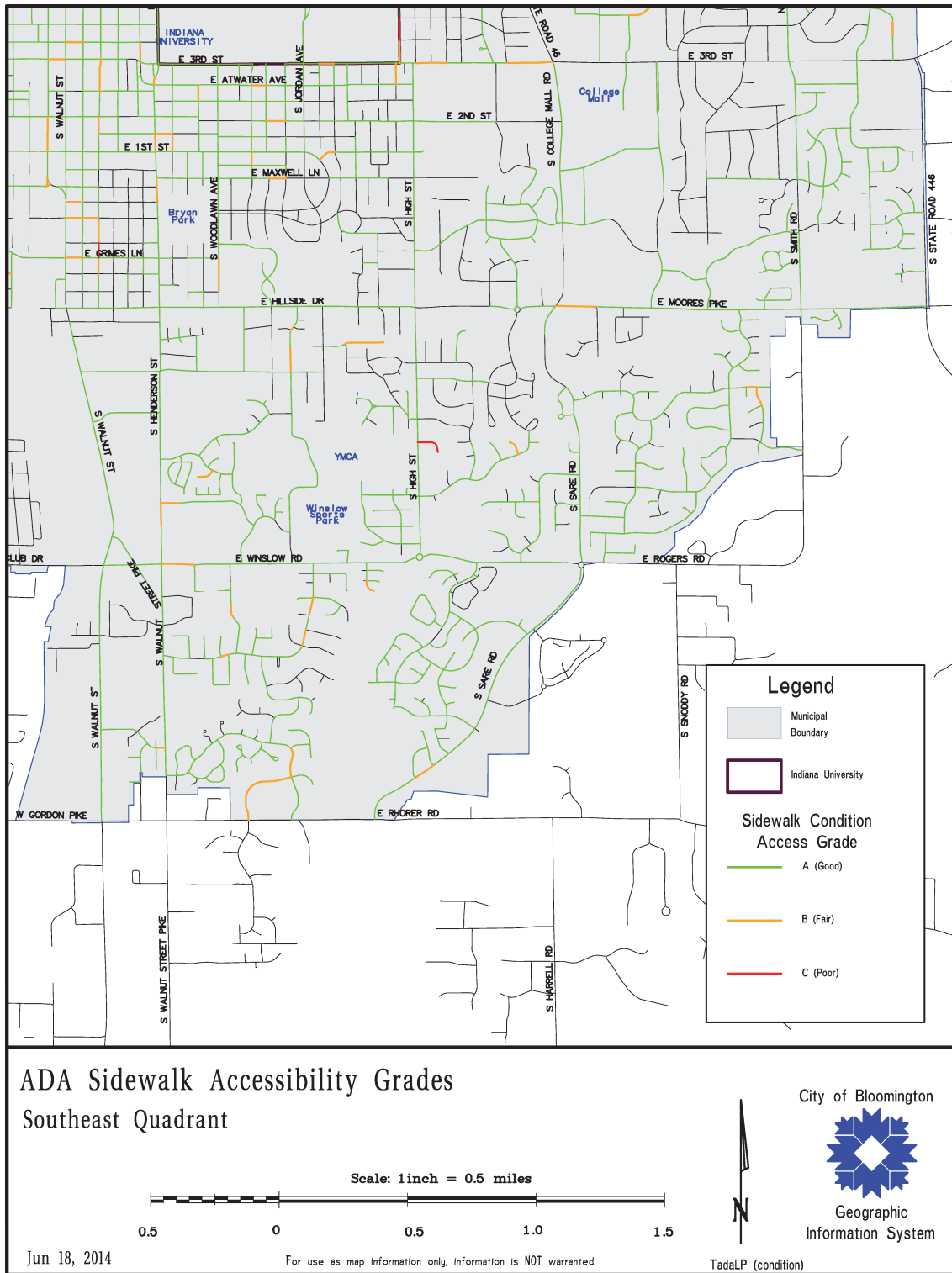


Jun 18, 2014

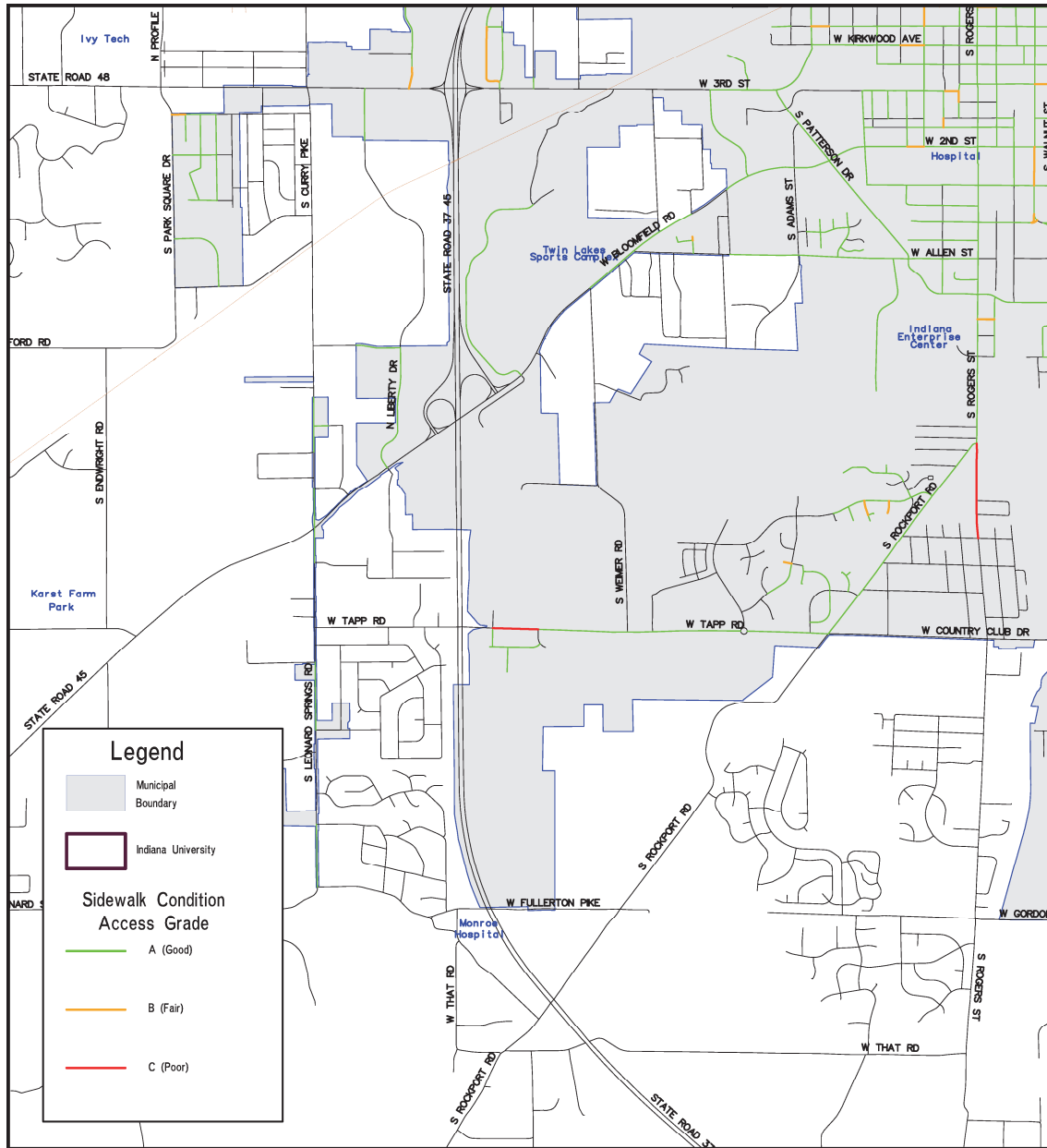
For use as map information only, information is NOT warranted.

TadaLP (condition)

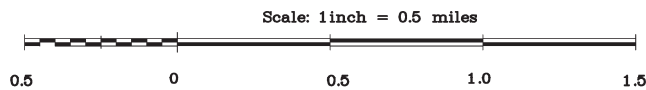
ADA Transition Plan
City of Bloomington



ADA Transition Plan
City of Bloomington



ADA Sidewalk Accessibility Grades
Southwest Quadrant



Jun 18, 2014

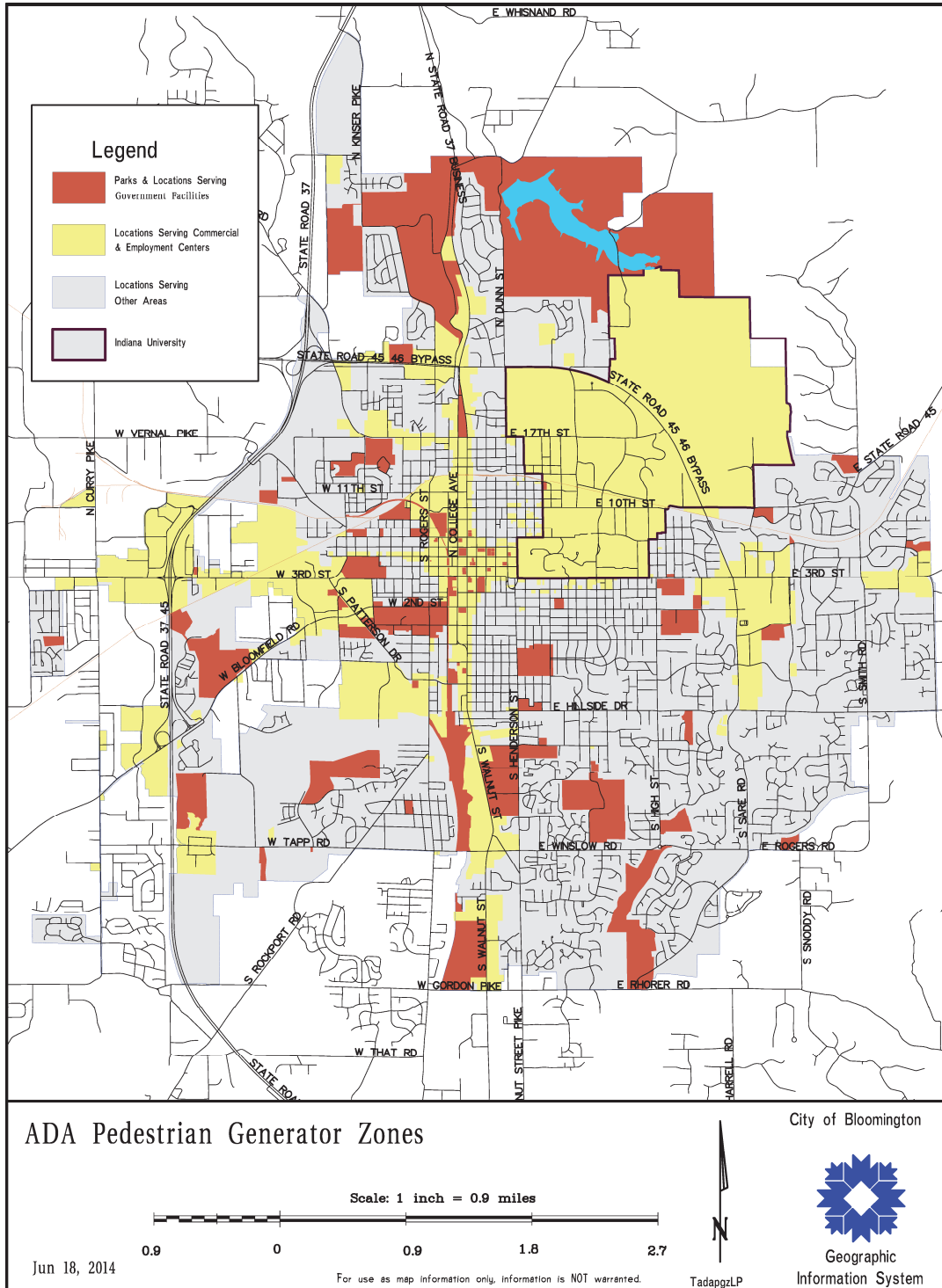
For use as map information only, information is NOT warranted.

TadaLP (condition)

ADA Transition Plan
City of Bloomington



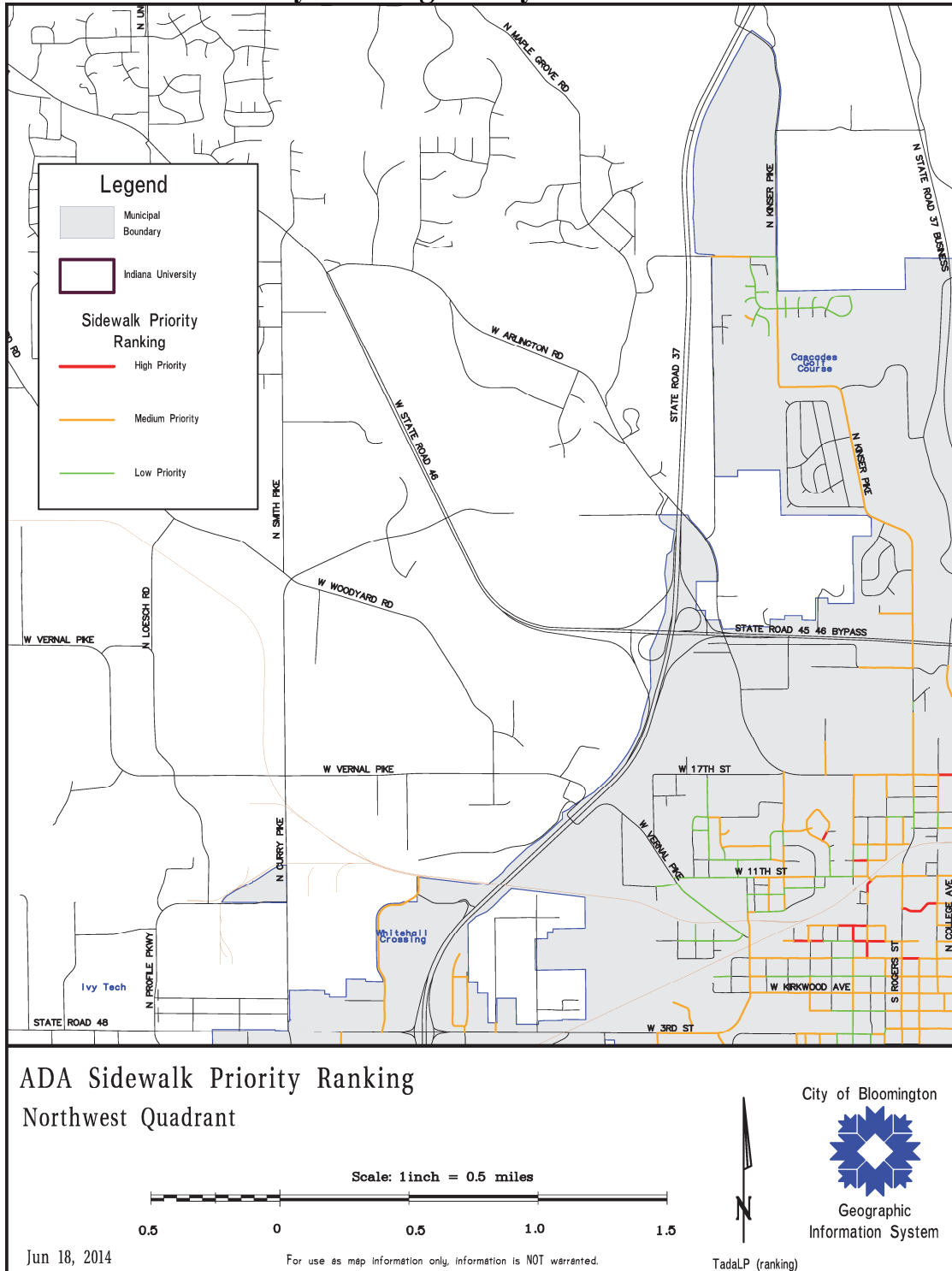
APPENDIX E: Prioritization of Land Uses



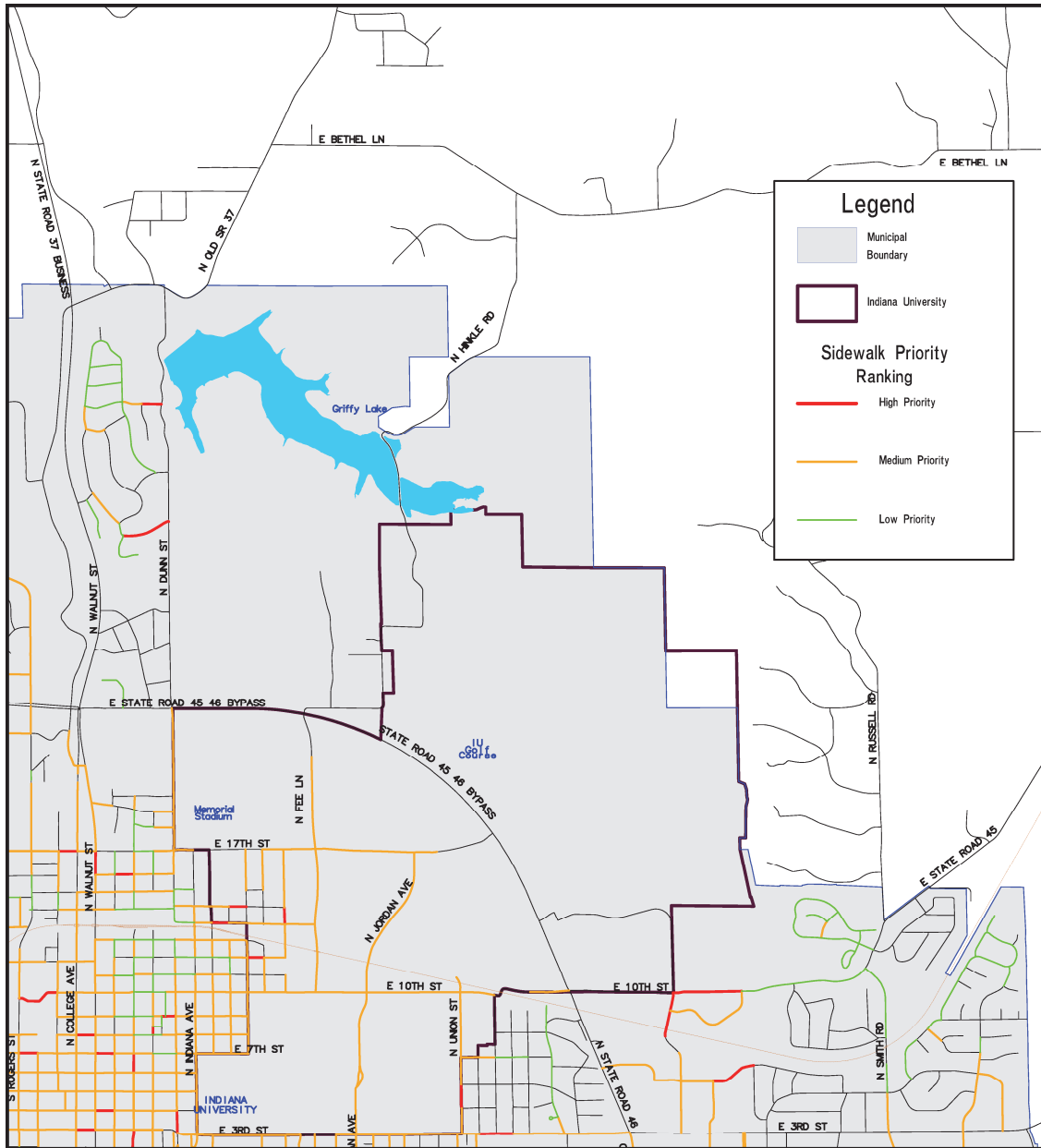
ADA Transition Plan City of Bloomington



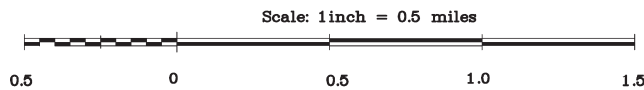
APPENDIX F: Priority Ranking of City-owned Sidewalks



ADA Transition Plan City of Bloomington



ADA Sidewalk Priority Ranking
Northeast Quadrant

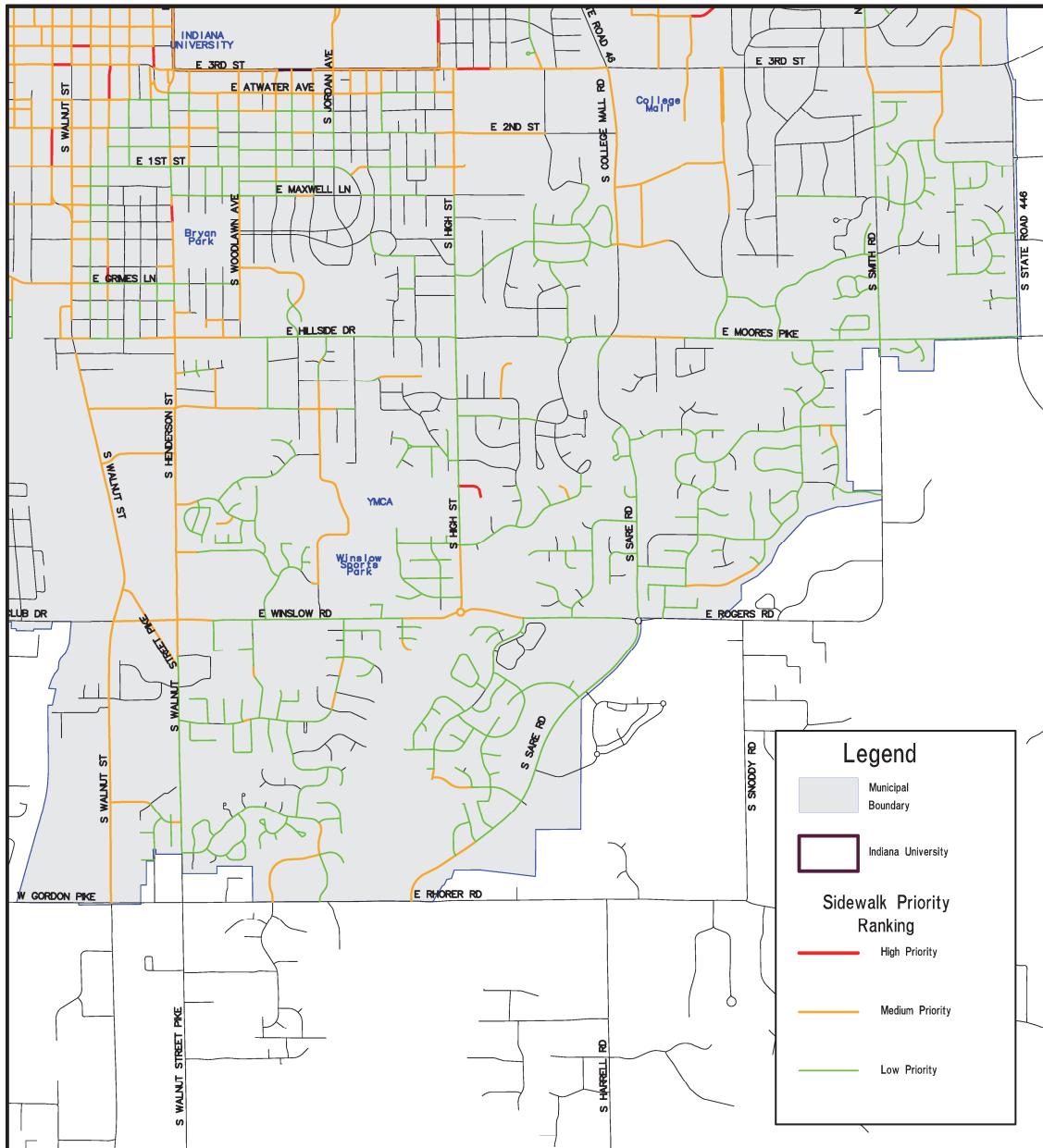


Jun 18, 2014

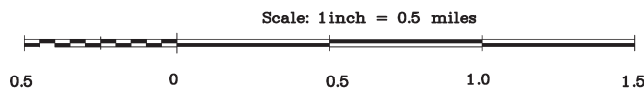
For use as map information only, information is NOT warranted.

