

# City of Bloomington Common Council

## Legislative Packet

Containing legislation and materials related to:

Wednesday, 07 April 2021

*Regular Session*

at 6:30 pm

*\*Please see the notes on the [Agenda](#) 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  
07 April 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/94379101514?pwd=YkQvMFJlCWXYvZWdKdE9jKzc4dVA1UT09>

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES**

– 25 February 2021 (corrected)

**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 FIRST READINGS**

- A. Ordinance 21-27 - An Ordinance Correcting Scrivener's Errors in Ordinance 21-09, Which Amended Title 9 of the Bloomington Municipal Code Entitled "Water"

*Note: This ordinance is being introduced this evening with the possibility that it will be considered for adoption later this same evening.*

**VII. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**

- A. Resolution 21-07 - A Resolution Regarding Dimension Mill, Inc.
- B. Ordinance 21-27 - An Ordinance Correcting Scrivener's Errors in Ordinance 21-09, Which Amended Title 9 of the Bloomington Municipal Code Entitled "Water"

*Note: Unanimous consent is necessary for the Council to consider adoption of an ordinance at the same meeting at which it is introduced and at least a 2/3's vote of those present is required for its passage (I.C. 36-6-4-13; BMC 2.04.300).*

- C. Ordinance 21-11 – To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Updating and Harmonizing Portions of Title 2 of the Municipal Code

*Committee of the Whole Recommendation (24 March 2021) Do Pass: 8-0-0*

Posted: 01 April 2021

- D. Ordinance 21-12 – To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Restricted Turns on Red at Signalized Intersections

*Committee of the Whole Recommendation (24 March 2021) Do Pass: 8-0-0*

- E. Ordinance 21-13 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" Re: Amending Chapters 12.32.080, Schedule M, “No Parking Zones,” to remove three “no parking” zones and add ten “no parking” zones; and to amend Chapter 15.32.100, Schedule O, “Loading Zones,” to add two loading zones

*Committee of the Whole Recommendation (24 March 2021) Do Pass: 8-0-0*

- F. Ordinance 21-07 - To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD. Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)

*Reasonable Condition 01 (31 March 2021) Do Pass: 4-0-0*

*Reasonable Condition 03 (31 March 2021) Do Pass: 4-0-0*

*Reasonable Condition 04 (31 March 2021) WITHDRAWN*

*Additional reasonable conditions may be forthcoming*

*Land Use Committee Recommendation (31 March 2021) with reasonable conditions*

*Do Pass: 1-0-3*

**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.

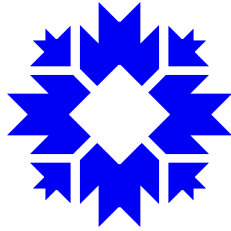
**STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY**

*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](mailto: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.*

**Posted: 01 April 2021**



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

# **NOTICE**

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***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

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25 February 2021 (corrected)

In Bloomington, Indiana on Thursday, February 25, 2021~~0~~ at 7:00pm with Council Vice President Sue Sgambelluri presiding over a Special Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL  
SPECIAL SESSION  
February 25, 2021

Council Vice President Sue Sgambelluri called the meeting to order. She noted that the meeting would be considered adjourned when the Mayor's State of the City remarks concluded. She then asked Clerk Nicole Bolden to call the roll.

CALL TO ORDER [7:06pm]

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Ron Smith, Stephen Volan  
Councilmembers absent: Jim Sims

ROLL CALL [7:07pm]

Mayor Hamilton presented the State of the City Remarks (text provided by the Office of the Mayor), attached hereto.

STATE OF THE CITY REMARKS

The meeting was adjourned at 7:44pm.

ADJOURNMENT [7:44pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVE:

ATTEST:

\_\_\_\_\_  
Jim Sims, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

That was a very powerful reminder for our community of what we've been through. This is my Sixth State of the City, and it is a distinct privilege to serve as your Mayor. I feel great optimism about the years ahead. But, what a year we have just had. 2020 was extraordinary - challenging and clarifying. In our time this evening I'd like to spend a few minutes remembering this past most unusual year. And also talking about how we are now recovering and will recover. And finally, how I believe we can renew our community. Where we are headed next. These three things frame our time tonight: remember, recover, and renew. With this annual, formal gathering, held as usual in Black History Month, we begin by acknowledging the historical experience of Black people, whose immeasurable contributions to our country and our community have been in the face of 400 years of racial discrimination, which demands our current attention and energy. We also acknowledge at the outset that this land--southern Indiana--was first called home by indigenous peoples, including the Miami, Delaware, Potawatomi, Shawnee and others, also subject to centuries of discrimination and abuse, and to whom we owe ongoing respect and honor.

**Part 1. REMEMBER.** Let's begin tonight remembering. Think back just a year ago. Last year's State of the City was February 20th. I did not mention the words "coronavirus" or "COVID." I didn't foresee what was coming. The first reported U.S. COVID-19 death was just over a week away, in the state of Washington. Let's think back. What has happened to your family and you since then? To your workplace, or your school? Your friendships? Your daily patterns. Your home, and gatherings with others. Your plans. Your worries. A city is a great big family, a collection of thousands of individual family stories that make up Bloomington's story.

Those family stories have often been tragic. 160 Monroe County families lost loved ones, including my own family. Last April, my wife Dawn was hospitalized and very sick with COVID. She was in the Bloomington hospital, and her brother in another one near Indy, when her mother died alone in a third hospital, from COVID. Across the country more than 500,000 families share that burden, of empty chairs at family gatherings, lost to COVID. Broken hearts. And of course families lose loved ones for other reasons as well, and our hearts go out to them. It was a hard year for many of us.

The stories of 2020 have also been inspiring, as neighbors helped neighbors, as health care workers soldiered on through great risk and exhaustion, as essential workers made sure we had milk, and prescriptions, and food and electricity and water, and transportation and deliveries and public education and child care and public safety, and more. We cooperated with and cared for each other. We faced national misinformation and denial, but locally worked together and put tighter controls in place to help Bloomington be among Indiana's strongest communities in dealing with this deadly, enormously disruptive pandemic.

We will get out of this terrible hole, and likely this year, with vaccinations -- please get yours when it's your turn! (I'm looking forward to mine in mid-March) -- and with continued distancing and masking. Let's remember a few shared lessons from 2020.

We learned that Change is Possible. As a community, and as people, we really can change, and very quickly sometimes, and radically when we have to. Our Schools. Our Workplaces. Our Families. Our recreation and socializing? How dramatically did we have to change **so many** of our ways? It's good to know we have that capacity. Inside city government, within two weeks last March, we revamped entire departments and work styles. From zoom council meetings to the drive-through Farmers Market to remote police roll calls. I convened two community-wide working groups, to support the economic recovery, and our safety net, and established weekly press conferences with the city, the county, and IU, to keep everyone informed. We trained tenants to do their own apartment inspections with kits left at their doors. We closed Kirkwood to cars to allow safer outdoor dining. New high efficiency filtration systems at firehouses provided safer air against the pandemic.

And of course, stores, restaurants, retailers, performing arts groups and galleries, therapists and exercise classes, schools and pupils and teachers -- everyone had to adapt so dramatically and so quickly. We even had to learn new language: parklets and PPE and PUDO zones!

We learned that One Emergency doesn't make others disappear. The pandemic was an unusual emergency. But other emergencies persisted and intensified. Climate Change marched inexorably on. Whether we pay attention or not, our climate emergency threatens our lives and our planet. Economic hardship and inequality, in jobs and in housing were exacerbated terribly by the pandemic. People suffered from substance use disorder, and experienced homelessness. Mental health issues rose.

Racial bigotry and bias took center stage during 2020. Bloomington witnessed our largest racial awareness and inclusion demonstrations of a generation or more. Affirming that Black Lives Matter. Even as the pandemic disproportionately took the lives of people of color. Black and Latino Americans were hospitalized at twice the rate and died from COVID at three times the rate of white Americans.

We learned that Trust is Essential. We had to trust science and facts to get through the pandemic. Hoping and fantasizing or arguing and pontificating don't protect us from the virus. Nor drinking bleach. Masking and distancing do. Testing does. The vaccine does. We learned we need to trust each other to protect each other. Dave Chappelle noted that trust wasn't evident when COVID started, when people bought bullets and hoarded toilet paper. It was hard to trust government when the President focused not on science and facts but on bluster and denial. But thankfully we are on steadier ground nationally now, and locally we have worked extremely closely together from the start, with real trust, to take steps needed.

And we re-learned that We all Count – We all depend on each other, and we need all to be involved and included, as we re-learned in new ways this year. Our health depended on thousands of workers willing to show up and step up. Our community's very survival depended on essential workers of all kinds being on the job every day, even at risk to themselves and their families. Thousands of students depended on their teachers learning new skills. Communities survive, with resilience, cooperation and vision. Even when those essential qualities are missing elsewhere, we can nurture and cherish them here. Bloomington was able to do as well as we did thanks to the exceptional teamwork from and with Penny Caudill and the county health department, Lauren Robel and Indiana University, Brian Shockney and IU Health system, with our local public schools, and with so many others.

Local arts organizations faced this crisis that decimated their audiences and threatened their own survival. Our artists--so central to Bloomington's identity and so powerful in these troubled times--showed resilience and adaptability and yes great creativity. Let's take a moment now to appreciate how a couple organizations, among the many we so esteem, took their arts into new territory so the show could go on. Thanks to Cardinal Stage Company, first, for taking us behind the scenes of making their "Walkabout Radio Plays" for folks to enjoy on earbuds while strolling outdoors; then thanks to the Bloomington Symphony Orchestra for showing us how they spread out and masked up in the Buskirk Chumley Theatre to celebrate Beethoven's birthday in style. 2020 was tough; our artists made it more bearable. I hope you enjoy the examples.

**Part 2. RECOVER.** We are so touched by how many people, including artists, found ways to cope and create, during the last tough, tough year. As we remember, let's consider our recovery. Where are we now, in early 2021? The short answer is, and it's no surprise: we still face major threats as a community. The worst pandemic in a hundred years isn't over. That is job one - to climb out of it, and save lives. We will, but it will take many more months, perhaps all year. Continued strong cooperation among our health sector players, and continued good individual actions, distancing and masking, are essential, and will steer us to calmer waters. Please, we have to stay the course, even while relief is in sight.

In the meantime, our economy is in a serious recession. Certain sectors in a depression. In the past 12 months our metropolitan area lost thousands of jobs -- at one point nearly 12,000 and still many thousands are gone. That's an enormous ongoing cost. Family income lost. Employers gone or at risk. Treasured nonprofits hanging on by fingertips. Restaurants and venues and events may go under. Families face eviction or foreclosure. Our country is down nearly 10 million jobs in the past 12 months.

Federal support efforts are finally ramping up, thank goodness, with more sensible, responsible leadership in Washington. I'm so glad city council and my administration teamed up with "Recover Forward" to support job growth, and job training, and nonprofits who help support those in need. "Recover Forward" began last summer, dedicating about \$8 million to help claw up from this economic calamity, reflecting a shared commitment of our administration and city council to be a countercyclical force, providing vital economic stimulus and support. This is how government can indeed help, to support and sustain our local economy, and our local people. That's what we did and should continue to do.

Beyond these front-burner efforts on our pandemic and our recession, many other significant projects and efforts are on our plate right now, Here are five big ones:



One: Many Bloomingtonians face serious housing insecurity. Together in the past five years we've created or preserved nearly 1,400 bedrooms of affordable housing -- and another 5,000 market rate. Even as we continue this focus, we know many more are needed to address the real pressures felt by so many of our neighbors or future residents. And the pandemic only intensifies the need and the risks. I appreciate our United Way and Community Foundation stepping up to coordinate a regional response for our community.

Two: we have big Infrastructure projects underway and in the pipeline. Thanks to the Bicentennial Bonds, we anticipate four major new trails, at the 7-Line, at Griffy Lake, at Cascades, and from Switchyard past RCA Park. We will open two downtown garages this year, one replacement and one supporting new jobs in the Trades District. We are investing nearly forty million dollars for historic upgrades to our downtown stormwater system, wastewater plant expansions, and water main replacements. We're adding electric buses and improving bus stops and expanding sidewalks and activating downtown alleys. All this investment helps our city and supports hundreds of precious local jobs too.

Three: We embrace the extraordinary opportunity of a new neighborhood in our city's core -- with the recently completed Hospital Re-use Master Plan, and years of collaborative development ahead, to create new homes for people from all walks of life, as well as great new public spaces and sustainable places for jobs and retail and entertainment.

Four: two significant planning efforts will conclude this year, with the zoning map and Unified Development Ordinance, as well as our first comprehensive Climate Action Plan. We also look forward to the continuing work of the Divided Communities Project's Racial Equity, and Future of Policing task forces.

Finally, we have two significant reviews underway: what is the future for the Convention Center and its planned expansion? And what is the future for the Waldron, which the City again owns.

That's a big to-do list. Now, remember our plate has been very full not just last year but for five years, and our shared accomplishments are many. To borrow from a local songwriter: "We can do these hard things." Don't be daunted by a big to-do list! Remember **just a sample** of our community's recent accomplishments that have positioned us so well: Opening the jobs-focused Trades District, with the state's fastest-growing co-work space, The Mill. Opening Switchyard Park, our biggest parks project in history. Helping employers expand, such as Catalent tripling to 2,200 local jobs, and opening later this year the new 550 million dollar IU Health Regional Academic Health Center, our community's biggest-ever single economic development project. The City bought the current hospital property and completed that Master Plan for redevelopment. We added those fourteen hundred affordable bedrooms. We enhanced our basic services with a Public Safety Local Income Tax. We planted thousands of new trees, upgraded our citywide trail network, and dramatically expanded solar energy production. We reimaged and reformed our Sanitation Department, our Utilities department, and our Housing Authority. We doubled our investments in basic city infrastructure, and completed a Comprehensive Plan, a Transportation Plan, and a Sustainability Plan. Our Parks department won a national Gold Medal and our City just won LEED for Cities designation. I can't help mention the importance of passing a school referendum and a Food and Beverage tax, and oh yes, dealing with a new interstate highway that opened nearby.

I do not know of any other five-year period in Bloomington history with this much major activity. We can do, we did, these hard things, and are dealing with a pandemic and a recession too. This is what we do -- even when times are hard and when it's easy to get down. City government doesn't stop. We work on. Let's pause just a moment and share some special thanks. First thanks to all our city employees, who have gone above and beyond this past year, and these past five years. They are true public servants; they are a treasure to our community, all 850 people who work for the City of Bloomington and our affiliated entities. So please join, however you can, in a big, big thank you to our public servants. Second, I want to give a special shout out to two stalwart and stellar city employees: Doris Sims who retired last month as Director of Housing and Neighborhood Development, and Mick Renneisen who is retiring in April as Deputy Mayor. I cannot imagine the past five years without their leadership and efforts, so please join me in expressing a big Bloomington thank you for their combined 78 years of city service!

As we review this recovery-in-progress, these efforts to support individuals and families and our community, we'll share a brief video tribute to those city employees who've helped us recover this far and will keep at it--by showing up, every day and late into the night, rain or shine, snowing or flooding or steaming, good times and bad--to make sure residents are protected and served. After that, we'll have the

privilege of hearing a more personal expression of how important recovery is -- how what we do as a community can change lives, together, as we hear from a member of Women Writing for a Change, a program serving women in incarceration in our community, read by the creative director Beth Lodge-Rigal.

**Part 3. RENEW.** Thank you to Beth Lodge-Rigal and Olivia STROH-zhur for that poem and message, and for Women Writing for (a) Change and New Leaf, New Life.

Recovery, both community and individual, is critical, and front burner. It matters to real people, right now, right here. And we must recover forward. That's renewal. If 2020 was a low point, we make 2021 a turning point. Pivot out of the pandemic and recession, into the future we want to live in. To Renew our community takes vision, and grit, and cooperation. President Biden calls it Build Back Better.

The fundamental question in our renewal is who do we want to be? As we pivot from the debilitating, deadly start of 2020, how will we act in the rest of the decade? What is the role of a progressive community like Bloomington, in the heartland of America, as we navigate the next 10 years? I hope we all can agree that when Bloomington thrives, our county thrives and our region thrives. If Bloomington falters or weakens, so too our county and region. With Bloomington as the economic, social and cultural engine of the region, our renewal, our future, depend on us doing the right things, and being the Bloomington we should be.

Early last year, I highlighted what I see as the two major challenges, and opportunities, facing us -- the issues of the decade: **Inclusion** and **Sustainability**. Inclusion: does everyone in fact belong? And **feel** they belong? And experience justice and fairness and opportunity? Whatever your income. Or skin color. Whatever language you speak or god you worship. Whatever your ability or disability. Whomever you love. Whatever your age or gender identity. Does everyone feel a part of, belong to, our community, and our future? Can everyone succeed and thrive here? We are politically more liberal, but demographically less diverse than America. We are more educated, but poorer than America. How do we become more diverse, more just, and more prosperous, for all?

And Sustainability. Do we advance climate justice and do our part? Are we helping all our residents live high-quality lives with low-carbon impact? We have a higher carbon footprint than the average American community. How do we adequately lean into the climate emergency all around us? Here's the good news -- when we make our community more inclusive and more sustainable, we are making our quality of life better and better. It's making Bloomington reflect our values and also helping us just be a great place to live.

Good things are already underway. Our community has been working on these two issues for years. On Inclusion: investing in economic recovery with more and better jobs, and more housing security. Our Divided Communities racial equity plan and new taskforces. Anti-Racism training. On Sustainability: a Climate Action Plan this spring, building on last year's Sustainability Action Plan. A Green Ribbon Panel by fall. And all the many efforts toward a more walkable, greener, high-quality city. As next steps, perhaps we should name some new goals to aim for, like an expanded, more-subsidized network of public transportation serving more people more effectively; like 300 new affordable housing units every year; like 500 new good-paying jobs every year; like increasing our diversity and lowering our per-capita carbon footprint.

We are making progress, but we don't have all the answers to keep advancing on these two big opportunities of Inclusion and Sustainability, and how to reach the next level, to lift up every one of our people, and to help save our fragile planet. I have ideas, and so do you. Council and administration, let's get together. City and county and region, let's get together. Government and residents and private sector, let's get together. Town and gown, let's get together, so our community can and will rise up to meet these challenges in the coming decade.

As we pivot out of 2020 two structural issues also face us, both basic to Bloomington's long-term future.

Just over four years ago, in February, 2017, we began a long-overdue annexation process. That orderly, public effort was unceremoniously and unconstitutionally interrupted by a radical, overreaching act of our State Legislature. The Indiana Supreme Court just recently ruled in Bloomington's favor and said the legislature acted illegally, violating the state constitution. We now must choose how to move forward.

Strong and healthy cities grow through time -- it's natural and it's important. For the first 185 years of our history, our boundaries grew steadily in tempo with our population. But since 2004, despite steady population growth, we have been frozen in size. A city whose boundaries don't grow with its population becomes an unhealthy mishmash of services, planning, oversight, and political accountability. We are stronger together. An integrated, vibrant Bloomington can thrive and help all the people of our entire region prosper. We can sustain and protect that important healthy regional balance between urban and rural areas. I look forward to working with city council and all our partners to chart a path forward in the coming months.

Second, last year, I urged the importance of new revenue to match our community's goals and purpose. Meeting great ambitions and putting values into practice requires resources. Is Indiana's most progressive community generating revenue commensurate with our values and goals? Do we have the resources to invest in putting our values into practice? To address inclusion and sustainability? We have very low combined local property and income taxes -- among the lowest of Indiana's 30 largest cities. We have a lower income tax rate than three quarters of Indiana's counties, and lower than all six of our contiguous counties. I believe as we pivot in 2021 to the future, to renewal, we will need thoughtfully to align our ambitions and goals -- our expectations for our community and ourselves -- explicitly with our available resources. I look forward to working again with city and county partners on this issue. And we can hope and urge that Congress will quickly pass pandemic relief packages including support for local governments like ours.

I believe we need big dreams and ambitious goals, and also need to work in the quotidian messiness of improving things day by day and year by year. Our vision for the decade and beyond should be audacious and bold. Our approach must be practical, as we work to make actual progress on the ground, step by step. And as we work to get things done, we need to find **the helpers**, the positive forces for change, the people and institutions who cooperate and roll up their sleeves. Negativity and attacks are often easier than positivity and trust. Our social media culture and our finger pointing and what-about-ism and virtue signaling can sometimes overwhelm the nitty gritty day-to-day hard work of making progress through dialogue and compromise and mutual aid. We have to find a way to work together on hard things, with trust, and positive energy -- to help each other.

Didn't the pandemic, after all, show us, teach us, **just this** -- that we can work together, we can meet extraordinary challenges, one step at a time, with trust? That we can change quickly? With the helpers in the lead? With good will and with reason? With transparency and accountability.

The pandemic taught us the stakes of having racial equity in health care. Of caring for and respecting **all** our workers and residents. Inclusion matters. The pandemic taught us that distant events around the globe or over time can dramatically change things right here in Bloomington. Whether tiny viruses or molecules of CO2. Sustainability matters. We learned that we can do so much together, when we set our minds to it, to protect and strengthen our beloved community.

Tonight we Remember. We remember loved ones and friends we lost. We remember heroes and doers and helpers we cherish. We Recover. We recover, together, out of a pandemic and out of a recession, holding hands and connecting hearts, pulling out of a dismal hollow onto higher ground. And we Renew. We renew our vision and our optimism, pivoting into what could and should be a grand decade to chart and change our future. Toward Inclusion. Toward Sustainability. We pivot To Better Times Ahead. When Bloomington thrives, our county and our region thrive. We need to lead the way To Better Times Ahead. And I am confident that that is just what we can do. We're going through some very tough times, but the state of our city is strong, and our future is bright. Remember. Recover. Renew.

Thank you city council. Thank you all, for participating in this event. Please enjoy a final video tribute now, and be well. The meeting is officially adjourned at its conclusion.



## MEMO FROM COUNCIL OFFICE ON:

**Ordinance 21-27** – An Ordinance Correcting Scrivener’s Errors in Ordinance 21-09, which Amended Title 9 of the Bloomington Municipal Code Entitled “Water”

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### Synopsis

This ordinance corrects two scrivener’s errors in Ordinance 21-09 affecting Bloomington Municipal Code Section 9.08.040.

### Relevant Materials

- Ordinance 21-27

### Summary

Ordinance 21-27 corrects two scrivener’s errors in the table of rates for private fire connections that was amended by Section 3 of Ordinance 21-09. First, Ordinance 21-27 corrects the spelling of the word “annually” in the table heading. Second, the ordinance corrects the annual rate listed for the four-inch or smaller fire line from \$142.32 to \$141.96 to reflect the monthly charge of \$11.83 multiplied by twelve months.

It is important to correct these errors prior to the proceeding before the Indiana Utility Regulatory Commission (IURC), particularly the typo related to the annual rate, in order for the IURC to have the most accurate information to properly evaluate the rate proposal. Because Ordinance 21-09 has been adopted by the Council and approved by the Mayor, making these corrections must also happen via ordinance. This ordinance is not expected to have a fiscal impact.

The Utilities Department plans to file the rate case with the IURC in the near future, and is therefore requesting quick action by the Council in making these corrections. It is possible for the Council to adopt Ordinance 21-27 at the same meeting at which it is first introduced by the following procedure:

1. Requires unanimous consent of the members present to hear and consider the ordinance in one night; and
2. Requires a two-thirds vote of all the elected members to pass the ordinance.<sup>1</sup>

### Contact

Chris Wheeler, Assistant City Attorney, [wheelech@bloomington.in.gov](mailto:wheelech@bloomington.in.gov), 812-349-3426

Stephen Lucas, Council Attorney, [lucass@bloomington.in.gov](mailto:lucass@bloomington.in.gov), 812-349-3409

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<sup>1</sup> [IC 36-4-6-13](#); [BMC 2.04.300](#)

**ORDINANCE 21-27**

**AN ORDINANCE CORRECTING SCRIVENER’S ERRORS IN  
ORDINANCE 21-09, WHICH AMENDED TITLE 9 OF THE  
BLOOMINGTON MUNICIPAL CODE ENTITLED “WATER”**

WHEREAS, the Common Council of the City of Bloomington, Indiana has heretofore adopted Ordinance 21-09 on March 17, 2021, which Ordinance, among other things, amended Section 9.08.040, entitled “Private fire connections per connection,” of the Bloomington Municipal Code (“Code”); and

WHEREAS, Code Section 9.08.040 sets forth a table of monthly and annual rates and charges for private fire connections by line size; and

WHEREAS, Ordinance 21-09, Section 3 amended this table but contained two scrivener’s errors. Namely, the word “Annually” was misspelled in the table header, and the Phase I, annual amount for the four-inch or smaller line was \$142.32 when it should have been \$141.96 (to reflect the monthly charge of \$11.83 multiplied by twelve months); and

WHEREAS, it is necessary to amend said Ordinance 21-09 to correct these errors and to have the corrections reflected in the Code;

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

SECTION 1. Ordinance 21-09 is hereby amended by correcting the table of monthly and annual rates and charges contained within Section 9.08.040 of the Code, entitled “Private fire connections per connection” so that the same Code section shall read as follows:

**9.08.040 Private fire connections per connection.**

Line Size	Monthly		Annually	
	Phase I	Phase II	Phase I	Phase II
4” or smaller	11.83	12.37	141.96	148.44
6”	32.88	33.56	394.56	402.72
8”	67.38	70.12	808.56	841.44
10”	118.01	125.11	1,416.12	1,501.32
12”	186.06	201.33	2,232.72	2,415.96

SECTION 2. 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 parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City 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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance corrects two scrivener's errors in Ordinance 21-09 affecting Bloomington Municipal Code Section 9.08.040.



