

Monroe County Historic Preservation Board of Review



Monday, May 16, 2022

5:30 p.m.

Hybrid Meeting

In-person

Monroe County Government Center
Planning Department
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/87950224220?pwd=MFRJN2ZFSm1lV0R0WUdCWFlobljUT09>

If calling into the Zoom meeting, dial (312) 626 6799

Meeting ID: 879 5022 4220

Password: 491694

AGENDA
MONROE COUNTY HISTORIC PRESERVATION
BOARD OF REVIEW

Monday, May 16, 2022
5:30 PM

HYBRID MEETING INFO

IN-PERSON: Monroe Government Center 501 N Morton ST Room 100B Bloomington IN 47404

VIRTUAL LINK: <https://monroecounty-in.zoom.us/j/87950224220?pwd=MFRJN2ZF5m1lV0R0WUdCWFlobljUT09>

If calling into the Zoom meeting, dial: 312-626-6799.
When prompted, enter the Meeting ID #: 879 5022 4220
Password: 491694

- 1) Call to Order
- 2) Approval of Meeting Minutes: April 18, 2022 PAGE 3
- 3) Administrative Business PAGE 5
 - a) Review of Chapter 823
- 4) Old Business: None. PAGE 9
 - a) Kings Road Farm Rezone from RE2.5 to AG/RR
- 5) New Business: PAGE 24
 - a) CLG Annual Report 2021 - draft PAGE 35
 - b) City of Bloomington Programmatic Agreement PAGE 59
 - c) 2022 Work Plan
- 6) Adjournment

NEXT MEETING: June 20, 2022

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, apurdie@co.monroe.in.us, as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.

DRAFT MINUTES
MONROE COUNTY HISTORIC PRESERVATION
BOARD OF REVIEW

Thursday, April 18, 2022
5:30 PM

HYBRID MEETING INFO

IN-PERSON: Monroe Government Center 501 N Morton ST Suite 224 Bloomington IN 47404

VIRTUAL LINK: <https://monroecounty-in.zoom.us/j/87950224220?pwd=MFRJN2ZF5m1V0R0WUdCWFlobljUT09>

If calling into the Zoom meeting, dial: 312-626-6799.
When prompted, enter the Meeting ID #: 879 5022 4220
Password: 491694

Attendees: Debby Reed, Donn Hall, Devin Blankenship, Susan Snider Salmon, Danielle Bachant-Bell, Don Maxwell-(virtual)
Absent: Doug Wilson, Polly Root Sturgeon, Duncan Campbell
Staff: Tammy Behrman, Drew Myers, Addison of Tech Services to assist with meeting
Public: David Ray, Jason Voorhies

1) Call to Order 5:31 PM

2) Approval of Meeting Minutes: March 21, 2022

Snider Salmon: Motion to approve the minutes

Reed: 2nd

Approved 6-0

3) Administrative Business: Planning Staff Announcement: Jackie Nester is now Director of Planning; Drew Myers will be cross training over the next few months to become the HP Staff person.

4) Old Business: None.

5) New Business:

a) Discussion to add HP Overlay to 4595 N Maple Grove Road – Ben Owens Farmstead

Behrman: Presented summary of David Ray’s request and asking for input.

Ray: [Introduced himself and discussed has plans to convert the barn into living space. Went over the history of the property briefly.]

Behrman: Clarified the various processes such as adding HP Overlay then use Historic Adaptive Reuse Conditional use. Answered other procedural questions. Staff to provide a comprehensive email with links and information to the application process, references to relevant ordinances and example petitions from the recent past (Stafford).

b) CLG Annual Report 2021 – draft

Behrman: Pulled up the word document to fill in missing information and assign certain tasks to members. Document is due by April 30, 2021. Staff asked if an extension is needed to acquire the resumes from board members for Item 16. Members requested an extension. Danielle volunteered to write the summary of the year.

c) 2022 Work Plan draft approval

Limestone Heritage website None.

Drystone Walls

Bachant-Bell: May need to ask Commissioners for funding to inventory the walls but would eliminate the need to educate volunteers

Community and Site Signage

Bachant-Bell: Is this group interested and willing to come up with the signage for the Alexander Memorial project? The Commissioners have requested this.

Committee members agreed that they should move forward.

Reed: Concerns that the Alexander Board members might have some issues with our Board taking on this task.

Bachant-Bell: There is a temporary interpretive exhibit underway and the signage would be based off of this information.

Preservation Education

Bachant-Bell: Assist with the Limestone Festival.
Details to be shared via email.

Demo Delay and Staffing

Bachant-Bell: The SHAARD survey data can be shared to the group by DHPA so we can edit and add or remove properties. DHPA really states that they do not want Boards to adopt the map outright. We need to own this data and not blame it on the state because the state has call asking people to remove their property and they cannot.

Behrman: That data would likely need to be cleaned up. It doesn't always match the parcel layer.

Annual Property Owner Notice

Behrman: Staff sent the letters out on April 13, 2022 to 16 landowners. Included the Limestone Heritage information leaflet. Staff to resend the list to Board members for reference.

Alexander Memorial

The Commissioners are interested in having us to a backstory on the memorial and process to restoration. There were no minutes taken at those meetings but there is email history that could contribute to the backstory. The panels are being replaced.

d) Kings Road Farm Rezone from RE2.5 to AG/RR

HP Board met on April 18, 2022 to discuss this rezone petition and the historic nature of the existing structures on the property. HP Board offered their support towards the rezone request to AG/RR. They also encouraged the property owner to pursue the HP Overlay designation for the property. Several members also expressed interest in walking the property with the petitioner. Planning Staff is to provide the petitioner with more information regarding the HP Overlay process. This rezone petition will be discussed again at the May 16, 2022 HP Board meeting.

Adjournment 8:20 PM

Administrative Business for Historic Preservation Board of Review

As of late, several petitions have been requested by the Plan Commission or other sub-committees to be reviewed by the Monroe County Historic Preservation Board of Review. I think it is helpful to review what the scope of authority is under Chapter 823: Historic Preservation Board of Review to answer the question – what should the Historic Preservation Board be reviewing when they have these petitions placed on their agendas?

823-2. Scope of Authority

*The Board of Review shall have all of the powers and duties set forth in Monroe County Code Chapter 810, not inconsistent with IC 36-7-11-1, et seq. In exercising its powers and performing its duties, **the Board of Review shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in designated Historic Districts.***

However, the Board of Review may not consider details of design, interior arrangements, or building features if those details, arrangements, or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration, or demolition in a Historic District obviously incongruous with the Historic District. The Board of Review may not take any action that affects property located outside of the Monroe County planning jurisdictional area.

All of the rezone petitions that have come before you this year have not been in a designated district and therefore the options were for the HP Board to review them in light of the rezone request before the Commissioners. The petition that is before you is the Kings Road Farm Rezone from RE2.5 to Ag/RR. Before this, there was also the Rice Rezone (1725 W Lancaster Rd) from RE1 to AG/RR, as well as the Hinkle Rezone (4833 W Arlington Rd) from AG/RR to GB.

There have been a variety of discussions, conditions of written commitments, and other outcomes with each rezone that comes before the Board. I wanted to frame the discussion so that we can find something that is both legally binding, and enforceable.

For the Rice Rezone (1725 W Lancaster Rd) and the Hinkle Rezone (4833 W Arlington Rd), there were recommendations for written commitments from the petitioners. Here is the Statute regarding the provisions for written commitments:

IC 36-7-4-1015

The owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel.

(b) Commitments are subject to the following provisions:

(1) A commitment must be in writing.

(2) Unless the written commitment is modified or terminated in accordance with this subsection, a written commitment is binding on the owner of the parcel.

(3) A commitment shall be recorded in the office of the county recorder. After a commitment is recorded, it is binding on a subsequent owner or any other person who acquires an interest in the parcel. However, a commitment is binding on the owner who makes the commitment even if the commitment is unrecorded. An unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

(4) A commitment may contain terms providing for its own expiration. A commitment may also contain terms providing that the commitment automatically terminates:

(A) if the zoning district or classification applicable to the parcel is changed;

(B) if the land use to which the commitment relates is changed; or

(C) otherwise in accordance with the rules of the plan commission, board of zoning appeals, or legislative body to which the commitment is made.

In summary, the Historic Preservation Board can make a recommendation to the Plan Commission and County Commissioners to request a written commitment, or they can educate the petitioner on the benefits of rezoning to HP Overlay for future rezone requests. Prior to requiring a written commitment, consider the following:

1. Is the petitioner willing and able to do what you are asking prior to going to the Plan Commission for a recommendation? If so, do you need a written commitment? *(For example, the Hinkle rezone has a report from BRI that shows the home could be moved to a new location and there is interest from BRI. However, the home is not designated and there is not currently an enforceable measure to say the home has to be relocated. Is that the outcome that was desired, or did you want to inform the owner/buyer of the potential for relocating?)*
2. Once the petitioner does do what you are asking, what are the next steps after that? *(For example, if the Rice rezone receives a boundary survey for the limestone wall and it is on their property, what is the next step? Does Planning share that information back to the HP Board? Consider how you want to see it through.)*
3. What is the outcome you would like to ultimately see for each petition, and what is the legal pathway for getting there? *(written commitment if agreed upon and actionable, or maybe further education and see if the owner is willing to work with the HP Board outside of having a commitment).*

If the HP Board should want to put together a written commitment, then it will need to be worded for staff to take forward to the Plan Commission and County Commissioners.

Here are some reminders when formulating a written commitment. -

1. Written commitments need to be recorded prior to receiving a vote at the County Commissioners for the original rezone request. Therefore, make sure the commitment makes sense in a timing context *(the Hinkle written commitment request to have a report regarding the home relocation was challenging timing because they had the report before they even needed to record the commitment.)*

2. Written commitments are binding on future owners and can be terminated in due time. That may be helpful to consider if you want a commitment for only a certain number of years.
3. Consider the request before you and understand if they might be back in the future for future permits or approvals – [in the Kings Rd case, they are proposing a rezone to Ag/RR to file a site plan for a tourist home to the original farmhouse. Do you have concerns about the farmhouse being converted or changed? Or is it the other structures that you are concerned with? If they ever want to use the other structures on the property, they will have to go back for a site plan amendment at that time and receive permits for doing so.](#)

Thanks,

Jackie N. Jelen, AICP

Director

Monroe County Planning Department

501 N. Morton St., Suite 224

Bloomington, IN 47404

jnester@co.monroe.in.us

Phone: (812) 349-2560

Email from Planning Staff example

Hello HOMEOWNER-

Thank you for expressing interest in how to locally designate your property and provide historic preservation to Monroe County. As promised, here is the information regarding the Historic Preservation Overlay process and benefits to adding this to your property at XXXX E STREET ROAD.

Much information can be found at the [Monroe County Historic Preservation Board of Review](#) webpage. There are links to the various applications that the Board reviews. The one most relevant to you is the HP Overlay Rezone [application](#). There is no fee to add this overlay to your property so ignore that portion of the application. Below are two examples of recent petitions where the HP Overlay was added so that the property owners could be more flexible with the uses on their property.

