Passed: 7-0

ORDINANCE 97-03

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE (BMC) ENTITLED "ADMINISTRATION AND PERSONNEL;" TITLE 8 ENTITLED "HISTORIC PRESERVATION AND PROTECTION;" AND TITLE 12 ENTITLED "STREETS, SIDEWALKS, AND STORM SEWERS"
(Changing to Residency Requirements for Members of Boards and Commissions and Moving the Enabling Language for the Tree Commission and the Historic Preservation Commission to Title 2 of the BMC)

WHEREAS, zoning authority for the "two mile fringe" surrounding the City territorial jurisdiction has been assumed by Monroe County; and

WHEREAS, certain Boards and Commissions provide for appointments to be made from this extra-territorial jurisdiction; and

WHEREAS, the City of Bloomington retains zoning jurisdiction over certain portions of the "two mile fringe" known as the Areas Intended for Annexation (AIFA); and

WHEREAS, amendments need to be made to the Bloomington Municipal Code to reflect this change in jurisdiction and to incorporate all references to Boards and Commissions into one Title;

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

SECTION 1. Title 2 Administration and Personnel, Chapter 2.08 Executive Branch, Section 2.08.020, Part (2) Terms, shall be amended to add, at the end of the last sentence: "unless otherwise specified by state Code or city ordinance."

SECTION 2. Section 2.08.020, Part (3) Residential Requirement, shall be deleted and replaced by the following:

> "All appointments to city boards, commissions and councils shall be made from residents of the city and those residents of the areas intended for annexation as defined by the City Planning Department, except those positions that are directed otherwise by state law or city ordinance. If a city employee is appointed to a city board, commission or council by virtue of the employment position, the residency requirement may be waived.
>
> In the event a member of a board, commission, or council no longer resides in the city and its area intended for annexation, the member shall resign immediately and notify the appropriate appointing official or body."

SECTION 3. Chapter 2.12 Boards, Commission and Councils, Section 2.12.010 Animal Control Commission, Part (2) Qualifications, shall be deleted and replaced by the following:

> (2) Qualifications. One of the Mayor's appointees shall be a licensed veterinarian who is a resident of Monroe County and one shall be a member of the Monroe County Humane Association. The representative from the Monroe County Board of Commissioners must reside in Monroe County.

SECTION 4. Section 2.12.040 Electrical Examination and Registration Board shall be repealed in its entirety and removed from the Table of Contents for Chapter 2.12 and a new Section 2.12. 040 entitled Tree Commission shall be inserted in its place and added to the Table of Contents for this Chapter and shall read as follows:

> 2.12. 040 Tree Commission. A city tree commission shall be created consisting of seven members serving for three-year terms. Two shall be appointed by the mayor, two

by the Common Council, one by the Board of Public Works, one by the Board of Park Commissioners, and one by the Environmental Commission. The commission shall:

(1) Advise the city landscaper on practices of urban forestry;

(2) Assist the city landscaper in formulating policies and practices of urban forestry, and formulate procedures for administering the provisions of Chapter 12.24;

(3) Promote public education on the proper selection, planting, and care of trees by assisting in composing a manual and by other means;

(4) Assist the city landscaper in efforts to fund and promote the acquisition and distribution of additional trees on public property and right-of-ways; and

(5) Provide information and advice to the Board of Public Works on cases before it regarding trees or in adopting additional policies and practices relating to trees.

SECTION 5. Section 12.24.230 Tree commission shall be repealed in its entirety and removed from the Table of Contents for Chapter 12.24.

SECTION 6. Section 12.24.240 Composition of tree commission shall be repealed in its entirety and removed from the Table of Contents for Chapter 12.24.

SECTION 7. Section 2.12.070 Traffic Commission, Part (3) Qualifications, shall be amended to delete the words "or of the city's two mile fringe."

SECTION 8. Section 2.13.010 regarding the "Appointment and qualifications" of Plan Commission members shall be deleted and replaced by the following:

Section 2.13.010 Appointment and qualifications. The Commission shall consist of twelve members who by statute shall be appointed in the following manner:

(1) One member appointed by and from the membership of the Common Council.

(2) One member appointed by and from the membership of the Parks and Recreation Board.

(3) One member appointed by the Board of Public Works from its membership or as its designated representative.

(4) The city civil engineer or a qualified assistant appointed by the city civil engineer.

(5) Five citizens, no more than three of whom may be of the same political party, appointed by the Mayor.

(6) Two Monroe County citizens who reside in the area intended for annexation (AIFA) and who are from opposite political parties, appointed by the Monroe County Commissioners.

(7) One non-voting member appointed by and representing the Monroe County Plan Commission.

SECTION 9. Section 2.13.020 regarding "Terms" of the Plan Commission members shall be amended to delete the word "judicial" in the first and third sentences and replace it with the words "Monroe County Commissioners."

SECTION 10. Section 2.15.020, Part (C), regarding the "Qualifications" of the Advisory Board of Zoning Appeals shall be deleted and replaced by the following:

(C) The Plan Commission citizen appointee will represent the areas intended for annexation (AIFA), must be a member of the Plan Commission appointed under Indiana Code § 36-7-4-214, and must reside in the area intended for annexation (AIFA).

SECTION 11. Section 2.15.040 Procedure--Meetings--Oaths--Attendance shall be amended to delete the words "Bloomington Municipal Code Chapter 20.19" and to add the words "Bloomington Municipal Code Chapter 20.03.04.00."