## MEMO FROM COUNCIL OFFICE ON:

### **Resolution 21-07** – A Resolution Regarding Dimension Mill, Inc.

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#### **Synopsis**

Resolution 21-07 formally acknowledges Dimension Mill, Inc.'s role in supporting the City's work in economic development through its charitable mission and investment funds, including the Flywheel Fund series, which will help protect the Mill's nonprofit status as it generates revenue through its management of the Fund. Through DMI's chartable investment funds and mission as a nonprofit, DMI is relieving some of the burdens of government as it relates to supporting job creation and retention, diversifying the local business base, and increasing access to capital in Bloomington.

#### **Relevant Materials**

- [Resolution 21-07](#)
- Memo from Alex Crowley, Director, Economic and Sustainable Development

#### **Summary**

[Resolution 21-07](#) seeks a formal acknowledgment by the Common Council that Dimension Mill, Inc.'s (DMI) charitable mission lessens the City's burdens related to supporting job creation and retention, diversifying the local business base, and increasing access to capital in Bloomington. This resolution is an affirmation of the overlap between some of the City's economic development priorities and the work DMI is doing to advance its charitable mission.

DMI is a nonprofit center for entrepreneurship with 501(c)(3) status. Having "501(c)(3)" status means that DMI has been approved by the Internal Revenue Service as a tax-exempt, charitable organization. However, DMI, like all 501(c)(3) organizations, must pay taxes on unrelated business income, which is income from a trade or business, regularly carried on, that does not substantially relate to the organization's exempt purpose. Consequently, to retain its 501(c)(3) status and avoid unrelated business income tax, it is important that any income generated by DMI be substantially related to its exempt purpose.

The IRS uses the term "charitable" in its generally accepted legal sense, which includes lessening the burdens of government.<sup>1</sup> There are two requirements for an organization to qualify for exemption under IRC section 501(c)(3) by lessening the burdens of government. First, an organization's activities must be activities that a governmental unit considers to be its burdens. Second, the activities of the organization must actually lessen such governmental burdens.<sup>2</sup>

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<sup>1</sup> [IRS - Charitable](#)

<sup>2</sup> [IRS - Lessening the burdens of government](#)



**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](mailto:council@bloomington.in.gov)

The City has identified bolstering economic development and facilitating local entrepreneurship as significant priorities.<sup>3</sup> DMI operates for the charitable purpose of promoting education and expanding economic opportunity in the City by helping to launch and accelerate startups located in and around Bloomington. DMI's mission is advanced, in part, by facilitating access to capital for local startups through a series of charitable investment funds, including the Flywheel Fund series. In advancing its charitable mission, DMI has lessened the City's burden by freeing up some of the governmental assets and resources that would have been used for bolstering economic development and facilitating local entrepreneurship for other identified priorities.

The Common Council's formal acknowledgment of DMI's role in supporting the City's economic development work will help protect DMI's nonprofit status as it generates revenue through its management of charitable investment funds.

**Contact**

Alex Crowley, Director, Economic and Sustainable Development,  
[crowleya@bloomington.in.gov](mailto:crowleya@bloomington.in.gov) 812-349-3477

Jane Kupersmith, Assistant Director of Small Business Development,  
[jane.kupersmith@bloomington.in.gov](mailto:jane.kupersmith@bloomington.in.gov), 812-349-3419

Larry Allen, Assistant City Attorney,  
[allenl@bloomington.in.gov](mailto:allenl@bloomington.in.gov), 812-349-3426

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<sup>3</sup> [City of Bloomington Comprehensive Plan](#)



**RESOLUTION 21-07**

**A RESOLUTION REGARDING DIMENSION MILL, INC.**

WHEREAS, bolstering economic development and facilitating local entrepreneurship are significant priorities for the City of Bloomington, Indiana (the “City”), and the City supports strategies and investments that encourage entrepreneurs, developers, makers, inventors, designers, and innovators to locate in Bloomington and invest in our people and our community; and

WHEREAS, the City’s support of economic development and entrepreneurship includes support for Dimension Mill, Inc. (the “Mill”), a nonprofit corporation exempt from taxation pursuant to Code Section 501(c)(3); and

WHEREAS, the Mill operates for the charitable purposes of promoting education and expanding economic opportunity in the City by helping to launch and accelerate startups located in and around Bloomington (the “Charitable Mission”); and

WHEREAS, the Mill advances its Charitable Mission, in part, by facilitating critical access to capital for local startups through a series of charitable investment funds, including the Flywheel Fund series (collectively, the “Funds”); and

WHEREAS, the City has determined that the Mill and its Charitable Mission, including facilitating the Funds, advances the City’s goals of bolstering economic development and promoting local entrepreneurship by (i) supporting job creation and retention; (ii) diversifying the local business base; and (iii) increasing access to capital in Bloomington.

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

SECTION 1. That bolstering economic development and facilitating local entrepreneurship are significant priorities of the City, and the Common Council acknowledges and affirms that the Mill’s Charitable Mission, including the operation of the Funds, will lessen the burdens of local government as it relates to (i) supporting job creation and retention; (ii) diversifying the local business base; and (iii) increasing access to capital in Bloomington.

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.

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NICOLE BOLDEN, Clerk  
City of Bloomington

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

---

JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

Resolution 21-07 formally acknowledges Dimension Mill, Inc.'s role in supporting the City's work in economic development through its charitable mission and investment funds, including the Flywheel Fund series, which will help protect the Mill's nonprofit status as it generates revenue through its management of the Fund. Through DMI's charitable investment funds and mission as a nonprofit, DMI is relieving some of the burdens of government as it relates to supporting job creation and retention, diversifying the local business base, and increasing access to capital in Bloomington.



## MEMORANDUM

**To:** Jim Sims, President, Common Council  
**Cc:** Common Council Members; Stephen Lucas, Counsel, Common Council  
**From:** Alex Crowley, Director, Economic & Sustainable Development  
**Date:** March 31, 2021  
**Re:** **Resolution 21-07: A Resolution Regarding Dimension Mill, Inc.**

---

The City of Bloomington and its Redevelopment Commission renovated the Dimension Mill and helped establish the 501(c)(3) nonprofit Dimension Mill, Inc. (Mill) to further the City's goals of increased economic development, entrepreneurship, and investment in our community. The Mill is a center for entrepreneurship, funded by membership and event space fees, donations, sponsorships, and angel investors. As part of its charitable mission in furthering Bloomington's economic development, the Mill is administering a capital investment fund series called Flywheel Fund, which is a member-managed capital fund based in Bloomington.

The purpose of Resolution 21-07 is to ensure the protection of the Mill's nonprofit status under the federal tax code by affirming that the Mill's administration of a capital fund is fully aligned with its non-profit mission of supporting economic development, promoting entrepreneurship through job creation and retention, diversifying the local business base, and increasing access to capital in Bloomington. In acknowledging the City's responsibility to enhance our local economy, the Mill's essential role in furthering the City's economic development goals, and Flywheel Fund's place in the context of the Mill's mission, the Council will help ensure that the Mill's nonprofit status is not jeopardized by Flywheel Fund's generation of capital and the Mill's resulting generation of unrelated business income tax (UBIT).

Flywheel Fund was created in August 2020 and funds startups with an emphasis on software and technology. Flywheel investors focus on Indiana-based, early stage, high potential startups and commit a minimum of 13 percent of funding to Black founders and teams.

Flywheel Fund raised \$640,000 from 49 investors in Fund II, which represents an increase from Fund I of \$120,000 and 11 investors. Flywheel investors are private individuals, typically members of the Bloomington business community who are interested in supporting business growth in Bloomington and have deep business backgrounds. Twenty percent of earnings from Flywheel returns, which would be realized over 5 to 15 years after the investment, go directly to the Mill to offset related operations and administrative expenses. The remaining 80 percent of returns go back to investors.

Flywheel Fund will co-invest with Elevate Ventures, an Indiana-based, nonprofit venture fund and development partner that focuses on Indiana-based, early stage companies. Related paperwork will take about a week, and the investment will be made formally following the April 6 Common Council meeting.

Staff does not believe that this legislation will have a fiscal impact on the City.



## MEMO FROM COUNCIL OFFICE ON:

**Ordinance 21-11** - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” – Re: Updating and Harmonizing Portions of Title 2 of the Municipal Code

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### **Synopsis**

Ordinance 21-11 makes several changes to Title 2 of the Bloomington Municipal Code to bring the Title into line with changed statutes, to clarify references, and to harmonize current practices and the City Code.

### **Relevant Materials**

- Ordinance 21-11
- Memo from Mike Rouker, City Attorney
- Proposed amendments to BMC Title 2 shown in context

### **Summary**

Ordinance 21-11 proposes amendments to various provisions in Bloomington Municipal Code Title 2, which is entitled “Administration and Personnel.” Title 2 can be accessed online here:

[https://library.municode.com/in/bloomington/codes/code\\_of\\_ordinances?nodeId=TIT2ADPE](https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT2ADPE)

There are 16 sections of the ordinance that make text changes to Title 2. Included herein is a document that shows the additions and deletions by including each of the affected code sections with changes tracked. The memo provided by Mike Rouker describes the reasons for the proposed changes.

### **Contact**

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

**ORDINANCE 21-11**

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

**Re: Updating and Harmonizing Portions of Title 2 of the Municipal Code**

WHEREAS, a review of Title 2 of the Bloomington Municipal Code (“BMC”) indicates that there are several sections that require maintenance, and a review of such has determined that multiple chapters should be updated and amended; and

WHEREAS, several changes to state law and local practice warrant an update to Title 2 to reflect current and best practices; and

WHEREAS, the Council wishes to amend portions of Title 2 to these ends;

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

SECTION I. Section 2.09.030 of the BMC, entitled “Duties” under the Chapter establishing the Board of Public Works, shall be amended to replace the words “transportation and traffic engineering services division of the planning and transportation department” with the words “engineering department”.

SECTION II. Section 2.12.060 of the BMC, entitled “Bloomington telecommunications council” shall be deleted in its entirety, without replacement.

SECTION III. Section 2.12.070 of the BMC, entitled “Traffic commission,” shall be amended so that the words “transportation and traffic engineer” in subsection (2) are replaced with the words “director of engineering”.

SECTION IV. Section 2.12.110, entitled “Parking commission”, shall be amended as follows:

Subsection (b) shall be amended by adding the following sentences to the end of the subsection: “Each appointing authority may also appoint a standing alternate for each of its appointees and such alternate may participate with the commission at any meeting where the regular member is disqualified or is otherwise unable to participate. All alternate members appointed hereunder shall meet all qualification requirements of the regular member for whom they serve as alternate.”

Subsection (c)(5) shall be amended by deleting the words “transportation and traffic services division of the planning and transportation department” and replacing them with the words “planning and transportation department, engineering department, or department of public works.”

Subsection (f) shall be amended to delete the words “the transportation and traffic services division of” without replacement.

SECTION V. Section 2.13.010, entitled “Appointment and qualifications”, shall be amended by replacing the words “parks and recreation board” with the words “board of park commissioners” and by deleting subsection (6). Subsequent subsections shall be renumbered accordingly.

SECTION VI. Section 2.13.020, entitled “Terms”, shall be amended to replace the words “parks and recreation board” with the words “board of park commissioners” and to delete the sentence reading: “The initial terms of the Monroe County commissioners' appointments shall be for one year and four years, terminating on the first Monday in January of the second and fifth year.”.

SECTION VII. Section 2.19.010, entitled “Appointment of Director”, shall be amended to add the word “department” after the words “neighborhood development” and to replace the words “director of redevelopment” with the words “director of the housing and neighborhood development department” so that the section reads as follows:

“The housing and neighborhood development department shall be administered by the director of the housing and neighborhood development department who is appointed by the mayor, with the approval of the redevelopment commission, and who shall serve at the pleasure of the mayor.”

SECTION VIII. Section 2.19.030 of the BMC, entitled “Neighborhood development division,” shall be amended to delete the words “be administered by the neighborhood development manager who reports to the director of the housing and neighborhood development. The division shall” so that the section reads as follows:

“The neighborhood development division shall enforce property maintenance codes applicable within the city. The division also shall assist other city departments with enforcement of city code complaints. All money received by the city for the payment of fines, penalties and reimbursement of services related to and resulting from neighborhood development division activity shall be placed in the unsafe building fund, as established by Indiana Code Section 36-7-9-1 to-28 and Bloomington Municipal Code Chapter 17.16.”

SECTION IX. Section 2.19.040 of the BMC, entitled “Board of Housing Quality Appeals,” shall be amended as follows:

Subsection (1), entitled “Purpose”, shall be amended to delete the words “owner or” in the first sentence, to replace the word “aggrieved” with the words “the subject of, or directly impacted” in the first sentence, to add the words “Title 16 of the Bloomington Municipal Code, hereinafter referred to as” after the words “the provisions of” in the first sentence, to place quotation marks around the words “property maintenance code” in the first sentence, to replace the word “complaint” with the word “appeal” in the second sentence, and to replace the word “manager” with the word “division” in the second sentence. As amended, subsection (1) shall read as follows:

(1) Purpose. The purpose of this board is to hear the appeal of any person who is the subject of, or directly impacted by, a ruling or decision of the enforcing officer or any administration official, in any matter relative to the interpretation or enforcement of any of the provisions of Title 16 of the Bloomington Municipal Code, hereinafter referred to as the “property maintenance code” of the city. The board is authorized to make investigations relative to the appeal and may overrule the decisions of any administrative officer including the neighborhood development division.

Subsection (4), entitled “Rules of Procedure”, shall be amended to replace the words “housing quality appeals board” with the words “board of housing quality appeals”, to replace the words “an exception” with the words “a variance”, to add the words “property maintenance” before the word “code”, and to replace the words “the exception” with the words “the variance.” As amended, subsection (4) shall read as follows:

(4) Rules of Procedure. The board of housing quality appeals shall establish its own rules of operating procedure which may be amended from time to time by a majority of the membership; provided, however, that a petitioner seeking a variance from the property maintenance code shall always be required to make a showing that the variance requested shall not harm the safety, health, or welfare of the occupants as well as provide a reasonable explanation of why the variance is needed.

Subsection (5), entitled “Powers and Duties”, shall be amended to delete the words “and review” from subpart (a), to delete the words “or board” from subpart (a), to replace the word “exceptions” with the word “variances” in subpart (b), to replace the words “decide special exceptions” with the words “authorize variances” in subpart (c), to replace the words “housing quality appeals board” with the words “board of housing quality appeals” in subpart (d), and to delete the words “or board” in subpart (d). As amended, subsection (5) shall read as follows:

(5) Powers and Duties. The powers and duties of the board of housing quality appeals shall be to:

- (a) Hear and determine appeals from any order, requirement, decision or determination made by an administrative official charged with the enforcement of any regulation or restrictions set forth in the property maintenance code;
- (b) Permit and authorize variances in particular situations specified in the property maintenance code;
- (c) Hear and authorize variances to the terms of the property maintenance code upon which the board is required to act under this section;
- (d) In exercising its powers, the board of housing quality appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the officer from which the appeal is taken.

Subsection (6), entitled “Jurisdiction”, shall be deleted in its entirety and replaced with the following:

(6) Jurisdiction. The board of housing quality appeals shall have jurisdiction to hear the appeal of any person directly affected by a decision, notice, or order of the director or an administrative officer of the housing and neighborhood development department related to the property maintenance code.

Subsection (7), entitled “Jurisdiction Granting Exceptions—Requirements”, shall be deleted in its entirety and replaced with the following:

(7) Granting Variances—Requirements. The board of housing quality appeals shall not grant any variance unless it first finds in each individual case that the following conditions are present:

- (a) That the value of the property to which the variance is to apply will not be adversely affected;
- (b) That the variance is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Subsection (8), entitled “Petitions,” shall be deleted in its entirety and replaced with the following:

- (8) Appeals. A person may file an appeal with the board of housing quality appeals by submitting a written appeal to the board of housing quality appeals, accompanied by a filing fee of twenty dollars (\$20.00). The Appellant shall list the names of the occupants of the premises in the appeal.

Subsection (9), entitled “Board Action on Petition”, shall be amended to replace the word “Petition” to the word “Appeal” in the title, to replace the words “set a date for” with the word “schedule,” to delete the words “to be held within thirty days thereof. Notice of the public hearing shall be advertised at least ten days beforehand according to provisions in IC 5-3-1. The cost of advertising shall be borne by the petitioner”, and to replace the word “petitioner” with the word “appellant.” As amended subsection (9) shall read as follows:

- (9) Board Action on Appeal. Within thirty days after the filing, the board shall investigate the petition and schedule a public hearing. Notice of the hearing shall be served at least ten days before the hearing date on the appellant, the person having possession of the premises and the owner of the premises, if the owner is not in possession. The occupants of the premises shall be allowed to participate in the public hearing.

Subsection (11), entitled “Notice of Decision” shall be amended to replace the word “board’s” with the words “board of housing quality appeals”, to replace the words “, determination, reasons for the decision, and recommendation” with the words “and decision”, to replace the word “petitioner” with the word “appellant”, to add the words “of housing quality appeals” after the words “the board”, and to replace the words “board and the neighborhood development manager” with the words “housing and neighborhood development department”. As amended, subsection (11) shall read as follows:

- (11) Notice of Decision. A copy of the board of housing quality appeals’ written findings and decision shall be mailed to the person having possession of the premises, the owner of the premises, if the owner is not in possession, and the appellant, if a different party. In addition, the board of housing quality appeals shall make a detailed report of all its proceedings, setting forth its reasons, the vote of each member participating and the absence or abstention from voting of a member. Such record shall be open to public inspection in the offices of the housing and neighborhood development department

Subsection (12), entitled “Appeal from Board Decision”, shall be deleted in its entirety and replaced as follows:

- (12) Appeal from Board Decision. The written decision of the board of housing quality appeals constitutes a final administrative decision, and may be appealed to any court of competent jurisdiction.

SECTION X. Section 2.21.140 of the BMC, entitled “Hate crime statistics,” shall be renumbered so that it is now Section 2.21.098 and the renumbered section shall be reflected in the table of contents for this chapter.



SECTION XI. Section 2.21.150 of the BMC, entitled “Complaints of housing status discrimination,” shall be renumbered so that it is now Section 2.21.099 and the renumbered section shall be reflected in the table of contents for this chapter.

SECTION XII. Section 2.22.030 of the BMC, entitled “Employee policies,” shall be amended as follows:

Subsections (2) through (6) shall be deleted and replaced by a new subsection (2) that shall read as follows:

“(2) Vacations, sick leave and sick bank, paid time off, and other paid benefit time.

(a) For union-eligible employees, vacation leave, sick leave and sick bank, paid time off, and all other paid benefit time shall be governed by the rules contained in each employee’s applicable collective bargaining agreement, as supplemented by the rules contained in the City of Bloomington Personnel Manual.

(b) For non-union-eligible employees, vacation leave, sick leave and sick bank, paid time off, and all other paid benefit time shall be governed by the rules contained in the City of Bloomington Personnel Manual.”

Subsection (7) shall be renumbered so that it is now subsection (3).

SECTION XIII. Section 2.24.040 of the BMC, entitled “Qualifications” shall be amended to delete the final sentence, which reads “No more than two thirds of the Board shall be of the same political party.”

SECTION XIV. Section 2.28.080 of the BMC, entitled “Annual reporting,” shall be deleted in its entirety without replacement.

SECTION XV. Section 2.34.020 of the BMC, entitled “Bargaining unit,” shall be amended to replace the word “sergeant” with the word “chauffeur” and to replace the words “fireman first class” with “firefighter first class”.

SECTION XVI. Chapter 2.52 of the BMC, entitled “Property Sales”, shall be deleted in its entirety without replacement.

SECTION XVII. If any section, sentence, 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 XVIII. 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 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 21-11 makes several changes to Title 2 of the Bloomington Municipal Code to bring the Title into line with changed statutes, to clarify references, and to harmonize current practices and the City Code.



**MEMORANDUM**

**CITY OF BLOOMINGTON LEGAL DEPARTMENT**

**TO: Common Council**  
**FROM: Michael Rouker, City Attorney**  
**RE: Ordinance 21-11 – Updating and Harmonizing Portions of Title 2**  
**DATE: March 12, 2021**

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As time passes, every legislative document requires maintenance. This includes the City’s municipal code. A variety of causes necessitate routine legislative upkeep, including changes to statutes, court decisions, alterations to the city’s contractual obligations, and innovations in best practices. Ordinance 21-11 is just this sort of maintenance legislation. Ordinance 21-11 contains a number of clean-up provisions, which are enumerated and briefly described herein.

First, in a number of places, Ordinance 21-11 updates Title 2 to reflect changes in the structure of the Planning & Transportation Department and to take into account the creation of a new Engineering Department. Thus, in a number of places, references to the transportation and traffic engineering services division of the Planning and Transportation Department have been updated to instead reference the Engineering Division. Similarly, references to the transportation and traffic engineer have been updated to the director of engineering.

Second, there are a number of changes to the enabling ordinances related to City Boards and Commissions. For example, the requirement that two members to the Plan Commission be appointed from within the Area Intended for Annexation has been removed, as the interlocal agreement that created the Area Intended for Annexation was terminated several years ago. Also, the section establishing the Bloomington Telecommunications Council has been eliminated as state law has stripped local telecommunications councils of all authority several years ago. Similarly, the political affiliation requirement for members of the Utility Service Board was removed from the state code, and Title 2 is being updated to reflect this change as well.

Third, Ordinance 21-11 cleans up HAND provisions and the section setting forth the Board of Housing Quality Appeals. In several places, Chapter 2.19 references HAND positions that are no longer staffed. Ordinance 21-11 corrects these references. Also, Section 2.19.040, which establishes and creates rules for the Board of Housing Quality Appeals, has long been difficult to administer. Ordinance 21-11 cleans up the language and the references in Section 2.19.040 to make it easier for staff to administer the Board and for the public to understand how the Board functions.

Several other miscellaneous changes are included in Ordinance 21-11. The Ordinance allows for the optional appointment of alternate members to the City’s Parking Commission. It also simplifies Section 2.22.030, which contained an unnecessarily detailed and outdated policy on employee leave for both union-eligible and non-union-eligible employees. In place of this inaccurate leave policy, Section 2.22.030 now simply references the relevant collective bargaining

agreements or personnel manual for purposes of determining the rules governing employee benefit time.

Furthermore, Ordinance 21-11 eliminates the reference to “firemen” in Title 2 and replaces it with the non-gendered word “firefighter.” The ordinance also updates the rank structure of the Fire Department to eliminate the reference to the rank of “sergeant” which has now been replaced by “chauffeur.” Ordinance 21-11 removes a redundant reporting requirement contained in Section 2.28.080, Bloomington’s living wage ordinance. The annual report referenced by that section has never been prepared or requested, and the information required for the annual report in Section 2.28.080 is already publicly available. Finally, Ordinance 21-11 eliminates Chapter 2.52, which governs property sales by the City. Chapter 2.52 has long since been preempted by state code provisions which dictate, in detail, precisely the steps the City must follow in order to sell property.

Please note that Title 2 is the title of the city code discussing the majority of the City’s boards and commissions. At present, Novak Consulting is preparing a report regarding the City’s boards and commissions, which means that it is possible that the Council will be discussing Title 2 again in the near future. That discussion may be more substantive. In contrast, Ordinance 21-11 is designed simply to clean up and harmonize Title 2 of the code. There are no expected fiscal impacts of the ordinance. Staff respectfully requests that the Common Council adopt Ordinance 21-11.

Amendments to Bloomington Municipal Code Title 2 proposed by Ordinance 21-11 in context  
(additions are shown in **Bold**, deletions are show in ~~strikeout~~)

Section 1 of Ordinance 21-11

2.09.030 Duties.

The Board shall be the chief administrative body of the City and shall have control of the day to day operation of the Department of Public Works and shall have the authority to allow and approve claims for the department of public works and the ~~transportation and traffic engineering services division of the planning and transportation department~~ **engineering department**.

Section 2 of Ordinance 21-11

~~2.12.060 Bloomington telecommunications council.~~

- ~~(1) Purpose. The telecommunications council shall be responsible to the board of public works in reviewing and evaluating the performance of city franchise agreements.~~
- ~~(2) Appointments. The council shall consist of five members, two of whom shall be appointed by the mayor and three by the common council.~~
- ~~(3) Powers and Responsibilities. The powers and responsibilities of this council shall be as follows:
  - ~~(a) To evaluate the quality of subscriber service by cable television companies;~~
  - ~~(b) To evaluate whether the company is operating in satisfaction of the terms of the cable television franchise and the applicable of state and federal rules and regulations;~~
  - ~~(c) To study the communication needs of the Bloomington community and explore ways of using cable television to meet those needs;~~
  - ~~(d) To assist members of the public and nonprofit organizations in the use of cable television, including, to the extent of the council's ability, programming advice, production advice and assistance, and cable casting arrangements;~~
  - ~~(e) To seek out and retain the services of other persons, organizations and companies for purposes of satisfying the responsibilities laid upon the council by this section;~~
  - ~~(f) To report at least once a year to the mayor, the common council, and the board of public works, in writing on the council's activities and expenditures, such report to include the evaluations provided for in subsections (b) and (c) of this section, and such report further being made available to the public upon request; and~~
  - ~~(g) To pursue the preceding responsibilities in the best public interest of the citizens of Bloomington.~~~~
- ~~(4) Procedure. The board of public works shall furnish the telecommunications council with rules and regulations for the administration of the telecommunications council.~~

It is the object of this section that the telecommunications council will be supported from the receipt of cable television franchise fees, subject to the approval of the mayor and common council.

### Section 3 of Ordinance 21-11

#### 2.12.070 Traffic commission.

- (1) **Purpose—Duties.** It shall be the duty of the commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.
- (2) **Appointments.** The commission shall consist of the following nine members: a designee of the ~~transportation and traffic engineer~~ **director of engineering**, a designee of the director of public works, a designee of the chief of police and six additional members who shall be appointed by the common council. All terms shall be for two years.
- (3) **Qualifications.** Each common council appointee shall be a resident of the city with preference being given so that each councilmanic district is represented.
- (4) **Meetings.** Meetings will be held monthly.
- (5) **Procedure.** The commission shall establish its own rules of operating procedure which may be amended from time to time by a majority vote.

