



City of Bloomington  
Common Council

Legislative Packet

Regular Session

*immediately followed by*

Committee of the Whole Discussion

01 December 2010

*Please consult the [Legislative Packet](#) issued in interest of the  
17 November 2010 Special Session and Committee of the Whole  
for legislation and background material.*

Office of the Common Council  
P.O. Box 100  
401 North Morton Street  
Bloomington, Indiana 47402

812.349.3409



## **Packet Related Material**

### **Memo**

### **Agenda**

### **Calendar**

### **Notices and Agendas:**

- **Notice of Committee of the Whole** on Wednesday, December 1<sup>st</sup> (Immediately Following the Regular Session) **and a Special Session** on Wednesday, December 8<sup>th</sup> at 7:30 p.m. (Immediately Preceding the Committee of the Whole)

### **Legislation for Final Action:**

- **Res 10-17** To Approve the Interlocal Agreement Between Monroe County, Town of Ellettsville, and the City of Bloomington for Animal Shelter Operation for the Year 2011  
*Contact: Laurie Ringquist at 349-3870 or [ringquil@bloomington.in.gov](mailto:ringquil@bloomington.in.gov)*
  - Committee Recommendation: Accept Request to Withdraw Legislation
- **Ord 10-16** To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” (Adding Chapter 7.54 “Miscellaneous Fees”)  
*Contact: Laurie Ringquist at 349-3870 or [ringquil@bloomington.in.gov](mailto:ringquil@bloomington.in.gov)*
- **Ord 10-18** Authorizing the City of Bloomington, Indiana, To Issue Its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 ("Bloomington Dyslexia Center LLC") in the Principal Amount Not in Excess of Two Million One Hundred Thousand Dollars (\$2,100,000), and Approving and Authorizing Other Actions in Respect Thereto
  - *Contact:*  
*Adam Wason at 349-3418, [wasona@bloomington.in.gov](mailto:wasona@bloomington.in.gov)*  
*Denise Lessow, Representative of Petitioner, 812-339-8141*  
*Karl Sturbaum, Bond Counsel, at [ksturbaum@boselaw.com](mailto:ksturbaum@boselaw.com)*

- Am 01 – Correcting Date the Economic Development Commission Acted on the Proposal (in Second-to-Last Whereas Clause)
- **Ord 10-19** Authorizing the City of Bloomington, Indiana, to Issue its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 ("1302 S. Rogers LLC") in the Principal Amount Not in Excess of Two Million Three Hundred Thousand Dollars (\$2,300,000), and Approving and Authorizing Other Actions in Respect Thereto
  - *Contact:*  
 Adam Wason at 349-3418, [wasona@bloomington.in.gov](mailto:wasona@bloomington.in.gov)  
 Randy Lloyd, Representative of Petitioner, 812-330-0077  
 Karl Sturbaum, Bond Counsel, [ksturbaum@boselaw.com](mailto:ksturbaum@boselaw.com)
  - Am 01 – Correcting Date the Economic Development Commission Acted on the Proposal (in Second-to-Last Whereas Clause)
- **Res 10-18** To Amend the Guidelines for and Rename the Business Incentive Loan Fund (BIIF) Program  
*Contact: Adam Wason at 349-3418 or [wasona@bloomington.in.gov](mailto:wasona@bloomington.in.gov)*
  - Am 01 - Amendments to Council
  - Am 02 - Composition of Bloomington Investment Incentive Fund Review Committee.
  - Am 03- Requiring All Grants (Along with All Loans in Excess of \$75,000) to be Approved by the Council and Establishing the Maximum Interest Rate for Business Disruption Bridge Loans at 1% per Year on Balance of Loan

### **Legislation and Background Material for First Reading:**

- **App Ord 10-05** To Specially Appropriate from the General Fund, Parking Enforcement Fund, Sanitation Fund, Telecom Fund, Fire Pension Fund, Risk Management Fund, and Bond Funds Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Parking Enforcement Fund, Sanitation Fund, and Telecom Fund for Animal Care & Control, Engineering, Police, Housing & Neighborhood Development, Community & Family Resources, City Council, Parking Enforcement, Sanitation, Street, Information & Technology Services; Appropriating Additional Funds from the Fire Pension Fund, Risk Management Fund, and Bond Funds)
  - Memo from Mike Trexler, Controller*Contact: Mike Trexler at 349-3412 or [trexlerm@bloomington.in.gov](mailto:trexlerm@bloomington.in.gov)*

- **Ord 10-20** To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amendments to the Floodplain Standards [20.05.048] and Definitions [20.11.020] Sections to be Consistent with Federal Requirements)
  - Memo to Council from Tom Micuda, Director of Planning Department; Annotated Changes to BMC 20.05.048 - Flood Plain Standards and BMC 20.11.020 – Definitions  
*Contact: Tom Micuda 349-3423 or micudat@bloomington.in.gov*

**Minutes from Regular Session:**

*None*

**Memo**

**Reminder: Council Sidewalk Committee Meets on Thursday, December 2<sup>nd</sup> in the McCloskey Room**

**Two Meetings on Wednesday, December 1<sup>st</sup>**

**A Regular Session Immediately Followed by a Committee of the Whole**

- **Five Items Coming Forward to, and Two Items Ready for Introduction at, the Regular Session**
- **One Item Ready for Discussion at the Committee of the Whole**

We are entering the last legislative cycle of the year with the Regular Session followed by an extra Committee of the Whole next week. There are five items coming forward to the Regular Session from the previous Committee of the Whole. Please see the [17 November 2010](#) Council Legislative Packet and this packet for the relevant material and, in particular, the next part of this memo for some reminders of motions expected regarding items ready for final action that evening.

Please note that two items will be introduced that evening and can be found in this packet. One of those items, App Ord 10-05, will be discussed at the extra Committee of the Whole that evening and is scheduled for final action at a Special Session the following week (December 8<sup>th</sup>) at 7:30 p.m. immediately preceding the usual Committee of the Whole. The other item, Ord 10-20 (Floodplain Amendments), is scheduled to be discussed at the Committee of the Whole on December 8<sup>th</sup> and given final action at the Regular Session on December 15<sup>th</sup>, along with three items scheduled to be distributed next Friday.