SECTION 12. Chapter 2.16 Historical Preservation Study Commission shall be repealed in its entirety and a new Chapter 2.16 entitled Historic Preservation Commission shall be inserted in its place which shall read as follows:

Chapter 2.16

HISTORICAL PRESERVATION COMMISSION

Sections:

2.16.010 Establishment.
2.16.020 Organization.
2.16.030 Powers.

2.16.010 Establishment.

(a) Creation: For the purpose of making effective the provisions of Title 8 Historic Preservation and Protection, there is hereby established an historic district board of review to be known as the Historic Preservation Commission (hereinafter referred to as "the Commission").

(b) Staffing: The staff of the City Redevelopment Department and Planning Department (hereinafter referred to as "the staff") shall serve as staff to the Commission at the Commission's discretion. Each official of the city who has responsibility for building inspection, planning, or zoning shall provide necessary technical, administrative, or clerical assistance requested by the Commission.

(c) Composition: The Commission shall consist of nine (9) voting members who must be residents of the city. All members shall be appointed by the mayor of the City subject to the approval of the Common Council of the City of Bloomington (hereinafter referred to as "Common Council"). All members shall be interested in the preservation and development of historic buildings and areas.

(1) The membership shall include individual members with demonstrated expertise in historic preservation activities. To the extent available to the community, the Commission shall include professional members from the disciplines of architecture, history, architectural history, preservation planning, archaeology, or other historic preservation-related disciplines, such as urban planning, American studies, art history, American civilization, cultural geography, or cultural anthropology.

(2) Nonvoting, advisory member(s) may be appointed to the Commission by the Common Council. Such a member shall have recognized expertise in the field of historic preservation. The term of the advisory members shall be for three years

(d) Terms of office: The terms of the original voting Commission members shall be staggered as follows: Three (3) members for three-year terms, three (3) members for two-year terms, and three (3) members for one-year terms. Thereafter, voting members shall each serve for a term of three (3) years, and all terms shall commence on January 1 and expire on December 31. A vacancy shall be filled through appointment by the mayor and approval of the Common Council only for the unexpired duration of the term.

(e) Serve without compensation: Members of the Commission shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

2.16.020 Organization.

(a) Commission administrator: The director of the department of redevelopment shall serve as administrator of the Commission. The administrator shall provide staff assistance to the Commission, act as the Commission's secretary, and issue certificates of appropriateness as directed by the Commission.

(b) Commission officers: The Commission shall elect from its membership a chairman and vice chairman, who shall serve for one year and may be reelected.

(c) Commission meeting: The Commission shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner

determined by the Commission in its rules. All meetings of the Commission must be open to the public, and a public record of the Commission resolutions, proceedings, and actions must be kept.

(d) Commission rules: The Commission shall adopt rules consistent with this title for the transaction of its business.

2.16.030 Powers. The Commission's duties include but are not limited to the following:

(a) The Commission is that agency of city government responsible for developing and coordinating the municipality's historic preservation activities. The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in the historic district. Areas of concern may also include viewsheds, landscapes, and streetscapes of historic importance. The Commission may make recommendations to the Common Council concerning development rights, facade easements, the imposition of other restrictions, and the negotiation of historic property contracts for the purpose of ensuring preservation.

(b) The Commission has the authority to receive funds in order to promote its stated mission.

(c) The Commission may not consider details of design, interior arrangements, or building features if those details, arrangements, or features are not subject to public view.

(d) The Commission may not make any requirement except for the purpose of preventing development, alteration, or demolition in the historic district obviously incongruous with the historic district.

(e) The Commission shall conduct a survey, or may adopt existing surveys, to identify historic buildings, structures, and places located within the city.

(f) The Commission may promulgate standards for architectural review. These shall include local design guidelines to be published and be made readily accessible to the general public.

(g) The Commission shall draw and submit to the Common Council for its approval a map or maps describing the boundaries of an historic district or conservation district. The commission shall issue a report to the Common Council based upon its survey, identifying and validating the significance of the property or district according to 8.08.020 of this title.

(h) The Commission may issue certificates of appropriateness for any actions required by subsection 8.08.020.

(I) The Commission may adopt rules consistent with this title designating situations not requiring a certificate of appropriateness under subsection 8.08.020.

SECTION 13. Chapter 8.04 Historic Preservation Commission shall be repealed in its entirety.

SECTION 14. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

SECTION 15. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19 day of February, 1997.

Anthony Pizzo

ANTHONY PIZZO, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20th day of February, 1997.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 20 day of February, 1997.

JR Fernandez

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends provisions in the BMC regarding the City's Boards and Commissions in order to reflect the transfer of the "two-mile fringe" from the City to the County. It states, as a general rule, that members of our boards and commissions must reside in the City or the Areas Intended for Annexation by the City, except where directed otherwise by state law or city ordinance, or where the appointee serves by virtue of their status as an employee. Since the Electrical Examination and Registration Board is now within the County's authority, it has been removed from the code. And, the enabling legislation for the Historic Preservation Commission and the Tree Commission are moved from Title 8 and Title 12 into Title 2. The ordinance also makes minor amendments regarding the qualifications and appointing authority for boards and commissions due to changes in state law and other circumstances.

Signed copies to:
Clerk
CA/CA
BMC File
Legal
Employee Services
Legal Dept 6
Animal Control
Lee Huss, City Landscaper
Engineering (Traffic)
Planning
Mayors office