[Stafford Rezone](#) Page 6

[Fields Rezone](#) Page 64

Usually in the staff reports you will see in the Exhibits 'Petitioner' if that was provided by the applicant. Staff does create much of the content (maps, aerial photos) of those staff reports. Staff can also assist with feedback on the required application materials. Should you successfully add the HP Overlay to your property all external changes/modifications will be reviewed by the HP Board as a [Certificate of Appropriateness](#).

One benefit the HP Overlay provides is the ability to utilize the Historic Adaptive Reuse Conditional Use. It allows you to go outside the regular approved uses of a zoning district and ask for other uses. These are approved by the Board of Zoning Appeals as a [Conditional Use](#) and needs to meet the criteria in [Chapter 813](#) (page 18). The [Stafford Historic Adaptive Reuse](#) (page 61) might be a good example to review.

Other Resources: [Limestone Heritage Education Site](#)

Please let me know what other questions you have regarding the possibility of adding the HP Overlay to your property. I hope you have enough time to review the information before the next meeting.

Sincerely,

PLANNING STAFF

MONROE COUNTY PLAN COMMISSION**May 17, 2022**

PLANNER	Drew Myers
CASE NUMBER	REZ-22-3
PETITIONER	Jason Voorhies, Life is Better on the Farm LLC
ADDRESS	5577 E Kings RD, parcel no. 53-06-31-400-002.000-003
REQUEST	Rezone Request from RE2.5 to AG/RR Waiver of Final Hearing Requested
ACRES	19.12 +/- acres
ZONE	Estate Residential 2.5 (RE2.5)
TOWNSHIP	Benton South
SECTION	31
PLATS	Platted, Kings Road Minor Subdivision Amendment 3 for Lot 3A
COMP PLAN DESIGNATION	MCUA Rural Transition

EXHIBITS

1. Petitioner Letter
2. Petitioner Site Plan
3. AG/RR Use Table
4. Kings Road Minor Subdivision Amendment 3 for Lot 3A
5. Letters of Support/Opposition

RECOMMENDATION TO THE PLAN COMMISSION

Recommendation to the Plan Commission:

- Staff recommends

RECOMMENDATION TO THE PLAN REVIEW COMMITTEE

Recommendation to the Plan Review Committee:

- Staff recommends forwarding a “positive recommendation” to the Plan Commission based on the petition’s compatibility with the Monroe County Comprehensive Plan.

PLAN REVIEW COMMITTEE

PRC met on April 14, 2022 and offered support for this rezone petition. PRC members discussed the historic nature of structures on the property and recommended this petition be presented to the Historic Preservation Board. According to SHAARD, the existing farmhouse and associated barn structures are listed as “contributing”. According to the petitioner, the two existing historic barn structures are not in good shape. Currently, Mr. Voorhies has a long-term tenant in the farmhouse. He does not allow the tenant to enter into the existing barns for safety reasons. Mr. Voorhies communicated to the PRC that his ultimate goal for the property is to fully restore the farmhouse and barn structures. He intends on leveraging revenue made from listing the farmhouse as a Tourist Home/Cabin to help pay for future restorations, hence the purpose of the rezone request to AG/RR in the first place.

HISTORIC PRESERVATION BOARD

HP Board met on April 18, 2022 to discuss this rezone petition and the historic nature of the existing structures on the property. HP Board offered their support towards the rezone request to AG/RR. They also encouraged the property owner to pursue the HP Overlay designation for the property. Several members also expressed interest in walking the property with the petitioner. Planning Staff is to provide the petitioner with more information regarding the HP Overlay process. This rezone petition will be discussed again at the **May 16, 2022** HP Board meeting.

MEETING SCHEDULE

Plan Review Committee – April 14, 2022

Plan Commission Admin Meeting – May 2, 2022

Plan Commission Regular Meeting – May 17, 2022 (Preliminary– Waiver of Final Hearing Requested)

Plan Commission Admin Meeting – June 7, 2022

Plan Commission Regular Meeting – June 21, 2022 (Final Hearing)

Board of Commissioners Meeting – TBD

SUMMARY

The petition site is one parcel totaling 19.12 +/- acres located in Benton South Township at 5577 E Kings Road. The petitioner is proposing to amend the Zoning Map from Estate Residential 2.5 (RE2.5/PRO6) to Agricultural/Rural Reserve (AG/RR). The petitioner's intention behind the rezone request is provide for the appropriate zoning designation to convert the existing single family residence into a "Tourist Home/Cabin". The Tourist Home/Cabin use is not permitted in the RE2.5 zoning district.

If the rezone request is approved by the County Commissioners, the petitioner intends to complete the planning process for the establishment of a Tourist Home/Cabin use on the property. All applicable site plan requirements for Tourist Home/Cabins as well as the special conditions outlined in Chapter 802 for the Tourist Home/Cabin use must be met by the proposed change of use on the property. Typically, site plan review for Tourist Home/Cabin uses is completed on a staff level.

If the rezone is denied, the petitioner may continue to operate the property as a single family residence or may pursue any of the available uses as outlined in Chapter 833 of the Monroe County Zoning Ordinance for the RE2.5 zone as long as any special conditions can be met.

CHAPTER 801:

Short-Term Lodging Agreement. An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for *a period of less than thirty (30) days*.

CHAPTER 802:

Tourist Home or Cabin. A building, or portion thereof, in which four (4) or fewer guest rooms are furnished to the public under the terms of a short-term lodging agreement.

Permitted in the AG/RR, FR, and CR zoning districts and listed as conditional in the ER, LR, MR, HR, and UR zoning districts. Subject to special condition #48.

48. Criteria for Tourist Home or Cabin uses in AG/RR, FR, and CR zoning districts:

- a) The lot must meet or exceed the minimum lot size and infrastructure facilities (i.e. septic system, driveway) requirement for the zoning district prior to the commencement of the Tourist Home or Cabin use;
- b) The Tourist Home or Cabin shall be located no closer than two-hundred (200') feet from any adjoining principal use structure not currently being used as a Tourist Home or Cabin or from the adjoining property setback line if no adjoining principle use structure exists.
- c) Any outdoor pool or spa facilities must meet State and Local Board of Health requirements and must be visually screened from surrounding properties and properly secured with a Power Safety Pool Cover or Enclosure as defined in Indiana Code (675 IAC 20-4-27 - Safety Features; 675 IAC 20-3-9 – Enclosure) standards for a Class C, Semi-Public Pool.
- d) Parking:
 - 1) Parking only on paved or graveled driveways;

- 2) No parking is allowed on the street or road;
 - 3) One (1) parking space per guest room; and,
 - 4) No parking of any vehicles in any yard or setback area as defined by Chapter 804 of the Zoning Ordinance.
- e) Rules, in a readable size and format, shall be posted outside near the main entrance to the Tourist Home or Cabin and shall include the following:
 - 1) Rules and regulations for ensuring safety and preservation of neighborhood values (e.g., emergency phone numbers; 24 hour contact number for property owner or manager; noise restrictions; solid waste management rules; fishing license rules; etc.);
 - 2) Diagram of property boundary lines; and,
 - 3) Diagram of designated parking.
 - f) Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all Tourist Homes or Cabins.
 - g) All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.
 - h) No more than two (2) guests per guest room.

BACKGROUND

The Zoning Map amendment would be from RE2.5 to AG/RR. Listed below are the definitions of these zones per Chapter 833 and Chapter 802, respectively.

Estate Residential 2.5 (RE2.5) District. *The intent of this district is to required minimum lot sizes of 2.5 acres where sensitive environmental resources exist. Such environmental resources may include karst formations, wetlands, hillsides, heavily wooded land, and the lake's watersheds. The dual purposes of this district are:*

- A. *To protect such sensitive environmental resources.*
- B. *To permit a rural level of development which will not endanger and can be used to protect these sensitive resources.*

Agriculture/Rural Reserve (AG/RR) District. *The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.*

ZONING

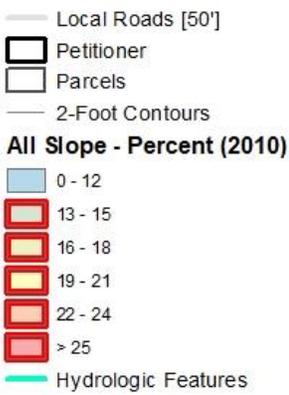
The parcel is zoned Estate Residential 2.5 as are the adjoining parcels to the north, south, east and west. There are numerous properties zoned Agriculture/Rural Reserve (AG/RR) approximately a quarter mile to the east. There are no commercial uses directly adjacent to the subject property. The surrounding area includes mostly residential uses.



SITE CONDITIONS & INFRASTRUCTURE

The petition site is made up of one 19.12 acre +/- parcel. The site contains an approximate 2,609 sf single family residence, a 1,344 sf barn, a 646 sf storage structure/utility shed, a 468 sf utility shed, and a 280 sf utility shed. The petition site is currently operated as a single family residence with some agricultural use. Access to the site is from E Kings Road, which is designated as a Local roadway according to the Monroe County Thoroughfare Plan. The petition site is located in Area 3 of the Environmental Constraints Overlay (i.e. the Lake Monroe Watershed). There is no floodplain designated on the petition site. Evidence of karst/sinkhole features is present on and near the petition site according to available contour data. A conservation easement runs the entire length of the property west of the driveway/platted ingress/egress easement (see Exhibit 4).

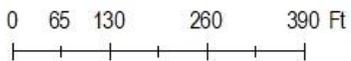
Slope Map



PARCEL #:
53-06-31-400-002.000-003

NOTE:
Areas > 15% slope are classified as nonbuildable area per Chapter 804.

ECO AREA 3:
Areas > 18% slope have special regulations regarding land disturbance per Chapter 825.