## **Second Readings – Reminders about Recommendation to Withdraw One and Amendments Regarding Three Others**

There are a number of actions on items ready for second reading next week that should be brought to your attention and which are briefly noted below:

- **Res 10-17** – Approving Interlocal Agreement Regarding Animal Shelter Operations
  - Recommendation to Accept Withdrawal;
- **Ord 10-18** – Authorizing Issuing Federal Tax Exempt Bond for Pinnacle School
  - Am 01 - to Correct the Date of Action by the City Economic Development Commission;
- **Ord 10-19** - Authorizing Issuing Federal Tax Exempt Bond for 1302 S. Rogers, LLC
  - Am 01- to Correct the Date of Action by the City Economic Development Commission;
- **Res 10-18** – Approving Amendments to the Bloomington Investment Incentive Fund Program
  - **Am 01** – Requiring Council Approval of Further Amendments to the Guidelines;
  - **Am 02** – Establishing the Composition of the Bloomington Investment Incentive Fund Review Committee; and
  - **Am 03** – Requiring All Grants (Along with All Loans in Excess of \$75,000) to be Approved by the Council and Establishing the Maximum Interest Rate for Business Disruption Bridge Loans at 1% per Year on Balance of Loan.

### **First Readings**

#### **Item 1 – App Ord 10-05 (End of the Year Appropriation Ordinance)**

**App Ord 10-05** is what is commonly known as the end-of-the-year appropriation ordinance. It would *transfer* monies *within* departmental budgets and, in a few instances, *add* monies to departmental budgets. The additional appropriations amount to \$490,668 which, once you account for reimbursements valued at \$362,000, would result in a net increase of about \$128,668, which are all in accounts outside of the General Fund. Please note, however, that because of reversions of unspent funds

expected at the end of the year, this ordinance will not lead to an increase in the overall appropriations for the year.

The following summary is derived from the enclosed memo from, and conversations with, Mike Trexler, Controller.

**Transfers within Departmental Budgets – No Additional Monies - Listed by Fund**

**General Fund**

**Animal Care and Control Division**

**Transfer From:**

**Transfer To:**

Category 3 - Other Services and Charges - \$5,000

Category 2 - Supplies - \$5,000

- Medical Service  
[Line 5313] - \$3, 000  
- Other Services and Charges  
[Line 5399] - \$2,000)

- Institutional and Medical  
[Line 5221] - \$5,000

Explanation: These funds deal with the health of cats at the Shelter. Savings in medical services would be used to pay for the higher cost of vaccines and medications.

**Common Council Office**

**Transfer From:**

**Transfer To:**

Category 3 – Other Services and Charges - \$2,100

Category 1 – Personal Services  
- Salaries & Wages/Regular  
[Line 5111] - \$1,300.

- *Miscellaneous* Other Services and Charges [Line 5399]

Category 2 – Supplies  
- Other Supplies  
[Line 5242] - \$800



**HAND**

**Transfer From:**

**Transfer To:**

Category 1 - Personal Services -  
\$1,000

Category 2 – Supplies

- Salaries & Wages/Regular  
[Line5111]

- Fuel Oil [Line 5244] - \$1,000

Explanation: \$1,000 of unused funds would assure that inspectors have sufficient fuel to conduct their inspections under Title 6 (Health and Safety) and Title 16 (Property Maintenance Code) for the rest of the year.

**Police Department**

**Transfer From:**

**Transfer To:**

Category 2 - Supplies

Category 4 – Capital Outlay

- Other Supplies [Line 5242] -  
\$12,000

- Motor Equipment [Line 5444] -  
\$21,040

Category 3 – Other Services and  
Charges

- Telephone [Line 5321] - \$3,040

- Other Services and Charges  
[Line 5399] - \$6,000

Explanation: \$21,040 of unused funds would be used to replace an additional patrol car.

**Parking Enforcement Fund**

**Parking Enforcement**

**Transfer From:**

**Transfer To:**

Category 3 – Other Services and  
Charges - \$74,000

Category 1 – Personal Services



- Lease Payments [Line 5384]
- Salaries & Wages/Regular [Line 5111] - \$45,000
- Salaries & Wages/Temporary [Line 5112] - \$2,500

Category 4 – Capital Outlay

- Purchase of Equipment [Line 5444] - \$26,000

Explanation: \$74,000 of unused Lease Payment funds would be transferred for two purposes: \$47,500 would go to salaries in order to cover the cost of night time parking enforcement in the garages; and \$26,000 would purchase CPUs in order to repair a pay station that is not working.

**Sanitation Fund**

**Sanitation Department**

**Transfer From:**

**Transfer To:**

Category 3 – Other Services and Charges - \$20,000

Category 2 - Supplies

- Landfill Fees [Line 5395]

- Fuel & Oil [Line 5224]- \$20,000

Explanation: Savings from a new recycling contract would be used to cover the increased price of diesel fuel for the rest of the year.

**Telecom Fund**

**Information and Technology Services**

**Transfer From:**

**Transfer To:**

Category 3 – Other Services and Charges - \$17,500

Category 2 - Supplies

- Management Fees, Consultants and Workshops [Line 5317]

- Other Supplies [Line 5242] \$17,500

Explanation: Savings from a management contract would be used to purchase desktop scanners in order to reduce the use of paper in the future.

**Increased Appropriations – Fire Pension Fund, Risk Management Fund, and Various Bond Funds**

**Fire Pension Fund**

**Fire Department** – wishes to add \$362,000 to Category 3 - Other Services and Charges (Miscellaneous Other Services and Charges [Line 5399]) as mentioned during the Departmental Budget Hearings. At that time, the Council learned that the pension payments were under-calculated and procedures are in place to avoid similar problems in the future. Please note that all of the funds are reimbursed by the State.

**Risk Management Fund**

**Risk Management Department** – wishes to add \$100,000 to Category 3 – Other Services and Charges (Workers’ Compensation and Risk Administration [Line 5342]) to cover claims in excess of the original budget. Total payments in 2010 are expected to be around \$420,000 which is less than the approximately \$621,000 paid in 2009.

**Various Bond Funds**

The following additional appropriations correct errors in the 2010 budget which did not reflect aspects of the bond refunding done in 2009. Funds in the amount of \$9,500 would go towards lease payments and in the amount of \$19,168 for interest payments.

**Bond Fund**

**Additional Appropriations**

Category 3 – Other Services and Charges

<b>Bloomington Municipal Facilities Corporation – Showers Fund</b>	- Lease Payments [Line 5384] \$5,750
<b>Bloomington Municipal Facilities Corporation – 1998 Street Lease Fund</b>	\$3,750
<b>Golf Course Bond 99 Fund</b>	- Interest [Line 5382] \$19,168

**Item Two – Ord 10-20 (Amending Title 20 – Unified Development Ordinance) to Conform Local Code to Federal Floodplain Requirements**

**Ord 10-20** amends Title 20 of the Bloomington Municipal Code entitled “Unified Development Ordinance” to conform local code to federal floodplain requirements in the interest of keeping the community eligible for the National Flood Insurance Program. There are three key components to this insurance program. First, the Federal Emergency Management Agency (FEMA) prepares floodplain maps which identify flood-prone areas. In his memo, Tom Micuda, Director of Planning, says that his department received new floodplain maps earlier this year, which will go into effect on December 17<sup>th</sup>. Second, communities must adopt and enforce floodplain development regulations intended to mitigate flood losses that are at least as restrictive as the federal ones. Third, property owners may purchase subsidized insurance to cover losses due to floods. These amendments are timed to go in effect at the same time as the maps to avoid any suspension in that program.