### Section 4 of Ordinance 21-11

#### 2.12.110 Parking commission.

- (a) **Purpose.** It shall be the primary purpose of the parking commission (commission), in coordination with decision-makers and other entities as is necessary or prudent:
  - (1) To develop, implement, maintain, and promote a comprehensive policy on parking that takes into account the entirety of, and furthers the objectives of, the city's comprehensive plan; and
  - (2) To coordinate parking activities, to carry on educational activities in parking matters, to supervise the preparation and publication of parking reports, to receive comments and concerns having to do with parking matters, and to recommend to the common council and to appropriate city officials ways and means for achieving the city's comprehensive plan objectives through the administration of parking policies and the enforcement of parking regulations.
- (b) **Composition—Appointments.** The parking commission shall be composed of nine voting members. These voting members shall be composed of five members appointed by the mayor and four members appointed by the common council. **Each appointing authority may also appoint a standing alternate for each of its appointees and such alternate may participate with the commission at any meeting where the regular member is disqualified or is otherwise unable to participate. All alternate members appointed hereunder shall meet all qualification requirements of the regular member for whom they serve as alternate.**
- (c) **Qualifications of Voting Membership.**
  - (1) One member appointed by the mayor and one member appointed by the common council shall be a merchant owning and operating a business located at an address within the city limits;
  - (2) One member appointed by the mayor shall be a board member or an employee of a non-profit organization which operates at property that is owned or leased by the non-profit organization within the city limits;
  - (3) Four members, two appointed by the mayor and two appointed by the council, shall be residents living within the city limits;

- (4) One member appointed by the common council shall be from among its membership; and
  - (5) One member appointed by the mayor shall be from within the ~~transportation and traffic services division of the planning and transportation department~~ **planning and transportation department, engineering department, or department of public works.**
- (d) *Terms.* The initial terms of three mayoral and two council citizen appointments shall expire on January 31, 2018. The terms of the remaining initial citizen appointments shall expire on January 31, 2019. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31. The terms for the one mayoral appointment made from within the planning and transportation department and the one council appointment made from within the members of the council shall be for one year and expire on January 31.
- (e) *Powers and Duties.* The commission shall meet at least one time each month, unless it votes to cancel the meeting. Its powers and duties shall include, but are not limited to:
- (1) Accessing all data regarding the city's parking inventory, including usage, capital and operating costs, so long as the data is released in a manner consistent with exemptions from disclosure of public records set forth in Indiana Code § 5-14-3-4;
  - (2) Reviewing the performance of all meters, lots, garages, and neighborhood zones in the city's parking inventory, and reviewing the performance of all divisions of city departments devoted specifically to parking management;
  - (3) Making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy;
  - (4) Submitting an annual report of its activities and programs to the mayor and council by October of each year;
  - (5) Adopting rules and regulations for the conduct of its business; and
  - (6) Applying for appropriations through the mayor, or researching and applying for grants, gifts, or other funds from public or private agencies, for the purpose of carrying out any of the provisions of this section.
- (f) *Staff.* The commission shall be staffed by ~~the transportation and traffic services division of the planning and transportation department.~~

### Section 5 of Ordinance 21-11

#### 2.13.010 Appointment and qualifications.

The commission shall consist of twelve members who by statute shall be appointed in the following manner:

- (1) One member appointed by and from the membership of the common council.
- (2) One member appointed by and from the membership of the ~~parks and recreation board~~ **board of park commissioners.**
- (3) One member appointed by the board of public works from its membership or as its designated representative.
- (4) The city civil engineer or a qualified assistant appointed by the city civil engineer.
- (5) Five citizens, no more than three of whom may be of the same political party, appointed by the mayor.
- ~~(6) Two Monroe County citizens who reside in the area intended for annexation (AIFA) and who are from opposite political parties, appointed by the Monroe County commissioners.~~
- ~~(7)~~ **(6)** One nonvoting member appointed by and representing the Monroe County plan commission.

## Section 6 of Ordinance 21-11

### 2.13.020 Terms.

The Monroe County commissioners and mayoral appointees shall serve four-year terms. Those terms of the mayoral appointees shall initially be staggered with one citizen appointed for two years ending the first Monday in January of 1985, two for three years, ending the first Monday in January of 1986, and two for four years, ending the first Monday in January of 1987. ~~The initial terms of the Monroe County commissioners' appointments shall be for one year and four years, terminating on the first Monday in January of the second and fifth year.~~

Members appointed from the membership of the ~~parks and recreation board~~ **board of park commissioners**, board of public works, county plan commission and the common council shall serve a term co-extensive with their terms on the appointing body or until that body appoints another at its first regular meeting of the year. An appointee not serving on a body, but appointed as its representative shall serve a four-year term.

## Section 7 of Ordinance 21-11

### 2.19.010 Appointment of Director.

The housing and neighborhood development **department** shall be administered by the ~~director of redevelopment~~ **director of the housing and neighborhood development department** who is appointed by the mayor, with the approval of the redevelopment commission, and who shall serve at the pleasure of the mayor.

## Section 8 of Ordinance 21-11

### 2.19.030 Neighborhood development division.

The neighborhood development division shall ~~be administered by the neighborhood development manager who reports to the director of the housing and neighborhood development.~~ The division shall enforce property maintenance codes applicable within the city. The division also shall assist other city departments with enforcement of city code complaints. All money received by the city for the payment of fines, penalties and reimbursement of services related to and resulting from neighborhood development division activity shall be placed in the unsafe building fund, as established by Indiana Code Section 36-7-9-1 to-28 and Bloomington Municipal Code Chapter 17.16.

## Section 9 of Ordinance 21-11

### 2.19.040 Board of housing quality appeals.

- (1) Purpose. The purpose of this board is to hear the appeal of any ~~owner or person who is aggrieved~~ **the subject of, or directly impacted** by a ruling or decision of the enforcing officer or any administration official, in any matter relative to the interpretation or enforcement of any of the provisions of **Title 16 of the Bloomington Municipal Code, hereinafter referred to as** the "property maintenance code" of the city. The board is authorized to make investigations relative to the ~~complaint~~ **appeal** and may overrule the decisions of any administrative officer including the neighborhood development ~~manager~~ **division**.
- (2) Appointments. The board shall be composed of seven members, four appointed by the mayor and three appointed by the council.
- (3) Qualifications. Members shall be residents of the city. Members may be, but are not required to be, persons who are elected, appointed, or otherwise employed by the city, but such members shall not constitute a



majority of the board. Consideration shall be given for appointment to the board to tenants, owners, and persons with experience in the area of building, managing, and leasing housing.

- (4) Rules of Procedure. ~~The housing quality appeals board~~ **board of housing quality appeals** shall establish its own rules of operating procedure which may be amended from time to time by a majority of the membership; provided, however, that a petitioner seeking ~~an exception~~ **a variance** from the **property maintenance** code shall always be required to make a showing that ~~the exception~~ **the variance** requested shall not harm the safety, health, or welfare of the occupants as well as provide a reasonable explanation of why the variance is needed.
- (5) Powers and Duties. The powers and duties of the board of housing quality appeals shall be to:
- (a) Hear and determine appeals from ~~and review~~ any order, requirement, decision or determination made by an administrative official ~~or board~~ charged with the enforcement of any regulation or restrictions set forth in the property maintenance code;
  - (b) Permit and authorize ~~exceptions~~ **variances** in particular situations specified in the property maintenance code;
  - (c) Hear and ~~decide special exceptions~~ **authorize variances** to the terms of the property maintenance code upon which the board is required to act under this section;
  - (d) In exercising its powers, the ~~housing quality appeals board~~ **board of housing quality appeals** may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the officer ~~or board~~ from which the appeal is taken.
- (6) ~~Jurisdiction. The jurisdiction of the board shall extend to appeals from the decisions of any administrative officer charged with the enforcement of the property maintenance code within the city.~~

**Jurisdiction. The board of housing quality appeals shall have jurisdiction to hear the appeal of any person directly affected by a decision, notice, or order of the director or an administrative officer of the housing and neighborhood development department related to the property maintenance code.**

- (7) ~~Jurisdiction Granting Exceptions—Requirements. In the matter of granting exceptions, the board shall not assume jurisdiction unless it first finds in each individual case that the following conditions are present:~~
- ~~(a) That the value of the area about the property to which the exception is to apply will not be adversely affected;~~
  - ~~(b) That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.~~

**Granting Variances—Requirements. The board of housing quality appeals shall not grant any variance unless it first finds in each individual case that the following conditions are present:**

- (a) That the value of the property to which the variance is to apply will not be adversely affected;**
  - (b) That the variance is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.**
- (8) ~~Petitions. A person may petition the board to appeal any decision of any administrative official or enforcing officer by submitting a written petition to the board, accompanied by a filing fee of twenty dollars. Petitioner must list the names of the occupants of the premises in the petition.~~

**Appeals. A person may file an appeal with the board of housing quality appeals by submitting a written appeal to the board of housing quality appeals, accompanied by a filing fee of twenty dollars (\$20.00). The Appellant shall list the names of the occupants of the premises in the appeal.**

- (9) Board Action on **Petition Appeal**. Within thirty days after the filing, the board shall investigate the petition and ~~set a date for schedule~~ a public hearing ~~to be held within thirty days thereof. Notice of the public hearing shall be advertised at least ten days beforehand according to provisions in IC 5-3-1. The cost of advertising shall be borne by the petitioner.~~ Notice of the hearing shall be served at least ten days before the hearing date on the **petitioner appellant**, the person having possession of the premises and the owner of the premises, if the owner is not in possession. The occupants of the premises shall be allowed to participate in the public hearing.
- (10) Board Decision. Four concurring votes are required for a board determination. No member shall vote on any question in which result the member is immediately and particularly interested. When the board has decided any question, any member voting on the prevailing side may move a reconsideration of the vote thereon before adjournment of the session of the board at which the vote is taken. Concurrence of a majority shall be sufficient to order reconsideration of a vote, but if a motion to reconsider is lost, it shall not again be entertained. Except in those matters irrevocable by nature or circumstance and except insomuch as contractual or vested rights may have been established pursuant thereto, a decision of the board once made may be rescinded only by a subsequent decision.
- Not more than ten days after such hearing the board shall make its findings, reasons for the decision, decision and recommendations in writing to the neighborhood development manager.
- (11) Notice of Decision. A copy of the ~~board's~~ **board of housing quality appeals'** written findings, ~~determination, reasons for the decision, and recommendation and decision~~ shall be mailed to the person having possession of the premises, the owner of the premises, if the owner is not in possession, and the **petitioner appellant**, if a different party. In addition, the board **of housing quality appeals** shall make a detailed report of all its proceedings, setting forth its reasons, the vote of each member participating and the absence or abstention from voting of a member. Such record shall be open to public inspection in the offices of the ~~board and the neighborhood development manager~~ **housing and neighborhood development department**.
- (12) ~~Appeal from Board Decision. Any person jointly or severally aggrieved by a decision of the board may proceed in any court of competent jurisdiction.~~

**Appeal from Board Decision. The written decision of the board of housing quality appeals constitutes a final administrative decision, and may be appealed to any court of competent jurisdiction.**

## Section 10 of Ordinance 21-11

### **2.21.140** Hate crime statistics.

The Bloomington Human Rights Commission may collect data and issue reports on the incidence of hate crimes in the city. Hate crimes include verbal or physical abuse directed at individuals or groups because of their religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran.

Section 11 of Ordinance 21-11

~~2.21.150~~ **2.21.099** Complaints of housing status discrimination.

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

Section 12 of Ordinance 21-11

2.22.030 Employee policies.

The administration of certain human resources matters shall be governed by the following policies:

- (1) Mileage and Travel Allowance. In all instances where city employees use their own vehicles in city affairs and work, other than traveling from their home to their place of work and from their place of work to their home, such employee shall be entitled to an allowance in such amount as authorized and approved by the State Board of Accounts.

City employees who travel on official city business may be reimbursed for the reasonable costs of such travel. The human resources director with approval of the mayor shall promulgate policies and procedures acceptable to the State Board of Accounts governing such travel and reimbursement.

~~(2) Vacations—Union-Eligible Employees.~~

- ~~(a) Union-eligible employees who are not on probationary status and who have worked for the city for more than six continuous months but less than twelve continuous months, shall be entitled to one work week vacation during their first calendar year of employment. Union-eligible employees who are not on probationary status and have worked for the city for more than twelve continuous months, but less than five continuous years, shall be entitled to two work weeks vacation per year, with full pay, subject to proration after the first twelve continuous months to adjust to the calendar year. Union-eligible employees who have worked for the city for more than five continuous years shall be entitled to one extra work day with full pay for each year worked over five continuous years, and those who have worked for the city for more than nine continuous years shall be entitled to two extra work days with full pay for each year over nine continuous years, but under no circumstances shall the employee be entitled to more than four work weeks of vacation. It is understood that eligibility for extra vacation days shall begin at the conclusion of the fifth and ninth year of work, respectively.~~

- ~~(b) Vacation must be taken within the calendar year and will not accumulate from year to year except in extenuating circumstances. If an employee who has worked for the city for more than twelve continuous months should resign and leave in good standing after giving proper notice, he/she shall be paid in full for unused vacation leave carried over from the prior year. He/she shall also be paid for unused vacation leave accumulated in the year of resignation, subject to proration based on the amount of time worked during the first six months of the calendar year. Provided, however, when an employee retires in good standing, only the first two weeks of unused vacation time earned in the year of retirement shall be subject to proration. An employee who leaves city employment before the end of the twelfth month of employment shall repay any vacation time taken in excess of one workweek prorated over the amount of time worked after the first six months of employment. An employee who leaves city employment after twelve continuous months of employment shall repay any vacation time taken in excess of the amount of vacation accumulated as of January 1st prorated over the first six months of the calendar year.~~

- ~~(c) The human resources director, with approval of the mayor, shall promulgate policies and procedures for the administration and enforcement of this vacation policy.~~

~~(3) Sick Leave and Sick Bank. The following rules shall apply to union eligible employees' sick leave and/or to non-union eligible employee's PTO Sick Bank, as indicated in each specific provision.~~

~~(a) Sick Leave. This provision shall apply only to union-eligible employees. Each employee shall be entitled to accumulate sick leave indefinitely. Regular full-time employees shall receive one paid sick day for each calendar month worked, beginning on the most recent date of hire. Such sick leave shall not become effective, however, until the employee leaves probationary status. Sick days shall accumulate only while the employee is on active paid status, which includes paid benefit time.~~

~~(b) Rules Governing Sick Leave and Sick Bank. This provision shall apply both to union-eligible employees' sick leave and to non-union eligible employees' sick bank. Sick days are intended for use only when the employee is medically ill or injured; provided, however, the human resources director, with the approval of the mayor, is authorized to implement and administer reasonable policies allowing use of accumulated sick leave due to family emergency or illness of a family member, or for major life events such as birth or adoption of a child by the employee. In order to be paid for more than two sick days in any given work week, or for more than three consecutively scheduled work days, the employee may be required to present a physician's statement that he/she was unable to work. Unused sick leave shall not be paid upon separation from employment. The human resources department, with approval of the mayor, shall establish and administer policies governing use and abuse of sick leave.~~

~~(4) Paid Time Off—Non Union-eligible Employees. This policy shall apply to all regular full-time (RFT) and regular part-time with benefits (RPB) employees other than those who are union-eligible (as defined herein) or are sworn police or firefighter personnel. This policy replaces the former paid benefit time categories of vacation, personal business days, and birthday with a single category of paid benefit time called paid time off (PTO).~~

~~(a) Credited Paid Time Off. Paid time off shall be credited upon hire and thereafter on January 1st of each year in the following maximum amounts:~~

~~(i) Regular full-time employees, other than department heads, who are scheduled to work forty hours per week shall be credited with PTO in accordance with the following chart:~~

Chart 1	Month of hire	Hours credited
<b>For Full Time Employees in Their 1st Calendar Year of Employment</b>	January	56
	February	51
	March	46
	April	41
	May	36
	June	31
	July	26
	August	21
	September	16
	October	16
	November	16
	December	16

Chart 2	Calendar year of employment	Hours credited
	2	96
	3	96

<b>For Full Time Employees in at Least Their 2nd Year of Employment</b>	4	96
	5	96
	6	104
	7	112
	8	120
	9	128
	10	144
	11	160
12 and greater	176	

(ii) Regular full-time employees, other than department heads, who are scheduled to work between thirty five and thirty nine hours per week inclusive, shall be credited with PTO in accordance with the following chart:

First Year Month of Hire	Hours Worked Per Week				
	39	38	37	36	35
<b>January</b>	55	53	52	50	49
<b>February</b>	50	48	47	46	45
<b>March</b>	45	44	43	41	40
<b>April</b>	40	39	38	37	36
<b>May</b>	35	34	33	32	32
<b>June</b>	30	29	29	28	27
<b>July</b>	25	25	24	23	23
<b>August</b>	20	20	19	19	18
<b>September</b>	16	16	15	14	14
<b>October</b>	16	16	15	14	14
<b>November</b>	16	16	15	14	14
<b>December</b>	16	16	15	14	14

Years	Hours Worked Per Week				
	39	38	37	36	35
<b>2</b>	94	91	89	86	84
<b>3</b>	94	91	89	86	84
<b>4</b>	94	91	89	86	84
<b>5</b>	94	91	89	86	84
<b>6</b>	101	99	96	94	91
<b>7</b>	109	106	104	101	98
<b>8</b>	117	114	111	108	105
<b>9</b>	125	122	118	115	112
<b>10</b>	140	137	133	130	126
<b>11</b>	156	152	148	144	140
<b>12 and greater</b>	172	167	163	158	154

(iii) Regular part-time with benefits employees shall be credited with PTO in accordance with the following chart:

First Year Month of Hire	Hours Worked Per Week														
	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
<b>January</b>	48	46	45	43	42	41	39	38	36	35	34	32	31	29	28

<b>February</b>	43	42	41	40	38	37	36	34	33	32	31	29	28	27	26
<b>March</b>	39	38	37	36	35	33	32	31	30	29	28	26	25	24	23
<b>April</b>	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
<b>May</b>	31	30	29	28	27	26	25	24	23	23	22	21	20	19	18
<b>June</b>	26	26	25	24	23	22	22	21	20	19	19	18	17	16	16
<b>July</b>	22	21	21	20	20	19	18	18	17	16	16	15	14	14	13
<b>August</b>	18	17	17	16	16	15	15	14	14	13	13	12	12	11	11
<b>September</b>	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
<b>October</b>	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
<b>November</b>	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
<b>December</b>	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8

Years	Hours Worked Per Week														
	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
<b>2</b>	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
<b>3</b>	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
<b>4</b>	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
<b>5</b>	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
<b>6</b>	88	86	83	81	78	75	73	70	68	65	62	60	57	55	52
<b>7</b>	95	92	90	87	84	81	78	76	73	70	67	64	62	59	56
<b>8</b>	102	99	96	93	90	87	84	81	78	75	72	69	66	63	60
<b>9</b>	109	106	102	99	96	93	90	86	83	80	77	74	70	67	64
<b>10</b>	122	119	115	112	108	104	101	97	94	90	86	83	79	76	72
<b>11</b>	136	132	128	124	120	116	112	108	104	100	96	92	88	84	80
<b>12 and greater</b>	150	145	141	136	132	128	123	119	114	110	106	101	97	92	88

(iv) — Department Heads. PTO will be credited in the amount of one hundred seventy-six hours per year each January 1st, subject to proration in the year of hire in the discretion of the mayor.

(b) — Earned Paid Time Off. Additional paid time off will be earned at the following rates:

(i) — Regular full-time employees who are regularly scheduled to work between thirty-seven and forty hours per week inclusive and department heads: four hours of PTO will be earned for each biweekly pay period worked.

(ii) — Regular full-time employees who are regularly scheduled to work thirty-five or thirty-six hours per week: three and one-half hours of PTO will be earned for each bi-weekly pay period worked.

(iii) — Regular Part-Time Employees: Three and one-half hours will be earned for each bi-weekly pay period worked for employees regularly scheduled to work between thirty-three and thirty-six hours per week, inclusive. Three hours will be earned for each bi-weekly pay period worked by employees regularly scheduled to work between twenty-eight and thirty-two hours per week, inclusive. Two and one-half hours will be earned for each bi-weekly pay period worked by employees regularly scheduled to work between twenty-four and twenty-seven hours per week, inclusive. Two hours will be earned for each bi-weekly pay period worked by employees regularly scheduled to work between twenty and twenty-three hours per week, inclusive.

(iv) — Eligibility for earned paid time off is dependent upon the employee working his or her full regular schedule during the biweekly pay period. Paid benefit time will be counted as hours

~~worked but unpaid leave will not be counted as hours worked and earned time will be reduced proportionately based upon the amount of unpaid leave taken during any pay period.~~

~~(v) Earned paid time off will be credited at the beginning of the payroll period subsequent to the payroll period in which it is earned and may not be used until credited.~~

~~(vi) During their probationary period under city policies, employees may use only earned paid time off.~~

~~(c) Carry Over, Banking, and Pay upon Separation. Both credited and earned paid time off remaining at the end of the calendar year in which it was earned/credited may be carried over into the next year, with department head approval, or may be placed into the sick bank. All time in the sick bank may be carried over indefinitely, may be used only in accordance with subsection (3)(b) above (2.22.030 (3)(b)), and will not be paid at separation from employment. Any paid time off which is carried over into the next year and not used during that year will be placed into the sick bank. An employee who resigns and leaves in good standing after giving proper notice shall be paid for unused PTO up to a maximum of forty (40) days for regular full-time employees (the maximum will be pro-rated for regular part-time employees based on their regularly scheduled hours) calculated as follows: the employee will be paid in full for any PTO carried over from the previous year and for any PTO earned in the current year; and the employee will be paid for any unused credited PTO from the current year pro-rated over the first six months of the calendar year.~~

~~(d) Use of PTO. PTO (other than time placed in the sick bank) may be used for any purpose, subject to applicable rules and procedures governing such use, which shall be promulgated by the human resources department with approval of the mayor, and administered by the human resources department.~~

~~(5) Other Paid Benefit Time. The human resources department with the approval of the mayor may prescribe uniform rules and procedures, which may permit employees to use the following kinds of paid benefit time subject to the conditions contained in such rules and procedures:~~

~~(a) Personal business days for union-eligible employees;~~

~~(b) Compensatory time for overtime work;~~

~~(c) Bereavement leave;~~

~~(d) Breaks;~~

~~(e) The first five days of normally scheduled work during which the employee is unable to work due to on-the-job injury, subject to reimbursement by the employee in the event he/she later receives Worker's Compensation Benefits for such time;~~

~~(f) A paid day off on the employee's birthday, for union-eligible employees;~~

~~(g) Paid holidays, which shall be designated annually by the mayor;~~

~~(h) Civic leave for attendance as a juror or witness, but only to the extent the employee does not receive juror or witness fees;~~

~~(i) Paid leave for employees who are scheduled to work but directed not to report on days when city operations are closed due to a weather emergency.~~

~~(6) Modifications and Additions. Modifications and additions to subsections 2.22.020(1) through 2.22.020(4) may be adopted by the several city boards, namely the board of public works, the board of public safety, board of parks and recreation, and the utilities service board concerning employees under their jurisdiction and with the approval of the mayor.~~

**(2) Vacations, sick leave and sick bank, paid time off, and other paid benefit time.**

**(a) For union-eligible employees, vacation leave, sick leave and sick bank, paid time off, and all other paid benefit time shall be governed by the rules contained in each employee's applicable collective bargaining agreement, as supplemented by the rules contained in the City of Bloomington Personnel Manual.**

**(b) For non-union-eligible employees, vacation leave, sick leave and sick bank, paid time off, and all other paid benefit time shall be governed by the rules contained in the City of Bloomington Personnel Manual."**

~~(7)~~ **(3)** Residency. Residency requirements for employees are those mandated by Indiana law, including but not limited to Article 6, Section 6 of the Indiana Constitution (if and to the extent it may be applicable to certain city officers) and, for members of the police and fire departments, Indiana Code Section 36-8-4-2.

Section 13 of Ordinance 21-11

2.24.040 Qualifications.

All members of the Utilities Service Board, whether or not City residents, shall be residents of the area served by the Board and users of one or more services provided by the municipal utilities under the control of the Utilities Service Board. ~~No more than two thirds of the Board shall be of the same political party.~~

Section 14 of Ordinance 21-11

~~2.28.080 Annual reporting.~~

~~Each year the city legal department shall forward a city assistance report to the city council, indicating for each contract for assistance during the previous year:~~

~~(a) The contract's purpose when awarded;~~

~~(b) Its cost to the city in terms of expenditures; and~~

~~(c) The number of jobs associated with the contract broken down by job title, and the wage rate for each or an indication for each that the covered employee earns at least the living wage.~~

Section 15 of Ordinance 21-11

2.34.020 Bargaining unit.

The committee shall speak for and the bargaining shall pertain to the following employees only:

Included Classifications: Captain, ~~sergeant~~ **chauffeur**, and ~~fireman first class~~ **firefighter first class**

Excluded Classifications: Chief, deputy chief, chief inspector, deputy chief inspector, inspector, battalion chief, probationary officers, confidential employees, and all other employees.

A confidential employee for purposes of this chapter is any individual whose unrestricted access to confidential personnel files or whose functional responsibilities or knowledge in connection with the issues involved in dealings between the city and its employees would make his membership in an employee organization incompatible with his official duties.



Section 16 of Ordinance 21-11

~~Chapter 2.52 PROPERTY SALES~~

Sections:

~~2.52.010 Appraisement not required.~~

~~Any and all sales of surplus or obsolete personal property to be held by the city when the sale thereof does not exceed in value the sum of one hundred dollars such property shall be sold without an appraisement.~~

~~(Prior code § 2-10)~~

~~2.52.020 Disposition of proceeds.~~

~~The proceeds from all such sales provided for by Section 2.52.010 shall be deposited to the department from which such personal property shall be sold.~~



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 21-12** - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" - Re: Restricted Turns on Red at Signalized Intersections

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#### **Synopsis**

This ordinance amends Title 15 of the Bloomington Municipal Code. The changes include adding several new signalized intersections to and correcting a number of existing signalized intersections on the table of locations with restricted turns on red.

#### **Relevant Materials**

- Ordinance 21-12
- Map of current and proposed no turn on red points (revised to reflect AM 01)
- Table of current and proposed no turn on red points (revised to reflect AM 01)
- Staff report prepared for Traffic Commission
- Amendment 01 to Ordinance 21-12

#### **Summary**

Ordinance 21-12 proposes to amend Section 15.20.020, Schedule H ("Restricted Turns on Red at Signalized Intersections") within Title 15 ("Vehicles and Traffic") of the Bloomington Municipal Code, accessible online here:

[https://library.municode.com/in/bloomington/codes/code\\_of\\_ordinances?nodeId=TIT15\\_VETR\\_CH15.20TURE\\_15.20.020RETURESIIIN](https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT15_VETR_CH15.20TURE_15.20.020RETURESIIIN).

The ordinance proposes to add approximately 78 new locations to the list of intersections where turns on red are restricted. Local code provides that when appropriate signs are erected that no turn on red may be made at signalized intersections, no driver of a vehicle shall disobey the direction of any sign. The ordinance also makes corrections to four intersections currently listed in code.

Councilmember Rosenbarger, as a sponsor of this ordinance, inquired with Adam Wason, Public Works Director, about the cost of signage and installation. He provided a rough estimate of approximately \$50 per sign, along with \$50 for installation. At a total estimated cost of roughly \$100 per installed sign, the total cost associated with new signage would be in the range of \$8,000.



**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](mailto:council@bloomington.in.gov)

Both the Bicycle and Pedestrian Safety Commission and the Traffic Commission reviewed this proposal, with each commission voting in favor of the ordinance. A staff report prepared in advance of the Traffic Commission’s meeting on the proposal is included herein. That staff report discusses the policy and safety considerations that councilmembers may want to consider when reviewing this proposal. It also discusses guidance provided by the Transportation Plan, by the Comprehensive Plan, and by the Manual on Uniform Traffic Control Devices (national guidance). Finally, it provides information on crash history, specific location considerations, traffic impacts, and budget impacts.

Amendment 01, included herein, would remove one intersection turn location from the list of locations with restricted turns. East of Walnut Street, 6<sup>th</sup> Street turns into a one-way street heading east. Because of this, it is not possible to travel from the east on 6<sup>th</sup> Street (heading west) and turn north on Walnut Street.

**Contact**

Councilmember Kate Rosenbarger, 812-349-3409, [kate.rosenbarger@bloomington.in.gov](mailto:kate.rosenbarger@bloomington.in.gov)

**ORDINANCE 21-12**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED “VEHICLES AND TRAFFIC”**

**- Re: Restricted Turns on Red at Signalized Intersections**

WHEREAS, the Traffic Commission and Bicycle and Pedestrian Safety Commission have recommended certain changes be made in Title 15 of Bloomington Municipal Code entitled “Vehicles and Traffic”;

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

SECTION 1. Section 15.20.020 Schedule H shall be amended to add the following:

**RESTRICTED TURNS ON RED AT SIGNALIZED INTERSECTIONS**

<b>Intersection</b>	<b>From</b>	<b>To</b>
Atwater Avenue & Jordan Avenue	West	South
Atwater Avenue & Woodlawn Avenue	West	South
College Avenue & Eleventh Street	North	West
College Avenue & First Street	North	West
College Avenue & Fourth Street	North	West
College Avenue & Kirkwood Avenue	North	West
College Avenue & Second Street	North	West
College Avenue & Seventh Street	North	West
College Avenue & Sixth Street	North	West
College Avenue & Tenth Street	North	West
College Avenue & Third Street	North	West
Dunn Street & Third Street	North	West
Eleventh Street & College Avenue	West	South
First Street & College Avenue	West	South
First Street & Walnut Street	East	North
Fourth Street & College Avenue	West	South
Fourth Street & Walnut Street	East	North
Hawthorne Drive & Third Street	North	West
Henderson Street & Atwater Avenue	South	East
Indiana Avenue & Tenth Street	North	West
Indiana Avenue & Tenth Street	South	East
Indiana Avenue & Third Street	South	West
Jordan Avenue & Atwater Avenue	South	East
Jordan Avenue & Law Lane	North	West
Jordan Avenue & Law Lane	South	East
Jordan Avenue & Tenth Street	North	West
Jordan Avenue & Tenth Street	South	East
Kirkwood Avenue & College Avenue	West	South
Kirkwood Avenue & Rogers Street	West	South
Kirkwood Avenue & Rogers Street	East	North
Law Lane & Jordan Avenue	West	South
Law Lane & Jordan Avenue	East	North
Lincoln Street & Third Street	South	East
Madison Street & Third Street	North	West
Madison Street & Third Street	South	East
Rogers Street & Kirkwood Avenue	North	West
Rogers Street & Kirkwood Avenue	South	East
Rogers Street & Third Street	North	West
Rogers Street & Third Street	South	East
Second Street & College Avenue	West	South
Second Street & Walnut Street	East	North
Seventh Street & Walnut Street	East	North
Sixth Street & Walnut Street	East	North
Smith Avenue & Walnut Street	East	North

Sunrise Drive & Tenth Street	South	East
Tenth Street & College Avenue	West	South
Tenth Street & Fee Lane	East	North
Tenth Street & Indiana Avenue	East	North
Tenth Street & Jordan Avenue	West	South
Tenth Street & Jordan Avenue	East	North
Tenth Street & Sunrise Drive	West	South
Tenth Street & Union Street	West	South
Tenth Street & Union Street	East	North
Tenth Street & Walnut Street	East	North
Tenth Street & Woodlawn Avenue	West	South
Tenth Street & Woodlawn Avenue	East	North
Third Street & Bryan Avenue	East	North
Third Street & College Avenue	West	South
Third Street & Atwater Avenue	West	South
Third Street & High Street	West	South
Third Street & Hawthorne Drive	East	North
Third Street & Lincoln Street	East	North
Third Street & Madison Street	West	South
Third Street & Madison Street	East	North
Third Street & Rogers Street	West	South
Third Street & Rogers Street	East	North
Third Street & Walnut Street	East	North
Third Street & Washington Street	West	South
Union Street & Tenth Street	North	West
Union Street & Tenth Street	South	East
Walnut Street & First Street	South	East
Walnut Street & Fourth Street	South	East
Walnut Street & Kirkwood Avenue	South	East
Walnut Street & Second Street	South	East
Walnut Street & Seventh Street	South	East
Walnut Street & Sixth Street	South	East
Walnut Street & Tenth Street	South	East
Walnut Street & Third Street	South	East
Washington Street & Third Street	North	West
Woodlawn Avenue & Atwater Avenue	South	East
Woodlawn Avenue & Tenth Street	North	West
Woodlawn Avenue & Tenth Street	South	East

SECTION 2. Section 15.20.020 Schedule H shall be amended to delete the following:

RESTRICTED TURNS ON RED AT SIGNALIZED INTERSECTIONS

<b>Intersection</b>	<b>From</b>	<b>To</b>
Fee Lane & Tenth Street	East	North
Third Street & Dunn Street	West	South
Third Street & Dunn Street	North	West
Third Street & Hawthorne Avenue	North	West

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to 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 of the City of Bloomington and the 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 \_\_\_\_\_, 2021.

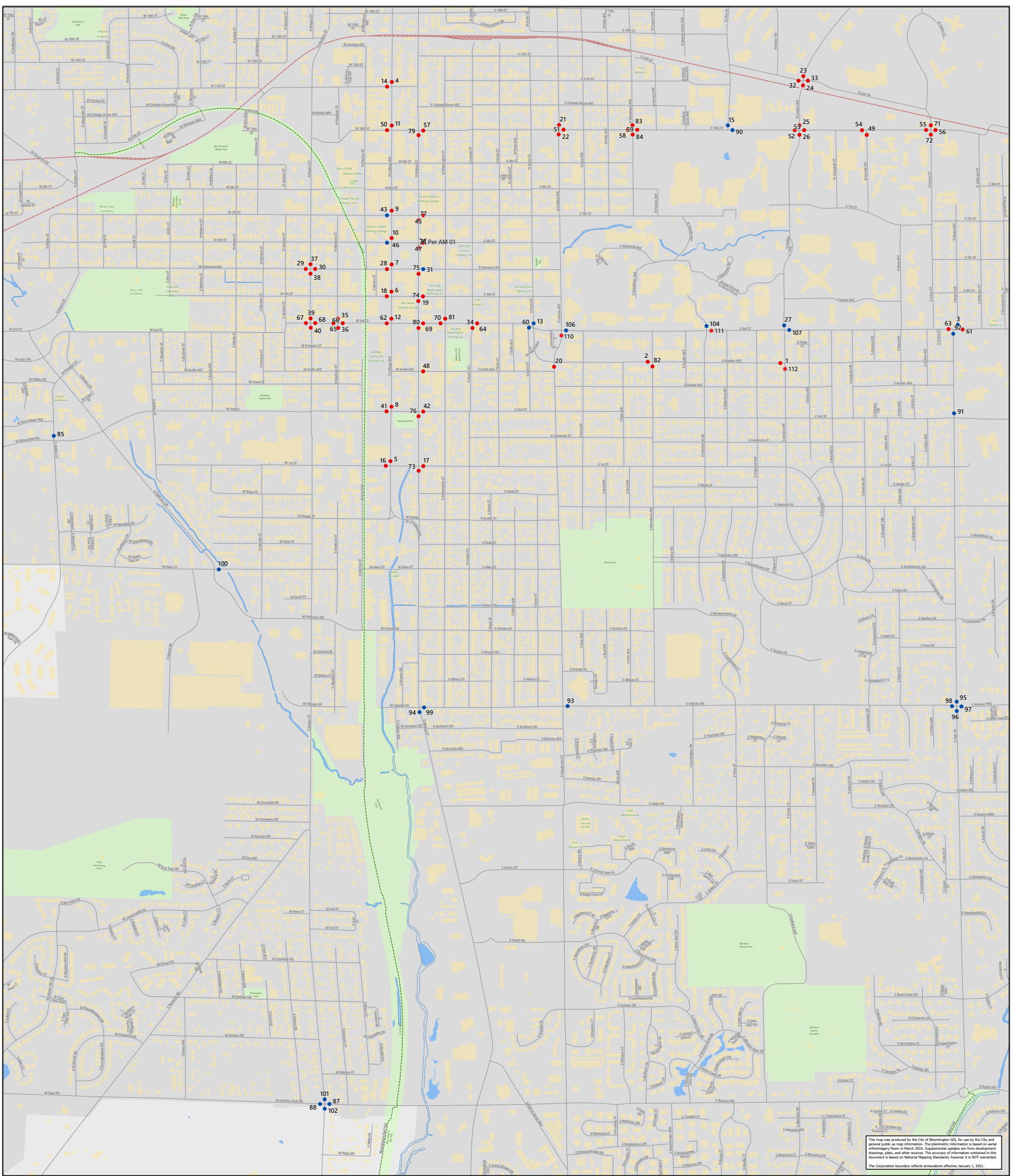
\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends Title 15 of the Bloomington Municipal Code. The changes include adding several new signalized intersections to and correcting a number of existing signalized intersections on the table of locations with restricted turns on red.



# No Turn on Red Points



This map was produced by the City of Bloomington GIS, for use by the City and general public as a map information. The geographic information is based on aerial photography, field data, and other sources. The accuracy of information contained in this document is based on National Mapping Standards, however it is NOT warranted. The Corporation boundary reflects amendments effective January 1, 2021.

- Map Legend**
- NTO Candidate
  - Already in Code



NTOR_ID	Intersection_Name	From	To	Status	Notes
1	Atwater Avenue & Jordan Avenue	West	South	Proposed	
2	Atwater Avenue & Woodlawn Avenue	West	South	Proposed	
3	Bryan Avenue & Third Street	North	West	In Code	
4	College Avenue & Eleventh Street	North	West	Proposed	
5	College Avenue & First Street	North	West	Proposed	
6	College Avenue & Fourth Street	North	West	Proposed	
7	College Avenue & Kirkwood Avenue	North	West	Proposed	
8	College Avenue & Second Street	North	West	Proposed	
9	College Avenue & Seventh Street	North	West	Proposed	
10	College Avenue & Sixth Street	North	West	Proposed	
11	College Avenue & Tenth Street	North	West	Proposed	
12	College Avenue & Third Street	North	West	Proposed	
13	Dunn Street & Third Street	North	West	In Code	To be corrected
14	Eleventh Street & College Avenue	West	South	Proposed	
15	Fee Lane & Tenth Street	North	West	In Code	
16	First Street & College Avenue	West	South	Proposed	
17	First Street & Walnut Street	East	North	Proposed	
18	Fourth Street & College Avenue	West	South	Proposed	
19	Fourth Street & Walnut Street	East	North	Proposed	
20	Henderson Street & Atwater Avenue	South	East	Proposed	
21	Indiana Avenue & Tenth Street	North	West	Proposed	
22	Indiana Avenue & Tenth Street	South	East	Proposed	
23	Jordan Avenue & Law Lane	North	West	Proposed	
24	Jordan Avenue & Law Lane	South	East	Proposed	
25	Jordan Avenue & Tenth Street	North	West	Proposed	
26	Jordan Avenue & Tenth Street	South	East	Proposed	
27	Jordan Avenue & Third Street	North	West	In Code	
28	Kirkwood Avenue & College Avenue	West	South	Proposed	
29	Kirkwood Avenue & Rogers Street	West	South	Proposed	
30	Kirkwood Avenue & Rogers Street	East	North	Proposed	
31	Kirkwood Avenue & Walnut Street	East	North	In Code	
32	Law Lane & Jordan Avenue	West	South	Proposed	
33	Law Lane & Jordan Avenue	East	North	Proposed	
34	Lincoln Street & Third Street	South	East	Proposed	
35	Madison Street & Third Street	North	West	Proposed	
36	Madison Street & Third Street	South	East	Proposed	
37	Rogers Street & Kirkwood Avenue	North	West	Proposed	
38	Rogers Street & Kirkwood Avenue	South	East	Proposed	
39	Rogers Street & Third Street	North	West	Proposed	
40	Rogers Street & Third Street	South	East	Proposed	
41	Second Street & College Avenue	West	South	Proposed	
42	Second Street & Walnut Street	East	North	Proposed	
43	Seventh Street & College Avenue	West	South	In Code	
45	Seventh Street & Walnut Street	East	North	Proposed	
46	Sixth Street & College Avenue	West	South	In Code	
78	<del>Sixth Street &amp; Walnut Avenue</del>	<del>East</del>	<del>North</del>	<del>Proposed</del>	Would be struck by Am 01
48	Smith Avenue & Walnut Street	East	North	Proposed	
49	Sunrise Drive & Tenth Street	South	East	Proposed	



50	Tenth Street & College Avenue	West	South	Proposed	
51	Tenth Street & Indiana Avenue	East	North	Proposed	
52	Tenth Street & Jordan Avenue	West	South	Proposed	
53	Tenth Street & Jordan Avenue	East	North	Proposed	
54	Tenth Street & Sunrise Drive	West	South	Proposed	
55	Tenth Street & Union Street	West	South	Proposed	
56	Tenth Street & Union Street	East	North	Proposed	
57	Tenth Street & Walnut Street	East	North	Proposed	
58	Tenth Street & Woodlawn Avenue	West	South	Proposed	
59	Tenth Street & Woodlawn Avenue	East	North	Proposed	
60	Third Street & Atwater Avenue	West	South	In Code	To be corrected
61	Third Street & Bryan Avenue	East	North	Proposed	
62	Third Street & College Avenue	West	South	Proposed	
63	Third Street & High Street	West	South	Proposed	
64	Third Street & Lincoln Street	East	North	Proposed	
65	Third Street & Madison Street	West	South	Proposed	
66	Third Street & Madison Street	East	North	Proposed	
67	Third Street & Rogers Street	West	South	Proposed	
68	Third Street & Rogers Street	East	North	Proposed	
69	Third Street & Walnut Street	East	North	Proposed	
70	Third Street & Washington Street	West	South	Proposed	
71	Union Street & Tenth Street	North	West	Proposed	
72	Union Street & Tenth Street	South	East	Proposed	
73	Walnut Street & First Street	South	East	Proposed	
74	Walnut Street & Fourth Street	South	East	Proposed	
75	Walnut Street & Kirkwood Avenue	South	East	Proposed	
76	Walnut Street & Second Street	South	East	Proposed	
77	Walnut Street & Seventh Street	South	East	Proposed	
47	Walnut Street & Sixth Street	South	East	Proposed	
79	Walnut Street & Tenth Street	South	East	Proposed	
80	Walnut Street & Third Street	South	East	Proposed	
81	Washington Street & Third Street	North	West	Proposed	
82	Woodlawn Avenue & Atwater Avenue	South	East	Proposed	
83	Woodlawn Avenue & Tenth Street	North	West	Proposed	
84	Woodlawn Avenue & Tenth Street	South	East	Proposed	
85	Adams Street & Second Street	North	West	In Code	
86	College Mall Road & Moores Pike	South	West	In Code	
87	Country Club Drive & Rogers Street	East	North	In Code	
88	Country Club Drive & Rogers Street	West	South	In Code	
89	Covenanter Drive & College Mall Road	East	North	In Code	
90	Fee Lane & Tenth Street	East	North	In Code	To be corrected
91	High Street & Second Street	North	East	In Code	
92	High Street & Third Street	South	East	In Code	
93	Hillside Drive & Henderson Street	East	North	In Code	
94	Hillside Drive & Walnut Street	South	East	In Code	
95	High Street & Hillside Drive/Moores Pike	North	West	In Code	
96	High Street & Hillside Drive/Moores Pike	South	East	In Code	
97	High Street & Hillside Drive/Moores Pike	East	North	In Code	
98	High Street & Hillside Drive/Moores Pike	West	South	In Code	

99	Hillside & Walnut Street	East	North	In Code
100	Patterson Drive & Allen Street	East	South	In Code
101	Rogers Street & Country Club Drive	North	West	In Code
102	Rogers Street & Country Club Drive	South	East	In Code
103	Seventeenth Street & Madison Street	East	South	In Code
104	Third Street & Hawthorne Avenue	North	West	In Code
105	Third Street & Hillsdale	East	North	In Code
106	Third Street & Indiana Avenue	East	North	In Code
107	Third Street & Jordan Avenue	East	North	In Code
108	Third Street & Woodscrest	West	South	In Code
109	Third Street & Wynnedale Drive	East	South	In Code
110	Indiana Avenue & Third Street	South	West	Proposed
111	Third Street & Hawthorne Drive	East	North	Proposed
112	Jordan Avenue & Atwater Avenue	South	East	Proposed

To be corrected

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**PETITIONER:** Councilmembers Kate Rosenbarger and Ron Smith

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**REQUEST:** The petitioner is requesting to prohibit turns on red at all traffic signals within the downtown overlay and adjacent to IU campus. The intent of the request is to reduce crash risk for vulnerable road users.

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**BACKGROUND:**

**Transportation Plan:** *Improve Pedestrian Access to Transit ...* Permissive turn phases at signalized intersections with high pedestrian volumes create conflict points that increase crash risk at the intersection. While pedestrians in the crosswalk legally have the right of way, motorists often aren't looking for pedestrians and sometimes complete the turns at high speeds to avoid collisions with oncoming vehicles. Higher numbers of motorists and pedestrians can be expected along transit corridors. Reducing curb radii to manage turning speeds, installing signage to restrict right turns on red or require yielding to pedestrians, and adjusting traffic signal timings can improve safety for motorists, transit users, and pedestrians at intersections.

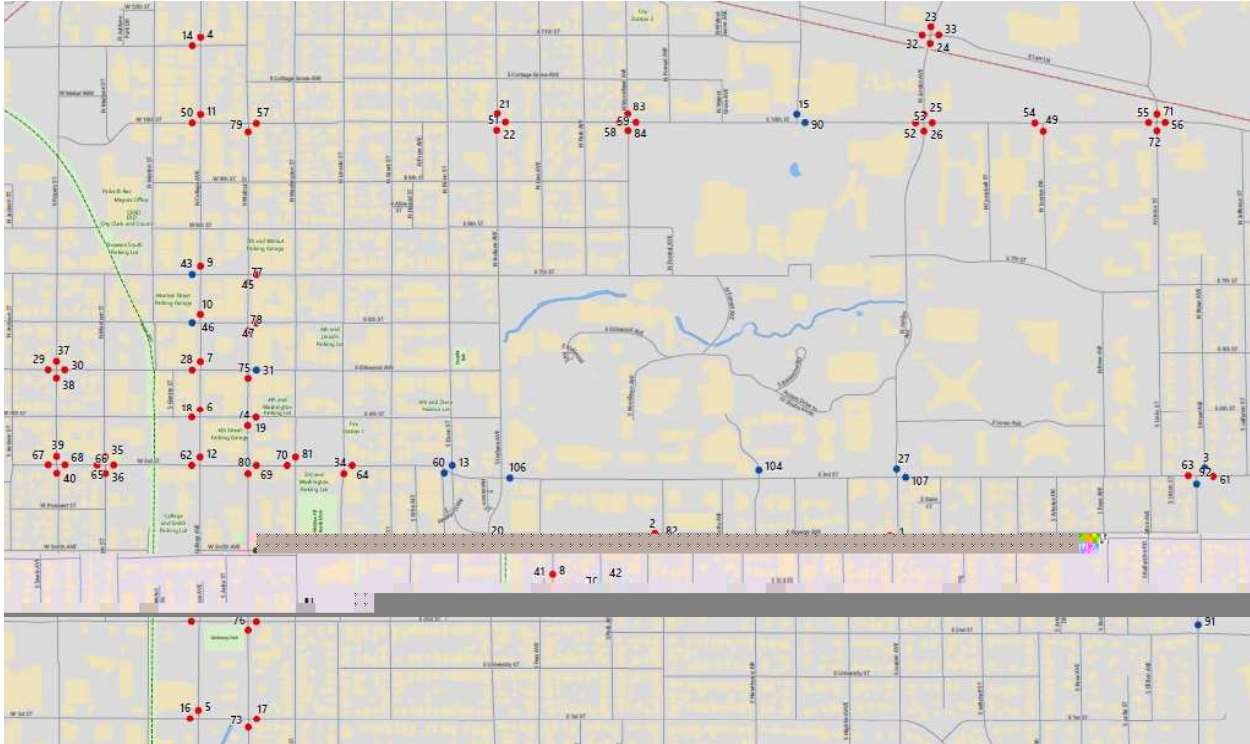
**Comprehensive Plan:** *Policy 6.1.7:* Prioritize safety and accessibility over capacity in transportation planning, design, construction, and maintenance decisions.  
*Policy 6.3.4:* Require pedestrian-friendly design features  
*Policy 6.5.2:* Balance vehicular circulation needs with the goal of creating walkable and bike-friendly neighborhoods.

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**REPORT:**

The following information outlines the evaluation and information considered by staff in response to this request.

**Location:** The draft map below shows both existing (blue) and proposed (red) turn on red restrictions.



**National Guidance:** The Manual on Uniform Traffic Control Devices (MUTCD), which is adopted by state law, provides the following guidance regarding restricting turns on red:

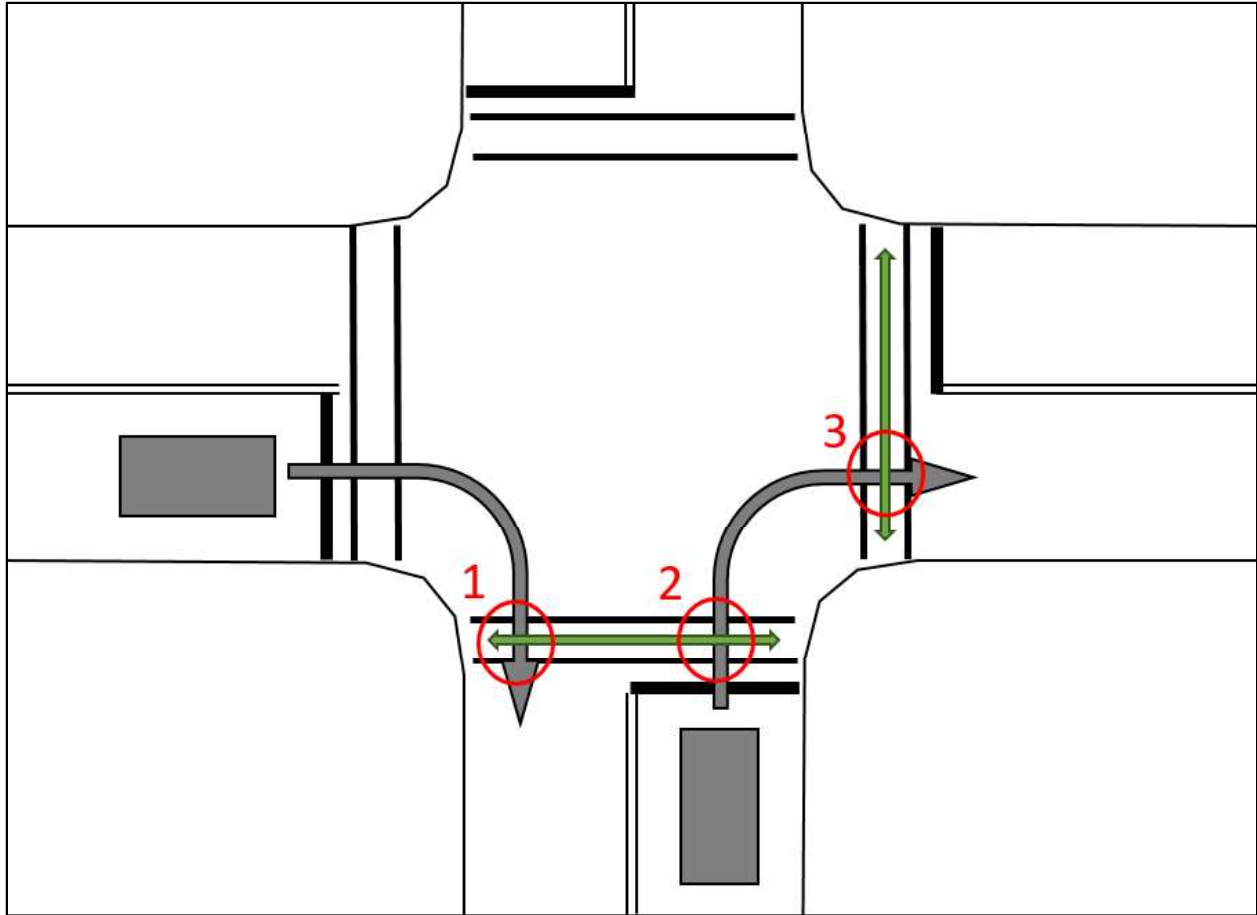
- A No Turn on Red sign should be considered when an engineering study finds that one or more of the following conditions exists:
  - A. Inadequate sight distance to vehicles approaching from the left (or right, if applicable);
  - B. Geometrics or operational characteristics of the intersection that might result in unexpected conflicts;
  - C. An exclusive pedestrian phase;
  - D. An unacceptable number of pedestrian conflicts with right-turn-on-red maneuvers, especially involving children, older pedestrians, or persons with disabilities;
  - E. More than three right-turn-on-red accidents reported in a 12-month period for the particular approach; or
  - F. The skew angle of the intersecting roadways creates difficulty for drivers to see traffic approaching from their left.

**National Crash History:** All available and verified crash modification factors (CMFs) indicate that crashes increase when turns on red are allowed. The studies creating these CMFs examined all crashes as well as specific analysis of vehicle-pedestrian and vehicle-bicycle crashes. Crash increases are shown to be highest among crashes involving people walking or bicycling. These CMFs indicate expected trends, but it is still possible that the characteristics of a particular intersection could be different.

**Local Crash Data:** Staff analyzed crash data involving bicyclists and pedestrians at signalized intersections within this area from 2015 to 2020. Specific attention was paid to crashes that were caused by a vehicular right-on-red or right-on-green turning movements. Overall, there were 5 reported crashes involving right turns on red (1 fatality and 4 injuries) and 8 reported crashes involving right turns on green (6 injuries). Additional details of this analysis are attached at the end of this report.

This data indicates slightly more crashes associated with right turn on green than with right turn on red. However, an accurate comparison cannot be made without considering the prevalence of these two types of turns. Frequency of turns on red will vary based on many factors, but it is generally expected that turns on green are more common than turns on red. One significant factor affecting frequency of turns on red is the presence of a dedicated right turn. If there is no dedicated right turn lane, then a single vehicle waiting to go straight or left at a traffic signal will preclude any vehicles behind it from turning on red. Within this area, the vast majority of traffic signals do not have dedicated right turn lanes.

**Specific Location Evaluations:** The image below helps illustrate potential conflict trade-offs between vehicles and pedestrians. When turns on red are allowed, a pedestrian could potentially be struck by a vehicle turning right on red (circle 2) or a vehicle turning right on green (circle 1). Prohibiting turns on red reduces conflicts between pedestrians and drivers turning on red (reduces potential for circle 2). However, it may increase conflicts in a different crosswalk (circle 3) between pedestrians and drivers turning on green because restricting turns on red means that more turns will occur on green. Conflicts with turns on red are typically higher risk because a driver's attention is focused to only one direction which may be away from the conflicting pedestrian while the conflict in a turn on green occurs with the driver focused in the direction of the crosswalk. In some contexts, such as offset intersections with high pedestrian volumes, turns on green (circle 3) may actually be higher risk than turns on red (circle 2). Staff reviewed the proposed locations and did not identify any intersections where turns on green are expected to be higher risk than turns on red.



Staff identified one additional turn restriction to add to the draft ordinance’s list: Third Street & Hawthorne Street from East to North.

**Compliance and Enforcement:** In general, staff prefers to avoid unnecessary traffic regulations and believes that road users can and should make decisions to avoid crashes. However, there are many examples where transportation users do not appropriately judge the risk to themselves or others and regulations must be implemented. These situations are evident in turn restrictions, traffic calming implementations, and traffic signal phasing requirements.

All traffic regulations (stop signs, speed limits, etc.) require direct observation by a police officer in order to be enforced. Bloomington Police Department does not anticipate prioritizing resources to specifically enforce these proposed turn on red restrictions. However, it is assumed that a majority of drivers do not intentionally violate laws. Thus, even if some drivers continue to turn on red, the total number of turns on red would decrease.

The downtown and IU areas are included in this proposal to focus on areas with higher pedestrian volumes and a higher number of pedestrian conflicts with turns on red. This geographic approach is likely to be easier for drivers to become accustomed to. There

would be signs posted at each intersection, but drivers can also learn to expect that all turns on red are prohibited within the area. It is also expected, however, that the turn prohibitions will be less likely to be obeyed at night when traffic volumes are low and drivers may not perceive a need for the restriction. If issues with nighttime compliance arise, then it is possible that signal timing updates and detection improvements could be implemented to mitigate the issue.

**Traffic Operation Impacts:** The original rationale behind allowing turns on red was to reduce fuel consumption. Any increase in motor vehicle delays caused by this prohibition are expected to be small and more likely to be noticed in off-peak periods when traffic volumes are very low. It is difficult to quantify the potential fuel savings allowed by turns on red. Also, any fuel savings would need to be compared to a potential fuel consumption increase caused by bigger picture mode choices (e.g. if people do not feel comfortable walking, then they may drive instead).

Bloomington Transit has an existing rule that their bus drivers are not allowed to turn on red. This proposal is not expected to have any negative impacts to transit and could reduce crash risk for the pedestrians using transit.

Another pedestrian safety tool with documented crash reductions is the Leading Pedestrian Interval (LPI). A LPI gives pedestrians a walk indication a few seconds before motor vehicles are given a green light. This minor timing change allows pedestrians to enter the crosswalk and become more visible to turning drivers. LPIs specifically reduce crash risk from turns on green. Turns on red must be restricted to achieve the full benefits of an LPI because allowing a turn on red would effectively negate the lead given to a pedestrian. Much of the City's existing signal infrastructure does not support LPIs, but all of the newer signal installations and replacements include equipment that is capable of LPI. Staff anticipates increased LPI utilization in the future.

**Budget Impacts:** Implementation of this proposal would require a relatively minor cost for signs and maintenance. As noted previously, there is currently no budget for specific enforcement of this proposal despite potential requests and/or expectations for it.

**Next Steps:** This request requires City Council approval to update Title 15 before implementation.

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**RECOMMENDATION:** The Engineering Department and the Planning and Transportation Department recommend that the Traffic Commission support this proposal.

**APPENDIX - CRASH DATA:** Staff analyzed crash data involving bicyclists and pedestrians at signalized intersections in the Downtown and University areas (see attached map for extent) from a period of 1/1/2015-12/31/2020. Specific attention was paid to crashes that were caused by vehicular right-on-red and right-on-green turning movements.

In total, there are 42 intersections in this area that are controlled by traffic signals. Staff found a total of 67 vehicular to pedestrian/bicyclist crashes to have occurred in this time period. Of these, 5 were due to the vehicle making a right-on-red turning movement, 8 were due to the vehicle making a right-on-green turning movement, 34 were due to the vehicle making a left turning movement, 13 were due to straight movements, and 7 were due to other<sup>1</sup> movements.

4 of the 5 right-on-red crashes resulted in injury to the bicyclist/pedestrian, 1 resulted in a fatality. 6 of the 8 right-on-green crashes resulted in injury to the bicyclist/pedestrian, none resulted in a fatality.

<b>Downtown/University Data 1/1/2015-12/31/2020</b>	
Total Number of Signalized Intersection	42
Total Number of Vehicle-Bike/Ped Crashes	67
Total Number of Vehicle-Bike Crashes	22
Total Number of Vehicle-Ped Crashes	44
Total Number of Vehicle-Scooter Crashes	1
Total Number Caused by Other Circumstances	7

<b>Right Turning Movement Stats</b>	
Total Number of Crashes Caused by Right on Red	5
Total Number caused by Right on Green	8
Crashes Causing Fatalities Right on Red	1
Crashes Causing Injuries Right on Red	4
Crashes Causing Injuries Right on Green	6

<b>Left Turning Movements Stats</b>	
Total Number Caused by Left Turning Movements	34
Crashes Causing Injuries Left Turning Movements	30

<b>Straight Turning Movement Stats</b>	
Total Number Caused by Straight Turning Movements	13
Crashes Causing Fatalities Straight Turning Movements	1
Crashes Causing Injuries Straight Turning Movements	12

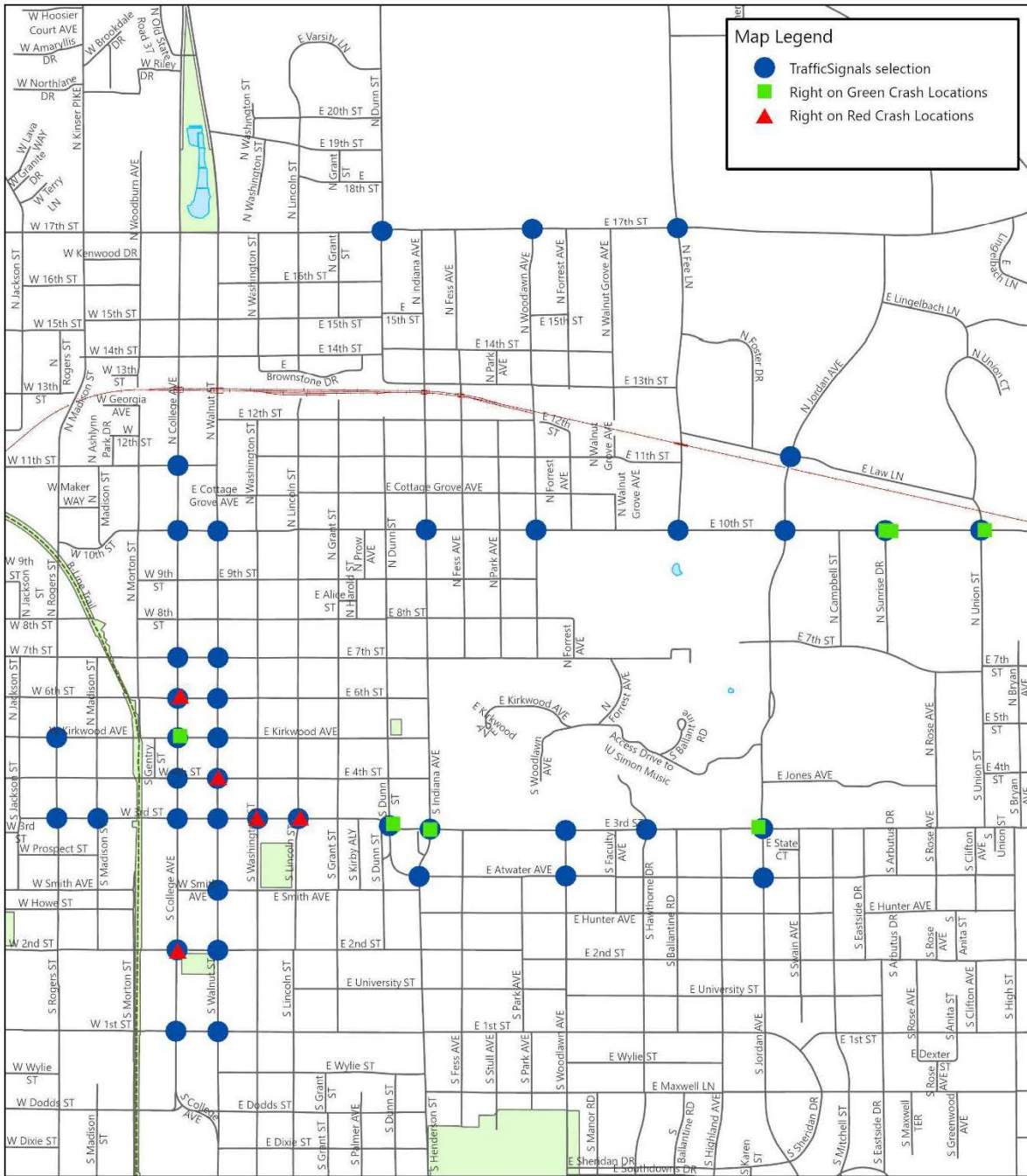
<b>Other Turning Movements Stats<sup>1</sup></b>	
Total Number Caused by Other Turning Movements	7
Crashes Causing Injuries Other Turning Movements	7

<sup>1</sup> "Other" was used conservatively when it was decided that the traffic signal played no part in the crash



<b>Right on Red Crash Locations</b>	<b>Injury/Fatality</b>	<b>Light Condition</b>	<b>Travel Mode</b>
East 4th St to South Walnut St	Injury	DAYLIGHT	Bicycle
South Washington St to East 3rd St	Fatality	DARK (LIGHTED)	Pedestrian
South Lincoln to East 3rd St	Injury	DAYLIGHT	Bicycle
E 2nd St to South College Ave	Injury	DARK (LIGHTED)	Bicycle
West 6th St to North College Ave	Injury	DARK (LIGHTED)	Pedestrian

<b>Right on Green Crash Locations</b>	<b>Injury/Fatality</b>	<b>Light Condition</b>	<b>Travel Mode</b>
East Atwater Ave to East 3rd St	Injury	DARK (LIGHTED)	Pedestrian
West Kirkwood Ave to South College Ave	-	DAYLIGHT	Pedestrian
East 3rd St to South Jordan Ave	Injury	DAYLIGHT	Bicycle
East 10th St to North Union St	Injury	DAYLIGHT	Pedestrian
East 10th St to North Sunrise Ave	-	DAYLIGHT	Bicycle
East 10th St to North Sunrise Ave	Injury	DAYLIGHT	Bicycle
East 3rd St to South Indiana	Injury	DAYLIGHT	Bicycle
East 10th St to North Sunrise Ave	Injury	DAYLIGHT	Bicycle

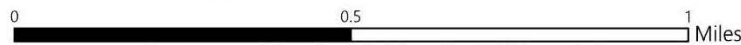


City of Bloomington



Engineering Department

# Downtown/University Area Right Turning Movement Bike/Ped Crashes



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

Produced: 2/18/2021



**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 21-12  
**Amendment #:** Am 01  
**Submitted By:** Cm. Rosenbarger  
**Date:** April 7, 2021  
**Proposed Amendment:**

1. Ord 21-12, Section 1 shall be amended by removing “Sixth Street & Walnut Street – from east to north” from the list of affected signalized intersections.

**Synopsis**

This amendment removes an intersection turn location from the list of locations to be added to Bloomington Municipal Code Section 15.20.020, Schedule H.

**Committee Recommendation:** N/A  
**Regular Session Action:** Pending



## MEMO FROM COUNCIL OFFICE ON:

**Ordinance 21-13** - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" Re: Amending Chapters 12.32.080, Schedule M, "No Parking Zones," to remove three no parking zones and add ten no parking zones; and to amend Chapter 15.32.100, Schedule O, "Loading Zones," to add two loading zones

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### Synopsis

This Ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff and the Parking and Traffic Commissions. The ordinance makes the following changes:

- It deletes three "no parking" zones on 6<sup>th</sup> Street.
- It adds ten "no parking" zones in the Renwick area.
- It adds two loading zones.

### Relevant Materials

- [Ordinance 21-13](#)
- Memo from staff
- Maps of affected locations
- Amendment 01 to [Ordinance 21-13](#)

### Summary

[Ordinance 21-13](#) proposes to amend two sections of Title 15 ("Vehicles and Traffic") of the Bloomington Municipal Code ("BMC"), accessible online here:

[https://library.municode.com/in/bloomington/codes/code\\_of\\_ordinances?nodeId=TIT15\\_VETR](https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT15_VETR)

Section 1 of the ordinance removes three locations from and adds ten locations to Schedule M ("No Parking Zones") within [BMC 15.32.080](#).

Section 2 of the ordinance adds two locations to Schedule O ("Loading Zones") within [BMC 15.32.100](#).

Amendment 01, included herein, would correct a code reference in the title of the ordinance. The title currently references Bloomington Municipal Code Chapter 12.32.080 but should reference Chapter 15.32.080.

### Contact

Amir Farshchi, Long Range Planner, 812-349-3423, [farshchs@bloomington.in.gov](mailto:farshchs@bloomington.in.gov)  
(questions sent to Amir may be directed to other staff members as needed)

**ORDINANCE 21-13**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" Re: Amending Chapters 12.32.080, Schedule M, "No Parking Zones," to remove three no parking zones and add ten no parking zones; and to amend Chapter 15.32.100, Schedule O, "Loading Zones," to add two loading zones**

WHEREAS, the Traffic Commission, Parking Commission, and city staff from the Planning and Transportation, Engineering, Parking Services division of Public Works, and Legal departments recommend certain changes be made in Title 15 of the Bloomington Municipal Code entitled "Vehicles and Traffic,"

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

SECTION 1. Chapter 15.32.080, Schedule M, entitled "No Parking Zones," shall be amended by removing the following language and adding the following language:

**SCHEDULE M  
NO PARKING ZONES**

**Remove:**

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Side of Street</b>	<b>Time of Restriction</b>
Sixth Street	2 <sup>nd</sup> Alley East of Pine Street	Oak Street	South	Any Time
Sixth Street	2 <sup>nd</sup> Alley East of Oak Street	Elm Street	South	Any Time
Sixth Street	Oak Street	2 <sup>nd</sup> Alley East of Oak Street	North	Any Time

**Add:**

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Side of Street</b>	<b>Time of Restriction</b>
Eva Hill Drive	Seminary Drive	End of cul-de-sac	North/East/West	Any Time
Eva Hill Drive	Seminary Drive	Nora Hill Drive	West	Any Time
Hawksmoore Drive	Renwick Boulevard	Nora Hill Drive	East	Any Time
Hawksmoore Drive	Nora Hill Drive	Melville Circle	East	Any Time
Melville Circle	Hawksmoore Drive	End of cul-de-sac	North/East/West	Any Time
Ramsey Drive	Renwick Boulevard	Queens Way	East	Any Time
Ramsey Drive	Queens Way	Nora Hill Drive	East	Any Time
Renwick Boulevard	Moores Pike	Ramsey Drive	West	Any Time
Renwick Boulevard	265' North of Ramsey Drive	Queens Way	East	Any Time
Seminary Drive	Renwick Boulevard	Eva Hill Drive	North	Any Time

SECTION 2. Chapter 15.32.100, Schedule O, "Loading Zones," shall be amended by adding the following:

<b>LOADING ZONES</b>	
400	Block of South Washington Street, first space north of the first alley south of East Smith Avenue on the west side at 416 South Washington Street, from the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.
1000	Block of North College Avenue, first space south of West Fifteenth Street on the east side at 1022 North College Avenue

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

SECTION 4. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

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 Ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff and the Parking and Traffic Commissions. The ordinance makes the following changes:

- It deletes three "no parking" zones on Sixth Street.
- It adds ten "no parking" zones in the Renwick area.
- It adds two loading zones.

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**To:** Common Council  
**MEMO**

**Ordinance #:** 21-13  
**Date:** March 08, 2021

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**From:** Raye Ann Cox, Parking Enforcement Manager; Amir Farshchi, Long Range Planner; Neil Kopper, Senior Project Engineer; Barbara E. McKinney, Assistant City Attorney; Beth Rosenbarger, Planning Services Manager; Michelle Wahl, Parking Services Director

**Request:** Title 15 Amendments -- Changes to Schedules

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## REPORT

The City staff from the Planning and Transportation, Engineering, Parking Services division of Public Works, and Legal departments have compiled a number of recommendations for changes to Title 15, the vehicle and traffic section of the Bloomington Municipal Code. Link to the current Title 15 of the Bloomington Municipal Code:

[https://library.municode.com/in/bloomington/codes/code\\_of\\_ordinances?nodeId=TIT15VETR](https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT15VETR)

The purpose of these recommendations is to address issues that have come to staff's attention through public requests, commissions' recommendations, or 180-day orders. The ordinance amending Title 15 and respective maps are included in the meeting packet. This request for changes to Title 15 was presented to the Traffic Commission on February 24, 2021 and Parking Commission on February 25, 2021. The Traffic and Parking Commissions voted to forward with a positive recommendation to the Common Council.

The ordinance includes the following changes:

- Section 1 deletes three "no parking" zones on Sixth Street between Adams Street and Elm Street. *Amir Farshchi, Neil Kopper, and Beth Rosenbarger*
  - The Traffic Case 21-04 about Sixth Street was presented to the Traffic Commission on February 24, 2021 by Amir Farshchi, the resolution was passed 7-0-0.
  - After Traffic and Parking Commissions reviewed these updates, one modification was made. Based on line-of-sight analysis, the north side of the street from Adams Street to the second alley east of Pine Street will remain "no parking", as is currently described in code.
- Section 1 also adds ten "no parking" zones. *Neil Kopper*
  - A developer constructed the streets within Renwick, and the Board of Public Works accepted the streets into the City inventory.

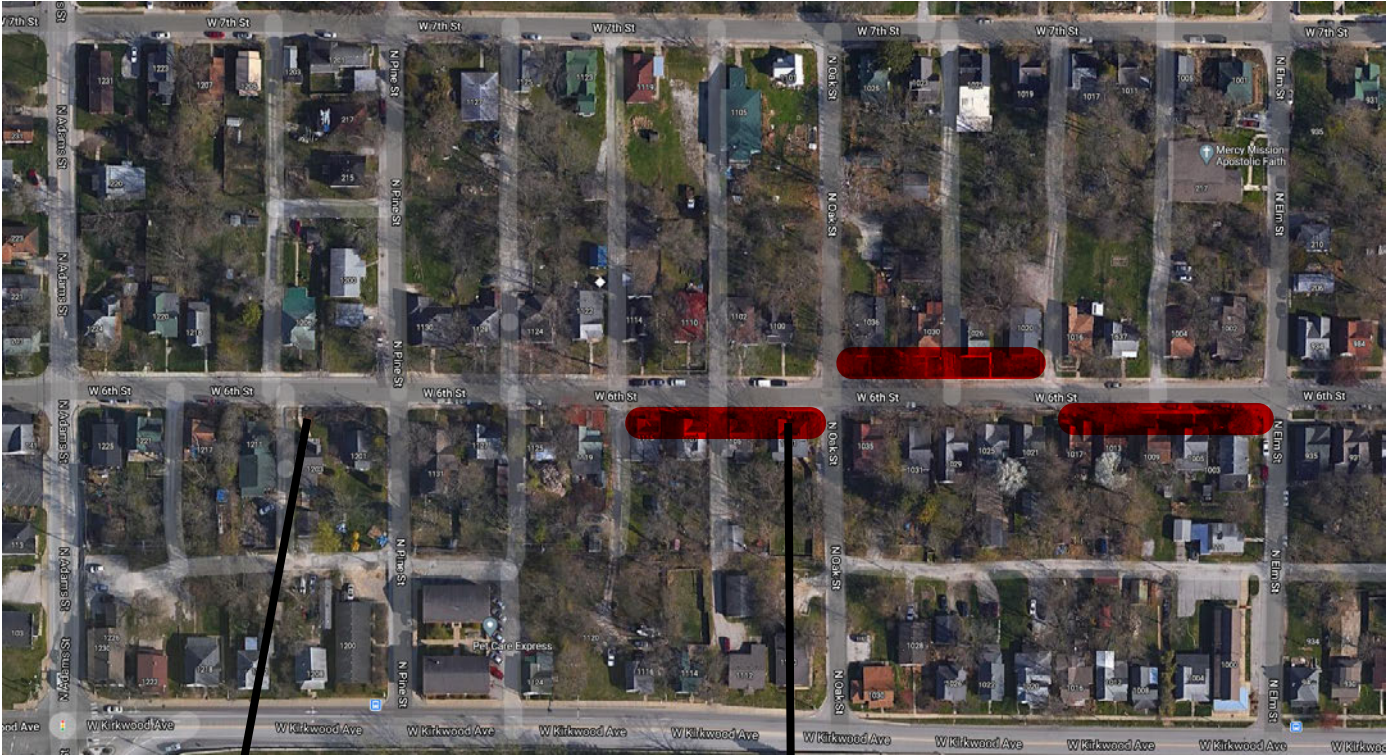
- The Traffic Case 21-02 about the Renwick area case was presented to the Traffic Commission on February 24, 2021 by Karina Pazos, Engineering Technician, and the resolution was passed 7-0-0.
- Section 2 adds two loading zones to accommodate demands not addressed by the current parking regulations. *Michelle Wahl and Raye Ann Cox*
  - Loading zone near 1022 North College Avenue: Parking Resolution 20-07 was presented to the Parking Commission on 12/1/2020 by Raye Ann Cox and Michelle Wahl, the resolution was passed 5-0. The 180-Day Order 20-05 was issued for this case.
  - Loading zone near 416 South Washington Street: effective for the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday; the loading zone changes to a parking space for the hours outside of the time restrictions. The area where the loading zone is located is in a limited parking zone area, meaning a 2-hour free parking area. The 2-hour free parking is Monday through Saturday, 8:00 a.m. to 5:00 p.m. The loading zone will be a free parking space Monday through Friday from 5:00 p.m. to 7:00 a.m. The loading zone will be a 2-hour free parking space from 8:00 a.m. to 9:00 p.m. on Saturdays. The loading zone will be a free parking space on Sundays. The Project School requested a loading zone to facilitate pickup and dropoff at this building, which they are using for classes. The 180-Day Order 20-06 was issued for this case.

**Recommendation:** Staff recommends that the Common Council adopts the changes to Title 15.



**Removing No Parking Zones:**

- On Sixth Street from 2nd Alley East of Oak Street to Elm Street on South Side of Street
- On Sixth Street from Oak Street to 2nd Alley East of Oak Street on North Side of Street
- On Sixth Street from 2nd Alley East of Pine Street to Oak Street on South Side of Street



The above photo shows 6th St. between 1st alley east of Pine St. to Pine St. from east to west



The above photo shows 6th St. between 1st alley east of Pine St. to Pine St. from west to east



The above photo shows 6th St. between 1st alley east of Oak St. and Oak St. from west to east

**Adding No Parking Zones:**

On Eva Hill Drive, Hawksmoore Drive, Melville Circle, Ramsey Drive, Renwick Boulevard, Seminary Drive

**EXISTING NO PARKING SIGNS TO CODIFY**



**LEGEND**

 CODIFY SIGNS

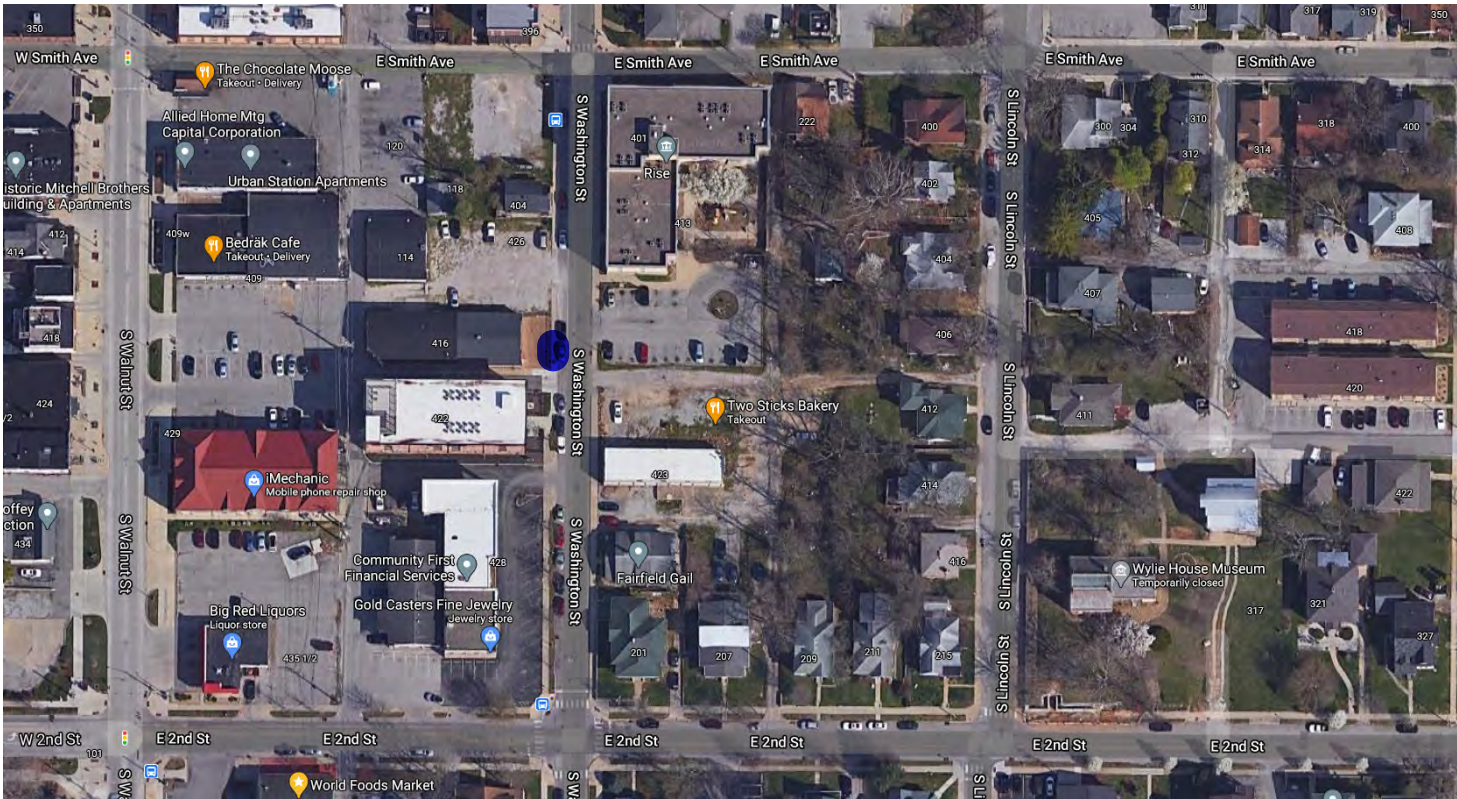
**Adding Loading Zone:**

On 1022 North College Avenue, first space south of West Fifteenth Street on the east side.



**Adding Loading Zone:**

416 South Washington Street, the first space north of the first alley south of East Smith Avenue on the west side from the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.



**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 21-13  
**Amendment #:** Am 01  
**Submitted By:** Cm. Rosenbarger  
**Date:** March 24, 2021  
**Proposed Amendment:** (additions are shown in **bold** and deletions in ~~striketrough~~)

1. Ord 21-13 shall be amended by striking “Chapters 12.32.080” from the title of the ordinance and by replacing it with “Chapter 15.32.080”.

**Synopsis**

This amendment corrects a reference in the title to the section of the Bloomington Municipal Code amended by the ordinance.

**Committee Recommendation (03/24/21):** N/A (not introduced)  
**Regular Session Action:** Pending



## MEMO FROM COUNCIL OFFICE ON:

**Ordinance 21-07** – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD – Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)

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### Synopsis

Ordinance 21-07 amends the District Ordinance and Preliminary Plan for Parcel E of the Thompson PUD to allow for the construction of 19 townhomes and 104 multifamily residences.

### Relevant Materials

- Ordinance 21-07
- Certification of Ord 21-07 by Plan Commission
- Staff Memo from Eric Greulich
- Environmental Commission Memo
- Map of Surrounding Zoning
- Aerial Map of Site
- Petitioner’s Statement
- District Ordinance
- Preliminary Plan and Renderings (including additional renderings and alternate site plan provided by Petitioner on March 31, 2021)
- Fiscal Impact statement
- Reasonable Conditions 01 & 03 (Additional Reasonable Conditions may be forthcoming)
- Land Use Committee Report forthcoming

### Council Land Use Committee & Reasonable Conditions

At its first reading by the Council on March 3, 2021, this ordinance was referred to the Land Use Committee for consideration. The Land Use Committee met twice, on March 10, 2021 and March 31, 2021. A report from the Committee on its deliberations is forthcoming. On March 31, the Committee considered and made a recommendation on two reasonable conditions - RC 01 and RC 03 (included herein). An additional reasonable condition, RC 04 (addressing direct sidewalk connections), was discussed by the Committee but withdrawn before a vote so that it could be revised. RC 04 and any additional reasonable conditions councilmembers are working to prepare should be distributed ahead of the April 7 Regular Session. Councilmembers are encouraged to work with staff in advance of April 7 on reasonable conditions they may wish to introduce.



### **Certified by Plan Commission**

Ord 21-07 was certified to the Council by the Plan Commission on January 20, 2021 with a favorable recommendation (7-1) with the following conditions of approval:

1. The proposed buildings in the Final Plan must be consistent with the currently submitted elevations including orientation, modulation, and materials. The west elevations of all buildings must be similar to the design of the east elevations as presented.
2. The District Ordinance shall be amended prior to Council to allow a maximum 80% impervious surface coverage and minimum 20% landscape area for the Lot with Building #7 and the maximum height of that building shall be limited to 4 stories or 50’.
3. Per the petitioner statement, the townhome buildings must be designed to LEED standards and the commercial buildings must be LEED Silver certified.
4. A minimum of 6’ wide concrete sidewalk and 5’ wide tree plot are required along the south side of Hillside Drive adjacent to Building #7.
5. The District Ordinance shall be amended to require two design elements for the Pedestrian Entrances as required in the UDO.

### **Summary**

The Council’s review of a PUD proposal is guided by state statute. Council has wide discretion but must have a rational basis for its decision. 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 and may also exercise powers set forth under Indiana Code 36-7-4-1500 et seq. Those powers include:

- Imposing reasonable conditions;
- Conditioning the issuance of a certificate of zoning compliance on bond or certain guarantees; and
- Allowing or requiring the owner of real property to make written commitments.

If the Council fails to act on the proposal within 90 days after certification, the ordinance would take effect as if it had been adopted as certified by the Plan Commission.<sup>1</sup>

In consideration of Ordinance 21-07, Indiana Code directs that Council shall pay reasonable regard to the following<sup>2</sup>:

- 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.

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<sup>1</sup> IC 36-7-4-608

<sup>2</sup> IC 36-7-4-603



It is not necessary that Council find absolute conformity with each of the factors outlined above. Rather, Council is to take into consideration the entire constellation of criteria, balancing the statutory factors.

Further, the BMC calls for the Council to consider the following criteria relevant to a PUD proposal<sup>3</sup>:

- Is consistent with the purpose of the UDO and the Planned Unit Development District; and
- The petitioner has demonstrated that the proposed rezoning is compatible with surrounding development or can be made compatible with surrounding development through commitments or conditions; and
- Any portion of the PUD zoning district to be occupied by multifamily, mixed-use, or industrial development shall provide a greater level of internal connectivity and connectivity to surrounding developments than would be required by this UDO if the project were not being developed in a PUD zoning district; and
- Each multifamily, mixed-use, or nonresidential principal structure in the PUD zoning district shall provide a greater level of design quality than would be required by this UDO if the project were not being developed in a PUD zoning district; and
- At least one of the following criteria are met:
  - The proposed PUD zoning district will include construction of a substantial open space, recreational, entertainment, or cultural amenity that will be open to and usable by the general public, and that would not otherwise be required by this UDO. Reconfiguration of open space required by this UDO does not satisfy these criteria;
  - The proposed PUD zoning district will protect a significant ecological, natural, historical, architectural, or archeological resource that was not already protected from development by this UDO or by state or federal law. Avoidance of designated floodplains or wetland areas, or the provision of additional buffers around such areas, does not satisfy these criteria; or
  - The proposed PUD zoning district provides affordable housing beyond the amounts that the petitioner would have been required to provide in order to earn a Tier 1 or Tier 2 affordable housing incentive under Section 20,04.110(c)(5) by either:
    - Income-restricting at least 10 percent more of the dwelling units at or below the income levels required to earn a Tier 1 or Tier 2 incentive, or

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<sup>3</sup> BMC 20.06.070





- Income restricting the same number of dwelling units required to earn a Tier 1 or Tier 2 affordable housing incentive, but limiting incomes to at least 10 percent lower AMI level than would have been required to earn a Tier 1 or Tier 2 incentive 20.04.110(c)(5)

The findings of the Plan Commission are outlined in the staff memo from Eric Greulich.

Finally, the BMC also provides that permitted uses in a PUD are subject to the discretion and approval of the Plan Commission and the Council. Permitted uses are determined in consideration of the Comprehensive Plan, existing zoning, land uses contiguous to the area being rezoned, and the development standards outlined in the UDO. If the terms of the PUD approved by the Common Council do not clearly address the availability of specific uses in all or part of the development, then the uses and use-specific standards that would otherwise be applicable to development of the same character and scale if it were zoned into one of the base zoning districts in BMC 20.02.020 through 20.02.040 as determined by the Planning and Transportation Director, shall apply. <sup>4</sup>

### **What Happens Next**

Council's role ends with the adoption or rejection of the zoning ordinance. There is no obligation to develop a property after the adoption of a zoning ordinance but if a developer chooses to do so, the zoning ordinance provides the framework for how the property can be developed. In the event Council adopts Ordinance 21-07, the next step would be for a developer to present a site plan to the Plan Commission for approval. Once a site plan is submitted, the Plan Commission reviews the plan to ensure that it meets with the provisions of the zoning ordinance including any reasonable conditions and commitments. There is no time constraint for the submission of a site plan, but once approved, a site plan is valid for a defined period of time.

### **Contact**

Eric Greulich, Senior Zoning Planner, [greulice@bloomington.in.gov](mailto:greulice@bloomington.in.gov), (812) 349-3526

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<sup>4</sup> BMC 20.02.050

**ORDINANCE 21-07**

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY AMENDING THE  
DISTRICT ORDINANCE AND PRELIMINARY PLAN FOR PARCEL E OF THE  
THOMSON PUD**

**- Re: 300 W. Hillside Drive  
(Tom Brennan, Petitioner)**

WHEREAS, Ordinance 20-06, repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"; and

WHEREAS, the Plan Commission has considered this case, PUD-17-20, and recommended that the petitioner, Tom Brennan, be granted an approval to amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences; 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 District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD shall be amended. The property is further described as follows:

A part of the Southeast Quarter of Section 5 Township 8 North Range 1 West and Part of Lot 53 of Dodds Addition to the City of Bloomington, all of which is situated in Monroe County, IN and being more particularly described as follows:

Commencing at the northwest corner of Lot 53 of Dodds Addition to the City of Bloomington being marked by a 5/8 inch diameter rebar; thence SOUTH 01 degrees 52 minutes 17 seconds EAST along the west line of said Lot 53, (Basis of Bearings per ALTA-ASCM Survey dated December 30th, 1998 by Bledsoe Tapp & Riggert, Inc., Job #2429), a distance of 372.39 feet to the Point of Beginning of this description being marked by a 5/8 inch rebar with yellow plastic cap stamped "BRG PC50920004", (BRG rebar); thence continuing SOUTH 01 degrees 52 minutes 17 seconds EAST along the west line of said Lot 53 a distance of 617.56 feet to a 1/2 inch rebar marking the southwest corner of said Lot 53 being on the north right of way of Hillside Drive; thence leaving said west line and along said north right of way NORTH 89 degrees 40 minutes 30 seconds EAST a distance of 168.01 feet to a BRG rebar; thence leaving said north right-of-way NORTH 02 degrees 05 minutes 50 seconds WEST a distance of 124.23 feet to a point inside an existing concrete block building as-built; thence SOUTH 90 degrees 00 minutes 00 seconds EAST a distance of 40.00 feet to the east line of said Lot 53; thence NORTH 87 degrees 54 minutes 10 seconds EAST a distance of 2.00 feet to a BRG rebar; thence NORTH 02 degrees 05 minutes 50 seconds WEST parallel to the east line of said Lot 53 a distance of 499.26 feet to a BRG rebar; thence SOUTH 88 degrees 06 minutes 51 seconds WEST through said Lot 53 being 1.0 feet north of the north face of existing steel columns as-built inside a concrete block building a distance of 207.45 feet to the Point of Beginning, containing 2.85 acres, more or less. Subject to any and all easements, agreements, and restrictions of record.

ALSO

Tract 2:

Lot Number 1 in the Libey Subdivision, as shown by the recorded plat thereof, recorded in Plat Cabinet C, Envelope 245, in the office of the Recorder of Monroe County, Indiana.

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

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to

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

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

PASSED 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 21-07 would amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences.

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

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-07 is a true and complete copy of Plan Commission Case Number PUD-17-20 which was given a recommendation of approval by a vote of 7 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 11, 2021.

Date: January 20, 2021

  
 \_\_\_\_\_  
 Scott Robinson, Secretary  
 Plan Commission

Received by the Common Council Office this 20th day of January, 2021.

  
 \_\_\_\_\_  
 Nicole Bolden, City Clerk

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

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:** Eric Greulich, Senior Zoning Planner  
**Subject:** PUD-17-20  
**Date:** January 19, 2021

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case PUD-17-20. The Plan Commission heard this petition at the January 11, 2021 hearing and voted 7-1 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

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**REQUEST:** The petitioner is requesting an amendment to the preliminary plan and district ordinance for the Thomson PUD to allow 19 townhomes and 104 multi-family residences on Parcel E.

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**BACKGROUND:**

**Area:** 3.7 acres  
**Current Zoning:** Planned Unit Development  
**Comp Plan Designation:** Urban Corridor and Switchyard North Focus Area  
**Existing Land Use:** Office and Warehouse  
**Proposed Land Use:** Mixed Use  
**Surrounding Uses:** North – Warehouse (Storage Express)  
West – Single family residences (McDoel Neighborhood)  
East – Switchyard Park  
South – Crosley Warehouse (community center)

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**REPORT:** The site is located at 300 E. Hillside Drive and is zoned Planned Unit Development (Thomson PUD). The petition site is at the east end of the Hillside Drive stub and includes a 2.85 acre property on the north side of Hillside Drive and a 0.85 acre property on the south side of Hillside Drive. Surrounding zoning includes the Thomson PUD to the north and south, Residential Small Lot (R3) to the west, and Mixed Use Institutional (MI) to the east. The surrounding properties have been developed with a mix of single family residences to the west, a storage warehouse to the north, Crosley Warehouse (community center) to the south, and the Switchyard Park to the east. This site has been developed with a 150,000 square foot warehouse that has a property line about 2/3 through the warehouse and a surface parking lot. The northern 1/3 of the warehouse, which is owned separately and contains Storage Express, is not part of this petition.

The petitioner is proposing to remove the southern 2/3 of the warehouse and redevelop the property north of Hillside Drive with several buildings, including a four-story, mixed-use building with 5,000 square feet of commercial space, 18 internal parking spaces, and 30 units; a five-story, mixed-use building with 2,000 square feet of commercial space, 16 internal parking spaces, and 32 units; and 4, three-story owner-occupied townhome buildings with a total of 19 units. A surface parking lot behind the units with 60 parking spaces would span all of the development north of Hillside Drive to be used by the residents. The property to the south of Hillside Drive would feature a five-story, multi-family building with 42 units and 90 internal parking spaces. The bottom two floors of the building south of Hillside Drive would be entirely parking. A 5' wide tree plot and 5' wide sidewalk from this site to Rogers Street has been shown along the north side of Hillside Drive. No sidewalk or tree plot on the south side of Rogers Street has been shown yet. The

petitioner has committed that the mixed-use and multi-family buildings will be LEED silver certified. The townhome buildings will also be built to a comparable requirement. Each building will have a minimum of 15% of the units set aside for affordable housing as required by the UDO.

One of the main continuing areas for discussion with this petition has been the desired housing type, density, and building design along the Switchyard Park. Last year, at the request of the Administration, a conceptual design for the redevelopment of two large areas adjacent to Switchyard Park was envisioned by the design consultant of Switchyard Park. One of the two areas in the study was this location. The other location in that study is the area where Night Moves was located and Meineke currently exists on S. Walnut Street. The desire of the Administration was to explore redevelopment opportunities of these important properties. The study aimed to provide a guide for appropriate development that would place as many eyes as possible on the trail for security, provide optimal utilization of a public open space and park, add housing stock to the community, and provide high quality development along a major open space and trail system reflective of the City's substantial investment in the Park. The Consultant's design showed four story buildings along the entire frontage of the park with the 4<sup>th</sup> floors stepped back. The design also showed buildings directly facing the trail. A commercial component along the ground floor of the buildings is also desired to provide services to the residents, neighborhood, and trail users. The plan scaled back to two stories closer to the neighborhood to the west with a parking area along the back for further separation from the neighborhood. Although that study and conceptual design was an internal request and not a publicly approved document, it showed a design that complimented the Switchyard Park and its purpose was to envision a development that placed an appropriate design and density along the Park.

The petitioner's redesigned site plan more closely matches that document and desire to place more units along the Switchyard Park. The location of this property directly on the Switchyard Park creates an important need for architecture and interaction along the facades facing the Park and the Department felt that possible additional improvements can be made to the townhome buildings to improve the look of them along the Park façade, and those were addressed since last month.

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**COMPREHENSIVE PLAN:** This property is designated as *Urban Corridor* and within the *Switchyard North Focus Area*. The Comprehensive Plan identifies several characteristics and provides land use guidance for this area.

Additional guidance specifically includes-

- The City is making a long-term investment in the Switchyard Park, and redevelopment efforts along the Park must focus on capitalizing on both the direct and indirect benefits of that commitment. These interests must serve multiple needs related to entrepreneurship, employment, single family and multifamily housing, and green building.
- Increases in residential density around the Switchyard Park are strongly supported for both market rate and sustainably affordable units.
- Secondly, locations should also utilize the underlying Land Use District designations within this chapter and apply the Transform theme for approvals.
- Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods and other 20-minute walking destinations.
- Ensure that appropriate linkages to neighborhood destinations are provided.

One of the predominant themes throughout the Comprehensive Plan is the need to add housing

stock to meet the community's housing needs. Especially housing for families and young professionals. The Comprehensive Plan is clear that areas adjacent to Switchyard Park should be planned with increased residential densities, for the benefit of a wide array of residents, not a select few.

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## **PRELIMINARY PLAN:**

**Uses/Development Standards:** The proposed District Ordinance outlines specific standards for each parcel as well as a list of permitted uses. Neither the site plan nor a subdivision are being approved at this time, only the standards that will govern those later approvals.

The Plan Commission and the Department had two concerns regarding the proposed standards for the building south of Hillside Drive that have been addressed in the District Ordinance. First, the District Ordinance proposed a 100% maximum impervious surface coverage allowance for the property. The Plan Commission required that this be adjusted to a maximum 80% and a minimum 20% landscape area, which matches the standards proposed for the other two commercial lots. Second, the petitioner was proposing to allow a 5-story building. The Plan Commission was concerned about the height of this building since it is closer to the neighborhood than the two other buildings of similar height located on the other parcels to the north. This building is only three floors of dwelling units and the bottom two floors are strictly parking. The Plan Commission required that a minimum 15' stepback was required along the west side of the building. The overall building is allowed to then be 5 stories or 65' tall.

**Parking, Streetscape, and Access:** The petitioner is showing a 24' wide parking aisle running through the site with perpendicular parking spaces on either side. The parking aisle connects to Hillside Drive and stubs to the north property line for future extension once the adjacent property to the north redevelops. A roundabout is shown interior to the parking area to meet Fire Department needs. There is a 5' wide sidewalk and 5' wide tree plot proposed along the north side of Hillside Drive that would connect from Rogers Street to the Park, although this is an off-site improvement, this is essential to connecting this development to Rogers Street. No sidewalk or tree plot are shown along the Hillside Drive frontage along Building #7 and must be shown with the final plan approval. There are 4 internal pedestrian connections, including a central courtyard, shown to connect this development to Switchyard Park. Approval from the Parks Department must be received prior to any work on Park's property.

**Alternative Transportation:** This petition would be required to meet all of the standards of the UDO for bicycle parking and would require one bicycle parking space per five bedrooms. The Department encourages the petitioner to incorporate several areas of covered bicycle parking spaces along the Park frontage for the residents of the development.

**Architecture/Materials:** Renderings of all of the proposed buildings have been submitted and are included in the packet. With the revisions to the building elevations along the Trail, the design of these buildings presents a much better appearance from the Trail and achieves the type of design and interaction that is appropriate.

The Department is still concerned about the bottom two floors of building #7 proposed south of Hillside Drive, however with the bottom floors being used for parking garage there is little that can be done to improve that portion of the building. The bottom two floors of that building still consist entirely of parking with no active ground floor use, especially along the Park façade. An

additional area of concern regarding Building #7 involves the proposed height and massing of this building adjacent to the single family neighborhood. This concern is also reiterated in the review memo from Schmidt and Associates. Unlike the other two multi-family buildings (Building #1 and #2) to the north, there is not a drive aisle and parking area and large buffer to separate the massing of those buildings from the single family residences. The Department believes that a 5-story building adjacent to the residences is not appropriate and has recommended a condition of approval to limit the height of Building #7 to 4 stories or 50'.

**Environmental Considerations:** There are no known environmental constraints on this property.

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**CONCLUSION:** Based on the revised elevations and submitted renderings, the Plan Commission found that the proposed preliminary plan and District Ordinance matches the goals of the Comprehensive Plan and needs of the community. The review from Schmidt and Associates provides several good recommendations for small design improvements that will be more closely reviewed with the final plan approval.

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**RECOMMENDATION:** The Plan Commission voted 7-1 to forward this petition to the Common Council with a positive recommendation and the following conditions of approval:

1. The proposed buildings in the Final Plan must be consistent with the currently submitted elevations including orientation, modulation, and materials. The west elevations of all building must be similar to the design of the east elevations as presented.
2. The District Ordinance shall be amended prior to Council to allow a maximum 80% impervious surface coverage and minimum 20% landscape area for the Lot with Building #7 and the maximum height of that building shall be limited to 4 stories or 50'.
3. Per the petitioner statement, the townhome buildings must be designed to LEED standards and the commercial buildings must be LEED Silver certified.
4. A minimum 6' wide concrete sidewalk and 5' wide tree plot are required along the south side of Hillside Drive adjacent to Building #7.
5. The District Ordinance shall be amended to require two design elements for the Pedestrian Entrances as required in the UDO.





City of Bloomington  
Bloomington Environmental Commission

## MEMORANDUM

Date: January 11, 2020

To: Bloomington Plan Commission

From: Bloomington Environmental Commission

Subject: PUD-17-20: W. Hillside Warehouse redevelopment, third hearing  
300 West Hillside Drive, Tract E of Thomson PUD

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The purpose of this memo is to convey the environmental concerns and subsequent recommendations for conditions of approval for this development petition. The Environmental Commission's (EC) objective is that the results of our review and suggestions will lead to enhancement of the ecosystem services provided, and the climate-change mitigation attributes of the site. The request is to amend the Preliminary Plan and District Ordinance for the Thomson PUD.

Human activities coupled with natural variations in the carbon cycle have resulted in a significant increase in the concentration of carbon dioxide (CO<sub>2</sub>) and other "greenhouse gasses" in the atmosphere, thus causing measurable global warming. Controlling atmospheric CO<sub>2</sub> requires deliberate action that combines reducing emissions and increasing storage, while planning for adaptation to the changes that result. Addressing greenspace protection and enhancement are some of Bloomington's most important means to help reduce our own environmental footprint.

Absorbent vegetated land, otherwise known as greenspace, plays a central role in supporting community health; improving air, soil, and water quality; reducing energy use in buildings; and supporting climate-change mitigation. Greenspace may seem like a simple term and a mere aesthetic amenity, but greenspaces are very complex in the benefits they deliver to animals, insects, and microbes and in the protection they provide to the water, air, and soil systems.

An urban greenspace includes any permeable vegetated surface, public or private, set apart for recreational, aesthetic, or ecosystem services in an otherwise urban environment. It is space set aside to provide life-essential benefits people and other living things obtain from properly-functioning ecosystems; ecosystems which are the dynamic complex of plant, animal, microorganism, and human communities living in the context of certain weather regimes in a certain geologic setting.

The Environmental Commission is opposed to this petition and recommends denial. There is one design request that the commission cannot abide; the unreasonably reduced amount of greenspace. We cannot

justify allowing such a change from Bloomington's vetted regulations with nothing in return to benefit the community's environmental footprint.

The following list will follow the order of the requests from the *Thompson Tract E PUD amendment zoning rule, Rev 2, 12-27-20* submitted by the Petitioner.

## **Comments**

### 1.) **IMPERVIOUS SURFACE COVERAGE**

Several important planning reports that both the City of Bloomington and city boards and commissions have produced call for increased acreage of green space and enhancement of the ecosystem services they provide. Some examples include the 2018 Comprehensive Plan (comp plan), the Bloomington Environmental Action Plan (BEAP), the Sustainable Action Plan, and the soon-to-be-published Climate Action Plan. All of these plans cite the plethora of reasons that greenspaces of various types are essential to climate-change mitigation and preparedness.

Even the Bloomington Municipal Code, 12.24.000, TREES AND FLORA, Purpose and Intent states the following. "It is the intent of this chapter to establish the responsibilities of the **city** and its **residents** toward flora and trees subject to these provisions and to assure those regulations and policies **maintain** and **increase** the tree canopy within the city." (bold type added)

The comp plan is "a tool used by the mayor, City staff, Plan Commission, City Council, developers, and other community leaders to guide decisions about investments and resources. Though primarily a tool of the City's Plan Commission, the Plan is also used by others..." The comp plan also states the following.

"We acknowledge that healthy natural systems are the foundations for flourishing human societies."

"Policy 3.2.1: Continue to limit the amount of impervious surface in new development or public improvements projects and increase green infrastructure to reduce urban runoff into storm drains, creeks, and other watersheds."

"Policy 3.2.2: Increase greenspace and protect environmentally sensitive areas."

"Goal 3.4: Increase the areas of native shrubs, trees, and herbaceous plants to increase ecosystem services associated with green infrastructure, including improved soil, air, and water quality and increased carrying capacity of pollinators, birds, and other wildlife."

"Outcomes and indicators, Outcomes: Greenspace has increased."

The PUD revision requests an impervious surface coverage of 80%, 70%, and 100% for different portions of the site, and greenspace of 20%, 30%, and 0 for those portions! The UDO calls for a maximum impervious surface area of 60% and greenspace area of 40% for both. The EC does not believe any PUD should allow less stringent environmental rules than the publically-vetted UDO. Therefore, the EC recommends that the Petitioner redesign the site to allow for at least 40% greenspace throughout the site, or that the petition be denied.



## City of Bloomington Bloomington Environmental Commission

### 2.) LANDSCAPE PLAN

The amount of landscape area proposed varies from 30% to 0%. The UDO requires at least 40%. The EC recommends the landscaped area is increased to at least 40%. The EC recommends that a Landscape Plan including street trees should be designed, but not necessarily finalized, at this point in the process so that City staff and the Plan Commission can envision the ecosystem services and aesthetics that will result at completion. The Landscape Plan will have to be approved prior to the issuance of a grading permit.

### 3.) BUFFER YARD and PARKING LOT SETBACK

A MM (Mixed-Use Medium-Scale) zoning district adjacent to an R3 (Residential Small Lot) requires a Type 3 buffer yard, which is 20 feet wide. The PUD is requesting a 14-foot wide buffer yard. The UDO requires the 20-foot buffer in addition to the 8-foot parking lot perimeter strip along the entire west side of the site. The EC recommends that the UDO-required buffers be added to the plan.

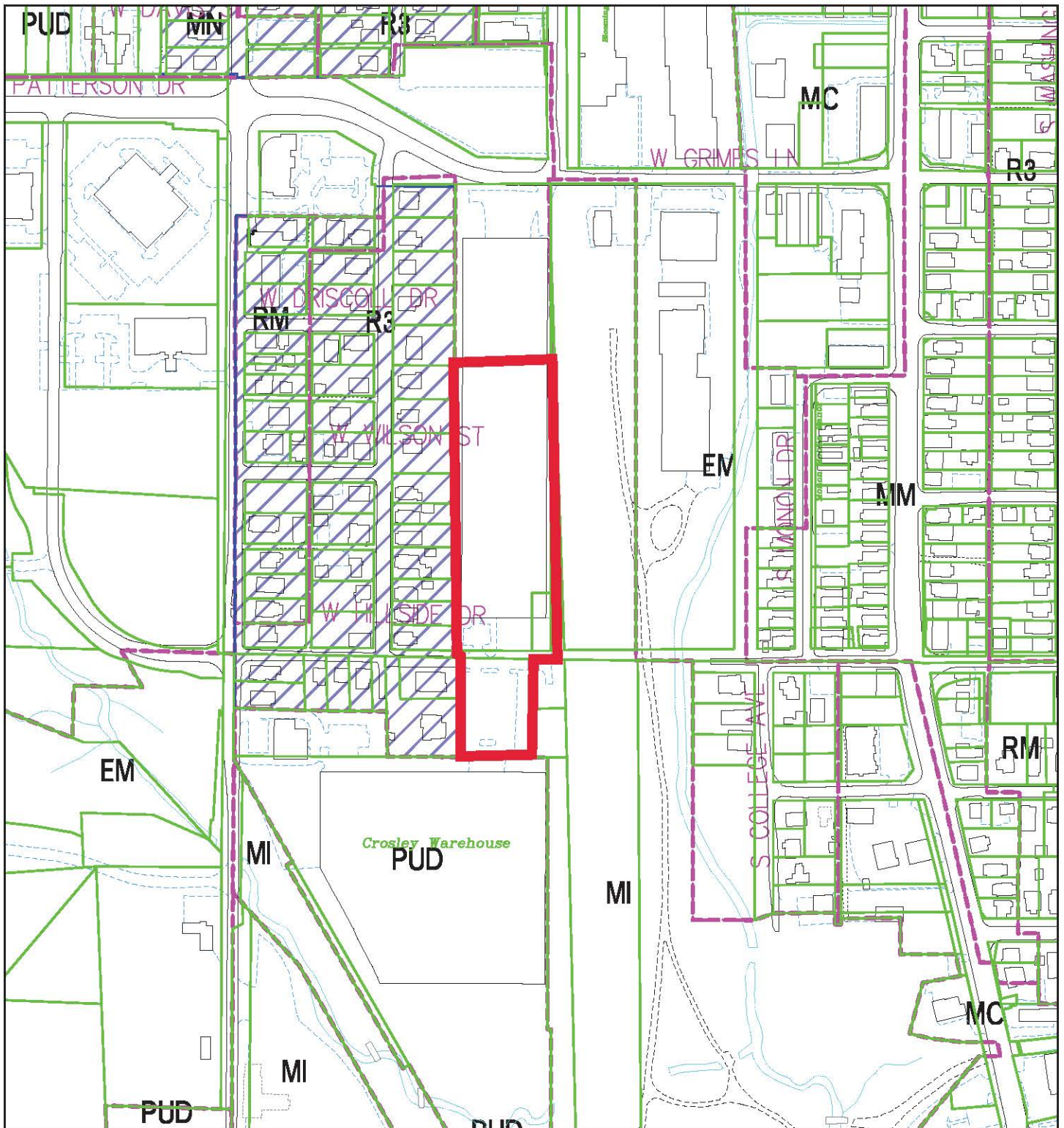
### 4.) PARKING LOT VEGETATION STRIP

The UDO requires an 8-foot wide vegetated strip along the parking lots perimeters. The PUD revisions are asking to eliminate this. The EC recommends that the 8-foot strip be added to the plan.

## **Recommended Conditions of Approval**

The EC recommends that the following list be included as conditions of approval if this petition is approved; otherwise we recommend denial.

- 1.) Redesign the entire site to allow an impervious surface area of 60% at most.
- 2.) Redesign the entire site to provide at least 40% landscape area (greenspace).
- 3.) Redesign the entire site to accommodate the 20-foot buffer yard adjacent to the single-family homes in addition to the 8-foot parking perimeter strip.
- 4.) Redesign the plan to include the 8-foot vegetated strip adjacent to all parking lot perimeters.

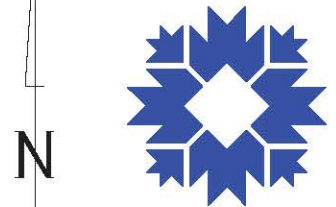


By: greulice  
11 Dec 20



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation

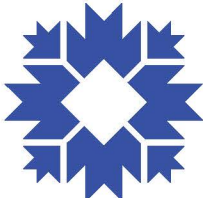


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Scale: 1" = 300'



City of Bloomington  
 Planning & Transportation



Scale: 1" = 300'



By: greulice  
 11 Dec 20



For reference only; map information NOT warranted.



ARCHITECTURE & DESIGN INC.

1101 S. WALNUT STREET - BLOOMINGTON, IN. 47401  
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## **Thompson PUD Narrative**

### **300 West Hillside Drive Tract E-Thompson PUD**

#### **Overview-Existing site**

The site as it exists, is a large industrial use site with access only from Hillside drive along it's south border. The parcel is 208 ft x 618 ft or 2.95 acres in size, and a .7 acre site currently entirely paved as a parking lot. The North parcel currently contains a single story steel building that was long used as a warehouse with loading docks, while the rail yard was used as a hub for the RCA TV manufacturing facility.

Currently, the structure is used as a mixed-use industrial complex for storage, warehousing and light manufacturing. It has some office spaces and is bordered at its north portion by a self-storage business, located on a separate parcel that is not a part of this PUD request.

#### **Location**

The location of this site and the changes that have occurred adjoining it, are the reasons for bringing this PUD request forward. The initial purchase by the city of Bloomington and the conversion of the rail yard into the city's largest park, with a new future, have not only made the redevelopment of this site feasible, but necessary. The city's investment in the new Switchyard park has changed forever, the need to have an industrial or warehouse use at this site. The entire western border of the site borders on many existing, small scale, single family homes. No connections to any existing city blocks exist along this western border. The site is adjacent to the McDoel Gardens historic district, a district consisting of a diversity of home sizes and styles. The site is the last few remaining sites, not in a flood plain, that a mixed-use community may be built along the new Switchyard park and the B-Line trail. This is an ideal location for a new, walk-able neighborhood, away from the traditional student housing and connected to the park.

#### **Changes not foreseen in the initial Thompson PUD**

The Thompson PUD was created to keep a healthy balance of industrial uses within Monroe County and a way to ensure it remained where we had access to rail service and even a newly constructed Patterson Drive, which was created to connect this warehouse and truck traffic, to highway 37 for better access to these industrial uses. Residential uses were not included within this PUD because they were not seen as compatible with the industrial uses and their needed warehouses and rail yard. All of this changed when the RCA (Thompson Consumer Electronics) plant was closed and removed, and the park idea was generated as a new use. Like that change from rail to a park, this change from warehouse, to residential just makes sense.

## **Key PUD Attributes**

### **Architectural Character**

While it is important that the new uses be compatible with the traditions exhibited by vernacular rail yard structures, the larger commercial structures will be a more modern interpretation of these building archetypes. These structures will be of larger sized brick masonry veneers, metal and cement board panels, and large, metal framed windows to imitate older building styles. The residential town home structures on lot 3 (Buildings 3,4,5,6) will be of similar style and materials to the mixed-use apartment structures with smaller scale brick veneers, cement board panels and siding.

### **Uses**

Commercial spaces will be provided at a portion of the ground floor of the two larger, mixed use structures with residential apartments on the upper floors. Some parking will be provided within these mixed use buildings, along with some on-street parking. These commercial spaces will be the closest commercial spaces to Switchyard park and should be uses that complement the park visitor's experience. The neighborhood will be a mix of apartment structures and owner occupied town homes. First floor uses shall be those uses as allowed in the MN requirements in the UDO. This site is the closest site to Switchyard park for access to small scale retail services, so it is hoped that smaller square foot ground floor spaces will provide amenities for both users of the park and the existing neighborhood.

### **Site**

A new, two-way street will connect the south end of the site to Hillside Drive for parking and access to the site and act as part of a buffer between the existing residential homes along South Madison Street. This buffer will also have a 14 foot bufferyard. Currently, the existing warehouse sits within 2 feet of the west existing property line, with no real buffer yard. The access drive will have a potential for extension to the north parcel for future connectivity if that lot were to be developed at a future time. The new site plan is also designed for a future pedestrian path to connect near West Wilson Street, if a connection would be possible in the future to allow for neighborhood access to the park. Within lot 3, will be a large green space of over 70 feet in width, that will act as a main connector from this development to the park and as a landscaped rain garden. Two other large paths will connect the park to this development and vice versa, to provide access to the B-line and the community connectivity of our linear park system.

### **Mass, Scale and Form**

The project is a medium scale density and structures. Building heights will vary as they do in Downtown Bloomington and yet there will be a strong sense of similarity in scale, through the use of banding and materials. Setting upper floors back from the building front along the park will also contribute to a visual reduction in height.

The residential Town home structures, with smaller footprints, will be three stories, and are orientated to project their short facade along the park and allow for more views from each unit into the park and keep the site from presenting itself as a long wall of structures. This will allow for a better connectivity through the site to the park.

## **LEED requirements**

The residential Town home single family units will require all units to meet the LEED for homes designation with items such as:

- Heat Island effect
- Rainwater management
- Non-toxic pest control
- Water efficiency
  - Outdoor water
  - Indoor water
- Minimum energy performance
- Energy Monitoring
- Homeowner education
- Annual energy use
  - Solar panels
- Efficient hot water distribution
- HVAC systems
- Materials and resources
  - Durable materials
  - Recycled content
- Construction waste management
- Material efficient framing
- Indoor environmental quality
- Solar compatibility
- Heat Island effect-Roofing
- Ventilation
- Radon resistant construction
- Air filtering
- Low emitting products

The commercial structures will also require at a minimum, LEED Silver designations and many of the LEED for homes requirements as well as other more detailed requirements.

This will include at a minimum:

- Green roofs and rooftop Solar Panels
- Rainwater management
- Minimum energy performance
- Energy efficient HVAC and plumbing systems

## **Affordability**

The multifamily structures would provide at a minimum, 15% of the apartment units as affordable units per the City of Bloomington's definition and requirements as defined in the UDO. This would also include a total of 3 of the Town home units. (15% of the 19 townhome units). The south parcel is proposed to be Senior or affordable housing, or apartments as well and 15% of those units or 7 of the proposed 42 units, will be designated affordable as well.



## Site Breakdown

### Lot 1 structure

4 stories (1 grade level parking/commercial level-3 residential stories)  
14,300 sq feet footprint  
24- Two bedroom units  
6- One bedroom units  
54 total bedrooms  
30 total units  
5 units affordable per city requirements  
5,000 sq ft available, ground floor commercial space  
18 total parking spaces within building  
Parking available maximum 34 spaces = .62 ratio

### Lot 2 structure

5 stories (1 grade level parking/Commercial level-4 residential stories)  
10,000 sq feet footprint  
24-Two bedroom units  
8-One bedroom units  
56 total bedrooms  
32 total units  
5 units affordable per city requirements  
2,000 sq ft available, ground floor commercial space  
16 total in-building parking spaces  
Parking available maximum 33 spaces = .58 ratio

### Lot 4-South Hillside structure

.7 acres  
5 stories (2 grade level parking levels-3 residential stories)  
21,600 sq feet footprint  
39-Two bedroom units  
3-One bedroom units  
81 Total bedrooms  
7 units affordable per city requirements  
90 total in-building parking spaces  
Parking available maximum 90 spaces = 1.10 ratio (Parking available for commercial uses and 20 spaces are reserved to Storage Express per a use agreement).

### Residential Town home lot 3 (19 total units)

3 story-single family Town homes (Owner occupied)  
785 sq ft footprint (2,400 sq ft total unit-each)  
Each Town home has a maximum of 4 bedrooms  
Total 19 units and 76 bedrooms  
Parking available maximum 31 spaces = .40 ratio

Our vision, and even outlined in the existing Thompson PUD, is to “minimize negative land use impacts on adjacent residential properties”, and “increase the viability of the PUD and its industrial component by providing office, retail, AND RESIDENTIAL USES. The existing PUD does not reduce truck traffic along Hillside Drive. The existing PUD does recognize that Tract E is adjacent to a core neighborhood and will require special design challenges if the use changes-it is this very reason we feel that the plan as presented meets and enhances the existing PUD as well as the adjacent McDoel neighborhood. No other development has the ability to provide the community access, diversified housing types, or affordable entry into home ownership as this proposal along the B-Line and Switchyard park. Our proposal with affordable homes, apartments, commercial uses, and green design, is an appropriate mix that will encourage investment and home ownership. This development will provide an attractive landscape along the edge of the park and respect the homes that border it to the west.

Thank you for your consideration.

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**Commercial Lot 1-Building 1**

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Neighborhood transition zoning does not apply

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. Any facade along the B-Line trail, above the 4<sup>th</sup> story, shall set back a minimum of 5 feet.

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail and a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

**B-Line trail frontage standards**

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

**Allowed uses (upper floors only)**

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

**Building setbacks**

Front (East) 10 feet

Front (South) 12 feet

Side (North) 15 feet

Rear (West) 65 feet

**Parking setbacks**

West-0 feet (Buffer yard only)

South-20 feet behind primary structure's front building wall

East and north 0 feet

Bicycle parking required per Table 04-13

**Commercial Lot 2-Building 2**

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Neighborhood transition zoning does not apply

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. Any facade along the B-Line trail, above the 4<sup>th</sup> story, shall set back a minimum of 10 feet.

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail and a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards.

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

B-Line trail frontage standards

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

Allowed uses (upper floors only)

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

Building setbacks

Front (East) 10 feet

Side (North & South) 10 feet

Rear (West) 65 feet

Parking setbacks

West-0 feet (Buffer yard only)

East and South and North 0 feet

Bicycle parking required per Table 04-13

**LOT 3-Townhome buildings 3-4-5-6 (19 units total in 4 buildings)**

Utilizing RM-Residential Multifamily zoning district

Changes only to the following:

Building Setbacks

Front (East) 5 feet minimum

Rear (West) 65 feet Minimum

Side yard (North and South) 8 feet Minimum

Parking setbacks

West-0 feet (Buffer yard only)

East and South and North 0 feet

No garage or carport allowed

Minimum 14-foot landscaped buffer yard (Type 2 per Table 04-19-14 feet not 15 feet) from adjacent single family residential dwellings.

Impervious surface coverage (Maximum) 70%

Landscape area (minimum) 30%

Primary structure height F (maximum) 40 feet or 3 stories

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Neighborhood transition zoning does not apply

Anti-Monotony standards do not apply.

20.02.060 Overlay district requirements to be met

(2) Building entrances

(6) Windows and doors on the primary facade. 60% required for first floor facing the B-Line trail.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Allowed uses:

Dwelling Multi Family units (Townhomes) allowed. Maximum number of units for Lot 3, 20 units. per 20.03.030 Residential uses

B-Line trail frontage standards

A minimum of one pedestrian entrance shall be provided for any primary building façade facing the B-Line trail.

Building entrances shall incorporate Two or more of the following:

- 1 Benches (Minimum of two)
- 2 Bike racks
- 3 Public art
- 4 Landscaped area or planter
- 5 Plaza or patios
- 6 Protruding canopy
- 7 Recessed entry

Bicycle parking required per Table 04-13



**Commercial Lot 4-Building 7**

Utilizing MM-Mixed-Use Medium Scale zoning district

Changes to the following:

Impervious surface coverage (maximum) 80%

Landscape area (minimum) 20%

Primary structure height G (maximum) 65 feet or 5 stories

Upper floor setback. The 5<sup>th</sup> story facing the western property line shall be stepped back no less than 15 feet from the property line

Low slope roofs allowed with parapets

No minimum vehicle parking requirements

Neighborhood transition zoning does not apply

Building setbacks

Front (North) None

Rear (South) 6 feet

Side (East & West) 5 feet

Parking setbacks

Same as building setbacks

20.02.060 Overlay district requirements to be met

(2) Building entrances

(5) Upper floor setbacks. None required.

(6) Windows and doors on the primary facade. 60% required for first floor facing a public street.

(7) Primary Entrances. Meet two of the UV, DE, DG, ST Standards

(8) Facade articulation. Meet the requirements for (B). Require minimum offset depth of 4 feet.

(9) Facade materials. Prohibited materials. Vinyl, highly reflective, wood, smooth or split faced concrete block, and stucco.

Primary building entrances

Any façade of a primary building facing a public street or B-Line trail shall be considered a primary façade.

All primary facades shall meet Table 02-26 standards for Windows and Door areas as DC requirements

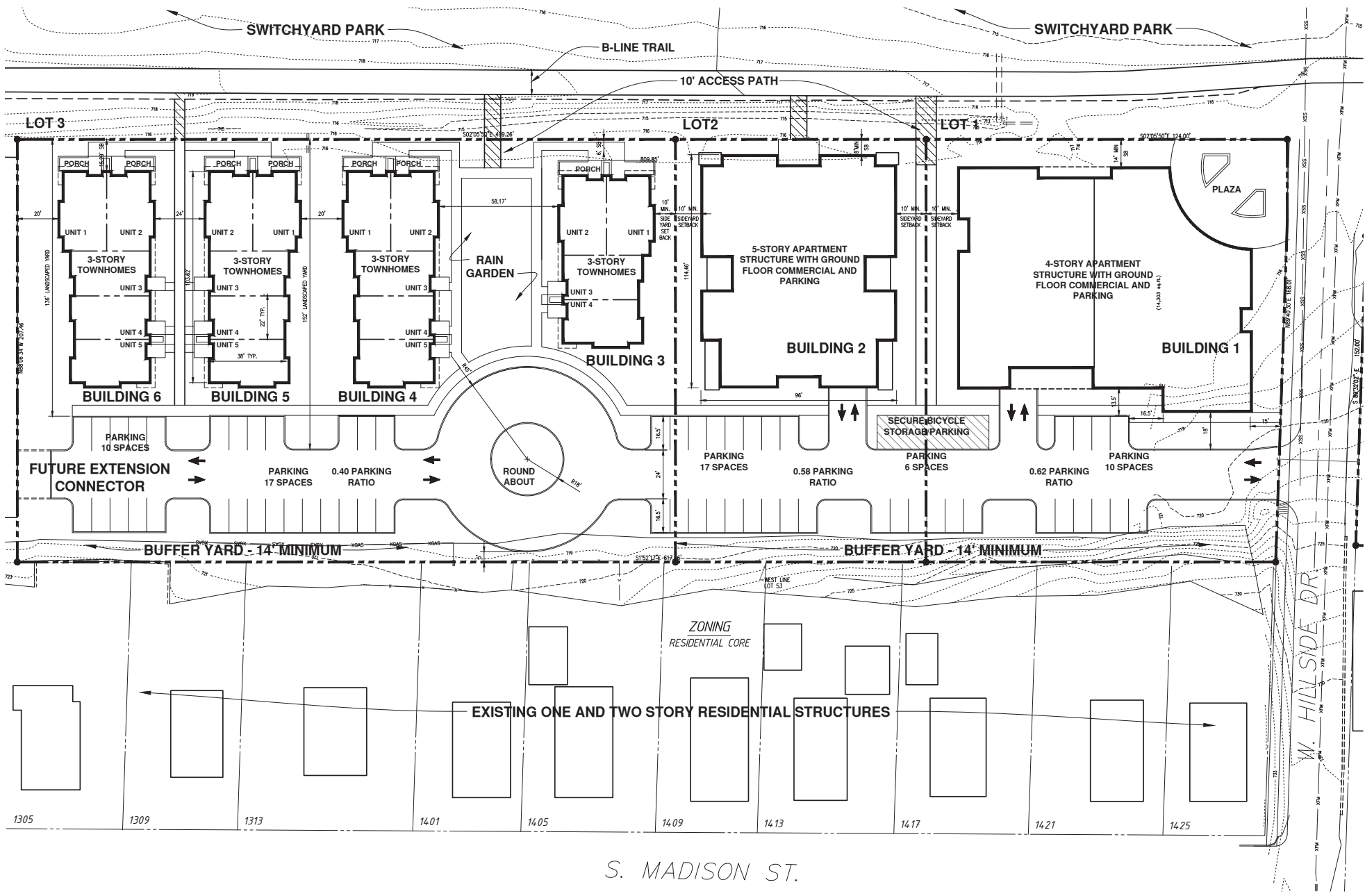
All primary facades of a primary building shall incorporate the requirements of Table 02-27, Primary Pedestrian Entrances-DC requirements.

Allowed uses (upper floors only)

Multifamily apartments

Allowed commercial uses (Ground floor only) per 20.02.020 Table for MN including parking within the ground level floor of the building.

Bicycle parking required per Table 04-13



**SCHEMATIC LOT LAYOUT - 2020G**

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	CONCEPT PLANNING	DRAWING SCALE:
	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1" = 20'-0"





















CURVED WALL ELEVATION



ELEVATION FACING PARK

BUILDING 1 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	DESIGNER:	DRAWING SCALE:
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1'-0"



J:\CURRENT\2018\Commercial\0411 - Switchyard at Hillside\Design\Construction\Base Bldg1.dwg, AS100, 12/28/2020, 12:51:55 PM

J:\CURRENT\2018\Commercial\0411 - Switchyard at Hillside\Design\Construction\Bldg2.dwg, AS100, 12/28/2020, 10:03:41 AM



ELEVATION FACING PARK



SIDE ELEVATION

BUILDING 2 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	DESIGNER:	DRAWING SCALE:
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1'-0"





ELEVATION FACING HILLSIDE DRIVE



SIDE ELEVATION

BUILDING 7 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	DESIGNER:	DRAWING SCALE:
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1'-0"





ELEVATION FACING PARK



SIDE ELEVATION

BUILDINGS 3-6 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	DESIGNER:	DRAWING SCALE:
CONCEPT PLANNING	© 2020 TLABOR BRUCE ARCHITECTURE & DESIGN	1/4" = 1'-0"



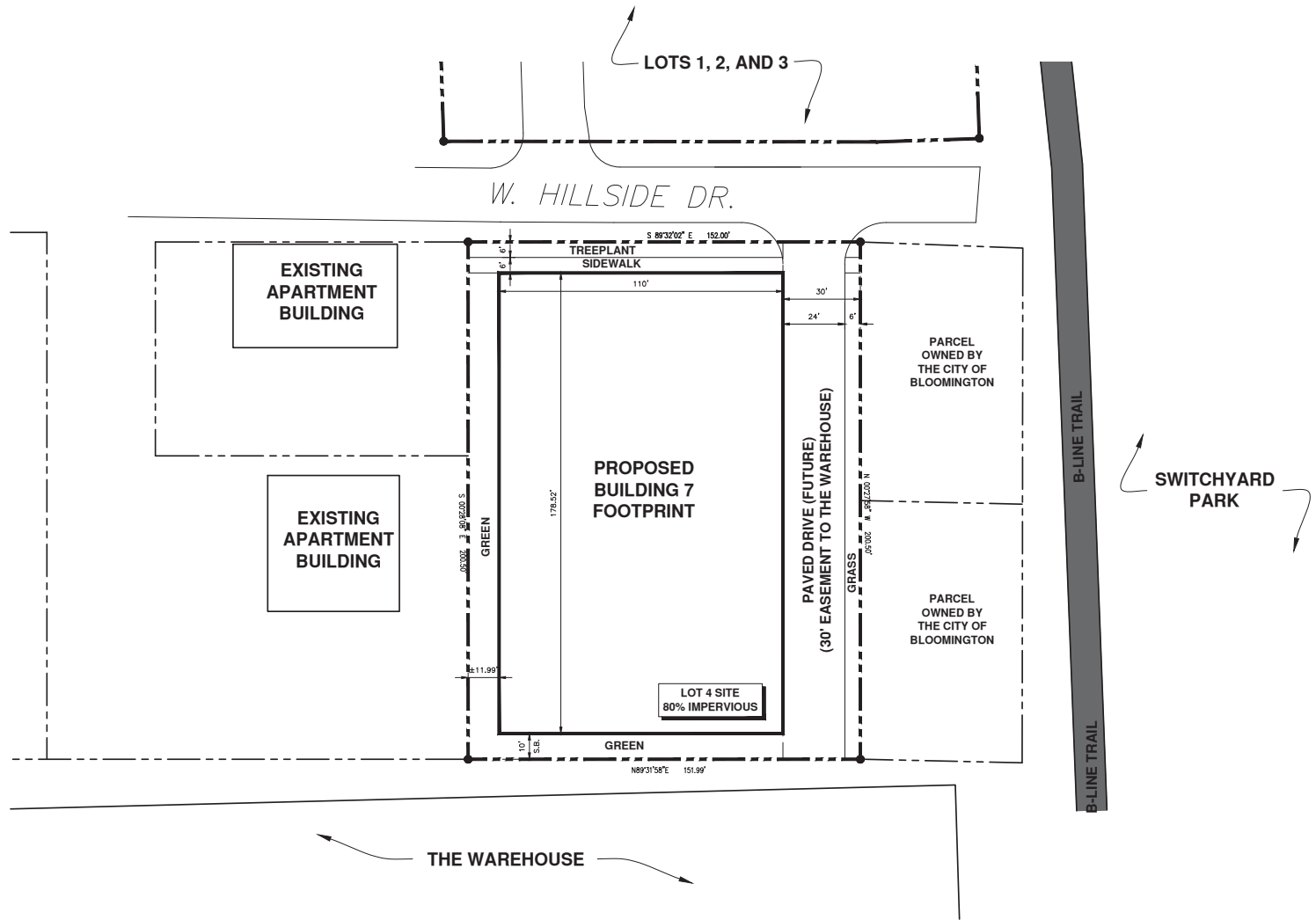
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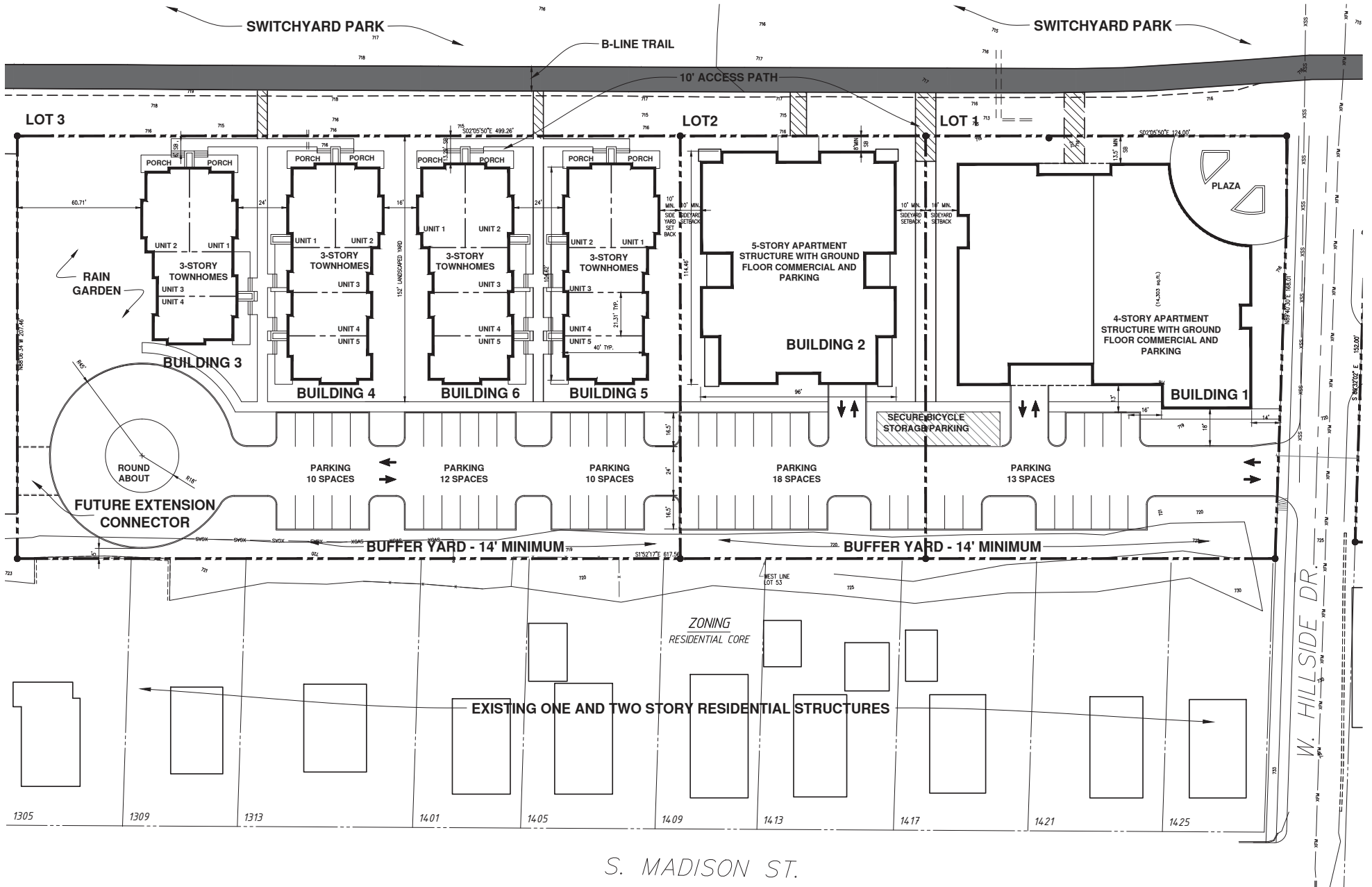




NEW SCHEMATIC LOT LAYOUT - 2020G

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	FEBRUARY 22, 2021
DESIGN PHASE:	DRAWING SCALE:	
CONCEPT PLANNING	© 2021 TABOR BRUCE ARCHITECTURE & DESIGN	1" = 20'-0"





**SCHEMATIC LOT LAYOUT - 2020G**

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	DECEMBER 28, 2020
DESIGN PHASE:	ARCHITECTURE & DESIGN	DRAWING SCALE:
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1" = 20'-0"





WEST ELEVATION - FACING PARKING



CURVED WALL ELEVATION



SOUTH ELEVATION - FACING HILLSIDE DRIVE



EAST ELEVATION - FACING PARK

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BUILDING 1 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE BLUNE	MARCH 31, 2021
DESIGN PHASE:	DESIGNER:	DRAWING SCALE:
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1'-0"



1/7 ROOF  
ELEV. = +43'-0"



WEST ELEVATION - FACING PARKING

1/7 ROOF  
ELEV. = +43'-0"



EAST ELEVATION - FACING PARK

1/7 ROOF  
ELEV. = +43'-0"



SOUTH ELEVATION

1/7 ROOF  
ELEV. = +43'-0"



NORTH ELEVATION

BUILDING 2 PROPOSED ELEVATIONS

PROJECT NAME: SWITCHYARD	PROJECT LOCATION: WEST HILLSIDE AND THE B-LINE	DATE: MARCH 31, 2021
DESIGN PHASE: CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	DRAWING SCALE: 1/8" = 1'-0"





WEST ELEVATION - ELEVATION FACING PARKING



EAST ELEVATION - ELEVATION FACING PARK



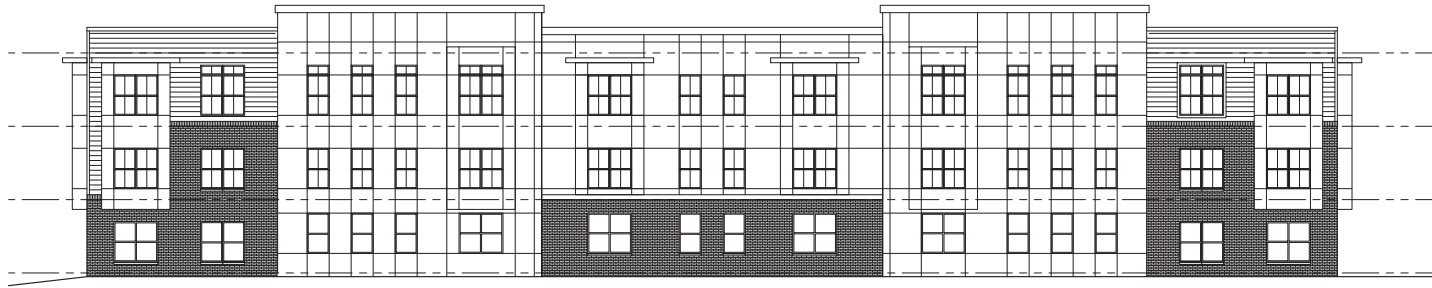
NORTH/SOUTH ELEVATION

BUILDINGS 3-6 PROPOSED ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B-LINE	MARCH 31, 2021
DESIGN PHASE:		DRAWINGS SCALE:
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/4" = 1'-0"



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WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

BUILDING 7

PROPOSED BUILDING ELEVATIONS

PROJECT NAME:	PROJECT LOCATION:	DATE:
SWITCHYARD	WEST HILLSIDE AND THE B LINE	MARCH 31, 2021
DESIGN PHASE:	DESIGNER:	DRAWING SCALE:
CONCEPT PLANNING	© 2020 TABOR BRUCE ARCHITECTURE & DESIGN	1/8" = 1'-0"

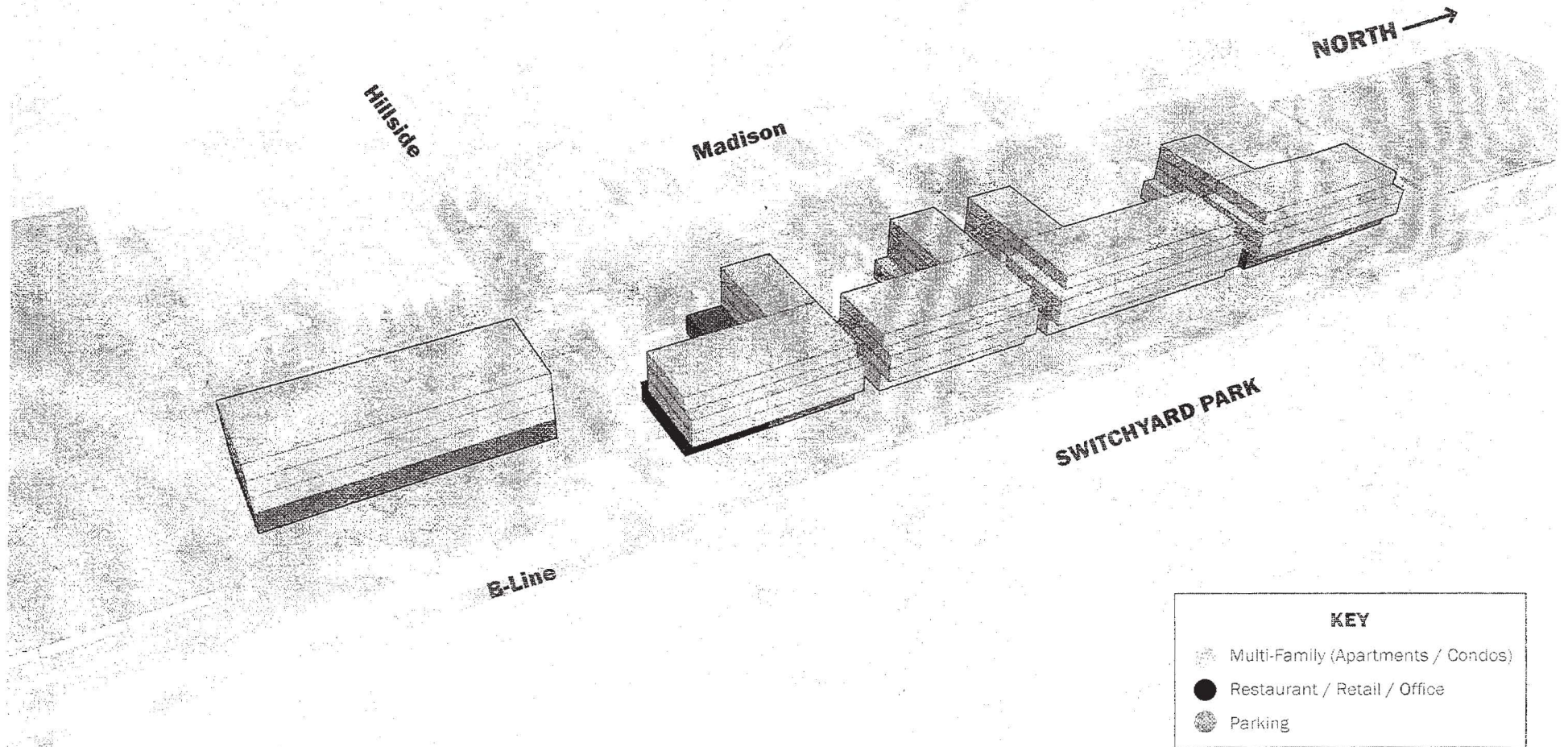


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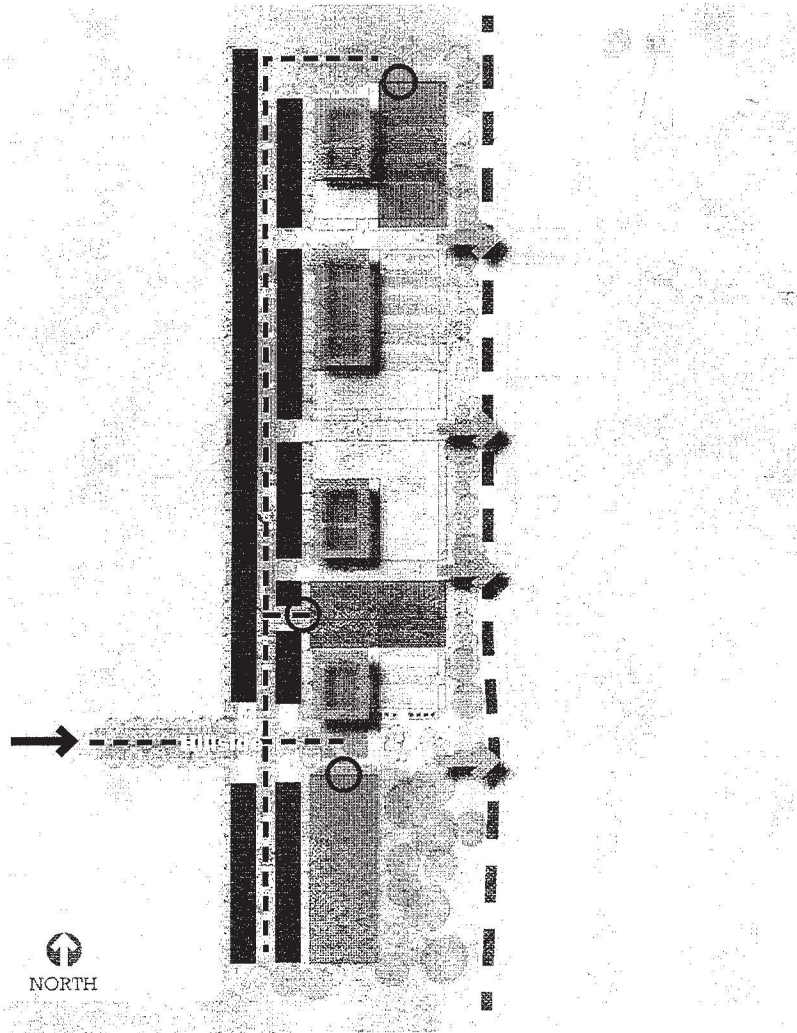












# W. Hillside - Massing Model



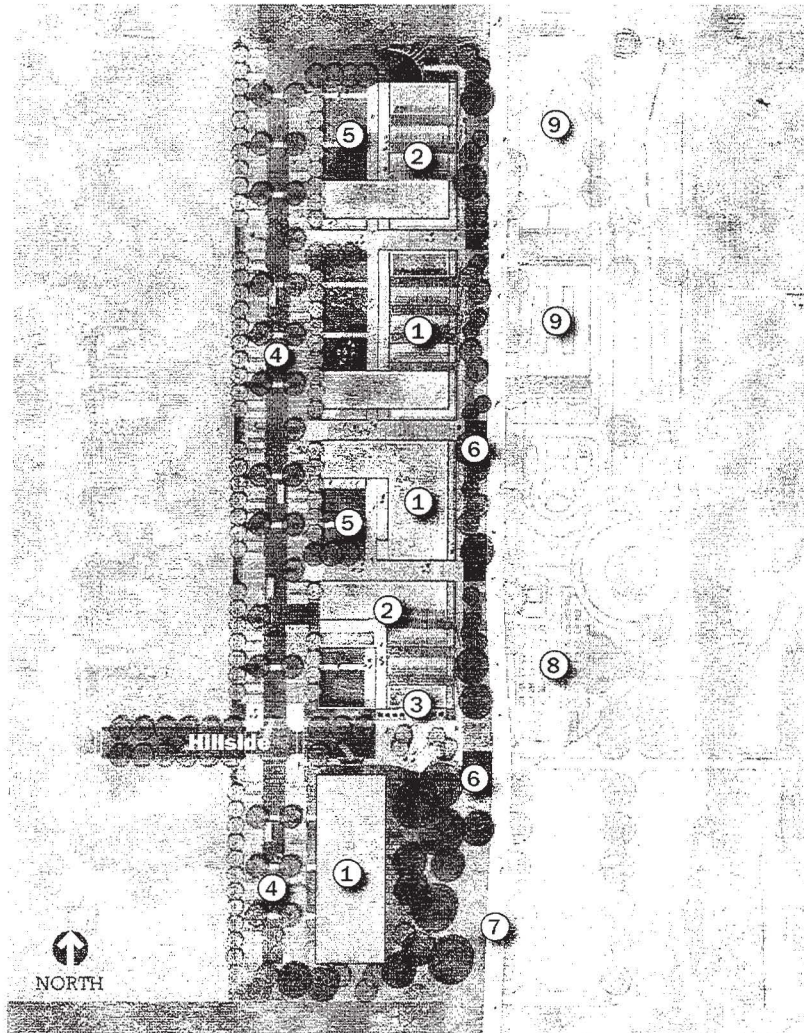
# W. Hillside - Parking, Access & Circulation



## KEY

-  Amenity / Open Spaces
-  B-Line
-  Pedestrian/Bicycle Connections to Park
-  Vehicular Access to Site
-  Vehicular Circulation
-  Surface Parking
-  Structured Parking
-  Garage Access

# W. Hillside - Massing Plan



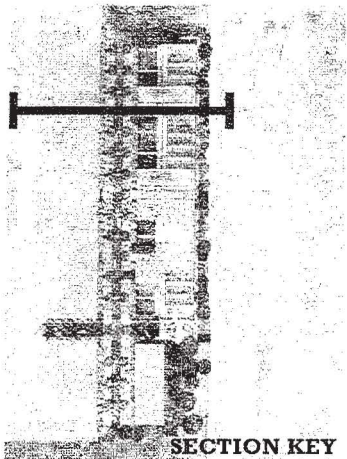
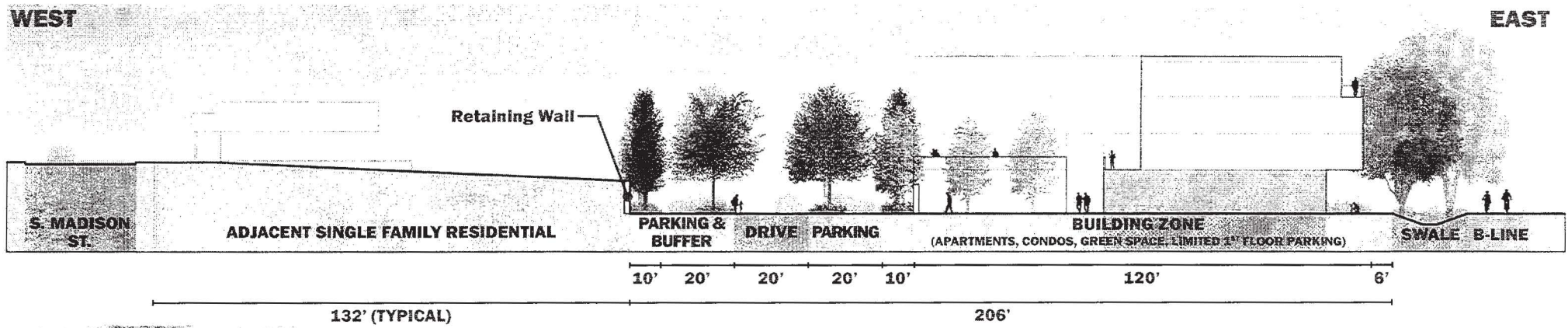
## KEY

- ① Apartments / Condos
- ② Apartments / Condos over parking
- ③ Restaurant / Retail
- ④ Parking
- ⑤ Amenity / Open Spaces
- ⑥ Park/B-Line Connections
- ⑦ B-Line
- ⑧ Switchyard Park - Community Garden
- ⑨ Switchyard Park - Sport/Game Courts

## DEVELOPMENT SUMMARY

Multi-family: 160 units  
Restaurant / Retail: 3,300 square feet  
Surface Parking: 98 spaces  
Structured Parking: 86 spaces  
**Density: 43.7 units/acre**

# W. Hillside - East/West Site Cross Section











**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 21-07 - To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel R of the Thomson PUD. Re: 300 W. Hillside Drive (Tom Brennan, 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 amend the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD to allow for the construction of 19 townhomes and 104 multifamily residences. There is no major fiscal impact associated with this ordinance. 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

*Scott Lewis* 2/19/2021  
Signature of City Official responsible for submitting legislation



**\*\*\* Reasonable Conditions Form \*\*\***

**Ordinance #:** 21-07 (Parcel E of Thompson PUD)

**Reasonable Condition #:** 01

**Submitted By:** Cm. Piedmont-Smith, District V

**Date:** March 31, 2021

**Proposed Reasonable Condition:**

The primary structure height of the building identified as Building 7 on Commercial Lot 4 shall be limited to 50 feet or 4 stories

**Synopsis**

This Reasonable Condition is sponsored by Cm. Piedmont-Smith and would limit the height of Building 7 on Lot 4 to 50 feet or 4 stories. The intent of this reasonable condition is to reduce the impact of the development's density on neighboring properties.

**Committee Recommendation (03/31/21):** Do-Pass 4-0  
**Regular Session Action:** Pending

**\*\*\* Reasonable Conditions Form \*\*\***

**Ordinance #:** 21-07 (Parcel E of Thompson PUD)

**Reasonable Condition #:** 03

**Submitted By:** Cm. Flaherty, At-large Rep.

**Date:** March 31, 2021

**Proposed Reasonable Condition:**

The roof of each building shall meet the Cool or Vegetated Roof standards of Bloomington Municipal Code 20.04.110(d)(2)(A)(iv). Any portion of the roofs utilized for solar energy shall not be subject to this requirement.

**Synopsis**

This Reasonable Condition is sponsored by Cm. Flaherty and would require buildings within the development to meet the Cool or Vegetated Roof standards of BMC 20.04.110(d)(2)(A)(iv). The intent of this reasonable condition is to mitigate urban heat island effects and to provide a greater level of design quality than would be required by the UDO if the project were not being developed in a PUD zoning district, as called for in Bloomington Municipal Code 20.06.070(c)(4)(D).

**Committee Recommendation (03/31/21):** Do-Pass 4-0  
**Regular Session Action:** Pending