Monroe County
Planning Department
Source: Monroe County GIS
Date: 4/6/2022

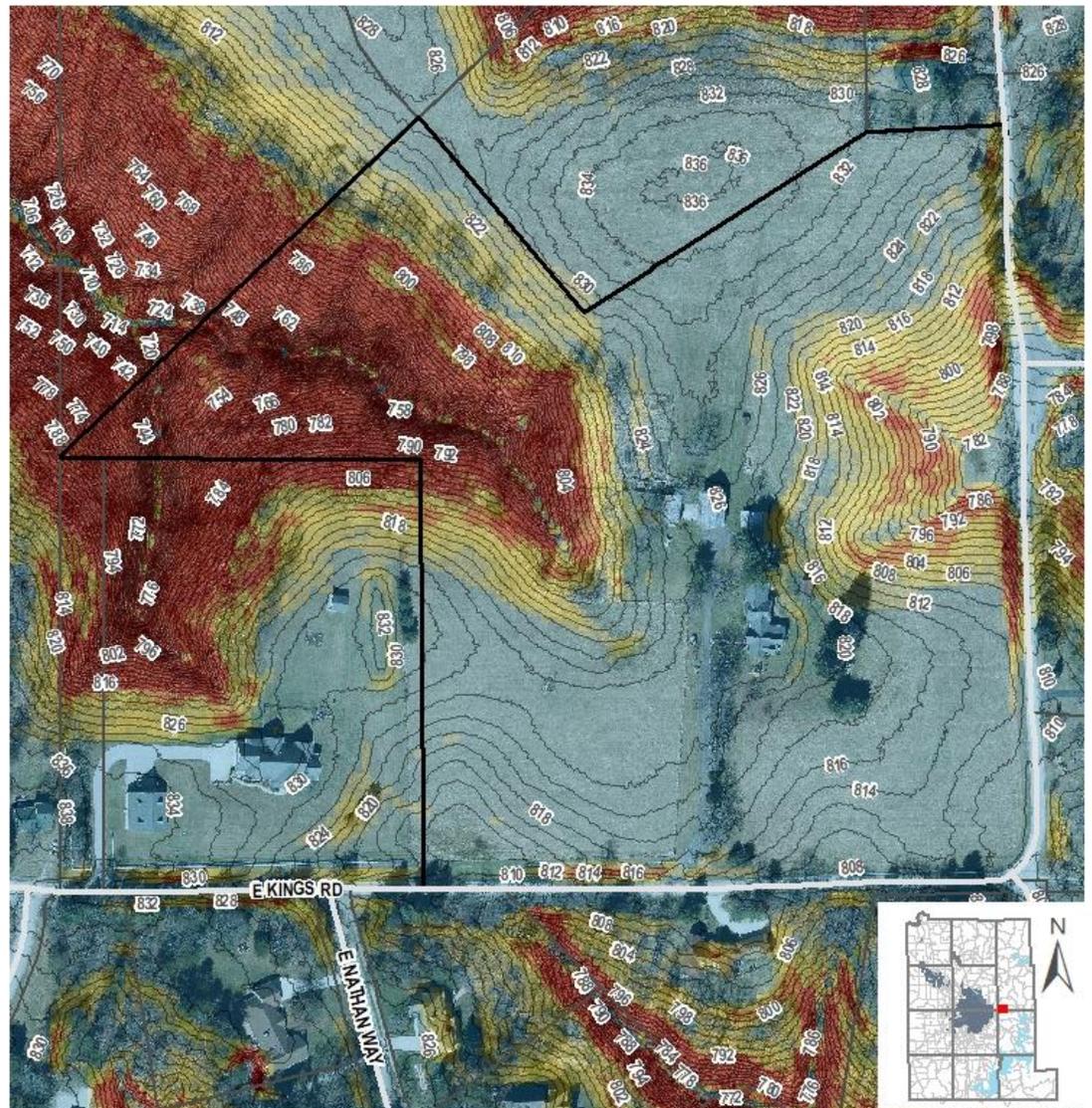




Photo 2: Aerial pictometry from the north (2020)



Photo 3: Aerial pictometry from the south (2022)



Photo 4: Aerial pictometry from the south zoomed in (2022)



Photo 5: Driveway entrance; facing northeast



Photo 6: Driveway; facing north



Photo 7: Existing residence; facing east



Photo 8: Existing residence; facing northeast



Photo 9: Existing residence; facing southeast



Photo 10: Detached accessory structure; facing northeast



Photo 11: Existing barn; facing north



Photo 12: Detached accessory structure; facing east



Photo 13: Detached accessory structures; facing southeast



Photo 14: Facing south



Photo 15: Existing barn; facing southwest



Photo 16: Facing north



Photo 17: Facing northwest

EXHIBIT 1: Petitioner Letter

To The Monroe County Plan Commission,

We, through Life is Better on the Farm, LLC, own property at 5577 East Kings Road, Bloomington, IN 47408. We are seeking to rezone Parcel 53-06-31-400-002.000-003 from RE2.5 to AG/RR. The purpose of the rezone is to allow us to use the Farmhouse for short term renters who seek lodging while visiting Bloomington.

Thank you for your consideration.

Sincerely,

Jason Voorhies



Rachel Voorhies



Life is Better on the Farm, LLC

2022 ANNUAL REPORT
Indiana's Certified Local Government (CLG) Program

Community Name: Monroe County
Commission Name: Historic Preservation Board of Review
Reporting Period: January 1, 2021 to December 31, 2021

Due Date: Please complete this Annual Report and submit it to the Division of Historic Preservation and Archaeology (DHPA) **no later than April 29, 2022**. Please e-mail the completed report to Steve Kennedy, State CLG Coordinator at skennedy@dnr.IN.gov.

Instructions: Please insert responses directly into this document where appropriate. Attach all supporting documentation to this form, create a single PDF, and submit it by e-mail to the address above by the deadline. (Lengthy attachments may be submitted as separate PDFs.) Please direct any questions about this report to Steve Kennedy at 317-232-6981 or by e-mail.

Please provide the contact information for the person completing this report.
Name / Title : Tammy Behrman, Senior Planner, Secretary of the Board of Review
Daytime Phone: (812) 349-2560
E-mail Address: tbehrman@co.monroe.in.us

PART A: UPDATED INFORMATION

Item 1: Contact Information for the Commission's Primary Staff Person

The National Park Service CLG webpage lists staff contact information for each CLG in the country, and requests that this information be verified and updated periodically. To assist the DHPA with this annual update exercise, please provide the following information for the primary staff person to the commission.

Name: Tammy Behrman
Title: Senior Planner
Agency Name: Monroe County Planning Department
Full Mailing Address: 501 N. Morton Street, Suite 224
Phone: (812) 349-2560
FAX: (812) 349-2967
E-mail: tberhman@co.monroe.in.us

Item 2: Chief Elected Local Official

Name: Monroe County Commissioners
Title: Monroe County Commissioners
Full Mailing Address: 100 W. Kirkwood Avenue, 3rd Floor, Bloomington, IN 47404

Item 3: Contact Information for Commission Chairperson (or Chairperson’s Proxy)

The DHPA normally directs many of its CLG-related e-mail communications to the commission’s primary staff person AND chairperson (or another commission member).

Name of chairperson elected for 2022 : Polly Root Sturgeon

E-mail address of chairperson* for 2022 : pollyroot@gmail.com

*ONLY if the chairperson does NOT have an active e-mail account, please provide the name and e-mail address of the vice chair or another commission member to receive e-mail communications from the DHPA.

Name of chairperson’s proxy for 2022 : n/a

E-mail address of proxy for 2022 : n/a

PART B: NARRATIVE RESPONSES

Item 4: Continuing Education Efforts

Provide a list of the continuing education efforts or training events attended by commission members and staff during the review period. Please give the name, date, location, and a brief description of the event and clearly indicate which commission members, staff, and/or advisors attended each event. The goal is for a majority of commission members to attend at least one informational or educational meeting, training session, conference, or activity each year. Note: eligible events include those where the attendee is a “learner” as opposed to a “teacher, leader, facilitator, or presenter.” Please note that, in general, house tours or building tours do not qualify for this continuing education credit.

***See table below. Seven of nine Board Members responded to the inquiry and attended education sessions ranging from 1 to 9 sessions each. Sessions attended in total were 42 across the 7 members and 1 staff member. Note: one member was not active in 2021 and did not respond nor come to any meetings.**

Event	Date	Location	Notes										
				Danielle Bachant-Bell	Debbie Reed	Don Maxwell	Donn Hall	Duncan Campbell	Polly Root-Sturgeon	Douglas Wilson	Tammy Behrman -staff		
The Tidal Basin in Context: Dialogues on Public Space Today	January 27, 2021	Zoom	National Trust for Historic Preservation									x	
It's The Real Thing: Bottleworks District Restoration Webinar	January 28, 2021	ZOOM	Terracotta Cladding Restoration/ ARSEE/ presented by Indiana Landmarks	x	x								
Bethel Cemetery, Gone But Not Forgotten Webinar	Feb. 25, 2021	ZOOM	Indiana Landmarks	x	x								
Using Historic Preservation to Maintain Neighborhood Diversity (Atlanta)	May 2021	2021 National	American Planning Association									x	
The Tidal Basin in Context: Dialogues on Public Space Today	March 3, 2021	Zoom	National Trust for Historic Preservation	x									
Mining Your Community Wealth	May 13, 2021	Zoom	Indiana Landmarks	x						x			
Introduction of Historic Preservation	July 28, 2021	Planetizen	APA Credit https://courses.planetizen.com/course/historic-preservation-intro									x	
The Government's Role in Historic Preservation	August 12, 2021	Planetizen	APA Credit https://courses.planetizen.com/course/governments-role-historic-preservation									x	
Historic Preservation How-To Guide	September 14, 2021	Planetizen	APA Credit https://courses.planetizen.com/course/historic-preservation-how-to-guide									x	
National Council on Public History annual meeting	March 19-27, 2021	Zoom & prerec	National Council on Public History			x							
Building a True National Identity: Preserving African American Places	February 1, 2021	Zoom	National Trust for Historic Preservation / Indiana Landmarks			x							
The American Mall: How Shopping Changed Postwar America	June 3, 2021	Zoom	Indiana Landmarks			x							
NAPC Summer Short Course	September 1, 2021	Zoom	National Alliance of Preservation Commissions	x									
PastForward Online 2021: Understanding Climate Change	September 21, 2021	Zoom	National Trust for Historic Preservation							x			
Preserving Historic Places conference	Sept 30-Oct 1, 2021	Zoom	Indiana Landmarks	x				x	x				
CAMP 2021	Sept 21-22, 2021	Zoom	NAPC / CLG (All 6 sessions)									x	
Indiana Limestone Deposit to Built Environment Part I	October 11, 2020	ZOOM- prerec	Indiana Hist. Preservation Conf.		x			x				x	
Indiana Limestone Deposit to Built Environment Part II	October 18, 2021	ZOOM- prerec	Indiana Hist. Preservation Conf.		x			x					
Architecture in Indianapolis; Decades of design evolution in the capital city	November 8, 2021	Zoom	Indiana Landmarks			x							
So You Can't Be on the National Register, Then What?	October 26, 2021	ZOOM- prerec	Indiana Hist. Preservation Conf.		x								
The English Barn in America by Jack A. Sobon	Novmeber 3, 2021	ZOOM	National Barn Alliance		x				x				
Replacement Windows for Historic Buildings: Managing Compromise When Perfection Is Out of Reach	Novmeber 9, 2021	Zoom	PastForward Online 2021	x									
Bloomington Historic Preservation Commission meeting	November 18, 2021	Zoom	City of Bloomington	x					x				
Social Media Strategies for Historic Preservation Commissions	November 17, 2021	Zoom	National Alliance of Preservation Commissions	x						x			
HISTORIC PRESERVATION 101 - HISTORIC DISTRICTS: 5: 43	November 29, 2021	YouTube	https://www.youtube.com/watch?v=ciWbFiMkDX0							*			
Introduction to Historic Preservation: 1:02:01 Dr. David Amott is the presenter for the Regional Heritage Stewardship	November 29, 2021	YouTube	https://www.youtube.com/watch?v=ACK45ITY6QA							*			
A Richer Heritage: Historic Preservation in the Twenty-First Century - Edited by Robert E. Stipe	November 29, 2021									*			
Introduction by Diane Lea: America's Preservation Ethos: A Tribute to Enduring Ideals	November 29, 2021									*			
Chapter One by Robert E. Stipe Some Preservation Fundamentals	November 29, 2021									*			
From Mansards to McMansions: Styles of the Recent Past	December 9, 2021	Zoom	National Alliance of Preservation Commissions								x		
US History from West to East / POC sources	November 1, 2021		IU Advanced College Placement									x	
TOTAL EVENTS				9	6	4	5	5	5	1	7		

Item 5: Local Landmark Designation

Provide a list of all properties designated as local landmarks within the commission’s jurisdiction (if any) during the reporting period. If the landmark is an individual building, include the street address and building type (i.e., school, residence, commercial building, etc.). If the landmark is a district, indicate the type of district (i.e., commercial, courthouse square, residential, etc.), give the total number of contributing resources, and include a map as an attachment. If no local landmark designations were completed during the review period, indicate “None.”

None for 2021.

Item 6: National Register Activities

Provide a list of all the National Register applications for individual properties and/or districts that were received and reviewed by the commission (if any) during the review period. For each application, please give the date that it was received, the date that it was considered by the commission, a description of any local actions taken, and the date that it was approved by the commission to be forwarded to the DHPA (as may be applicable during the reporting period). If no National Register Applications were considered during the review period, indicate “None.”

National Register Nomination: Stipp-Bender Farm National Registry Nomination

Date Received: March 5, 2021

Date considered by Board of Review: April 19, 2021

Description of actions taken: Approved by County Board of Commissioners by Ordinance #2021-19 on May 5, 2021

Date forwarded to DHPA: ~May 13, 2021

Please review your most recent city or county Interim Report publication and list below any potential districts that are identified but not yet listed in the National Register of Historic Places. Also include any districts that may have been identified by the CLG and/or DHPA, if known, since publication of the Interim Report. For each identified district, please answer the following questions:

Clear Creek Historic District, 105-115-36001-36056

Is there currently local support for listing this district in the National Register of Historic Places?

[] Yes [] No [X] Unknown

Has the commission and/or staff attempted to cultivate local support for listing this district?

[] Yes [X] No

Does the commission have any near-future plans to apply for HPF matching grant assistance through the DHPA to list this district?

[] Yes [X] No

Sanders Historic District, 105-115-38001-38052

Is there currently local support for listing this district in the National Register of Historic Places?

[] Yes [] No [X] Unknown

Has the commission and/or staff attempted to cultivate local support for listing this district?

[] Yes [X] No

Does the commission have any near-future plans to apply for HPF matching grant assistance through the DHPA to list this district?

Yes No

Stanford Historic District, 105-607-41001-41021

Is there currently local support for listing this district in the National Register of Historic Places?

Yes No Unknown

Has the commission and/or staff attempted to cultivate local support for listing this district?

Yes No

Does the commission have any near-future plans to apply for HPF matching grant assistance through the DHPA to list this district?

Yes No

Victor Oolitic Stone Company Historic District, 105-115-46001-46010

Is there currently local support for listing this district in the National Register of Historic Places?

Yes No Unknown

Has the commission and/or staff attempted to cultivate local support for listing this district?

Yes No

Does the commission have any near-future plans to apply for HPF matching grant assistance through the DHPA to list this district?

Yes No

Smithville Historic District, 105-115-51001-51056

Is there currently local support for listing this district in the National Register of Historic Places?

Yes No Unknown

Has the commission and/or staff attempted to cultivate local support for listing this district?

Yes No

Does the commission have any near-future plans to apply for HPF matching grant assistance through the DHPA to list this district?

Yes No

Harrodsburg Historic District, 105-115-53001-53069

Is there currently local support for listing this district in the National Register of Historic Places?

Yes No Unknown

Has the commission and/or staff attempted to cultivate local support for listing this district?

Yes No

Does the commission have any near-future plans to apply for HPF matching grant assistance through the DHPA to list this district?

Yes No

Item 7: Local Survey Update

- Provide a detailed description of how the local survey data is kept up-to-date in terms of additions, deletions, designation changes, etc. Describe any on-going, systematic update efforts undertaken during the review period.

As of September 2015, the IHSSI County Survey for Monroe County was made available in the SHAARD database. The Board and its staff are utilizing the SHAARD system to assist in local determinations for designation and for many other inquiries.

Item 8: Public Access and Participation

- Please indicate where (location name and street address) and when (days of the week and hours of operation) the public may inspect any commission-related documents in accordance with Indiana’s Open Door Law (IC 5-14-1.5).
- Please indicate the day of the month and time when regular meetings are held.
- Please indicate how, where, and when commission meetings are publicized in advance, in accordance with Indiana’s Open Door Law (IC 5-14-1.5).

Monroe County Planning Department
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Hours: 8:00 a.m. to 4:00 p.m. (Monday thru Friday)

Many materials are available online:

<http://www.co.monroe.in.us/tsd/Government/Infrastructure/PlanningDepartment/HistoricPreservation.aspx>

or

<https://www.co.monroe.in.us/department/?structureid=159>

Meetings are held regularly on the third Monday of each month beginning at 5:30 PM in a hybrid meeting format.

HYBRID MEETING INFO

IN-PERSON: Monroe Government Center 501 N Morton ST Room 100B Bloomington IN 47404

VIRTUAL LINK:

<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item&id=10208>

If there is an item on the agenda that requires a hearing, the rules of procedure are followed in regarding to meeting notices. The meetings are published in the Herald Times at the beginning of the year. A twelve-month schedule is also posted in the public lobby of two county government buildings, as constant notice for year round meetings. The Board’s meeting packets are also posted on the County website one week before each meeting, and they remain on the website. A paper copy of the agenda is posted at the Planning Department at least 48 hours before meetings.

Item 9: General Preservation Accomplishments

- Provide a list or summary of all preservation accomplishments sponsored or achieved by the commission during the review period. Examples include: Preservation Month and/or Archaeology Month activities, local heritage events and observances, locally hosted training events for the commission and/or the general public, plaque or marker installations, awards ceremonies, public outreach events, press releases and media events, brochures or

publications produced, successful outcomes of particularly difficult or controversial COA applications, HPF grant-assisted projects completed, etc.

Due to the ongoing pandemic, previously postponed or regularly planned events and activities were again canceled. However, board members continued to accomplish activities within the Work Plan and committee structure that was established. All board meetings in 2021 were held via Zoom.

The Limestone Heritage Project received some forward movement in 2021 after a change of staff in the County's IT department in late 2020. Committee members met with the new staff person and discussed edits and updates to the website and those have been continually worked on as staff time permits. This ongoing initiative at <https://www.co.monroe.in.us/departments/?structureid=159>.

The full board took a direct role in the preservation of a section of drystone wall formerly part of the soon-to-be National Register-listed Stipp-Bender Farm at 5075 S. Victor Pike. It is now on land owned by Rumpke Waste Disposal that will be developed by the company. As a part of a Conditional Use petition a condition was placed on the property that required documentation of the wall for the purpose of preservation. Board members helped facilitate involvement by the Dry Stone Conservancy (DSC) to conduct a full assessment of the wall and a preservation plan that will be made available in Spring 2022.

Another Work Plan committee is Drystone Walls. As part of the work of the committee, further collaboration regarding preservation and rehabilitation of the Rumpke-owned wall and others was also discussed with DSC during the year. Preliminary conversations also occurred with DSC about the potential of hiring the nonprofit to conduct a county-wide survey of drystone walls, as well as re-visit workshops and public talks. Plans will continue to develop during 2022.

In late 2021, the board began in-depth discussions about establishing a Demolition Delay ordinance. A committee was established to explore the topic more closely. It is working toward full recommendations that can be voted on by the board and others in 2022.

Board members continued to serve on the committee overseeing the restoration of the Alexander Memorial, a limestone resource on the courthouse square. The project has been funded in part by a Historic Preservation Fund Grant and falls outside the board's Work Plan committee structure. The committee met occasionally via Zoom and communicated by email as well to accomplish next steps in the process throughout the year. The contract with the masonry company was signed in November 2021 for full completion of the project by June 30, 2022.

The board also engaged in six Section 106 reviews, a higher than average number for the board, and served as a consulting party on three projects within the City of Bloomington jurisdiction.

PART C: STATISTICAL RESPONSES

Item 10: Certificate of Approval Statistics

Please account for all COA applications received so that the number reported for G equals the sum of the numbers reported for A through F. (Please check your math.)

- A. Number of COA applications approved without conditions : **1**
- B. Number of COA applications approved with conditions : **3**
- C. Number of COA applications denied :
- D. Number of COA applications withdrawn :
- E. Number of COA applications tabled, NOT considered during the review period :
- F. Other (please explain below if any) :
- G. Total number of all COA applications received during the review period : **4**

Does the Commission routinely announce and/or publish these statistics in order to help demystify the process for the public?

- Yes If yes, please describe how and when this is done.
- No If not, please consider adopting this practice within the current year.

Item 11: Other Commission Information

Does the commission have organizational membership in the National Alliance of Preservation Commissions (NAPC -- <https://napcommissions.org>)?

- Yes, renewal date August 18, 2022
- No If no, please consider joining in the current year.

Check if applicable:

- Staff person has individual membership in NAPC
- One or more commission members have individual membership in NAPC

Does the commission hold an annual retreat or planning meeting for its members and staff to review accomplishments and lessons learned, identify and set new goals, conduct training, and/or plan special events?

- Yes If yes, please give a brief description of it below.
- No If no, please consider starting this practice in the current year.

Staff and Board members discuss the previous years' accomplishments and lessons at a meeting in January. We also discuss new immediate goals and work program, along with more long-term goals and timelines.

Does the commission have a mission statement?

- Yes If yes, please insert it below.
- No If no, please consider adopting one in the current year.

The Monroe County Historic Preservation Board of Review was established in 2001 to promote the educational, cultural, economic, aesthetic and general welfare of the public through the preservation and protection of historic or architecturally worthy buildings, structures, sites, and neighborhoods that are significant at the local level.

Does the commission have a Code of Ethics?

Yes If yes, please attach a copy of it to this report.

No If no, please consider adopting/adapting the Code of Ethics of the National Alliance of Preservation Commissions (NAPC). Contact NAPC to learn more.

Does the commission have its own website that is separate and distinct from the municipality's main/general web page?

Yes List Web address here: <https://www.facebook.com/MCHPB>

No

PART D: ATTACHMENTS

Item 12: Letter of Commitment

Provide a letter that:

- 1.) Is printed on the municipal government's letterhead;
- 2.) States the municipal government's commitment to fulfill the duties and responsibilities delegated to it in Section 4(A-G) of *Indiana's Certified Local Government Regulations* for purposes of protecting cultural resources;
- 3.) States the commission's commitment to providing for public access and participation in accordance with Indiana's Open Door Law (IC 5-14-1.5);
- 4.) States the commission's commitment to having a majority of its members attend at least one informational or educational meeting, training session, conference, or activity each year;
- 5.) States the municipal government's commitment to finding citizens with a demonstrated interest, competence, and/or knowledge of historic preservation whenever filling vacancies on the commission, including appointing professional members from the disciplines of architecture, history, architectural history, preservation planning, American studies, art history, cultural geography, archaeology, and/or cultural anthropology, to the extent that such individuals are available within the community;
- 6.) Is signed by the chief elected official AND the current chairperson of the Commission.

[ATTACHED]

Item 13: List of Commission Members

Provide an up-to-date list that includes the following information:

- Commission Chair – name and term expiration date;
- Commission Members – name and term expiration date for each member;
- Commission Vacancies – give the number of vacant seats on the commission, if any;
- Advisory Members (if any) – list the name and organizational affiliation of each advisory member.

[ATTACHED 2022 Member List]

Item 14: Updates to Commission Documents

If any NEW documents have been prepared (or older documents have been revised and updated) and adopted by the commission during the reporting period, please provide them as separate electronic attachments to this report:

- Rules of Procedure or Bylaws;
- Ordinance revisions or amendments;
- Code of Conduct;
- Code of Ethics;
- District Design Guidelines;
- Any other pertinent documents related to the routine operation of the commission (please do not include copies of recent HPF Grant applications; we already have those on-file).

[ATTACHED – Electronic Attendance Policy]

Item 15: Commission Meeting Agendas, Staff Reports, and Meeting Minutes

For the Commission meeting held in June during the reporting period – as long as there was at least one CofA application considered that month, please attach the meeting agenda, staff report(s), and the meeting minutes. If a meeting was not held that month OR if there were no CofA applications considered that month, please substitute the documents from the previous or following monthly commission meeting held where there was at least one CofA application on the agenda. If more than one meeting was held in the month, submit documents for just one of the meetings – not both.

[ATTACHED: July 2021 Meeting Packet (Includes Meeting Agenda, Staff Report for Reference, and June Meeting Minutes as Agenda Item) and July 2021 Meeting Minutes]

Item 16: Resumes for Commission Members, Municipal Staff, and Contract Staff

Please provide a resume for each current commission member and staff person, including contract staff (if any). Resumes should cover (1) educational background and (2) work experience, as well as demonstrate (3) personal interest in preservation through volunteerism, organizational memberships, and/or other activities and accomplishments. For citizens without an existing professional resume, a brief outline covering these three points is acceptable.

[ATTACHED – 9 board member resumes and 1 staff resume]

Tammy Behrman

From: Gloria Colom <gloria.colom@bloomington.in.gov>
Sent: Thursday, April 21, 2022 12:13 PM
To: Tammy Behrman
Subject: Invitation to Consultation - Programmatic Agreement Renewal
Attachments: PA INVITE - MONROE HPC.pdf

Hi Tammy,

The City of Bloomington has begun the process of renewing the Programmatic Agreement with the State Historic Preservation Officer (SHPO) regarding the administration of certain HUD assisted projects and programs subject to 24 CFR Part 58 in the State of Indiana.

The Monroe County HPC is cordially invited to participate in this process by providing input on the Programmatic Agreement draft throughout the following months. Please respond within the next thirty days (by May 21, 2022) if you are interested in participating.

I have attached a copy of the formal invitation letter and the rough draft of the Programmatic Agreement for your review. A physical copy can be sent to you upon request. Feel free to contact me if you have any questions or concerns.

Gratefully yours,

Gloria M. Colom Braña
Historic Preservation Program Manager
Housing and Neighborhood Development

City of Bloomington, Indiana

812-349-3507



**CITY OF
BLOOMINGTON**
HOUSING AND NEIGHBORHOOD DEVELOPMENT

April 20, 2022

Tammy Behrman
Senior Planner
Monroe County Historic Preservation Commission
501 N Morton St., Bloomington, IN 47404

Re: Notification of intention to implement Programmatic Agreement for HUD-funded programs and invitation to participate in consultation regarding projects carried out under these programs

Dear Ms. Behrman:

Section 106 of the National Historic Preservation Act requires that the City of Bloomington identify organizations with an interest in historic preservation and invite them to participate in consultation regarding the effects of projects carried out by the City using federal funds on historic properties.

The City intends to enter into a Programmatic Agreement with the Indiana State Historic Preservation Officer (SHPO) to facilitate Section 106 compliance for programs using funding originating from the U.S. Department of Housing and Urban Development (HUD). The agreement requires that the City notify local/county historical societies/preservation organizations and invite them to participate in the development of this agreement so that they will be aware of the process that the City will follow to consider the effects of projects on historic properties.

The City welcomes your participation in consultation regarding the agreement and requests that you respond within 30 days if you would like to participate as a consulting party. Please note that even if you do not choose to become a consulting party for the development of the Programmatic Agreement, you may still choose to participate in future 106 projects that are reviewed under the Programmatic Agreement once it is executed. If you have any questions, please contact me by phone 812-349-3507 or email Gloria.colom@bloomington.in.gov. Thank you.

Sincerely,



Gloria M. Colom Braña
Historic Preservation Program Manager
Housing and Neighborhood Development
City of Bloomington

Enclosures:

Draft Programmatic Agreement for HUD-funded programs

Copy:

Chad Slider, DHPA, 402 W Washington Street, Room W274, Indianapolis, IN 46204

PROGRAMMATIC AGREEMENT
AMONG THE CITY OF BLOOMINGTON
AND THE INDIANA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE ADMINISTRATION OF CERTAIN
HUD-ASSISTED PROJECTS AND PROGRAMS SUBJECT TO
24 CFR PART 58 IN THE STATE OF INDIANA

THIS PROGRAMMATIC AGREEMENT (Agreement) is between the City of Bloomington (City), the Indiana State Historic Preservation Officer (Indiana SHPO), and **, and is entered into effective the 1st day of January 2023.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) through various offices, including the Offices of the Assistant Secretaries for Housing – Federal Housing Commissioner, Public and Indian Housing, Lead Hazard Control and Healthy Homes, and Community Planning and Development, provides grant and/or entitlement funding to the State of Indiana and to entitlement communities in Indiana; and

WHEREAS, the City of Bloomington (City) is an entitlement community in the State of Indiana; and

WHEREAS, the City, now, or may in the future, administer HUD grant and/or entitlement programs which include, but are not limited to, the following HUD Programs:

- Community Development Block Grant Program (CDBG)
- Emergency Solutions Grant Program
- HOME Investment Partnerships Program
- Housing Opportunities for People with AIDS Program
- Lead-Based Paint Hazard Control Grant Program
- Lead Hazard Reduction Demonstration Grant Program
- Neighborhood Stabilization Program
- Continuum of Care Grants
- Special Projects Appropriated Under an Appropriations Act for HUD Supportive Housing Program

WHEREAS, HUD regulations at 24 C.F.R. Part 58 implement statutory authorities that permit certain entities to assume HUD's environmental responsibilities for various HUD programs, and included among the statutory authorities under which this responsibility is assumed in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended [54 U.S.C. § 300101 et seq] (Section 106); and

WHEREAS, the City has determined that implementation of the HUD Programs may include but are not limited to activities such as housing and commercial building rehabilitation, façade improvement, relocation of buildings and structures, demolition of buildings and structures, new construction, and site preparation each of which is an undertaking (Undertaking) as defined pursuant to 36 C.F.R. 800.16(y); and

WHEREAS, the City has determined that certain activities funded by the HUD Programs may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (Historic Properties) pursuant to 36 C.F.R. Section 800.14 of the regulations implementing Section 106;

WHEREAS, in accordance with 36 C.F.R. § 800.14(b)(3), the City has notified the Advisory Council on Historic Preservation (ACHP) and invited the ACHP to participate in the development of this Agreement and the Council has decided to ****participate and sign this Agreement *OR* declined to participate in consultation for this Agreement****; and

WHEREAS, the City has invited the Peoria Tribe of Indians of Oklahoma and Miami Tribe of Oklahoma to comment and/or consult in the development of this Agreement, in recognition of the unique government-to-government relationship between the Federal government and federally-recognized American Indian tribes and all those tribes who commented are invited to participate in this Agreement as invited signatory parties; and

WHEREAS, this Agreement is not applicable to undertakings located in tribal lands subject to the purview of a Tribal Historic Preservation Officer (THPO) pursuant to Section 101(d)(2)(D)(iii); and

WHEREAS, the City will continue to conduct outreach and will actively seek and request the comments and participation of Indian tribes that attach religious and cultural significance to historic properties that may be affected by Undertakings funded under the terms of this Agreement; and

WHEREAS, the City acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of properties with tribal religious and cultural significance; and

WHEREAS, the City has consulted with **the Monroe County Historic Preservation Commission, Indiana Landmarks Center, Monroe County History Center, Bloomington Restorations Inc., the Bloomington Housing Authority, Downtown Bloomington, the Monroe County Historian, and the Office of the Vice President for Capital Planning and Facilities** in the development of this Agreement, and invited those parties to be concurring parties to this Agreement; and

WHEREAS, the City has invited the public to consult on the development of this Agreement in the following ways: via the Herald times and through the City of Bloomington social media platforms;

NOW, THEREFORE, the City and the Indiana SHPO agree that the HUD Programs covered by this Agreement shall be administered in accordance with the following stipulations to satisfy the Section 106 responsibilities of the City for all individual undertakings of the program.

STIPULATIONS

The City shall ensure that the following measures are carried out:

I. PERSONNEL

The City shall ensure that all historic preservation work carried out pursuant to this Agreement is performed by or under the direct supervision of a person or persons meeting at least the minimum qualifications for a professional in architecture,

architectural history, or a related preservation field, as specified in the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61). The professional shall be either an employee of the City or an outside consultant retained by the City to perform historic preservation work. The City shall advise the Indiana SHPO in writing of all professional personnel selected to perform the historic preservation work and provide personnel qualifications. In the event the professional changes, the City shall notify the Indiana SHPO in writing of the change and submit the qualifications of the personnel selected to perform the historic preservation work using the appropriate form found on the Qualified Professionals section of the Indiana SHPO's website at <https://www.in.gov/dnr/historic-preservation/help-for-owners/find-help/qualified-professionals/>. If the City does not have a qualified professional in place or does not utilize a qualified outside consultant, then the City will comply with 36 CFR Sections 800.3 through 800.7 with regard to individual undertakings covered by this Agreement.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- A. The City shall define the Area of Potential Effects (APE) for each undertaking and identify historic properties within the APE that may be affected by the project. The APE means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (see 36 C.F.R § 800. 16[d] for further guidance).
- B. In the course of conducting project reviews, the City shall note and continue to update the existing or current Indiana Historic Sites and Structures Inventory (IHSSI) for Monroe County and the IHSSI for the City of Bloomington in consultation with the Indiana SHPO and according to the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation: (Standards and Guidelines for Identification and Evaluation; (48 FR 44720-26). Please note that, when available, the State Historic Architecture and Archaeological Research Database (SHAARD) should be used in place of the Interim Report book version of the IHSSI. Access to SHAARD is available through the Indiana SHPO's website. Updates to the inventory shall be provided in an annual report by the City to the Indiana SHPO as required by Stipulation X.
- C. For projects involving properties that are not identified in the inventory but are 40 years old or older, the City shall apply the National Register of Historic Places (National Register) Criteria for Evaluation (36 CFR Section 36.6) to determine those properties' eligibility for inclusion in the National Register and follow the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716-42). If there is any question as to whether a property may meet the criteria, the City shall submit documentation to the Indiana SHPO for evaluation. If the City disagrees with the opinion of the Indiana SHPO, the City shall request a determination of eligibility from the Secretary of the Interior in accordance with applicable National Park Service regulations.

1. To ensure application of the criteria for evaluation, properties that are not identified in the survey, but are 40 years old or older, shall be evaluated by a professional as defined in Stipulation I.
 2. The City shall keep a written record of the reason why any property 40 years old or older does not appear to meet the criteria.
- D. If an undertaking may adversely affect a National Historic Landmark, the City shall request the Council and the Secretary of the Interior to participate in consultation to resolve any adverse effects, as outlined in 36 CFR 800.10.

III. TREATMENTS

- A. Properties identified in the IHSSI as being individually rated Outstanding or Notable, rated Contributing to an identified district or properties that are individually listed or contributing to a listed district, or properties determined to be eligible for inclusion in the National Register by both the City and the Indiana SHPO shall be rehabilitated in accordance with the recommended approaches in the Secretary of the Interior's Standards for the Treatment of Historic Properties; Guidelines for Rehabilitation of Historic Buildings (Standards and Guidelines for Rehabilitation; National Park Service, 1995; 36 CFR Section 67.7).
1. To ensure conformance with the Standards and Guidelines for Rehabilitation, rehabilitation plans shall be reviewed by a professional, as defined in Stipulation I, above, before construction begins.
 2. When conformance with the Standards and Guidelines for Rehabilitation is ensured, the City shall document that the project will have No Adverse Effect on historic properties within the project APE and retain documentation in individual project files.
 3. The City shall document the property, including photographs, work write-ups/journal, professional review, etc. before work begins and upon completion of the rehabilitation to evidence adherence to the Standards and Guidelines for Rehabilitation. The City shall retain documentation in individual project files.
- B. When it is determined that a project cannot adhere to the Standards and Guidelines for Rehabilitation or when demolition or relocation of, or any other adverse effect as defined in 36 CFR Part 800.5(a) on a property that meets the National Register criteria is proposed, the City shall apply the Criteria of Adverse Effect. Upon the City's conclusion of a Finding of Adverse Effect, or if there is any question as to whether a property may meet the Criteria of Adverse Effect, the City shall consult with the Indiana SHPO.
1. If the Criteria of Adverse Effect are met, the City will determine if project activities can be modified to avoid adverse effects. If

adverse effects can be avoided through project modification, the City will document that the project will have No Adverse Effect on historic properties and retain documentation in individual project files.

- a. If adverse effects cannot be avoided through project modification, the City will prepare documentation for individual submission to the Indiana SHPO that includes all project information and any mitigation proposals, requesting consultation to resolve adverse effects. Documentation required by the Indiana SHPO for consultation per the provisions of this Agreement shall meet the requirements in 36 CFR 800.11 and include, but may not be limited to, written descriptions of the project and affected historic properties (if any), reports demonstrating that properties are eligible (or not) for listing in the National Register, evaluations of effect, alternatives analysis, maps showing specific project locations and APEs, and photographs.
 - b. The Indiana SHPO will review and respond to the information submitted and may concur with the Adverse Effect determination, request additional information, or object to the finding or its basis. Upon receipt of concurrence from the Indiana SHPO, the City will also notify the ACHP as required by 36 CFR Section 800.6(a)(1).
 - c. The City will consult with the Indiana SHPO, the ACHP (if participating), and consulting parties to resolve adverse effects. Agreement among required signatories regarding the terms of mitigation proposed for the project will be memorialized in an MOA executed under 36 CFR Section 800.6.
- C. At any time during consultation, the City or the Indiana SHPO may request advice from the ACHP or ask for their involvement in consultation, in accordance with either 36 CFR Section 800.6(b)(2) or 36 CFR Section 800.7.

IV. DOCUMENTATION STANDARDS

- A. The City shall compile and retain information on each Undertaking reviewed in accordance with this Agreement in physical and/or electronic files. The City shall make these files available to the Indiana SHPO, tribes, consulting parties, and/or the public upon request with reasonable notice. Requests may be made in writing addressed to the City according to the contact information listed in Exhibit A or to the *** as listed on the City's website at www.bloomington.in.gov/historic-bloomington.

1. Documentation shall include all information necessary to complete the Annual Report as specified under Stipulation X, below.
2. This documentation may also include, but may not be limited to the following:
 - a. Written descriptions of the scope of work reviewed.
 - b. Maps delineating the Undertaking's specific location(s) and APE.
 - c. Photographs of the property affected by an Undertaking before the work begins, and any supplemental related information.
 - d. Evaluations of the Undertaking's direct and indirect effects.
 - e. IHSSI rating and description and/or reports demonstrating that properties are or are not eligible for listing in the National Register.
 - f. Analysis of alternatives.

V. ARCHAEOLOGY

- A. Prior to any ground-disturbing activities as part of new construction or demolition, site improvements, or other undertakings, the City shall notify the Indiana SHPO and request an opinion of the potential existence of significant archaeological resources. This stipulation shall not be applied to the rehabilitation of residential properties, when no additions are proposed.
 1. The City will provide information describing the proposed project activities and information about the project area's history and current condition to the Indiana SHPO, including maps and photographs. Indiana SHPO staff will then make a recommendation about whether an archaeological survey should be conducted.
 2. If the Indiana SHPO recommends that no survey is justified, then the City will document the outcome of this consultation within the individual project file. Projects that would otherwise be exempt from review may then conclude review and all documentation will be retained in the individual project file.
 3. For projects where the Indiana SHPO recommends that an archaeological survey is justified, an archaeological survey of the affected area shall be carried out in consultation with the Indiana SHPO. Archaeological testing, as appropriate, shall be undertaken in consultation with the Indiana SHPO to determine if properties identified in the survey meet National Register criteria. If archaeological resources are found to meet the criteria, whenever feasible, they shall be avoided or preserved in place. When this is not feasible, the Indiana SHPO shall be consulted, and a treatment plan consistent with the ACHP's handbook, Treatment of Archaeological Properties, and approved by the Indiana SHPO

shall be developed and implemented. The City will consult with the Indiana SHPO, the ACHP (if participating) and any consulting parties to resolve adverse effects. Agreement among required signatories regarding the terms of mitigation proposed for the project will be memorialized in an MOA executed under 36 CFR Section 800.6. All identification and testing efforts shall be in accordance with the Standards and Guidelines for Identification and Evaluation and appropriate internal guidance and regulation from the Indiana SHPO as well as the appropriate state statutes and rules.

- B. This stipulation shall not be interpreted to include projects where sidewalks or other minor paving or resurfacing shall occur in areas where previous sidewalks or paving already exists. It shall not be interpreted to include projects for the repair or replacement of existing water lines, sewer lines or septic systems within previously excavated trenches, or other exempt activities described in Stipulation VI below.

VI. EXEMPTED ACTIVITIES

The following proposed undertakings have limited potential to affect historic properties and may be approved by the City without further consultation with the Indiana SHPO or ACHP.

All undertakings not identified under either (A) or (B) of this Stipulation must be reviewed in accordance with 36 C.F.R. Part 800.

A. General Exemption

1. Projects on residential or non-residential buildings, structures, or facilities less than 40 years old. Projects may include rehabilitation, but not construction or demolition.
2. Acquisition of property which is limited to the legal transfer of title with no physical improvements or changes proposed.
3. Projects consisting of grants or loans to eligible families or entities to be applied solely to the purchase, refinancing, or leasing of residences or businesses.
4. Grants or loans to participants in any Economic Development program funded by CDBG which may be used for working capital, equipment, furniture, fixtures, and debt refinancing, or acquisition of non-historic building for reuse. Such activities shall require the Indiana SHPO review only if such activities should involve changes to structures which are either listed in or are considered eligible for inclusion in the National Register.
5. Purchase of equipment; including but not limited to maintenance tools, or supplies, school buses, lawn mowers, kitchen appliances, books, furniture that does not require permanent installation, etc.
6. Environmental and other studies
7. Information and financial services
8. Administrative and management activities
9. Inspections and testing of properties for hazards or defects

10. Purchase of insurance
11. Engineering and design costs
12. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration.

B. Exempt Activities

The list of exempt activities applies to all projects not otherwise made exempt under Section VI(A) "General Exemption." For purposes of this Agreement, the term "in-kind replacement" is defined as installation of a new element that duplicates the material, dimensions, configuration and detailing of the original element.

1. Site Work

In the event of unanticipated archaeological discoveries for any of the activities mentioned below, the Indiana SHPO shall be contacted within two (2) business days.

- a) Streets, driveways, alleys, and parking areas. Line painting, maintenance, repair or resurfacing of existing concrete or asphalt surfaces or in-kind repair/replacement of brick, rock, or stone materials on streets, driveways, alleys, and parking areas provided that no changes are made in width, surface, vertical alignment, or drainage.
- b) Curbs, gutters, sidewalks, retaining walls. Repair of existing concrete or asphalt surfaces or in-kind repair/replacement of brick, rock, or stone materials for curbs, gutters, sidewalks, and retaining walls.
- c) Site improvements. Repair or in-kind repair/replacement of site improvements, including, but not limited to fences, landscaping, steps not attached to any building
- d) Underground Utilities. Repair or replacement of existing water, sewer, natural gas, electric or telecommunication lines and in-place repair of septic systems if it occurs in or adjacent to the existing trench and provided there is no substantial earth moving.
- e) Above Ground Utilities. Repair or replacement of existing wires, anchors, crossarms, and other miscellaneous hardware on existing overhead lines; not including pole replacement or installation outside city limits. Water tower replacement is not exempt.
- f) Park and playground equipment. Installation, repair or replacement of park and playground equipment, excluding buildings, with minimal ground disturbance.
- g) Temporary structures. Installation of temporary construction-related structures including scaffolding, barriers, screening, fences, protective walkways, signage, office trailers or restrooms.
- h) Street lighting and traffic signals. Repair and replacement of non-historic street lights, traffic signals, and traffic signs, outside of a listed or eligible historic district.

- i) Generators. Temporary installation of generators, and permanent installation of generators that are placed inside existing buildings or that occupy an area under 50 square feet behind the building they serve.
- j) Test holes and wells. Test borings, well drilling and perc tests that do not require a temporary or permanent new access road to the site.
- k) Plantings. Planting of grass, shrubs, and bushes

2. Exterior Rehabilitation

In the event of unanticipated archaeological discoveries for any of the activities mentioned below, the Indiana SHPO shall be contacted within two (2) business days.

- a) Foundations. Below-grade repair of brick or stone foundations and repairs to all other types of foundations.
- b) Windows and doors. Repair of windows and doors, including caulking and weather stripping of existing window or door frames, installation of new window jambs or jamb liners, and installation of new clear glass in existing sashes or doors, including retrofitting for double and triple glazing, and replacement of glazing putty.
- c) Storm windows and storm doors. Installation of exterior storm windows and doors, provided they conform to the shape and size of the historic windows and doors, and that the meeting rails of storm windows coincide with that of existing sash.
- d) Walls and siding. Repair of or in-kind replacement of wall or siding material, including brick, stone, or stucco materials and wood siding.
- e) Painted surfaces.
 1. Removal of exterior paint by non-destructive means, limited to hand scraping, low pressure water wash when used according to Preservation Briefs listed below, heat plates or heat guns, or paint-removal chemicals, provided that the removal method is consistent with the provisions of 24 C.F.R. Part 35, "Lead-Based Poisoning Prevention in Certain Residential Structures," including Section 35.140, "Prohibited methods of paint removal" and National Park Service Preservation Briefs #1: *Cleaning and Water-Repellent Treatments for Historic Masonry Buildings*, #10: *Exterior Paint Problems on Historic Woodwork*, and #37: *Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*.
 2. All lead paint abatement that does not involve removal or alteration of exterior features and/or windows.
 3. Application of exterior paint and caulking, other than on previously unpainted masonry.
- f) Porch elements. Repair or in-kind replacement of existing porch elements, such as columns, flooring, floor joists, ceilings, railing, balusters and balustrades, and lattice.
- g) Roofing. Repair or in-kind replacement of roof cladding and sheeting, flashing, gutters, soffits, and downspouts with no change in roof pitch or configuration. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.

- h) Awnings. Repair or in-kind replacement of awnings.
- i) Mechanical systems. Placement and installation of exterior HVAC mechanical units and vents not on the front and/or primary elevation, unless occurring in undisturbed areas.
- j) Accessibility ramps. Replacement or repair of existing accessibility ramps and installation of new accessibility ramps not on the front and/or primary elevation, unless occurring in undisturbed areas.
- k) Basement bulkhead doors. Replacement or repair of basement bulkhead doors and installation of basement bulkhead doors not on the front elevation.
- l) Lighting. Repair or in-kind replacement of existing light fixtures. Installation of additional decorative or security lights not on the front and/or primary elevation.
- m) Mothballing. Securing or mothballing a property by boarding over window and door openings, making temporary roof repairs, and/or ventilating the building in accordance with Preservation Brief #31: *Mothballing Historic Buildings*.
- n) Attic Vents. Repair or in-kind replacement of historic attic vents in original openings or installation of new attic vents painted to match the gable.
- o) Chimney liners. Repair or in-kind replacement of chimney liners provided that the work does not affect the exterior of the chimney.

3. Interior Rehabilitation

- a) Mechanical systems. Installation, replacement or repair of plumbing, HVAC systems and units, hot water heaters, furnaces, electrical wiring and fire protection systems, provided no structural alterations are involved. Included are restroom improvements for handicapped access, provided the work is contained within the existing restroom walls. Installation, replacement, or repair of interior Wi-Fi, internet broadband equipment, or other related equipment provided no structural alterations are involved or no significant interior architectural features are affected.
- b) Surfaces. Repair or in-kind replacement of interior surface treatment, such as floors, walls, ceilings, plaster and woodwork. If covering historic features, such as wood floors, then carpet or sheet goods (linoleum or vinyl) shall be installed in a reversible manner, either through tacking or with an underlayment so historic floors shall not be irreversibly damaged.
- c) Insulation. Installation of non-spray insulation in ceilings, basements, attics and crawl spaces.
- d) Basement floor. Installation or repair of concrete basement floor in an existing basement.
- e) Asbestos Abatement. Abatement or control of asbestos that does not involve removal or alteration of interior features.
- f) Lead-Based Paint hazard mitigation. Interior lead hazard mitigation and abatement using lead-safe work practices (see 24 C.F.R. Part 35.1330 (a) (4), and § 35.1350), when it is limited to washing, scraping and repainting, wallpapering, and chemical stripping of lead –painted surfaces, installation of new window jambs or jamb liners, installation of metal panning in window wells, and replacement of non-significant flat stock trim, provided that the work is consistent with §35.140 Prohibited methods of paint removal and National Park Service Preservation Brief

#37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing.

- g) Bath and kitchen fixtures. Repair or replacement of non-historic bathroom and kitchen equipment and fixtures.
- h) Accessibility. Modification of a bathroom for handicapped access within the walls of the existing bathroom. Installation of wedges and removal of thresholds to facilitate access through door openings.

VII. CONSULTING PARTIES

The City shall invite the participation of consulting parties as appropriate to the scale of the undertaking and the scope of Federal involvement. Parties that may have a consultative role in the Section 106 process include, but are not limited to the following: Federally recognized Indian tribes, THPO, representatives of local governments, county and municipal historic preservation commissions including those established under the Certified Local Governments (CLG) program, the public, and individuals and organizations with a demonstrated interest due to the nature of their legal or economic relation to the undertaking, or their concern for the undertaking's effects on historic properties.

VIII. TRIBAL CONSULTATION

- A. The City shall follow HUD Notice CPD-12-006: Process for Tribal Consultation in Projects That Are Reviewed Under 24 CFR Part 58.
- B. The City has sent the letter in **Exhibit C** to the tribes listed in **Exhibit A**. These letters have been individually addressed to the tribal leaders of the listed tribes which have expressed interest in Indiana, and those identified by referencing the HUD Tribal Directory Assessment Tool (TDAT) at <https://egis.hud.gov/tdat>.
- C. Unless a Tribe has indicated to the City that it wants to engage in government-to-government consultation with HUD, the City may initiate consultation with Tribes for individual undertakings carried out under the provisions of this Agreement. The City shall ensure that Tribes are provided information regarding proposed undertakings early in project planning and are invited to participate in consultation in accordance with the requirements of Section 101(d)(6) of the NHPA and 36 CFR Part 800. Upon receipt of a written request from any Tribe or officially designated representative of a Tribe to consult with the City, the City shall consult with that Tribe for the particular undertaking or program.
- D. If a Tribe indicates to the City that it wishes to engage in government-to-government consultation with HUD for an undertaking:
 - a. The City will forward that request to HUD
 - b. HUD may utilize the processes and exemptions in this Agreement in conducting its Section 106 review of the relevant undertaking.
 - c. Ground disturbing activities on the relevant undertaking will not proceed until HUD has concluded its government-to-government consultation with the requesting Tribe.

IX. PUBLIC NOTIFICATION AND INVOLVEMENT

Each year the City shall notify the public of its current HUD programs and make available for public inspection documentation related to these programs. This documentation shall include:

- A. Types of activities undertaken with program funds during the prior year and activities projected for the current year.
- B. Information on identified historic properties that might be affected and the location of said properties.
- C. Funding level for the current program year.
- D. The way in which interested persons can obtain additional information on programs and advise the City, HUD, the Indiana SHPO, or the ACHP of any concerns they might have relative to program effects on historic properties.

X. MONITORING AND OVERSIGHT

- A. The Indiana SHPO shall provide technical assistance, consultation, and advice as requested by the City in order to assist in carrying out the terms of this Agreement.
- B. The City's staff conducting work under this Agreement, as defined in Stipulation I, shall complete a Section 106 training course offered by the Indiana SHPO, Advisory Council on Historic Preservation, National Preservation Institute or similar provider. The City is encouraged to participate in one of these workshops or trainings every two years.
- C. Documentation of all work undertaken in the HUD programs shall be retained by the City and available to the Indiana SHPO. The City shall submit a brief, written report to the Indiana SHPO on an annual basis, by March 1 of the following year, summarizing HUD-funded activities covered by this Agreement; including information of how the City has evaluated historic resources and applied the Secretary of Interior's Standards (as necessary) to projects and updates to the IHSSI for Monroe County and the IHSSI for the City of Bloomington. The City may use the example annual reporting template as provided in Exhibit B. The Indiana SHPO may request documentation be submitted or make a site visit to review the work outside of the annual reporting with reasonable notice.
- D. This Annual Report shall include:
 - 1. a list of all projects, categorized by name and address, exempt status, a citation of the exemption(s) applied, whether or not a historic property was involved, the IHSSI site number of any historic properties involved, determination of effect
 - 2. the name(s) of the person(s) carrying out historic preservation work pursuant to this Agreement as defined in Stipulation I

3. the views of the City regarding the effectiveness of this Agreement
4. suggestions for additional actions that could be considered for inclusion in the Exempt Activities list.

XI. DISPUTE RESOLUTION

Should any signatory or concurring party to this Agreement object at any time to any actions proposed or the manner in which the terms of this Agreement are implemented, the City shall consult with such party to resolve the objection. If the City determines that such objection cannot be resolved, the City will:

- A. Forward all documentation relevant to the dispute, including the City's proposed resolution, to the ACHP. The ACHP shall provide the City with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the City shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The City will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the City may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the City shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the Agreement and provide them and the ACHP with a copy of such written response.
- C. Carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.

XII. EMERGENCIES

- A. When an emergency undertaking is required, the City shall allow the Indiana SHPO five (5) business days from receipt of the information to respond, if feasible. Emergencies exist when there is a need to eliminate an imminent threat to health and safety of residents as identified by local or County building inspectors, fire department officials, or other local or County officials.
 1. The City shall forward documentation to the Indiana SHPO for review immediately upon notification that an emergency exists. Documentation should include a) nature of the emergency; b) the address of the historic property involved; c) photographs showing the current condition of the building; and d) the time-frame allowed by local officials to respond to, or correct, the emergency situation.
 2. The City shall consider mitigation measures recommended by the Indiana SHPO and implement them, if feasible.

- B. Undertakings limited to immediate rescue and salvage operations are exempt from this stipulation.

XIII. POST REVIEW DISCOVERIES AND UNFORESEEN EFFECTS

If, during the implementation of these programs, a previously unidentified property that may be eligible for inclusion in the National Register is encountered, or a known National Register historic property may be affected in an unanticipated manner, the City will assume its responsibilities pursuant to 36 C.F.R. Part 800.13.

- A. In the event that previously unidentified archeological sites or human remains are discovered during project construction, that portion of the project shall stop immediately within 100 feet of the discovery and the project manager shall notify the City, Indiana SHPO/THPO, and other consulting party signatories within 48 hours, and shall take appropriate steps to immediately secure the site.
- B. In addition, the project manager shall notify local and/or state law enforcement authorities including the county coroner and the Indiana SHPO.
- C. The City shall consult with the Indiana SHPO and Tribes to determine if the discovered site appears eligible for the National Register. If it does appear eligible, the City shall submit a treatment plan for the avoidance, protection, recovery of information, or destruction without data recovery to the Indiana SHPO for review and comment. The treatment plan shall be consistent with the ACHP's handbook Treatment of Archaeological Properties and subsequent amendments and Indiana SHPO guidelines. If human remains are discovered, the treatment plan shall follow the guidance in Advisory Council on Historic Preservation Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects, including appropriate consultation with descendent communities. Construction work in the area of the discovery shall not continue until the plan has been accepted by the signatory parties and implemented.
- D. All human burial sites in Indiana are protected under state statutes, and any undertaking that may affect a human burial site shall comply in accordance with any applicable Federal and State statutes and codes before the project resumes. If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations

XIV. NOTIFICATION

Notification or other communication between parties to this Agreement should be made in care of addresses provided in Exhibit A.

XV. AMENDMENT

Any party may request that this Agreement be amended, whereupon the City and the Indiana SHPO will consult with the other parties in accordance with 36 C.F.R. Part 800.14(b) to consider an amendment. Amendments will only be considered if made in writing and must be approved in writing by all parties to this Agreement to go in effect.

XVI. TERMINATION

Any party to this Agreement may terminate its participation by providing thirty (30) days written notice to all other parties. In the event of termination, the City will comply with 36 C.F.R. Part 800 with respect to individual undertakings covered by this Agreement.

XVII. TERM OF THE AGREEMENT

Following signature by the City and the Indiana SHPO, this Agreement will be binding on a party upon the date of its signature and shall be in force until December 31, 2029. At any time in the twelve-month period prior to that date, any signatory may request an amendment to extend the duration of this Agreement in accordance with stipulation XV.

EXECUTION AND IMPLEMENTATION of this Agreement evidences that the City has satisfied its responsibilities under Section 106 for undertakings as described in this Agreement and funded by the HUD Programs.

SIGNATORIES:

Mayor, City of Bloomington **Date**

Director, Housing and Neighborhood Development, City of Bloomington
Date

Indiana Deputy State Historic Preservation Officer
Date

EXHIBIT A: INVITED PARTIES FOR CONSULTATION

Director, Housing and Neighborhood Development

John Zody
City of Bloomington
401 N Morton St, Suite 130
Bloomington, IN 47404
Phone: (812)349-3594
Email: john.zody@bloomington.in.gov

The City of Bloomington

Mayor John Hamilton
401 N Morton St., Bloomington, IN 47404
Phone: (812)349-3406
Email: mayor@bloomington.in.gov

Chair, Bloomington Historic Preservation Commission

John Saunders
City of Bloomington
401 N Morton St, Suite 130
Bloomington, IN 47404
Phone: (812)349-3594
Email: john.zody@bloomington.in.gov

Indiana State Historic Preservation Officer

Beth McCord
402 W Washington St., Room W256
Indianapolis, IN 46204-2739
Phone: (317)232-3492
Email: BMccord@dnr.IN.gov

Advisory Council on Historic Preservation

401 F Street NW, Suite 308
Washington, DC 20001-2637
Phone: (202) 517-0200

Peoria Tribe of Indians of Oklahoma

Chief Greg Harper
Tribal Administrator
Peoria Tribe of Indians of Oklahoma
118 S Eight Tribes Trail
Miami, Oklahoma 74354
Phone: (918)540-2535
Email: Chiefharper@peoriatribe.com

Miami Tribe of Oklahoma

Diane Hunter
Tribal Historic Preservation Officer
P.O. Box 1326
Miami, OK 74355
Phone: (918)541-1300
Email: dhunter@miamination.com

Monroe County Historic Preservation Commission

Tammy Behrman
Senior Planner
501 N Morton St., Bloomington, IN 47404
Phone: (812)349-2560
Email: tbehrman@co.monroe.in.us

Indiana Landmarks Center

Mark Dollase Vice President of Preservation Services
1201 Central Avenue
Indianapolis, IN 46202
Phone: (317)639-4534
Email: mdollase@indianalandmarks.org
central@indianalandmarks.org

Monroe County History Center

Daniel Schlegel
Director
202 E 6th St
Bloomington, IN 47408
Phone: (812)332-2517 Ext. 1
Email: director@monroehistory.org

Bloomington Restorations Inc.

Steve Wyatt
Executive Director
Bloomington Restorations Inc.
2920 E 10th St
Bloomington, IN 47408
Phone: (812)336-0909
Email: bri@bloomingtonrestorations.org

Downtown Bloomington

Talisha Coppock
Director
Downtown Bloomington

302 South College Avenue
Bloomington, IN 47403
Phone: 812-336-3681
Email: tcoppock@downtownbloomington.com

Monroe County Historian
Glenda Murray
Monroe County Historian
525 West 3rd Street
Bloomington, IN 47404
Phone: (812)332-6268
Email: glmurray@indiana.edu

**Office of the Vice President for
Capital Planning and Facilities**
Thomas A. Morrison
Vice President
Capital Planning and Facilities
Bryan Hall 205A
Bloomington, Indiana 47405
Phone: (812)855-6992
Email: morrisot@iu.edu

DRAFT

EXHIBIT B

(Example) **Annual Report of HUD-funded activities
from the City of Bloomington
covered by the Programmatic Agreement¹
January 1, 20XX to December 31, 20XX**
(include specific dates for reporting period)

1. Provide a list of **all** projects reviewed under the Programmatic Agreement, categorized by name and address, exempt status, a citation of exemption(s) applied (if applicable), involvement of historic property (if applicable), IHSSI # (if applicable), and determination of effect. *(May refer to table on template attached to this document or add excel document as attachment).*
2. Provide the name(s) of the person(s) carrying out historic preservation work pursuant to the Programmatic Agreement as defined in Stipulation I. ²
3. Describe how the City evaluated historic resources and applied the Secretary of the Interior's Standards (as necessary) to projects. Please note if there are any updates needed to the IHSSI (newly identified sites and/or corrections to the survey):
4. Report the views of the City regarding the effectiveness of the Programmatic Agreement:
5. Provide any suggestions for additional actions that could be considered for inclusion in the Exempt Activities list (Part VI.B. of the Programmatic Agreement):
6. Include anything else the City of ** would like to report to the Indiana SHPO.

¹ According to Stipulation X (Monitoring and Oversight) of the Programmatic Agreement among this City and the Indiana State Historic Preservation Officer Regarding the Administration of Certain HUD-Assisted Projects and Programs Subject to 24 CFR Part 58 in the State of Indiana

² If there have been any recent staffing changes to the person carrying out the historic preservation work pursuant to this Agreement, please follow the steps laid out in the PA Stipulation I (Personnel) to notify the Indiana SHPO of this change.

(Example) Annual Report of HUD-funded activities from the City of Bloomington covered by the Programmatic Agreement (continued)

PART 1 (cont.)											
1. Provide a list of all projects reviewed under the Programmatic Agreement, categorized by name and address, exempt status, a citation of exemption(s) applied (if applicable), involvement of historic property (if applicable), IHSSI # (if applicable), and determination of effect. <i>(May substitute excel attachment for this table below).</i>											
Date	Project Name/Address Location	Exempt ? (Y/N)	Category of Exemption Applied	Funding Source	Type of Work Proposed	Historic Property Involved ?	Historic Property IHSSI # (if applicable)	Effect Finding	DHPA # (if applicable)	Reviewer Name	Notes
1/1/2023	<i>EXAMPLE:</i> Smith home, 1234 Any Street	Y	PA Stip. VI.B.2(d)	CDBG	wood siding repair	Y	123-456-78910	NE	N/A	John Doe	<i>in kind siding repair on single family house</i>
1/2/2023	<i>EXAMPLE:</i> Jones home, 12345 Any Road	N	N/A	CDBG	New construction – single family home	N	N/A	NE	00000	John Doe	<i>Sent to SHPO for consultation per PA Stip. V</i>

EXHIBIT C

April 5, 2022

The Honorable Greg Harper
Tribal Administrator
Peoria Tribe of Indians of Oklahoma
118 S Eight Tribes Trail
Miami, Oklahoma 74354

Re: Notification of intention to implement Programmatic Agreement for HUD-funded programs and invitation to participate in consultation regarding projects carried out under these programs

Dear Chief Greg Harper:

The City of Bloomington intends to enter into a Programmatic Agreement (PA) with the Indiana State Historic Preservation Office (SHPO) to facilitate Section 106 compliance for programs using funding originating from the U.S. Department of Housing and Urban Development (HUD).

Under the provisions of this PA, the City would assume the function of initiating the Section 106 process for projects utilizing HUD funding within their jurisdiction. Accordingly, under the PA, the City would be initiating Section 106 consultation with the SHPO and other consulting parties, including your tribe.

The City takes its responsibility to consult with Indian Tribes seriously and therefore wants to ensure that your tribe is comfortable proceeding under such an arrangement. Accordingly, under the terms of this PA, on receipt of a written request from any Indian Tribe or officially designated representative of an Indian Tribe, the City will consult with that Indian Tribe in completing the Section 106 review process with regard to ground-disturbing activities located in areas designated as being of concern to any Indian Tribe. Please respond to this letter stating such a preference and identifying if there are areas of concern to your tribe within the City of Bloomington.

If your tribe prefers to conduct government-to-government consultations directly with the Department of Housing and Urban Development, as opposed to the City, please use the following address for such letters:

U.S. Department of Housing and Urban Development
Attn: Secretary of HUD
451 7th Street S.W.
Washington, DC 20410

Understand that if we do not get a response from your tribe, we will assume that your tribe does not object to the City's initiation of consultation with your tribe regarding undertakings under the scope of the PA. We appreciate your attention to this matter. If you have any questions, please contact me by phone (812)349-3507 or email gloria.colom@bloomington.in.gov. Thank you.

Sincerely,

Gloria M. Colom Braña
Historic Preservation Program Manager
Housing and Neighborhood Development
City of Bloomington

Enclosures:

Draft Programmatic Agreement for HUD-funded programs
Copy:
Chad Slider, DHPA, 402 W Washington Street, Room W274, Indianapolis, IN 46204

DRAFT

2022 Work Plan—Approved March 21, 2022
Monroe County Historic Preservation Board

Project Priorities: Outreach and Preservation, Ongoing Board Initiatives

1) Limestone Heritage Project

- a. Update website with new information as it is available
- b. Connect with Partners on information to link to

Sub-committee members: Danielle, Debby

2) Drystone Walls

- a. Create list of action steps needed to prep for launch of survey
- b. Launch and conduct survey
- c. Discuss/pursue local designations and/or in-depth documentation of some walls
- d. Explore possibility for a hands-on workshop

Sub-committee members: Duncan, Doug, Don, Donn

3) Community and Site Signage

- a. Pursue community signage as long as funding is provided
- b. Pursue interpretive signage for new historic covered bridge

Sub-committee members: Devin, Polly, Don, Donn

4) Public Historic Preservation Education

- a. Develop a social media scavenger hunt of architectural types, styles, etc.
- b. Update current driving tour brochures as needed, consider completion of partially completed brochures, and examine new options for distribution of information to the public
- c. Participate in the Limestone Month Festival

Sub-committee members: Devin, Polly, Susan

5) Annual Property Owner Notice

- a. Send previous year's letter to full board for review (March) and update if needed
- b. Confer with staff on sending letter to property owners (March-April)

Sub-committee members: Don, Debby, Polly

6) Demolition Delay and Staffing Committee

- a. Review demolition delay examples and develop a draft document for Monroe County
- b. Review County Development Ordinance for proposed revisions per the proposed timeline
- c. Engage in discussions with the Plan Commission Executive Committee in creating plans and procedures for demolition delay, public notification, staffing needs, etc.

Sub-committee members: Duncan, Donn, Danielle

Project Priorities: Procedure, Time Sensitive Initiatives—All Board

- 1) Actively engage in County Development Ordinance revisions

Board Education Priorities, Ongoing Options—All Board and staff

- 1) Attend the Preserving Historic Places Conference (September)
- 2) Attend CAMP held just prior to the preservation conference (September)
- 3) Attend, either in-person or online, lectures on topics of historical and preservation interest locally or elsewhere
- 4) Read books and other literature approved by DHPA's CLG coordinator and refer to the list of other options provided by DHPA
- 5) Hold our own educational sessions/workshops presented by a board member or other qualified individual