As mentioned in the first paragraph, FEMA recently provided maps of flood-prone areas. It’s my understanding that the affected property owners were notified of the new maps by the State and that a review by staff in the Planning department of draft maps reveal few changes from the current ones. These maps (which will be available at the meeting on December 8<sup>th</sup>) identify the entire floodplain, which is composed of the floodway and the floodway fringe. The floodway is the “flood hazard area required to store, convey and discharge peak flood flow of a regulatory

flood”.<sup>1</sup> The floodway fringe is the area of the floodplain outside of the floodway which includes “adjoining wetlands, lakes or water courses.”

The City’s floodplain standards prohibit development in floodway except for open space uses, storm sewers and utility pipe lines. The same is true for the floodway fringe, except transportation facilities, water-related urban uses (such as wastewater treatment plants) and parking lots with permeable pavers are allowed as a conditional use. However, in no circumstances may a development or activity reduce the flood water storage capacity by impairing the flow of water, increasing the elevation of a regulatory flood, or any other means.

### Amendments

Along with forwarding the new maps, officials at the Indiana Department of Natural Resources reviewed and recommended changes to the City’s floodplain regulations. These changes:

#### Revise BMC 20.05.048 (d)(5)(A) Entitled “Location” by:

- Citing the maps dated December 17, 2010 rather than referring to previous maps and future amendments to them;
- Clarifying that the term “Special Flood Hazard Areas” (SFHA) is synonymous with the term “floodplain”; and
- Adding a sentence referring to “unstudied areas” where best available data must be used to determine the boundaries of high risk zones in floodplains fed by drainage areas in excess of one square mile.

#### Revise BMC 20.05.048 (d)(5)(C) Entitled “Structure” by Applying Regulations to Entire Structures which Straddle the Floodplain Boundary”

Currently, when a structure straddles a floodplain boundary, only that portion of the structure which is less than 2-feet above the elevation of the base flood

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<sup>1</sup> A “regulatory flood” is also known as a “base flood” or 100-year flood, which is defined as an area which has a one percent or greater chance of flood in any year. The regulatory floodway is defined as the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the entire Base Flood (100-year flood) discharge can be conveyed with no greater than a 1.0-foot increase in the Base Flood Elevation. FEMA, *National Flood Insurance Program – Program Description (August 1, 2002)*, <http://www.fema.gov/library/viewRecord.do?id=1480>.

elevation must comply with the regulations. Now, the entire structure must comply.

Revise BMC 20.05.048 (d)(6) Entitled “Watercourse Alterations” to Address Approvals, Notice and Maintenance:

Currently persons must obtain a Letter of Map Revision (LOMR) from FEMA as well as all necessary approvals and permits from the Department of Natural Resources (DNR), Indiana Environmental Management (IDEM), and the Army Corps of Engineers before altering any watercourse within a designated floodplain. With these changes, those persons would be explicitly required to maintain the altered or relocated watercourse so that it does not diminish its flood-carrying capacity. In addition, the City must notify any applicable adjacent communities and the State Floodplain Coordinator and submit copies of the notification to FEMA regarding these alterations.

Add Three New Provisions

The ordinance adds three new provisions:

- **Permits (BMC 20.05.048(d)(7))** – which prohibits any floodplain development permit from being issued without receipt of all the necessary State and federal permits, which must be maintained on file with the development permit;
- **Record Keeping (BMC 20.05.048(d)(8))** – which elaborates upon what documents the City must maintain and furnish for public inspection. These include “local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, LOMA, LOMR, copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and flood proofing data for all buildings constructed subject to this ordinance”;
- **Construction of Utilities and Waste Disposal Systems (BMC 20.05.048(d)(9))** - which requires all utilities placed in the floodplain to be located and constructed to minimize or reduce flood damage. In addition, it requires that all sanitary sewage systems be designed to minimize or eliminate infiltration by flood waters and that on-site waste disposal systems be located and constructed to avoid their impairment by flood waters and to avoid contamination of the floodwaters by the waste.

## Add or Modify Four Definitions

Lastly, the ordinance:

- Revises the term **Flood Insurance Rate Map (FIRM)** by indicating that it is the official map of the community identifying special flood hazard areas as well as various risk zones;
- Adds the term **Flood Insurance Study (FIS)** which is “the official hydraulic and hydrologic report ... contain(ing) flood profiles, as well as the Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and the water surface elevation of the base flood;”
- Revises the term **Floodplain** by making the term synonymous with Special Flood Hazard Areas (SFHA); and
- Adds the term **Special Flood Hazard Area (SFHA)** which is defined as “those lands subject to inundation by a regulatory flood” and “generally identified as such on the .... FIRM dated December 17, 2010 (and include) Zones A, AE, A10A30, AH, AR, A99 or AO.”

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION AND  
COMMITTEE OF THE WHOLE  
7:30 P.M., WEDNESDAY, DECEMBER 1, 2010  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** None

**IV. REPORTS FROM:**

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Resolution 10-17 To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2011

Committee Recommendation: Accept Request for Withdrawal 8 – 0 – 0

2. Ordinance 10-16 To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” (Adding Chapter 7.54 “Miscellaneous Fees”)

Committee Recommendation: Do Pass 8 – 0 – 1

3. Ordinance 10-18 Authorizing the City of Bloomington, Indiana to Issue Its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 (“Bloomington Dyslexia Center LLC”) in the Principal Amount not in Excess of Two Million One Hundred Thousand Dollars (\$2,100,000), and Approving and Authorizing Other Actions in Respect Thereto

Committee Recommendation: Do Pass 8 – 0 – 1

Amendment 01: Anticipated

4. Ordinance 10-19 Authorizing the City of Bloomington, Indiana to Issue Its Economic Development Recovery Zone Facility Revenue Bonds, Series 2010 (“1302 S. Rogers LLC”) in the Principal Amount not in Excess of Two Million Three Hundred Thousand Dollars (\$2,300,000), and Approving and Authorizing Other Actions in Respect Thereto

Committee Recommendation: Do Pass 8 – 0 – 1

Amendment 01: Anticipated

5. Resolution 10-18 To Amend Guidelines for and Rename the Business Investment Incentive Fund (BIIF) Program

Committee Recommendation: Do Pass 4 – 1 – 0

Amendments: Anticipated

*(Over)*

## **VII. LEGISLATION FOR FIRST READING**

1. Appropriation Ordinance 10-05 To Specially Appropriate from the General Fund, Parking Enforcement Fund, Sanitation Fund, Telecom Fund, Fire Pension Fund, Risk Management Fund, and Bond Funds Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Parking Enforcement Fund, Sanitation Fund, and Telecom Fund for Animal Care & Control, Engineering, Police, Housing & Neighborhood Development, Community & Family Resources, City Council, Parking Enforcement, Sanitation, Street, Information & Technology Services; Appropriating Additional Funds from the Fire Pension Fund, Risk Management Fund, and Bond Funds)
2. Ordinance 10-20 To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amendments to the Floodplain Standards [20.05.048] and Definitions [20.11.020] Sections to be Consistent with Federal Requirements)

**VIII. PRIVILEGE OF THE FLOOR** (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

## **IX. ADJOURNMENT**

*(and immediately reconvene for)*

## **COMMITTEE OF THE WHOLE**

**Chair: Steve Volan**

1. Appropriation Ordinance 10-05 To Specially Appropriate from the General Fund, Parking Enforcement Fund, Sanitation Fund, Telecom Fund, Fire Pension Fund, Risk Management Fund, and Bond Funds Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Parking Enforcement Fund, Sanitation Fund, and Telecom Fund for Animal Care & Control, Engineering, Police, Housing & Neighborhood Development, Community & Family Resources, City Council, Parking Enforcement, Sanitation, Street, Information & Technology Services; Appropriating Additional Funds from the Fire Pension Fund, Risk Management Fund, and Bond Funds)

Asked to Attend: Mike Trexler, Controller





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

To: Council Members  
From: Council Office  
Re: Calendar for the Week of 29 November-3 December 2010

**Monday, 29 November 2010**

4:00 pm Council for Community Accessibility, McCloskey

**Tuesday, 30 November 2010**

1:30 pm Commission on Hispanic and Latino Affairs - Interpreter Policy Outreach, Council Chambers

**Wednesday, 1 December 2010**

12:00 noon Bloomington Urban Enterprise Association, McCloskey

2:00 pm Hearing Officer, Kelly

5:30 pm Commission on Hispanic and Latino Affairs, McCloskey

5:30 pm 2011 Black History Month Steering Committee, Hooker Room

7:30 pm Common Council Regular Session *immediately followed by a* Committee of the Whole, Council Chambers

**Thursday, 2 December 2010**

10:30 am County Address Coordination Meeting, McCloskey

12:00 noon Common Council Sidewalk Committee, McCloskey

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey

5:30 pm Commission on the Status of Women, McCloskey

**Friday, 3 December 2010**

*No meetings are scheduled for this date.*

*Posted and Distributed: Wednesday, 24 November 2010*



City of Bloomington  
Office of the Common Council

# NOTICE OF COMMITTEE OF THE WHOLE

THE COMMON COUNCIL HAS VOTED TO HOLD A  
COMMITTEE OF THE WHOLE DISCUSSION ON  
WEDNESDAY, 01 DECEMBER 2010

THIS MEETING WILL HELD  
IN COUNCIL CHAMBERS – ROOM 115  
401 N. MORTON STREET  
AND  
WILL IMMEDIATELY FOLLOW THE REGULAR SESSION  
SCHEDULED FOR THIS EVENING AT 7:30 PM.

*Date and Posted: Wednesday, November 24, 2010*

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

[www.bloomington.in.gov/council](http://www.bloomington.in.gov/council)  
[council@bloomington.in.gov](mailto:council@bloomington.in.gov)



City of Bloomington  
Office of the Common Council

# NOTICE OF SPECIAL SESSION

THE COMMON COUNCIL HAS VOTED TO HOLD A  
SPECIAL SESSION ON  
WEDNESDAY, 08 DECEMBER 2010

THIS MEETING WILL HELD AT 7:30 PM,  
IN COUNCIL CHAMBERS – ROOM 115  
401 N. MORTON STREET  
AND  
WILL BE IMMEDIATELY FOLLOWED BY THE  
COMMITTEE OF THE WHOLE PREVIOUSLY SCHEDULED  
FOR THIS EVENING

*Date and Posted: Wednesday, November 24, 2010*

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

[www.bloomington.in.gov/council](http://www.bloomington.in.gov/council)  
[council@bloomington.in.gov](mailto:council@bloomington.in.gov)

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

**Ordinance #:** 10-18  
**Amendment #:** Am 01  
**Submitted By:** Council Office  
**Date:** November 18, 2010

**Proposed Amendment:**

1. Ord 10-18 shall be amended by changing the date in the first line of the tenth (next to last) whereas clause from November 22, 2010 to October 22, 2010.

**Synopsis**

This amendment corrects the date of the action by the City Economic Development Commission (EDC) in approving the relevant EDC Resolution from November 22, 2010 to October 22, 2010.

**11/17/10 Committee Action:** None  
**12//10 Regular Session Action:** Pending

(November 18, 2010)

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

**Ordinance #:** 10-19  
**Amendment #:** Am 01  
**Submitted By:** Council Office  
**Date:** November 18, 2010

**Proposed Amendment:**

1. Ord 10-19 shall be amended by changing the date in the first line of the tenth (next to last) whereas clause from November 22, 2010 to October 22, 2010.

**Synopsis**

This amendment corrects the date of the action by the City Economic Development Commission (EDC) in approving the relevant EDC Resolution from November 22, 2010 to October 22, 2010.

**11/17/10 Committee Action:** None  
**12//10 Regular Session Action:** Pending

(November 18, 2010)

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

**Resolution #:** 10-18  
**Amendment #:** Am 01  
**Submitted By:** Council Office  
**Date:** November 24, 2010

**Proposed Amendment:**

1. Res 10-18 shall be amended by changing Section 1 of the resolution to reflect that all subsequent changes to the “City of Bloomington Investment Incentive Fund Operating Policies and Guidelines” shall be approved by the Common Council. Section 1 shall read as follows:

SECTION 1. The Common Council approves the attached document entitled the “City of Bloomington Investment Incentive Fund Operating Policies and Guidelines” in its entirety as an amendment to the guidelines and procedures for administration of the Fund. Subsequent changes to the Guidelines shall be approved by the Common Council.