TadaLP (ranking)

ADA Transition Plan
City of Bloomington



ADA Sidewalk Priority Ranking
Southeast Quadrant



City of Bloomington

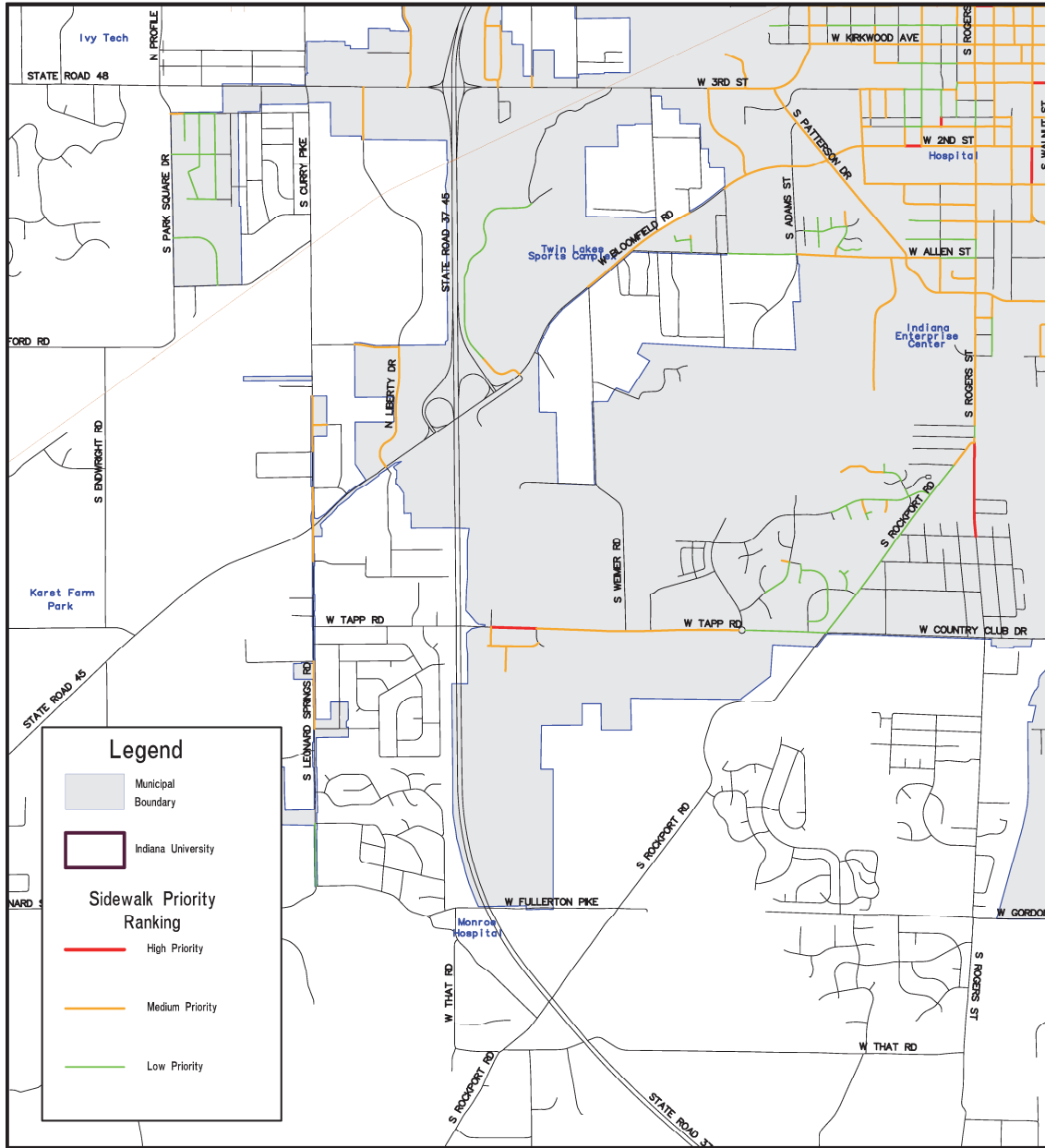
Geographic Information System

TadaLP (ranking)

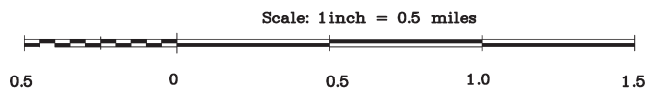
Jun 18, 2014

For use as map information only, information is NOT warranted.

ADA Transition Plan
City of Bloomington



ADA Sidewalk Priority Ranking
Southwest Quadrant



Jun 18, 2014

For use as map information only, information is NOT warranted.

TadaLP (ranking)

ADA Transition Plan
City of Bloomington

ORDINANCE 14-15

AN ORDINANCE TO AMEND

**ORDINANCE 01-04, ESTABLISHING THE MCDOEL CONSERVATION DISTRICT,
ORDINANCE 08-04, ESTABLISHING THE PROSPECT HILL CONSERVATION DISTRICT,
ORDINANCE 11-05, ESTABLISHING THE GARDEN HILL CONSERVATION DISTRICT,
AND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“HISTORIC PRESERVATION AND PROTECTION”**

Re: Exempting changes in paint color from the certificate of appropriateness requirement, re-titling maps and amending the municipal code to reflect the full historic district status of these districts

WHEREAS, Ordinance 01-04 established the McDoel Conservation District and became effective on February 21, 2001; and

WHEREAS, Ordinance 08-04 established the Prospect Hill Conservation District and became effective on April 17, 2008; and

WHEREAS, Ordinance 11-05, established the Garden Hill Conservation District and became effective on June 1, 2011; and

WHEREAS, pursuant to Ind. Code § 36-7-11-19, the McDoel Conservation District automatically elevated to a full historic district on February 21, 2004 and the district is now known as the “McDoel Historic District;” and

WHEREAS, pursuant to Ind. Code § 36-7-11-19, the Prospect Hill Conservation District automatically elevated to a full historic district on April 17, 2011 and the district is now known as the “Greater Prospect Hill Historic District;” and

WHEREAS, pursuant to Ind. Code § 36-7-11-19, the Garden Hill Conservation District automatically elevated to a full historic district on June 1, 2014 and the district is now known as the "Garden Hill Historic District;" and

WHEREAS, Ind. Code § 36-7-11-20 and Bloomington Municipal Code §8.08.010(f) provide that an ordinance approving the establishment of a historic district may exclude changes in paint colors from the activities requiring a certificate of appropriateness; and

WHEREAS, as the McDoel, Prospect Hill, and Garden Hill Conservation Districts became full historic districts upon automatic operation, Ordinance 01-04, Ordinance 08-04, and Ordinance 11-05 must be amended to exempt a change of paint color from the certificate of appropriateness requirement; and

WHEREAS, the McDoel Neighborhood Association and the residents of the McDoel Historic District wish to exempt changes in paint color from the certificate of appropriateness requirement; and

WHEREAS, the Prospect Hill Neighborhood Association and the residents of the Greater Prospect Hill Historic District wish to exempt changes in paint color from the certificate of appropriateness requirement; and

WHEREAS, the Garden Hill Neighborhood Association and the residents of the Garden Hill Historic District wish to exempt changes in paint color from the certificate of appropriateness requirement; and

WHEREAS, on August 14, 2014, the City of Bloomington Historic Preservation Commission voted to exclude paint color changes from the certificate of appropriateness requirement for the McDoel Historic, the Greater Prospect Hill Historic, and the Garden Hill Historic Districts; and

WHEREAS, Ordinance 01-04 incorporated a map known as the "McDoel Conservation District" map and amended Chapter 8.20 of the Bloomington Municipal Code to reflect the name of the conservation district; as the district is now a full historic district, the name on both the map and in the municipal code should be amended to reflect the district’s elevated status; and

WHEREAS, Ordinance 08-04 incorporated a map known as the "Prospect Hill Conservation District" map and amended Chapter 8.20 of the Bloomington Municipal Code to reflect the name of the conservation district; as the district is now a full historic district, the name on both the map and in the municipal code should be amended to reflect the district's elevated status; and

WHEREAS, Ordinance 11-05 incorporated a map known as the "Garden Hill Conservation District" map and amended Chapter 8.20 of the Bloomington Municipal Code to reflect the name of the conservation district; as the district is now a full historic district, the name on both the map and in the municipal code should be amended to reflect the district's elevated status.

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

SECTION 1. Ordinance 01-04, an ordinance which established the McDoel Conservation District, shall be amended to exempt a change in paint color from the certificate of appropriateness requirement.

SECTION 2. The map adopted by Ordinance 01-04 and titled, "McDoel Conservation District" shall be re-titled to the "McDoel Historic District" map.

SECTION 3. Ordinance 08-04, an ordinance which established the Prospect Hill Conservation District, shall be amended to exempt a change in paint color from the certificate of appropriateness requirement.

SECTION 4. The map adopted by Ordinance 08-04 and titled, "Prospect Hill Conservation District" map shall be re-titled to, "Greater Prospect Hill Historic District" map.

SECTION 5. Ordinance 11-05, an ordinance which established the Garden Hill Conservation District, shall be amended to exempt a change in paint color from the certificate of appropriateness requirement.

SECTION 6. The map adopted by Ordinance 11-05 and titled, "Garden Hill Conservation District" map shall be re-titled to, "Garden Hill Historic District" map.

SECTION 7. Chapter 8.20 of the Bloomington Municipal Code, List of Designated Historic and Conservation Districts, shall be amended by deleting any reference to the "McDoel Conservation District" and replacing it with the "McDoel Historic District;" and shall be further amended by deleting any reference to the "Prospect Hill Conservation District" and replacing it with the "Greater Prospect Hill Historic District;" and shall be further amended by deleting any reference to the "Garden Hill Conservation District" and replacing it with the "Garden Hill Historic District."

SECTION 8. 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 9. 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 _____, 2014.

DARRYL NEHER, 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 _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes three changes in reference to the McDoel, Greater Prospect Hill, and Garden Hill Historic Districts. It exempts a change in paint color from the certificate of appropriateness requirement in these districts. It also amends the maps and references in the Bloomington Municipal Code to reflect the full historic status of these districts.

**RESOLUTION OF
THE CITY OF BLOOMINGTON
HISTORIC PRESERVATION COMMISSION**

WHEREAS, Ordinance 01-04 established the McDoel Conservation District and became effective on February 21, 2001; and

WHEREAS, Ordinance 08-04 established the Prospect Hill Conservation District and became effective on April 17, 2008; and

WHEREAS, Ordinance 11-05, established the Garden Hill Conservation District and became effective on June 1, 2011; and

WHEREAS, pursuant to Ind. Code § 36-7-11-19, the McDoel Conservation District automatically elevated to a full historic district on February 21, 2004 and the district is now known as the "McDoel Historic District;" and

WHEREAS, pursuant to Ind. Code § 36-7-11-19, the Prospect Hill Conservation District automatically elevated to a full historic district on April 17, 2011 and the district is now known as the "Greater Prospect Hill Historic District;" and

WHEREAS, pursuant to Ind. Code § 36-7-11-19, the Garden Hill Conservation District automatically elevated to a full historic district on June 1, 2014 and the district is now known as the "Garden Hill Historic District;" and

WHEREAS, Ind. Code § 36-7-11-20 and Bloomington Municipal Code §8.08.010(f) provide that an ordinance approving the establishment of an historic district may exclude changes in paint colors from the activities requiring a certificate of appropriateness; and

WHEREAS, as the McDoel, Prospect Hill, and Garden Hill Conservation Districts became full historic districts upon automatic operation, rather than action of the Council, Ordinance 01-04, Ordinance 08-04, and Ordinance 11-05 need to be amended to exempt a change of paint color from the certificate of appropriateness requirement; and

WHEREAS, the McDoel Neighborhood Association and the residents of the McDoel Historic District wish to exempt changes in paint color from the certificate of appropriateness requirement; and

WHEREAS, the Prospect Hill Neighborhood Association and the residents of the Greater Prospect Hill Historic District wish to exempt changes in paint from the certificate of appropriateness requirement; and

WHEREAS, the Garden Hill Neighborhood Association and the residents of the Garden Hill Historic District wish to exempt changes in paint from the certificate of appropriateness requirement; and

WHEREAS, Ordinance 01-04 incorporated a map known as the "McDoel Conservation District" map and amended Chapter 8.20 of the Bloomington Municipal Code to reflect the name of the conservation district; as the district is now a full historic district, the name on both the map and in the municipal code should be amended to reflect the district's elevated status; and

WHEREAS, Ordinance 08-04 incorporated a map known as the "Prospect Hill Conservation District" map and amended Chapter 8.20 of the Bloomington Municipal Code to reflect the name of the conservation district; as the district is now a full historic district, the name on both the map and in the municipal code should be amended to reflect the district's elevated status; and

WHEREAS, Ordinance 11-05 incorporated a map known as the "Garden Hill Conservation District" map and amended Chapter 8.20 of the Bloomington Municipal Code to reflect the name of the conservation district; as the district is now a full historic district, the name on both the map and in the municipal code should be amended to reflect the district's elevated status; and

NOW THEREFORE, after due consideration and deliberation, the City of Bloomington Historic Preservation Commission respectfully recommends the City of Bloomington Common Council amend Ordinance 01-04, Ordinance 08-04, and Ordinance 11-05 in such a manner so as to preclude the changing of paint color from needing a Certificate of Appropriateness and so as to accurately reflect the status of all three districts as historic districts.

So passed this 20th day of AUGUST, 2014.



Dave Harstad, Chairperson

MEMO:

To: City of Bloomington Common Council
From: Patty Mulvihill, Assistant City Attorney
Lisa Abbott, Director of Housing and Neighborhood Development Department
Date: July 30, 2014
Re: Amendments to Ordinances Establishing Certain Conservation Districts

This ordinance impacts three historic districts in the City's jurisdiction: the McDoel Gardens Historic District; the Greater Prospect Hill Historic District; and the Garden Hill Historic District. The impact on each of the three districts is the same and is threefold: (1) it negates the necessity to obtain a certificate of appropriateness from the City's Historic Preservation Commission (HPC) for the changing of exterior paint colors; (2) it renames each district in Title 8 of the Bloomington Municipal Code from a conservation district to a historic district; and (3) it labels each district's map as a historic district instead of a conservation district.

The McDoel Gardens district automatically elevated from a conservation district to a full historic district under Ind. Code § 36-7-11-19 on February 21, 2004. The same type of automatic elevation from a conservation district to a full historic district under Ind. Code § 36-7-11-19 occurred on April 17, 2011, for the Greater Prospect Hill district. Additionally, on June 1, 2014, the Garden Hill district also automatically elevated from a conservation district to a full historic district Ind. Code § 36-7-11-19.

When each of these three districts was codified as a conservation district the enabling legislation was silent as to whether or not changes to exterior paint colors would necessitate a certificate of appropriateness from the HPC if the districts automatically elevated to full historic districts. Ind. Code § 36-7-11-20 and Bloomington Municipal Code §8.08.010(f) both require property owners to obtain a certificate of appropriateness before changing the exterior paint colors of their properties unless the ordinance which established the district specifically exempts this change from needing said certificate. All three districts, all three neighborhood associations, City staff, and the HPC all believe it prudent and appropriate to exclude exterior paint color changes from needing a certificate of appropriateness.

While amending the enabling ordinances for all three districts to exclude changes in exterior paint color from needing a certificate of appropriateness, City staff believes it prudent to change both Title 8 of the BMC and the districts' maps to accurately reflect their elevated statuses as historic districts.

Material Regarding Tax Abatement for Mixed Use Project at 304 West Kirkwood (Elmore Y Orrego, LLC, Petitioner)

- Memo to Council from Danise Alano, Director of Economic Development and Jason Carnes, Assistant Director for Small Business;
 - Aerial Photo of Site;
 - Application for Tax Abatement;
 - Statement of Benefits for Abatement on 1) Real Estate and 2) Personal Property (IT Equipment); and
 - Estimate of Property Tax Calculations
-
- **Res 14-14** To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements and Personal Property - Re: Properties at 304 W. Kirkwood Avenue (Elmore Y Orrego, LLC, Petitioner)
 - EDC Res 14-02

 - **Ord 14-16** To Designate an Economic Development Target Area (EDTA) - Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300 (Elmore Y Orrego, LLC, Petitioner)
 - EDC Res 14-01



CITY OF BLOOMINGTON
economic & sustainable development

MEMORANDUM

To: City of Bloomington Common Council
CC: Dan Sherman, Regina Moore
From: Danise Alano-Martin, Jason Carnes
Date: July 15, 2014
RE: **Council Ordinance 14-16** (Designating an Economic Development Target Area) and **Council Resolutions 14-14 and 14-15** (Designating an Economic Revitalization Area, Authorizing Real and Personal Property Tax Abatements)
Elmore y Orrego LLC (304 W Kirkwood Ave.), Applicant

Summary

Since mid-2013, ESD staff has worked with petitioners to facilitate processing of a tax abatement application for a downtown redevelopment, corporate headquarters retention and job creation project. After completing site plans and gaining Plan Commission approval for the project, which enabled final project budgeting, Elmore y Orrego LLC submitted its tax abatement application. The Economic Development Commission on June 27 adopted Resolution 14-01 and Resolution 14-02 (attached), recommending that the Common Council designate an Economic Development Target Area and Economic Revitalization Area and authorize a 5-year phased-in real property abatement and a 10-year, 100 percent personal property abatement for improvements and investments at the property.

Applicant Background

Cornerstone Information Systems is a Bloomington tech company founded in 1992 and headquartered in a mostly one-story office building on the west side of the B-Line Trail between W. Kirkwood Avenue and W. 6th Street (304 W. Kirkwood Avenue). The property is owned by Elmore y Orrego, LLC. The principals are local entrepreneurs D.G. Elmore and Mat Orrego. Mr. Orrego is the CEO and founder of Cornerstone, and Mr. Elmore is Chairman of Gant Travel Management, which also has its back-office accounting personnel in the building. Gant Travel Management is a travel management company with more than 80 years of experience in business travel arrangements, corporate travel management, and vacation travel support. Cornerstone Information Systems provides technological solutions to more than 450 global travel management companies (such as Gant Travel), corporate travel departments, and online travel agencies. These solutions help improve efficiency and profitability of their clients' reservation and information management systems.

Project Overview

Elmore y Orrego proposes to demolish the current building and construct a new 4-story, mixed-use building. The building would include approximately 12,640 square feet of non-residential space, which would continue to serve as the headquarters offices for Cornerstone as well as provide offices for Gant Travel Management. In addition, 35 residential units (up to 65 bedrooms) are proposed on the upper three floors. Two of the condominium units on the fourth floor will become the homes for Mr. Orrego and Mr. Elmore and their families. Parking will be located in an interior garage within the building, accessed from an adjacent alley to the west. Elmore y Orrego will also improve the public space between their building and the B-Line Trail. The Bloomington Plan Commission in January approved the full site plan for the redevelopment project and the Bloomington Park and

Recreation Department guided the public plaza space improvement design, the costs of which will be fully borne by Elmore y Orrego.

The expansion of the headquarters building for Cornerstone will allow the tech company to add new jobs, and possibly bring some jobs held by remote workers to Bloomington. In addition, the replacement of a one-story single use building with a multi-story, mixed use building fulfills many long held economic development plans for the downtown.

Additional details corresponding to Tax Abatement General Standards criteria are outlined below:

Criteria: City of Bloomington Tax Abatement General Standards

Full-time, living wage jobs

The project will retain 53 full-time and two part-time jobs, and by December 31, 2018 proposes to create 10 new full-time jobs and two new part-time jobs. The aggregate annual payroll for retained jobs is \$3,637,099 and the new jobs will add an additional \$825,000 in annual payroll. The average hourly wage for current Cornerstone employees is \$31.43, and for Gant Travel is \$15.32. The companies provide additional benefits compensation to full-time employees valued at \$5.08/hour. The Living Wage Ordinance allows up to 15 percent of the wage to be made up of benefits compensation. At today's \$12.06/hour Living Wage, 15 percent is \$1.81/hour. The company does have some current positions at \$9.38/hour. For full-time, benefits-eligible employees, this wage rate meets the Living Wage standard (\$9.38 hourly wage + \$5.08 benefits compensation = \$14.46/hr). Proposed new full-time positions will start at \$15/hour plus benefits. For retained or new positions where benefit compensation is not offered, the companies would be required to increase wages to the hourly Living Wage for the duration of the tax abatement benefit for positions retained and/or added because of the expansion project.

Capital Investment as an enhancement to the tax base

Total project costs will be greater than \$14.6 million, of which \$11.5 million will be invested in the new building and \$400,000 will be invested in new information technology equipment. The remaining investments will be in stormwater infrastructure relocation, street and public plaza work, architecture, engineering and other soft costs. Current tax liability for the subject properties is just over \$30,000 annually. Based upon project estimates, the new tax liability (prior to an abatement) would be more than \$238,000 annually, a seven-fold increase.

Evaluative Criteria

The City's Tax Abatement General Standards describe additional criteria that may be used to evaluate whether a project will make "a significant positive contribution to overall economic vitality" of the city. Four example categories are outlined, and the petitioner may provide supportive evidence for how their project addresses any or all of the categories, or other categories not listed in the guidelines. Staff's assessment is below. Please also refer to the petitioner's Application, attached.

- **Quality of Life/Environmental Sustainability:** The mixed use project supports sustainable development and sustainable living in the most primary of ways by adding residential density in the core rather than periphery of our city, allowing residents a daily lifestyle that uses less transportation, infrastructure and energy resources. Also, a 4,000 square foot public plaza space will be improved by the developer and added to the City's connection of public trail systems which encourage and accommodate alternative forms of transportation. The building design also incorporates many LEED-eligible characteristics.
- **Affordable Housing:** Affordable Housing is not required of tax abatement projects by the General Standards. Like all Evaluative Criteria, affordable housing is offered as an example of

a type of possible added public good. This project's upper-story residential component is proposed as market-rate rentals and/or condominiums. The units are intended be marketed beyond the student housing segment, seeking professional workers and owner-occupants. The owners themselves will reside in condos on the fourth floor and they believe that the current market will have sufficient demand for at least one additional floor of condominiums immediately. The apartment units have been designed so they may be converted to condominiums if feasible in the marketplace. The Administration is supportive of this housing mix diversification in the downtown and views the development of additional urban upper-story housing density as a benefit to the city and aligned with stated goals of our Unified Development Ordinance and the Downtown TIF Plan.

- **Community Service:** Cornerstone CEO Mat Orrego has been a volunteer advisory board member of the Bloomington Technology Partnership since the BTP was jointly founded by the Bloomington Economic Development Corporation and the City of Bloomington in 2008. As an industry partner, Mr. Orrego's experience and insights continue to be extremely valuable in guiding the strategic efforts of the BTP in its mission to support the growth of the tech sector in our region and continue the diversification of our economy.
- **Community Character:** The project is a continuation of improvements to the urban built environment of W. Kirkwood Avenue, and complements the City's significant public investments in the past decade in the W. Kirkwood streetscape and the B-Line Trail. The project will further activate economic activity on the B-Line Trail and downtown by adding new commercial space along the B-Line Trail frontage, and additional downtown professional residents and office workers. Further, Cornerstone Information Systems is a founding partner, along with local tech company Sproutbox, of RunUp Labs which seeks to launch new travel technology startups in Bloomington. By providing seed funds and 12-week mentorships through RunUp Labs, Cornerstone is playing a key role in enhancing Bloomington's character as an innovative community where entrepreneurship can thrive.

Additional Economic Impact

Most (95%) of the Cornerstone's more than \$13M annual business is with customers outside of Indiana, although the company serves Bloomington and Monroe County clients as well. Through its delivery of technologies that proactively manage the most complex and time-intensive aspects of the reservation and information management process for its global clients, Cornerstone is bringing new wealth into our community.

New wages from Cornerstone's job growth will support the City's Downtown Community Revitalization Enhancement District. The subject site is also located in this economic development district, which allows for local capture of the increases in payroll taxes and sales taxes above the level set when the district was created.

Criteria: Indiana Code

Establishing an Economic Revitalization Area and a Term of Abatement

In order for a property to be eligible for tax abatement, the Council must designate it as an Economic Revitalization Area. An ERA is an area which has obstacles to "normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors." (I.C. 6-1.1-12.1-1)

The building is actually two separate buildings joined together, resulting in an awkward layout. The one-story facing Kirkwood cannot support additional stories. The building's constraints are direct constraints on the employment growth of Cornerstone. New construction will allow Cornerstone to grow, and will also facilitate the evolution of the downtown site from single-use to mixed-use.

In order to establish an Economic Revitalization Area, the Council must find that:

- The estimate of the value of the redevelopment or rehabilitation is reasonable for the projects of that nature.
- The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- The estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- The totality of the benefits is sufficient to justify the deduction.

City staff and the EDC recommend the finding that the estimates and benefits described in the Application and on the Statement of Benefits forms are reasonable and that the benefits, as outlined in the application packet and this memo, are sufficient to justify the tax abatement.

ERA in an Allocation Area (TIF district)

The subject property, comprised of four legal parcels, is located within the City's Downtown Tax Increment Financing (TIF) District. Indiana Code requires that the City Council must approve by resolution any ERA in an allocation area such as a TIF district. In a TIF, when new assessed value is abated then those funds (or portions of those funds) that would have contributed to the City's TIF account instead are retained by the property owner as tax savings. A typical municipal concern is that the lack of new tax increment may impact the municipality's ability to repay debt currently serviced by a TIF. The Downtown TIF does have lease payments for two parking garages in the downtown as well as bond payments for obligations issued to purchase land in the Certified Tech Park district. The Administration calculates that projected annual TIF revenues will be sufficient to continue paying the lease and bond payments, even prior to receiving any new TIF revenue from this project. In addition, once the City has completed repayment of financing for the parking meter installation, garage lease payments are intended to be paid for by parking revenues instead of the Downtown TIF.

It is also important to compare a proposed project to the adopted plans for a TIF area. It may be deemed desirable to forego or delay near-term TIF revenues from new projects in order to encourage and incentivize investments that meet a TIF plan's stated development objectives. Indeed, the Elmore y Orrego project is well aligned with several development objectives of the Downtown Economic Development Area Plan (or "**Downtown TIF Plan**") adopted in 1985 and amended in 2010, such as:

- *"fostering employment, and greater usages of vacant and underutilized buildings"*
- *"adequate growth space for office, research and technology business"*
- *"construct public spaces, including plazas and greenspaces for individual use as well as for special events and programs"*
- *"increased upper-story residential uses"*

City staff and the EDC find this project to be a highly desirable downtown infill project with synergies for the Certified Tech Park located just north along the B-Line Trail, and with positive implications for achieving goals in the Downtown TIF plan. Additionally, over a five-year phased-in abatement, the project would generate more than \$477,000 in new TIF revenues. After the five-year period of abatement, more than \$238,000 in new TIF revenues will be generated annually.

Economic Development Target Area

In general, in order for residential or retail projects to be eligible for abatement, Indiana Code requires Economic Development Target Area designation (I.C. 6-1.1-12.1-3), and requires a favorable recommendation from the EDC before the Council can designate an EDTA (IC 6-1.1-12.1-7). This project's housing component necessitates an EDTA designation. An EDTA is property that "has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property."

As the petitioner's application states, the decades-old building is substandard, with difficult-to-navigate internal passageways, various finish-floor elevations within the one-story building, and inflexible architecture that prevents mixed uses. The building itself impedes normal downtown development at the site. City staff and the EDC recommend designating an EDTA at the site for the purposes of granting a tax abatement to encourage and facilitate the site's redevelopment.

EDTA and ERA Expirations

The Council may limit the time period of ERA and EDTA designations, pursuant to I.C. 6-1.1-12.1-2(i) and I.C. 6-1.1-12.1-7(c). The petitioner's estimated date of completion (including real property investments and installation of personal property is December 2015. Staff recommends the designations be continued for at least 12 years, to allow reasonable room for construction or equipment installation schedule changes and timing with assessment calendars. Therefore, staff recommends that the area expiration dates be specified as concluding December 31, 2027 to cover both the proposed five-year term for real property and the proposed 10-year term for personal property.

Recommendation

With the full support of the Administration and the recommendation of the Economic Development Commission, we ask that the Council designate the EDTA and ERA designations and authorize these abatements for the Elmore y Orrego project:

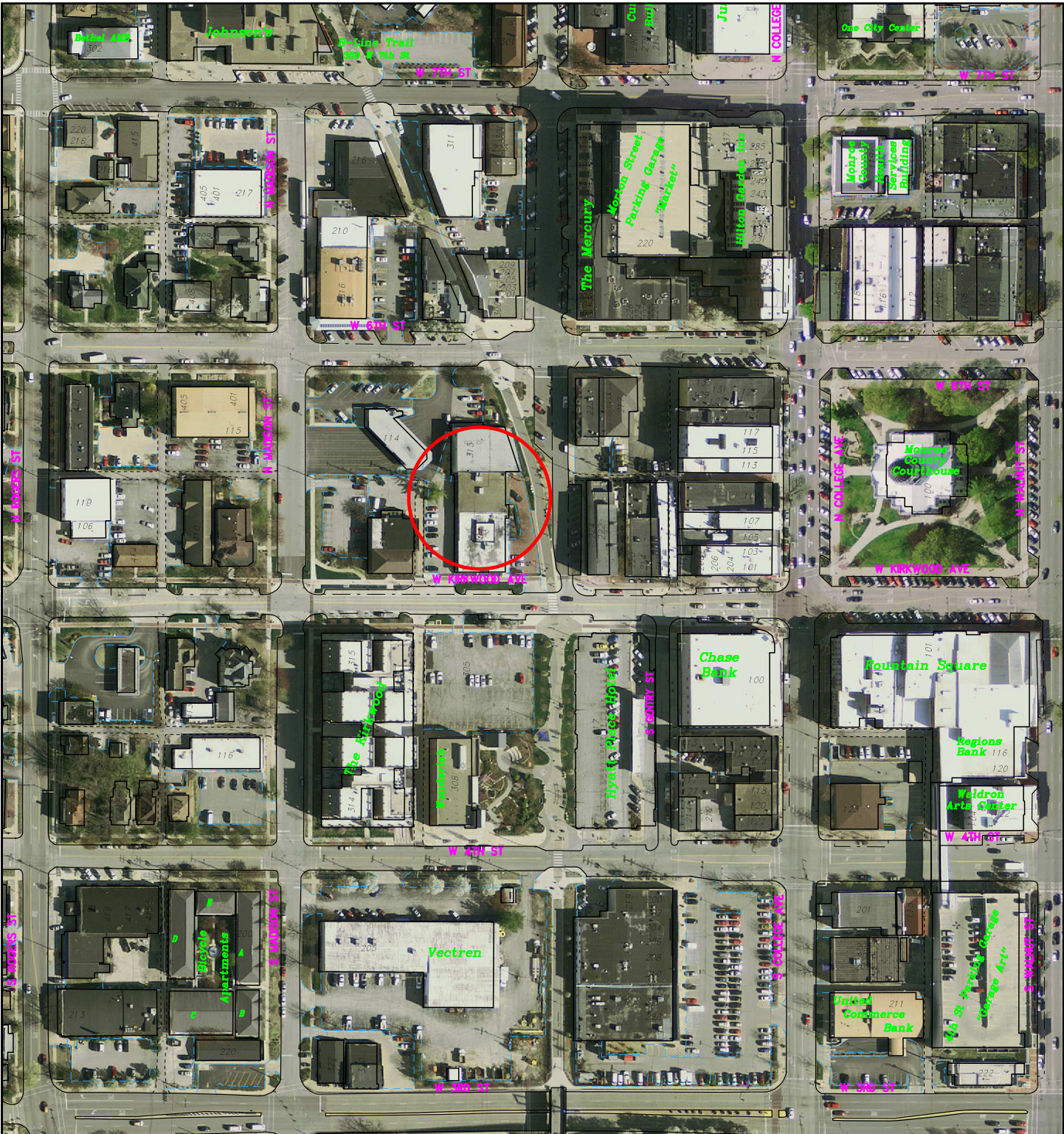
- **Five-year Real Estate Property (RE) Tax Abatement**, phased-in per the attached deduction schedule. The estimated value based on 2014 tax rates and capital investment estimates is \$716,289. The proposed shorter term (five years) of this abatement supports this incentive-worthy project which, among its benefits, helps achieve several Downtown TIF plan goals, creates jobs and enhances public space, and at the same time also moderates the impact of its property tax abatement incentive to potential new TIF revenues.
- **Ten-year Personal Property (PP) Tax Abatement, 100 percent annually**. Indiana Code allows for the Council to set deduction schedules (I.C. 6-1.1-12.1-17), and staff and EDC recommend the deduction schedule for this new information technology equipment, which will be installed to support the tech company's operations and growth, be set at 100% each year for 10 years . Estimated value: \$29,067 (see attached). Incremental taxes on business personal property aren't collected by a TIF unless a specific designation is made prior to the personal property investment. Therefore, the personal property abatement in this situation does not have a direct impact to the Downtown TIF. The Administration supports a 10-year personal property abatement, at 100 percent abated each year. Personal property abatement schedules take into account true tax valuations and depreciation. A schedule for projected savings for the company is attached.

The required Memorandum of Agreement negotiated with Elmore y Orrego will include clawback provisions (remedies and consequences for noncompliance) related to Living Wage compliance for Cornerstone and Gant Travel, capital investments, job retention and creation, and continued location of the Cornerstone headquarters and Elmore y Orrego companies at the site through the duration of the tax abatement periods.

Thank you for your consideration of this worthy project. We look forward to presenting additional details to you and seeking your approval of the above tax abatements.

Attached:

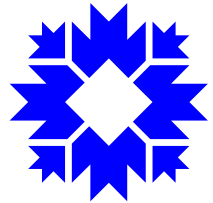
- Estimated Property Tax Abatement Calculations Based Upon Proposed Deduction Schedules, Personal and Real Estate Property
- Economic Development Commission Resolutions 14-01 and 14-02
- Petitioner's Statement of Benefits Form, Personal Property (SB-1/PP)
- Petitioner's Statement of Benefits Form, Real Estate Improvements (SB-1/Real Property)
- Petitioner's City of Bloomington Tax Abatement Application



Res 14-14 / Res 14-15 / Ord 14-16 - Tax Abatement for 304 West Kirkwood
 Elmore Y Orrego, LLC, Petitioner
 Site

City of Bloomington
 Clerk & Council

By: shermand
 22 Aug 14



Scale: 1" = 200'

For reference only; map information NOT warranted.



Application for Designation as an Economic Revitalization Area (ERA): Real and/or Personal Property Tax Abatement

City of Bloomington, Indiana
Department of Economic and Sustainable Development
401 N. Morton St., PO Box 100, Bloomington, Indiana 47402-0100
812.349.3418

INSTRUCTIONS

1. State law and City of Bloomington policy require that the designation application and statement of benefits form (SB-1) be submitted **prior to the initiation of the project** (i.e., prior to filing for building permits required to initiate construction). If the project requires a rezoning, variance, or approval petition of any kind the petitioner must file prior to submission of the tax abatement application, and must be approved prior to a final hearing on the tax abatement request.
2. All questions must be answered as completely as possible and must be verified with a signature on the completed Statement of Benefits Form (SB-1) and last page of this application. Incomplete or unsigned applications will not be accepted as official filings. If attaching additional pages, please label responses with corresponding Section numbers.
3. Return completed Application and **\$100.00 non-refundable Application Fee** (payable to the **City of Bloomington**) to City of Bloomington Department of Economic & Sustainable Development, PO Box 100, 401 N Morton Street, Suite 130, Bloomington, IN 47402-0100 (economicvitality@bloomington.in.gov).

Section 1 – Applicant Information	
Name of Company for which ERA Designation is being requested Elmore y Orrego, LLC	
Primary Contact Information (for questions concerning this application and the Project)	
Name Lauren Elmore	Job Title Associate
Phone (650) 678-0219 ext.	Email lauren.elmore@elmorecompanies.com
Address (street and/or PO, city, ZIP)	304 W. Kirkwood Ave Bloomington, IN 47404
Compliance Contact Information (person responsible for completion and timely submittal of mandatory annual compliance forms if designation is granted)	
Name Lori Thomas	Job Title Executive Assistant
Phone (812) 325-4487 ext.	Email lori.thomas@elmorecompanies.com
Address (street and/or PO, city, ZIP)	304 W Kirkwood Ave Bloomington, IN 47404

Section 2 – Real Property Location and Description		
Monroe County Tax Parcel ID Number(s) 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-00	Township Bloomington	
Street Address 304 W. Kirkwood Ave	ZIP 47404-	
Current Zoning CD/Downtown Core	Current Use(s) of Property Office	
Estimated Market Value of Property \$646,400		
Property or Building(s) Listed as Historic on the City of Bloomington Historical Survey ?	<input type="checkbox"/> Outstanding <input type="checkbox"/> Notable <input type="checkbox"/> Contributing	Age of Building(s), if applicable 40-50 years
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, check one:		
Describe any other national or local historical significance or designation, if applicable None		
Please list all owners of the property. Elmore y Orrego, LLC		
Attach additional sheets as necessary to include all relevant property records. The City of Bloomington may require a copy of the property deed.		

Section 3 – Criteria for Economic Revitalization Area (“ERA”) or Economic Development Target Area (“EDTA”) Designation

Describe how the project property and surrounding area have become undesirable for normal development and occupancy.
The state of the existing property makes it difficult to conduct ongoing business and has presented the owner with multiple problems. It is a conglomeration of two buildings with various internal passageways and finish floor elevations, making it difficult for visitors to navigate. The usability of the space is becoming inadequate for the growth of the current technology company, and is quite inflexible for other retail or commercial uses. The site is relatively small for office use and there is limited parking in the surrounding area. The combination of the density of the site and the inflexibility of the architecture has resulted in a building that limits business growth.

Section 4 – Company Profile

Does your company currently operate at this location? Yes No

If yes, how long has your company been at this location? **15 years**

Will this property be your company’s headquarters location? Yes No

If no, where is/will be your company’s HQ?

Company is a: LLC LLP LP Corporation S. Corporation Nonprofit Corporation
 Mutual Benefit Corporation Other-Please describe:

Provide a brief description of your company history, products and services.
Elmore y Orrego invests in various investment opportunities including small businesses and real estate. Most notable is Cornerstone Information Systems, formed in 1992. Cornerstone is a technology company helping more travel management companies, corporate travel departments, and online travel agencies work more efficiently and more profitably. Cornerstone delivers technologies that proactively manage the most complex and time-intensive aspects of the reservation and information management process. The current building also houses the back-office accounting employees of Gant Travel Management, a corporate travel management company.

Please list all persons and/or entities with ownership interests in the company. **DG Elmore and Mat Orrego**

Current/Retained Jobs and Wages (include only current permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees	<u>2</u>	Median part-time hourly wage	<u>\$12.38</u>
Number of full-time employees	<u>53</u>	Average part-time hourly wage	<u>12.38</u>
TOTAL current employees (permanent jobs)	<u>55</u>	Median full-time hourly wage	<u>\$26.44</u>
		Average full-time hourly wage	<u>\$33.98</u>
What is the lowest hourly wage in the company? (inc. PT, FT, other)	<u>\$9.38</u>		
What is the median hourly wage in the company (inc. PT, FT, other)	<u>\$25.84</u>	TOTAL Annual Payroll (current/retained)	<u>\$3,637,099.49</u>

New Jobs and Wages As Result of the Proposed Project (include only new permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees	<u>2</u>	Lowest starting part-time wage	<u>\$9.38</u>
Number of full-time employees	<u>10</u>	Lowest starting full-time wage	<u>\$15.00</u>
TOTAL NEW employees (new permanent jobs)	<u>12</u>	TOTAL NEW Annual Payroll (new jobs only)	<u>\$825,000.00</u>

Describe your company’s benefit programs and include the approximate value of benefits for existing and new employees on a per hour basis (e.g., benefits are valued at an additional \$3.00 per hour, etc.) **The company offers health, life, and long-term disability insurance. The estimated value of the benefits on a per hour basis is \$5.08 for full time employees.**

Market for Goods and Services; Local Sourcing

To the extent possible, please estimate the relative percentages of your company's reach (via your products or services) into following markets:

92k Inside Monroe County, Indiana
520k Outside Monroe County, but inside Indiana
12.5M Outside of Indiana
_____ Outside of the United States
100%

If applicable, list the name and location (City, State) of your five largest vendors or suppliers.

1. **Gant Travel (Old Reliance Health), Bloomington, IN**
2. **Travelport LP, Atlanta, GA**
3. **Morgan Stanley, Indianapolis, IN**
4. **American Express, Dallas, TX**
5. **Kirschner Business Services, Inc., Norfolk, MA**

Section 5A – Proposed Improvements (the “Project”)

Describe all real estate improvements for which tax abatement on the property is being sought.

The project will consist of complete demolition and redevelopment of a new mixed-use structure. The new building will include commercial space (office or retail) on the first floor along the B-line trail, apartments on the second and third floors, and condominiums on the fourth floor. The apartment units have been designed with the intention of converting to condominiums as for-sale units when market dynamics are appropriate. The units will be marketed toward professionals searching for leasing outside of the seasonal student market. The building will also house a parking structure. In addition, the project will include redevelopment of the adjacent public plaza along the B-line trail.

Estimated Total Project Cost (Capital Improvements only)	\$11,500,000.00	Has Bloomington Planning approval been obtained for the Project? If yes, Case Number: SP-33-13	<input checked="" type="checkbox"/> Yes
Estimated Construction Start Date (month-year)	July 2014		<input type="checkbox"/> No
Estimated Completion Date (month-year)	November 2015		

Will the Project require any City expenditures (for public infrastructure, etc.)?
If yes, please describe

Yes
 No

Proposed Use(s) of the property after Project completion. Describe uses for entire Project space, including any uses not of the applicant company (e.g., if portions of space are intended to be leased to other entities, provide details).

The completed project will be used for parking, office, retail, apartment rentals, and condominiums. The public plaza space will be an extension of the B-Line trail as a public pedestrian greenway. 68 parking spaces (60 garage, 8 surface) will be used by the 35 residential units and the office users of the building.

Describe the impact on your business if the proposed Project is **not** undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

The existing space will likely not be sufficient for business to remain in the existing location and there is the possibility of relocation.

Attach renderings, site plans, drawings, etc., of the Project.

Section 5B – Personal Property Description

Personal Property Abatement is a property tax deduction from the assessed valuation granted by a designating body for the installation of qualifying abatable equipment in an ERA.

Are you also applying for Personal Property Tax Abatement?

Yes No

If No, proceed to Section 6.

What type of new equipment will be installed?

- Manufacturing
 Research and Development
 Logistical Distribution
 Information Technology

Describe the new equipment to be installed **(1) Cornerstone Information Systems' internal, corporate IT servers and related network and storage equipment, including telephony; (2) Cornerstone's co-location of servers, storage and related network equipment for hosting its production-level, client-facing "Software as a Service ("SaaS") software applications. This equipment installation will be very substantial, as it is the co-lo production system for hundreds of SaaS customers globally.**

Estimated capital investment for new equipment only approx. \$400,000
Size of the facility in which equipment will be installed (square feet) 10' x 20'
Size of the site in which equipment will be installed (acres) 0.5 acres
Estimated installation start date (month-year) November, 2015 (at completion of the Project)
Estimated installation completion date (month-year) December, 2015
Please list all potential owners of the equipment to be installed. Cornerstone Information Systems, Inc.
Attach additional sheets as necessary.

Section 6 – City of Bloomington Evaluative Criteria	
Describe how the Project will make a significant positive contribution to the community's overall economic vitality in at least one of the following areas which apply. Feel free to add details to any and all other categories which apply. See "General Standards" for explanations and examples.	
<input checked="" type="checkbox"/> Quality of Life, Environmental Stewardship, and/or Sustainability	<p>The project will contribute to the quality of life of downtown Bloomington by (a) attracting long-term professional residents to the downtown core to live and contribute to the economy, (b) opening up the uses on the first floor to embrace the passing B-Line trail and surrounding environments, and (c) increasing the business-viability of the site for more sustainable business retention in the downtown core.</p> <p>The project will add at least 35 new professional, long-term residents to the downtown core, to contribute to the economy and engage in the urban community. The project will be design and marketed to attract professional residents searching for a community that is not oriented toward undergraduate students. The project will contribute to sustainability living by adding density to Bloomington's urban core and providing an opportunity for lifestyles that use less resources on transportation, infrastructure and energy.</p> <p>At least 250 linear feet of public trails will be improved by the adjacent land use. Approximately 4,000 square feet of plaza space will be added to the public trails.</p> <p>The project will contribute to the retention of at least 60 jobs in the downtown core. The design overhaul of the office space will make any use by future tenants a significantly higher likelihood and contribute to the long-term vibrancy of the immediate neighborhood.</p>
<input type="checkbox"/> Affordable Housing	
<input type="checkbox"/> Community Service	

<input checked="" type="checkbox"/> Community Character	<p>The project was specifically designed to provide timeless architecture to the neighborhood and to complement the surrounding buildings and enhances the urban built environment. The high-quality materials, including limestone, brick, and metal panel, will improve the built environment of Kirkwood street, the B-line trail, and downtown Bloomington. This high level of quality will influence the use of similar quality construction as surrounding parcels are developed. The project will set the standard for growing business in Bloomington to stay downtown and invest significantly in the downtown core. The project will encourage other businesses to do the same and build high quality architectural design.</p> <p>The additional plaza space of the project adds to the B-line trail as a significant and unique greenway. Retail and office uses along the first floor will activate the B-line and the surrounding streetscape. The added professional-oriented residences and the daytime office and retail traffic will bring consistent economic activity to the area.</p>
<p>If applicable, describe any further (not yet described above) beneficial <i>and detrimental</i> impact to the community's economic, social or environmental wellbeing, resulting from the Project. A major benefit of the project will be increasing the connectivity of the area by activating the first floor with office space, retail space, and public plaza space along the B-line trail. This will be a dramatic improvement from the existing condition. There is no identifiable detrimental impact at this moment.</p>	
<p>Attach any additional information or documentation you feel to be pertinent to the City's decision to authorize this tax abatement.</p>	

[The remainder of this page left intentionally blank. Application continues next page.]

Section 7 – Certification:

The undersigned hereby certify the following:

[Initials]

- _____ ■ The statements in the foregoing application for tax abatement are true and complete.
- _____ ■ The person(s) executing this application for tax abatement have been duly authorized by the business entity for which this application is being filed to execute and file this application, and all required approvals by the appropriate board or governing body of the business entity have been received.
- _____ ■ The individual(s) or business entity that is applying for Economic Revitalization Area (ERA) or Economic Development Target Area (EDTA) designation or approval of a Statement of Benefits is not in arrears on any payments, fees, charges, fines or penalties owed to the City of Bloomington, Indiana, including but not limited to, City of Bloomington Utilities, Bloomington Transit, and any other City departments, boards, commissions or agencies.
- _____ ■ I/we understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an ERA, EDTA or of approval of a Statement of Benefits for the above area, whichever occurs later, the Bloomington Common Council shall have the right to void such designation.
- _____ ■ I/we understand that all companies requesting ERA and/or EDTA designation will be required to execute a Memorandum of Agreement (MOA) with the City. The MOA shall contain the capital investment levels, job creation and/or retention levels and hourly wage rates and other benefits that the applicant has committed to the City in order to receive consideration for the designation. The MOA shall also contain information relative to what the City and applicant have agreed upon as "substantial compliance" levels for capital investment, job creation and/or retention and wage rates and/or salaries associated with the project.

Additionally, the MOA shall indicate that the City, by and through the Economic Development Commission and the City of Bloomington Common Council, reserves the right to terminate a designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City terminates the designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be contained in the Memorandum of Agreement.
- _____ ■ I/we understand that if this request for property tax abatement is granted that I/we will be required to submit mandatory annual compliance forms as prescribed by State law and local policy. I/we also acknowledge that failure to do so or failure to achieve investment, job creation, retention and salary levels contained in the final resolution and MOA may result in a loss of tax abatement deductions and the repayment of tax abatement savings received.
- _____ ■ I/we understand that beneficiaries of a city tax abatement are subject to the City of Bloomington's Living Wage Ordinance ([BMC 2.28](#)), and therefore I/we must certify the entity's Living Wage compliance annually during the tax abatement term, if this abatement request is approved.

OWNER(S) OR AUTHORIZED REPRESENTATIVE(S)

SIGNATURE (Print Name Below)	TITLE	DATE
X _____ DG Elmore	_____	_____
X _____ Mat Orrego	_____	_____



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R5 / 12-13)
Prescribed by the Department of Local Government Finance

20__ PAY 20__
FORM SB-1 / Real Property
PRIVACY NOTICE Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
 Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION		
Name of taxpayer Elmore y Orrego, LLC		
Address of taxpayer (number and street, city, state, and ZIP code) 304 W. Kirkwood Ave., Bloomington, IN 47404		
Name of contact person Lori Thomas (lori.thomas@elmorecompanies.com)	Telephone number (812) 325-4487	E-mail address lori.thomas@elmorecompani

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT		
Name of designating body City of Bloomington	Resolution number	
Location of property 304 W. Kirkwood Ave., Bloomington, IN 47404	County Monroe	DLGF taxing district number
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) The project comprises demolition and redevelopment of a new mixed-use structure to include 1st floor commercial space (office or retail), 2nd and 3rd floor apartments, 4th floor condominiums, and a parking structure. The project will include redevelopment of the adjacent public plaza along the B-line trail.		Estimated start date (month, day, year) 07/15/2014 Estimated completion date (month, day, year) 11/30/2105

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
54.00	\$3,637,099.00	54.00	\$3,637,099.00	11.00	\$825,000.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT		
	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	1,493,954.00	940,200.00
Plus estimated values of proposed project	11,500,000.00	7,245,000.00
Less values of any property being replaced	1,493,954.00	940,200.00
Net estimated values upon completion of project	10,006,046.00	6,304,800.00

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____

Other benefits
 The project will contribute to the quality of life of downtown Bloomington by (a) attracting long-term professional residents to the downtown core to live and contribute to the economy, (b) opening up the uses on the first floor to embrace the passing B-Line trail and surrounding environments, and (c) increasing the business-viability of the site for more sustainable business retention in the downtown core. The project will add at least 35 new professional, long-term residents downtown and contribute to sustainability living by adding density to Bloomington's urban core, also contributing to the retention of jobs there. And, at least 250 linear feet of public trails will be improved.

SECTION 6 TAXPAYER CERTIFICATION	
I hereby certify that the representations in this statement are true.	
Signature of authorized representative 	Date signed (month, day, year) 06/18/2014
Printed name of authorized representative Mat Orrego	Title Managing Member

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4-1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

**IC 6-1.1-12.1-17
Abatement schedules**

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (R3 / 12-13)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION								
Name of taxpayer Elmore y Orrego, LLC			Name of contact person Lori Thomas (lori.thomas@elmorecompanies.com)					
Address of taxpayer (number and street, city, state, and ZIP code) 304 W. Kirkwood Ave., Bloomington, IN 47404				Telephone number (812) 325-4487				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT								
Name of designating body City of Bloomington				Resolution number (s)				
Location of property 304 W. Kirkwood Ave., Bloomington, IN 47404			County Monroe		DLGF taxing district number			
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) (1) Internal, corporate IT servers and related network and storage equipment, including telephony (e.g. for tenant Cornerstone Information Systems, Inc.); (2) Cornerstone Information Systems' co-location of servers, storage and related network equipment for hosting its production-level, client-facing "Software as a Service ("SaaS")" software applications (that is, the co-located production system for hundreds of SaaS customers of Cornerstone's specialized, hosted travel-related software services for travel agencies and corporations globally).					ESTIMATED			
					START DATE		COMPLETION DATE	
					Manufacturing Equipment			
					R & D Equipment			
					Logist Dist Equipment			
IT Equipment		10/15/2015	11/30/2015					
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT								
Current number 53 FT, 2 PT	Salaries \$3,637,099	Number retained All	Salaries \$3,637,099	Number additional 10 FT, 2 PT	Salaries \$825,000			
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
	Current values						1,357,204	421,583
	Plus estimated values of proposed project						400,000	124,250
	Less values of any property being replaced						200,000	62,000
Net estimated values upon completion of project							1,557,204	483,833
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER								
Estimated solid waste converted (pounds) <u>NA</u>			Estimated hazardous waste converted (pounds) <u>NA</u>					
Other benefits: The project will contribute to the quality of life of downtown Bloomington by (a) attracting long-term professional residents to the downtown core to live and contribute to the economy, (b) opening up the uses on the first floor to embrace the passing B-Line trail and surrounding environments, and (c) increasing the business-viability of the site for more sustainable business retention in the downtown core.								
SECTION 6 TAXPAYER CERTIFICATION								
I hereby certify that the representations in this statement are true.								
Signature of authorized representative 				Date signed (month, day, year) 6/18/2014				
Printed name of authorized representative Mat Orrego			Title Managing Member					

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
- | | | |
|--|------------------------------|-----------------------------|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- G. Other limitations or conditions (specify) _____
- H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:
- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|---------------|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 | (see below *) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 | |
- I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Estimated Tax Abatement Calculations

Elmore Y Orrego, LLC, 304 W. Kirkwood Ave

Township: Bloomington City-Bloomington Township
 Tax Rate (2014): **\$2.0762 per \$100**

Current Assessed Value (6/30/13)

Land	\$	545,900
Improvements	\$	930,000

Total Current Tax Liability \$ 30,645

PERSONAL PROPERTY ABATEMENT ESTIMATE					
Cost of Personal Property:					\$400,000
	True Tax Value*	Taxes Payable Without Abatement	Recommended Abatement Schedule (%)	Amount Abated	Net Taxes Payable With Abatement
Year 1	40%	\$ 3,322	100%	\$ 3,322	\$ -
Year 2	56%	4,651	100%	4,651	-
Year 3	42%	3,488	100%	3,488	-
Year 4	32%	2,658	100%	2,658	-
Year 5	30%	2,491	100%	2,491	-
Year 6	30%	2,491	100%	2,491	-
Year 7	30%	2,491	100%	2,491	-
Year 8	30%	2,491	100%	2,491	-
Year 9	30%	2,491	100%	2,491	-
Year 10	30%	<u>2,491</u>	100%	<u>2,491</u>	-
PP Totals		\$ 29,067		\$ 29,067	\$ -

*Per Indiana Code

REAL PROPERTY ABATEMENT ESTIMATE				
Capital Investment:				\$11,500,000
	Taxes Payable Without Abatement	Recommended Abatement Schedule (%)	Amount Abated	Net Taxes Payable With Abatement (TIF Revenue)
Year 1	\$ 238,763	100%	\$ 238,763	\$ -
Year 2	238,763	80%	191,010	47,753
Year 3	238,763	60%	143,258	95,505
Year 4	238,763	40%	95,505	143,258
Year 5	<u>238,763</u>	20%	<u>47,753</u>	<u>191,010</u>
RE Totals	\$ 1,193,815		\$ 716,289	\$ 477,526

RE + PP Totals		\$ 745,356		\$ 477,526
-----------------------	--	-------------------	--	-------------------

RESOLUTION 14-14

TO DESIGNATE AN ECONOMIC REVITALIZATION AREA, APPROVE THE STATEMENTS OF BENEFITS, AND AUTHORIZE PERIODS OF ABATEMENT FOR REAL PROPERTY IMPROVEMENTS AND PERSONAL PROPERTY - Re: Properties at 304 W. Kirkwood Avenue (Elmore Y Orrego, LLC, Petitioner)

- WHEREAS, Elmore Y Orrego, LLC, (“Petitioner”) has filed an application for designation of properties at 304 W. Kirkwood Avenue, Bloomington, Indiana, comprised of four parcels identified by Parcel Numbers listed herein, as an “Economic Revitalization Area” (“ERA”) for removal of an aging structure and construction of a new building pursuant to IC 6-1.1-12.1 et. seq.; and
- WHEREAS, the subject site is identified by the following Monroe County Parcel Numbers:
53-05-33-310-260.000-005; (Alt Parcel Num 013-08290-00)
53-05-33-310-120.000-005; (Alt Parcel Num 013-44860-00)
53-05-33-310-139.000-005; (Alt Parcel Num 013-44850-00)
53-05-33-310-112.000-005; (Alt Parcel Num 013-08300-00); and
- WHEREAS, the Petitioner has also submitted statement of benefits forms to the Common Council for its real estate improvements and for personal property;
- WHEREAS, according to this material, the Petitioner wishes to remove a one-story office building and invest \$11.5 million in the construction of a new multi-story, mixed use office, retail and residential building and wishes to acquire new information technology equipment with an estimated investment of \$400,000, all of which will enable the retention of 53 full-time permanent positions and two part-time permanent positions with an annual payroll of \$3,637,099, excluding benefits and overtime, and will create 10 new full-time positions and two new part-time positions with an additional annual payroll of \$825,000, (the “Project”); and
- WHEREAS, as required by Indiana Code, Bloomington Municipal Code and a Memorandum of Understanding to be executed pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with the Statement of Benefits, complied with the City of Bloomington’s Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding; and
- WHEREAS, the Project is located in the Downtown Tax Increment Finance (TIF) district and I.C. 6-1.1-12.1-2(k) provides that when a property is located in an ERA for tax abatement purposes is also located in a TIF allocation area, the Common Council must approve the statement of benefits by resolution; and
- WHEREAS, the Economic Development Commission has reviewed the Petitioner’s application and Statement of Benefits and passed Resolution 14-02 recommending that the Common Council designate the area as an ERA, approve both Statement of Benefits forms, and authorize a five-year period of abatement for the real estate improvements and a ten-year abatement for the personal property; and
- WHEREAS, IC 6-1.1-12.1-17 authorizes the Common Council to set an abatement schedule for property tax abatements; and

WHEREAS, the EDC has recommended that the abatement schedule for the project's personal property be authorized as a 100 percent annual abatement for 10 years; and

WHEREAS, the EDC has recommended that the real property abatement be a sliding scale with Year 1 abated at 100 percent, Year 2 at 80 percent, Year 3 at 60 percent, Year 4 at 40 percent and Year 5 at 20 percent; and

WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part hereof, and found the following:

- A. the estimate of the value of the Project is reasonable;
- B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project as proposed;
- D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- E. the totality of benefits is sufficient to justify the deduction; and

WHEREAS, the property described above has experienced a cessation of growth; and

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

SECTION 1. The Common Council finds and determines that the properties at address 304 W. Kirkwood Avenue, comprised of four parcels identified above, which is within the Downtown Tax Increment Financing Area, should be designated as an "Economic Revitalization Area" as set forth in I.C. 6-1.1-12.1-1 et. seq., and Petitioner's Statements of Benefits is hereby approved; and

SECTION 2. The Common Council further finds and determines that the Petitioner, or its successors as allowed by the Memorandum of Understanding, shall be entitled to an abatement of real and personal property taxes for the Project as provided in IC 6-1.1-12.1-1 et seq, as follows:

- a. For real estate improvements for the Project, a period of five (5) years with the following deduction schedule, pursuant to IC 6-1.1-12.1-17:

Year 1	100%
Year 2	80%
Year 3	60%
Year 4	40%
Year 5	20%

- b. For new information technology equipment as described in the application, a personal property abatement with a period of ten (10) years, with the following deduction schedule, pursuant to IC 6-1.1-12.1-17:

Each Year, 1 through 10	100%
-------------------------	------

SECTION 2. In granting this designation and deductions the Common Council incorporates I.C. 6-1.1-12.1-12 and also expressly exercises the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits forms, and authorizes the City of Bloomington to negotiate a Memorandum of Understanding with the Petitioner specifying substantial compliance terms and consequences and remedies for noncompliance. In particular, failure of the property owner to make reasonable efforts to

comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the capital investment of at least \$11.5 million for real estate improvements and an estimated \$400,000 for new information technology equipment as described in the application shall be completed before or within twelve months of the completion date as listed on the application; and
- b. the land and improvements shall be developed and used in a manner that complies with local code; and
- c. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, Bloomington Municipal Code, and by the Memorandum of Understanding.

SECTION 3. The provisions of Indiana Code 6-1.1-12.1-12 are hereby incorporated into this resolution, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Common Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code 6-1.1-12.1-12(e) to the county treasurer.

SECTION 4. This designation shall expire no later than December 31, 2027, unless extended by action of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

SECTION 5. The Common Council directs the Clerk of the City to publish a notice announcing the passage of this resolution and requesting that persons having objections or remonstrances to the ERA designation appear before the Common Council at a public hearing on September 17, 2014.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

DARRYL NEHER, 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 _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution designates four parcels collectively owned by Elmore Y Orrego LLC and known as 304 W. Kirkwood Street as an Economic Revitalization Area (ERA). This designation was recommended by the Economic Development Commission and will enable the proposed mixed use redevelopment project, which includes newly constructed office, retail and upper-story market-rate residential units and condominiums, to be eligible for tax abatement. The resolution also authorizes a five-year period of abatement for real property improvements and a ten-year period for personal property abatement and sets deduction schedules for each. The resolution also declares the intent of the Council to hold a public hearing on September 17, 2014 to hear public comment on the ERA designation.

**RESOLUTION 14-02
OF THE
ECONOMIC DEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

WHEREAS, the Economic Development Commission of the City of Bloomington, Indiana, recognizes the need to stimulate growth and to maintain a sound economy within the corporate limits of the City of Bloomington, Indiana; and

WHEREAS, the Indiana Code at 6-1.1-12.1 et. seq. provides for the designation of "Economic Revitalization Areas" (ERAs) within which property taxes may be abated on improvements to real estate and within which property taxes may be abated on personal property, such as new information technology equipment; and

WHEREAS, in addition to the ERA designation, an applicant for tax abatement must receive Common Council approval of the Statement of Benefits resulting from the proposed project; and

WHEREAS, the Common Council of the City of Bloomington in Ordinance 97-06 gave to the Economic Development Commission the responsibility for making recommendations to the Council regarding requests for tax abatement; and

WHEREAS, the Common Council in Resolution 11-01 adopted Tax Abatement General Standards which established the standards to be used in finding an area to be an ERA; and

WHEREAS, Elmore Y Orrego, LLC, ("Petitioner") has applied for tax abatement on real estate improvements as well as the acquisition and installation of new information technology equipment, and has submitted Statement of Benefits forms regarding the same, for its proposed project on four parcels addressed as 304 W Kirkwood Avenue, located in the Downtown Tax Increment Financing District; and

WHEREAS, the Economic Development Commission has met and considered Petitioner's application and Statement of Benefits, and has recommended a phased-in five-year tax abatement on the proposed real estate improvements, and a 10-year, 100 percent abatement on the proposed new information technology equipment;

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Commission of the City of Bloomington does hereby recommend to the Common Council that it:

1. Designate four parcels identified by Monroe County as the following Parcel Numbers as an Economic Revitalization Area:

53-05-33-310-260.000-005	(Alt Parcel Num: 013-08290-00)
53-05-33-310-120.000-005	(Alt Parcel Num: 013-44860-00)
53-05-33-310-139.000-005	(Alt Parcel Num: 013-44850-00)
53-05-33-310-112.000-005	(Alt Parcel Num: 013-08300-00).

2. Approve said Statement of Benefits regarding real estate improvements to said site proposed by Petitioner, and approve a five-year tax abatement with the following deduction schedule:

Year 1	100%
Year 2	80%
Year 3	60%
Year 4	40%
Year 5	20% ; and

3. Approve said Statement of Benefits regarding the new information technology equipment and approve a 10-year, 100 percent tax abatement on said personal property; and

4. Adopt the deduction schedule as specified in Indiana Code 6-1.1-12.1-4 Version b, subsection (d) for this abatement.

APPROVED this ___ day of _____, 2014.

Kurt Zorn, President
Bloomington Economic Development Commission

Malcolm Webb, Secretary
Bloomington Economic Development Commission

ORDINANCE 14-16

**TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA (EDTA) -
Re: Property Located at 304 W. Kirkwood Avenue and Identified by the Monroe County
Parcel ID Numbers 013-08290-00, 013-44860-00, 013-44850-00, 013-08300-002300
(Elmore Y Orrego, LLC, Petitioner)**

WHEREAS, Indiana Code 6-1.1-12-7(a) authorizes the Common Council to designate an area as an Economic Development Target Area; and

WHEREAS, statutory criteria require that an area so designated must be an area that:

- (1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvement or character or occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevented a normal development of property or use of property; or
- (2) is designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under Indiana Code 36-7-11, 36-7-11.1 or 14-3-3.2; or
- (3) encompasses buildings, structures, sites or other facilities that are:
 - (A) listed in the national register or historic places under the National Historic Preservation Act of 1966; or
 - (B) listed on the register of the Indiana historic sites and historic structures; or
 - (C) determined to be eligible for listing on the Indiana register by the state historic preservation officer; and

WHEREAS, on June 27, 2014 the City of Bloomington Economic Development Commission held a hearing to consider the request to designate as an Economic Development Target Area four adjacent parcels in Bloomington, Indiana, which have an address of 304 W. Kirkwood Avenue and are identified by Monroe County as the following parcels (and alternate parcel numbers):

53-05-33-310-260.000-005; (013-08290-00)
53-05-33-310-120.000-005; (013-44860-00)
53-05-33-310-139.000-005; (013-44850-00)
53-05-33-310-112.000-005; (013-08300-00); and

WHEREAS, at the conclusion of the hearing, the Economic Development Commission adopted Resolution 14-01, which recommended that the Common Council designate the above-described area as an Economic Development Target Area in compliance with Indiana Code 6-1.1-12.1-7(a);

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

SECTION 1. The four parcels located at 304 West Kirkwood and identified by the following Parcel Numbers in Bloomington, Monroe County, Indiana, are hereby designated as an Economic Development Target Area under the authority of Indiana code 6-1.1-12.1-7(a):

53-05-33-310-260.000-005	(Alt Parcel Num: 013-08290-00)
53-05-33-310-120.000-005	(Alt Parcel Num: 013-44860-00)
53-05-33-310-139.000-005	(Alt Parcel Num: 013-44850-00)
53-05-33-310-112.000-005	(Alt Parcel Num: 013-08300-00).

SECTION 2. This designation shall expire December 31, 2027, unless extended by action of the Common Council to amend this Ordinance and upon recommendation of the Bloomington Economic Development Commission.

SECTION 3. 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 _____, 2014.

DARRYL NEHER, 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 _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance designates four parcels collectively owned by Elmore Y Orrego LLC and known as 304 W. Kirkwood Street as an Economic Development Target Area (EDTA). This designation was recommended by the Economic Development Commission and will enable the proposed mixed use redevelopment project, which includes office, retail and upper-story market-rate residential units and condominiums, to be eligible for tax abatement. Final approval of personal and real estate property tax abatements for the project will also require the adoption of an initial and confirming resolution, which must designate these lots as an Economic Revitalization Area (ERA), approve the statement of benefits, and authorize periods of abatement.

**RESOLUTION 14-01
OF THE
ECONOMIC DEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA

WHEREAS, Indiana Code §6-1.1-12.1-7 specifies that an economic development target area may be designated by the Common Council after a favorable recommendation by an economic development commission; and

WHEREAS, the Bloomington Economic Development Commission, at the request of the petitioner, Elmore Y Orrego, LLC, held a meeting on this day to consider the petitioner's application for an economic development target area designation for an area located at 304 W. Kirkwood Avenue, and including the parcels identified by the following Monroe County Parcel ID numbers in the City of Bloomington, Indiana:

53-05-33-310-260.000-005 ; (013-08290-00)
53-05-33-310-120.000-005 ; (013-44860-00)
53-05-33-310-139.000-005 ; (013-44850-00)
53-05-33-310-112.000-005 ; (013-08300-00); and

WHEREAS, the Commission has determined after the meeting that the application falls within the statutory qualifications in Indiana Code §6.1.1-12.1-7 and has voted approval of the designation;

NOW THEREFORE, BE IT RESOLVED by the Bloomington Economic Development Commission that the Commission recommends to the City of Bloomington Common Council that an ordinance be passed designating the above described location as an economic development target area.

APPROVED this ____ day of _____, 2014.

Kurt Zorn, President
Bloomington Economic Development Commission

Malcolm Webb, Secretary
Bloomington Economic Development Commission

In the Council Chambers of the Showers City Hall on Wednesday, March 12, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
March 12, 2014

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that Ordinance 14-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Ordinance 14-02 be adopted.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
Ordinance 14-02 To Amend Title 8 of
the Bloomington Municipal Code
Entitled “Historic Preservation and
Protection” to establish a Historic
District – Re: University Courts
Historic District (Bloomington
Historic Preservation Commission,
Petitioner)

Hiestand briefly summarized the Historic District, saying that since the first city survey of historic structures in 1997, this area had been considered a specific district worth preserving. She said that a nomination was written to the Historic Register in 1990, and that in 2007 it was listed on the National Historic Register. She said that the national listing, however, did not provide protection against demolition. She noted that the brick streets that tied this district together were locally designated in 2004. She showed maps of the district, limestone walls and the overall district.

She outlined the summary of criteria that the district met. She said there were only two criteria (location of an historic event and material or detail considered to be an innovative item) that the district did not meet, similar to the situation in the Elm Heights District.

She said the district was tied together with thematic walls and streets, and was actually a planned area, with early apartment buildings and duplexes as well as single family homes. She noted that a more recent survey of the area showed more architect designed homes than originally estimated. She showed many examples of the homes, noted the architect and their firms. She noted the residents of the area and some of their accomplishments, noting that Elizabeth Sage, Professor of Home Economics at IU, was one of the first women to own her first home at that time.

She said that the Historic Preservation Commission had unanimously recommended the designation.

Spechler asked what percentage of the structures in this district belonged to IU and thus would not be protected from demolition. Hiestand said that there were 38 properties out of 65 owned by IU, with two of those owned by the IU Foundation rather than the IU Trustees. Spechler then clarified that 60% of the properties could be demolished if IU chose to do so.

Volan asked Hiestand if this was the most significant Historic District in Bloomington. She noted that there was a difference between history and architecture, but said that along with Elm Heights this was one of the two most architecturally important districts in the city. She noted that the Courthouse Square was not yet designated, but that would be significant also.

Sturbaum asked about covenants on deeds. Hiestand said that IU was not subject to the city zoning regulations. She added that she was not able to research the deed restriction question at this point.

Neher asked if there had been any communications from the Indiana University concerning this ordinance. Patty Mulvihill, Assistant City Attorney said there had not been.

Sturbaum said that the Delany and Delany findings from Indiana Landmarks contended that IU was not exempt from local demolition regulations.

Mulvihill said that the City Legal department did not agree with the opinion. She said in reading the memorandum she felt that the findings failed to consider some relevant case law that talked about exclusivity of state statutes when they occupy an entire field. She said that reading a case dealing with the Department of Natural Resources as well as an Attorney General opinion about red light camera enforcement made it clear that when the state had set up certain procedures, a locality could not add additional steps.

Elizabeth Cox-Ash from the McDoel Gardens neighborhood said she hoped the council would vote for this designation and hoped the university would take into account that the community wanted this area maintained and preserved. She said that one of the houses that IU slated to tear down was the only Prairie Style house in Bloomington, and to do that would be to destroy some city history.

Brandt Downey, former judge in Florida and current resident of Bloomington, said he considered himself a constitutional expert. He said he respected the work of preservation and believed the university could build a fraternity house in another area. He said, however, the ordinance would not and could not stop IU from tearing down houses in this district. He said IU would pay no attention to this ordinance, and to think otherwise would be to make a mistake in believing that their demolition could be stopped.

Jeannine Butler, member of the Historic Preservation Commission and resident of University Courts, said the commission did not bring this issue forward with the idealistic approach to stop IU from doing what they wanted to do with these houses. She said it was warranted to be a local historic district because it was a national and state historic district. She noted the local brick streets being on the local historic district list.

She asked if the local requirements should be higher than the National and State requirements. She said it followed that pattern and it was a no-brainer to designate the district.

Bill Milroy said he lived in the Old Northeast Neighborhood. He said that the development of the property in this neighborhood was a betrayal of IU's development of regional campuses rather than have the entire university infrastructure in Bloomington. He said the management of IU should review the board of trustees meetings and explain why they have gone away from this plan as outlined by Herman B Wells and the former trustees.

Council questions

Volan asked Patrick Shay, Planning Department staff member, if there was a zoning classification under the UDO that would not permit a fraternity to be built in University Courts. Shay said there was not. He said they were permitted in the institutional zoning district, but there were no classifications that would not recognize the overall exemption for the university.

Volan said that the fraternity was promised the ownership of the land under which they would build their structure, and that the minute the university transferred the property to the IU Foundation it would fall under city zoning code. Shay said that was correct. Volan asked if the property was zoned institutional. Mulvihill said it was not, but the university could own the property, demolish the houses, build the fraternity house and then transfer ownership. The fraternity would then be a grandfathered lawful non-conforming use. Mulvihill and Volan

agreed that the IU Foundation would be subject to zoning regulations while IU Trustees were not.

Rollo said the neighborhood was an integral part of the city culture and history, and deserved to be preserved in its entirety. He hoped that IU would consider what Herman B Wells would do in this situation. He said any loss of the homes in this area would not be because of action of the City of Bloomington, but because of IU. He hoped they would not take that lightly.

Spechler questioned that the expansion of the enrollment of IU Bloomington was a betrayal of Chancellor Wells's ideas, and said it was wrong. He said he had tried to call attention to fact that this expansion of student population had gone beyond Wells's limit of 39,000. He said, as a professor at IU, it was not good for IU or Bloomington because the expansion of the number of students and staff was driving up rents and making it more expensive for students to come to the Bloomington campus. He said it put pressure on inner city neighborhoods and drove up the cost of rentals without increasing the quality and reputation of IU. He said that the president and provost wrongly think that the expansion was necessary for fiscal reasons.

Granger said this was the right thing to do for the community and would vote for the ordinance. She noted her appreciation for the beauty and history of the neighborhood.

Sandberg said she was not under the illusion that IU would be persuaded by the proceedings of this discussion, and that the university was not exempt from tearing down their homes. She said that IU would not be exempt from the rules, regulations and laws of the civil city. She cited a recent article in *The Atlantic* on *The Dark Side of Fraternities* and said that anything out of line of the city's ordinance on trash, noise, and behaviors should be reported as bad neighborliness. She hoped that the fraternity in question would reconsider the location of their house in a neighborhood where people wanted peace, quiet and civil behavior.

She said the question at this meeting was historic designation and that she supported it wholeheartedly.

Volan said a previous discussion on the ordinance brought forth the location of a fraternity in the neighborhood, and that his words may have been misinterpreted as an apologia on the part of the fraternity. He said the area south of 10th Street was closer to classes and was as such desirable. He said having the fraternity closer to the center of campus increased the safety of that area, with more sets of eyes, more people in the area. He suggested the tennis courts near the area as a better place for the fraternity house, noting that when he suggested it to IU they said no. He said their decisions were arbitrary, and hoped the legislation would bring attention to the arbitrariness of the decisions made by IU Land Use and Planning.

Volan said it was time for people to ask the State Legislature to change the university's ability to annex land out from under the jurisdiction of municipalities. He also criticized the city Planning Department's action of several years before in zoning several properties in this area 'institutional' because someone believed that the university would want to acquire those properties someday in the future. He said this missed the council's attention at the time.

Volan said the city and IU should be thinking together about density of residents, the negative impact of planning and tax base. He quoted Spechler's statement of "what is bad for Bloomington is also bad for the University."

Mayer thanked the neighborhood and the Historic Preservation Commission for coming together on the ordinance. He also thanked IU for taking a good look at what they were planning and hoped they'd reconsider their proposal.

Sturbaum said that ideas changed over time and that IU acquired property in the University Courts area to have for future expansion of the campus. He said that former university master plans had included this but now people valued neighborhoods more. He said he hoped the university would look at this and recognize it as a contradiction and respect the neighborhood.

Noting differing legal opinions, Sturbaum read from Edward O Delany, an opinion requested by Indiana Landmarks on this issue:

"It's important to note that any litigation in this matter would likely be contentious. IU will likely vehemently argue that the Home Rule Act and the exemption from state level historic preservation statutes keep IU from being subjected to local ordinances. The issues in this case are similar to those in Vincennes and it appears from our research that Historic Landmarks of Indiana would have a clear legal argument for the applicability of the local ordinance to the state owned property. In addition we have examined the ordinances of both Monroe County and the City of Bloomington. We have not found an exemption to demolition permits or similar permitting requirements for either state owned property or Indiana University. While it has been suggested that there is an exemption our research and discussions with sources in Bloomington indicate that there is no written exemption in the county and municipal ordinances."

Sturbaum said he read the statement to get the attention of the university. He said legal authority was difficult, but the moral authority was clear. He encouraged the university to protect this neighborhood for the community but also for its own border and future interests. He said it grew up with the university and would be an asset in the long run. He said the destruction of homes there was careless, thoughtless and simply a mistake.

Ordinance 14-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 14-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 3-1-5. It was moved and seconded that Ordinance 14-03 be adopted.

Patrick Shay, Development Review Manager from the Planning Department, gave a brief summary presentation of the area included in the ordinance. He said the request was to rezone the property to build attached as well as detached single family housing. He said the smaller than normal lots would allow an increase in density, and also required more tree removal.

Shay said the interests to be weighed in this case were the desire to have affordable housing closer to the downtown and the desire to preserve an area of green space to remain in the downtown area. He said the Plan Commission forwarded the proposal to the council with a vote of 5-3 with 11 conditions of approval.

For clarity in deliberations Neher said that questions and public comments would proceed as normal, but there would be a motion later in the evening to have a third reading of the ordinance on March 26th.

Spechler asked about tree removal. He asked if smaller trees were treated the same way as larger shade trees. He asked if replanting trees would be allowed as a replacement for trees that would be cut so the net removal would be 50% or less.

Tom Micuda, Director of Planning, said the ordinance referred to tree canopy, but not the diameter of the tree trunks. He said the PUD was based on the greater removal of trees that were considered a disturbance

Ordinance 14-03 To Rezone a 6.96 Acre Property from Residential Core (RC) to a Planned Unit Development to be Known as the B-Line Neighborhood and Approve a Preliminary plan and District Ordinance – RE: 901 W Cottage Grove Avenue (Habitat for Humanity of Monroe County, Petitioner)

in the canopy cover and the nature of the invasive trees. He said there were code requirements for replacing trees, but not increasing the number of them or their canopy.

Ruff asked about the central green space that was proposed, and asked if any member of the public could play there. Shay said the area would be owned in common by the home owners in an association, and that their rules would dictate use. He doubted if there would be gates to the area. He affirmed Ruff's assertion that the association could be exclusive if they wanted to be.

Ruff asked what could be gained if the houses were clustered in the middle of the proposed area in order to leave more trees and a buffer to the north and south of the homes. Shay said that there were several iterations of the plan, but that the planning staff, commission and the petitioner agreed that this proposal was preferred over a cul-de-sac model. He said that the trail itself would create more than the normal setback in current subdivision situations.

Mayer asked if the street would be built to city standards and if they would be owned by the city after development. Shay said that the streets would be built to city standards and maintained by the city.

Rollo asked about uses for the green space.

Kerry Thomson, Executive Director of Habitat for Humanity, said that she had traveled to 15 affiliates across the country that had built long term neighborhoods and found that the most successful ones had homeowner associations. She explained that it was a legal entity that would collect dues and maintain the common area according to the wishes of the homeowners. She said that was part of the model for this project, as well as one other one in Bloomington.

Volan asked if this development was a part of the neighborhood to its north or a new neighborhood. Shay said that the ideal situation would be both. Volan asked if a resident to the north would be welcome to use the common green space. Thomson said the space would be owned by the homeowners and it was up to them to determine how the space would be used. She said she hoped it would be part of the greater neighborhood, and part of building communities.

Sandberg said neighbors were concerned about property values, drainage and density. She asked Thomson to speak about the quality of the homes, low maintenance materials and the standards of repair.

Thomson said that the quality question was a good one especially for someone who had never seen Habitat construction. She said the houses were built to an exceedingly high quality and that the materials were those that were easy to maintain.

Sandberg asked about property values of neighboring homes. Thomson said Habitat had actually increased the value of the homes in Cedar Chase, and city infill projects had slightly increased the value of properties. She said the new Habitat houses appraised for between \$110,000 and \$120,000.

Mayer asked for Thomson to discuss the environmental report on the property and for her to speak about PCBs. Thompson said they had the property tested and there were no PCBs on the site according to soil sample tests that had been done. She said the area was clean to IDEM standards for residential properties. She said there were two areas in question – under some foundations and under some railroad ties – that may need some additional testing. She said these areas were not where the houses would be built. She said if there were problems with the area, it would be remediated professionally.

Rollo asked if the stormwater plan would handle run off from impervious surfaces and asked how runoff would or would not affect neighbors. Shay said the utilities department reviewed plans to make sure that there was no increase in the rate of run off, and referred the question to Steve Smith, engineer on the project. Smith said that there was runoff from the north that flowed to the east of the project. He said that two-thirds of the runoff from the project site would flow that same way and would be held in a detention basin before it went into the channel at the pre-development rate for the 2, 10, 25 and 100 year storm rate by city utilities standards. He said the southwestern third of the runoff would flow to the south west of the project into a culvert that would go under the railroad tracks. He said the same standards would be in effect in that area. He said no water flowed across the site or would be pushed from this site to other places except the two locations he noted above. He noted that there also would be water quality features in those areas to augment the flow issue, and that this met all the detention standards.

Micuda said there was a pre-existing trouble spot north east of the project. He said he walked the area, talked to people in the area and it was his opinion that there was a pipe that had a significant amount of drainage and sediment where debris and leaves could periodically back up the flow. He noted that the development was not contributing to that issue.

Rollo asked if properties to the north that were being affected by inadequate run-off would not be adversely affected by this development. Micuda agreed. Smith noted that a 36" relief sewer pipe was installed in this area in conjunction with the B-line construction. He said it probably had more capacity than the original channel and might have already helped by causing less saturation in low lying areas.

Mayer asked Smith if the homeowners' association would have responsibility for the ongoing maintenance of the stormwater basin. Smith said that the ordinance would require that a maintenance plan be submitted.

Sturbaum asked who was responsible for the drainage pipe under the tracks. Smith said that the inlet to the pipe (which was clogged with rock) would be cleaned out as part of the site preparation as requested by Utilities. Smith said he was not sure about ongoing maintenance since it was on railroad property. In answering a question about the appropriateness of the size of the pipe, Micuda said if the problem was unusual or excessive, the city would be notified and would notify the homeowners' association and would have right of entry as a form of an easement and would be able to rectify the problem.

Sturbaum asked about any inadequacies or needs regarding the streets that serve as access to the site that would add higher use. Shay said that a site visit to Diamond Street and Cottage Grove found that widths of streets, lines of sight, sidewalks and other infrastructure were adequate. He said that there was a low volume of traffic in the area. Sturbaum asked if there was an expectation that the streets would have to be repaired after construction, and what would be needed to prepare Diamond Street for heavier use. Shay said that when a street was degraded during construction the public works department required that to be brought up to standard. Sturbaum asked if there would be signage to indicate a trail entrance. Shay said that there had been a number of recommendations and considerations for the end of the process and that would also include the Bicycle and Pedestrian Safety Commission and engineers.

Sturbaum asked about the trees -- prospective paths, use and development. Thomson said that the woods were a tree preservation area and may be made a conservation area. She said that there would be

a cut-through trail between two houses but nothing else. She said the grade on that west side of the property was steep and that people were enjoying the wooded atmosphere. She said Habitat would have some consideration about whether it would be owned by the HOA or given to a local conservation agency. She noted that Habitat intended to preserve all the woods around the proposed area and noted that the project would be preserving more than 50% of the trees.

Sturbaum asked if the area was tested for PCBs. Thomson said again that they had tested for PCBs and there were none.

Volan asked how the street would be named and numbered. Micuda said after rezone approval, the next stage in the process would be review of the subdivision plat. That review included an analysis by the E911 Addressing Committee which would approve numbering, naming, and nomenclature. Shay said the preliminary discussion concerned the internal street being really an alley, not normally numbered, and the need for street numbers to be on both sides of the homes for clarity. Volan pressed for numbering schemes, and Shay said there would most likely be even numbers on the north side with additional signage needed.

Spechler, saying his concern was for the safety of the children, asked if two parking spots per house were really necessary, and if there would be a sidewalk for safe walking to Fairview school. He said walking in the street was dangerous for children.

Thomson said that there would be extensive sidewalks in the neighborhood. Micuda said there were sidewalks on a portion of Fairview Street. Thomson said that it was Habitat's position to have two parking spots for each home for visitors and for residents.

Ruff said he had heard concerns that when cars were parked on both sides of Cottage Grove, there was little room for travel. Shay said he didn't know of any formal restriction with signage in that area. He said that on-street parking actually slowed traffic down, and created a better streetscape. He noted that the streets in this development were designed to meet requirements for emergency access even with parking on both sides of the street. Ruff said this was his concern: that there be adequate space in width for city services to those streets.

Ruff said people in the area felt that there had not been adequate testing in the area for any environmental contamination. He asked if the reports were available to allay these concerns. Micuda said there were two Phase I reports; the city had access to both reports and they were considered public documents. Micuda said they were not put in the Plan Commission packet per se, but were available for the public to view if requested. Ruff asked if there was any reason to believe that the site could not be used for residential construction. Thomson said the testing on the residential site was completed and the site was clear of all environmental concerns. She said the testing and any clean-up that Habitat planned for other than the residential areas was not required, but voluntary on their part. She added that there was no chance that there would be contamination found that would prevent the building of the homes.

Ruff, referring to the density of the project, asked if the density change was actually ideal and integral to the project.

Shay said that 'ideal' was not the intent of this process, but appropriateness. He said the PUD was a negotiation with the council whereby the appropriateness of the project for the specific property was decided. He added that if the project met density requirements, tree preservation or lot size, there would not be a need for a PUD to determine appropriateness. He said the opportunity to have affordable housing in the near downtown was an aspect of this negotiation.

Sandberg was concerned about the impact on the local elementary school. She asked about the types of families who would live in the project and the permanence of home ownership for Habitat homes.

Thomson said that the families meet the criteria of having the ability to pay for a home mortgage while meeting their basic needs. She said this group earned between 25% and 70% of the area's median income. She noted that they may not be able to get conventional financing, but the families included parents with children, adults older than 50 and couples in their 20s – a true spectrum of the population.

Thomson said homeowners stay in their houses and don't treat it as a starter home, but the end of a pattern of moving, which was especially important to the children. She said stability in housing was a trajectory into a better life for the homeowners.

Sandberg asked about a waiting list. Thomson said that they called it a working list because everyone was working sweat equity for their homes.

Sturbaum asked Micuda to compare the PUDs that the council was reviewing: this one and the Co-Housing one in density and lot size. Micuda said the Co-Housing was for 25 units similar to Habitat. He said the density was 10.9 units per acre, denser than Habitat. He said they both had a focus on central common space, and combination of attached and detached units.

Mayer asked Micuda if the PUD process was becoming the norm. Micuda said that because of the economy there had not been a lot of single family development lately. He said about half of the residential development through the course of history had been done through the PUD process. He said developers had different products that they wanted to develop, and the PUD process allowed more flexibility than codes.

Public comment was called for:

Rusty Peterson said he lived two blocks northwest of the proposed development. He was concerned that the proposal might not have been considered if Habitat was not the petitioner because the notion of affordable homes was prominent in the PUD. He said a previous informal plan for 15 houses was rejected by the Planning Department. He was skeptical if the planned homes would remain affordable, and said that should be considered if the goal was affordable housing. He wished if there was a mechanism in place to insure the perpetual affordability. He said he preferred woods to a housing development.

Doug Hazen said he worked for Shelter Insurance. He said that the average Habitat residence housed 3.5 people, and that this development would impact the lives of 122.5 people. He said his mom was a school teacher, single mother in Colorado, who got wise advice about buying a home rather than renting one. He said he had the benefit of a stable home and breaking the cycle of poverty, which had implications for school and future success. He explained the education on home ownership that Habitat prospective homeowners get before they purchase their houses and added that they didn't sell their homes, but tended to stay in them for a long period of time. He said this development would impact lives.

Jane Goodman thanked the council for expanding discussion and thanked Sturbaum and Ruff for meeting with neighbors. She said the discussion was not about the merits of Habitat, but rather to discuss this particular development proposal. She outlined the development of the B-Line trail on her neighborhood north of the railroad tracks, and the prospect of future development of the tech park, the lumber yard and the

scrap metal yard properties. She said this part of the trail would be used by hundreds more people, and the site of the proposed development would be important in that regard. She asked the council to consider asking the development to use fiber cement siding rather than aluminum siding for sturdiness and enhancement of outward appearance. She hoped that the pitch of the roofs would match the surrounding neighborhood structures which may necessitate the use of professional roofers rather than volunteers. She asked that the tree canopy and underbrush be kept intact. She said she was also concerned about a variety of fencing choices that might be used by homeowners and how the differences would look from the B-line. She said the project was about more than 35 families; it was about the future of downtown Bloomington, public trails, and hoped that Habitat could fully integrate the proposal into the beauty of the area.

Deborah Morrow, president of the Broadview Neighborhood Association, talked about Habitat homes in her neighborhood and the role that those families play in her neighborhood. She said that the homes were welcome along with the families that own them. She said Habitat's communication was excellent and that neighbors were invited to the home dedications. She said the new neighbors brought creativity and volunteer experience into the neighborhood.

Ruth Beasley said she lived on 10th Street and didn't have a Neighborhood Association in her area. She said the UDO required that Neighborhood Associations be contacted about developments, but that didn't work for dissemination of information about this nearby project. She asked for the site's environmental testing reports to be made public. She had numerous concerns about the suitability of the site environmentally, and how the wildlife habitat would fare. She said that she had amassed the documents relating to the project, and had many questions that she posed regarding the environmental concerns, wildlife, staff reports, environmental reports, parking and traffic. She examined the packet and asked numerous questions about the above issues during her statement.

Beasley suggested notifications go to more than registered neighborhood associations in the future. She asked about what was considered a public good. She said the woods were making a contribution to the air and water quality of the city, the impact of the surrounding areas and retained the feeling of walking through a rocky gorge and yet being in a city. She said there was the public good of providing affordable housing but said it would only cover housing needs for Habitat for three years and then they would need to look for more places for homes. She counseled the council saying that the effects of this change would last for a long time.

Emily Nehusen said she just qualified for a Habitat Home, and was hoping that her family would be part of this neighborhood and part of its larger family. She said she and her husband came to the IU School of Music in 1994 to study and become teachers. She said over the past 20 years they had paid over \$140,000 in rent. She said they were in no hurry to leave Bloomington, and their son was diagnosed with a rare congenital brain disorder, and then autism. She said the last ten years had been very different than the plans they had initially made. She said her son would never be able to drive, cook a meal, or support himself financially. She said the changes in their lives, insurance, therapy, distractions from professional level work had changed their focus in life. They know that they will not be able to be employed full time in their professions, but would like to participate and contribute to the community.

She said they would be responsible home owners, and they wanted permanency in their lives. She said that this Habitat neighborhood would fulfill those needs.

Amanda Mosier said she was a Cedar Chase Habitat home owner. She told of her life before getting the home -- living in a mobile home, with three children and an unsafe neighborhood. She said the experience of home ownership was life changing. She cited the encouragement of other homeowners, volunteers and neighbors restored her faith in humanity and gave her a new understanding of community. She said she now dreams of her family's future.

Ashley Held recent Habitat homeowner talked about the hospitality of her neighbors who do not own Habitat houses. She said her daughter now had a playhouse in the back yard, safe environment, and caring neighbors.

Gretchen Clearwater said she lived on W 7th Street and often used the 9th Street Reverend Butler Park, walked through the woods to the Opportunity House and was familiar with the Habitat process. She wondered why there should be so many homes on this tiny piece of land. She asked if there could be more trees at the park in the land that Habitat might give to the city to serve as a buffer for protection of the park, homes and for shade. She said at some point we had to say 'no' to removing trees.

Marc Haggarty lived in the area that will be affected by the development, not to the south where he said there would be a chain link fence, and where the trees would buffer the neighborhood. He said that the neighborhood to the north feels that it's futile to come to talk about this, and that they don't have power in this, even though it will be adjacent to their neighborhood. He said this site is the prettiest place on the B-Line. He said he wondered why his friends on the council had not been able to stop the barrage of ugly development in the downtown.

Haggarty said his neighborhood had lost time and time again, and the only thing they had won was one traffic calming issue. He said that this development would permanently remove the woods from the area, and suggested another place on Rogers Street for the development adding that the wooded area would suffer from a high density neighborhood.

Haggarty said the location of the development between Lemon Lane and Fell Ironworks, served by railroad tracks gave him concern about the possible presence of PCBs and nearby Superfund sites. He asked for the environmental report on the property. He asked that this project be delayed.

Bobby Hall said this was a change for the neighborhood and it wouldn't be known if was good or bad for at least 20 years. He spoke of a time of 'urban renewal' that he said was supposed to upgrade housing in this area, adding that some old houses were torn down and newer ones were built, but they weren't so nice now. He expressed concern for the lack of trees left after the preparation of the site. He asked the council to give it a long hard look, an honest look, and determine what we'd be giving up for 35 homes, and what it will mean several years from now.

Nancy Baldwin, thirty year Bloomington resident, former child welfare worker who worked with the building association, said she had a good perspective on the Habitat issue. She said she worked with the Habitat Builder's Blitz, and has volunteered regularly with Habitat. She said she's watched families and children flourish in these homes and the families would not move out in three years. She added that this could have a wonderful community impact, and said she didn't understand the problem with this decision. She said it was imperative that this happen for the families that were waiting for homes.

Ordinance 14-03 (cont'd)

Tim Clougher, resident of the near west side, said he had lived across from Banneker Center for 12 years. He said this was one of the last opportunities to have affordable housing close to the downtown. He said prices on the near west side were escalating and that a lot next to his house is listed at \$60,000 -- what he paid for his house. He also said that an older home, not restored, was priced at \$270,000. He said access for everyone was important. He said balancing the woods and environmental questions were answered, said that the density, like the Dunn St. project, made sense.

It was moved and seconded that Reasonable Condition #1 to Ordinance 14-03.

Before he made any other statement about this Reasonable Condition, Rollo made the statement that he was a part owner in a farm that primarily grew produce, but also propagated and sold native plants. He clarified that he had made no arrangement to provide plants for this project, nor would he. He said there were many excellent vendors in the community and that the Environmental Commission had a list of these to provide.

Rollo said he was sensitive to the loss of trees, especially in this instance where there would be more loss than the code would normally allow. He said that this dilemma was of concern. He said that there were small caliper trees, and the site had degraded ecologically with non-native invasive species. He said he wanted to compensate for the tree loss by ecologically enhancing the site with native plantings and with removal of invasives. He said this would be a richer ecological habitat than would otherwise be developed. He read the Reasonable Condition and noted he had discussed this with the planning staff and Habitat.

Neher asked Rollo if he had heard any questions, concern or feedback from the Environmental Commission regarding the proposal. Rollo said that the Environmental Planner was notifying the EC about the issue, but there was no formal statement at this point.

Mayer asked if it was unusual to require a tree preservation plan with developments. Micuda said the plan was already in the Plan Commission Condition of Approval, and only the planting of the natives was a new condition.

Mayer asked if the Common Green area would provide a play surface and the planting of grass there. Micuda said points of emphasis were the areas around the trees, the perimeter plantings, and that the details for the ground cover were not yet determined.

Rollo said that the residents would determine what to do with the common area. He said this common area was something that would bind the development together. Mayer said he was concerned that it would not be a viable play area.

Sturbaum said he was concerned about the giant fence that would be visible from both neighboring areas. He asked if this was an attempt to buffer the fence along the rail. He also asked if native evergreens of any kind were possible. He said the fence could use screening as well as the B-line side. He also asked whose right-of-way was the 10 foot clearance along the fence.

Micuda said his suggestion about a perimeter buffer was to provide the tree species some protection, not screening the development but the protection of the existing trees and thickening up the area in general. Rollo said native Holly and Hemlocks could work as evergreen.

Reasonable Condition #1

Sponsored by Council member Rollo would modify Condition of Approval 9 of this ordinance, which called for the petitioner to:

“Work with planning staff at the final plan stage to develop a detailed tree preservation and landscaping plan focused most specifically in creating maximum perimeter vegetation buffers and planting new larger caliper plant species (on this site)”

The change calls for the petitioner to work with the Planning Staff in consultation with the Environmental Commission and to develop a “native planting” rather than a “landscaping” plan. The native planting plan would focus on: 1) Reclaiming the Forest Understory in the conservation easements on the east and west ends of the site; 2) Adding native hardwoods along the perimeter of this site where feasible; 3) Supplementing the Common Green with native grasses, bushes, and other plant material while still preserving its usability; 4) planting native hardwoods in the Tree Plot Areas and consider planting native grasses and other plant material as well; and, 5) Providing home owners with “access to native plant species in order to enable homeowners to establish yards more suitable for wildlife.”

The change also acknowledges that the planting and landscaping plans are “to be created within reason for the petitioner’s budget, understanding the petitioner will be seeking donations and partnerships from community organizations to exceed the standard landscape plan required.”

Lastly, the change calls for Planning staff to submit report to Council along with final tree preservation and planting plans prior to presentation at Plan Commission.

Sturbaum said he would like to see green between the houses. He wondered if the railroad would do cutting before they built the fence, and wondered if it would be behind big trees along Butler Park or be exposed to the park.

Thomson said that the condition of sale of the property was that Habitat would build the fence. She said that what would be on the Habitat side would be the tree preservation area. She said the railroad could do what it wanted on their side of the property, but on the Habitat side there was no intention of clearing 10 feet from the fence.

Spechler said that this proposal served to impose on a neighborhood what vegetation should be in Bloomington. He asked if the concept of native vegetation changed with environmental changes and he asked why ornamentals and fruit trees were excluded.

Micuda said the ordinance is already tilted towards the planting of natives as opposed to non native tree species, and was consistent with the ordinance. He said there were native ornamentals -- crabs, pears, forage ornamentals -- that were supportive of wildlife. Spechler asked if the range of species that was considered native would change with the changing climate in our area as it has with fauna.

Rollo said climate change was here and it was not known how it would manifest, but the natives have adapted to the soils and climate and there was interdependency of other organisms, and therefore had a high value in maintaining ecological diversity. He said this was a degraded site, but this is a restoration effort, and could make it a more ecologically healthy place. He said it was bold move that Habitat was willing to enrich this area, as well as creating a common garden space in the community setting. He summed up by saying that native species most likely would adapt to climate changes in this area.

Sandberg asked for a response from the petitioner with regards to the recommendation. Thomson said that a plan would be created within the budget, and that Habitat would be seeking donations and partnerships for the project. She said it was an acknowledgement of their intention to do better than minimum but this proposal surpassed their resources to accommodate the Reasonable Condition. Thomson said there had already been a pledge of a donation of one native tree for each household that came about as a result of the donor watching the council discussion. She noted that was 35 trees that the neighborhood would not have to purchase on their own.

There were no public comments on Reasonable Condition #1.

Volan said since this vote would, in effect, amend the proposal as a whole, and since the council was leaning towards a third reading, he wanted to think about this for a while. He said he was generally supportive of the ordinance, but intended to propose a second Reasonable Condition at that third reading.

Spechler thanked for all presentations, adding that he was glad to hear that climate change was not here yet. He added that he understood that what was native to Bloomington would change from time to time. He said he'd happily go along with Rollo's expertise.

Sturbaum said it wouldn't harm the proposal to wait a couple of weeks. He said new ideas may come forth in the next weeks that might make the project better. He said he believed the entire council supported the project, and asked that both the Reasonable Condition and the ordinance be continued to another meeting.

Granger thanked Rollo for the Reasonable Condition because the concerns that she had been hearing were within the realm of this statement. She said it was a reasonable approach and something that Habitat was willing to try to accommodate.

Reasonable Condition #1 to
Ordinance 14-03 (cont'd)

Ruff asked for Sturbaum to elaborate on his reasons to continue the discussion. Sturbaum said he thought there might be a couple of better ideas and that the council might hear from the community in the interim. He said the wait would not harm the proposal and might actually improve it.

Neher asked Dan Sherman, Council Attorney/Council Administrator, since the motion to accept RC#1 was on the table, if there was a mechanism by which the council could forward the discussion and vote for final approval or rejection of this RC#1 until March 26th.

Sherman said if the motion were tabled, it would stop discussion on the entire ordinance. He said it could appear on the next agenda via the power of the President of the council to set the agenda, rather than a vote of the council to forward it to the next meeting. Sherman said the other approach would be for the sponsor to request withdrawal, have a second, vote on withdrawal and perhaps reintroduce it at the next meeting.

Rollo requested to withdraw the motion to adopt Reasonable Condition #1. The request was seconded.

Motion to withdraw Reasonable
Condition #01:

The motion to withdraw Reasonable Condition #1 received a roll call vote of Ayes: 8, Nays: 1 (Mayer)

Volan thanked the council for being willing to send this discussion to a third reading, and strongly encouraged that practice in the future. He said that Reasonable Condition #1 was worthy of consideration. He said that Habitat had not been criticized for this initiative and had been doing the community a wonderful service.

Additional discussion on Ordinance
14-03

He said that this was actually competition between two public goods – increasing affordable housing in Bloomington and or increasing common space in Bloomington, and wondered “which was the greater public good?” He said he had a bit of a problem with the insufficiently public nature of the common in the middle of the project, but that was not a deal breaker for him. He said some of the woods would be taken for the use of the neighbors in the development which was not conducive to neighborliness to surrounding areas. He said the project should not take more public space than needed. He suggested a spur of the B-Line that would cut through the property as there were already plans for foot paths into and out of the area. He said he was in favor of parking on the internal street.

Volan noted he had reviewed the drafts for the development with the architect and now understood the challenges of the property bounded entirely by public rights-of-way. He said he felt the common was actually part of the front yards of the duplex units. He said this prompted him to come up with a Reasonable Condition #2 that would have three basic conditions: 1) a visible delineation of duplex’s property lines such as an 18-24 inch high picket fence to indicate private and public space; 2) a ceremonial sculpture at the east apex to indicate the entrance to the public green, with possibly a sundial in the turnaround on the west end of the property; 3) and the path between the northeast entrance through the footpath back to the trail be marked as an alternate path to the B-Line. He wanted the common to be a true common, even if the city Parks Department had to maintain this “B-Line Spur” instead of the Home Owners Association of the Habitat project. He said this would truly integrate the project with the adjoining neighborhoods.

Volan said that the neighbors to the north of this project should take this opportunity to get organized into an association so that they can speak to issues and be heard. He said that he hoped his ideas would be taken in the spirit with which they were intended. He said that without changing the development dramatically, it could change the perception of the development in the eyes of those concerned.

Speaking of the future, Volan noted the notion of 'transit oriented development' should be considered. He said this project was an example of that as it used the trail as a form of foot and bike transit. He said as we run out of space downtown, we would need to rethink how new neighborhoods are built around higher density transit services than neighborhoods were used to. This is especially important in areas further away from the center of the city. He thanked those listening for their attention and hoped that his new Reasonable Condition would be considered reasonable as it was brought forward.

Sandberg said the discussion was about balancing competing interests: economic viability, environmental stewardship and social equity. She said she was particularly sensitive to the last issue and was particularly struck by the comments of Nancy Baldwin. She said the concept of affordable housing within the urban core was important. She said she was appreciative of Rollo's Reasonable Condition, but might be uncomfortable with Volan's upcoming proposal.

She said it bothered her that the neighbors to the north didn't have a formal neighborhood association to speak about the project, but hoped that in the future they might be able to form one.

Sandberg reviewed emails received by the council, noting that one said Reverend Butler himself would approve of the Habitat project. She added one other person sent this message to Sandberg:

*"I one hundred percent support this project
because it would be selfish of me not to support it."*

In all, Sandberg said it wasn't hard for her to support this proposal in total.

Ruff noted his concerns about the general public having access to the 'public green' especially with the location being on the B-Line Trail. He said he was looking for ways that this project could be less of an enclave in the way it's configured and bounded. He said he was not sure about Volan's proposal for another Reasonable Condition, but was interested to hear it, adding that he shared the sense that little things may make it more integrated to the over all area.

Ruff said he hoped to see the petitioner and concerned neighbors get together in the next two weeks to make the proposal more acceptable for everyone. He talked of the possibility of using cementitious siding noting that although it took more skill to install, it would allow for more creativity by owners to use custom paint. He said the idea of different vegetation and trees would also help to engage neighbors. He noted that this parcel was not a public forest or park land that belonged to the community, but a piece of privately owned property and if Habitat didn't develop here, someone else would be doing it.

Mayer said after the former discussion on this topic, he had talked with HAND, about the possible improvement of sidewalks on Diamond and Cottage Grove. He said that Public Works, HAND, and the Utilities Department would be looking at this area, and he would like to see council Sidewalk Committee funds be used for this improvement. He noted he had been questioned by a citizen about the issue of sewer and water infrastructure, and that he assured that person and the general public that this cost was borne by the developer and must be done to the City Utilities Department specifications. He added that the structure was then inspected by the CBU and connected by permit. He noted that before the previous council meeting on this issue, it had been

determined (by a phone call by Councilmember Ruff to the local Department of National Resources) that any issue regarding a habitat for bats was not in question. He said it was agreed at that time that this issue be forwarded to March 26th.

Mayer noted developments in this area from slides that had been shown by the Habitat presenters. He said an aerial photo from 1961 showed a grid pattern and tree canopy in the neighborhood north of 11th Street. He said there was no vegetation on the Habitat site at that time. 1967 slides showed that the houses on what is now North Blair and Orris were being erased. In a 1972 photo there was a new subdivision in that place with curved streets and no trees at all. Between then and now, 42 years, trees have come and gone. He said that what was now Brown County State Park was, at the turn of the 20th century, barren hills; now we treasure those trees. He noted a tree in his present yard was a small sapling in the '50s when his house was built and now its circumference could not be encircled by two people holding hands! Lastly he reminded listeners that trees were a renewable resource.

Sturbaum said he would like to see sketches of houses with a higher pitched roof, and added that the concept of tax abatement might compensate for the increase in cost and give the homeowner more equity in the end. He said that would be more compatible with the west side style. He added that he was willing to be convinced that it's too expensive but wants to have another look. He thanked the council and the petitioner for taking extra time.

Spechler said he viewed the common space as a community property not private property. He said the neighborhood association would have the incentive and funds to take care of this. He believed that if it was open to the general public it would make maintenance and security more difficult and therefore favored the proposal as is. He said the objections to the plan were not strongly convincing, and was strongly favorable to the project as Thomson had assured that the preservation and increase of tree cover would be done. He said that people need a place to stay, but that trees could be relocated.

Rollo said that for years the council had lamented the lack of affordable housing and that all were aware that there was a demographic tug of war downtown which had resulted in the tilting of the residential demographic. He added that a mixed demographic was desirable. He added that this was the best proposal for affordable owner occupied housing within walking distance of downtown, trail, city and markets that allowed people to do without a car. He said that the increase in home values that Clougher mentioned was pushing affordability away from this area.

Rollo noted that the city had purchased hundreds of acres of green space. He talked about the project's "Public Green." He said that the homeowners would be invested in this space, and that it would be more likely to bind the community by sharing it and living there in a way that they may not do so otherwise. He thanked everyone for comments, and thanked Thomson and Micuda for their responsiveness.

Neher said that the common space would allow the neighborhood to define itself and shouldn't be predefined as it would take away their agency to define themselves. He added he didn't want to change that defining process.

With respect to a possible amendment by council member Volan, Neher asked to see a draft well before the evening of 3/26/14, adding that there needed to be time to digest the complexity of an explanation for it.

Neher spoke of a proposal for swapping land and using land in the Certified Tech Park instead of this parcel. He noted that the Tech Park land was actually owned by the Redevelopment Commission and was envisioned as place for workforce housing with interaction with businesses that would be in the Park.

Volan pointed out that the street within the project would be a public street and that the trail was a public park. He said the term 'public green' could be misleading and urged people not to think of this as a separate neighborhood, but part of the neighborhoods around it.

It was moved and seconded that the Council forward Ordinance 14-03 for a third evening of discussion at the Regular Session of March 26, 2014.

MOTION to forward Ordinance 14-03 to a third evening of discussion.

The motion received a roll call vote of Ayes: 9, Nays: 0.

Neher noted that there was an Internal Work Session scheduled for March 14th at noon. Three members said they would be attending and he announced that it would be kept on the schedule.

COUNCIL SCHEDULE

It was moved and seconded to cancel the Internal Work Session for March 21, 2014. The motion was approved by a voice vote.

The meeting was adjourned at 11:57 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, March 26, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

Roll Call: Ruff (arr. 7:35), Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler
Absent: None

Council President Neher gave the Agenda Summation

There were no minutes to be approved at this meeting.

Tim Mayer reported that Spring had arrived but Mother Nature and Old Man Winter had not yet been informed!

There were no reports by the mayor and city offices at this meeting.

There were no reports from council committees at this meeting.

Neher asked that there be more time allowed for public comment at this meeting because of the lack of other reports.

Donyel Byrd expressed concern for what she called a lack of a low barrier emergency shelter for seven months of the year. She said the strain was felt by everyone in the community including police, businesses and the emergency room, and asked that the council support the effort to address the issue in the summer and also the fall/winter seasons. Bloomington could and should do better.

Stephanie Waller, student in Social Work at IU, said she had volunteered at the Interfaith Winter Shelter all winter. She said that these people needed a safe place to sleep at night, and the issue would not be going away on April 1. She said she believed that Bloomington had the passion to address this issue.

Megan Potter, student in Social Work at IU, said April 1st would be the first night in months that some people would not have a place to sleep at night in Bloomington. She asked for support for the Ubuntu Shelter proposal to provide a year 'round low barrier shelter for those who needed it. She said that this was not a political issue, a luxury or an issue that tolerated silence from the community.

Gabriela Morales, student in Social Work at IU, spoke for Ashley Howerton, a guest at the Interfaith Winter Shelter, who wrote her story of camping in the woods, being chased away in the middle of the night, her husband's treatment at the hospital and general treatment from the police. She asked for compassion from all of Bloomington.

Madinah Luqmaan, student in Social Work at IU, pointed out that March was Social Work Awareness Month, featuring values of dignity and worth of persons, service, the importance of human relationships, social justice, integrity and competence. She spoke of these values in regards to their presence in Bloomington in relation to the homeless. She said the students care about this issue and that all people matter.

Kathy Byers, director of the undergraduate Social Work program at IU, said that Bloomington was compassionate and believed that all people mattered. She said all, collectively and together, need to address the issue of people not having a safe place to be at night. She said other personal issues could not be addressed until this vital need was met.

Michael Gastineau, volunteer and site director for the Interfaith Winter Shelter, noted his experience there was invaluable. He said the guests there had fallen on hard times and were worthy of an act of compassion.

COMMON COUNCIL
REGULAR SESSION
March 26, 2014

ROLL CALL

AGENDA SUMMATION

APPROVAL OF MINUTES
REPORTS

- COUNCIL MEMBERS
- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC

Sam Harrell, Sunday Night Director of the Interfaith Winter Shelter, said Crawford Apartments provided homes for 47 chronically homeless people this year. She said that despite this, 66 people experienced homelessness and were guests at the Shelter. She said that without the shelter, these people were not safe and their human dignity was not held in high regard. She asked for one of the council members to consider standing up for this issue, taking advocacy for the homeless as constituents.

Jim Hart said that people without homes could not sleep safely and were actually non-persons. He said Denver and Seattle parking meter spaces had been transformed into Homeward Bound agencies. He advocated that some of the money collected from meters should be used for solving the problem of the homeless.

Darrell Calhoun said he stayed in the Winter Shelter for seven weeks and now had a home in Bloomington. He read a statement from John Skirvin, a former homeless person who could not come to the meeting, about the homeless issue, policing issues, and the need for more housing.

Jordan Richardson spoke about homeless issues.

Joseph Callahan addressed the issue of homelessness and poverty by quoting the Reverend Martin Luther King, Jr., reading a statement from a homeless man about police harassment, and reading a poem entitled "Current Issues."

Marc Haggarty said that there were really poor people in our town and that our present political structure could not deal with this because of a huge disconnect. He said some neighborhoods do not have a close enough relationship with the council to have their voices heard on issues that concern them.

Glenn Carter said he was present to talk about the way Bloomington treated those people who had no where to live. He said it spoke volumes about the kind of community that we had become. He spoke about the closing of the Interfaith Winter Shelter on April 1, 2014 and the resulting problem of no place where the guests would receive sanitary facilities, safe places to sleep or other essential needs met. He said many of these people grew up in Monroe County and don't have money, unlike the IU students who drink, deal drugs and cause commotion downtown whose presence has been tolerated.

Scott Wells gave the council electronic copies of a document mailed to four federal agencies regarding a complaint of ongoing siltation and sedimentation of Monroe County waterways from the I-69 corridor construction. He said a new set of eyes was needed to look at the problem as called for by 50 signatories from different commissions and boards regarding this problem. He said the editors of the Herald Times had not paid enough attention to this problem.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Resolution 14-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting there was no committee recommendation on the item. It was moved and seconded that Resolution 14-05 be adopted.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Lisa Abbott, Director of the Housing and Neighborhood Development Department, said that this was an annual request by the Bloomington

Resolution 14-05 Waiving Current Payments in Lieu of Taxes By the Bloomington Housing Authority to the City

Housing Authority to waive any payment in lieu of taxes as the council had done since 1961.

Jennifer Osterholt, Executive Director, overviewed the Housing Authority in general saying that 149 of the 310 housing units were occupied by elderly and disabled families. She said 277 children live in the units and eleven of them were disabled. She said 83% of families were at 30% of the area median income or less, and that 17% were 50% of area median income or less. She said the funds forgiven in this resolution would be used to fund a Head Start facility, a community building program with Adult Basic Education and Computer Lab, support an on-site Boys and Girls Club and would be used for literacy issues with Fairview School children. She said that federal funds were lessened by \$240,000 because of federal Sequestration issues.

Spechler asked what the BHA had for the homeless situation in Bloomington, or what might help the BHA address the homeless problem. Abbott said the waiting list was long, and that the families did come from the homeless situations, although almost half were elderly or disabled and could not work. Osterholt said the Authority assisted 70 veterans with vouchers for housing, and 1284 families with rent vouchers. She noted other vouchers that were also used to house people who had been homeless.

Spechler asked what the BHA could do to help with the problem of the low barrier shelter closing on April 1. Osterholt said she and the BHA would be interested in being part of the solution to the problem. She added that the programs needed to work within the federal guidelines, and that they were currently one of the largest providers of housing for homeless individuals and families.

Mayer asked how the Community Block Grant Awards helped the BHA. Osterholt said that the BHA housing was old and infrastructures had worn out, with little energy efficiency. She said that the mission in the past few years was to improve the housing. She noted that the average rent per month was \$150 with some people paying as little as \$50 per month. Mayer noted the city support of the Boys and Girls Club on site, to which Abbott said that the project had received funding for the Crestmont project in previous years. She added that CDBG money had been used for many renovations at Crestmont and Reverent Butler complexes for energy efficiency and aesthetics. Osterholt said that the energy project alone reduced the BHA utility costs by over \$200,000 per year. She said the BHA would continue to ask for those awards for more renovation for units.

Volan asked why the city would ask for taxes if they were going to waive them. Osterholt said the BHA was exempt from paying property tax, and so in lieu of that, the US Department of Housing and Urban Development developed a formula for Payment in Lieu of Taxes (PILOT) that was suggested for housing authorities to pay to cities. She said the formula was rents minus utilities. She said that every housing authority that she worked with had that payment waived so that they could keep the properties maintained, and help the most vulnerable families in the community.

Sturbaum said affordable housing was a complex issue and asked if there was a short bridge from homelessness to BHA services, and wondered how many steps there were in that path. Osterholt said that Crawford house was a step in the right direction, adding more facilities like that were needed.

A call for public comment brought Jordon Richardson to the podium who said he had ideas for affordable housing.

Spechler said that it was obvious that this resolution would be approved. He said BHA had the capability and intent to help with the homeless problem in Bloomington and he wanted to hear those specific possibilities. He said the drawback for the low barrier shelter was a location, but he looked forward to help from the BHA. He stated that the community of Bloomington DID care about homeless issues.

Sandberg said the annual presentation of this resolution reminded the council and citizens of this as an investment in the continuum of options for all people. She expressed support for the program and its efficiencies in using funds.

Resolution 14-05 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Resolution 14-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Resolution 14-04 be adopted.

Patty Mulvihill, Assistant City Attorney, said that the federal government set an amount of money for police agencies in each state, and the state then made awards to police entities. She said that the City of Bloomington would share its grant with Monroe County Sheriff's Department, and the Interlocal agreement was the document that showed how that money would be shared. She added that the 2012 Interlocal needed to be amended, as there was \$5,100 left from the project that year, and it was allowed to use that for another project. She said the police department wanted to purchase a digital signage package for a digital roll call. She said this would be available in the police department, police lobby and dispatch center, thus the amended agreement.

Mayer thanked Mulvihill for her work on this amended agreement.

Resolution 14-04 received a roll call vote of Ayes: 8, Nays: 0 (Granger out of the room when vote was taken.)

It was moved and seconded that Resolution 14-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Resolution 14-03 be adopted.

Patrick Shay, Development Review Manager in the Planning Department, briefly outlined the PUD petition, and said that the petitioner was seeking a rezone to allow them to remove 64% rather than 50% of the trees. He said the Plan Commission vote was 5-3 with eleven conditions added to the proposal.

It was moved and seconded that the members of the public be limited to one opportunity to speak on Ordinance 14-03 and relevant motions for no more than six minutes.

The motion received a roll call vote of Ayes: 8, Nays: 1 (Granger).

It was moved and seconded to introduce Reasonable Condition #1 for consideration.

Rollo announced that he was introducing this proposal because this project was converting urban green space to dwelling space. He said his intent was to increase the ecological value of the undisturbed areas and enhance the human habitat to provide forage and habitat for wildlife by removing invasive plants and planting native vegetation. He read the plan.

Resolution 14-04 To Approve an Amended Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in Regard to the 2012 Edward Byrne Memorial Justice Assistance Grant (Jag)

Ordinance 14-03 To Rezone a 6.96 Acre Property from Residential Core (RC) to a Planned Unit Development to be Known as the B-Line Neighborhood and Approve a Preliminary Plan and District Ordinance - Re: 901 W. Cottage Grove Avenue (Habitat for Humanity of Monroe County, Petitioner)

MOTION TO LIMIT DEBATE on Ordinance 14-03

Reasonable Condition #1 Reasonable Condition 01 is sponsored by Councilmember Rollo and would modify Plan Commission's Condition of Approval 9 of this ordinance, which called for the petitioner to:

"work with Planning Staff at the final plan stage to develop a detailed tree preservation and landscaping plan focused most specifically in creating maximum perimeter vegetation buffers and planting new larger caliper plant species (on this site)".

Volan asked Rollo about the fiscal impact of this proposal. Rollo said he had discussed this concern with Kerry Thomson, Executive Director of Habitat for Humanity. He said there would be some new plantings required in any case, and said in that case it would be a neutral cost. He said some organizations have already offered to help with volunteer labor and plants. He said he thought it would be fairly minimal.

Tom Micuda, Director of Planning, said he could not quantify the amount needed to achieve this reasonable condition. He said that Habitat was an organization that had the ability to get volunteers and donations that others don't. He said native plants and seeds were not more costly than other types of plantings.

Volan asked if 'providing home owners with native plant species' would be a one time thing, or ongoing. Micuda said the Planning Department would work regularly with citizens to create Backyard Habitats, and that would be the model for this segment of the reasonable condition. Rollo said many native nurseries incorporate sustainability into their decisions and it was highly probably that there donations would be available from them.

Neher called for public comment on this item:

Melissa O'Neill wondered if there would be a space for a community garden in this area and said it would be a good idea to promote this feature.

Rollo said the intent was not to dictate composition of the green space as it should be directed by the people who live there. He said he thought a community garden was a great idea.

Reasonable Condition #1 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded to introduce Reasonable Condition #3 for consideration. Sturbaum said this condition would replace vinyl siding with cement siding, which he said could last the lifetime of a house. He said vinyl was less expensive initially, but would crack and deteriorate. He said the cement siding would enhance the appearance of the home, and add to the value while affording the homeowner to choose their own paint color rather than having predetermined colors. He said it was a more sustainable product and would benefit the homeowner in the long run.

Mayer asked for the cost differential between vinyl and cement siding. Thomson said she estimated the cost of siding would be increased by 40%, would increase the cost of the project by \$35,000 and would require new training for volunteers. She said painting after 10-15 years would require labor and materials costs that wouldn't be needed if there was vinyl, especially on two story homes.

Sandberg asked Thomson to talk about her experience with older Habitat vinyl clad homes. Thomson said there had been no problem with the siding in the 25 years of building in this community. She said that only 3 of 150 homes have had additions built onto the homes.

Volan asked if any of the other conditions presented were onerous for Habitat. Thomson said the window trim and soffit expectations were different and more expensive, but she hadn't calculated the amount.

Sturbaum asked if the extra cost was about \$1,000 per house. Thomson said that was correct for just the cement siding. He asked if Habitat had

The change calls for the petitioner to work with the Planning Staff *in consultation with* the Environmental Commission and to develop a "native planting" rather than a "landscaping" plan. The native planting plan would focus on: 1) Reclaiming the Forest Understory in the conservation easements on the east and west ends of the site; 2) Adding native hardwoods along the perimeter of this site where feasible; 3) Supplementing the Common Green with native grasses, bushes, and other plant material while still preserving its usability; 4) Planting native hardwoods the Tree Plot Areas and consider planting native grasses and other plant material as well; and, 5) Providing home owners with "access to native plant species in order to enable homeowners to establish yards more suitable for wildlife."

The change also acknowledges that the planting and landscaping plans are "to be created within reason for the petitioner's budget, understanding the petitioner would seek donations and partnerships from community organizations to exceed the standard landscape plan required."

Lastly, the change calls for Planning staff to submit report to the Council along with final tree preservation and planting plans prior to presentation at Plan Commission.

Reasonable Condition #3 This reasonable condition is sponsored by Councilmember Sturbaum with the goal of assuring more durable and sustainable exterior surfaces. It would revise the home "materials" in the following manner: 1) the vinyl siding would be replaced with "4" or 6" smooth cement board horizontal siding"; 2) the vinyl trim around the double hung windows would be replaced with "paintable trim"; and 3) the vinyl soffit would be replaced with "pre-finished metal soffit" (consistent with the proposed metal fascia).

used cement siding before; Thomson said they had used it on one house where it was required in a redevelopment project. He said that the neighbors would be happier with this addition and asked Thomson if that factor was worth the expense. Thomson noted that she intended to be at the meetings that Sturbaum and Ruff had attended with neighbors, but had been dis-invited. She said that finding common ground was important but she had received mixed messages. She noted the Cottage Grove neighbors wanted the project to be like their homes, where the Near West Side neighbors wanted something more expensive to be built.

Sturbaum said he thought the messages were: "don't build here" and "if you do build, use cement siding."

Thomson said the Habitat owners valued a maintenance free home, and that was important for keeping the homes good looking over their lives.

Rollo asked about the anticipated cost of each unit and what percentage would the cement siding be of that cost. Thomson said the house pricing policy from Habitat International in compliance with Best Practices and Standards of Excellence dictated that every construction cost had to be passed on to the homeowner. She said the added cost of cement siding would take that amount to between \$49,000 and \$51,000 per home. She said they had already added an additional porch, and now trees were to be added to the homes in this project with another Reasonable Condition still to be heard. She said that was at the top of the affordability range for their homeowners.

Rollo asked about the maintenance of vinyl. Thomson said vinyl in a shady area would need to be scrubbed with vinegar once a year which would be a two hour task. She said the cement siding was maintenance free until it needed painting, which would be many hours and painting cost in one year.

Sturbaum said he worked on 50-100 year old houses and took a long term view of construction. He said that cement could last the lifetime of the house, whereas vinyl wouldn't. He said the paint didn't peel, but faded and that the houses could be painted one side at a time but in different years for some immediate cost reduction.

Comparing the maintenance of wooden siding with routine painting needs, Rollo asked what would happen if the concrete siding was not painted or repainted. Sturbaum said it might deteriorate.

Volan asked if the earliest homes built by Habitat 25 years ago had vinyl siding and if that siding was still in good condition. Thomson said the siding was in good condition now.

Volan asked Sturbaum how long he expected vinyl to last. He said that the lower edges were nicked and scraped by mowers and that over time it gets brittle and the color gets harder to match. He said over a large arc of time one needed to consider sustainability features.

Mayer asked Sturbaum if cement board ever failed. Sturbaum said it could if it got wet and moist low to the ground. Mayer said he heard from a siding person that they had to replace lots of cement siding because it was improperly installed where moisture would gather and it delaminated.

Sturbaum said he was sure that Habitat wouldn't improperly install this type of siding.

Neher asked if it was feasible to provide an option to the homeowner. Thomson said it could possibly be offered within the normal customizing package of up to \$2000. He then asked if the option would

Reasonable Condition #3 (cont'd)

be acceptable to Sturbaum, the author of this Reasonable Condition. Sturbaum said his opinion was that over time, the homes would have a higher quality and different feel as paint colors were chosen by owners. He stated his preference was to have all homes with cement siding.

Mayer read the text of Reasonable Condition #3 and talked about paintable trim for windows. Thomson said the house would look odd without that. She said the siding used was a high end thicker vinyl that held up and held color well.

Sandberg asked about the ranges of colors in vinyl siding. Thomson said there were six choices of siding and noted that there were jewel tones available with some beige tones available.

Sturbaum said he liked the two-toned look of the pictures of a Habitat project that Thomson showed the council. He said that there could be infinite paint colors with the cement siding, rather than limit the homeowners to a variety of 5 or 6 colors. He said that diversity would make the project look less pre-fab.

Volan said this reasonable condition would add costs to each house. He asked if another house added to the 35 proposed would help with additional costs caused by the stipulation. Thomson said it would.

Public comment brought the following persons:

Dian Krumlauf said she lived on West Cottage Grove next to the B-Line trail. In referencing the siding issue and the earlier statement that people in her neighborhood would want vinyl rather than cement siding, she said that there were four houses on her block, three of which did not have vinyl siding. She objected to the characterization of her neighborhood in that way.

Norma Jean Bunton said she lived across the street from Krumlauf in a Habitat House that was built by the 2006 Women's Build. She said she and her partner were deeply grateful for this home, but were disabled and not able to maintain their house like other homeowners. She said she begged the council to be careful as the builders were well intentioned, but sometimes not always the best builders. She also begged the council not to add anything that would add to the cost of the house. She said if their house had cost just \$200 more, they could not have moved there from their substandard housing. She asked the council not to make it harder for people like her to become homeowners and tax payers in Bloomington.

Spechler said he would vote against this Reasonable Condition #3 as the plan was for affordable housing for young families who didn't need to be burdened with extra maintenance or extra costs.

Volan said this was a tough decision. He said we wanted affordable housing but also affordable sustainable housing. He wanted to ask Thomson if the 36th house would cover the cost of one or two reasonable conditions proposed. If that would be possible, everyone would win and asked the council to address this in their comments.

Sturbaum said the first Habitat Houses in the city built as infill projects stuck out and didn't blend into the neighborhoods. He said that the houses have progressed and now cement siding was the next step in the evolution of creating sustainable and affordable and good looking housing that was indistinguishable from other houses.

He said that the extra cost of \$200 was a dollar a month over a twenty year period, and that the cement siding would cost about \$6 per

month. He said this was what the owners would want and that Habitat would want it, too.

Granger said she had listened to everyone and was stumped. She said she liked the cement plank idea and had heard that vinyl was not always wanted. She said she was convinced by Ms. Bunton's comments about keeping the project affordable. She encouraged Habitat to keep the cement siding as an option for homeowners, but would be voting against the Reasonable Condition #3.

Rollo said that a PUD should represent a demonstrable public good. He said one could debate woodland vs. affordable homes, but he wanted to look 50 years into the future to see what this project and adjacent land would look like. He said that cement board would maintain quality and value that would last. He noted that in 50 years there would be polyvinyl chloride going to a land fill from this site when the vinyl siding was replaced.

Sandberg said the intent of the project was affordable housing, and the dilemma was aesthetics and affordability, not just presently but in the future, too. She said there were advantages to sustainability. She said the pictures of the Cedar Chase Habitat homes were attractive and had personality. She said with her concern about affordability, she would not be voting for this Reasonable Condition.

Mayer said the cement siding was a good product but needed to be installed correctly or it would fail. He added that vinyl could be painted if it began to look shabby. He said his two story house was painted at the cost of \$10,000. He said there were environmental impacts to everything done in a house, and that all needed to be considered.

Ruff said that the environmental costs were difficult to measure, including the manufacture of house paint. He said that the materials in vinyl were increasingly found to be environmental toxins. He said he was leaning toward the long lasting cement siding product. He said the council was being asked to approve more units to reduce cost and asked where the line could be drawn. He said he and Sturbaum had met with neighbors who felt they were not empowered in the entire process and said the change in siding could help them accept the proposal that they had issues with.

He said 15 years ago his house was clad with cement siding, but had vinyl clad windows. He said the windows were cracking, but the siding was totally intact. He said it was anecdotal but it was an influence on his thinking. He added that he would take the longer term and sustainable view on this issue.

Neher said he lived in a home with cement siding and liked the benefits of it. He said the thought of affordability was important, and was pleased that an option for siding was available and hoped it happened. He said he liked that flexibility. He said he would vote against the Reasonable Condition #3 but said there were options that were appealing.

Volan said that Thomson informed him that the additional 36th unit would cover the cost of either Reasonable Condition #3 OR Reasonable Condition #2 which he was about to propose. He said the possibility of adding one or even two units would cover the costs of the cement siding, and he was anxious to solve the problem.

Sturbaum reminded council members that this was his district and he had been hearing directly from a lot of people who felt that it did matter how a project looked on the trail and to surrounding neighbors. He said

Reasonable Condition #3 (cont'd)

he got pressure about the number of houses and that he stood up to those people saying that the numbers were related to affordability. He said he wasn't convinced that Habitat couldn't have taken a couple of houses out, but didn't think it made that much difference to tokenly take a few houses out and hurt affordability of the project to appease neighbors. He said the 'public good' was also what it meant to the surrounding neighborhood that sees this as giving up the value that they care about. He said he stood up for the number of houses, the removal of trees for it and the affordability component. He said he had told those neighbors that he would try to get this addition to look good and fit into the area and be sustainable over time. It was his position now to ask fellow council members to support his proposal. He said if anyone was on the fence, he was trying to push them back over the fence.

Rollo said he forgot to mention that Sturbaum was trying to make this work with surrounding neighbors and with the considerable investment in the B-Line. He said the 2% increase in cost was worth the sustainability, the longevity and durability. He said low income people deserved a high quality product as much as anyone.

Spechler said the whole area would have to be re-planned if there were any houses added, and it was already dense enough. He reiterated that he was strongly against the proposal for cement siding.

Neher clarified that adding units was not part of the reasonable condition to be voted on at this point. He said that 2% increase in cost was a high number to deal with as sometimes people scramble to get a .5% reduction in their rates.

Volan asked if the prevailing side could ask to have an item reconsidered later in the evening. Sherman said it could.

Reasonable Condition #3 received a roll call vote of Ayes: 3 (Ruff, Sturbaum, Rollo), Nays: 6 (Sandberg, Granger, Neher, Mayer, Volan, Spechler) and thus failed.

It was moved and seconded to adopt Reasonable Condition #2.

Volan introduced the condition and explained his reasoning for offering it. He said the use of "public green" as opposed to "common green" for the center portion of the project led him to these proposals. He said he had issues with connectivity because there was one way in and out of the project. He said on the west side there would be a foot path to connect to the B-Line, and he thought that ideally bike and pedestrian connectivity would be better than no connectivity, and that it would also be a public good. He said the project engineer noted that to do this, structural changes would need to be made which would increase the cost of each house in the proposal by about \$850.

He suggested adding a unit or two to accommodate the cost of this connectivity and Reasonable Condition #3. He said the density was already double what would have been allowed and he didn't think it would make a difference in the livability of the neighborhood.

Spechler wanted to know why an 8 foot path was needed if it was not going to be used by vehicles. Volan said only a sidepath of 8 feet would allow bicycles and pedestrians to share a walkway, which sent the message that bicycles were vehicles.

Rollo asked if the street would allow a bike path. Volan said the objective was to ensure that the street was not just for cars. Rollo asked if there would be on-street parking and if a bike path would interfere with it. Volan said the idea was to put the bike path on the north side of

Reasonable Condition #2

This reasonable condition is sponsored by council members Volan and Ruff. It would augment the bicycle and pedestrian facilities on this site by: 1) widening the path from the B-Line Trail to the internal street on the west side of the site to 8 feet; 2) limiting the speed limit and placing sharrow-markings on the internal street; and, 3) improving the pedestrian facility on southwest side of the entry of the site to mirror the width and materials of the facility on the northwest side of that entry point.

the common where it would not interfere with the parking. Shay said that this proposal would upgrade the path from Cottage Grove to a wider path which would then use the street to travel through the project, to the currently planned pedestrian path, and actually then upgrade that to a bike path.

Rollo asked if there were any other city funds that could be earmarked for this Reasonable Condition, and specifically asked about council sidewalk money. Dan Sherman said it was not actually a sidewalk.

Neher asked for a point of reference for a 10% grade. Shay said streets were at maximum 6-8%. Micuda said that stability on that grade was in question for bicyclists. Steve Smith, the engineer on the project, said a 10% slope was reasonable, and showed schematic diagrams of the current slope and the proposed path. He said the estimated cost would include \$10,000 to excavate solid rock, \$10,000 for construction of a wall, and \$10,000 in costs for clearing and cutting trees and putting down stone and asphalt.

Neher asked staff reaction to this if it were to have been in the original proposal. Micuda said that there were zoning code references for bicycle paths, and he would probably have consulted professional guides. He said the interface between the path and trail would have been of concern for bicyclists coming down the slope and persons going up the slope at a landing area in the steps.

Rollo reiterated this point; Micuda said it could be a problem.

Smith said that a bicyclist traveling down the hill on the trail would not have a line of sight onto the trail on either side because of the way the existing land was formed.

Volan asked about adjusting the point where the trail would come onto the B-Line to achieve an 8% grade. Smith said it was actually steeper in almost all other parts of the area, and it would cost about \$10,000 to lower the grade of the slope in that area.

Mayer asked about kids on bikes traveling down the slope.

Marc Haggerty said the entrance was going to be steep and would be difficult to use in the winter. He said the idea was ill conceived and not well thought out. He said the issue was one of communication.

Rollo thanked everyone for thinking about connectivity but said the cost was excessive due to the topography, and possible hazard with the steepness of the bicycle trail.

Spehler said the engineering made this proposal impractical. He said \$30,000 would make the houses more expensive. He said sidewalks and side paths were built where there might be traffic and saw no need in this area.

Volan said he would withdraw the proposal because of the cost and the steepness of the grade. He thanked Habitat and Smith for considering this Reasonable Condition on short notice. He said connectivity with bicycles was worthy of consideration. He encouraged the council to reconsider Reasonable Condition #3 (which had previously failed) instead of this proposal.

Ruff said he had been interested in increasing the connectivity and openness of the project from inside and out, but he was fine with withdrawal of the motion. He noted the discussion in past years about a bike connective path between the end of Maxwell Lane and Nota Drive, adding that there was the proposal for a sign: "Dismount Bike and Walk."

It was moved and seconded to withdraw Reasonable Condition #2.

Reasonable Condition #2 (*cont'd*)

The motion to withdraw Reasonable Condition #2 received a roll call vote of Ayes: 9, Nays: 0

Neher called for approval of Ordinance 14-03 as amended by Reasonable Condition #1. He asked for council questions.

Ordinance 14-03 as amended by Reasonable Condition #1.

Sturbaum said that this project had brought attention to inlets and water flow devices in this area of the city. He had observed that they were not well maintained over the past and clogged flow of water. He asked who was going to do this work and how much of this was Habitat planning to address.

Steve Smith said that the City Utilities department expected that Habitat would take care of the water flow and detention basin that was on the Habitat property, regardless of easements.

Ruff said his understanding from Utilities was that there were two pipes that the petitioner was responsible for maintaining and repairing. There was discussion among Smith, Sturbaum and Ruff about one or two pipes to be cleaned, maintained and improved, how they were to be maintained and who would be responsible.

Ruff asked if the flow from the site would increase or if there was some understanding that the rate of flow from this site would actually NOT increase. Smith said the water flow would be held to a pre-development rate. He said the water going down the creek, under the B-Line and under the railroad should flow freely, which it doesn't now. They discussed utility improvements during B-Line construction, but that some flooding still did occur in the area.

Neher asked for clarification on flows of water from the site and what entity would be responsible for the flows. Smith talked about the watershed in the area including the neighborhood north of this proposal and included an eastern portion of the property in discussion. He said that was the origin of the water that flowed into the pipes that were often clogged.

Sandberg noted speculation about PCBs in the area and asked for scientific clarification of the issue.

Russell Boulding said he had been a free lance environmental consultant since 1973 working with major national environmental organizations. He added that he also worked with Bynum Fanyo with Phase I Environmental Site Assessments (ESA), and developed standards for the industry. He said he performed an ESA for Habitat on the west half of the property while Indiana Railroad owned the property. He said that the Phase I ESA did not usually include samplings which would usually be included in a Phase II assessment. He said he tested the entire parcel for arsenic and lead that might have been left by coal ash and cinders from the rail line as this was also found on the B-Line property. He said that he found no concerns involving these materials.

He noted his awareness of and study of PCB contaminants, and assisted at Lemon Lane flow studies, but said he didn't find this contaminant on this parcel, although he said there was a storage shed that might have potential for some contamination from materials stored there by the railroad. He noted his research did not indicate that at this time there was a danger of contaminants leaching from old railroad ties. He added that any areas of concern would have not been in the exact development area, but the edge common areas.

He said if the storage building area slabs were going to be affected by

the development, he recommended, just to be safe, the testing of that area. Otherwise he didn't see any reason to sample the areas of development, but did recommend the removal of old railroad ties.

Ruff asked about required testing that might eventuate later and how that might affect any funding of the project. Boulding said it was hard for him to imagine that any federal or state agency would require testing if the railroad ties were removed.

Kerry Thomson said that Habitat filed environmental clearances for each lot, and every area in question was outside of the area of developable land. She said there was no anticipation of any more requirements for federal funding. She said the final environmental clearance would come after the platting was done, and the buildable lot was established.

Spechler asked if there was PCB testing on the site. Mr. Bounding said he did not test for PCBs and did not see any reason for it from his background research and experience with the county's PCB history. Spechler asked if this was an expensive test. Bounding said his last samples tested cost \$35 per sample.

Rollo asked planning staff where the two Phase I assessments for heavy metals were located. Micuda said one study was done on the property purchased from Mr. Henke; the second study was focused on the western part of the property which would not be built on. Bounding pointed out areas on a map.

Sturbaum asked if six random samples for \$270 (sic) would be worth the peace of mind. Bounding said to do a statistically random sampling of that area would need a lot of samples taken. He said that his work with ASTM (American Society for Testing and Materials) focused on the amount of money wasted on environmental site characterization because of taking a random sample approach needing special techniques for hot-spot sampling and expedited site characterization. Sturbaum said he understood Bounding didn't have statistical respect for six samples, but Sturbaum said he didn't see the harm in doing six samples. He wanted to hear if Habitat would do those six samples and put the matter to rest. Bounding said he felt strongly it was unnecessary to do that. Sturbaum said it would also do no harm. Bounding said the expense of paying an environmental professional to take the samples, the cost of running the tests, and the resulting report would be unnecessary expenses. Sturbaum asked if six samples could be taken.

Thomson said her understanding from environmental experts, not just Mr. Bounding, was that there was really no reason to believe that there were PCBs on this site. Sturbaum said then there should be no reason to not do six 'simple' samples for under \$300. Thomson said that the actual running of the test was \$35, but there were more fees associated with that testing.

Rollo said there were always issues of contamination with rail lines and asked if Micuda recalled the nature of the environmental tests done with the establishment of the B-Line trail. Micuda said he could not answer that question. Bounding said he reviewed the studies on the old railroad line and said the arsenic levels were ten times higher than what IDEM had as acceptable for residential areas. Bounding said that arsenic and lead were present in 100% of his Phase I samples from the rail bed and exceeded the IDEM standards. He said he took the samples from areas specifically in low areas and near the rail lines because that's where the heavy metals would have accumulated had there been any. He said the samples showed the arsenic levels were within the natural background levels for Monroe County and the limestone soils. He said these were

higher than typical in most other soils, but were within the IDEM standards.

Ordinance 14-03 as amended by Reasonable Condition #1. (*cont'd*)

Rollo asked the planning staff if there were developments adjacent to the rail line where PCB testing had been required as a condition of approval. He noted he was trying to evaluate the likelihood of PCB contamination.

Micuda said these assessments were usually done between buyers and sellers of real estate and were not part of the planning process. Boulding said he had done a Phase I study for the property that was the site of a new building (Hyatt Place). He said it was the railroad station for the Monon Line with spurs coming into it. He said he recommended a Phase II investigation be done for that property because of that usage. He said it was his understanding that no significant contaminants were found there.

Ruff asked staff to talk about the trade of land in the certified tech park for this property, resulting in a Habitat build out further east. Micuda said the tech park property was owned by the city Redevelopment Commission (RDC), a separate body from the city administration. He said the acreage on Rogers Street was 3.86 acres of the 12 acres the RDC acquired. He said that total cost was \$9.3M, with the Rogers Street property worth about \$3M. He said the Habitat property was worth \$300,000, a significant difference. He added that the RDC looked at the Rogers Street parcel as a high density housing node that could cater to workforce, seniors, tech employees, and affordable housing that might include hundreds of units, apartment style units in a multi-story commercial construction. He said these two properties did not line up as opportunity swaps for reasons of ownership, cost and planned use.

Sturbaum said he had talked with Danise Alano-Martin about this issue and showed a sketch of what the Rogers area was planned to be. He said it had a different character on the busy street of Rogers. He said the plan was a long term vision and extended to the Bender Lumber property.

Neher called for public comment on the ordinance as amended by Reasonable Condition #1.

Marc Haggarty said that the people from the north of this project had been left out of the planning. He posed the issue of suspecting that PCBs could be present in the area, what he called the area between the two biggest contaminated areas of the county, only a half mile apart by railroad. He noted there had not been any testing for PCBs, and yet there should have been. He said kids in the area had salvaged capacitors from open dumps nearby and drained them onto the ground, and that area should be tested. He said the dumps included the Lemon Lane dump, Fell Iron and Metal and a couple more properties. He encouraged council members to walk the property and look at it more closely, and to consult with the people in the area who were familiar with the way the woods were used. He said there were people who did not want this project injected into their woods.

Glenn Carter said the question of PCBs hit a nerve. He said the community sentiment in the 1990s and 1980s was one of great concern. He noted the site's proximity to the Lemon Lane Landfill. He said the danger of PCBs, the closeness to the superfund site, the minimal cost of the PCB test all point to the need for testing. He said public health was more than convenience, and asked the council to require tests. Laramie Wilson noted her previous email to council members and asked to add to those comments. She said she lived in the west side neighborhood. She said she supported Habitat as a volunteer and

contributor in the past, but did not support this location for development. She said she had served on the city's Environmental Quality and Conservation Commission and helped develop early bicycle and pedestrian connectivity. She said that this, the first development for the west side of the trail, would not enhance the livability and walkability of all the neighborhoods along the trail but just the opposite. She said the woodland would be destroyed, and that it had been used as a pathway to the downtown from neighborhoods. She said the city supported preservation of the city's diminishing woodlands and greenways along with affordable housing in the downtown core, but they were not mutually exclusive. Wilson said she had worked with citizen groups to track the PCBs in the community, and she knew that children took the capacitors containing PCBs and opened them to scavenge for copper, and drained them on the site. She said they were readily found in west side neighborhoods, and talked about dumping the oily substance in many places in the area. She asked that Habitat build elsewhere, and asked the council not to support disturbing this woodland.

Beth Ellis supported the Habitat project and said it was a wonderful use for this property. She said having more families and children on this section of the B-Line would make it actually safer. She added that the trail would give Habitat families more access to downtown and asked for the council's support.

Norma Jean Bunton said she appreciated Sturbaum's advocacy for his district, and apologized for speaking from the back of the chamber. She said that her Habitat house was not one that neighbors wanted to be built. She asked for the council's support for new neighbors. She also asked that the loop within the project not be named Cottage Grove because of confusion.

Ruth Beasley said she had wondered if the section of the B-Line near her neighborhood was the least safe in town, and asked the Police Department to do a 'data run' which she had not yet had time to analyze. She said it was the area down by Kroger's that had the most problems, even with lots of light and more people there. She said there were lots of stereotypes about people living in her neighborhood which at one time was called Pigeon Hill, characterized in the past as being unsafe. She said Thomson told her Habitat homes were not objected to in her neighborhood.

Beasley said that in reviewing the documents from the beginning of the project she had noticed that the Environmental Commission's statements had softened. She noticed in one report that development would cause the city to be deprived of "forest ecosystem services" which was the ability of the trees to sequester carbons. She also said a sinkhole and karst was noted in another report and noted that neither were discussed at the latter meetings. She encouraged the council to follow the UDO.

Rollo asked to revisit the PCB issue noting the site had not been tested for PCBs. He asked if the site noted by Mr. Boulding could be tested for PCBs and it not be considered an undue burden but a condition of approval. He said testing the entire site would be an undue burden, and would be asking the scientist to perform tests that he had already determined irrelevant. Rollo asked if this was an undue burden.

Boulding said he understood concerns, and said he would be willing to donate his time to collect samples in the area recommended. Rollo asked Boulding if he had seen broken up capacitors, transformers or debris of that nature in his site inspection. Boulding said these were things he had looked for. He said he had sampled and tested a site next to Lemon Lane and had found no PCBs on that property.

Thomson said Habitat would be happy to have testing done at the location on the property described earlier.

Ordinance 14-03 as amended by Reasonable Condition #1. (*cont'd*)

Ruff asked Boulding if it were reasonable to assume that since there were no capacitors or remains on the site, that there were most likely no PCBs. Boulding said that as a professional experienced in soils, hydrogeology, and contaminants he would, if there were any doubt, have the soil tested. He reiterated that he had seen nothing, with the remote possibility of the one storage site used for 40 years by the railroad, that needed further testing. Ruff asked if PCBs could have 'migrated' naturally into the area. Boulding said the property was on high ground, and that was not possible. He reiterated that he did not see anything that would give him the idea that there were contaminants in the area.

It was moved and seconded to adopt Reasonable Condition #5.

Ruff asked about wording of the Reasonable Condition that included remediation, and asked if it were redundant. Boulding spoke about the requirements and suggested "residential default closure levels as established by IDEM" as good wording for the intent of the reasonable condition.

It was moved and seconded to amend Reasonable Condition #5 to include language in the form presented here.

The motion to approve the amended language was approved by a voice vote.

Sherman read the new language aloud.

Laramie Wilson said she lived in this area during the time that the city filed the lawsuit regarding PCBs. She said that the capacitors could be found on the ground, the dumps were unfenced and managers didn't mind if these things were taken away. She said there would not be physical evidence because it had been removed as the lawsuit drew closer, and said she looked for them there in the early 1980s and did not find them. She said she respected Boulding's work, but noted that the dumping happened from 1958 until the 1970s with scavenging the whole time.

Marc Haggarty said the Utilities Service Board had sent a letter to customers of the county that included a note saying that if PCBs were found on their property, they could be held liable. He said the city had assiduously avoided finding PCBs because they didn't want to. He said the council also had voted to put a PCB incinerator in the town, and reminded folks that the City Chemist was fired for testing for PCBs. He told of a near riot in the council chambers at that time, too. He said that somehow the incinerator was stopped. He said that it was not beyond reason to think that there could be PCBs between the railroad tracks.

Spechler said that he didn't think there would be PCBs on this site, but thought it was a reasonable concern because in a previous meeting the council was told there were not PCBs and at this meeting they were told that PCB testing had not been done. He said it was worth the couple of hundred dollars to test the site.

Sherman noted that Mr. Boulding suggested that the words 'of soil' be inserted into the new wording. His suggestion was reflected in the wording to the right.

Amending the amended language for Reasonable Condition #5 was approved by a voice vote.

It was moved and seconded that Reasonable Condition #5 (as amended) be approved.

Reasonable Condition #5

Amending Reasonable Condition #5

This reasonable condition is sponsored by Councilmembers Sturbaum and Rollo and requires that the area mentioned in the deliberations around the shed be tested for PCBs and remediated if found there and exceed residential default closure levels of soil established by IDEM

Volan noted that the language said that the soil around the shed should be tested rather than the soil under the shed. Boulding had already noted that the shed floor was concrete and while he could bore through it, it was not necessary.

Amending Reasonable Condition #5
(cont'd)

Laramie Wilson said it had been hard to hear and follow this discussion. She said if testing needed to be done, it needed to be done in the places where the homes would be built, and not just the shed and railroad ties areas.

Ruth Beasley said that capacitor metals were recycled and so there wouldn't be any debris found with oil that would have leaked into the ground, but that wasn't a reason to not test the site for PCBs.

Marc Haggarty said yes to all of Beasley's questions, and noted that no metal remained there, but was sure that the property should be tested. He said the grid system of testing should be done and it was used for the Superfund sites.

Sturbaum said that this was reasonable issue to look at, and that Habitat would not want residents to be exposed to any danger. He suggested that if anything were found in the area required to be tested, that Habitat extend the testing to the residential sites without being told to.

Reasonable Condition #5 as amended received a roll call vote of Ayes: 9, Nays: 0.

Consideration of the ordinance as amended by reasonable condition #1 & 5.

Ordinance 14-03 As amended by Reasonable Conditions #1 & 5.

Neher asked for public comments on the ordinance as a whole.

Rollo said this was an urban woodland of some quality and an issue for concern. He said the Environmental Commission would, of course, recommend that 'green' areas within the city be preserved. He said the city had to balance the preservation of green space with the need for affordable housing, and noted the city's purchase of acres of green space around the city. He said the sequestering of carbon was of concern and was happy to offer the reasonable condition involving that issue. He said connectivity was an issue, but realized that in the geographic area it was not able to be done. He applauded Habitat's record for providing owner occupied housing and lauded their work. He said that the most attractive aspect of the proposal was the proximity of the residences to the B-Line and the downtown. He said that the plan was one of an integrated community and felt that the neighbors would all get to know each other well and share that green space. Rollo noted the environmental expert consultant did not believe it was necessary to test for PCBs in the broader area, but did recommend testing in the one place in question.

Spechler said he was for this from the beginning. He said support extended beyond the room to a number of messages that the council received. He said the notion of a land swap was a non-starter as the tech park land was highly valuable and would counter the high concentration of students in the area. He noted Habitat's fine reputation and noted the city needed more affordable housing.

Granger said the city needed to do a better job with affordable housing, and noted her favor of this project that she said met a need in the community near the downtown. She said her questions had been answered over the past hearings, and appreciated Boulding's offer to further test the site. She thanked all for their participation and patience during the process.

Sturbaum said that the screening and new plantings would help mitigate the loss of trees in some areas. He noted that a long time drainage problem in the area would be actually helped out by the project. He said the access that would be created would be better than a dirt path and the design of the overall neighborhood was good. He hoped that Habitat participants would ask for cement siding to add color and variety. He said that this was a good project in a good place.

Sturbaum said he didn't like separating nature from 'us.' He said this was an important project of nature and homes co-existing in harmony.

Sandberg said she had listened to hours of testimony and information about homeless issues, the night's discussion of work of the Bloomington Housing Authority, and now this project that would help get people out of poverty and into better situations. She said it was interesting that this project was fraught with controversy when it was just what earlier folks wanted. She noted this project would help those who were in 'working poverty' and the pros of the project outweighed any questions regarding it. She noted that all concerns were listened to very carefully and that she was offended by anyone's notion that things were swept under the rug and that the council didn't care. She expressed thanks to everyone who attended the meetings in the past few weeks.

Ruff said he appreciated having the land swap issue laid out more clearly in this meeting. He said he appreciated Boulding's presence and statements that helped him understand environmental issues. He said he still had some concerns about the drainage issue. He said that the extensive continuum of opinions on the project was represented by the messages sent to the council and public statements in meetings. He reminded listeners that the process was slowed down to give more people time to make comments and give input.

He said the best part of the woods on the site would remain and Rollo's suggestion of new plantings would enhance it further. He said that overall this project would strengthen the community with rooted families in the area.

Volan said he had problems with both sides of this issue, the definition of common space vs. public space, and the PCB testing not done already. He said that there was a class issue in this neighborhood, but the neighborhood was not too poor to organize an association and be associated with other neighborhoods. He said the land swap was not viable; the woods were not that high a quality. He noted that the process of hearing this petition had been extended to a longer period of time and said he felt that every issue should be on a five week process, and have three hearings like he said most every other city in the state did. He said there was a better communication model during the PUD process and called for council to be in PUD loops earlier, before they are introduced to the council. He said the process was thorough and he supported it.

Mayer wished Sturbaum a Happy Birthday since the meeting was now taking place on March 27th. He said that the development was a positive thing for the neighborhood and that the development would be positive for Fairview, United Ministries, and Tri-North schools. He also said it would give the city the opportunity to see how this type of development would create other opportunities. He said he attended the first meeting on this project four years earlier at Banneker Center and the exact same issues were discussed then. He noted that Boulding's report was highly regarded by the city Utilities Department, and thanked Boulding for his work.

Neher said he had been chastised for referring to this project as the Habitat Project, and that he should just look at this as a PUD or other

development. He said the whole experience surrounding the discussion of this project had been positive. He noted that the evolution of facets of the project, through discussion, made the project better than the initial proposal. He added that he looked forward to supporting the B-Line neighborhood for what it will be and what it has the potential to become.

Ordinance 14-03 As amended by Reasonable Conditions #1 & 5 (cont'd)

Ordinance 14-03 as amended by Reasonable Conditions #1 and #5 received a roll call vote of Ayes: 9, Nays: 0

Ordinance 14-04 To Amend Title 14 of the Bloomington Municipal Code Entitled "Peace and Safety" Re: Amending Chapter 14.20 (Firearms – Deadly Weapons) to Allow for the Discharge of Firearms at the Griffy Lake Nature Preserve for the Purpose of Deer Reduction via Sharpshooting

LEGISLATION FOR FIRST READING

Ordinance 14-04

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

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted the upcoming schedule and made some suggestions for changes. The following motions were made, seconded and approved by voice votes.

COUNCIL SCHEDULE

- Motion to cancel the Committee of the Whole that was scheduled for March 26, 2014 (would have immediately followed this meeting).
- Motion to schedule a Committee of the Whole on April 2, 2014.
- Motion to reschedule the April 2, 2014 Regular Session to April 9, 2014.
- Motion to cancel the scheduled Committee of the Whole meeting scheduled for April 9, 2014.

The meeting was adjourned at 12:37 am.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, July 2, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 2, 2014

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes for the Special Session of June 11, 2014 were approved by a voice vote.

APPROVAL OF MINUTES

Susan Sandberg congratulated the same-sex couples who were able to be married during the three days marriage licenses were issued in Monroe County. She hoped this would be the beginning of the end of Indiana's insistence to pursue the ban by amending the constitution or keeping a ban in place. She said the tide had turned quickly and it was a civil rights issue, one that should not be turned back in time. She said that validating love was a beautiful thing and a good omen for progressive things to occur in Indiana.

REPORTS

- COUNCIL MEMBERS

Chris Sturbaum said that Indiana eventually got to where it should be – with health care and Sandberg's issue. He noted, too, that his little grandson was now walking.

Darryl Neher echoed Sandberg's comments. He said he wanted to be at the Justice Building on the day of the marriages and said he participated in a ceremony, a truly moving experience. He said that he knew so many friends of his in the line to get licenses and joined in the excitement, the congratulations, and that being in that moment was so special. He said he would be so glad when these moments would be common place in Bloomington and Indiana.

Tim Mayer said the Utilities Services Board for the City of Bloomington Utilities had adopted a Conservation Plan. He said it was part of an agreement with the Indiana Utility Regulatory Commission in regards to the last rate increase which would place an emphasis on conservation. He said the Rate Study was in progress and there had been one presentation from Crowe Horwath on the partial results.

There were no reports from the Mayor or other City Offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Neher called for public comment.

- PUBLIC

Kathleen McConahay, board member of the Monroe County Court Appointed Special Advocates, spoke of the mission of the organization, and spoke about child abuse, and asked that people consider volunteering as a courtroom advocate for local children. She noted that volunteer advocates would be trained for this job.

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

APPOINTMENTS TO BOARDS
AND COMMISSIONS

It was moved and seconded that Resolution 14-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that this item was not heard in committee.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

It was moved and seconded that Resolution 14-12 be adopted.

Resolution 14-12 To Approve the Interlocal Agreement between the City of Bloomington and Monroe County, Indiana For Joint Use of Fuel Stations

Patty Mulvihill, Assistant City Attorney, said the resolution would extend the agreement for the county to use the city fuel stations because their station was at the Monroe County Airport. She said that this would

save fuel expenses, wear and tear on vehicles, and would facilitate better environmentally friendly practices by both governmental entities. She talked about one fundamental change of the administrative fee for this agreement of \$.35 per gallon which would be billed monthly to individual county departments. She said the agreement would last for five years, but that there was a clause that asked for a review of administrative costs in six months. She said the County Commissioners and the Board of Public Works (with mayoral approval) would work to adjust the administrative fee, if necessary.

Rollo asked about the share of city vs. county use of the facility. Mulvihill offered to find out the information.

He asked if the Bloomington Transit and Utilities used the city pumps. Mulvihill said that Utilities did but she did not know about Transit.

Neher asked if fee changes were required to be approved by the council. She said it would be approved by the Board of Public Works with a secondary approval from the Mayor.

There were no public comments on this item. Council comments were brief:

Mayer thanked Mulvihill for her work.

Rollo said the measure seemed logical and efficient, and supported it.

Sturbaum said the agreement made sense.

Resolution 14-12 received a roll call vote of Ayes: 7, Nays: 0

It was moved and seconded that Ordinance 14-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-0. It was moved and seconded that Ordinance 14-10 be adopted.

John Whikehart, Deputy Mayor, presented the ordinance to the council. He said the ordinance would eliminate the Engineering division of the Public Works Department and would transfer those employees, positions, and functions to a new Planning and Transportation Department that would have a more uniform administration of planning and transportation functions. He said this would allow the city to more comprehensively address transportation planning and to implement public infrastructure designs consistent with the planning, development and growth policies of the city. He said the position of Traffic Engineer and City Engineer would be combined into one position for greater efficiencies and greater direction of the planning processes within the department.

He said the creation of a new Assistant Director of Operations in the Public Works Department would not be the same as the position that was eliminated recently (Deputy Director of Finance). He said the new position would have responsibility for personnel management within the department of 94 employees and five distinct divisions. He outlined a few of the responsibilities within this position.

He said moving the Parking Enforcement Division to the Police Department would allow for more of a community policing approach. Financial issues within the Parking Division would fall under the Controller's office. Parking Policies would fall under the Planning and Transportation Department and would include pricing, hours, residential zones, garages, lots, on street parking configuration, communication, marketing, and outreach which would include parking review and reports that would come to the Council. He said one additional position within the police department would be created entitled "Parking

Ordinance 14-10 An Ordinance to Amend Ordinance 13-16, Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2014 - Re: To Centralize Planning and Transportation Functions of the City by Eliminating the Engineering Division of the Public Works Department, Shifting Engineering Functions to Planning and Replacing the Planning Department with a "Planning and Transportation Department;" To Create a New Position in the Public Works Administration Division of the Public Works Department entitled "Assistant Director;" and To Better Facilitate Strategies Associated with Community Policing by Eliminating the Parking Enforcement Division of the Public Works Department and Moving Parking Enforcement Duties to the Police Department.

Services Manager” to deal with garage issues with the end of the REI contract.

Whikehart said there were no additional funds needed for these changes. He said \$68,000 in salaries for positions that had been vacated but not been filled was adequate to fund the changes for the rest of the calendar year.

Sturbaum asked how the Board of Public Works role would change with these changes being made. Whikehart said it would not change. Both the Planning and Transportation Department and the Public Works department would be reporting information to the Board. Sturbaum asked if a council created bike boulevard could be vetoed by the Board of Public Works if they didn't like some aspect of it. Whikehart said it would be taken to them for approval as usual.

Rollo asked how street design would occur and be reviewed by the Plan Commission. Whikehart said there would still be reports made to the Plan Commission from the Department of Planning and Transportation. Rollo asked if they would have a greater role in the development of streets. Whikehart said they would. He said that was one of the reasons for the development of the department in this way -- to eliminate conflict which had existed in the past. He said this reorganization would result in a more cohesive transportation plan.

Neher asked about the impact of the transition between the current REI management of the garages and the internal management. Whikehart said that the activities in management would be taken on by the city. He said that the contract with REI had five one year renewals, and they would stay until the end of the year. He said they would try to keep on the people who were employed by REI including the Parking Services Management position with REI. He said data collected would be shared with the Planning and Transportation Department as policy would be examined and reported to the council. He said that the six month transition period would also examine other REI services including facilities, customer services and custodial services, to explore either keeping them as contractual services or adding them to a specific city department's responsibility.

Sturbaum said he was looking forward to bike boulevards with traffic calming. He was concerned, however, that the Board of Public Works members were not in favor of that policy of traffic calming, and that personal preference could be a road block to traffic calming in bike lanes. He said his belief was that the BPW's role was one of a review of public safety rather than of implementation of policy based on their personal views of traffic calming. He said he was airing an old grievance and wanted to clarify the role of BPW in these areas. He asked that the role of the BPW be clarified.

Whikehart said two different takes on engineering in the past (from two different departments) had probably contributed to the issue. He added that it wouldn't happen any more; there would be leadership in engineering that would come from both the transportation and planning function. He said conflicting views of engineers wouldn't be presented to the BPW. Sturbaum said the people would still be the same and the issue would still be there.

There were no comments by the public on this issue.

Granger said that she liked the fact that some of these changes came from recommendations from staff and the police department.

Rollo agreed that this was a great idea. He said he shared Sturbaum's implementation of transportation planning which in the past was often done from a straight engineering perspective. He said those policies

were often in conflict with multi-modal forms of transportation. Having engineering in the new department and having that department implementing the Imagine Bloomington policy would prevent conflict.

Ordinance 14-10 (cont'd)

Ordinance 14-10 received a roll call vote of Ayes: 7, Nays: 0

It was moved and seconded that Ordinance 14-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-0.

It was moved and seconded that Ordinance 14-11 be adopted.

Patty Mulvihill, Assistant City Attorney, said that the ordinance would change the Bloomington Municipal Code to reflect the organizational changes that were passed in the previous ordinance. She said when updates were prepared for a code chapter the entire chapter was scanned for any other typographical errors or other changes that needed to be made. She said this included policy changes and obsolete segments.

Ordinance 14-11 To Amend Various Chapters of the Bloomington Municipal Code Located in Title 2 (Administration and Personnel), Title 6 (Health and Sanitation), Title 10 (Wastewater), Title 11 (Lakes and Reservoirs), Title 12 (Streets, Sidewalks and Storm Sewers), Title 14 (Peace and Safety), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) – (Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and Reflect Actual Practices and Policies in Affected Sections)

It was moved and seconded to adopt Amendment #1 to Ordinance 14-11. The synopsis follows:

Amendment #1 to Ordinance 14-11

1-The ability to collect fines under Chapter 12.08, entitled Excavations, is added to the Ordinance Violations Bureau.

2-Section 12.08.060 is deleted in its entirety. The City does not utilize this section because of the inherent difficulties in maintaining and accounting for the "deposits", and the preferred method is to have the contractor bond for the work as required by 12.08.050.

3-The original ordinance inadvertently deleted any reference to street cuts. This ordinance proposes placing the street cut requirements in Section 17.08.010 and deletes references to the obsolete street cut requirements and instead requires the street cuts to be made in accordance to standards established by the Planning and Transportation Department.

This amendment is sponsored by Councilmember Neher and makes three minor corrections to the Ordinance.

Neher said he was offering this amendment on behalf of the administration. He said it would correct three things that were not included in the ordinance as submitted to the council because of the extensive package of changes. Mulvihill explained the changes regarding Excavations and street cuts. She apologized for not catching this omission earlier.

There was no public or council comment on this amendment.

Amendment #1 to Ordinance 14-11 received a roll call vote of Ayes: 7, Nays: 0.

Neher called for questions on the ordinance as amended.

Ordinance 14-11 as amended.

Sturbaum again asked the role of the Board of Public Works in relation to transportation and planning, with special attention to progressive changes that the Platinum Bike Force wished to make. He said in one instance it vetoed something he felt was in line with city policy, in effect, making city policy according to their wishes.

Mulvihill said she didn't have the statute at hand, but referred to Whitehart's earlier statement. She noted that the BPW had relied heavily on information from staff members, and that conflicting information should no longer be an issue. She also noted that the proposal at hand was an initial change, but more code changes could happen after the merge took place, if needed. Sturbaum asked her to research the division of planning and building activities between the Planning and Transportation Department and the Public Works Department.

There were no comments from the public on this ordinance.

Ordinance 14-11 as amended (*cont'd*)

Ruff said he appreciated Mulvihill getting back to him regarding the question he had on snow and ice removal. He noted that in their email exchange, he didn't have a lot of complaints, but that there needed to be a discussion of issues that would help develop policies better for this area. He said there were issues in Chapter 6.07 and that he was a little reluctant to vote on fines when there were issues to be worked out. He noted that he wanted to get together with a group to discuss policy implementation of this area of the code in the attempt to improve it. He noted Mayer's interest in the topic and suggested him for the group.

Sturbaum said this was a good change. He said often the street department would push snow onto cleaned sidewalks and it would then re-freeze. He wondered about an appeals process for those notices of violations.

Mayer said it would be good to have the discussion about policies suggested by Ruff, and then thanked Mulvihill for her diligence and editorial work on the code.

Rollo said that he would also like the information promised to Sturbaum regarding the planning and building separation of duties between the two city departments.

Ordinance 14-11 as amended received a roll call vote of Ayes: 7, Nays: 0

Appropriation Ordinance 14-01 Additional Appropriation for Bloomington Transportation Corporation for 2014 (For Downtown Transit Center, New Transit Bus, and Professional Services)

LEGISLATION FOR FIRST READING
Appropriation Ordinance 14-01

Dave Schliebaum talked about the possibility of the new transit station being designated as a Safe Place for women and children during bad weather.

PUBLIC COMMENT

Mayer noted that this issue was part of the Transit Board's agenda recently.

Neher announced a Special Session of the council would be held on July 9, 2014 before the regularly scheduled Committee of the Whole. He asked Dan Sherman, Council Attorney/Administrator to outline the implications of setting the agenda for that day.

COUNCIL SCHEDULE

Neher noted the list of upcoming legislation that needed to be handled before the council recess. He asked for council concerns about having a special consideration of a streamlining process where unanimous consent and two-thirds vote would be required to hear and pass legislation in one night. He said he thought it was straightforward, and would like to set the agenda in that manner. There were no comments, questions or concerns from those present; Neher said he would inform the council members who were not present.

The meeting was adjourned at 8:30 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington