

City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 03 February 2021

Regular Session

6:30 PM

**Please see the notes on the [Agenda](#) about addressing public meetings during the public health emergency.*

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
3 February 2021

Per Executive Orders issued by the Governor, these meetings will be conducted electronically.

The public may access the meetings at the following link:

<https://bloomington.zoom.us/j/99614249781?pwd=cEZGMTZ3NEJTVWVNGFkdXCwYlBIQT09>

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES

- | | |
|---------------------|----------------|
| - 23 March 2005 | - 07 June 2006 |
| - 21 September 2005 | - 21 June 2006 |
| - 02 November 2005 | - 05 July 2006 |

IV. REPORTS *(A maximum of twenty minutes is set aside for each part of this section.)*

- A. Councilmembers**
- B. The Mayor and City Offices**
- C. Council Committees**
- D. Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

- A. Resolution 21-04 – Approval of Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana – Re: Building Code Authority
- B. Resolution 21-05 - Preliminary Approval to Issue Economic Development Revenue Bonds and Lend the Proceeds for the Renovation of Affordable Housing - Re: Crestmont Community, 1007 Summit Street (Bloomington Rad II, LP, Petitioner)
- C. Ordinance 21-04 – To Amend Title 8 of the Bloomington Municipal Code Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Kohr Building Historic District

Committee of the Whole Recommendation (27 January 2021): Do Pass 9-0

- D. Ordinance 21-05 - To Amend Title 8 of the Bloomington Municipal Code Entitled “Historic Preservation and Protection” To Establish a Historic District – Re: The Boxman-Mitchell Building Historic District

Committee of the Whole Recommendation (27 January 2021): Do Pass 0-8

(over)

Posted: 29 January 2021

- E. Ordinance 21-03 - (formerly Ordinance 20-33) – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” – Re: Chapter 2.02 (Boards and Commissions – revised) and Chapter 2.04 (Common Council – revised)

Anticipated motion to extend the time for the Council’s Administration Committee to report on this legislation until 17 February 2021.

VII. LEGISLATION FOR FIRST READINGS

- A. Ordinance 21-02 – To Rezone a 10.097 Acre Property from Planned Unit Development (PUD) to Mixed-Use Corridor (MC) - Re: (Bill C. Brown Revocable Trust, Petitioner)

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

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

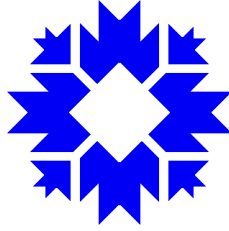
- * Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous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

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

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

- *allowing members of the Council or its committees to participate in meetings electronically;*
- *posting notices and agendas for meetings solely by electronic means;*
- *using electronic meeting platforms to allow for remote public attendance and participation (when possible);*
- *encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).*

Please check <https://bloomington.in.gov/council> for the most up-to-date information on how the public can access Council meetings during the public health emergency.



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

NOTICE

Wednesday, 03 February 2021
Regular Session
at 6:30 pm

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Please check <https://bloomington.in.gov/council> for the most up-to-date information

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



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

Minutes for Approval

23 March 2005 | 21 September 2005 | 02 November 2005 | 07 June 2006

21 June 2006 | 05 July 2006



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the March 23, 2005 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I
hereunto set my signature as Clerk
of the City of Bloomington on the
date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date:_____

The attached copy of the minutes for the March 23, 2005 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____day of _____, 2021.

Jim Sims
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, March 23, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

Council President Ruff gave the Agenda Summation

There were no minutes to be approved.

There were no appointments to boards and commissions.

It was moved and seconded that Ordinance 05-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 4-2-3. It was moved and seconded that Ordinance 05-08 be adopted.

It was moved and seconded that debate be limited in the following manner: That members of the public be given an opportunity to speak once on any amendments and the ordinance as a whole for no more than three minutes. The motion received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded to divide Amendment #5 by the Sections enumerated in the synopsis. The motion to divide the question received a roll call vote of Ayes: 2 (Banach, Sabbagh), Nays: 7 and thus failed.

It was moved and seconded to consider Amendment #5.

Amendment #5 received a roll call vote of Ayes: 7, Nays: 2 (Banach, Sabbagh).

Ordinance 05-08 as amended received a roll call vote of Ayes: 7, Nays: 2 (Banach, Sabbagh).

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

Ordinance 05-09 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" To Establish a Historic District – Re: Brick Streets in University Courts (Bloomington Historic Preservation Commission, Petitioner)

COMMON COUNCIL
REGULAR SESSION
March 23, 2005

ROLL CALL

AGENDA SUMMATION

APPROVAL OF MINUTES

BOARD AND COMMISSION
APPOINTMENTS

LEGISLATION FOR SECOND
READING

Ordinance 05-08 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Adopting Chapter 2.28 Entitled "City of Bloomington Living Wage Ordinance")

Motion to Limit the Debate

Motion to Divide the Question

Amendment #5 This amendment clarifies that interlocal agreements between the City and other governmental entities are excluded from the ordinance. Councilmember Ruff did not intend to include them because these agreements involve other governmental entities which are independently answerable to the public regarding a living wage policy. These agreements also offer community-wide benefits that would not occur with other parties to a municipal contract.

Ordinance 05-08 as amended

LEGISLATION FOR FIRST
READING

Ordinance 05-09

It was moved and seconded to suspend the rules in order to schedule a Special Session on March 30, 2005.

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

It was moved and seconded to schedule a Special Session on March 30, 2005.

The motion to schedule a special session on March 30, 2005 received a roll call vote of Ayes: 9, Nays: 0.

Motion to Suspend the Rules in Order to Schedule a Special Session on March 30th.

Motion to Schedule a Special Session on March 30.

PUBLIC INPUT

The meeting was adjourned at 12:20am.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the September 21, 2005 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I
hereunto set my signature as Clerk
of the City of Bloomington on the
date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date:_____

The attached copy of the minutes for the September 21, 2005 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____day of _____, 2021.

Jim Sims
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, September 21, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 21, 2005

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of September 7, 2005 were approved by a voice vote.

APPROVAL OF MINUTES

Chris Gaal said he couldn't let the Indiana Department of Resources Division of Forestry new strategic forest management plan pass without a comment, adding that the Daniels administration's plan was to increase logging of state forests to raise revenue for state government. Gaal noted the governor's claims of economic development and increase of private sector jobs clouded the fact that the government would be selling off assets owned by the public without a plan or opportunity for public input. Gaal stated that the fact that this was being done in the name of promoting biological diversity and forest health was a cynical manipulation of public opinion.

Gaal noted that the plan contained only two sentences pertaining to the environmental impact of this action, and that there was no mention of soil erosion, impacts of road building, harm to water quality, destruction of wildlife habitat, influx of invasive non-native plants, or other potential for environmental harm to the forests.

Gaal suggested that the state actually needs to protect and promote intact, developed, mature healthy forests on public land, and that it would be most beneficial to wildlife and economic activity in Monroe County and the rest of Southern Indiana.

He called for citizens to show their outrage for this short-sighted, misguided public policy quoting State Representative Matt Pierce's statement that it was ironic that the governor said he must cut down trees in order to save them.

Sturbaum gave a report on the Randolph County Courthouse in Winchester, Indiana that had been built in 1877. He noted that the Monroe County commissioners and council members, the Bloomington city council members and the mayor sent a letter to the Randolph County Commissioners urging them not to demolish the old courthouse against the wishes of their constituents, noting that Monroe County had been in a similar situation several years back and we were glad we chose to save our courthouse. Sturbaum told of the silver haired ladies of a bridge club that created a calendar to save the courthouse. The women posed without clothes (but with carefully placed porcelain courthouse replicas) for the calendar to raise attention and funds for the renovation. He reported that while the commissioners haven't totally changed their minds, they have considered plans for an addition to the courthouse.

Steve Volan said he would like to read into the record for this meeting a New York Times article. He prefaced his reading by noting that when people complain about 'the' government, they are missing a crucial notion about government; it is not a singular monolithic entity. Volan stated that there is no ONE government, but actually many governments and that their interests overlap and conflict. The following is a cautionary tale in dealing with other government entities, one that takes place in a town like ours, home to a large university, but with an airport that can land jet airplanes:

REPORTS:

▪ COUNCILMEMBERS

DATELINE: SEPTEMBER 20, WASHINGTON.

Council Comments (*cont'd*)

When people refer to battlegrounds in presidential races, they are not usually thinking of airport runways. But those people have probably not heard of runway 4/22 at the airport in Las Cruces, New Mexico. The runway, the airport's longest, has been closed since President Bush made a campaign stop in August of 2004. It has gouges six inches deep and a hundred yards long which the city says were put there by two Air Force cargo planes accompanying the president. Las Cruces put the damage at 2.1 million dollars.

The city said that airport officials warned the Air Force that the planes, a giant C-17 and a military version of the 757, were too heavy and that the hot asphalt would be too soft for landing that day. "When Bill Clinton paid a presidential visit he landed at Holloman Air Force Base nearby," said Terrence J. Kelly, a spokesman for the city of Las Cruces. When Senator John Kerry and Former Senator John Edwards, Democratic candidates for president and vice president visited, "they landed elsewhere," Mr. Kelly said.

After a year of discussion, the Air Force has offered \$600,000 for repairs. "It's open to dispute whether it was nice and pretty to begin with," said Major Ann Stefanick of the Air Force. Major Stefanick said the Air Force was acknowledging the damage but denying that it was warned before the landing.

The Las Cruces city council may discuss the settlement offer next month.

David Sabbagh said that he generally would agree with Councilmember Gaal's statement about logging in the forest: that Mother Nature could take care of it without human intervention. He said, however, that the new logging plan was supported by The Nature Conservancy and would like to investigate further before he agreed with Gaal.

Sabbagh reminded citizens about the Hoosiers Outrun Cancer event on the following Saturday at the Stadium. He noted a modest entry fee would be used for the Olcott Center and that folks could walk as well as run in the event.

Dave Rollo thanked everyone who contributed to the Simply Living Fair last weekend, and noted that four hundred citizens attended the keynote speech, "Peak Oil: the Challenge and Opportunities of Petroleum's Waning Days" given by Richard Heinberg. He said that the video would be available and rebroadcast by CATS. He also noted that citizens who were interested in the topic of energy scarcity and peak oil could visit the website www.bloomingpeak.org. He said the site was developing into a resource for people to communicate on this topic. He said our vulnerability in this area was revealed by the impact of the recent hurricane, Katrina. He showed slides that indicated production capacity and refining capacity in the gulf area, and said a direct hit by a new hurricane would be disastrous. He noted the lack of planning for our energy future, and said that centralized fossil fuel production was a prescription for disaster.

Tim Mayer, inspired by Volan's comment, told the story of the state aviation committee's "Ray Charles Emergency Extension." Mayer recounted Ray Charles's 1980's concert visit to Bloomington during which, while landing in a storm, his plane ran off the end of the runway.

Mayer noted that the Lotus Festival would take place during the coming weekend and invited everyone to participate in the 12th year of the World Music Festival.

Mayer thanked Mayor Kruzan for his address to participants following the day's Bloomington Economic Development Corporation's tour of development and job sites in the community. Mayer said it sent a clear message to the economic development community regarding the vibrancy of our community in this arena. Relatedly, Mayer noted a

press conference held at “inVenture,” a business incubator, to celebrate the occasion of their one year anniversary. Mayer said they have fostered six businesses there and will increase this next year. He noted that Brian Kleber, director of the incubator, stressed that without the cooperation of IU, the City of Bloomington, the Greater Bloomington Chamber of Commerce and the Bloomington Economic Development Corporation, this company would have not gotten off the ground.

President Ruff asked Parliamentarian Mayer to explain council procedures to about fifty new meeting attendees. Mayer outlined the legislative process, council protocol, and explained the nature of “comments” during council meetings.

Banach also noted that any lack of dialogue on the legislative items signified a lack of contention on the items, and also the fact that these items were discussed at length during the Committee of the Whole meeting the previous week. Mayer then outlined contact points for the council office and webpage.

Maren McGrane introduced Brian Wilson, Director of Training with the Risk Management Department. He noted that a safe and healthful work environment was the goal of his job and outlined training and in-service day procedures in which he would work along side sanitation, paving, and other workers to assess and recommend safe practices. He also added that continuing education credits for those who needed certificates were also offered.

Ron Walker, Director of Economic Development introduced Christy Steele, the new president of the Chamber of Commerce, noting that she had served as an intern with the Chamber as a student at IU. Steele spoke briefly noting that she was glad to be back in Bloomington.

Danise Alano, Assistant Director of Economic Development and Lotus Foundation Board Member noted that Lotus was offering free passes to folks who were in the area after being displaced by the hurricane Katrina. She also noted that volunteers from Hillel would be selling Mardi Gras beads for one dollar and Bloomingfoods would be donating all proceeds from their Lotus event concessions to Katrina Evacuation Relief effort.

Rollo, Gaal and Banach reported on the interview process for applicants to the new Sustainability Commission. They noted that several evenings were spent interviewing exceptional applicants, that they kept the goals of the commission in mind and that there was unanimous support for the twelve appointments that would be announced later in the meeting.

David R. Grubb spoke about the environment, and spoke about the pension fund for the fire and police department. He said the environment needs to be cleaned up or there would be nothing left of the town, that water, water plants, green and slimy water needed to be corrected with simple common sense.

Chaim Julian showed a short presentation on the Downing Street Memos and asked the council to sign a petition asking Senator Evan Bayh to request that the Senate hold formal inquiry hearings regarding this memo.

It was moved and seconded that George Hegeman be appointed to the Tree Commission. The appointment was approved by a voice vote. Mayer noted that Hegeman was a retired biology professor and a bee-keeper and would make an excellent addition to the Tree Commission.

Council Comments (cont'd)

▪ MAYOR and CITY OFFICES

▪ COUNCIL COMMITTEES

▪ PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

The initial appointments to the Sustainability Commission were made as follows:

It was moved and seconded that the following appointments be made by the council to this commission. The council appointments were approved by a voice vote.

Council Appointments for one year::

Dave Rollo (ex officio)
Bob Bent
Christine Glaser

Council Appointments for two years:

Keith Clay
John Hamilton
Toby Strout

President Ruff asked Rollo to read the following mayoral appointments:

Mayoral Appointments for one year:

Susan Brackney
Darryl Neher
John West

Mayoral Appointments for two years:

Cairril Mills
George Huntington
Catherine Stafford

Mayer thanked everyone involved in the interviews and initial processes surrounding the birth of this new commission, adding that these appointees will be doing new and bold work.

Rollo thanked the council for its support in creating the commission, thanked the interview committee for their work, and thanked the Mayor and Alano for support. He noted the new appointees included an economist, physicist, biologist, former IDEM official with banking experience, social service director, radio host, real estate developer, local business owner, and attorney and noted that it was a broad spectrum of the community.

Ruff recognized Rollo's effort in championing the Sustainability Commission and noted the great amount of collaboration between the council and mayor's offices. Ruff noted the volume of applicants, and said that while everyone couldn't be appointed at this time, he hoped the folks who were not appointed would find some way to participate and contribute to the Sustainability initiative.

It was moved and seconded that Ordinance 05-26 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Ordinance 05-26 be adopted.

Ron Walker, Director of Economic Development, noted that the vacant properties on West 14th Street would be developed as five single family affordable homes and would be eligible for tax abatements in the process that would include two ordinances and two resolutions. He said that each property would be designated as economic development target area (EDTA) and also an economic revitalization area (ERA) with this series of legislation, and that would allow taxes to be abated for five years for future owners of the homes. He noted the support from the Mayor's office in helping to remove barriers in home ownership.

Board and Commission Appointments
(cont'd)

LEGISLATION FOR SECOND READING

Ordinance 05-26 To Designate an Economic Development Target Area (EDTA) - Re: 1010, 1018, 1026, 1034 and 1042 W. 14th Street (City of Bloomington Housing and Neighborhood Development Department and (Habitat for Humanity of Monroe County, Inc., Petitioners)

Ordinance 05-26 (continued)

Susie Johnson, Director of Housing and Neighborhood Development, explained the partnership with the city, Habitat for Humanity and the South Central Community Action Program. She said that the homes would be for sale to families with no more than 70% of area median income. She said the abatement would waive approximately \$3300 for each household over the five year abatement.

She noted that Matt Wysocki and Todd Lare with the SCCAP were present for questions.

Sabbagh noted for the record that the abatement would go to the property owners. Johnson said that Redevelopment and Habitat currently own the lots and they are not on the tax roles, but that once the houses were built and sold, the abatements would be extended to the purchasers.

Mayer asked about architectural controls, exterior storage and clothes lines.

Sturbaum asked how persons would purchase these homes, to which Johnson noted that SCCAP or Habitat should be contacted. Answering the question from Sturbaum, Johnson also noted that 70% of area median income for a family of four is \$41,388.

Ruff called for public comment:

Matt Wysocki, the Housing Director for the South Central Community Action Program, said he was excited about this abatement that would be passed on to the homeowners. He added that the homes would have energy saving features of high "R" Value High Density Side Wall insulation and building sealing, compact fluorescent lighting, and uses only electric energy. He noted that these energy saving measures and reflect the philosophy that affordable housing is permanently affordable by reducing energy costs for owners.

Wysocki reported, also, that SCCAP employs 80 persons with a budget of \$4.5M and serves Monroe, Owen, Brown and Morgan counties with the Energy Assistance Program, Head Start, a Weatherization program, and other programs to help low income individuals in the region.

Mayer suggested that viewers and visitors to the council meeting review the council packet for background information regarding the tax abatement legislation. He also added that sustainable materials for the exterior of the homes would be money well spent. He recognized Todd Lare, new Executive Director of SCCAP, was present for the discussion and ended by noting that this was an example of good public policy. He also thanked city staff members who were instrumental in working on these affordable housing projects.

Sturbaum noted that affordable housing was a problem in Bloomington, and that the building of these homes would add to the bank of homes that HAND, through all its various programs, has worked to make affordable for citizens. He said this project was a good use of tax abatements and a great way to help families make it on their own. He challenged everyone to come forward with more ideas to increase the stock of affordable housing in the community.

Rollo noted that the sustainable aspect of these homes is commendable and forward thinking.

Ordinance 05-26 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 05-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Resolution 05-08 be adopted.

Ron Walker, Director of Economic Development, noted that this resolution was related to the previous one.

Susie Johnson recognized that Lisa Abbot was the Assistant Director of the Housing and Neighborhood Development Department and was directly responsible for much of the work on these affordable housing projects and all of the department's work.

Mayer thanked Lisa Abbot for her work.

Resolution 05-08 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 05-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Resolution 05-10 be adopted.

President Ruff asked if there were any questions from the council, comments from the public or further comments on this resolution as it was similar to the previous two. There was none, and quickly the question was called and the vote taken.

Resolution 05-10 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 05-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Ordinance 05-25 be adopted.

Councilmember Banach asked and got permission from President Ruff to speak about this ordinance. He noted to the student visitors at the meeting that this ordinance reflected a true lesson in public policy. Banach noted that about six years ago, the neighbors in his district approached him to help them with the process of obtaining a stop sign on North Dunn Street to help slow down speeding traffic. He noted that the police stepped up enforcement in that area, and in fact, this worked for a while to slow traffic. He said the neighborhood submitted a request for the city to study the traffic problem and develop a resolution to the problem. He continued the chronology noting that the city contracted with a private engineering firm to design a solution to the problems found in the report and also combine this solution with features of a greenways plan with multiuse paths. He said there was no money in the budget for the plan that was drawn up, however, so the neighborhood needed to wait a couple of years; the council districts were redrawn in the interim. He said that Dunn Street served as the dividing line not only between two council districts, but also divided those opposed to the project and those who favored the project.

Banach noted that the new mayor didn't want to spend the large amount of money necessary for the project, and so the plan went back to engineering. He said now, finally, all studies have been put aside for the simplest and cheapest solution of Stop Signs on North Dunn. He said that the process was followed, and everyone was willing to do so, but the neighborhood was a victim of circumstance with the changes in districts and administration.

Resolution 05-08 To Designate an Economic Revitalization Area, Approve a Statement of Benefits, and Authorize a Period of Tax Abatement - Re: 1010 1018 and 1026 W. 14th Street (Habitat for Humanity of Monroe County, Inc., Petitioner)

Resolution 05-10 To Designate an Economic Revitalization Area, Approve a Statement of Benefits, Authorize a Period of Tax Abatement, and Indicate Intent to Waive Certain Statutory Requirements - Re: 1034 and 1042 W. 14th Street (City of Bloomington Housing and Neighborhood Development Department, Petitioner)

Ordinance 05-25 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Changes on North Dunn Street which Add Multi-Way Stop Signs at Saville Avenue and Tamarrack Trail (Section 15.12.010 - Schedule B) and Remove Authorization for Traffic Calming Devices (Section 15.26.040 – Schedule J-1)

Justin Wykoff, Manager of Engineering Services, noted that most folks were happy with this plan. He added that a pathway on the east side of the street was being discussed with property owners and Corporation Counsel Kevin Robling.

Ordinance 005-25 (cont'd)

Wykoff briefly discussed warrants that are considered in the criteria for Multi Way Stops.

Public Comment:

Carol Darling from Matlock Heights gave Banach an ‘A+’ on his Cliff Notes’ version of the process. She said that making the area safer included safe exits from the subdivision, slowing traffic and planning for the widening of Matlock Road that included one of the roads that currently feeds into the bypass being closed off and becoming a cul-de-sac.

Mayer noted that Nancy Brinegar and Carol Darling were the true heroes of this issue and thanked them for providing a lesson in civil tenacity.

Ordinance 05-25 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 05-07 To Specially Appropriate from the Park Land Acquisition Fund Expenditures not otherwise appropriated (To Purchase Land Adjacent to the Griffy Lake Nature Preserve and Cascades Park)

Appropriation Ordinance 05-07

Ordinance 05-28 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”(Amending Chapter 15.26 “Neighborhood Traffic Safety Program” in Order to Authorize Traffic Calming Devices on Graywell Drive and East Gentry Boulevard)

Ordinance 05-28

Dan Sherman, Council Attorney/Council Administrator, asked the council for permission to correct the incorrectly noted date for public hearing in the synopses of Resolution 05-08 and Resolution 05-10. It was moved and seconded that the Clerk be given permission to correct these dates in the synopsis portion of these two resolutions. The question was passed with a voice vote.

OTHER BUSINESS

There was not public comment at this time.

PUBLIC INPUT

The meeting was adjourned at 9:15 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the November 02, 2005 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I
hereunto set my signature as Clerk
of the City of Bloomington on the
date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date:_____

The attached copy of the minutes for the November 02, 2005 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____day of _____, 2021.

Jim Sims
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, November 2, 2005 at 7:34 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

Roll Call: Banach, Diekhoff (left at 10:10 pm), Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

Council President Ruff gave the Agenda Summation

The minutes of September 21, 2005 were approved by a voice vote.

There were no appointments at this meeting.

It was moved and seconded that the Resolution 05-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 7-0-0. It was moved and seconded that Resolution 05-17 be adopted.

Resolution 05-17 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the Resolution 05-18 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 4-1-3. It was moved and seconded that Resolution 05-18 be adopted.

It was moved and seconded that Amendment #1 be adopted.

Amendment #1 received a roll call vote of Ayes: 1 (Volan), Nays: 7 and thus failed. (Diekhoff left before this vote.)

COMMON COUNCIL
REGULAR SESSION
November 2, 2005

ROLL CALL

AGENDA SUMMATION

APPROVAL OF MINUTES

BOARD AND COMMISSION
APPOINTMENTS

LEGISLATION FOR SECOND
READING

Resolution 05-17 To Approve the Interlocal Agreement Between Monroe County and the City of Bloomington for Animal Shelter Operation for the Year 2006

Resolution 05-18 To Amend the City's Comprehensive Plan to Include the Downtown Vision and Infill Strategy Plan as a Subarea Plan

Amendment 01 This amendment adds "sustainable transport" changes to the *Downtown Vision and Infill Strategy Plan (Res 05-18)* and affects pages 4-12, 4-13 and 5-10. In short, the amendment: outlines a three-part strategy for improving downtown transport problems by: 1) charging what the market will bear for the parking of all private vehicles; 2) devoting new revenues to establish a free, local bus service for the downtown; and 3) by requiring developers to support the transit system rather than invest in tenant and customer parking. Toward this end, the amendment: reduces the number of additional parking spaces need in the downtown area from 2,000 to 1,250; redirects the funds from the 750 few parking spaces to Bloomington Transit to provide a free bus service to the downtown; requires developers to spend 3/5ths of their tenant and customer parking requirements on the proposed downtown local transit service and; and replaces the minimum parking requirements for private development with maximum requirements (.050 per/bedroom parking ratio). The amendment also makes changes in the language used to describe "alternative transportation."

Resolution 05-18 received a roll call vote of Ayes: 7, Nays: 1 (Volan).

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

Ordinance 05-31 To Amend the Bloomington Zoning Maps from RS 3.5/PRO6 to PUD and to Approve the Preliminary Plan for the HAND LEED Planned Unit Development (PUD) - Re: 2300 S. Rockport Road (City of Bloomington Indiana, Department of Housing and Neighborhood Development Petitioner)

Ordinance 05-32 To Amend Title 14 of the Bloomington Municipal Code Entitled “Peace and Safety” (Amending Chapter 36 [Unlawful Conduct], Section 090 [Intoxicating Beverages – Consumption in Public], by Creating an Exception to Allow Consumption of Alcohol in the Buskirk-Chumley Theatre)

The meeting was adjourned at 11:21 pm.

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

Resolution 05-18 as amended

LEGISLATION FOR FIRST
READING

Ordinance 05-31

Ordinance 05-32

ADJOURNMENT



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the June 07, 2006 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I
hereunto set my signature as Clerk
of the City of Bloomington on the
date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date:_____

The attached copy of the minutes for the June 07, 2006 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____day of _____, 2021.

Jim Sims
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, June 7, 2006 at 7:33 pm with Council Vice President Dave Rollo presiding over a Regular Session of the Common Council.

Roll Call: Banach, Diekhoff (left meeting at 9:55 pm), Ruff, Gaal, Rollo, Volan, Sabbagh, Mayer
Absent: Sturbaum

Council President Sturbaum gave the Agenda Summation

The minutes of April 6, 2005, April 20, 2005, March 22, 2006 and May 17, 2006 were approved by a voice vote.

There were no board and commission appointments.

It was moved and seconded that Ordinance 06-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-0-2. It was moved and seconded that Ordinance 06-08 be adopted.

Dan Grundmann gave the fiscal impact of the ordinance changes.

Ordinance 06-08 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-0-1. It was moved and seconded that Ordinance 06-06 be adopted.

It was moved and seconded to adopt Amendment #6.

Amendment #6 to Ordinance 06-06 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded to adopt Amendment #1.

Amendment #1 to Ordinance 06-06 received a roll call vote of Ayes: 8, Nays: 0.

COMMON COUNCIL
REGULAR SESSION
June 7, 2006

ROLL CALL

AGENDA SUMMATION

APPROVAL OF MINUTES

BOARD AND COMMISSION
APPOINTMENTS

LEGISLATION FOR SECOND
READING

Ordinance 06-08 To Amend
Ordinance 05-21 Which Fixed the
Salaries of Appointed Officers,
Non-Union and A.F.S.C.M.E.
Employees for all the Departments
of the City of Bloomington, Monroe
County, Indiana, for the Year 2006 -
Re: Positions in the Controller's
Office, Employee Services,
Engineering, Fire, Office of the
Mayor, Parking Enforcement, Parks
and Recreation, Sanitation, and
Utilities Dillman and Utilities
Engineering

Ordinance 06-06 To Amend Title 15
of the Bloomington Municipal Code
Entitled "Vehicles and Traffic"

Amendment #6 This amendment
removes the proposed no parking
zone on Southern Drive from Walnut
Street to the barricade on the south
side at any time.

Amendment #1 This amendment is
proposed by Justin Wykoff, Manager
of Engineering and changes
Schedule M of the Bloomington
Municipal Code by adding a "No
Parking" zone on Wilson Street from
Park Avenue to Woodlawn Avenue.
He proposes this change because the
street width cannot simultaneously
accommodate two lanes of through-
traffic and parking on both sides of
the street. Please note that the Traffic
Commission does not support this
change.

It was moved and second to adopt Amendment #2.

Amendment #2 to Ordinance 06-06 received a roll call vote of Ayes: 4 (Gaal, Rollo, Ruff, Volan), Nays: 4 (Banach, Diekhoff, Mayer, Sabbagh) and thus failed.

It was moved and seconded to adopt Amendment #7.

Amendment #7 to Ordinance 06-06 received a roll call vote of Ayes: 5 (Gaal, Rollo, Mayer, Ruff, Volan), Nays: 2 (Banach, Sabbagh). Diekhoff had left the meeting before this vote.

It was moved and seconded to adopt Amendment #3.

Amendment #3 to Ordinance 06-06 received a roll call vote of Ayes: 7, Nays: 0.

Amendment #2 This amendment is proposed by the Traffic Commission and changes Schedule I of the Bloomington Municipal Code by lowering the speed limit on Wylie Farm Road from Henderson Street to Bent Tree Drive to 25 M.P.H. This change is opposed by the Manager of Engineering because it is not supported by the traffic counts and a speed study.

Amendment #7 This amendment adds a section to the ordinance that urges the Traffic Commission to revisit the lowering of the 30 mph speed limit on Wylie Farm Road between Henderson Street and Bent Tree Drive after providing the usual notice to the nearby residents.

Amendment #3 Section 25 of the ordinance allows motorists to park in the Morton Street City Hall visitor spaces on weekends without visiting City Hall. City Hall visitor parking is on Morton Street and includes five one-hour spaces on the west side immediately south of the entrance to the City Hall lot and the half block of two-hour spaces north of the alley on the east side between 7th and 8th Streets. Motorists who park there on Saturday would be subject to one-hour parking (on the west side) or two-hour parking (on the east side) from 5:00 a.m. to 5:00 p.m.

This amendment would bring the parking in line with the current signage and enforcement practices, which allow *unlimited* parking on weekends in those spaces without regard to whether the motorist is visiting City Hall. It would also reserve first space south of the City Hall parking lot for the Farmers' Market van during market season.

It was moved and seconded to adopt Amendment #4.

Amendment #4 to Ordinance 06-06 received a roll call vote of Ayes: 7, Nays: 0.

Amendment #4 This amendment would authorize the issuance of additional overtime parking citations for cars that are parked at two, three, or more times the maximum time limit for that space in one day.

It was moved and seconded to adopt Amendment #5.

Amendment #5 to Ordinance 06-06 received a roll call vote of Ayes:7, Nays: 0.

Amendment #5 This amendment specifies the number of accessible parking spaces that are required in Lot 5 at the corner of Sixth and Lincoln Streets. This was

accidentally omitted from Ord 06-06. The amendment also deletes the provision of Ord 06-06 authorizing the Board of Public Works to set maximum daily rates for City parking facilities and to establish flat rates for parking at a particular time in a particular facility. Indiana Code §36-9-11-7 directs that parking rates must first be approved by the Common Council before they become effective.

Ordinance 06-06 as amended by Amendments #1, 3, 4, 5, 6, and 7 received a roll call vote of Ayes: 7, Nays: 0.

There was no legislation to be introduced at this meeting.

It was moved and seconded to cancel the Committee of the Whole scheduled for June 14, 2006.

The motion was approved by a voice vote.

The meeting was adjourned at 10:25 pm.

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

Ordinance 06-06 as amended

LEGISLATION FOR FIRST
READING

COUNCIL SCHEDULE

ADJOURNMENT



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the June 21, 2006 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I
hereunto set my signature as Clerk
of the City of Bloomington on the
date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date:_____

The attached copy of the minutes for the June 21, 2006 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____day of _____, 2021.

Jim Sims
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, June 21, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 21, 2006

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Volan, Sabbagh, Mayer
Absent: Sturbaum

ROLL CALL

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval.

APPROVAL OF MINUTES

Ron Walker, Director of Economic Development, gave that Tax Abatement Report for 2006. It was moved and seconded to accept the report.

REPORTS

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

It was moved and seconded to appoint Dax Norton to the Bicycle and Pedestrian Safety Commission.

BOARD AND COMMISSION
APPOINTMENTS

The nomination was approved by a voice vote.

It was moved and seconded that Resolution 06-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of 7-0-0. It was moved and seconded that Resolution 06-06 be adopted.

LEGISLATION FOR SECOND
READING
Resolution 06-06 Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2006 and Other Related Materials.

Resolution 06-06 received a roll call vote of Ayes: 8, Nays: 0 (Sturbaum did not deliberate)

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST
READING

Appropriation Ordinance 06-02 To Specially Appropriate from the Risk Management Fund, the Telecommunication Non-Reverting Fund, and the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund for a Grant Awarded to the Police Department; from the Telecom – Infrastructure Fund for the Expansion of the Bloomington Digital Underground (BDU) and Internet Access in Various City Buildings; and from the Risk Management Fund for Additional Workers Compensation Charges)

Appropriation Ordinance 06-02

Ordinance 06-10 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” - Re: Addition of Chapter 10.20 Prohibiting Illicit Stormwater Connection and Discharge.

Ordinance 06-10

Ordinance 06-11 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater”- Re: Pretreatment and other Requirement for Compliance with the National Domestic Sewage Study

Ordinance 06-11

The meeting was adjourned at 10:25 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the July 05, 2006 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I
hereunto set my signature as Clerk
of the City of Bloomington on the
date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date:_____

The attached copy of the minutes for the July 05, 2006 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____day of _____, 2021.

Jim Sims
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, July 5, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

Council President Sturbaum gave the Agenda Summation

There were no minutes to be approved.

There were no appointments to board or commissions at this meeting.

It was moved and seconded that Appropriation Ordinance 06-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-0. It was moved and seconded that Appropriation Ordinance 06-02 be adopted.

Appropriation Ordinance 06-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Ordinance 06-10 be adopted.

Ordinance 06-10 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-0. It was moved and seconded that Ordinance 06-11 be adopted.

Ordinance 06-11 received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation to introduce at this meeting.

The meeting was adjourned at 8:43.

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

COMMON COUNCIL
REGULAR SESSION
July 5, 2006

ROLL CALL

AGENDA SUMMATION

APPROVAL OF MINUTES

BOARD AND COMMISSION
APPOINTMENTS

LEGISLATION FOR SECOND
READING
Appropriation Ordinance 06-02 To Specially Appropriate from the Risk Management Fund, the Telecommunication Non-Reverting Fund, and the General Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund for a Grant Awarded to the Police Department; from the Telecom – Infrastructure Fund for the Expansion of the Bloomington Digital Underground (BDU) and Internet Access in Various City Buildings; and from the Risk Management Fund for Additional Workers Compensation Charges)

Ordinance 06-10 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” - Re: Addition of Chapter 10.20 Prohibiting Illicit Stormwater Connection and Discharge.

Ordinance 06-11 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater”- Re: Pretreatment and other Requirement for Compliance with the National Domestic Sewage Study

LEGISLATION FOR FIRST
READING

ADJOURNMENT



City of Bloomington Indiana

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

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email:

council@bloomington.in.gov

MEMO FROM COUNCIL OFFICE ON:

**Resolution 21-04 – Approval of Interlocal Cooperation Agreement between the
City of Bloomington and Monroe County, Indiana
Re: Building Code Authority**

Synopsis

The attached Interlocal Cooperation Agreement (Exhibit A) extends through January 1, 2022 the long-term arrangement between the City of Bloomington and Monroe County to combine and coordinate the provision of certain building code services. This interlocal cooperation is authorized by Indiana Code § 36-1-7-1.

Relevant Materials

- Resolution 21-04
- Building Interlocal Agreement
- Staff Memo from Mike Rouker
- Fiscal Impact Statement

Signed and Approved by the County Council and County Commissioners

The ICA was approved and signed by the County Council and County Commissioners on January 27, 2021.

Summary

Resolution 21-04 approves an Interlocal Agreement with the County which would extend the County's authority over the administration of building codes for one year, retroactively from the end the day on January 1, 2021 through January 1, 2022. The principal benefit of the agreement "is in providing convenient and efficient one-stop-shopping for citizens of Monroe County and the City of Bloomington" who are in need of building permits. Interlocal agreements are authorized and governed by I.C. 36-1-7-1 et seq and must include the:

- purpose;
- manner of financing, budgeting, staffing and supplying the joint undertaking;
- method(s) for disposing of property in the event of a partial or complete termination; and
- administration either through a separate entity or a joint board (which is the approach taken here) with powers as delegated by the agreement. In addition, these agreements may include:
- any other appropriate matters.

The proposed agreement keeps the same provisions as the existing agreement except for the extension of the term by one year retroactively from the end of the day on January 1, 2021 through January 1, 2022.

Contact

Mike Rouker, City Attorney, roukerm@bloomington.in.gov, (812) 349-3426

RESOLUTION 21-04
APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA –
Re: Building Code Authority

WHEREAS, Indiana Code allows governmental entities to jointly exercise powers through interlocal cooperation agreements; and

WHEREAS, the City of Bloomington and Monroe County have exercised such powers since 1996 in order to coordinate and combine certain building code services, as explained and set forth in the attached Interlocal Cooperation Agreement which is incorporated herein as Exhibit A (“Agreement”); and

WHEREAS, it is in the best interests of the citizens of Bloomington that such cooperation continue to through January 1, 2022;

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

SECTION 1. It is in the best interests of the citizens of Bloomington, Indiana, to coordinate and combine certain building code services through interlocal cooperation with Monroe County Government as has been done since 1996; therefore, the City of Bloomington intends to continue such cooperation from the end of the day on January 1, 2021 through January 1, 2022, under the terms of the attached Interlocal Cooperation Agreement (Exhibit A). The Agreement shall be retroactive to January 2, 2021.

SECTION 2. The Common Council of the City of Bloomington, as the fiscal and legislative body of the City of Bloomington, in Monroe County, Indiana, hereby approves the Interlocal Cooperation Agreement, pursuant to Indiana Code § 36-1-7-1, et seq.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

Jim Sims, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The attached Interlocal Cooperation Agreement (Exhibit A) extends through January 1, 2022 the long-term arrangement between the City of Bloomington and Monroe County to combine and coordinate the provision of certain building code services. This interlocal cooperation is authorized by Indiana Code § 36-1-7-1.

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA
REGARDING BUILDING CODE AUTHORITY

WHEREAS, Indiana Code § 36-1-7-1 et seq. permits governmental entities to jointly exercise powers through interlocal cooperation agreements; and

WHEREAS, in 1996, the City of Bloomington, Indiana ("City"), acting by and through its Mayor and its Common Council, and the County of Monroe, Indiana ("County"), acting by and through its Board of Commissioners and its County Council, determined that the interests of the citizens of Monroe County, Indiana, would be better served by coordinating and combining certain City and County building code services through an interlocal cooperation agreement; and

WHEREAS, in 1996, the City and the County entered into a five-year interlocal cooperation agreement, effective beginning April 1, 1997, that conferred County-wide Building Code administration authority on the Monroe County Building Department; and

WHEREAS, the term of the original interlocal agreement has been extended, through subsequent agreements, to January 1, 2021;

WHEREAS, the City and the County have determined that it is more cost effective and convenient for the citizens of Monroe County, Indiana, to continue to have the authority, power and responsibility for local building code administration, including permit application processing, project inspection, and permit issuance vested in a single entity, the Monroe County Building Department; and

WHEREAS, this Interlocal Cooperation Agreement ("Agreement") reflects the commitments and understandings agreed to by the City and the County in order to efficiently and effectively provide the transfer of powers between the City and the County;

NOW, THEREFORE, the City and the County hereby agree as follows:

Part 1. Definitions.

"Building Permit" shall include without limitation any permit for construction, remodeling, demolition, moving, plumbing, electrical, or any other permit that affects construction, demolition, use and/or occupancy of land, buildings or structures, provided that such permit is within the scope of "Building Code Jurisdiction" as defined herein.

"Building Code Jurisdiction" refers to applicability, administration and enforcement of City and County ordinances adopting state building, plumbing, electrical, mechanical, energy conservation, swimming pool, and fire safety codes; specifically, this term refers to Monroe County Code

Chapter 430 and to those portions of Bloomington Municipal Code Title 17 that concern such State codes.

"City Zoning Jurisdiction Area" refers to those portions of the County over which the City, by law or by interlocal cooperation agreement, possesses planning, zoning, and subdivision control authority.

"County Zoning Jurisdiction Area" refers to those portions of the County over which the County, by law or by interlocal cooperation agreement, possesses planning, zoning, and subdivision control authority.

Part 2. Building Code Jurisdiction.

The Monroe County Building Department shall enforce all State building, plumbing, electrical, mechanical, energy conservation, and fire building safety codes, as adopted by City and County ordinances, within the corporate limits of the City, and within all other unincorporated areas of Monroe County, Indiana. The City will administer planning, zoning, and subdivision compliance functions within the City Zoning Jurisdiction Area, including, without limitation, the assignment of street addresses.

- A. The Monroe County Building Department shall accept building permit applications and will provide review, issue permits, receive fees, and provide inspections and enforcement, as required, for all buildings within the County in accordance with County Building Codes.
- B. City zoning compliance review and the issuance of a Certificate of Zoning Compliance ("CZC") by the City are conditions precedent to the issuance of a building permit for any project located within the City Zoning Jurisdiction Area. For projects located within the City Zoning Jurisdiction Area, the County will collect the City Zoning Compliance Review Fee, in the amount established by the City, in addition to the County Building Permit Fee.
- C. The County will not issue a building permit for a project located within the City Zoning Jurisdiction Area unless and until a Certificate of Zoning Compliance has been issued for the project by the City. The County will transcribe the CZC conditions required by the City onto the building permit; and the County will require compliance with the conditions as part of any temporary or permanent Certificate of Occupancy issued for the project by the County.
- D. The City Planning and Transportation Department will send a staff person to the Monroe County Building Department once a work day to pick up and return all permit application materials until such time as the Monroe County Building Department is able to electronically transmit such application materials directly to the City Planning and Transportation Department. Both parties agree to make their best efforts to expedite the processing of permits under this agreement, and specifically, County agrees to insure that permit applications are ready to be picked up by the City Planning and Transportation Department as soon as reasonably possible after receipt by the County, and City agrees to

review and act upon all permit applications as soon as reasonably possible after receipt from the County.

- E. The City will inspect and enforce zoning and subdivision compliance and administer bonds within the City Zoning Jurisdiction Area. The Monroe County Building Department will e-mail the City Planning and Transportation Department a Notice of Certificate of Occupancy Inspection to allow the City and the County inspections to take place simultaneously where reasonably possible. The County and the City will cooperate in providing information requested by the other party in a timely fashion.
- F. The County will not issue any construction, remodel, demolition, moving, or any other type of permit that might change the disposition of a structure to a residential rental within the corporate limits of the City until the City Code Enforcement Division ("HAND") has completed plan review and released the application. The County will schedule all final inspections of those permits with HAND where reasonably possible. The County will not issue a Certificate of Occupancy to a residential rental property within the corporate limits of the City unless and until compliance with the City of Bloomington Property Maintenance Code has been determined by HAND.
- G. For projects located within the corporate limits of the City, the County agrees to recognize and enforce Section 17.08.050(c) of the Bloomington Municipal Code which provides for the waiver of fees under specified conditions for eligible affordable housing projects up to the amount of \$2,500.00 per year.
- H. In recognition of the City's investment in the GIS mapping system, the County agrees to collect and verify GIS data for the City in a manner consistent with both the informational needs of the City and the information gathering and processing capabilities of the County. The County shall provide such data as is customarily obtained through building permit administration and planning subdivision approvals. The County will cooperate in enhancing its computer capability and compatibility for information exchange with the City.
- I. The County will notify the appropriate Fire Department for fire code inspections and shall transcribe all notations requested by the Fire Department, with jurisdiction over the project area, on to temporary and permanent Certificates of Occupancy. The County will notify the City Fire Department to coordinate review, response, and comment to the State Fire and Building Safety Commission regarding all applications for variance within the corporate boundaries of the City.
- J. The County shall inspect for compliance with all City of Bloomington Utilities regulations and any City ordinances governing construction/connection of utilities related to permit activity between the building and the connection to City's meter or main.
- K. The County shall issue stop work orders on Building Permits issued by the County where violations of applicable City zoning/subdivision or historic preservation regulations, including erosion control, would result from continued construction activity, or where work is stayed due to an appeal to the Board of Zoning Appeals as provided in Indiana Code §

36-7-4-1001. The County shall issue such stop work order upon written request of the City Planning Director, the Manager of Engineering Services, or the Director of Housing and Neighborhood Development. Enforcement action shall be taken by the governmental entity whose ordinances or conditions of approval have been violated.

Part 3. Recitals of Commitment, Purpose, Duration, and Renewal of Agreement.

- A. The level of cooperation recited in this Agreement is intended to exist in perpetuity for the efficient and effective delivery of governmental services to the citizens of Monroe County. However, the parties recognize that modifications may be required, both to the Agreement itself, and to the practices and procedures that bring the recitals contained within this document to fruition.
- B. The County will collect the City Zoning Compliance Review Fee specified by the City, pursuant to Part 2, Paragraph B of this Agreement, and will transmit the collected fees to the City on a quarterly basis. Payments to the City will be made as promptly as possible after April 1, July 1, October 1, and January 1 of each year of this Agreement, allowing for the County's claim processing procedures. No other payments will be due to the City, from the County, under this Agreement.
- C. The term of this Agreement shall be from January 2, 2021, through January 1, 2022. This Agreement may be renewed by mutual agreement of the parties for an appropriate term of years.
- D. The City and County departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of Monroe County, Indiana.

Part 4. Interpretation and Severability.

- A. Because the jurisdictional approach set forth in this Agreement departs from current practice, the parties acknowledge and agree that this Agreement shall be liberally construed so that the parties can cooperatively address unforeseen problems through the implementation of policies, with minimal need for Agreement amendment.
- B. If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void, or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Part 5. Approval, Consent and/or Cooperation.

Whenever this Agreement requires the approval, consent and/or cooperation of a party (or parties), said approval, consent and/or cooperation shall not be unreasonably withheld.

Part 6. Appropriation of Funds.

The parties acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by their respective councils. The parties agree to make a good faith effort to obtain all necessary appropriations from their councils and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

SO AGREED this _____ day of _____, 2021.

MONROE COUNTY, INDIANA

CITY OF BLOOMINGTON, INDIANA

JULIE THOMAS, President
Monroe County Board of Commissioners

JOHN HAMILTON, Mayor

ERIC SPOONMORE, President
Monroe County Council

JIM SIMS, President
Bloomington Common Council

ATTEST:

ATTEST:

CATHERINE SMITH, Auditor

NICOLE BOLDEN City Clerk



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

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

FROM: Michael Rouker, City Attorney

CC: Stephen Lucas, Council Administrator/Attorney

RE: Building Interlocal Agreement

DATE: January 21, 2021

State law allows governmental entities to jointly exercise powers through interlocal cooperation agreements. The City and Monroe County have many such interlocal agreements, including one regarding the administration of the local building codes.

In 1996, the City and Monroe County entered into a five-year interlocal agreement that resulted in the County administering the local building codes for the City and County. This meant that the County handled permit application processing, project inspection, and permit issuance for all properties within the City and within the unincorporated areas of Monroe County.

The Building Interlocal has been extended several times since its initial five-year term. The Administration continues to believe that vesting local building code administration in a single entity (the Monroe County Building Department) is the most cost effective and convenient way to provide necessary building code services to the citizens of the City.

The Building Interlocal that is presented to you is in the same form as last year's iteration of the Building Interlocal. It expired at the end of the day on January 1, 2021 and will be extended for one year through January 1, 2022. We ask you to approve the Agreement retroactive to January 2, 2021. It will be revisited before expiration in 2022. It was approved and signed by the County Council and the County Commissioners on January 27, 2021.



**BLOOMINGTON COMMON COUNCIL
FISCAL IMPACT STATEMENT**

Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

LEGISLATION NUMBER AND TITLE

Resolution 21-04 - Interlocal Cooperation Agreement
with Monroe County - Building Code Authority

PROPOSED EFFECTIVE DATE

January 2, 2021

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

☐

YES

☒

NO. If the legislation will not have a major fiscal impact, briefly explain below.

The interlocal cooperation agreement does not require any expenditures by the City of Bloomington. As in past years, it outlines the terms by which the City and Monroe County will cooperate to enforce both the City's unified development ordinance and the building code.

FISCAL IMPACT FOUND. If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

IMPACT ON REVENUE (DESCRIBE)

IMPACT ON EXPENDITURES (DESCRIBE)

FUTURE IMPACT. Describe factors which could lead to significant additional expenditures in the future.

FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER

If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

Signature of Controller


Signature of City Official
responsible for submitting legislation



MEMO FROM COUNCIL OFFICE ON:

Resolution 21-05 – Preliminary Approval to Issue Economic Development Revenue Bonds and Lend the Proceeds for the Renovation of Affordable Housing - Re: Crestmont Community, 1007 Summit Street (Bloomington RAD II, LP, Petitioner)

Synopsis

This Resolution is for Preliminary Approval for the City of Bloomington to issue economic development revenue bonds pursuant to Indiana Code 36-7-11.9 and 36-7-12 in an amount not to exceed Thirty Million Dollars (\$30,000,000.00). The City would lend the proceeds from this economic development revenue bond to Bloomington RAD II, LP, an Indiana limited partnership and its affiliated partners or limited liability company for the acquisition, rehabilitation, and renovation of the affordable housing development known as the Crestmont Community at 1007 Summit Street in Bloomington. Bloomington RAD II, LP, and its partners would fully indemnify the City and take full responsibility for payment of the bond. The City would not bear liability, ongoing obligation, or cost related to the bond—the City would act only as a conduit allowing the borrower to access capital at a tax-exempt rate and receive equity for the project in the form of tax credits. The renovations to the community would focus on addressing code requirements, handicap accessibility, modernizing the units, and energy efficiency.

Relevant Materials

- Resolution 21-05
- Staff Memo from Larry Allen, Assistant City Attorney
- Presentation slides
- Economic Development Commission Resolution 21-01
- Fiscal Impact Statement

Summary

Resolution 21-05 would support tax exempt financing for the renovation of affordable housing located at 1007 Summit Street (Crestmont Community). For context, the City previously supported similar projects at the Walnut Woods and Reverend Butler Apartments through the same mechanism with Resolution 19-15 and Ordinance 20-02 (background materials for these past pieces of legislation can be found in the [October 2, 2019 Legislative Packet](#) and the [January 8, 2020 Legislative Packet](#) respectively.



Note that Resolution 21-05 follows from an action the Council took in 2019 to amend the City's Cooperation Agreement with the Bloomington Housing Authority ("BHA").¹ The revisions to that Agreement allowed the BHA to take advantage of the Department of Housing and Urban Development's ("HUD") Rental Assistance Demonstration ("RAD") program. Detailed information about the RAD program can be found on HUD's website located at <https://www.hud.gov/RAD> and in the supporting materials attached to this resolution.

In short, the RAD program helps BHA renovate units much sooner than would otherwise occur under federal funding. As noted in the resolution, Bloomington RAD II, LP (an entity further described in the staff memo and presentation), is seeking tax credits from the Indiana Housing & Community Development Authority (IHCDA) and the issuance of up to \$30 million in tax exempt revenue bonds to help finance renovations and improvements to Crestmont Community. This resolution expresses that, in order to induce Bloomington RAD II, LP to proceed with the project, the City agrees that it will take such steps necessary to aid in the issuance of these bonds (including the adoption of future ordinances) and any refinancing bonds necessary to complete the project (providing the project continues to satisfy the public purposes set forth in statute).

Upon adoption of the resolution, Bloomington RAD II, LP will include it when applying for tax credits with IHCDA. Assuming the petitioner is successful and able to negotiate a financing agreement, the petitioner may return to the Economic Development Commission and the Council to obtain final approval for the issuance of the bonds. While noted in the resolution and in the supporting materials, it bears repeating that while the City would lend its name to these bonds, they would not become a debt or financial obligation of the City and would not affect the City's debt limits.

Contact

Larry Allen, allenl@bloomington.in.gov, (812) 349-3426

Alex Crowley, crowleya@bloomington.in.gov, 812-349-3477

¹ See [Resolution 19-08](#), and associated background materials contained in the [June 5, 2019 Legislative Packet](#).

RESOLUTION 21-05

PRELIMINARY APPROVAL TO ISSUE ECONOMIC DEVELOPMENT REVENUE BONDS AND LEND THE PROCEEDS FOR THE RENOVATION OF AFFORDABLE HOUSING - Re: Crestmont Community, 1007 Summit Street (Bloomington RAD II, LP, Petitioner)

WHEREAS, the City of Bloomington, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, improvement and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Bloomington RAD II, LP, an Indiana limited partnership, on behalf of itself or an affiliated to-be-formed Indiana limited partnership or limited liability company (the "Applicant"), has advised the Bloomington Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer lend proceeds of an economic development financing to the Applicant for the acquisition, renovation, improvement and equipping of multifamily housing facilities consisting of an apartment complex known as Crestmont Community, Bloomington, Indiana, with functionally related and subordinate facilities such as parking areas, located at 1007 N. Summit Street, Bloomington, Indiana (the "Project"); and

WHEREAS, on January 13, 2021, the Commission unanimously voted to support RAD II, LP, proceeding with its application and to pursue the issuance of the economic development revenue bonds as memorialized in Commission Resolution 21-01; and

WHEREAS, the diversification of industry and increase in or retention of job opportunities (approximately 10 existing jobs to be retained) to be achieved by the acquisition, renovation, improvement and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the Common Council has considered whether the Project will have an adverse competitive effect on any similar facility already constructed or operating in Bloomington, Indiana;

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

SECTION 1. The Common Council of the City of Bloomington, Indiana, finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Bloomington, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development and promotion of job opportunities in and near the Issuer.

SECTION 2. The Common Council of the City of Bloomington, Indiana, approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount not to exceed \$30,000,000 under the Act for the lending of the proceeds of the revenue bonds to the Applicant, for the acquisition, renovation, improvement and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation, improvement and equipping of the Project, and subject to the further final approval of the Common Council of the City of Bloomington, Indiana, the Common Council of the City of Bloomington, Indiana, hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and that the aforementioned purposes comply with the provisions of the Act; and

(iii) it will use its best efforts at the request of Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant.

SECTION 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, a portion of the interest paid during acquisition, improvement and equipping, underwriting expenses, attorney and bond counsel fees, acquisition, improvement and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

SECTION 5. This resolution shall constitute “official action” for purposes of compliance with federal and state laws requiring governmental action as authorization for future reimbursement from the proceeds of bonds, particularly Treas. Reg. 1.150-2.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Resolution is for Preliminary Approval for the City of Bloomington to issue economic development revenue bonds pursuant to Indiana Code 36-7-11.9 and 36-7-12 in an amount not to exceed Thirty Million Dollars (\$30,000,000.00). The City would lend the proceeds from this economic development revenue bond to Bloomington RAD II, LP, an Indiana limited partnership and its affiliated partners or limited liability company for the acquisition, rehabilitation, and renovation of the affordable housing development known as the Crestmont Community at 1007 Summit Street in Bloomington. Bloomington RAD II, LP, and its partners would fully indemnify the City and take full responsibility for payment of the bond. The City would not bear liability, ongoing obligation, or cost related to the bond—the City would act only as a conduit allowing the borrower to access capital at a tax-exempt rate and receive equity for the project in the form of tax credits. The renovations to the community would focus on addressing code requirements, handicap accessibility, modernizing the units, and energy efficiency.



MEMORANDUM

To: Members of the Common Council of the City of Bloomington

From: Larry Allen, Assistant City Attorney

CC: Alex Crowley, Director, ESD
Philippa Guthrie, Corporation Counsel
Jane Kupersmith, Assistant Director, Economic and Sustainable Development (ESD)
Stephen Lucas, Attorney Advisor, Common Council

Date: February 3, 2021

Re: Request for Preliminary Common Council Approval of Economic Development Revenue Bond for the RAD conversion of Crestmont Community

This Resolution is for Preliminary Approval for the City of Bloomington to Issue Economic Development Revenue Bonds pursuant to Indiana Code 36-7-11.9 and 36-7-12 in an amount not to exceed Thirty Million Dollars (\$30,000,000.00). The City would lend the funds from this Economic Development Revenue Bond to Bloomington RAD II, LP, an Indiana limited partnership, or a to-be-formed Indiana limited partnership or limited liability company for the acquisition, rehabilitation and renovation of the affordable housing development known as the Crestmont Community at 1007 N. Summit Street in Bloomington. Bloomington RAD II, LP, and its partners would indemnify the City and be fully responsible for payment of the bond. The City would not bear liability, ongoing obligation, or cost related to the bond—the City would act only as a conduit allowing the borrower to access capital at a tax-exempt rate and receive equity for the project in the form of tax credits. This Resolution is only the first step in the process, which is outlined below, and will allow Bloomington RAD II, LP, to apply for Indiana Community Housing Development Authority tax credits.

As requested by Council, this matter of preliminary approval was considered by the Economic Development Commission (EDC) in a public meeting on January 13, 2021. The EDC unanimously approved recommendation of passage to the Council in EDC Resolution 21-01 (included with this memorandum).

Background

Located at 1007 Summit Street, Crestmont was built in 1965 and includes 196 apartments. The property is currently owned and managed by the Bloomington Housing Authority (BHA). BHA has recently changed its funding model to directly provide residents with housing vouchers, based on the federal Rental Assistance Demonstration (RAD) Program. BHA has engaged Bloomington RAD II, LP, to acquire and renovate Crestmont in a process known as RAD conversion. Once completed, BHA will enter into a Housing Assistance Payment (HAP) contract with Bloomington RAD II, LP. One hundred percent of the Crestmont units will receive rental subsidies through this HAP contract. This project is similar to the RAD conversion that is being conducted with the Walnut Woods and Reverend Butler Apartments.

Project

Bloomington RAD II, LP proposes to invest in capital improvements to address significant needs at Crestmont. The renovations will focus on addressing current code requirements, handicap accessibility, structural repair, unit modernization, and improvements in energy efficiency. The work will include reconfiguring units to accommodate wheelchairs, safety features, new roofs, site lighting, new flooring throughout all units, new kitchen cabinets, countertops, addition of dishwashers and washers and dryers, high efficiency furnaces and air conditioner condensers, and new windows.

The project will also increase the supply of much-needed one-bedroom units on the site by converting existing three-bedroom townhomes. The project will also retain the jobs for 10 individuals that currently staff the property. During the renovation, residents would be relocated for no more than 60 to 90 days, and moving and relocation services would be paid for by BHA.

Financing Process

To finance this major rehabilitation project, Bloomington RAD II, LP will require the issuance of revenue bonds, in an amount not to exceed Thirty Million Dollars (\$30,000,000.00). Additionally, Bloomington RAD II, LP will rely on available tax credits from the Indiana Community Housing Development Authority (IHCDA). While Bloomington RAD II, LP, could seek these revenue bonds from the State of Indiana through IHCDA, it would add an additional 1% financing fee to the cost. Instead, it requests that the City of Bloomington issue the necessary revenue bonds to finance the acquisition, renovation, improvement and equipping of the properties. These bonds would not be payable from taxes or be a general obligation of the City; they would be payable solely from revenues of the project. Bloomington RAD II, LP, would assume total liability for bond payments and indemnify the City via the financing agreement. This would exert no effect on the City's constitutional debt limit or bank qualified limit.

Procedure of Housing Bond Transaction

Bloomington RAD II, LP, is seeking an inducement resolution from Common Council, which is essentially permission to issue bonds and use proceeds to reimburse developer for these improvements. It is a requirement of the application process through which Bloomington RAD II, LP, obtains IHCDA tax credits

The public procedure required by state law is the following:

1. Common Council passes inducement resolution
2. Bloomington RAD II, LP, applies for IHCDA tax credits, negotiates financing agreement
3. IHCDA approves Bloomington RAD II, LP, tax credit application
4. EDC holds public hearing to approve financing agreement, issuance of bonds
5. Common Council approves financing agreement and issuance of bonds

Though not required by state law, Common Council requested that the EDC make a recommendation prior to their consideration of said inducement resolution. As noted above, The EDC unanimously approved recommendation of passage to the Council in EDC Resolution 21-01 at its meeting on January 13, 2021. The EDC approves and recommends that Council pass this inducement resolution to allow the BHA and Bloomington RAD II, LP, to move forward with this economic development revenue bond transaction.

Presentation to City of Bloomington EDC and Common Council

Crestmont Community
2021 Economic Development
Revenue Bonds

A detailed map of downtown Bloomington, Indiana. The map shows a grid of streets including W 10th St through W 17th St and N Illinois St through N Morton St. Key locations marked include Crestmont Park (a red pin icon), Bloomington Housing Authority (a red building icon), and Boys & Girls Clubs of Bloomington (a red pin icon). Numerous businesses are labeled, such as Jerico Metal Specialties, B&L Sheet Metal & Roofing, South Central Community Action, Union at Crescent Apartments, Indiana Dance Company, Roto-Rooter Plumbing & Drain Services, J B's Salvage, West Side Auto Parts, Opportunity House/Second Hand, The Tailored Fit, Ekah Yoga, Upland Brewing, Domino's Pizza, The Park on M, Crumble Coffee and Bakery, CVS, Big Red Liquors, Square Donuts, Bloomington Cleaners, Smokin' Jack's Rib Shack, Tomcats Pawn, Red Frazier Bison, Wray Automotive, 17th Street Coin Laundry, and Jackson Heights. A green pin marks Classic Bowling Lanes. The map also shows a river at the bottom and a compass rose in the bottom right corner.

Crestmont Highlights

- ➔ Originally built in 1965.
- ➔ 196 apartments serving Individuals and Families.
- ➔ Located at 1007 Summit Street.
- ➔ Nearby Ferguson Crestmont Boys & Girls Club.
- ➔ Currently managed and owned by Bloomington Housing Authority.
- ➔ 100% of the units will receive rental subsidy through a HAP contract.
- ➔ Management by BHA staff will continue.

Crestmont Community



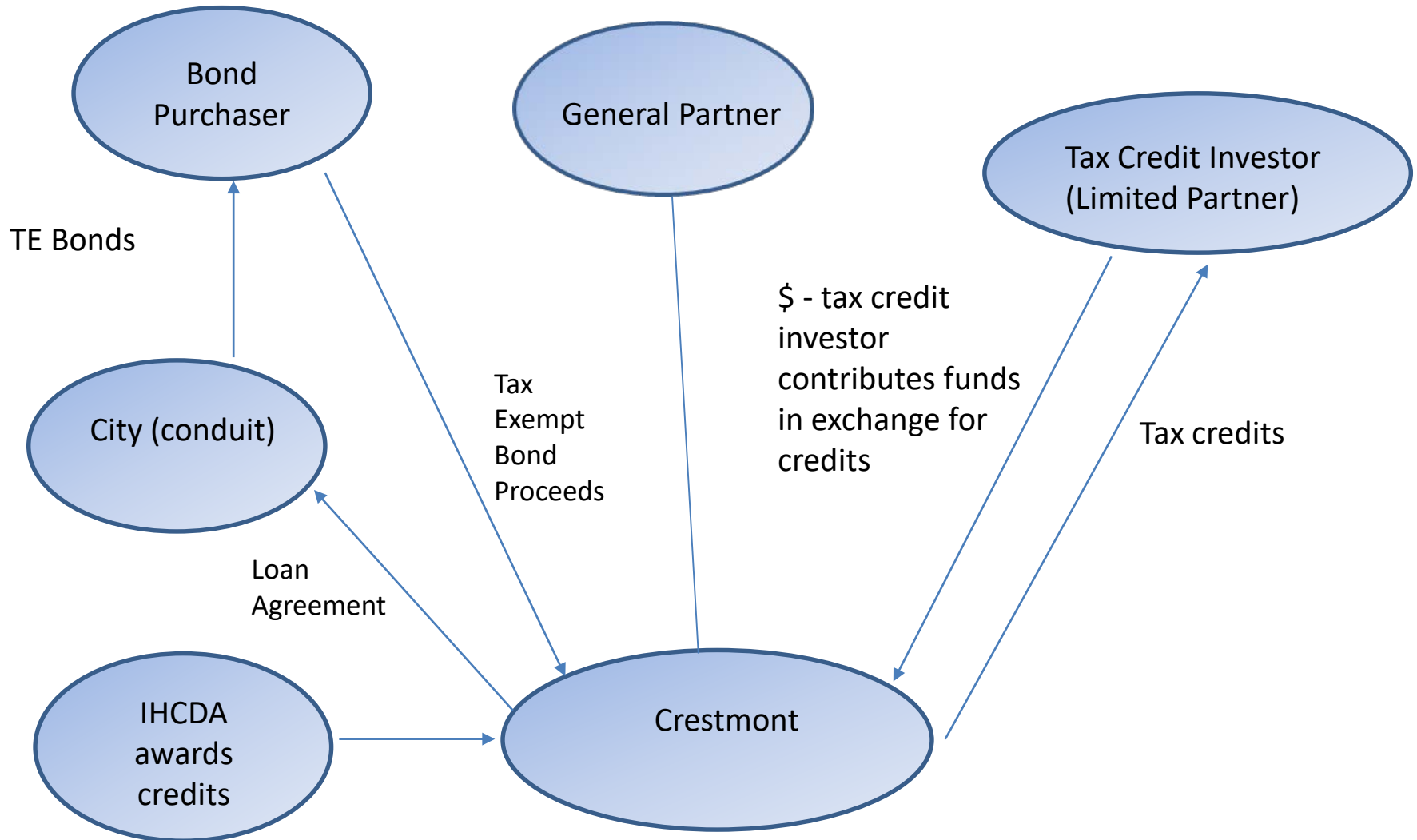
Proposed Project

- ➔ Renovations focused on addressing code requirements, handicap accessibility, structural repair, unit modernization and energy efficiency.
- ➔ Includes reconfiguring units to accommodate wheelchairs and safety features as well as new roofs and site lighting.
- ➔ Interior improvements include: new flooring throughout all units, new kitchen cabinets, countertops, addition of dishwashers and washers and dryers, high efficiency furnaces and air conditioner condensers, new windows, new roofs, and site lighting
- ➔ Adding much-needed 8 1-bedroom units by converting 3-bedroom townhomes
- ➔ Resident relocation for no more than 60 to 90 days. Moving and relocation services will be paid for by BHA.
- ➔ No new jobs will be created and 10 jobs will be retained.

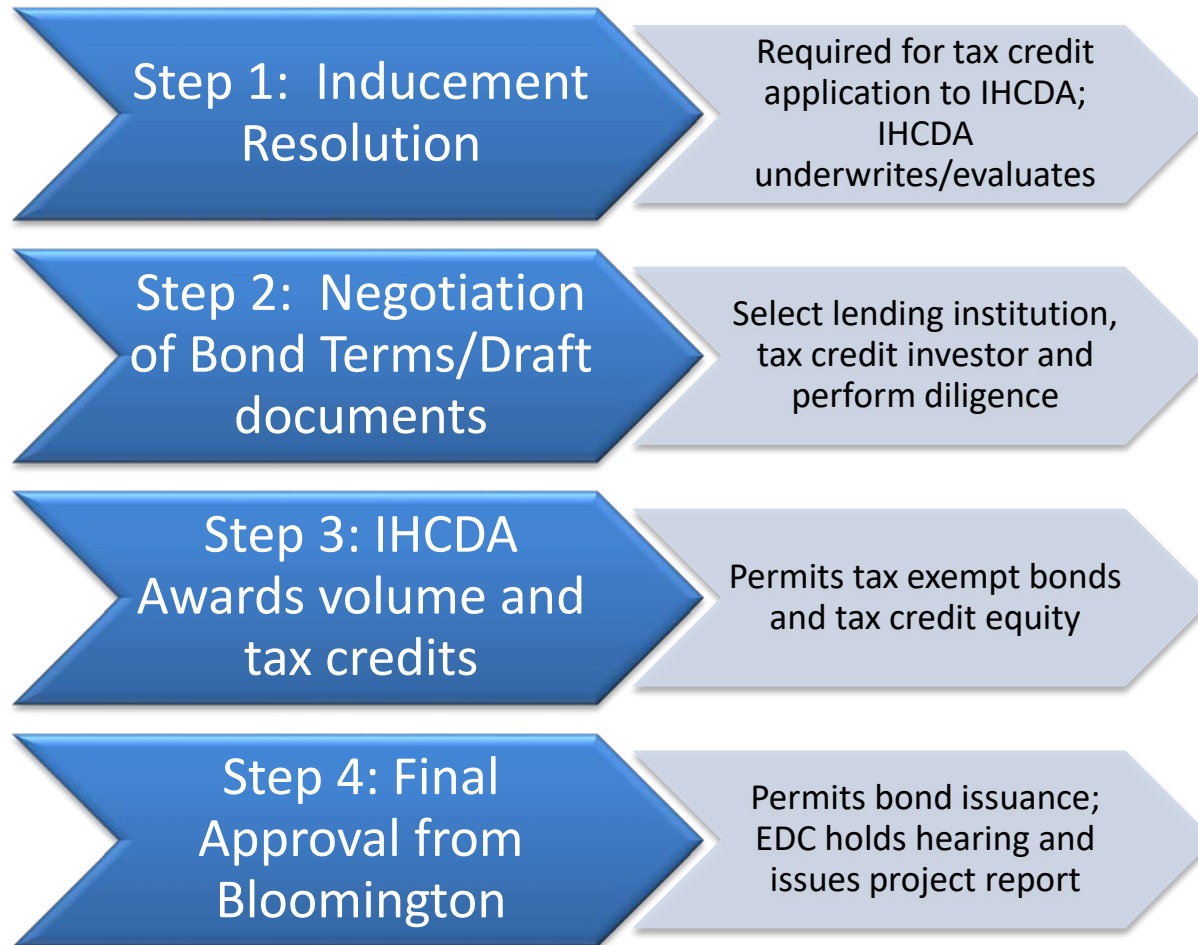
RENTAL ASST DEMONSTRATION (RAD)

- Enacted by Congress in 2012 because of underfunding of public housing.
- RAD allows public housing agencies to leverage public and private debt and equity in order to reinvest in the public housing stock. This is critical given the 25.6 billion dollar backlog of public housing capital improvements.
- In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed. This ensures that the units remain permanently affordable to low-income households.
- Residents continue to pay 30% of their income towards the rent and they maintain the same basic rights as they possess in the public housing program.
- RAD maintains the public stewardship of the converted property through clear rules on ongoing ownership and use.
- The RAD program is cost-neutral and does not increase HUD's budget. This program simply shifts units from the Public Housing program to the Section 8 program so that providers may leverage the private capital markets to make capital improvements.

Bond and Credit Structure



Bond and Tax Credit Process



Bond Characteristics

- ➔ Issued pursuant to IC 36-7-12
 - Requires EDC to render project report, hold public hearing, approve ordinance authorizing bonds
- ➔ Bonds will not be payable from taxes or be a general obligation of the city; payable solely from revenues of the project; no effect on the city's constitutional debt limit or bank qualified limit
- ➔ City acts only as a “conduit” – allowing the borrower to access capital at a tax-exempt rate and receive equity for the project in the form of tax credits
 - No ongoing obligations or administration by the city – borrower is responsible for all tax covenants, payments and indemnifies city in all respects

Conclusion

Any Questions?

Thank you!

**RESOLUTION 21-01
OF THE
CITY OF BLOOMINGTON
ECONOMIC DEVELOPMENT COMMISSION**

WHEREAS, the City of Bloomington, Indiana (the "Issuer"), is authorized by Indiana Code 36-7-11.9 and 12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, improvement and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, the Common Council of the City of Bloomington, Indiana ("Common Council") has requested that the Bloomington Economic Development Commission ("Commission") review and make recommendations for all economic development revenue bond projects; and

WHEREAS, Bloomington RAD II, LP, an Indiana limited partnership, on behalf of itself or an affiliated to-be-formed Indiana limited partnership or limited liability company (the "Applicant"), has advised the Bloomington Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer lend proceeds of an economic development financing to the Applicant for the acquisition, renovation, improvement and equipping of multifamily housing facilities consisting of an apartment complex known as Crestmont Community, containing approximately 196 apartment units located at 1007 N. Summit Street, Bloomington, Indiana, together with functionally related and subordinate facilities such as carports, garages and parking areas, Bloomington, Indiana (the "Project"); and

WHEREAS, the diversification of industry and increase in or retention of job opportunities (approximately 10 existing jobs to be retained) to be achieved by the acquisition, renovation, improvement and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the Commission has considered whether the Project will have an adverse competitive effect on any similar facility already constructed or operating in Bloomington, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BLOOMINGTON ECONOMIC DEVELOPMENT COMMISSION:

1. The Commission finds, determines, and confirms that the promotion of diversification of economic development and job opportunities in and near Bloomington, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they

lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Commission hereby recommends that the Common Council of the City of Bloomington, Indiana, approve the issuance and sale of economic development revenue bonds in an amount not to exceed \$30,000,000 under the Act for the lending of the proceeds of the revenue bonds to the Applicant, for the acquisition, renovation, improvement and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, renovation, improvement and equipping of the Project, and subject to the further final approval of the Common Council of the City of Bloomington, Indiana, the Commission hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and that the aforementioned purposes comply with the provisions of the Act; and (iii) it will use its best efforts at the request of Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant.
4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, a portion of the interest paid during acquisition, improvement and equipping, underwriting expenses, attorney and bond counsel fees, acquisition, improvement and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

Adopted this ____ day of _____, 2021.

CITY OF BLOOMINGTON ECONOMIC
DEVELOPMENT COMMISSION

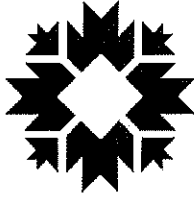
Kurt Zorn, President

Vanessa McClary, Member

Geoff McKim, Member

Kate Rosenbarger, Member

Malcomb Webb, Member



BLOOMINGTON COMMON COUNCIL FISCAL IMPACT STATEMENT

Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

LEGISLATION NUMBER AND TITLE

PROPOSED
EFFECTIVE
DATE

2/4/21

Resolution 21-05: Preliminary Approval of Economic Development Revenue Bonds for the Renovation of Affordable Housing (Re: Crestmont Community, 1007 Summit Street (Bloomington RAD II, LP, Petitioner)

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

☐

YES

☒

NO. If the legislation will not have a major fiscal impact, briefly explain below.

This resolution is only the inducement to allow for Bloomington RAD II to apply for tax credits for the benefit of the Project (acquiring and renovating Crestmont Community). Common Council would have to approve an ordinance that authorizes the issuance of the bonds. The bonds would not be payable from taxes or be a general obligation of the City; they would be payable solely from revenues of the Project. Once the debt is issued, Bloomington RAD II, LP, would assume liability for bond payments and indemnify the City via the financing agreement. This would exert no effect on the City's constitutional debt limit or bank qualified limit.

FISCAL IMPACT FOUND. If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

IMPACT ON REVENUE (DESCRIBE)

IMPACT ON EXPENDITURES (DESCRIBE)

FUTURE IMPACT. Describe factors which could lead to significant additional expenditures in the future.

FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER

If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

Signature of Controller

Larry Allen

Signature of City Official
responsible for submitting legislation

Digitally signed by Larry Allen
DN: cn=Larry Allen, o=City of Bloomington,
ou=Legal Department,
email=larry@bloomingtonin.gov, c=US
Date: 2021.01.27 16:49:03 -0500



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-04 – To Amend Title 8 of the Bloomington Municipal Code, entitled “Historic Preservation and Protection” to establish a Historic District – Re: The Kohr Building Historic District

Synopsis

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “List of Designated Historic and Conservation Districts” in order to designate “The Kohr Building – the building located at the southeast corner of parcel number 53-08-05-100-058-000-009, located at the corner of West 1st Street and South Rogers Street in the City of Bloomington, Monroe County, Indiana”¹ as a historic district. Built in 1947, the Kohr Building still retains its physical integrity, architectural significance, and association with the history of healthcare and medicine in Bloomington. While it was not the first hospital building constructed on the site, it is the oldest surviving building and is therefore a part of the city’s healthcare legacy. The building is not listed on the National Register of Historic Places, nor has it been identified in the state or local historic sites and structures inventories so it has not been given a rating; however, this is likely because the building is physically attached to a larger hospital complex that was built in various decades of the late twentieth century which most architectural historians would find “non-contributing”. Regardless, the Kohr Building is one of the few examples of Art Deco architecture in Bloomington and stands as a testament to the evolution of the original Bloomington Hospital site from farmhouse to medical complex over the course of the twentieth century.

Relevant Materials

- Ordinance 21-04
- Staff Report from Bloomington Historic Preservation Commission
- Facility Assessment Overview
- Kohr Building Map
- Fiscal Impact Statement forthcoming

Summary

Ordinance 21-04 would designate “The Kohr Building” as a historic district as provided under Title 8 of the Bloomington Municipal Code entitled “Historic Preservation and Protection”. The provisions of BMC Title 8 are enabled by state law under Indiana Code 36-7-11 (and following provisions) and are intended to:

- Protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;

¹ It is worth noting that this is not the legal description of the property but rather describes the property by location within the larger hospital parcel. Staff do not believe the Kohr Building has its own legal description since it is part of the larger hospital parcel. Staff anticipate that, when the property is redeveloped, the land will be surveyed and a specific plat for the Kohr property will be identified at that time.



- Ensure the harmonious and orderly growth and development of the City;
- Maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- Enhance property values and attract new residents; and
- Ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission is authorized to make recommendations to Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. In this case, the HPC recommends that the Kohr Building be designated as a single-property historic district due to the building's association with the evolution of the Bloomington hospital site; its historical value as the oldest building remaining on the hospital grounds; and because it has architectural characteristics that can be identified as Art Deco, an architectural style in the United States from the late 1920s through the 1940s.

A historic district designation authorizes the Commission to review and issue a certificate of appropriateness prior to the issuance of a permit for, or prior to work beginning on any of the following within all areas of an historic district²:

- The demolition of any building;
- The moving of any building;
- A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or
- Any new construction of a principal building or accessory building or structure subject to view from a public way.

In order to bring forward an historic designation, the BMC requires that the HPC hold a public hearing³ and submit a map and staff report (Report) to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance.⁴ These criteria provide the grounds for the designation.

Ordinance 21-04:

- Approves the map and establishes the district, which provide the basis for the designation;
- Attaches the map and the report;
- Describes the district and classifies the property;

² See BMC 8.08.020

³ A hearing on the Kohr Building was properly noticed and held on November 14, 2019.

⁴ See BMC 8.08.01[e]



City of Bloomington Indiana

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- Inserts the newly-established district into the List of Historic and Conservation Districts contained within BMC 8.20.

If Council approves Ord 21-04 establishing the Kohr Building as a historic district, and it is later determined that the designation denies the owner reasonable use of the property, BMC 8.08.070 sets out the requirements for removing the historic district designation.

Contact

Conor Herterich, Historic Preservation Program Manager, (812) 349-3507

ORDINANCE 21-04

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“HISTORIC PRESERVATION AND PROTECTION” TO ESTABLISH A HISTORIC
DISTRICT – Re: The Kohr Building Historic District**

- WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, on November 14, 2019, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of the property; and
- WHEREAS, at the same hearing, the Commission found that the Kohr Building meets the historical and architectural significance that merits the protection of the property as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, at the same hearing, the Commission voted to submit the map and report to the Common Council which may recommend local historic designation of said property, for its consideration; and
- WHEREAS, the report considered by the Commission at this hearing notes that the structure is located at the northwest quadrant of the intersection of Rogers Street and 1st Street. It is an Art Deco style limestone building built in 1947 as an expansion to the hospital building constructed on the site in 1919.

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

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

This property is further described as:

The building located at the southeast corner of parcel number 53-08-05-100-058-000-009, located at the corner of West 1st Street and South Rogers Street in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The building located at the southeast corner of parcel number 53-08-05-100-058-000-009 shall be classified as “Notable”.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to insert “The Kohr Building” and such entry shall read as follows:

The Kohr Building

The building located at the southeast corner of parcel number 53-08-05-100-058-000-009, located at the corner of West 1st Street and South Rogers Street in the City of Bloomington, Monroe County, Indiana.

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “List of Designated Historic and Conservation Districts” in order to designate “The Kohr Building – the building located at the southeast corner of parcel number 53-08-05-100-058-000-009, located at the corner of West 1st Street and South Rogers Street in the City of Bloomington, Monroe County, Indiana” as a historic district. Built in 1947, the Kohr Building still retains its physical integrity, architectural significance, and association with the history of healthcare and medicine in Bloomington. While it was not the first hospital building constructed on the site, it is the oldest surviving building and is therefore a part of the city’s healthcare legacy. The building is not listed on the National Register of Historic Places, nor has it been identified in the state or local historic sites and structures inventories so it has not been given a rating; however, this is likely because the building is physically attached to a larger hospital complex that was built in various decades of the late twentieth century which most architectural historians would find “non-contributing”. Regardless, the Kohr Building is one of the few examples of Art Deco architecture in Bloomington and stands as a testament to the evolution of the original Bloomington Hospital site from farmhouse to medical complex over the course of the twentieth century.

Staff Report of Proposed Local Designation

Kohr Hospital Building

Staff Report

Bloomington Historic Preservation Commission

The Kohr Hospital Building qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1): c (2): f and g.

(1) Historic:

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

(2) Architecturally worthy:

- a. Embodies distinguishing characteristics of an architectural or engineering type; or
- b. Is the work of a designer whose individual work has significantly influenced the development of the community; or
- c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
- d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- e. Contains any architectural style, detail, or other element in danger of being lost; or
- f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or
- g. **Exemplifies the built environment in an era of history characterized by a distinctive architectural style.**

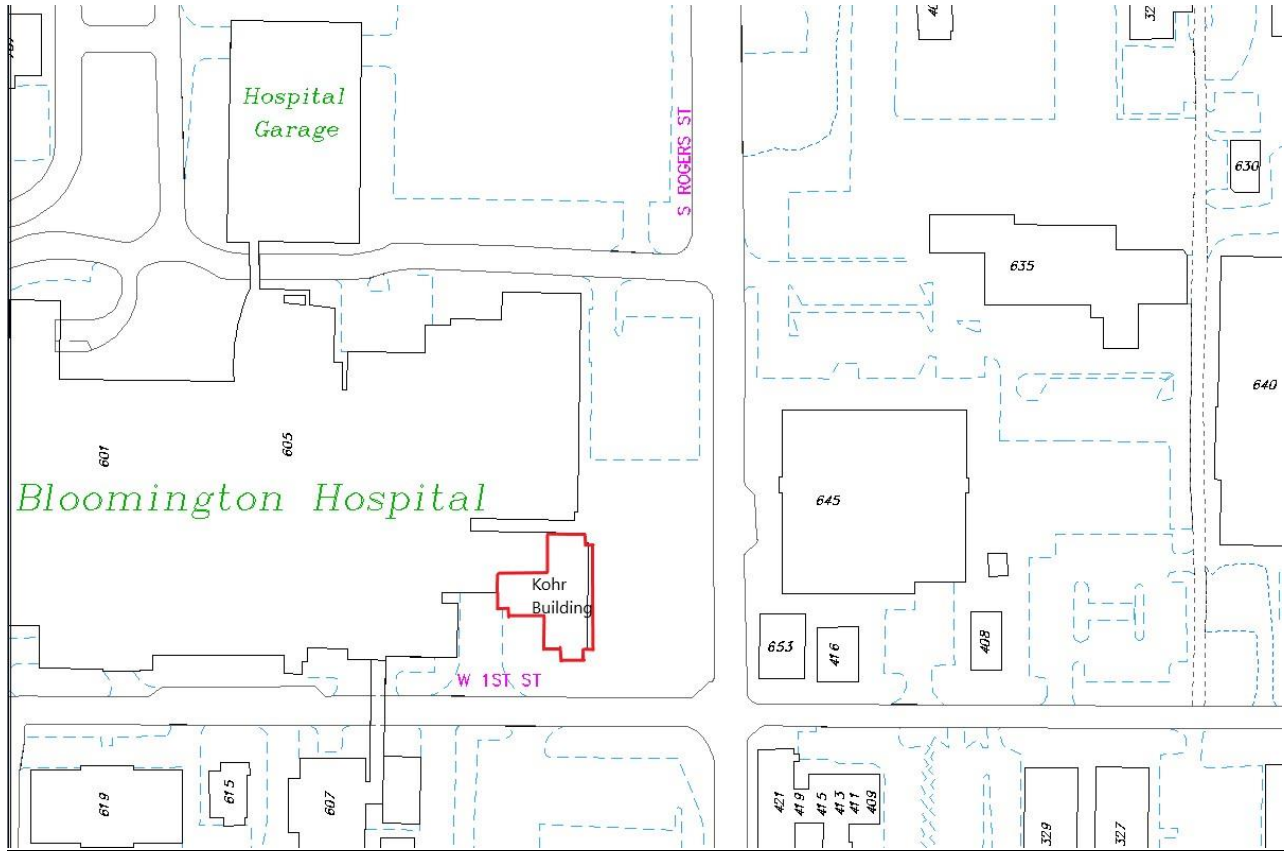
Case Background

The current site for IU Health Bloomington Hospital, located at the northwest quadrant of the intersection of Rogers Street and 1st Street, has a long history of serving the community's health care needs. The 1947 wing, now called the Kohr Building, is the oldest surviving building on the hospital site and still retains its integrity and architectural significance. With the planned demolition of the rest of the buildings on the hospital site, it is crucial to preserve the Kohr Building because of its significance to the history of healthcare and medicine in Bloomington.

Historic surveys rating and designations:

The building is not currently listed in the National Register of Historic Places or the Indiana Register of Historic Sites & Structures. It has not been identified in the Indiana Historic Sites & Structures Inventory, either in the City of Bloomington Interim Report (1986) or in the 2015 resurvey. The property is not within a local historic district or local conservation district under the jurisdiction of the Bloomington Historic Preservation Commission.

Map
Kohr Hospital Building Outlined in Red



Historic Background: Criteria (1) A

A: Built in 1947, the Kohr Building was not the first hospital on the site but it is part of the evolution of the Bloomington hospital site and therefore a part of the history of medicine and healthcare in the city. Bloomington's first hospital was established as part of a philanthropic effort by the Local Council of Woman who purchased a two story, brick Italianate style farm house in 1905. Known as the Hopewell House, the 10 bed facility cared for patients and was used as a nursing school. To meet an increased need for services caused partially by returning WWI veterans, a 35 bed limestone building was built on the hospital site in 1919 and the Hopewell House was transformed into nurse's quarters.

In a short period of time the medical needs of the city quickly outgrew the capacity of the hospital. Organized by the Local Council of Women, the building campaign for a limestone addition on the east side of the 1919 building began as early as 1943. The existing twenty-four-year-old building was inadequate to meet patient demand and did not meet the expectations of the American Hospital Association, which stated that a hospital was to have five beds per 1,000 population. The answer was the Kohr Building. Completed in 1947 the Kohr Building increased the hospital's capacity adding 75 beds and 25 bassinets and even included a state of the art x-ray machine, clinical laboratory, and pathology lab.

The success of Bloomington hospital is evinced by its continued expansion in the second half of the twentieth century. Continuous growth and evolving medical technology have continued to be the motivation behind Bloomington Hospital's building expansions. Despite having just completed an addition in 1947, plans for an additional 140 beds and 213,000 square feet of space began in the mid-1950s. Construction on the west expansion started in 1963 with demolition of the Hopewell House where the hospital originated. The 1919 and 1947 buildings (as a collective, they are often referred to as the East Building) were then remodeled to become a 60-bed convalescent hospital with additional spaces for employees' and doctors' lounges, and medical record storage.¹² Soon after the addition's completion in March 1965, the hospital established one of the state's first cardiac care units. The 1919 limestone building was demolished in the 1990s to make room for additional expansion to the emergency services department, a new laboratory and obstetrics unit, and new facilities for cardiovascular surgery and catheterizations. By this time Bloomington Hospital had become the second largest employer in Monroe County, behind Indiana University.

The Kohr Building meets **Criteria 1(a)** because of its association with the evolution of the Bloomington hospital site and because it has historical value as the oldest building still extant on the grounds.

Architectural Significance Criteria (2) F

F: The Kohr Building is a restrained, late Art Deco style structure. Art Deco was a popular architectural style in the United States from the 1920s through the 1940s with many public buildings such as post offices, libraries, government offices, and hospitals built in the style. Art Deco buildings have a sleek, linear appearance with stylized, often geometric ornamentation. The primary façade of Art Deco buildings can feature a series of setbacks that create a stepped outline. Low-relief decorative panels can be found at entrances, around windows, along roof edges or as string courses. Art Deco buildings have distinctive smooth finish building materials such as stucco, concrete block, glazed brick, or in the case of the Kohr Building, limestone. Other notable Art Deco style buildings in Bloomington are the Old Monroe County Jail, the Coca Cola Bottling Plant, and Meyers Hall on the Indiana University campus.

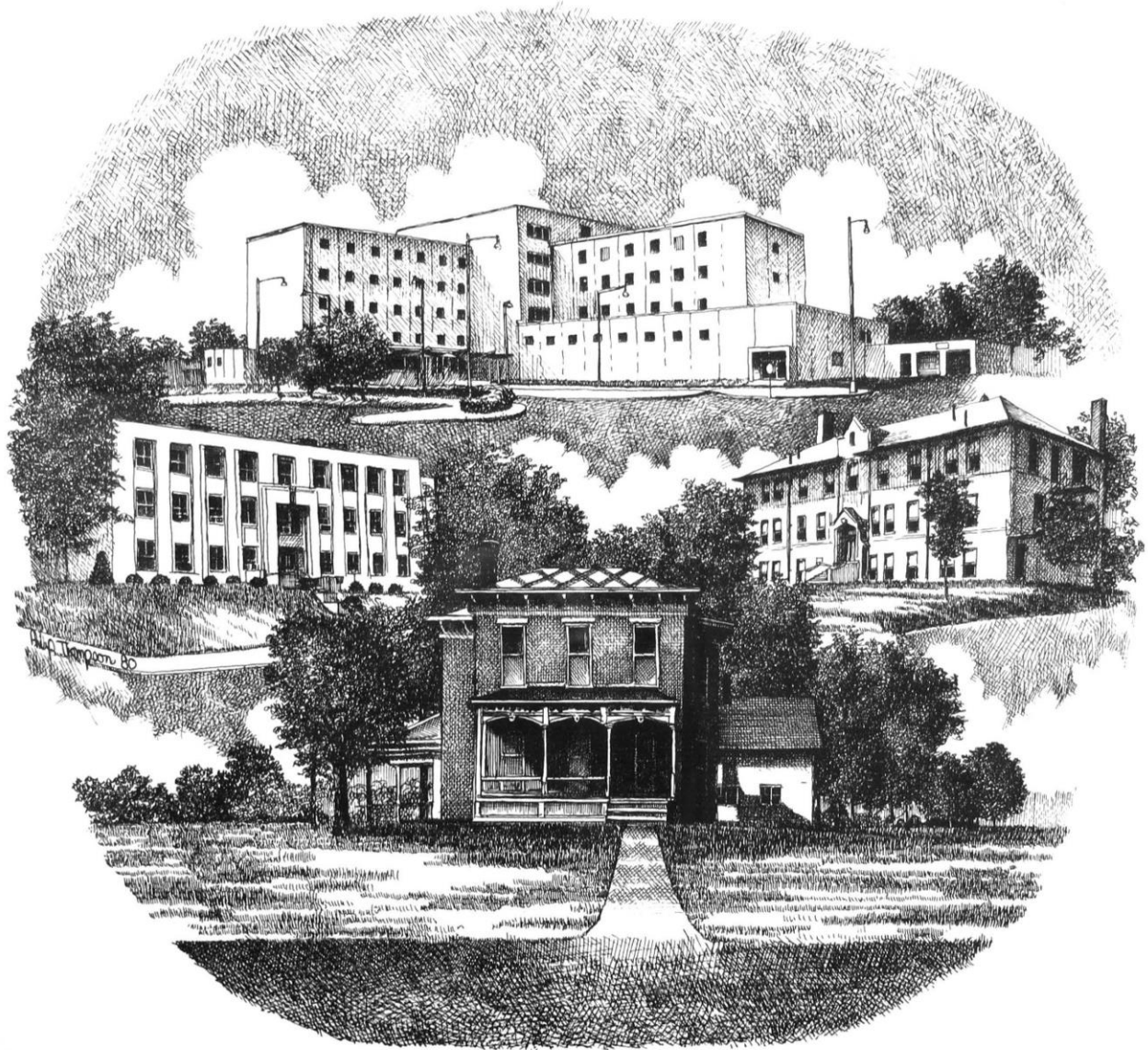
The exterior of the Kohr Building presents the bold massing, vertical emphasis, and strategically-placed stylized ornamentation characteristic of the Art Deco style. The small Art Deco motifs found under the windows, on the parapet, and at the top of the extruded entry are the only decorative features in the design. While the stair towers are monolithic in nature, the use of glass block to allow light to enter the space is a feature often found in Art Moderne style buildings.

The Kohr Building meets **Criteria 2(f)** because it has architectural characteristics that can be identified as Art Deco, a popular architectural style in the United States from the late 1920s through the 1940s. Many public buildings, including hospitals, were designed in the Art Deco style during that time period.

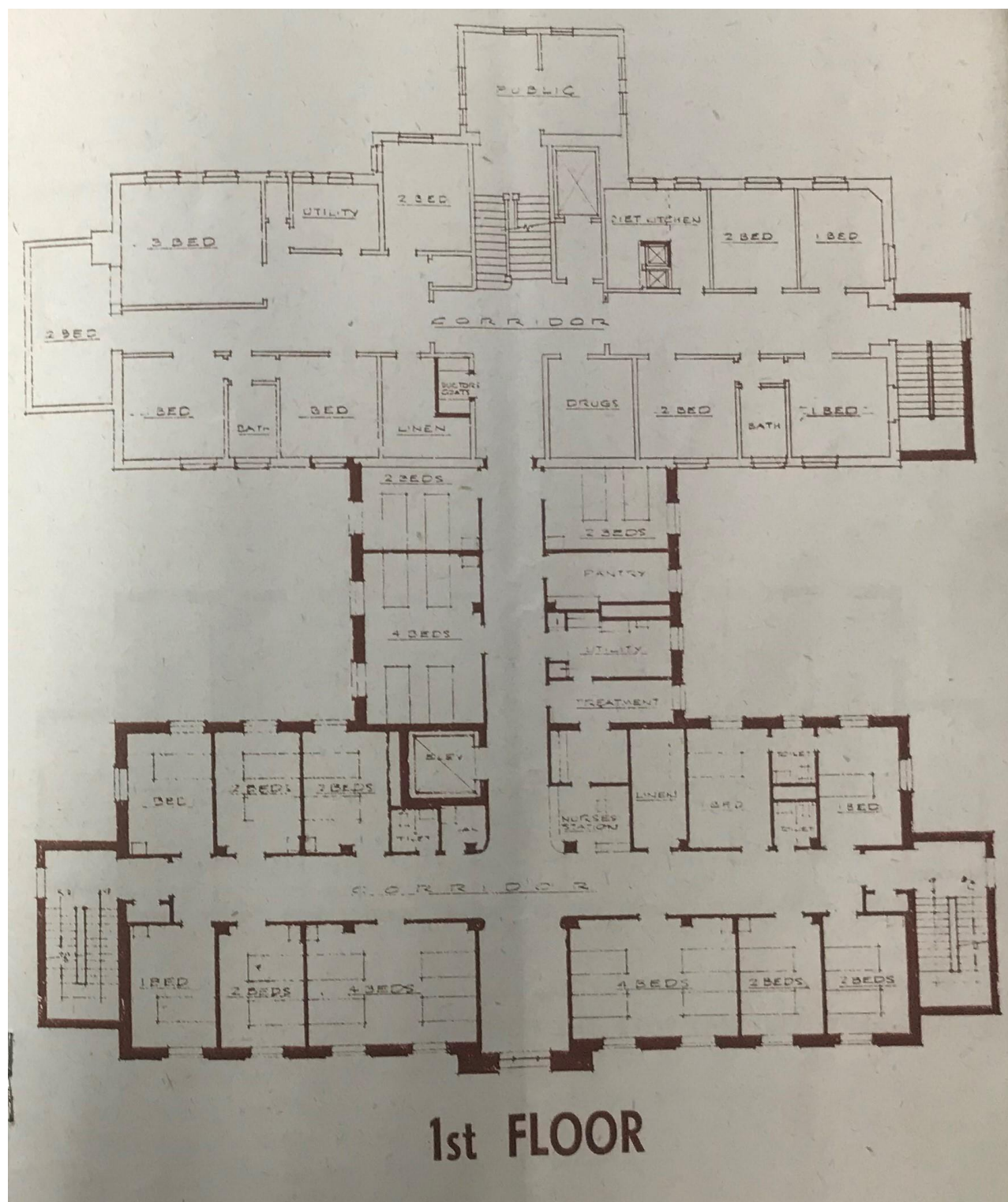
Photographs of the Kohr Building



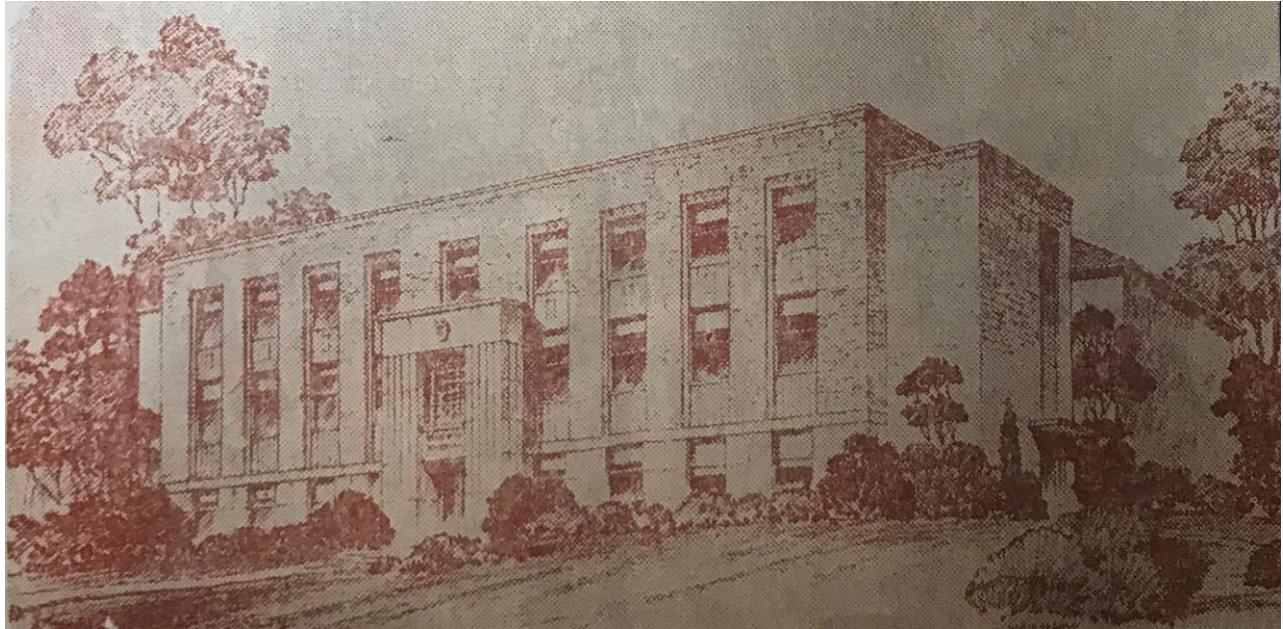
Photo of the Kohr Building. Date unknown. Courtesy of the Monroe County History Center.



Sketch created for 75th anniversary of Bloomington hospital in 1980, Hopewell House occupied by the hospital in 1905 (bottom center), 1919 wing (center right), Kohr Building (center left), 1965 wing (top center). Courtesy of the Monroe County History Center.



Floor plans were part of a fund raising pamphlet for the Kohr Building. Courtesy of the Monroe County History Center.



Sketch of the Kohr Building taken from the fund raising pamphlet. Courtesy of the Monroe County History Center.



Front entrance. Recessed entry with floral motif over center of entryway.



Floral motifs under second floor windows.

Staff Recommendation: Meets Criteria for Designation. Forward to Common Council.

Staff recommends that the Kohr Building (structure located at the northwest corner of South Rogers and West 1st Streets) be designated as a single-property historic district. After careful consideration of the application and review of the Historic District Criteria as found in Ordinance 95-20 of the Municipal Code, staff finds that the property not only meets, but exceeds the minimum criteria listed in the code.

The district meets **Criteria 1(a)** because of its association with the evolution of the Bloomington hospital site and because it has historical value as the oldest building remaining on the grounds. The building was built as a response to changing technology and an increased demand for medical services spurred by service members returning from overseas. These factors, which were the impetus for the buildings construction, are connected to the larger nationwide trend of investment in medical facilities and technology that occurred across post-war America.

The Kohr Building meets **Criteria 2(f)** because it has architectural characteristics that can be identified as Art Deco, a popular architectural style in the United States from the late 1920s through the 1940s. Many public buildings, including hospitals, were designed in the Art Deco style during that time period.

Facility Assessment Overview

Kohr Building & Parking Garage

June 2019

Kohr Building



Built 1947

4 Stories

23,000 sf (incl. basement)

Parking Garage



Built 1989

5 Stories

390 spaces

https://earth.google.com/web/@39.15988909,-86.5393571,250.4115921a,213.17367553d,35y,-76.39788129h,59.99854039t,0r/data=C_hlaEAoIL20vMHNudHkYASABKAI

Urban Land Institute Study

Review Lens

- Compatibility of Buildings with Redevelopment of the Site

Questions Addressed

- Will the Kohr Building and Parking Garage benefit future development of the site? Should either be kept for reuse?

Conclusion

- Keep the Parking Garage to serve future employment on the site.
- Demolish the Kohr Building to free up site for new development.

Vision

- Incorporate exterior pieces of Kohr Building in new site development.
- Enhance Parking Garage with ground-level activities and mural/artwork on exterior

Historic Resource Assessment

Review Lens

- Architectural or Historical Significance

Questions Addressed

- Does the hospital or portions thereof retain architectural or historical significance?

Findings

- The 1947 Wing retains a high degree of integrity on the exterior and low to moderate degree on the interior.

Conclusion

- The 1947 Wing (Kohr Building) is the only portion of the hospital that retains integrity and architectural significance.

Historic Resource Assessment

- Architectural Significance
 - Notable work by architectural firm McGuire & Shook
- Historical Significance
 - Association with the evolution of Bloomington Hospital
- Character-defining Architectural Features That Have Been Retained
 - Exterior: Massing, Art Deco Ornaments, Front Steps, Exterior Materials, Fenestration, Lampposts
 - Interior: General Interior Layout, Curved Walls, Terrazzo Flooring
- Current Historic Designations
 - None

Environmental Building Evaluation (Kohr)

Review Lens

- Asbestos, Lead-based Paint, Lead in Drinking Water, and Mold

Questions Addressed

- Are environmental concerns present that could impact occupancy, renovations, or operations?

Findings

- Asbestos-containing materials (ACM) are present. The ACM is well-maintained and in good condition.

Environmental Building Evaluation (Kohr)

- Asbestos (ACM)
 - Confirmed to be present and intact. Includes pipe insulation and fittings, floor tile and mastic, linoleum and mastic, sink insulation, drain insulation, duct sealer, and exterior caulking.
- Lead-based Paint (LBP)
 - None identified at a concentration that meets EPA's or HUD's LBP definition. However, low-level concentrations of lead were detected ($<1.0 \text{ mg/cm}^2$) which would fall under OSHA regulations.
- Lead in Drinking Water
 - Detected, but all samples met the drinking water standard for lead. However, none of the samples collected were 1st draw samples (6 hr motionless) due to continuous operations at hospital.
- Mold/Moisture
 - No visible evidence of mold (limited visual inspection)

Engineering Assessment

Review Lens

- Feasibility (based on condition of structural and exterior envelope, M/E/P, and fire suppression system)

Questions Addressed

- Is it feasible to keep and maintain the Kohr Building and/or the Parking Garage structures when the remainder of the facility is demolished?

Findings

- Parking Garage = \$1.71M over next 10 years vs. \$9M to construct new
- Kohr Building = \$2.25M over next 3 years vs. \$6M to construct new

Conclusion

- Both structures could be kept and repurposed, if desired.
- The Parking Garage is easier and less expensive.

Kohr Building

- Immediate (in conjunction with demo of the site)
 - Install new power service, water service, communications, fire service, and fire alarm controls
 - Remove areas that directly abutt NW corner by hand during demo
 - Reconstruct the NW facade (rear $\frac{1}{3}$ of building facade) to protect from weather and match remaining structure
- 2-3 Years (when building is repurposed)
 - Install new HVAC, new power equipment, new lighting, new plumbing, and new roof
 - Excavate and expose basement wall; install new waterproofing and perimeter drain
 - Replace gutters and downspouts; spot repairs to original limestone facade, limestone cheek walls, and concrete steps; replace handrails



Parking Garage

- Immediate (in conjunction with demo of the site)
 - Install new power service, water service, communications, fire service, and fire alarm controls
 - Reconstruct south facade and guardrail after pedestrian bridge removal
 - Install sealant on column joints
 - Install door sweeps
- 2-3 Years
 - Install new power equipment, switch to LED lighting
 - Repair concrete, repair/replace deck sealant joints and expansion joints; seal deck surfaces
 - Repair facade (glazing, damaged limestone panels, sealant joints)
 - Repair stair towers (painting, door hardware, roof membrane)
 - General maintenance (restriping, etc.)
- 5-10 Years
 - General maintenance (repair concrete and joints, seal deck, painting, etc.)

Projected Repair & Retrofit Costs

Costs are in 2019 Dollars
Estimates do not include soft costs (A/E fees and CM fees), hazardous material removal, or other construction contingencies

	KOHR BUILDING	PARKING GARAGE	BOTH
Immediate	\$600,000-\$750,000	\$140,000	\$740,000-\$890,000
2-3 Years	\$1.25M - \$1.5M	\$1.12M	\$2.37M - \$2.62M
5-10 Years	---	\$450,000	\$450,000
TOTAL	\$1.85M - \$2.25M	\$1.71M	\$3.56M - \$3.96M

Cost Comparison



Input / Feedback / Questions

Option 1: Keep Kohr Building

Pro



Con



Cost



- Immediate \$600-\$750K
- 2-3 YRS \$1.25M-\$1.5M
- TOTAL \$1.85M - \$2.25M

Option 2: Keep Parking Garage

Pro



Con



Cost



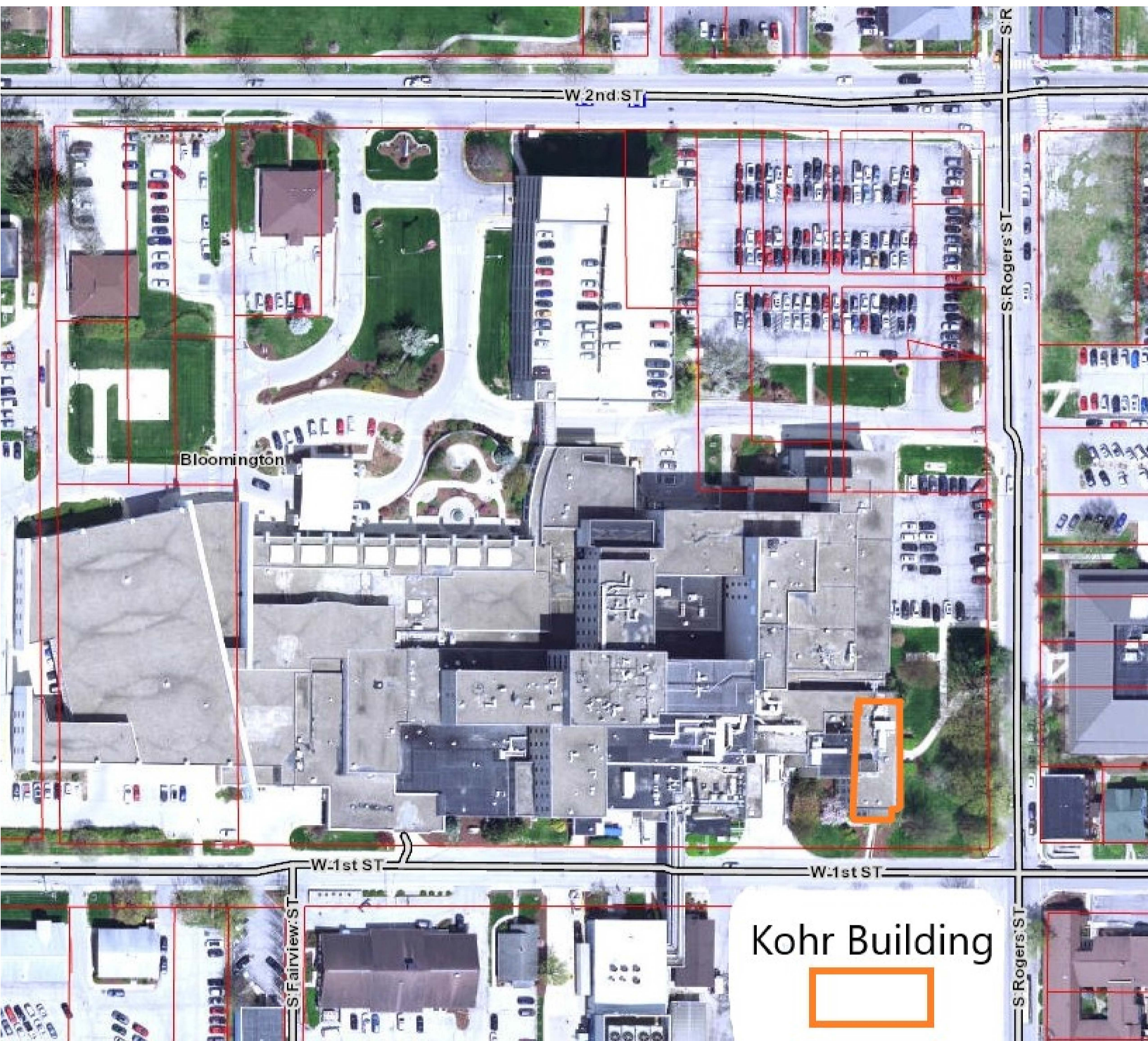
- Immediate \$140K
- 2-3 YRS \$1.12M
- 5-10 YRS \$450K
- TOTAL \$1.71M

Next Steps

- Review (June - August)
 - Written Assessments
 - Facility Tours
- Preliminary Decision and Committee Updates (September-October)
- Final Decision to IU Health (November)



Thank You



Kohr Building



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-05 – Amend Title 8 of the Bloomington Municipal code, Entitled “Historic Preservation and Protection” to establish a Historic District – Re: The Boxman-Mitchell Building Historic District

Synopsis

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “List of Designated Historic and Conservation Districts” in order to designate “The Boxman-Mitchell Building– 424 ½ South Walnut Street” as a historic district. The proposed district consists of two buildings. The northern building is a one story, wood frame building with red brick veneer on the northern façade (facing an alley) and on the east façade (facing S. Walnut). The southern building is a two story, wood frame building with a red brick veneer on the east façade. Both of these structures were built in 1925 by Ira Mitchell, one of the Mitchell brother responsible for a string of commercial structures that were built along South Walnut in the 1920s. The Mitchell Brothers left an indelible mark on the urban landscape of Bloomington. They built at least four brick commercial block buildings and a handful of brick homes along South Walnut, all of which survive to this day. These buildings are part of the architectural fingerprint of the city and form a recognizable pattern along its southern corridor. The building is also notable for its historical association with Henry Boxman, a local restaurant entrepreneur who operated “Boxman’s Restaurant” from 1929 to 1958. Boxman gained national recognition for his food and also boasted the first neon sign and air conditioned dining experience in Bloomington at this location.

Relevant Materials

- Ordinance 21-05
- Staff Report from Bloomington Historic Preservation Commission (updated)
- Building Assessment
- Boxman-Mitchell Building Map
- Fiscal Impact Statement Forthcoming

Summary

Ordinance 21-04 would designate the “Boxman-Mitchell Building” as a historic district as provided under Title 8 of the Bloomington Municipal Code entitled “Historic Preservation and Protection”. The provisions of BMC Title 8 are enabled by state law under Indiana Code 36-7-11 (and following provisions) and are intended to:

- Protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- Ensure the harmonious and orderly growth and development of the City;
- Maintain established residential neighborhoods in danger of having their distinctiveness destroyed;



City of Bloomington Indiana

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- Enhance property values and attract new residents; and
- Ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission is authorized to make recommendations to Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. In this case, the HPC recommends that the Boxman-Mitchell Building be designated as a single-property historic district due to it meeting the historical and architectural significance that merits the protection of the property as a historic district.

A historic district designation authorizes the Commission to review and issue a certificate of appropriateness prior to the issuance of a permit for, or prior to work beginning on any of the following within all areas of an historic district¹:

- The demolition of any building;
- The moving of any building;
- A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or
- Any new construction of a principal building or accessory building or structure subject to view from a public way.

According the BMC, in order to bring forward an historic designation, the HPC must hold a public hearing² and submit a map and staff report (Report) to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance.³ These criteria provide the grounds for the designation.

Ordinance 21-05:

- Approves the map and establishes the district, which provide the basis for the designation;
- Attaches the map and the report;
- Describes the district and classifies the properties;
- Inserts the newly-established district into the List of Historic and Conservation Districts contained within BMC 8.20.

Contact

Conor Herterich, Historic Preservation Program Manager, (812) 349-3507

¹ See BMC 8.08.020

² A hearing on the Boxman-Mitchell Building was properly noticed and held on October 22, 2020.

³ See BMC 8.08.01[e]

ORDINANCE 21-05

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
“HISTORIC PRESERVATION AND PROTECTION”
TO ESTABLISH A HISTORIC DISTRICT –
Re: The Boxman-Mitchell Building Historic District**

- WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, on October 22, 2020, the Commission held a public hearing for the purpose of allowing discussion and public comment on a proposed historic designation of the Boxman-Mitchell Building, located at 424 ½ South Walnut Street; and
- WHEREAS, at the same hearing, the Commission found that the Boxman-Mitchell Building meets the historical and architectural significance that merits the protection of the property as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, at the same hearing, the Commission voted to submit the map and report to the Common Council which may recommend local historic designation of said property, for its consideration; and
- WHEREAS, the report considered by the Commission at this hearing notes that the structure is located at 424 ½ S. Walnut Street. It is a one and two-part commercial building built in 1925 by Ira Mitchell, a member of the Mitchell family, who built a handful of iconic brick commercial structures along South Walnut during the 1920s.

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

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

The legal description of this property is further described as:

015-09570-00 Seminary Pt Lot 20 in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property located at 424 ½ South Walnut Street shall be classified as “Contributing”.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to insert “Boxman-Mitchell Building” and such entry shall read as follows:

The Boxman-Mitchell Building

424 ½ South Walnut Street

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “List of Designated Historic and Conservation Districts” in order to designate “The Boxman-Mitchell Building– 424 ½ South Walnut Street” as a historic district. The proposed district consists of two buildings. The northern building is a one story, wood frame building with red brick veneer on the northern façade (facing an alley) and on the east façade (facing S. Walnut). The southern building is a two story, wood frame building with a red brick veneer on the east façade. Both of these structures were built in 1925 by Ira Mitchell, one of the Mitchell brother responsible for a string of commercial structures that were built along South Walnut in the 1920s. The Mitchell Brothers left an indelible mark on the urban landscape of Bloomington. They built at least four brick commercial block buildings and a handful of brick homes along South Walnut, all of which survive to this day. These buildings are part of the architectural fingerprint of the city and form a recognizable pattern along its southern corridor. The building is also notable for its historical association with Henry Boxman, a local restaurant entrepreneur who operated “Boxman’s Restaurant” from 1929 to 1958. Boxman gained national recognition for his food and also boasted the first neon sign and air conditioned dining experience in Bloomington at this location.

HD 20-01

424 ½ S. Walnut St (Boxman-Mitchell Building)

Staff Report

Bloomington Historic Preservation Commission

The property at 424 ½ S. Walnut qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) a // (2) b, g

(1) Historic:

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

(2) Architectural:

- a) Embodies distinguishing characteristics of an architectural or engineering type; or
- b) **Is the work of a designer whose individual work has significantly influenced the development of the community; or**
- c) Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
- d) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- e) Contains any architectural style, detail, or other element in danger of being lost; or
- f) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of the city; or
- g) **Exemplifies the built environment in an era of history characterized by a distinctive architectural style**

Case Background

The proposed district consists of two buildings on the lot legally recorded as 015-09570-00 Seminary Pt Lot 20. The northern building is a one story, wood frame building with red brick veneer on the northern façade (facing an alley) and on the east façade (facing S. Walnut). The southern building is a two story, wood frame building with a red brick veneer on the east façade.

The most recent business to operate out of the building was the “Players Pub,” but they closed their doors in 2019. New ownership is proposing to demolish the building in its entirety and build a multi-story mixed use building on the lot. The lot is currently zoned (MD) Mixed-Use Downtown.

Historic surveys rating and designations:

The building is not currently listed in the National Register of Historic Places. It is listed in both the Indiana Historic Sites & Structures Inventory and the Bloomington Historic Sites and Structures List as “Contributing.” The property is not within a local historic district or local conservation district under the jurisdiction of the Bloomington Historic Preservation Commission.

Map
424 ½ S. Walnut Outlined in Red



Historical Significance, 1 (a): Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history.

Henry Boxman's childhood was formidable. Born in 1903 on a farm near Columbus, Indiana, Boxman was one of ten children. His mother died when he was two and he was forced to quit school at thirteen after the last of his older sister's left home and his father died. He supported himself by working for six years at Munt's Restaurant in Columbus, Indiana where he learned the basics of the restaurant industry.¹ At age twenty, Henry applied to become a sales rep with RJ Reynolds Tobacco Company in Indianapolis but was turned down because he was too young. He kept applying and was hired the next year and soon became assistant divisional manager and worked for the company office in Bloomington. Henry's early hardships likely contributed to his unwavering drive and focus towards making his business successful. He called it "sticktoitness."²

At age twenty-five Henry and his new wife Hattie-Bell purchased the Dew Drop Inn Restaurant at 422 S. Walnut Street. The business brought state and national recognition to Bloomington and cemented Henry Boxman's legacy as one of Bloomington's greatest restaurateurs. Built in 1925, the Dew Drop, often referred to as a barbeque stand, was a popular after-school gathering place for local high school students because it was only a block away from Bloomington High School. The eatery was owned and operated by Ira and Ada Mitchell until it was purchased by Boxman in 1928.

¹ Tufford, Carole. "A restaurateur to remember: henry Boxman;s food put Bloomington on the Map." *Herald Telephone*, Bloomington, Indiana, April 19, 1989.

² Matavuli, Nick. "Boxman still has 'fingers in the pie'." *Herald Telephone*, Bloomington, Indiana, April 9, 1980, p 30.

Initially, Henry did not change the menu and continued to serve short-order items such as burgers, hotdogs, and ice cream. In fact, the Dew Drop was listed as a “Soda Fountain” in the 1926-1929 City Directories.

The 1930’s brought hardship and change to Bloomington, but Henry Boxman adapted his eatery to survive an era that brought catastrophe to many other small businesses. By 1932, Henry had changed the name of the Dew Drop to “Boxman’s Restaurant” and eliminated curbside service in order to transition to a more formal, sit-down restaurant experience. That same year, to celebrate the 4th anniversary of his tenure, Boxman offered chicken dinners for 4 cents each (dinners were usually 50 cents). The deeply discounted prices drew quite a crowd in those lean years of the Great Depression, and a local police officer was assigned to keep the peace. Boxman, who ended the day with a \$250 loss, served almost 1,000 people and said he turned away almost as many.³ Although maintaining a business throughout the Great Depression was undoubtedly a monumental challenge, Boxman also found time to improve his community. He led the effort to reactivate the Bloomington Chamber of Commerce and was named president in 1936. He was also active in the Bloomington Exchange Club, and as president of the club in 1936, came up with the slogan “Bloomington- Gateway to Scenic Southern Indiana”.⁴ Known as a student of marketing and advertisement, Henry installed Bloomington’s first neon sign at his restaurant. When the sign was first turned on it caused quite a stir as citizens viewing it from a distance thought a fire had broken out downtown. His restaurant also boasted the first commercial gas-fired heating boiler and the second commercial air conditioner in town.⁵

Boxman’s community service continued in the 1940s. His community efforts took on greater significance when he was appointed to serve as a food consultant to the U.S. Secretary of War—one of ninety-six restaurant men from across America who volunteered their time and expertise to increase the efficiency of military food preparation and facilities during WWII. For his work Henry received a personally signed letter from President Truman. Boxman also helped the war effort by closing on Sundays, the heaviest day of the week in volume and sales. This allowed him to save his rationed food supplies for the week days so that war workers could eat, although he still ran out of food and was forced to use meat substitutes.⁶

The 1950s catapulted Henry Boxman onto the national stage. His Bloomington restaurant gained the attention of food critic pioneer Duncan Hines, who wrote the newspaper food column “Adventures in Good Eating at Home.” Hines spoke highly of Boxman’s Restaurant and regularly featured it in his column for fifteen years—he was particularly fond of the Dutch Apple Pie.⁷ Boxman’s was also recognized in Clementine Paddleford’s “National Food” column in *This Week Magazine*. In the article, titled “Chow in a College Town,” Paddleford wrote that “...motor tourists come to Boxman’s from all corners of the nation. Dinners here are worth a half-days extra driving.”⁸ Boxman’s was also featured in *Cooking for Profit* magazine which labeled him as one of the outstanding restaurateurs in the country.

Boxman was both active and renowned in the state and national restaurant associations. He was a charter member of the Indiana Restaurant Association, its third president, and a lifetime member of

³ “1,032 Chicken Dinners at 4c Each Sold at \$250 Loss.” *Bloomington Evening World*, August 15, 1932.

⁴ Goodall, Kenneth. “Men of Bloomington, Henry F. Boxman”. June 2, 1954.

⁵ Shawgo, Ron.

⁶ Matavuli, Nick

⁷ Hines, Duncan. “Adventures in Good Eating”. January, 1953.

⁸ *Courier-Tribune*, Bloomington, IN. “Boxman’s Second Kentucky Fried Chicken Store Opens.”

the board of directors. In addition, Boxman was elected to serve on the board of directors of the National Restaurant Association and was the second person inducted into that organization's Restaurant Hall of Fame.⁹

It was through the National Restaurant Association that Henry Boxman became good friends with Harlan Sanders, otherwise known as Colonel Sanders, the bombastic founder of Kentucky Fried Chicken (KFC). Although Boxman sold his restaurant in 1957 to work as Food Services Director for Bloomington's Metropolitan Schools, he soon came out of restaurant retirement and opened Bloomington's first KFC in 1963. This restaurant was located next door to the old Boxman's Restaurant. In fact, he had the building constructed in the front yard of his home at 432 S. Walnut—much to his wife's chagrin. Boxman opened a second KFC location in the College Mall area in 1968 and even brought Harlan Sanders to that store's opening day to meet and greet customers. The Colonel and Boxman maintained a close friendship for the rest of their lives, and the "Colonel" even served the cake and punch at the wedding of Henry's daughter.

Carolyn Tufford said it best in her 1989 Herald-Telephone article about Boxman: "Henry Boxman was a restaurateur to remember...his food put Bloomington on the map." This good-food reputation is proudly continued by Bloomington today. Boxman cultivated a short order high school hangout into a dining landmark that grabbed the attention of national food critics. His business weathered a great depression and a world war. He was a founding member and honorary director of state and national restaurant associations and the second person inducted in the National Restaurant Hall of Fame. He was a stellar example of selfless service to his community as a lifelong member of the Chamber of Commerce and the Exchange Club. Despite his illustrious career, Boxman is a relatively unknown person of interest, even locally today in Bloomington. This is likely because of his career choice—the food industry. Restaurants are fleeting. Even the most successful have trouble staying open more than a couple of decades. As a result, there is a sort of amnesia and a lack of historical recognition that these places existed, even though they were an important, enjoyable, and memorable part of people's lives. The designation of this building--because of its association with Henry Boxman--would be the first of its kind to recognize the social and cultural importance of a local building significant for its association with food service. This building has significant value as part of the cultural heritage of the city and is associated with a person who played a significant role in its development.

Architectural Significance, 2 (b): Is the work of a designer whose individual work has significantly influenced the development of the community

Several lines of evidence irrefutably point to the Mitchell Brothers of Bloomington as the original builders and owners of the structure. The Mitchell family at one time owned a large homestead south of Bloomington that was partially fronted by South Walnut Street. Capt. Issac Mitchell, a Civil War veteran, had ten children, nine of which were boys. Several of the sons--Ira, Stanley, and Edward--were active in developing and building in Bloomington during the early-twentieth century. This was a period of great prosperity and growth for the city, and the Mitchell brothers left their mark with a string of commercial and residential brick buildings along South Walnut. It is reasonable to believe that members of the Mitchell family partitioned, sold, or developed pieces of their land located along S. Walnut to capitalize on the expansion of homes and businesses along that road in the 1920s' as Bloomington's urbanized core expanded

⁹ Goodall, Kenneth.

Deed research shows that that Ira Mitchell purchased half of Seminary Lot 20 from his brother Stanley in 1923 for \$2,000. Ira purchased the other half from the Abrahams in 1925 for another \$2,000. The 1925-26 City Directory, which is the first directory to include the property, listed Ira Mitchell and his wife Ada as the occupants and owners of 424 S. Walnut, then known as the Dew Drop Inn.

The physical evidence also points to the structure as being a Mitchell building. There is an “M” pattern inlaid with white brick on the upper half of the brick façade of the two-story building section. This feature can be seen on a photograph of the building found on a postcard from 1936. Testimony from Charlie Boxman, who moved to 424 ½ S. Walnut after his father Henry Boxman purchased the Dew Drop Inn in 1928, also supports this conclusion. Charlie wrote in an email that the “M” stands for Mitchell and was “emblazoned on the upper part of the second story section of the original brick façade”.¹⁰ The Mitchell Brothers left an indelible mark on the urban landscape of Bloomington. We know that they built at least four brick commercial block buildings and a handful of brick homes along South Walnut, all of which survive to this day. These buildings are part of the architectural fingerprint of the city and form a recognizable pattern along its southern corridor.

The Boxman-Mitchell building, proudly emblazoned by its builder with an “M”, is clearly part of the collection of local buildings constructed by the Mitchell Brothers and therefore has significant interest as part of the development of the city.

Architectural Significance, 2 (g): Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

The evidence for the building’s date of construction comes from two sources: Bloomington City Directories and Sanborn Fire Insurance Maps. While the 1923-1924 City Directory does not list any of the 420-424 S. Walnut addresses, they can be found in the 1925-26 City Directory.¹¹ The 1913 Sanborn Fire insurance map shows an undeveloped lot where the building are currently located; however, on the ensuing 1927 map edition, the building can clearly be seen in its current form.¹² The building, therefore, must have been constructed between 1913 and 1927. The 1925-26 City Directory is the earliest to list addresses at 420-424 S. Walnut which is why this is the estimated date of construction.

The building, in its current form, existed in 1925. It is a unique combination of a one-part and a two-part commercial block building. The incorporation of a brick veneer along the busy S. Walnut corridor was purposeful and was intended to impart a sense of importance and grandeur whilst hiding a humble wooden frame construction. To further highlight this technique, the two story section has a stepped parapet that exists only to make the building look larger and thus attract more notice from passersby. The windows along S. Walnut were also the most ornate and featured an operable, divided light awning window above large plate glass storefront windows. The narrow, vertically-oriented, divided light windows are characteristic of those found on Arts and Crafts-style Bungalows of the 1920s and 30’s. Another feature that connects the building to local materials and

¹⁰ Boxman, Charlie. “Old Bloomington”. Email, 2009. Monroe County History Center Vertical Stacks, “Boxman’s Restaurant”.

¹¹ Bloomington, Indiana, City Directory, 1925-26 (Bloomington, IN.), page 357.

¹² Sanborn Map Company. Bloomington, Monroe County, Indiana, 1913. New York: Sanborn Map & Publishing Co, 1913. “Sanborn Fire Insurance Maps”. <<https://libraries.indiana.edu/union-list-sanborn-maps>> (August 17, 2020); Sanborn Map Company. Bloomington, Monroe County, Indiana, 1927, Sheet 6.

building styles is the limestone lintels that sit atop the building's windows and doors. This is an architectural detail found on many of Bloomington's historic buildings.

A later addition also adds to the identifiable architectural legacy of this building. A square, front gabled wood vestibule was constructed in the late 1930s to provide shelter to customers. This feature was later rebuilt in the late 1940s with curvilinear glass block, rounded aluminum fascia and capped with a bright neon sign in the then fashionable and now iconic Streamline Moderne style. The vestibule has acquired architectural significance in its own right.

Through its form, architectural features, and building materials, the Boxman-Mitchell building--whether it is decorated with the 1920s commercial front or the 1940s streamlined look--is representative of an era of history by a distinctive style.

Recommendation: Approval

Staff recommends property parcel 53-08-04-200-082.000-009 (The Boxman-Mitchell Building) be designated as a local historic district. After careful consideration of the application and review of the Historic District Criteria as found in Ordinance 95-20 of the Municipal Code, staff finds that the property not only meets, but exceeds the minimum criteria listed in the code.

The property meets Criteria 1(a) because of its association with Henry Boxman, nationally recognized restaurateur and local business leader.

The property meets Criteria 2(b) because of its construction by the Mitchell brothers, a family that built numerous commercial and residential buildings along South Walnut in the early twentieth century.

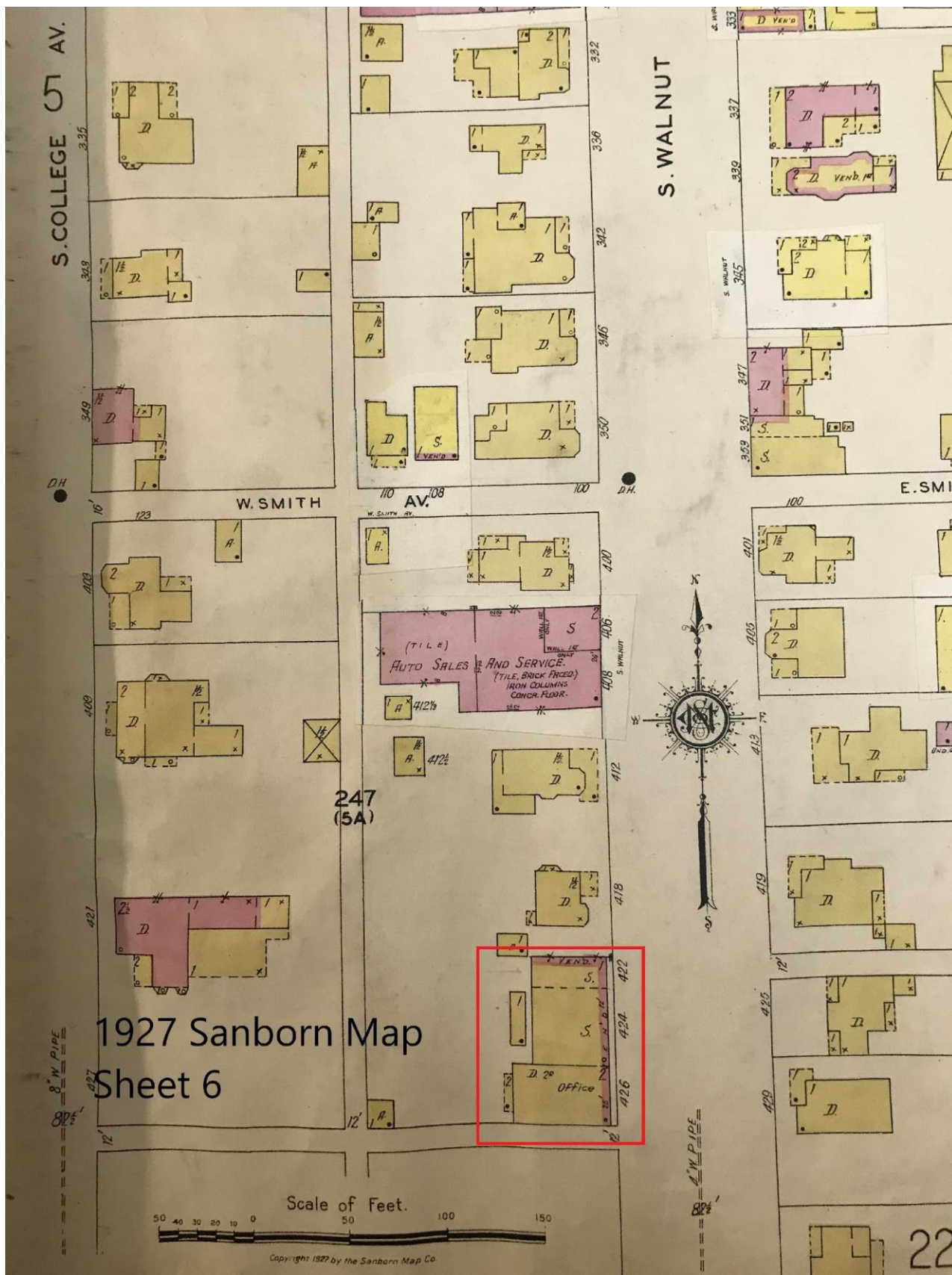
The property meets Criteria 2 (g) because the form, materials, and architectural features is representative of an era of history by a distinctive style.



Digitized from the Indiana University Map Collection by Historical Information Gatherers, Inc.

www.historicalinfo.com

1913 Sanborn Map



1927 Sanborn Map



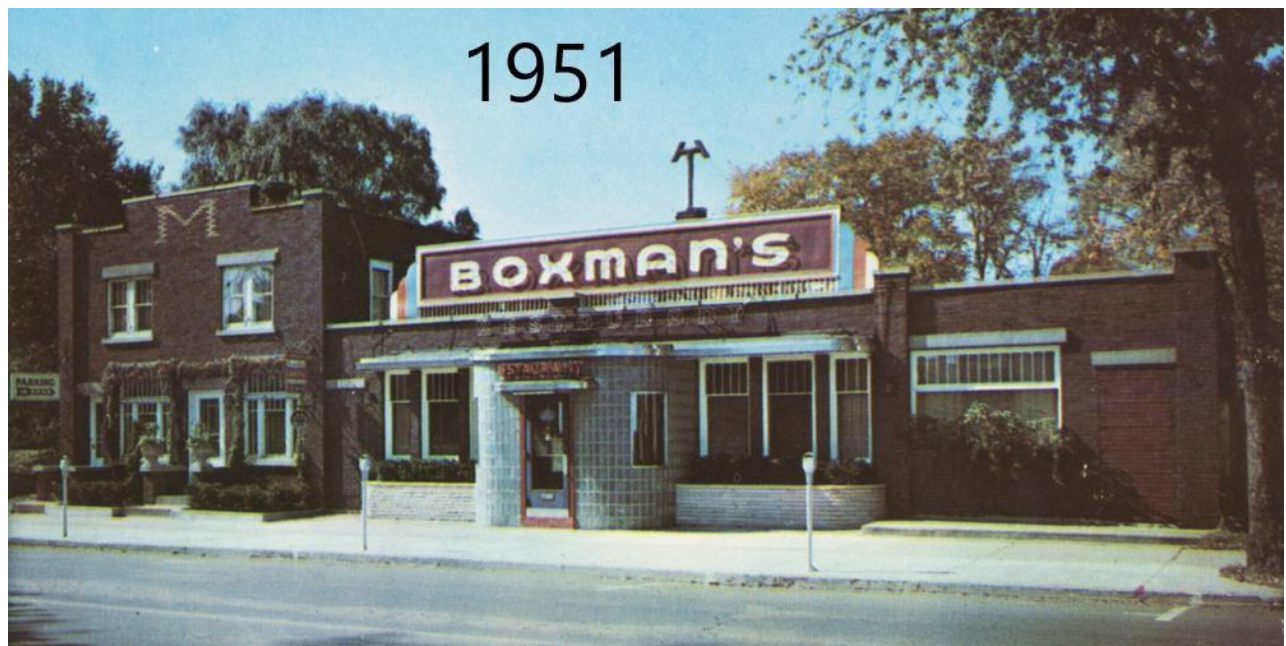
Henry and Hattie Boxman standing outside the Dew Drop Inn after their recent purchase in 1928.



Circa 1932 when the name was changed to "Boxman's Restaurant".



Boxman's was the second business to install air conditioning in Bloomington and had the first neon sign.



This photograph was on a post card. The vestibule has been dressed up with curving glass block and sleek aluminum awning in the Streamline Moderne style. This style is emblematic of Americana, and was utilized on road side cafes, train, and bus stations across America from about 1930-1950.



Henry Boxman with his pastry lady (likely behind the famous Dutch Apple Pie) c. 1950

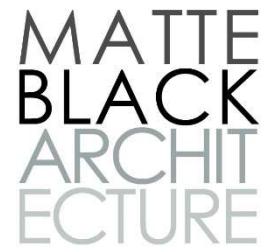


Boxman opened this KFC in 1963, Bloomington's first. Note that he lived in the white house in the background.

Building Assessment

424 S Walnut Street
Bloomington, In 47404

Josh Alley
424 Walnut LLC



The structure at 424 South Walnut, according to available GIS data, was built around 1900 and consists of a 2-story portion on the southeast side of the property along with a 1-story portion on the northeast side of the property. The 2-story portion consists of a vacant commercial space (formerly food and entertainment establishment) with a residential apartment above (condition and occupancy unknown). The 1-story portion contains an open commercial space with a commercial kitchen, bar, restrooms and accessory storage spaces in the western portion of that space. The commercial spaces are connected and open to one another even though it appears that at one point in time they were separate (as evidence by a partial masonry wall opening).

The exterior comprises of masonry and wood-framed construction with a traditional brick storefront on the east (street) side and cmu or wood-framing on the remaining facades. The rear (west) side of the structure is partially below grade due to the slope of the property up to the west. There is an upper level covered deck and lower level storage space at the rear of the 2-story portion that appears to have been added on at some point. The roof consists of a rubber membrane with visible low spots and significant disrepair and neglect. The masonry appears to be in poor condition, especially on the north and parts of the east (street) side. There is noticeable cracking, mortar loss, holes and staining that reflect years of neglect. The condition and makeup of the south exterior façade is somewhat unknown as it appears to have been covered over recently with fiber cement siding. There is exposed wood framing and water damage, particularly at the north and west facades. Also, the roof membrane has been extended down over the north façade and improperly lapped and “sealed” to the brick below. Air and light is visible through the exterior from the northwest corner of the structure. Per previous discussions with CBU a former open culvert that runs under the north portion of the existing building was filled and sealed off during major storm water renovations several years ago.

Some online searches and the GIS database indicate that the east (streetfront) façade has seen a host of materials, entries and tenants with an unknown “original” condition or appearance. There are currently 3 entries on the front of the building, 1 of which leads to the upstairs apartment, a second which is accessed via a long residential style wood ramp and stoop and the third via a vestibule which contains a step up inside to the main commercial floor. The vestibule appears to have been added on at some point and utilizes glass block and a storefront door, which isn't per the original time of construction. The large non-masonry signage area above the vestibule also appears to have been added at a later date and doesn't reflect any particular style or era of construction. Based on older photographs the building front contained larger stoops and multiple tenant entry locations that have since been removed, altered or covered up. The windows and doors appear to be of various types, styles and conditions (most not appearing original) reflecting various tenants, owners and again years of neglect and most likely limited resources.

The interior structure and condition is decidedly not safe nor up to current building code or accessibility standards. The main floor level, which is over a foot above the sidewalk level, varies by several inches in places and interior columns and beams appear to be almost randomly placed with unknown foundation and load-carrying capacities. Some columns have sunken into the floor by several inches indicating there may be no foundation at all. Many beams are sagging and have been covered, reinforced or spliced together in a very haphazard way. The ceiling indicates substantial water damage and may be hiding significant roof structure issues.

BFW Crane (structural engineer) was consulted by the previous owner to help prepare drawings for a new roof replacement as that was deemed to be the most dangerous portion of the existing structure. An initial construction estimate to replace the entire roof of the 1-story portion with a new structure and roof based on those drawings was over \$300,000.00 (see proposal by Building Associates). That did not include any other issues outlined above. The condition of the mechanical, electrical and plumbing systems are somewhat undetermined but most appear to be either outdated, out of code compliance or unsafe. It is very likely that lead and/or asbestos exists within the structure and would also need to be abated. The foundation and crawlspace below the structure wasn't inspected but most likely needs attention as well.

In summary, there are significant and costly repairs, renovations and replacements that would need to be done to the existing structure just to make it occupiable and functional (let alone valuable or desirable to a tenant). It's very likely based on initial estimates that those repairs would exceed the current value of the building and land itself. The building doesn't appear to be a notable example of the original era of construction nor does it contribute to a larger historical context in any significant way. While there are some older structures nearby that have been maintained and do provide a sense of an older context, most of the properties are either newer mixed-use, somewhat older residential or under-developed and out of place (i.e. don't relate to the historic or current architectural fabric). The recommendation would be to demolish the structure and develop the property anew with consideration to both the former (historic) and existing (modern) fabric of the neighborhood. Care should be taken to provide appropriate space that would restore a sense of place and community for years to come.

Thanks and let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Matt Ellenwood". The signature is fluid and cursive, with the first name "Matt" and last name "Ellenwood" clearly distinguishable.

Matt Ellenwood, AIA, IN Architect #AR11100124



Boxman-Mitchell
Building ★



INSERT ON:

Ordinance 21-03 (formerly Ordinance 20-33) – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Chapter 2.02 (Boards and Commissions – revised) and Chapter 2.04 (Common Council – revised)

Ordinance 21-03 appears on the agenda for the February 3, 2021 Regular Session. As the agenda notes, there is an anticipated motion (recommended by the Council’s Administration Committee) to extend the time for the Administration Committee to report on the item until the February 17, 2021 Regular Session (to allow the Committee to discuss the item further at a February 10 meeting). Because of this anticipated motion, the materials for the ordinance have not been included here, but may be found in the [Legislative Packet](#) and related [Packet Addendum](#) for January 27, 2021.



City of Bloomington Indiana

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

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email:

council@bloomington.in.gov

MEMO FROM COUNCIL OFFICE ON:

**Ordinance 21-02 – To Rezone a 10.097 Acre Property from Planned Unit Development (PUD) to Mixed-Use Corridor (MC) - Re:
(Bill C. Brown Revocable Trust, Petitioner)**

Synopsis

Ordinance 21-02 rezones 10.097 acres from Planned Unit Development (PUD) to Mixed-Use Corridor (MC).

Relevant Materials

- Ordinance 21-02
- Certification of Ord 21-02 by Plan Commission
- Staff Memo from Ryan Robling
- Maps
- Petitioners' Rezoning Statement
- Illustrative Site Plan Context
- Correspondence on behalf of Sound Management, LLC regarding rezoning
- Fiscal Impact Statement

Certified by Plan Commission

Certified by the Plan Commission on December 14, 2020 with a favorable recommendation (9-0).

Summary

The Council's review of a proposal to change the city's zone maps is guided by state statute.¹ Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal.² If the Council fails to act on the proposal within 90 days after certification (by January 20, 2021), the ordinance would take effect as if it had been adopted as certified by the Plan Commission.³ As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel, subject to certain requirements contained in state law.⁴

In preparing and considering proposals Council shall pay reasonable regard to the following⁵:

- the [comprehensive plan](#);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

Contact

Ryan Robling, Zoning Planner, robtingr@bloomington.in.gov, (812) 349-3423

¹ IC 36-7-4 et. seq.

² IC 36-7-4-608(f)

³ IC 36-7-4-608(f)

(4) ⁴ IC

36-7-4-1015

⁵ IC 36-7-4-603

ORDINANCE 21-02

**TO REZONE A 10.097 ACRE PROPERTY FROM PLANNED UNIT DEVELOPMENT
(PUD) TO MIXED-USE CORRIDOR (MC)**

- Re:

(Bill C. Brown Revocable Trust, Petitioner)

WHEREAS, Ordinance 20-06, which repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, “Unified Development Ordinance” went into effect on April 18, 2020; and

WHEREAS, the Plan Commission has considered this case, ZO-25-20, and recommended that the petitioner, Bill C. Brown Revocable Trust, be granted an approval to rezone 10.097 acres from Planned Unit Development (PUD) to Mixed-Use Corridor (MC); and,

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.06 of the Bloomington Municipal Code, the zoning of the property located at 300 S. State Road 446, 4500 E. 3rd St., 4506 E. Third St. and 4518 E. Third St. shall be changed from Planned Unit Development (PUD) to Mixed-Use Corridor (MC). The property is further described as follows:

Parcel 1

A part of the Northeast Quarter of the Northwest Quarter of Section 1, Township 8 North, Range 1 West, in Monroe County, Indiana, being more particularly described as follows, to-wit:

Beginning at a point on the East line of said quarter quarter that is 867.38 feet South (assumed bearing) of the Northeast corner of said quarter-quarter, thence North 89 degrees 38 minutes 18 seconds West for a distance of 668.00 feet, thence North over and along an existing fence line for a distance of 413.00 feet, thence South 89 degrees 03 minutes 55 seconds East for a distance of 306.47 feet, thence South 0 degrees 21 minutes West for a distance of 161.95 feet, thence South 89 degrees 38 minutes 18 seconds East for a distance of 312.09 feet, thence South 0 degrees 10 minutes 44 seconds West for a distance of 224.73 feet, thence North 89 degrees 19 minutes 11 seconds East for a distance of 51.17 feet, thence South for a distance of 24.58 feet to the place of beginning.

EXCEPTING THEREFROM, a strip 30 feet of even width off the entire South side of the above described land, containing in all after said exception 4.238 acres, more or less.

Parcel Number 015-30750-01 (53-08-01-200-019.000-009)

Commonly known as 310 South State Road 446, Bloomington, Indiana 47401

Parcel 2

Lot Number 4 in Century Village Phase II, and Amendment to Century Village Lot 2, Phase I, Final Plat, as shown by the Plat thereof recorded in Plat Cabinet HB, Envelope 199, in the Office of the Recorder of Monroe County, Indiana.

Parcel Number 015-10930-00 (53-03-01-200-014.000-009)
Commonly known as 4500 N. Third St, Bloomington, IN 47401

Parcel 3

A part of the North half of the Northwest quarter of Section 1, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows: Commencing at the Northeast corner of the Northwest quarter of the Northwest quarter; thence North 89 degrees 36 minutes 31 seconds West along the North line of said Section 1 a distance of 238.93 feet; thence leaving said North line South 02 degrees 10 minutes 19 seconds East 48.79 feet to the south right-of-way of State Road #46 (E. Third Street); thence South 89 degrees 36 minutes 31 seconds East 748.16 feet along said South right-of-way to the point of beginning; thence South 89 degrees 36 minutes 31 seconds East 115.00 feet along said South right-of-way to a found iron pipe; thence South 00 degrees 52 minutes 22 seconds East 796.34 feet thence North 89 degrees 35 minutes 48 seconds West 115.00 feet; thence North 00 degrees 52 minutes 22 seconds West 196.32 feet to the point of beginning; containing 0.52 acres, more or less.

Parcel No. 015-32120-01 (53-08-01-200-007.000-009)
Commonly known as E. Third Street, Bloomington, IN 47401

Parcel 4

Lot Number 2 in Century Village III, as shown by the plat thereof recorded in Plat Cabinet D, Envelope LO7, in the office of the Recorder of Monroe County, Indiana.

Parcel No. 015-32120-02 (53-08-01-300-013.002-009)
Commonly known as 4518 E. Third Street, Bloomington, IN 47401

Parcel 5

Lot Number 78 in Baker Subdivision III, as shown by the plat thereof recorded in Plat Cabinet C, Envelope L69, in the office of the Recorder of Monroe County, Indiana;

Parcel No. 015-13546-00 (53-08-01-205-023.000-009)
Commonly known as E. Third Street, Bloomington, IN 47401

SECTION 2. This rezoning shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

Nicole Bolden, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 21-02 rezones 10.097 acres from Planned Unit Development (PUD) to Mixed-Use Corridor (MC).

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-02 is a true and complete copy of Plan Commission Case Number ZO-25-20 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 14, 2020.

Date: December 23, 2020



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 24th day of December, 2020.



Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____

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

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

Interdepartmental Memo

To: Members of the Common Council
From: Ryan Robling, Zoning Planner
Subject: ZO-25-20
Date: December 24, 2020

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-25-20. The Plan Commission heard this petition at the December 14, 2020 hearing and voted 9-0 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

REQUEST: The petitioner is requesting to rezone 10.097 acres from PUD (70 – Century Village) to (MC) Mixed-use Corridor. A waiver of the required 2nd hearing is also requested.

BACKGROUND:

Area:	10.097 acres
Current Zoning:	PUD (70 – Century Village) and (21 – Baker/Stephens)
Comprehensive Plan Designation:	Urban Corridor
Existing Land Use:	Vacant
Proposed Land Use:	Undetermined
Surrounding Uses:	North – Commercial/Dwelling, Multifamily South – Dwelling, Multifamily East – Communication Tower/Commercial/ Dwelling, Single-family West – Commercial/Restaurant

REPORT: The 10.097 acre property is located at the southwest corner of E. 3rd St. and State Road 446. The properties are currently zoned (PUD) Planned Unit Development; a majority of the site is within PUD 70 (Century Village) which was originally approved in 1975 as PCD-10-75. The remainder of the site is within PUD 21 (Baker/Stephens). The developed portions of the PUDs (Lots 1, 2, 3, and 5, as well as Century Suites Phase I-A, and Phase I-B) are not included in this petition. The excluded portions will remain within PUD 70 and PUD 21. The properties to the north across E. 3rd Street are zoned MC and are currently developed with mixture of commercial and multifamily dwelling units and are home to Summerhouse. The properties to the south are zoned RM and PUD and have both been developed with multifamily dwelling units. The properties to the west are zoned PUD and have been developed with a multitenant center and restaurant. The adjacent properties to the east are zoned within PUD 70 and have been developed with a communication tower, hotel, and offices. The property fronts along E. 3rd St and S. SR 446.

The petitioner is requesting to rezone the property from PUD to (MC) Mixed-Use Corridor. No development plan is being requested at this time. The properties being proposed to be rezoned are largely undeveloped with the exception of two surface level parking areas. Roughly 5 acres of the current Century Village PUD have been excluded from the proposed rezone and will remain a PUD. The proposed rezone would allow for all uses allowed in the MC district to be used on the site.

A conceptual site plan has been submitted with the petition, but is representative and seeks to show

what a potential development would look like once the area is rezoned. While the petitioner has a conceptual site plan, any uses allowed in the MC district would be allowed on the site. Any future developments that met the threshold for a major site plan review would be required to undergo further Plan Commission review. The current conceptual site plan shows a potential development which features four multifamily buildings with a mixture of 1 and 2 bedroom units proposed, for a total of 164 units. Ground floor non-residential units are shown along E. 3rd St. The conceptual site plan also shows a planned 32,000 square foot self-storage building at the southern end of the site. All of the uses shown in the conceptual plan are allowed in the MC district.

COMPREHENSIVE PLAN: The majority of this site is designated as ‘Urban Corridor’ with some ‘Neighborhood Residential’ on the southern rear portion. The lines and edges in the Comprehensive Plan are intended to be fluid, so as to be flexible as areas in the City develop. Given the existing development on and around the site, the Department feels that ‘Urban Corridor’ is the most appropriate district to analyze this proposal. The Comprehensive Plan notes the following about the intent of the ‘Urban Corridor’ area and its redevelopment:

- *Designed to transform strip retail and commercial corridors along major roadways into a more urban mixed-use district that will serve as an appropriate transition from higher, more intensive uses to other districts, Focus Areas, and regional activity centers.*
- *Integrating multifamily residential uses into existing retail and commercial areas within the district can apply a mixed-use approach within individual buildings sites or between adjacent properties.*
- *It is intended to incorporate a balance of land uses by taking advantage of the proximity to other land uses and urban services.*
- *The district is expected to change by incorporating mixed uses and increasing activity.*
- *Buildings should be developed with minimal street setbacks, with parking located behind the building, and with an emphasis on minimizing pedestrian obstacles to accessing businesses.*
- *Development and redevelopment within the district is particularly suited to high-density residential and mixed residential/commercial use and taller building heights, with the possibility of three or four-story buildings.*

The proposed rezoning from PUD to MC will allow the site to more easily achieve the intent of the Urban Corridor designation. The properties front along two major roadways (E. 3rd St. and S. SR 446), but the current PUD does not allow for the increased residential density that the Comprehensive Plan calls for in this area. The MC district was intended to be along major arterial and collector corridors at a larger scale than other commercial zoning districts. The MC district is intended to accommodate medium-scaled developments with a mix of retail, office, and residential uses. The MC district would allow for a greater opportunity for a mixed-use approach to development than the current, commercial focused PUD. The MC district allows for taller buildings than most other base zoning district at 4 stories (not to exceed 50 feet).

20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:

[a] The recommendations of the Comprehensive Plan;

Proposed Finding: The Comprehensive Plan designates these properties as ‘Urban Corridor’

and ‘Neighborhood Residential.’ The Comprehensive Plan acknowledges that the lines of the Future Land Use map are intended to be fluid, and that when petition sites span multiple designations, the best suited designation should be identified using the petition details and surroundings. This petition includes five parcels under single ownership that front along two major corridors in the City. Therefore the ‘Urban Corridor’ designation is believed to be the most align with the petition site.

The Comprehensive Plan gives guidance to land use decisions for the ‘Urban Corridor’ that include mixed-use developments at heights and intensities higher than smaller less intense areas of the city. The MC district’s purpose is to “accommodate medium-scaled developments with a mix of storefront retail, professional office, and/or residential dwelling units along arterial and collector corridors at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.” The MC district is the base zoning district that most closely aligns with the intent and goals of ‘Urban Corridor’ areas of the Comprehensive Plan.

[b] Current conditions and character of structures and uses in each zoning district;

Proposed Finding: The site is undeveloped and is in a prime location for a mixture of commercial and residential uses with direct access to two major corridors (E. 3rd St. and S. SR 446). The proximity to both major area commercial uses, and multifamily and single-family areas makes this an ideal location for mixed-use development.

[c] The most desirable use for which the land in each zoning district is adapted;

Proposed Finding: The most desirable use for this land is to follow the recommendations of the Comprehensive Plan which calls for commercial, higher density residential, and mixed-use developments throughout the ‘Urban Corridor.’ The MC district was intended to allow for a variety of commercial and residential units to be developed throughout. The standards and allowed uses within the MC district would allow for the most desirable uses of this area.

[d] The conservation of sensitive environmental features;

Proposed Finding: The properties currently have a tree preservation area on the southeast portion of the site. This area on the site was set aside during the rezone to a PUD. A conditional of approval has been included which will further ensure that the tree preservation area will be maintained in perpetuity.

[e] The conservation of property values throughout the jurisdiction; and

Proposed Finding: The rezoning of these portions of PUDs to MC are not anticipated to have any negative impacts on the adjacent property values throughout the jurisdiction.

[f] Responsible development and growth

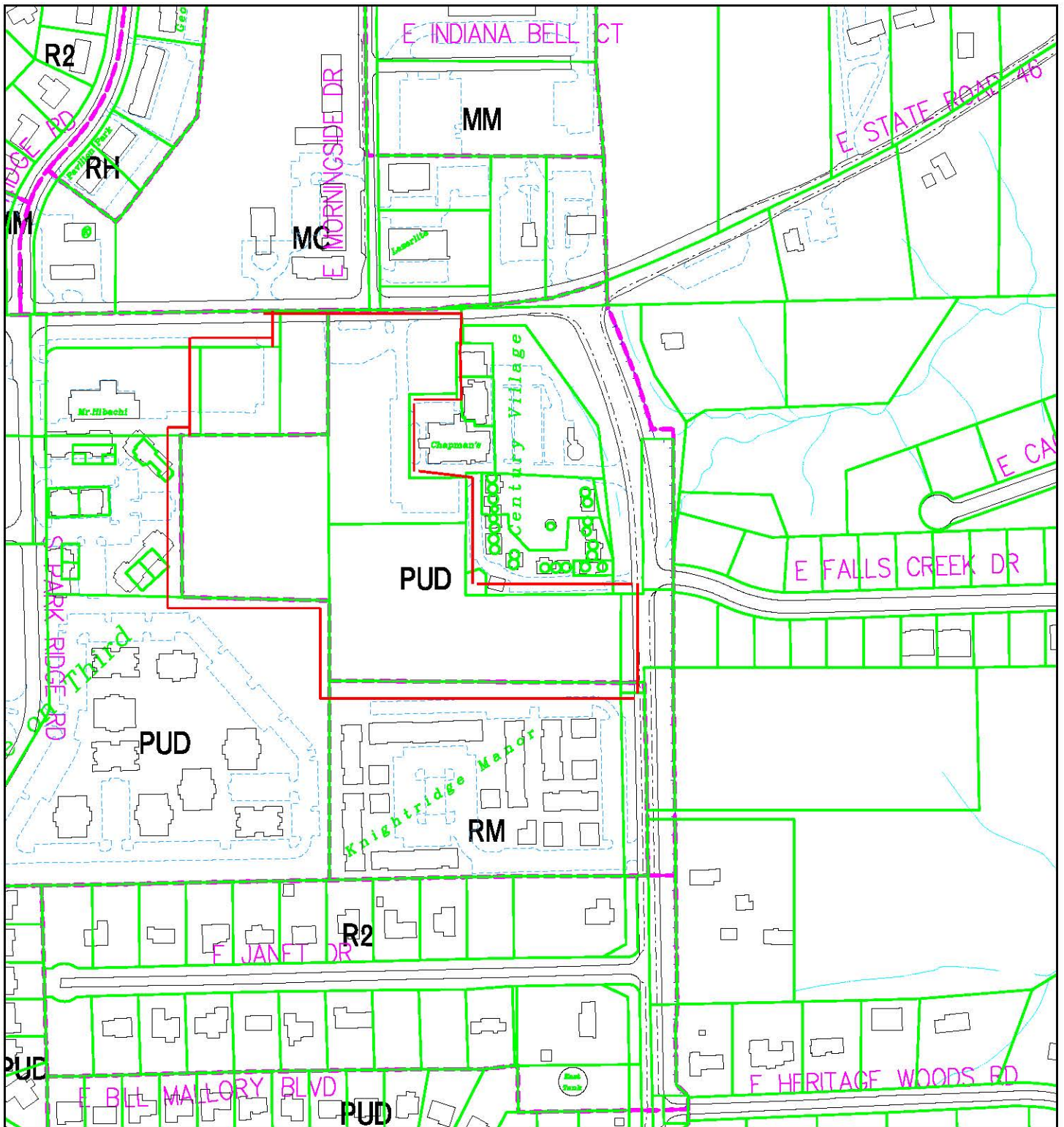
Proposed Finding: The rezoning of this property to MC would allow for mixed-use developments along two major corridors. The MC district was intended to allow for a mixture of uses, including multifamily residential uses, along major corridors. The Comprehensive Plan has identified this area as ideal for a mixture of commercial uses and higher-density

residential uses. This location is easily accessed from both E. 3rd St. and S. SR 446. This petition would allow for more uses than the current PUDs, and match the goals of the Comprehensive Plan.

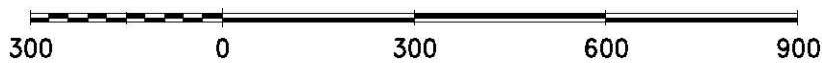
CONCLUSION: The Department promotes rezoning properties which have been largely undeveloped since 1975. The Comprehensive Plan gives guidance which supports a mixture of uses along major corridors in the city. The Mixed-Use Corridor (MC) district allows for a variety of commercial and residential uses. The petition site fronts along two major corridors (E. 3rd St. and S. SR 446), allowing excellent access possibilities for future development. Allowing additional uses, particularly multifamily residential, would allow a site along a heavily traveled portion of the city to be developed in line with the Comprehensive Plan's long term goals of the City.

RECOMMENDATION: Based on the findings of fact in the report, the Department recommends forwarding this petition to the Common Council with a positive recommendation, and waiving the required second hearing, with the following conditions:

1. A Tree Preservation Easement shall be confirmed by survey and recorded in the Monroe County Recorder's Office as a recordable commitment, and the easement will be in compliance with Unified Development Ordinance easement standards, including but not limited to signage.

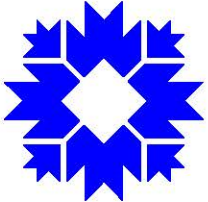


By: robtingr
11 Dec 20



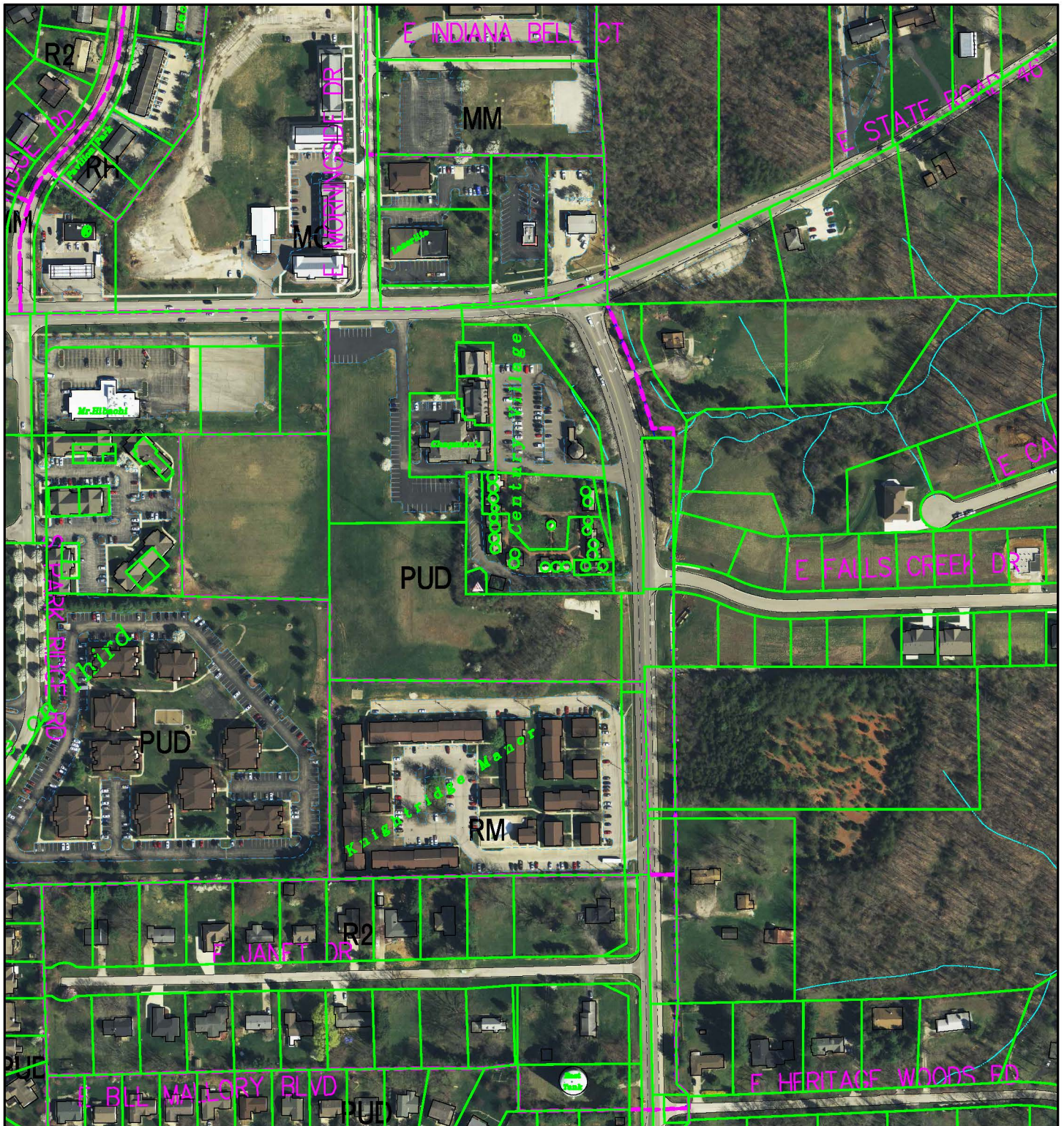
For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

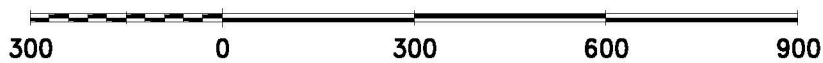


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Scale: 1" = 300'

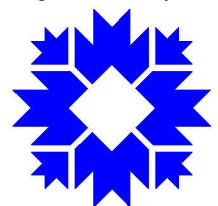


By: robtingr
11 Dec 20



For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation



Scale: 1" = 300'

PETITIONERS' REZONING STATEMENT

Petitioners request for rezoning of the Century Village Planned Unit Development to mixed use – corridor (MC). This petition excludes rezoning Lot 1, Century Village Phase 1 as shown by the plat in Cabinet C in the Envelope 164 (Radio Station Office Building) and the small tract on which the radio station transmission tower was erected.

Uniform development ordinance states the purpose for the MC zone as “intended to accommodate medium-scaled developments with a mix of store front retail, professional office, and/or residential dwelling units along arterial and collector corners at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.

Current Planned Unit Development Zone. The Century Village II planned unit development was approved on October 1, 2004 as ordinance 04-32. The Century Village PUD encompassed 14.32 acres and identified a list of permitted uses as:

- Assisted Living Facility
- Day Care Centers
- Financial Institutions with a drive thru
- Hotel/Motel
- Office, including medical and professional
- Personal Services (hair care, tanning, etc.)
- Radio/TV Stations
- Retail Sales in enclosed buildings, limited to first floor and five thousand square feet per user
- Banquet Facility
- Restaurants, sit down, with pickup only window for carryout orders being allowed
- Restaurant, limited service
- Group Hub – limited to a minimum of 50% floor area committed to tavern/restaurant area
- Social Services
- Covered Offices

The PUD also permitted multifamily use located on second floor and above and limited to a maximum of fifty units. Site design required access to the development from East 3rd Street via single access point with the interior road to Century Village directly aligned with the existing E. Morningside Drive street connection to E. 3rd Street. East access to Century Village Complex was authorized two connections at South State Road 446.

PUD Development. The Century Village PUD acreage was subsequently platted and replatted or by amended plats created eleven lots. Seven lots are developed with the following uses:

- Office Buildings (three lots)
- Common Parking and Overflow Parking (two lots)

- Condominiums (Century Suites short-term and transient rentals)
- Restaurant
- Banquet Facility
- Radio Station Office and Transmission Tower

Development Land. The undeveloped lots and undeveloped portions of lots total approximately eleven acres.

Proposed/anticipated future development of the eleven acres includes:

- Multifamily Housing (primarily located on the northern one-half of the development ground in Century Village Complex. The multifamily buildings would be along the E 3rd Street frontage.
- Business and personal services offices (first floor use in the multifamily buildings adjacent to E 3rd Street frontage)
- Storage/Self-service Units (developed on the southern approximate one-half of the development land/Century Village PUD area). The Storage units would have direct access to South State Road 46.

Adjacent and Surrounding Uses. The Century Village PUD is bordered on the north by E 3rd Street/East State Road 46. Uses on the north side of E. 3rd Street include a convenience mart/gas station, a multifamily apartment development, a commercial building, an ice cream store and a general contractor trade office. The PUD is bordered on the east by State Road 446. On the east side of 446 is a single-family residential home, undeveloped strip of land, a connecting road at East Fall Creek Drive which extends eastward and is bordered on the north and south side by single-family homes. Adjacent to the south side of Century Village is a multifamily apartment complex. The PUD is bordered to the west by multifamily apartments and a restaurant at the northwest corner of Century Village frontage on E 3rd Street.

Environmental Issues. No karst features or environmentally sensitive features or areas are known to exist within Century Village. The eleven acres of development area is primarily open space, vacant land with few trees. The development of the eleven acres in addition to adding a treescape, is expected to preserve all existing specimen trees. On site drainage controls and water quality measures would be developed in conjunction with any further development of the project.

Petitioners' Intent: A planning policy for the City of Bloomington is to examine the existing PUD zones upon adoption of the new Uniform Development Ordinance. The City will examine the existing PUD zones carried forward with the new zoning map and consider appropriate rezonings to identify specific zoning classifications in the new UDO. Prior to development of the remaining eleven acres in the Century Village PUD, petitioners seek to advance the consideration of rezoning of the Century Village PUD to an appropriate zone in accordance with the recently approved UDO. The mixed use corridor zone is the most appropriate zoning classification for the Century Village PUD. The property is located on two corridors – E 3rd Street and South State Road 446. The permitted uses in the Century Village PUD are most closely aligned with the uses permitted for the MC zone in accordance with the use table. The

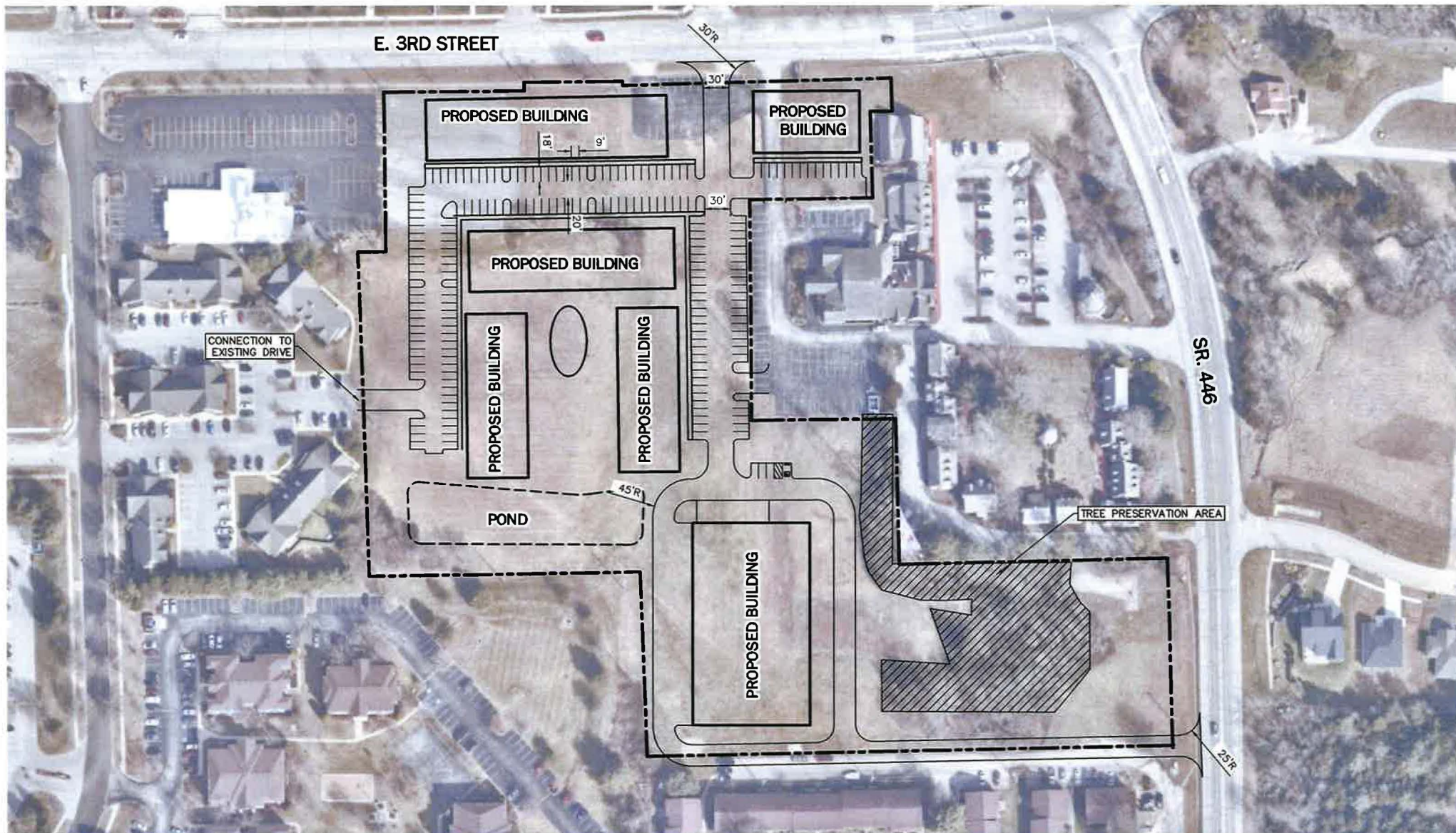
anticipated development for the eleven acres in the Century Village PUD is consistent with the MC table of permitted uses. The development standards applicable to the MC zone are appropriate for the existing developments as well as anticipated development of the eleven acres.

Development would utilize the MC development standards for multifamily housing. It is expected that the development would maintain the current PUD standard for first floor nonresidential use in multifamily buildings along the E 3rd Street frontage.

Petitioner requests waiver of second hearing before the Plan Commission.


Michael L. Carmin
Attorney for Petitioner

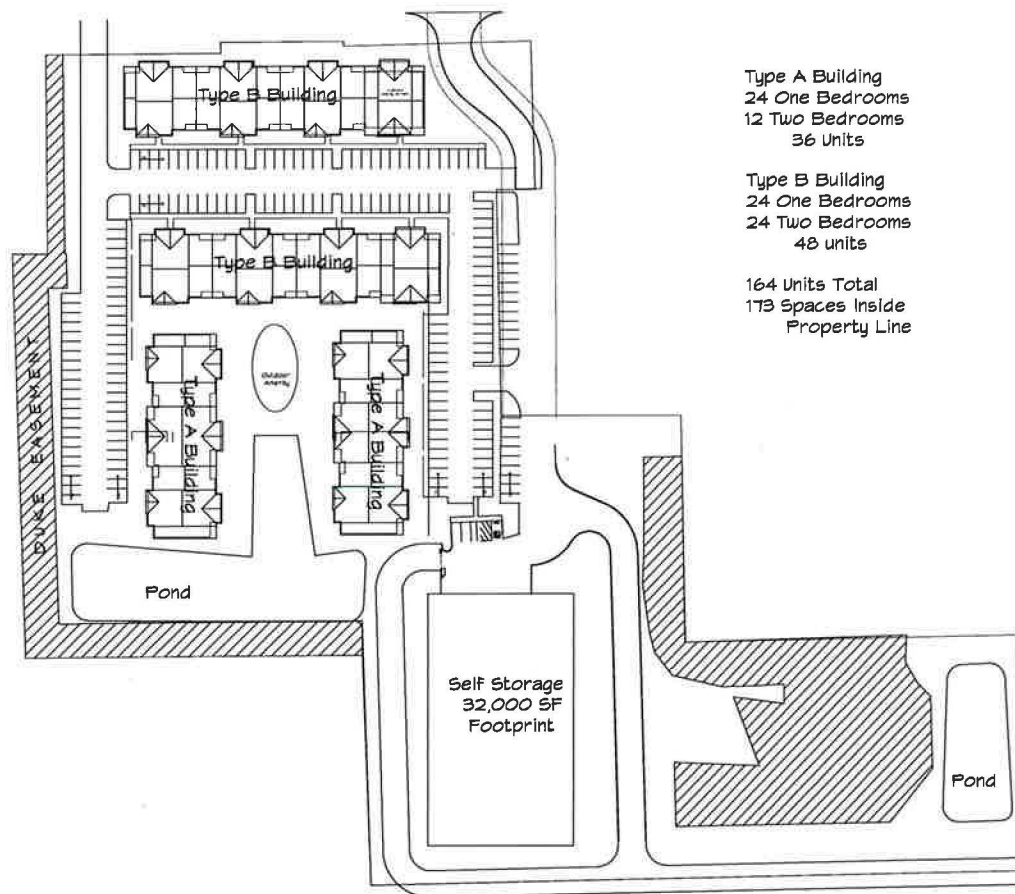
423574




 SCALE 1" = 100'
 October 8, 2020

Site Exhibit Bloomington Century Village PUD - Rezone E. 3rd Street & SR. 446 Bloomington, IN

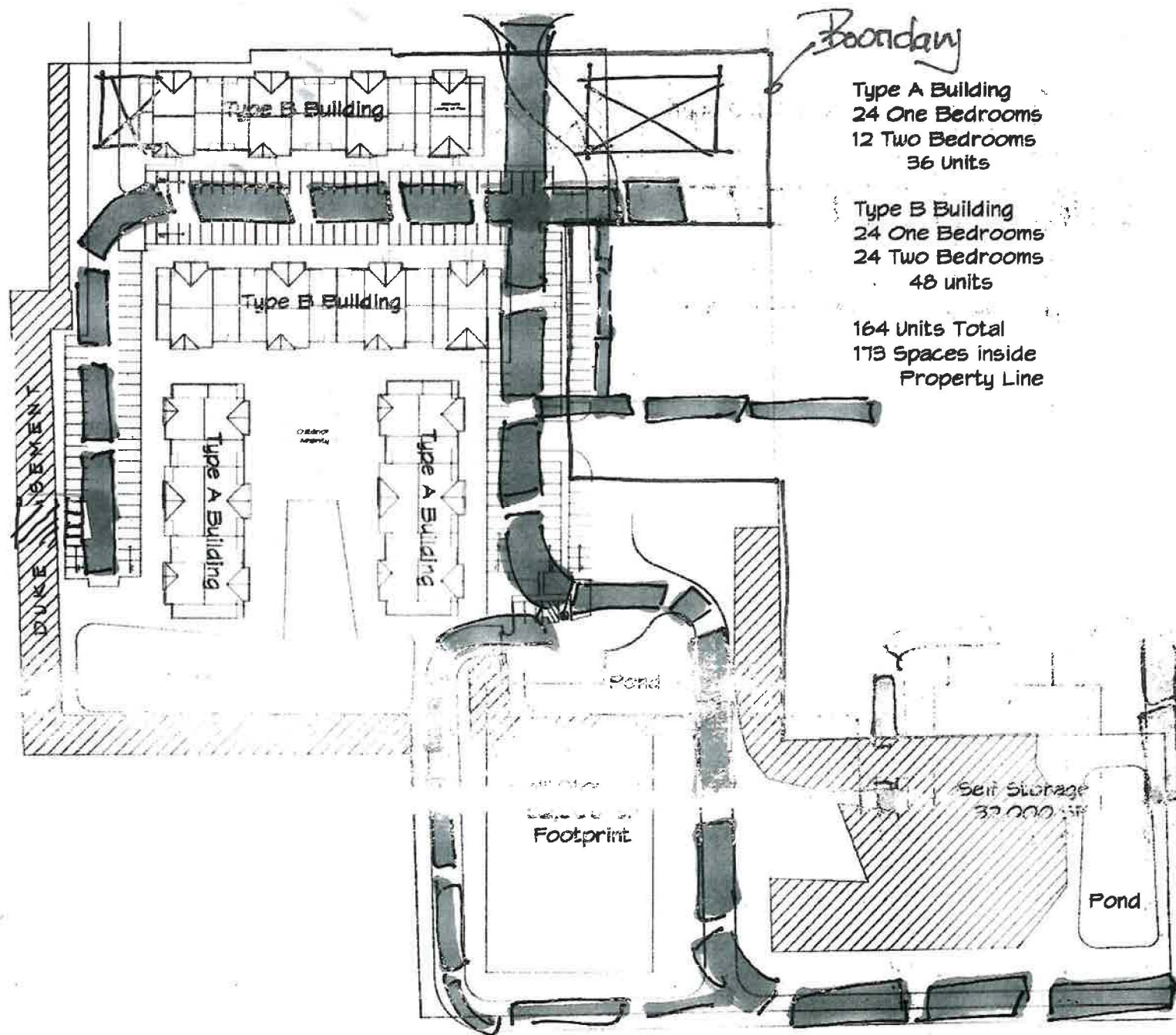
 AMERICAN
STRUCTUREPOINT
 INC.
 2020.01173



Type A Building
 24 One Bedrooms
 12 Two Bedrooms
 36 Units

Type B Building
 24 One Bedrooms
 24 Two Bedrooms
 48 units

164 Units Total
 173 Spaces Inside
 Property Line



Type A Building
24 One Bedrooms
12 Two Bedrooms
36 Units

Type B Building
24 One Bedrooms
24 Two Bedrooms
48 units

164 Units Total
173 Spaces inside
Property Line

Self Storage
32,000 SF

Footprint

Pond

Pond



Front Elevation Concept - Building B




US Architects
(765) 405-1220

A Concept Sketch for
Century Village Storage
Bloomington, Indiana
September 2020

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

Robert T. Wildman

Direct Dial: (317) 684-5377

Fax: (317) 223-0377

E-Mail: RWildman@boselaw.com

December 11, 2020

City of Bloomington Plan Commission
c/o Ryan Robling

Re: Century Village PUD Rezoning

Dear Mr. Robling:

I am writing on behalf of Sound Management, LLC ("Sound Management"). Sound Management is the owner of Century Village Phase 1, Lot 1 which contains a broadcast office and studio for its radio stations. It also leases a .058 acre parcel in Century Village for its broadcast tower. Call, LLC, an affiliated entity, actually owns the tower. There is an easement for a transmission line that runs between the broadcast studio and the tower. Sound Management's predecessor, University Broadcasting Company, LLP, acquired the property and tower in 1996 from a prior radio operator. Its broadcast operations and the tower are specifically permitted uses in the Century Village PUD. Sound Management has made a substantial investment in its assets and operation and anticipates continuing operations from Lot 1 and the broadcast tower that is located in the Century Village PUD for years to come.

We are aware that Bill Brown has initiated a rezoning petition to covert the Century Village PUD (exclusive of Lot 1 and the broadcast tower) to an appropriate zone under the recently adopted City of Bloomington Unified Development Ordinance. Sound Management declined to join the rezoning petition as to Lot 1 and the tower site. We understand that in all of the possible zones in the new zoning ordinance, the communication tower is permitted only as a conditional use. As you can imagine operation of the broadcast tower as it currently exists is critical to the continued operation of Sound Management's business.

While Sound Management, LLC does not object to Mr. Brown's petition, it does object to any change which would restrict Sound Management's current operations or cause the broadcast tower to be a conditional use now or in the future. It is not reasonable to expect Sound Management to voluntarily or intentionally subject its use of the property to a zoning change that imposes conditional use standards on its business critical communication tower. Sound Management, LLC and Call, LLC have far too much invested in the radio station's site and communication tower as a permitted use.

Sincerely,



Robert T. Wildman

3976822_1



BLOOMINGTON COMMON COUNCIL
FISCAL IMPACT STATEMENT

Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

LEGISLATION NUMBER AND TITLE ORD 21-02 - To Rezone oa 10.097 Acre Property from Planned Unit Development (PUD) to Mixed-Use Corridor (MC)
Re: (Bill C. Brown Revocable Trust, Petitioner)

PROPOSED EFFECTIVE DATE TBD

FISCAL IMPACT. Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?
☐ YES ☒ NO. If the legislation will not have a major fiscal impact, briefly explain below.

This legislation seeks to rezone 10.097 acres of property from PUD to MC. There is no major fiscal impact associated with rezoning the property. Fiscal impact will be re-evaluated at the time the property is developed.

FISCAL IMPACT FOUND. If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

IMPACT ON REVENUE (DESCRIBE)

IMPACT ON EXPENDITURES (DESCRIBE)

FUTURE IMPACT. Describe factors which could lead to significant additional expenditures in the future.

FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER
If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

Signature of Controller

 01/28/2021
Signature of City Official responsible for submitting legislation