**Synopsis**

This amendment requires that all changes to the City of Bloomington Investment Incentive Fund Operating Policies and Guidelines must be approved by the Common Council.

**11/17/10 Committee Action:** None  
**12/01/10 Regular Session Action:** Pending

(November 24, 2010)

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

**Resolution #:** 10-18  
**Amendment #:** Am 02  
**Submitted By:** Department of Economic and Sustainable Development  
**Date:** November 24, 2010

**Proposed Amendment:**

1. Res 10-18 shall be amended by changing the membership composition of the Bloomington Investment Incentive Fund Review Committee as outlined in the first paragraph of Section IV of the “City of Bloomington Investment Incentive Fund Operating Policies and Guidelines.” The first paragraph of Section IV shall read as follows:

All applications are first reviewed by the BIIF Review Committee. **BIIF Review Committee Membership:** The committee will be composed of the following members: the Director of the Economic and Sustainable Development Department or his/her departmental designee, a representative from the local financial lending community, the City Attorney or his/her departmental designee, the President of the Economic Development Commission or his/her designee from the Economic Development Commission and the Common Council member serving on the Economic Development Commission. The BIILF Review Committee shall be chaired by the Director of Economic & Sustainable Development. The Committee shall meet as often as needed.

**Synopsis**

This amendment reflects that the Bloomington Incentive Investment Fund Review Committee shall be composed of Director of the Economic and Sustainable Development Department or his/her departmental designee, a representative from the local financial lending community, the City Attorney or his/her departmental designee, the President of the Economic Development Commission (EDC) or his/her designee from the EDC and the Common Council member serving on the EDC.

**11/17/10 Committee Action:** None  
**12/01/10 Regular Session Action:** Pending

(November 24, 2010)

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

**Resolution #:** 10-18  
**Amendment #:** Am 03  
**Submitted By:** Department of Economic and Sustainable Development  
**Date:** November 24, 2010

**Proposed Amendment:**

Res 10-18 shall be amended by making the following changes to the of the “City of Bloomington Investment Incentive Fund Operating Policies and Guidelines”

1. Section II(B)(4) shall be amended to reflect that the interest rate paid on the balance of a business disruption bridge loan shall be 1%. Section II(B)(4) shall read as follows:

4. Interest Rate: No interest shall be charged or accrued on loans before the date the City of Bloomington project is complete. This date shall be determined by the BIIF Review Committee, in conjunction with the city department performing the project. Thereafter, interest on each loan shall accrue at the end of each month with an annual rate equal to one percent of the unpaid balance of the loan.

2. Section IV(A)(2)-(3) shall be amended to reflect that both the Economic Development Commission and the Common Council shall approve all grants recommended for approval by the BIILF Review Committee (BRC). Section IV(A)(2)-(3) shall read as follows:

2. Loans less than \$75,000 recommended for approval by the BRC will be forwarded to the Economic Development Commission for final approval.

3. Loans more than \$75,000 and all grants that are recommended for approval by the BRC will require both Economic Development Commission and Common Council approval.



## Synopsis

This amendment makes two changes to the “City of Bloomington Investment Incentive Fund Operating Policies and Guidelines.” First, it amends Section II(B)(4) to reflect that the interest rate paid on the balance of a business disruption bridge loan shall be 1%. This reflects the intent of both the Economic Development Commission and the Economic and Sustainable Development Department, but was mistakenly not reflected in the guidelines. Secondly, it amends Sections IV(A)(2)-(3) of the Guidelines to make clear that all grants recommended for approval by the City of Bloomington Investment Incentive Fund Review Committee must be approved by both the Economic Development Commission and the Common Council.

**11/17/10 Committee Action:** None

**12/01/10 Regular Session Action:** Pending

(November 24, 2010)

**APPROPRIATION ORDINANCE 10-05**

**TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, PARKING ENFORCEMENT FUND, SANITATION FUND, TELECOM FUND, FIRE PENSION FUND, RISK MANGEMENT FUND, AND BOND FUNDS EXPENDITURES NOT OTHERWISE APPROPRIATED  
(Appropriating Various Transfers of Funds within the General Fund, Parking Enforcement Fund, Sanitation Fund, and Telecom Fund for Animal Care & Control, Engineering, Police, Housing & Neighborhood Development, Community & Family Resources, City Council, Parking Enforcement, Sanitation, Street, Information & Technology Services; Appropriating Additional Funds from the Fire Pension Fund, Risk Management Fund, and Bond Funds)**

- WHEREAS, the Animal Care & Control Department desires to transfer funds from Classification 3 – Services and Charges to Classification 2 – Supplies for animal vaccinations and medicines; and
- WHEREAS, the Engineering Department desires to transfer funds from Classification 3 – Services and Charges to Classification 2 – Supplies to fund MPO traffic counting; and
- WHEREAS, the Police Department desires to transfer funds from Classification 2 – Supplies and Classification 3 – Services and Charges to Classification 4 – Capital Outlays to replace one additional patrol car; and
- WHEREAS, the Housing & Neighborhood Development Department desires to transfer funds from Classification 1 – Salaries & Wages to Classification 2 – Supplies for fuel; and
- WHEREAS, the Community & Family Resources Department desires to transfer funds from Classification 2 – Supplies to Classification 3 – Services and Charges for additional supply needs; and
- WHEREAS, the City Council Office desires to transfer funds from Classification 3 – Services and Charges to Classification 2 – Supplies and Classification 1 – Salaries & Wages for additional payroll needs; and
- WHEREAS, the Parking Enforcement Department desires to transfer funds from Classification 3 – Services and Charges to Classification 1 – Salaries & Wages for additional enforcement officers; and
- WHEREAS, the Parking Enforcement Department desires to transfer funds from Classification 3 – Services and Charges to Classification 4 – Capital Outlays for garage pay station hardware; and
- WHEREAS, the Sanitation Department desires to transfer funds from Classification 3 – Services and Charges to Classification 2 – Supplies for fuel; and
- WHEREAS, the Information & Technology Services Department desires to transfer funds from Classification 3 – Services and Charges to Classification 2 – Supplies for desktop scanners; and
- WHEREAS, the Fire Department desires to increase its budget in the Fire Pension Fund’s Classification 1 – Salaries & Wages to correct an error in the original budget; and
- WHEREAS, the Controller’s Office desires to increase its budget in Classification 3 – Services and Charges in various bond Funds to correct for errors in the original budget; and

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

SECTION I. For the expenses of said municipal corporation, the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund – Animal Care & Control	
Line 53130 – Medical Service	\$ -3,000.00
Line 53990 – Other Services & Charges	-2,000.00

Line 52210 – Institutional & Medical		5,000.00
Total General Fund – Animal Care & Control		<u>0.00</u>
General Fund – Engineering		
Line 53630 – Machinery & Equipment Repairs	\$	-4,211.00
Line 52420 – Other Supplies		<u>4,211.00</u>
Total General Fund – Engineering		<u>0.00</u>
General Fund – Police		
Line 53210 – Telephone	\$	-3,040.00
Line 52420 – Other Supplies		-12,000.00
Line 53990 – Other Services & Charges	\$	-6,000.00
Line 54440 – Motor Equipment		<u>21,040.00</u>
Total General Fund – Police		<u>0.00</u>
General Fund – HAND		
Line 51110 – Salaries & Wages - Regular	\$	-1,000.00
Line 52240 – Fuel & Oil		<u>1,000.00</u>
Total General Fund – HAND		<u>0.00</u>
General Fund – CFRD		
Line 52420 – Other Supplies	\$	-1,400.00
Line 53990 – Other Services & Charges		<u>-1,400.00</u>
Total General Fund – CFRD		<u>0.00</u>
General Fund – City Council		
Line 53990 – Other Services & Charges	\$	-2,100.00
Line 52420 – Other Supplies	\$	800.00
Line 51110 – Salaries & Wages - Regular		<u>1,300.00</u>
Total General Fund – City Council		<u>0.00</u>
Grand Total General Fund	\$	<u>0.00</u>
Parking Enforcement Fund		
Line 53840 – Lease Payments	\$	-74,000.00
Line 51110 – Salaries & Wages - Regular		45,500.00
Line 51120 – Salaries & Wages - Temporary		2,500.00
Line 54420 – Purchase of Equipment		<u>26,000.00</u>
Total Parking Enforcement Fund		<u>0.00</u>
Grand Total Parking Enforcement Fund	\$	<u>0.00</u>
Sanitation Fund		
Line 53950 – Landfill Fees	\$	-20,000.00
Line 52240 – Fuel & Oil		<u>20,000.00</u>
Total Sanitation Fund		<u>0.00</u>
Grand Total Sanitation Fund	\$	<u>0.00</u>
Telecom Fund		
Line 53170 – Mgt. Fees, Consultants & Workshops	\$	-17,500.00
Line 52420 – Other Supplies	\$	<u>17,500.00</u>
Total Telecom Fund		<u>0.00</u>
Grand Total Telecom Fund	\$	<u>0.00</u>

Fire Pension Fund	
Line 53990 – Other Services & Charges	\$ <u>362,000.00</u>
Total Fire Pension Fund	<u>362,000.00</u>
 Grand Total Fire Pension Fund	 \$ <u>362,000.00</u>
 Risk Management Fund	
Line 53420 – Worker’s Comp & Risk Admin	\$ <u>100,000.00</u>
Total Risk Fund	<u>100,000.00</u>
 Grand Total Fire Pension Fund	 \$ <u>100,000.00</u>
 BMFC Showers Fund	
Line 53840 – Lease Payments	\$ <u>5,750.00</u>
Total BMFC Showers Fund	<u>5,750.00</u>
 Grand Total BMFC Showers Fund	 \$ <u>5,750.00</u>
 Golf Course Bond 99 Fund	
Line 53820 – Interest	\$ <u>19,168.00</u>
Total Golf Course Bond 99 Fund	<u>19,168.00</u>
 Grand Total Golf Course Bond 99 Fund	 \$ <u>19,168.00</u>
 BMFC 1998 Street Lease Fund	
Line 53840 – Lease Payments	\$ <u>3,750.00</u>
Total BMFC 1998 Street Lease Fund	<u>3,750.00</u>
 Grand Total BMFC 1998 Street Lease Fund	 \$ <u>3,750.00</u>
 Grand Total All Funds	 \$ <u>490,668.00</u>

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

## SYNOPSIS

This ordinance appropriates various transfers of funds within the General Fund, Parking Enforcement Fund, Sanitation Fund, and Telecom Fund. It also appropriates additional funds from the Fire Pension Fund, Risk Management Fund, and Bond Funds.



MARK KRUZAN  
MAYOR

CITY OF BLOOMINGTON

401 N Morton St  
Post Office Box 100  
Bloomington IN 47402

MIKE TREXLER  
CONTROLLER

CONTROLLER'S OFFICE

p 812.349.3412  
f 812.349.3456  
controller@bloomington.in.gov

## Memorandum

**To:** Council Members  
**From:** Mike Trexler, Controller  
**Date:** October 27, 2010  
**Re:** Appropriation Ordinance 10-05

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Appropriation Ordinance 10-05 is our comprehensive 2010 year end appropriation. The total Appropriation comes to \$490,668. The majority of these appropriations are simple transfers within departments that have zero net impact on the total budget. \$362,000 of the total appropriation will be reimbursed in full by the State. \$28,668 of the total appropriation is needed for corrections related to bond refunding done at the end of 2009, and will come from funds already set aside for these bonds. The remaining \$100,000 is related to Worker's Compensation. None of these appropriations will increase spending in the City's General Fund.

1. **General Fund – Animal Care & Control.** The Animal Care & Control Department has requested to transfer \$3,000 from Line 53130 – Medical Services and \$2,000 from Line 53990 – Other Services & Charges to Line 52210 – Institutional & Medical Supplies to cover increasing costs for animal vaccines and medication.
2. **General Fund – Engineering.** The Engineering Department has requested to transfer \$4,211 from Line 53630 – Machinery & Equipment Repairs to Line 52420 – Other Supplies to fund additional traffic counting for the MPO. This amount will be 80% refundable through the MPO work program.
3. **General Fund – Police.** The Police Department has requested to transfer \$21,040 from Line 53210 – Telephone (\$3,040), Line 52420 – Other Supplies (\$12,000), and Line 53990 – Other Services & Charges (\$6,000) to Line 54440 – Motor Equipment to replace one additional patrol car in 2010.
4. **General Fund – HAND.** The Housing & Neighborhood Development Department has requested to transfer \$1,000 from Line 51110 – Salaries & Wages - Regular to Line 52240 – Fuel & Oil to supplement this line and ensure inspector will have enough fuel to continue Title 16 and Title 6 duties through the end of the year.
5. **General Fund – CRFD.** The Community & Family Resources Department has requested to transfer \$1,400 from Line 52420 – Other Supplies to Line 53990 – Other Services & Charges to cover anticipated expenses through the end of the year.
6. **General Fund – City Council.** The City Council Office has requested to transfer \$2,100 from Line 53990 – Other Services & Charges to Line 51110 – Salaries & Wages – Regular (\$1,300) to cover additional payroll expenses not originally included in the

budget and Line 52420 – Other Supplies (\$800) for a docking station for the Deputy Administrator.

7. **Parking Enforcement Fund.** The Parking Enforcement Department has requested to transfer \$74,000 from Line 53840 – Lease Payments to Line 51110 – Salaries & Wages - Regular (\$45,500), Line 51120 – Salaries & Wages - Temporary (2,500), and Line 54440 – Purchase of Equipment (\$26,000) to cover the cost of additional night time garage enforcement officers and to repair a pay station in Garage Market that has failed.

93K credit due to overpayment 2/09 thru 09/10

8. **Sanitation Fund.** The Sanitation Department has requested to transfer \$20,000 from Line 53950 – Landfill Fees to Line 52240 – Fuel & Oil to supplement this line and ensure the department will have enough fuel to continue its duties through the end of the year.
9. **Telecom Fund.** The ITS Department has requested to transfer \$17,500 from Line 53170 – Mgt. Fees, Consultants & Workshops to Line 52420 – Other Supplies to purchase desktop scanners as part of the city's effort to reduce paper usage.
10. **Fire Pension Fund.** The Fire Department has requested to increase its budget in Line 53999 – Other Services and Charges by \$362,000 to correct an error included in the original 2010 budget.
11. **Risk Management Fund.** The Risk Department has requested to increase its budget in Line 53420 – Worker's Comp & Risk Admin by \$100,000 to fund additional claims in excess of the original budget.
12. **Bond Funds.** The Controller's Office has requested to increase its budget in the BMFC Showers Fund Line 53840 – Lease Payments by \$5,750, in the Golf Course Bond 99 Fund Line 53820 – Interest by \$19,168, and in the BMFC 1998 Street Lease Fund Line 53840 – Lease Payments by \$3,750 to correct an error included in the original 2010 budget due to the bond refunding done at the end of 2009 and beginning of 2010. There is a sufficient reserve in each of these bond funds to cover the requested appropriation.

The grand total of the appropriation is \$490,668. \$362,000 of this amount will be reimbursed in full by the State; and \$28,668 of this amount will come from bond reserve funds. Aside from the Worker's Compensation amount, this ordinance does not increase planned spending levels beyond those established in the original budget.

Feel free to contact me by email at [trexlerm@bloomington.in.gov](mailto:trexlerm@bloomington.in.gov) or by phone at 349-3412 at any time.



**ORDINANCE 10-20**

**TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
“UNIFIED DEVELOPMENT ORDINANCE”  
(Amendments to the Floodplain Standards [20.05.048] and Definitions [20.11.020] Sections  
to be Consistent with Federal Requirements)**

WHEREAS, Ordinance 06-24 approved the Unified Development Ordinance (“UDO”), which repealed and replaced both Title 20 of the Bloomington Municipal Code entitled, “Zoning,” and Title 19 of the Bloomington Municipal Code, entitled “Subdivisions;” and

WHEREAS, the UDO was substantially amended by Ordinance 09-12, which was effective December 7, 2009; and

WHEREAS, the City has since been directed by the Federal Emergency Management Agency to update its floodplain regulations to be consistent with Federal regulations;

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

SECTION I. Section 20.05.048(d)(3)(C) of the Bloomington Municipal Code shall be amended to add the following sentence at the end of the section: “The floodplain is also referred to as the Special Flood Hazard Area (SFHA).”

SECTION II. Section 20.05.048(d)(5)(A) of the Bloomington Municipal Code shall be amended by deleting the current provision and replacing it with the following:

(A) Location. The locations of the floodplain boundaries are based upon the regulatory flood elevation, floodway, and floodway fringe limits for the studied Special Flood Hazard Areas of the City of Bloomington as delineated on the 100-year profiles in the Flood Insurance Study of Monroe County and Incorporated Areas and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2010. The flood profiles, and the Special Flood Hazard Areas delineated on the December 17, 2010 FIRM are a component of the official zoning map. The regulatory flood elevation, floodway, and fringe limits for each unstudied Special Flood Hazard Area of the City of Bloomington delineated as an “A Zone” on the FIRM of the Monroe County and Incorporated Areas prepared by the Federal Emergency Management Agency and dated December 17, 2010, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

SECTION III. Section 20.05.048(d)(5)(C) of the Bloomington Municipal Code shall be amended to add that where a floodplain boundary divides a structure, the floodplain regulations apply to the entire structure so that the provision shall now read as follows:

(C) Structures Located on Boundary Lines: Where a floodplain boundary line divides a structure, these regulations shall apply to the entire structure.

SECTION IV. Section 20.05.048(d)(6) of the Bloomington Municipal Code shall be amended to add the following sentences at the end of the section:

Prior to any alteration or relocation of a watercourse, the City shall notify any applicable adjacent communities and the State Floodplain Coordinator. Copies of such notifications shall also be submitted to FEMA. Maintenance of any altered or relocated watercourse is required in order to ensure that no diminishing of flood-carrying capacity occurs.



SECTION V. Section 20.05.048(7) shall be added to the Bloomington Municipal Code and shall read as follows:

(7) No local floodplain development permit shall be issued unless all necessary federal or state permits have been received. Copies of such permits are to be maintained on file with the floodplain development permit.

SECTION VI. Section 20.05.048(8) Record Keeping - shall be added to the Bloomington Municipal Code and shall read as follows:

(8) Record Keeping: The City shall maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, LOMA, LOMR, copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.

SECTION VII. Section 20.05.048(9) Construction of Utilities and Waste Disposal Systems - shall be added to the Bloomington Municipal Code and shall read as follows:

(9) Construction of Utilities and Waste Disposal Systems: Public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed so as to minimize or eliminate flood damage. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

SECTION VIII. Section 20.11.020 Defined Words - shall be amended in the following manner:

(a) The term “FIRM” shall be deleted and replaced with the following term and definition:

“Flood Insurance Rate Map (FIRM)” means the official map of the community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(b) The term and definition for Flood Insurance Study shall be added and shall read as follows:

“Flood Insurance Study (FIS)” means the official hydraulic and hydrologic report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

(c) The term “Floodplain” shall be amended by adding the following sentence at the end of the definition: “The floodplain is also known as the Special Flood Hazard Area (SFHA).”

(d) The term and definition for Special Flood Hazard Area (SFHA) shall be added and shall read as follows:

“Special Flood Hazard Area (SFHA)” means those lands subject to inundation by the regulatory flood. The SFHAs within the City of Bloomington Planning Jurisdiction are generally identified as such on the Monroe County and Incorporated Area Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 17, 2010. These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO.

SECTION IX. 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 other section, sentence, provision or application that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are intended and declared to be severable.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance updates the Floodplain Standards and Definitions sections of the Unified Development Ordinance to make the City's ordinance consistent with Federal regulations.

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

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 10-20 is a true and complete copy of Plan Commission Case Number ZO-29-10 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 8, 2010.

Date: November 8, 2010



Thomas B. Micuda, Secretary  
Plan Commission

Received by the Common Council Office this 8<sup>th</sup> day of November, 2010.

  
Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes \_\_\_\_\_ No \_\_\_\_\_

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

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

## Interdepartmental Memo

**To: Members of the Common Council**  
**From: Tom Micuda, Planning Director**  
**Subject: Case # ZO-29-10**  
**Date: November 8, 2010**

Attached are the ordinance, ordinance certification, and amendment text which pertain to Plan Commission Case # ZO-29-10. The Plan Commission heard this petition at its November 8, 2010 meeting and voted to send this petition to the Common Council with a positive recommendation.

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**REQUEST:** The City Planning Department is requesting approval of a text amendment to the Unified Development Ordinance. This amendment will ensure that the Floodplain Standards section and Definitions section of the UDO are consistent with federal floodplain regulations.

Recently, the Planning Department received a new set of Floodplain maps from FEMA that will go into effect on December 17, 2010. In conjunction with the receipt of these maps, the Planning Department was informed that the Floodplain regulations of the UDO also need to be amended to reflect the date of the latest map revisions. This will ensure that the City's ordinance will maintain its consistency with federal enabling regulations starting December 17. If these revisions are not made by December 17, the local flood insurance program will be suspended until the revisions are adopted.

In addition to the new map reference change, staff has been directed by FEMA to make some minor terminology changes in the ordinance text to ensure consistency with the new FEMA language. For example, FEMA now refers to the Floodplain as the Special Flood Hazard Area. Other proposed revisions required by FEMA include: 1) changes in the application of floodplain regulations for structures located on floodplain boundary areas, 2) notification requirements, 3) maintenance of watercourses, 4) permitting and record keeping requirements, 5) construction requirements for utilities and waste disposal systems, and 6) additional definitions.

---

**RECOMMENDATION:** The Plan Commission voted unanimously (7-0) to forward Case # ZO-29-10 to the Common Council with a positive recommendation.

**Amendment #:** UDO-001

**Synopsis:**

This is a minor amendment to the UDO to ensure that our Floodplain regulations are in sync with the latest Federal standards from FEMA. The Planning Department has received a new set of Floodplain maps from FEMA that will go into effect on December 17, 2010. We need to update the UDO to reflect the date of the latest map revisions so that our ordinance will also remain in effect on December 17. If we do not make this change by December 17, the local flood insurance program will be suspended until the change is made. In addition to the date change, there will be some minor terminology changes to ensure that we are consistent with the new FEMA language. For example, FEMA now refers to the Floodplain as the Special Flood Hazard Area. Other revisions include: 1) the application of floodplain regulations for structures located on floodplain boundary areas, 2) notification requirements, 3) maintenance of watercourses, 4) permitting and record keeping requirements, 5) construction requirements for utilities and waste disposal systems, and 6) additional definitions.

**Proposed Amendment:**

*Page 5-37*

*20.05.048 (d)(3)*

(C) Floodplain. The channel proper and the areas adjoining wetlands, lakes or watercourses which have been or hereafter may be covered by the regulatory flood. The floodplain includes the floodway and the floodway fringe features. The floodplain is also referred to as the Special Flood Hazard Area (SFHA).

*Page 5-38*

*20.05.048 (d)(5)*

(A) Location. The locations of the floodplain boundaries are based upon the regulatory flood profile, as delineated on the one hundred year flood profiles in the most current Flood Insurance Study prepared by FEMA. elevation, floodway, and floodway fringe limits for the studied Special Flood Hazard Areas of the City of Bloomington as delineated on the 100-year profiles in the Flood Insurance Study of Monroe County and Incorporated Areas and the corresponding Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2010. The flood profiles, delineated on those maps, and the floodplain boundaries, as delineated on a copy of the FIRM, and the Special Flood Hazard Areas delineated on the December 17, 2010 FIRM are a component of the official zoning map, including any future amendments to the FIRM. Where FEMA flood profiles are not available, the base flood elevation and the required flood protection elevation shall be determined from the best available data by the Indiana Department of Natural Resources (DNR). Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to DNR for review and approval. The regulatory flood elevation, floodway, and fringe limits for each unstudied Special Flood Hazard Area of the City of Bloomington delineated as an "A Zone" on the FIRM of Monroe County and Incorporated Areas prepared by the Federal Emergency Management Agency and dated December 17, 2010, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(C) Structures Located on Boundary Lines: Where a floodplain boundary line divides a structure, these regulations shall apply to any portion of the structure that is less than two feet above the elevation of the base flood elevation the entire structure.

Page 5-39

20.05.048 (d)

(6) *Watercourse Alterations*: No alteration shall be made to any watercourse in any floodplain area as shown on the Official Zoning Map or any area otherwise subject to the jurisdiction of DNR or FEMA without first securing a LOMR from FEMA, as well as any necessary permits and approvals from DNR, IDEM, and the Army Corps of Engineers. Prior to any alteration or relocation of a watercourse, the City shall notify any applicable adjacent communities and the State Floodplain Coordinator. Copies of such notifications shall also be submitted to FEMA. Maintenance of any altered or relocated watercourse is required in order to ensure that no diminishing of flood-carrying capacity occurs.

(7) *Permits*: No local floodplain development permit shall be issued unless all necessary federal or state permits have been received. Copies of such permits are to be maintained on file with the floodplain development permit.

(8) *Record Keeping*: The City shall maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, LOMA, LOMR, copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.

(9) *Construction of Utilities and Waste Disposal Systems*: Public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed so as to minimize or eliminate flood damage. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

Page 11-40

20.11.020 Defined Words

**Flood Insurance Rate Map (FIRM)**: ~~Flood Insurance Rate Map~~ The official map of the community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)**: The official hydraulic and hydrologic report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

**Floodplain**: The channel proper and the areas adjoining wetlands, lakes or watercourses which have been or hereafter may be covered by the regulatory flood. The floodplain includes the floodway and the floodway fringe features. The floodplain is also known as the Special Flood Hazard Area (SFHA).

**Special Flood Hazard Area (SFHA)**: Those lands subject to inundation by the regulatory flood. The SFHAs within the City of Bloomington Planning Jurisdiction are generally identified as such on the Monroe County and Incorporated Area Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 17, 2010. These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO.