



City of Bloomington
Common Council

Legislative Packet

07 January 2009

Organizational Meeting
immediately followed by
Committee of the Whole

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- Notice of Internal Work Sessions of the Council in January, February and March

Material Related to Action at Organizational Meeting:

- List of Council Positions - Officers, Appointments, and Assignments for 2009 (*blank*)
- List of Council Positions - Officers, Appointments, and Assignments for 2008
- List of Interview Committee Assignments in 2008 (*typically kept for the entire term, unless there is a new Council member*)
- Council Member Seating Chart for 2004, 2005, 2006, 2007, 2008 & 2009 (*blank*)

Legislation for Final Action:

None

Legislation and Background Material for the Organizational Meeting and Committee of the Whole to be Held on January 07, 2009 (in the Order in which the Legislation Appears on the Committee of the Whole Agenda) :

- **Ord 09-02** To Amend Ordinance 08-15 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2009 - Re: Positions in the Police Department, Public Works Department, Parks and Recreation, and Utilities
 - Memo to Council, Daniel Grundmann, Director of Employee Services
Contact: Daniel Grundmann at 349-3578 or grundmad@bloomington.in.gov

Material Relating to Transfer of 38 Acres to City's Planning Jurisdiction and Its Designation as a Planned Unit Development (PUD)

- **Res 09-01** To Amend the Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction - Re: Amending the Map of Said Jurisdiction to Transfer 38.31 Acres Located at 2865 East Rhorer Road from Monroe County to the City of Bloomington
 - Exhibit 1 – Map of the City's Planning and Zoning Jurisdiction

- **Ord 09-01** To Amend the Bloomington Zoning Maps to Designate 38 Acres in the Process of Being Transferred from the Monroe County to the City Planning Jurisdiction as a Planned Unit Development (PUD) to Allow Up to 38 Single Family Detached Dwelling Units - Re: 2865 East Rhorer Road (YFD, LLC)
 - Certification (8 – 0 - 1); Memo to the Council by Tom Micuda, Director of the Planning Department; Exhibit 1 – Map of Petitioner's Other Parcels; Exhibit 2 – Adjacent Uses and Zoning; Exhibit 3 – East Jackson Creek Subarea Map; Exhibit 4 – East Jackson Creek Subarea Narrative; Exhibit 5 – Conservation Residential District; Exhibit 6 – Roads and Road Stubs

Contact: Tom Micuda at 349-3459 or micudat@bloomington.in.gov

Minutes from Regular Session:

None

Memo

**Organizational Meeting Immediately Followed by a Committee of the Whole on
Wednesday, 7 January 2009 at 7:30 p.m.**

The Council will hold an Organizational Meeting immediately followed by a Committee of the Whole on Wednesday, 7 January 2009.

Group Photo on 21 January 2008: The Council Photo on the webpage should be changed to reflect changes in Council Officers. I understand that at least one Council member will not be present next week. Please let Dan or Stacy Jane know whether you will be available either before or after the Regular Session on 21 January 2008 for a brief photo session.

Organizational Meeting

The Organizational Meeting next Wednesday will be the first meeting of the year. Please note that up until a few years ago, the Council met on the first Monday of the new year, unless it was New Year's Day, in which case the Council met on Tuesday. This practice comported with a State and local law. The State law was repealed in 2006. Local code allows the Council to change the date of the first (or other) meeting, which the Council did with the adoption of the Annual Schedule in November.

The Organizational Meeting is the time for the Council to hold elections and make appointments and for the new President to make assignments. These actions typically occur in the following order:

- The Council elects officers – President, Vice President, and Parliamentarian (and the outgoing President is presented with the gavel);
- The new officers are seated and the new President assigns seating for rest of the Council members (*Please note that any two Council members who wish to switch seats may do so by written request to the Council President (BMC 2.04.110 ;*
- The Council appoints Council members to various boards and commissions; and
- The President assigns to Council members to Council committees.

Please see the attached sheets for appointments, assignments, and seating – which include last year's decisions and blank forms for this year's decisions.

Legislation for the First Legislative Cycle of January

There are three pieces of legislation ready for action during the first legislative cycle in January. As noted above, this legislative cycle begins with an Organizational Meeting and Committee of the Whole on 7 January 2009 and ends with a Regular Session on 21 January 2009. These pieces are placed in this packet and summarized herein in the order they appear on the Committee of the Whole Agenda.

Item One – Ord 09-02 – Amending the City of Bloomington Salary Ordinance for 2009 (Ord 08-15) - Regarding Jobs in the Police, Public Works, Parks and Recreation, and Utilities Departments

Ord 09-02 amends Ord 08-15 which established the salaries for appointed officers, non-union and A.F.S.C.M.E. employees for all the departments in the City for 2009. These amendments affect jobs in the Police, Public Works, Parks and Recreation, and Utilities departments. They come forward as a result of revised job descriptions that department heads submit to the Employee Services department. Daniel Grundmann, Director, and Jean Joque, Manager of Training and Organizational Development, then review them and convene the Job Evaluation Committee (JEC) to score the significantly altered job descriptions based upon seven criteria. These scores then determine the grade for that job. Sometimes Grundmann enters provisional grades in a salary ordinance without yet having the JEC review them. In those cases, any change made in those provisional grades by the JEC are presented in the next salary ordinance. Please note that the JEC is comprised of employees from almost every department and across most grades. The following paragraphs draw upon the Memo from Daniel Grundmann to explain these proposed amendments.

Police Department – Two Upgrades and Two Changes in Job Title

Office Manager – Changes Title to Executive Secretary and Increases Grade from 5 to 6 Greater participation in the preparation of the department's budget and researching special projects for the Chief have led to the increase in grade and change in title.

Secretary – Changes Title to Office Manager and Increases Grade from 3 to 4 This position has taken on some of the foregoing position's responsibilities which has led to the change in title and increase in grade (which is consistent with other similar positions within the City).

Fiscal Impact: These changes will not require an additional appropriation and would amount to \$4,075 in 2009.

Public Works – Changes Positions in the Public Works Main Office and the Fleet, Sanitation and Street Divisions

Main Office: Office Manager – Changes Title to Office Manager/Service Coordinator and Increases Grade from 4 to 5 Management over revolving funds and the sanitation sticker program along with more involvement with citizen service issues led to this change in title and grade.

Fiscal Impact: These changes will not require an additional appropriation and would amount to \$1,776 in 2009.

Traffic: Signal Project Specialist – Increase Grade from 6 to 7; and Fleet: Fleet Maintenance Manager – Increase Grade from 7 to 8

These were instances where the provisional grade assigned and placed in the salary ordinance by Employee Services Department were changed by the JEC.

Fiscal Impact: None

Street: Working Foreman – Convert to Crew Leader and Increase Grade from 108 to 110 (Two Positions) The memo indicates that this better reflects existing duties.

Fiscal Impact: These changes will not require an additional appropriation and would amount to \$1,010 in 2009.

Sanitation: Two Conversions

Laborer – Convert to Motor Equipment Operator (MEO) and Increase Grade from 104 to 104/108 The department wants to convert a vacant Laborer position to an MEO position to gain “greater flexibility at relatively little cost” because MEOs “can both load and operate trucks.”

Fiscal Impact: These changes will not require an additional appropriation and would amount to \$1,010 in 2009.

Seasonal Laborer – Convert to Limited Part Time with Benefits (LPT) MEO This position will “cover downtown routes at odd hours.” As a 12-hour per week (as opposed to a seasonal laborer) position, the employee will be able to receive health insurance, but will not have any Paid Time Off (PTO) benefits.

Fiscal Impact: None

Parks and Recreation – Convert One Position at Same Grade

Motor Equipment Operator (MEO) – Convert to Equipment Maintenance Mechanic (Facilities) at Same Grade The department wishes to convert this position “to better reflect leadership responsibilities of the position and the evolving needs of the Operations Division.”

Fiscal Impact: None.

Utilities – Upgrade Two Positions and Add Two Positions (Overlooked in the Salary Ordinance)

**Water Quality Coordinator – Increase Grade from 7 to 8; and
Pretreatment Program Inspector – Increase Grade from 7 to 8**

The memo indicates that the “increased complexity and independent judgment in each position resulted (in the increase in grade) for both.”

Fiscal Impact: These changes will not require an additional appropriation and would amount to \$3,849 in 2009.

Meter Reader (Grade 103) and Utilities Technician (Grade 105) – Add Positions Included in the Budget But Omitted from the Salary Ordinance

These positions were discussed as part of the budget for 2009 but inadvertently left out of the salary ordinance.

Fiscal Impact: None

Item Two and Three –

Res 09-01 Amending the Interlocal Agreement Between the City and County Regarding the Planning Jurisdiction to Transfer 38 Acres at 2865 East Rhorer Road to the City and

Ord 09-01 Amending the Zoning Maps to Designate a Planned Unit Development (PUD) for those 38 Acres

Res 09-01 and **Ord 09-01** are related and have been brought forward at the request of the petitioner - YFD, LLC – which, I believe, is a subsidiary of Heartland Development. The petitioner owns 114 acres just inside the southeast boundary of the City’s planning jurisdiction and 38.31 acres just outside of that boundary. It wishes to develop the 152 acres together and under the review of one governmental entity rather than two. To that end, **Res 09-01** amends the Interlocal Agreement

between the City and County regarding the Planning and Zoning jurisdiction to transfer the 38.31 acres from the County to the City and **Ord 09-01** gives those acres what might be called an interim PUD designation allowing the petitioner to keep its current 1-unit-per-acre development rights. The following paragraphs briefly summarize these pieces of legislation.

Res 09-01 – Interlocal Agreement

Up until 1997, the City exercised Planning and Zoning control over what was known as the “two-mile” fringe, which was an area outside of the City corporate boundaries that “b[ore] a reasonable relation to the development of the [City].” At that time, the County took the steps necessary under statute to exercise control over areas outside of the City’s corporate boundaries. (See I.C. 36-7-4-205) The City and County then entered into an Interlocal Agreement regarding Planning and Zoning jurisdiction and have since extended it twice.¹ This Agreement identified areas in the former two-mile fringe that would remain under the City’s Planning authority (also known as Areas Intended for Annexation or “AIFAs”) which are found in Exhibit 1, provided for the continuity of approvals in the areas taken over by the County, and contained other terms of cooperation.² **Res 09-01** amends the map (Exhibit 1) to bring these 38.31 acres within the City’s Planning jurisdiction. Please note that the County Commissioners approved this transfer in June.

Sequence of Decisions: The Council should consider the issue of jurisdiction before deciding upon the zoning of the parcel. The Council should deny the transfer if it cannot agree on the zoning designation, because land transferred to the City’s zoning jurisdiction should bear some designation.

Ord 09-01 – PUD Designation

As mentioned above, this ordinance creates an interim Planned Unit Development (PUD) designation for these 38 acres that preserves the 1-unit-per-acre development right the petitioner currently has with the County, but is only intended to act as a “place holder” until a PUD proposal for the entire 152 acres within the petitioner’s control comes forward in the near future. For that reason, the proposal and ordinance do not include a Preliminary Plan.

¹ The relevant resolutions are: Res 96-33 which had a term of five years, Res 02-09 which extended the Agreement for another five years, and Res 07-02 which extended it five years further. Please note that these and other companion legislation also conferred authority over the Building Code from the City to the County.

² A copy of the Agreement is available in the Council Office.

Issue: Given the absence of a Preliminary Plan, does the Council want to impose a reasonable condition on this PUD that provides guidance to the Plan Commission, staff and petitioner regarding the development standards that would apply in the unlikely event this PUD comes forward for final plan approval? After discussion with Tom Micuda and the representative of the petitioner, you may want to consider applying the Conservation Subdivision option to this PUD and perhaps the City's Residential Estate (RE) zoning district standards for setbacks on the perimeter of this site.

The following paragraphs summarize the staff report to the Council and other material regarding this proposal:

Site - This site has the shape of a square with a small rectangle at the southwest corner removed. A tributary of the East Fork of Jackson Creek crosses the northern third of the site on a southeasterly slant. On the south side of the tributary are a farmhouse and pond, gentle sloping land, a few trees and what appear to be some streams. Along the tributary and to the north are more trees with gentle sloping land on the east and what may be a portion of the floodplain for the creek on the northwest.

Surrounding Development, Land Uses, and Densities - There is existing development in the County's planning jurisdiction along Rhorer Road with densities of around 1-unit-per-acre (which include Fox Chase to the east and Deerfield to the west) and much lower densities in some areas to the south. The areas to the northwest, north and northeast are within the City's zoning jurisdiction, undeveloped, and owned by the petitioner. The densities here range from 0 to almost 6 units per acre in the Canada Farm PUD on the west side of the East Fork of Jackson Creek and from 1 to 4 units per acre for the area on the east side of the creek.

Growth Policies Plan – Jackson Creek Subarea - For more than a decade, the East Fork of Jackson Creek has served as the urban growth boundary in the City's southeast side, where the densities to the east were to be significantly lower than those to the west. The Jackson Creek Subarea plan reflected that delineation by recommending a Conservation Residential designation for that area with densities of less than 1 unit per acre. However, the decision made during the UDO process to accept donation of the Goat Farm for an increased density of 4 units per acre for 96 acres of land the petitioner owns to the north of this site, raised serious questions about where the new boundary would lie. After discussion at the Plan Commission, including consideration of the minutes of the UDO meeting where that decision was made, the staff offered to resolve the conflict by bringing forward an amendment to

the Growth Policies Plan at the same time the proposed PUD for the entire 152 acre area comes forward.

Condition of the Property to Support the 1-Acre Lot Zoning - The staff report offered “preliminary evaluations” of factors to be considered with the rezoning of this property.

Environmental Considerations - The staff report described the environmental features of the site (see “Site” above), but didn’t note any environmental constraints that would preclude the development of the proposed 38 single family dwelling units. The Environmental Commission favored this transfer and designation because it felt the City regulations would “allow greater environmental oversight and [create] the opportunity to work with the petitioner on sustainable development initiatives.”

Connectivity - There is a road stub entering from the Fox Chase Subdivision on the east and likely connections to the northwest and north when the larger, fully detailed PUD comes forward in the near future. A significant issue for consideration at that time will be whether any roadway to the northwest will cross the East Fork of Jackson Creek. While a connection from Harrell Road on the southeast to an existing road stub to Sare Road in the Canada Farm PUD on the northwest would “ease vehicular trips on Rhorer and Snoddy Roads” and “allow for more direct access to school, park, and future commercial services associated with the Canada Farm PUD,” it would also “impact the floodplain, mature trees, and steep slopes surrounding the East Fork of Jackson Creek” and be contrary to the East Jackson Creek Subarea Plan.

Utilities - The petitioner would obtain City water from a line along Sare Road and would hook-up to the sewer interceptor along the East Fork of Jackson Creek. In the event the City goes forward with a second water line into the City from Lake Monroe, the City could shorten the route by crossing this site on its way to Sare Road.

Monroe County Community School Corporation (MCCSC) - City staff has spoken to MCCSC officials who agree that development of all 152 acres owned by the petitioner (and not just the 38 acres in this site) would “impact elementary school enrollments.”

Recommendation: After hearings in October and November, the Plan Commission voted 8 - 0 - 1 to support this PUD without any conditions of approval.

**NOTICE AND AGENDA FOR
CITY OF BLOOMINGTON COMMON COUNCIL
ORGANIZATIONAL MEETING AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, JANUARY 7, 2009
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:

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

V. ELECTION OF OFFICERS (The newly-elected President will assign seats to Council members before the Council makes appointments to boards and commissions).

VI. APPOINTMENTS TO BOARDS AND COMMISSIONS

VII. LEGISLATION FOR FINAL ACTION

None

VIII. LEGISLATION FOR FIRST READING

1. Ordinance 09-01 To Amend the Bloomington Zoning Maps to Designate 38 Acres in the Process of Being Transferred From the Monroe County to the City Planning Jurisdiction as a Planned Unit Development (PUD) to Allow Up to 38 Single Family Detached Dwelling Units - Re: 2865 East Rhorer Road (YFD, LLC)

2. Ordinance 09-02 To Amend Ordinance 08-15 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2009 - Re: Positions in the Police Department, Public Works Department, Parks and Recreation, and Utilities

IX. PRIVILEGE OF THE FLOOR (This section of the *Agenda* is limited to a maximum of 25 minutes. Each speaker is allotted 5 minutes.)

X. ADJOURNMENT

(and immediately reconvene for)

COMMITTEE OF THE WHOLE

Chair: Steve Volan

1. Ordinance 09-02 To Amend Ordinance 08-15 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2009 - Re: Positions in the Police Department, Public Works Department, Parks and Recreation, and Utilities

Asked to Attend: Daniel Grundmann, Director, Employee Services

2. Resolution 09-01 To Amend the Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction - Re: Amending the Map of Said Jurisdiction to Transfer 38.31 Acres Located at 2865 East Rhorer Road from Monroe County to the City of Bloomington

Asked to Attend: Tom Micuda, Director, Planning

3. Ordinance 09-01 To Amend the Bloomington Zoning Maps to Designate 38 Acres in the Process of Being Transferred From the Monroe County to the City Planning Jurisdiction as a Planned Unit Development (PUD) to Allow Up to 38 Single Family Detached Dwelling Units - Re: 2865 East Rhorer Road (YFD, LLC)

Asked to Attend: Tom Micuda, Director, Planning
Representative of the Petitioner



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

To: Council Members
From: Council Office
Re: Calendar for the Week of January 5-9, 2009

Monday, January 5, 2009

4:00 pm Public Hearing by the Indiana Department of Natural Resources, Division of Water, McCloskey
5:00 pm Utilities Service Board, Board Room, 600 E. Miller Dr.
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room
6:00 pm Telecommunications Council Work Session, Council Chambers

Tuesday, January 6, 2009

1:30 pm Development Review Committee, McCloskey
5:15 pm Solid Waste Management District Citizens Advisory Council, McCloskey
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W. Grimes Lane
5:30 pm Board of Public Works, Council Chambers
7:30 pm Telecommunications Council, Council Chambers

Wednesday, January 7, 2009

10:30 am Safe Routes to School Task Force, Hooker Room
12:00 pm Bloomington Urban Enterprise Association, McCloskey
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:30 pm Common Council Organizational Meeting *immediately followed by a Committee of the Whole*, Council Chambers

Thursday, January 8, 2009

11:30 am Solid Waste Management District, Monroe County Courthouse, Judge Nat U. Hill, III Room
12:00 pm Housing Network, McCloskey
3:30 pm Bloomington Historic Preservation Commission, McCloskey
4:00 pm Bloomington Digital Underground Advisory Committee, Hooker Room
5:30 pm Commission on the Status of Women, Hooker Room
5:30 pm Public Hearing: Community Development Block Grant Presentation to the Citizens' Advisory Committee, Council Chambers
7:00 pm Peak Oil Task Force, McCloskey

Friday, January 9, 2009

11:00 am Common Council Internal Work Session, McCloskey
1:30 pm Metropolitan Planning Organization Policy Committee, McCloskey

Posted and Distributed: December 31, 2008



City of Bloomington
Office of the Common Council

NOTICE

STAFF-COMMON COUNCIL INTERNAL WORK SESSIONS

FRIDAY	09 JANUARY 2009	McCLOSKEY ROOM (#135)
FRIDAY	23 JANUARY 2009	McCLOSKEY ROOM (#135)
FRIDAY	06 FEBRUARY 2009	McCLOSKEY ROOM (#135)
FRIDAY	20 FEBRUARY 2009	COUNCIL CHAMBERS (#115)
FRIDAY	06 MARCH 2009	McCLOSKEY ROOM (#135)

All of the above meetings will be held:

11:00 A.M.

CITY HALL

401 N. MORTON STREET

These sessions are a forum for members of the Common Council to discuss anticipated legislative initiatives with City officials and staff. The work sessions may be held with as few as one and as many as nine members of the Council. Therefore, as a majority of the Council may be present, these sessions may constitute a meeting of the Common Council under the Indiana Open Door law. This notice alerts the public that these meetings will occur and that the public is welcome to attend, observe and record (but not comment upon) what transpires.

Dated and Posted: Wednesday, 31 December 2008

401 N. Morton Street • Bloomington, IN 47404

City Hall

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

www.bloomington.in.gov/council
council@bloomington.in.gov

2009 Organizational Meeting

Elections, Appointments, Committee Assignments & Seating

Material

- Election and Appointment Sheets
- Interviewing Committee Sheet
- Seating Assignment Sheet

COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2009

ACTION BY MOTIONS OF THE COUNCIL

President _____
Vice President _____
Parliamentarian _____

Citizens Advisory Committee - Community Development Block Grants (CDBG)

Social Services _____
Physical Improvements _____

Commission for Bloomington Downtown _____

Economic Development Commission (City) _____

Economic Development Commission (County) _____

Environmental Resource Advisory Committee _____

Metropolitan Planning Organization _____

Plan Commission _____

Solid Waste Management District _____

Board of the Urban Enterprise Association _____

Utilities Service Board _____

Bloomington Economic Development Corporation _____

Bloomington Commission on Sustainability _____

Peak Oil Task Force _____

ACTION BY PRESIDENT (By Assignment)

Jack Hopkins Social Services Funding Committee (5 council members)

Council Sidewalk Committee (4 council members) (Regarding 2010 Funds)

Council Interview Committees for Citizen Appointments to Boards and Commissions (see accompanying list)

COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2008

ACTION BY MOTIONS OF THE COUNCIL

President	Susan Sandberg
Vice President	Andy Ruff
Parliamentarian	Steve Volan

Citizens Advisory Committee - Community Development Block Grants (CDBG)

Social Services	Mike Satterfield
Physical Improvements	Tim Mayer

Commission for Bloomington Downtown Chris Sturbaum

Economic Development Commission (City) Mike Satterfield

Economic Development Commission (County) Regina Moore

Environmental Resource Advisory Committee Dave Rollo

Metropolitan Planning Organization Andy Ruff

Plan Commission Chris Sturbaum/ Isabel Piedmont
(end of June)

Solid Waste Management District Steve Volan

Board of the Urban Enterprise Association Chris Sturbaum

Utilities Service Board Tim Mayer

Bloomington Economic Development Corporation Susan Sandberg

Bloomington Commission on Sustainability Dave Rollo

Peak Oil Task Force Dave Rollo

ACTION BY PRESIDENT (By Assignment)

Jack Hopkins Social Services Funding Committee (5 council members)

Mayer, Piedmont, Ruff, Sandberg & Satterfield

Council Sidewalk Committee (4 council members) (Regarding 2009 Funds)

Piedmont, Rollo, Sturbaum & Wisler

Council Interview Committees for Citizen Appointments to Boards and Commissions (see accompanying list)

2008 COUNCIL

BOARD AND COMMISSION INTERVIEW COMMITTEES

<u>Animal Control Commission</u>	<u>Bicycle & Pedestrian Safety Commission</u>	<u>Bloomington Commission on Sustainability</u>	<u>Bloomington Community Arts Commission</u>
Mike Satterfield Tim Mayer Chris Sturbaum	Dave Rollo Isabel Piedmont-Smith Chris Sturbaum	Dave Rollo Steve Volan Brad Wisler	Andy Ruff Susan Sandberg Chris Sturbaum
<u>Bloomington Digital Underground</u>	<u>Bloomington Historic Preservation Commission</u>	<u>Bloomington Human Rights Commission</u>	<u>Bloomington Public Transportation Corporation</u>
Mike Satterfield Isabel Piedmont-Smith Steve Volan		Dave Rollo Susan Sandberg Stephen Volan	Tim Mayer Stephen Volan Brad Wisler
<u>Bloomington Urban Enterprise Association</u>	<u>Board of Housing Quality Appeals</u>	<u>Board of Zoning Appeals</u>	<u>Commission on Hispanic and Latino Affairs</u>
Isabel Piedmont-Smith Chris Sturbaum Stephen Volan	Mike Satterfield Tim Mayer Andy Ruff	Mike Satterfield Tim Mayer Dave Rollo	Tim Mayer Susan Sandberg Steve Volan
<u>Commission on the Status of Black Males</u>	<u>Commission on the Status of Women</u>	<u>Community & Family Resources Commission</u>	<u>Environmental Commission</u>
Mike Satterfield Andy Ruff Susan Sandberg	Dave Rollo Isabel Piedmont-Smith Susan Sandberg	Isabel Piedmont-Smith Chris Sturbaum Stephen Volan	Dave Rollo Andy Ruff Chris Sturbaum
<u>Housing Trust Fund Board of Directors</u>	<u>Martin Luther King, Jr. Birthday Commission</u>	<u>Redevelopment Commission</u>	<u>Telecommunications Council</u>
Isabel Piedmont-Smith Susan Sandberg Dave Rollo	Andy Ruff Susan Sandberg Mike Satterfield	Mike Satterfield Andy Ruff Chris Sturbaum	Mike Satterfield Isabel Piedmont-Smith Stephen Volan
<u>Traffic Commission</u>	<u>Tree Commission</u>	<u>Utilities Service Board</u>	<u>Peak Oil – Task Force</u>
Mike Satterfield Andy Ruff Chris Sturbaum	Isabel Piedmont-Smith Stephen Volan Brad Wisler	Tim Mayer Susan Sandberg Brad Wisler	Dave Rollo Andy Ruff Steve Volan

Notes: The Council appoints 3 advisory members to the HPC and the Mayor appoints 7 voting members with the consent of the Council.

The President assigns members to interviewing committees (per Standing Committees - BMC 2.04.210) and these assignments usually remain in place for the entire term. These committees meet to review applications for appointments to their respective boards/commissions after the media has been informed of the vacancies (per BMC 2.02.020), and then determine whether to interview applicants and, if so, which ones. Interviews and deliberations usually occur on a Wednesday evening before a Council meeting and then the recommendations are forwarded to the full Council for the final action. Please note that while the Open Door Law allows the initial review and cut to be done in an Executive Session, the interviews, if any, and final recommendations must occur at a public meeting (per IC 5-14-1.5-6(b)(10)).

Council Member Seating 2004 - 2009

Seating For the Year 2004

Banach	Sturbaum	Gaal	Ruff	Diekhoff	Mayer	Rollo	Sabbagh	Volan
			Vice President	President	Parliamentarian			

Seating For the Year 2005

Banach	Diekhoff	Gaal	Sturbaum	Ruff	Mayer	Rollo	Sabbagh	Volan
			Vice President	President	Parliamentarian			

Seating For the Year 2006

Banach/ Wisler	Diekhoff	Gaal	Rollo	Sturbaum	Mayer	Ruff	Sabbagh	Volan
			Vice President	President	Parliamentarian			

Seating For the Year 2007

Wisler	Diekhoff	Sabbagh	Volan	Rollo	Mayer	Sturbaum	Sandberg	Ruff
			Vice President	President	Parliamentarian			

Seating For the Year 2008

Rollo	Wisler	Piedmont	Ruff	Sandberg	Volan	Sturbaum	Satterfield	Mayer
			Vice President	President	Parliamentarian			

Seating For the Year 2009

			Vice President	President	Parliamentarian			

Legislation

ORDINANCE 09-02

TO AMEND ORDINANCE 08-15 WHICH FIXED THE SALARIES OF APPOINTED OFFICERS, NON-UNION AND A.F.S.C.M.E. EMPLOYEES FOR ALL THE DEPARTMENTS OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, FOR THE YEAR 2009 - Re: Positions in the Police Department, Public Works Department, Parks and Recreation, and Utilities

- WHEREAS, the Police Department would like to change the grade and title of the Office Manager and Secretary positions to reflect recommendations of the Job Evaluation Committee; and
- WHEREAS, the Public Works Department would like to change the grade and title of the Office Manager to reflect recommendations of the Job Evaluation Committee; and
- WHEREAS, the Public Works Department Traffic Division would like to change the grade of the Signal Project Specialist to reflect recommendations of the Job Evaluation Committee; and
- WHEREAS, the Public Works Department Fleet Division would like to change the grade of the Fleet maintenance Manager to reflect recommendations of the Job Evaluation Committee; and
- WHEREAS, the Public Works Department Sanitation Division would like to convert a Laborer position to an MEO position and replace seasonal labor with a Limited Part Time with Benefits MEO position; and
- WHEREAS, the Public Works Department Street Division would like to convert two Working Foreman positions to Crew Leaders to better reflect assigned duties; and
- WHEREAS, Parks and Recreation would like to convert an MEO position to an Equipment Maintenance Mechanic to better reflect assigned duties; and
- WHEREAS, the Utilities Department would like to change the grades of the Water Quality Coordinator and the Pretreatment Program Inspector to reflect recommendations of the Job Evaluation Committee; and
- WHEREAS, Utilities would like to add a Utilities Technician and a Meter Reader which were included and discussed in the 2009 budget but inadvertently excluded from the 2009 Salary Ordinance, though included in the budget and related discussions;

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

SECTION I. Section 1 of Ordinance 08-15 shall be amended by deleting the following lines regarding job title and grade as indicated below:

Department	Job Title	Grade
Police	Office Manager	5
Police	Secretary	3
Public Works Department	Office Manager	4
Public Works Department: Traffic	Signal Project Specialist	6
Public Works Department: Fleet	Fleet Maintenance Manager	7
Public Works Department: Sanitation	Apprentice MEO / Master MEO (15)	104/108
Public Works Department: Sanitation	Laborer (5)	104
Public Works Department: Street	Crew Leader	110
Public Works Department: Street	Working Foreman (2)	108
Parks	Apprentice MEO / Master MEO (4)	104/108
Utilities: Administration	Water Quality Coordinator	7
Utilities: Administration	Pretreatment Program Inspector	7
Utilities: Engineering	Utilities Technician (2)	5
Utilities: Meter Services	Meter Reader (5)	103

SECTION II. Section 1 of Ordinance 08-15 shall be amended by adding the following lines regarding job titles and grade as indicated below:

Department	Job Title	Grade
Police	Executive Assistant	6
Police	Office Manager	4
Public Works Department	Office Manager/Service Coordinator	5
Public Works Department: Traffic	Signal Project Specialist	7
Public Works Department: Fleet	Fleet Maintenance Manager	8
Public Works Department: Sanitation	Apprentice MEO / Master MEO (16)	104/108
Public Works Department: Sanitation	Laborer (4)	104
Public Works Department: Sanitation	LPT MEO	100
Public Works Department: Street	Crew Leader (3)	110
Parks	Apprentice MEO / Master MEO (3)	104/108
Parks	Equipment Maintenance Mechanic (Facilities)	108
Utilities: Administration	Water Quality Coordinator	8
Utilities: Administration	Pretreatment Program Inspector	8
Utilities: Engineering	Utilities Technician (3)	5
Utilities: Meter Services	Meter Reader (6)	103

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2009.

 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 _____, 2009.

 REGINA MOORE, Clerk
 City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2009.

 MARK KRUZAN, Mayor
 City of Bloomington

SYNOPSIS

This ordinance amends the City of Bloomington Salary Ordinance for the year 2009 (Ordinance 08-15). The amendments change the grade of Office Manager and Grade and title of Secretary (Police); the grade and title of the Office Manager (Public Works Department); and the grades of the Signal Project Specialist (Traffic) and the Fleet Maintenance Manager (Fleet). The amendments also convert a Laborer to an MEO and add a Limited Part Time MEO (Sanitation), convert two Working Foremen to Crew Leaders (Street); and convert an MEO to Equipment Maintenance Mechanic (Parks). In Utilities they change the grade of the Water Quality Coordinator and Pretreatment Program Inspector, and include the addition of a Meter Reader and Utilities Technician which were accounted for and discussed in the 2009 budget approval but not added to the Salary Ordinance.

Memorandum

To: City Council Members
From: Daniel Grundmann, ES Director
CC: Dan Sherman, Mayor Kruzan, Maria Heslin, Kevin Robling, Mike Trexler, Mick Renneisen, Susie Johnson, Patrick Murphy, Mike Diekhoff
Date: 12/31/2008
Re: Proposed Salary Ordinance Amendment (Ordinance 09-02)

We respectfully request the following changes to the 2009 Salary Ordinance (08-15).

Police

The *Office Manager* position has changed over the past years and involves greater participation professional level tasks including budget preparation and researching special projects as assigned by the Chief. The result is an increase in complexity as determined by the Job Evaluation Committee (JEC) and a request for a grade change from 5 to 6. The request includes changing the incumbent's title to *Executive Assistant*. In order to allow for that transition, the *Secretary* has assumed greater responsibility for tasks previously executed by the *Office Manager*. The *Secretary* position, proposed to become *Office Manager*, also received review from the committee due to resultant job description revisions. Those revisions drove the recommendation to change the grade from 3 to 4, consistent with other *Office Manager* positions in the organization. The total estimated annualized budgetary impact in 2008 dollars for these positions, including PERF and FICA, is \$4,075. No additional appropriation is required.

Public Works

The *Office Manger* in Public Works has absorbed numerous additional responsibilities including management of revolving funds, management of the Sanitation Sticker program, and tracking and assisting in the resolution of citizen services issues. Those revisions drove the recommendation to change the grade from 4 to 5 after review by the JEC, and the request for a title change to *Office Manager/Service Coordinator*. The total estimated annualized budgetary impact for these positions in 2008 dollars, including PERF and FICA, is \$1,776. No additional appropriation is required.

In the Traffic Division the *Signal Technician Project Specialist* position was reviewed by the JEC as a new position. The JEC review process resulted in a recommendation of grade change from 6 to 7. There is no fiscal impact.

In the Fleet Division the *Fleet Maintenance Manager* position was reviewed by the JEC as a new position. The JEC review process resulted in a recommendation of grade change from 7 to 8. There is no fiscal impact.

In the Street Division we would like to convert two *Working Foreman* positions to *Crew Leader* positions to better reflect incumbent duties. The total estimated annualized budgetary impact for these positions in 2009 dollars, including PERF and FICA, is \$1,010. No additional appropriation is required

In the Sanitation Division there is a vacancy in a *Laborer* position. By converting this position to an *MEO*, the Sanitation Division gains great flexibility at relatively little cost, as the MEO can both load and operate trucks. The total estimated annualized budgetary impact for these positions in 2009 dollars, including PERF and FICA, is \$1,010. No additional appropriation is required

The amendment also includes the addition of a Limited Part time with Benefits (LPT) *MEO*. This allows Sanitation to cover downtown routes at odd hours and avoid using seasonal labor. At twelve hours per week, the position's status allows the incumbent to participate in the group health plan but does not include paid time off benefits. There is no fiscal impact.

Parks and Recreation

We would like to change one *MEO* position in Parks and Recreation to an *Equipment Maintenance Mechanic (Facilities)* to better reflect leadership responsibilities of the position and the evolving needs of the Operations Division. The grades are equivalent and there is no fiscal impact.

Utilities

The Utilities Department has revised the *Water Quality Coordinator and Pretreatment Program Inspector* positions to better reflect the current duties of the positions. The JEC recognized increased complexity and independent judgment in each position which resulted in our request of a grade change from 7 to 8 for both. The total estimated annualized budgetary impact for these positions in 2008 dollars, including PERF and FICA, is \$3,849. No additional appropriation is required.

Additionally, Utilities would like to add a *Meter Reader* and a *Utilities Technician* position to the salary ordinance. It was included and approved in the budget and discussed in the budget hearings, but inadvertently left out of the salary ordinance. As such, there is no fiscal impact and no additional appropriation is required.

Thank you for considering approval of this amendment to the Salary Ordinance. Please feel free to contact me with any questions.

RESOLUTION 09-01

TO AMEND THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA IN REGARD TO PLANNING AND ZONING JURISDICTION -

Re: Amending the Map of Said Jurisdiction to Transfer 38.31 Acres Located at 2865 East Rhorer Road from Monroe County to the City of Bloomington

- WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation agreements; and
- WHEREAS, Indiana Code § 36-7-4-205 authorizes a municipality to exercise planning and zoning jurisdiction over unincorporated areas within two (2) miles of the corporate boundaries, with permission of the County; and
- WHEREAS, it is prudent, rational, and in the best interests of the citizens that the City of Bloomington maintain planning and zoning jurisdiction over certain unincorporated areas that are surrounded by or immediately adjacent to areas that are within the corporate boundaries of the City, which areas are known as “Areas Intended for Annexation” or “AIFA”; and
- WHEREAS, City planning and zoning jurisdiction outside the corporate boundaries is currently provided by authority of an Interlocal Cooperation Agreement between the parties that was approved by Common Council Resolution 96-33 and extended to and until March 31, 2012 by Common Council Resolution 02-09 and Resolution 07-02; and
- WHEREAS, the Monroe County Commissioners, by their action on Resolution 2008-41 at a publicly noticed meeting on June 20, 2008, voted to transfer 38.31 acres of property located within the Monroe County Planning Jurisdiction to the City of Bloomington’s Planning Jurisdiction; and
- WHEREAS, the Monroe County Commissioners voted to execute this transfer in order to allow the 38.31 acres to be combined with other acreage controlled by the petitioner, YFD, LLC, which is located within the City of Bloomington’s Planning Jurisdiction; and
- WHEREAS, both the County and City believe that land use decisions concerning this combined acreage can be made more reasonably under the jurisdiction of a single governmental entity; and
- WHEREAS, any transfer of acreage from the Monroe County Planning Jurisdiction to the City of Bloomington’s Planning Jurisdiction requires a revision of the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in regard to Planning and Zoning Jurisdiction*, specifically an amendment to the map depicting the area outside the corporate boundaries over which the City exercises planning and zoning jurisdiction;

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

SECTION 1. The map outlining the area to which the City exercises planning, zoning, and subdivision jurisdiction, which is identified in the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in regard to Planning and Zoning Jurisdiction* as Exhibit A, shall be amended to include the following property located at 2865 E. Rhorer Road and more specifically described below:

The Southeast quarter of the Southeast quarter Section Fifteen (15), Township Eight (8) North, Range One (1) West, excepting therefrom the following: Beginning at the Southwest corner of said quarter quarter; running thence North on the West line thereof 340 feet; thence East and parallel with the South line thereof 250 feet; thence South and

parallel with the West line of said quarter quarter 340 feet, and to the South line thereof; thence West on the said South line 250 feet, and to the point of beginning, containing two (2) acres, more or less containing after said exception Thirty-eight (38) acres, more or less.

ALSO, all of the Grantors interest in a tract of land being that part of the Southwest quarter of the Southeast quarter of Section 14, Township 8 North, Range 1 West, lying west of the west boundary of Fox Chase Subdivision, containing .35 acre, more or less, and more particularly described in the Quit Claim Deed from S.P.C. Development Corporation to Jack D. Deckard and Nan L. Deckard dated February 25, 1993 and recorded March 14, 1994, in Deed Record 420 page 425, and the Boundary Line Agreement between the parties recorded March 14, 1994 in Miscellaneous Record 225, pages 9-10, in the Office of the Recorder of Monroe County, Indiana.

SECTION 2. Exhibit A – City of Bloomington Planning Jurisdiction Map – is hereby attached and made a part of this resolution.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2009.

, President
Common Council

SIGNED and APPROVED by me upon this _____ day of _____, 2009.

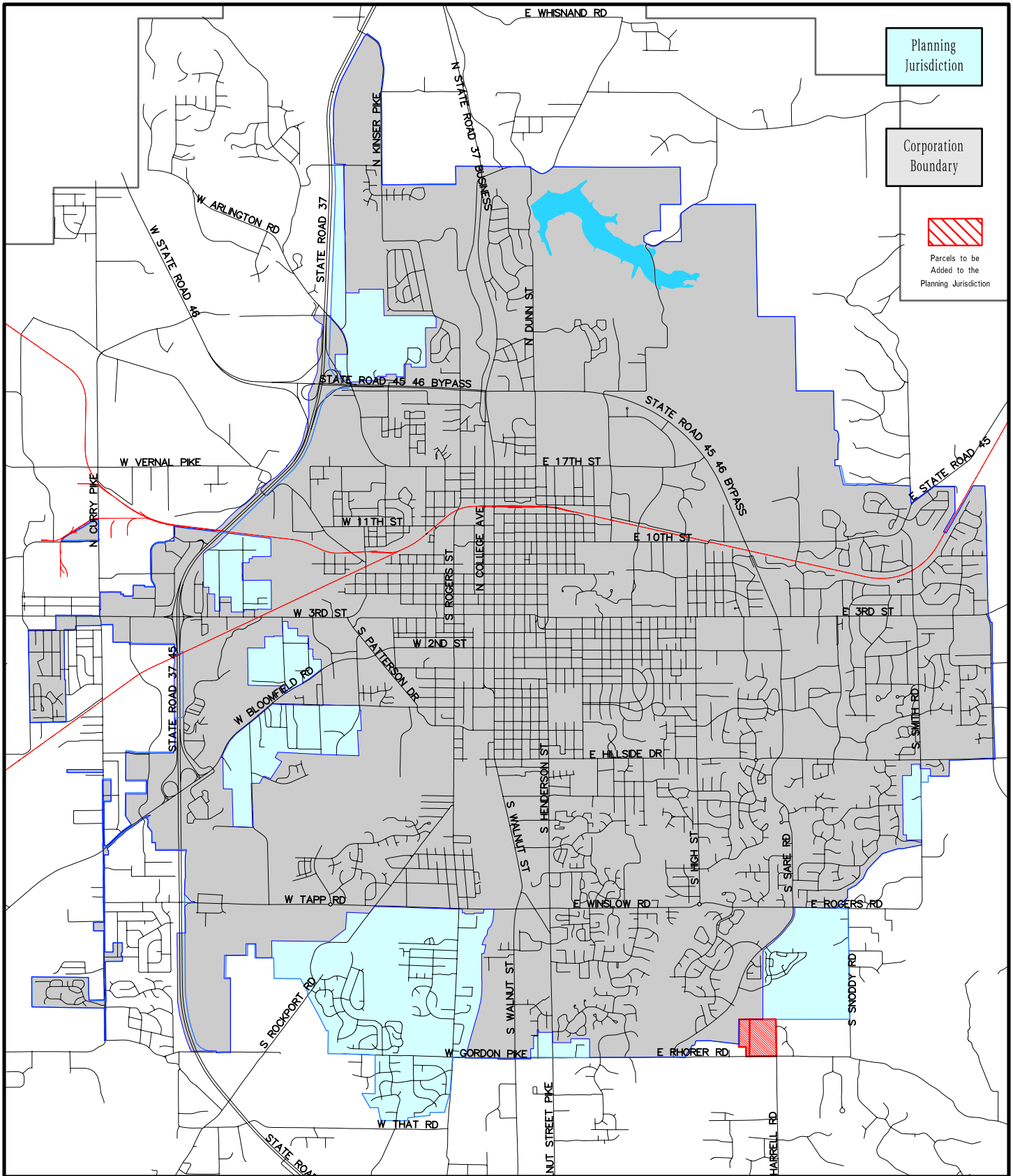
MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

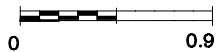
This resolution amends the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in regard to Planning and Zoning Jurisdiction* to transfer a 38.31 acre property at 2865 E. Rhorer Road from the Monroe County Planning Jurisdiction to the City of Bloomington's Planning Jurisdiction.



City of Bloomington, Indiana
 Exhibit A - Planning Jurisdiction Map

(Including 38.31 acres to be added)

Scale: 1 inch = 0.9 miles



City of Bloomington
 Planning Department



Geographic
 Information System

Dec 10, 2008

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

TmpjtranLP

ORDINANCE 09-01

TO AMEND THE BLOOMINGTON ZONING MAPS TO DESIGNATE 38 ACRES IN THE PROCESS OF BEING TRANSFERRED FROM THE MONROE COUNTY TO THE CITY PLANNING JURISDICTION AS A PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW UP TO 38 SINGLE FAMILY DETACHED DWELLING UNITS

**- Re: 2865 East Rhorer Road
(YFD, LLC)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-33-08, and recommended that the petitioner, YFD, LLC, be granted a rezone of the property located at 2865 East Rhorer Road to Planned Unit Development (PUD) and preliminary plan approval allowing 38 single family detached dwelling units. The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the 38.31 acres of property located at 2865 East Rhorer Road, which is in the process of being transferred from the Monroe County to the City of Bloomington Planning jurisdiction be designated as a Planned Unit Development (PUD). The property is further described as follows:

The Southeast quarter of the Southeast quarter Section Fifteen (15), Township Eight (8) North, Range One (1) West, excepting therefrom the following: Beginning at the Southwest corner of said quarter quarter; running thence North on the West line thereof 340 feet; thence East and parallel with the South line thereof 250 feet; thence South and parallel with the West line of said quarter quarter 340 feet, and to the South line thereof; thence West on the said South line 250 feet, and to the point of beginning, containing two (2) acres, more or less containing after said exception Thirty-eight (38) acres, more or less.

ALSO, all of the Grantors interest in a tract of land being that part of the Southwest quarter of the Southeast quarter of Section 14, Township 8 North, Range 1 West, lying west of the west boundary of Fox Chase Subdivision, containing .35 acre, more or less, and more particularly described in the Quit Claim Deed from S.P.C. Development Corporation to Jack D. Deckard and Nan L. Deckard dated February 25, 1993 and recorded March 14, 1994, in Deed Record 420 page 425, and the Boundary Line Agreement between the parties recorded March 14, 1994 in Miscellaneous Record 225, pages 9-10, in the Office of the Recorder of Monroe County, Indiana.

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2009.

, President
City of 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 _____, 2009.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2009.

MARK KRUZAN, Mayor
City of Bloomington

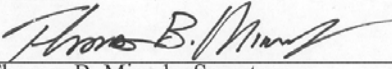
SYNOPSIS

This ordinance rezones a 38.31 acre property currently located in the Monroe County Planning Jurisdiction to Planned Unit Development, allowing future development of up to thirty-eight (38) single family detached housing units.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 09-01 is a true and complete copy of Plan Commission Case Number PUD-33-08 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 10, 2008.

Date: ~~November 20, 2008~~ DECEMBER 22, 2008



 Thomas B. Micuda, Secretary
 Plan Commission

Received by the Common Council Office this 22nd day of DECEMBER, 2008.



 Regina Moore, City Clerk

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

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
_____	_____	_____

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	\$ _____	\$ _____

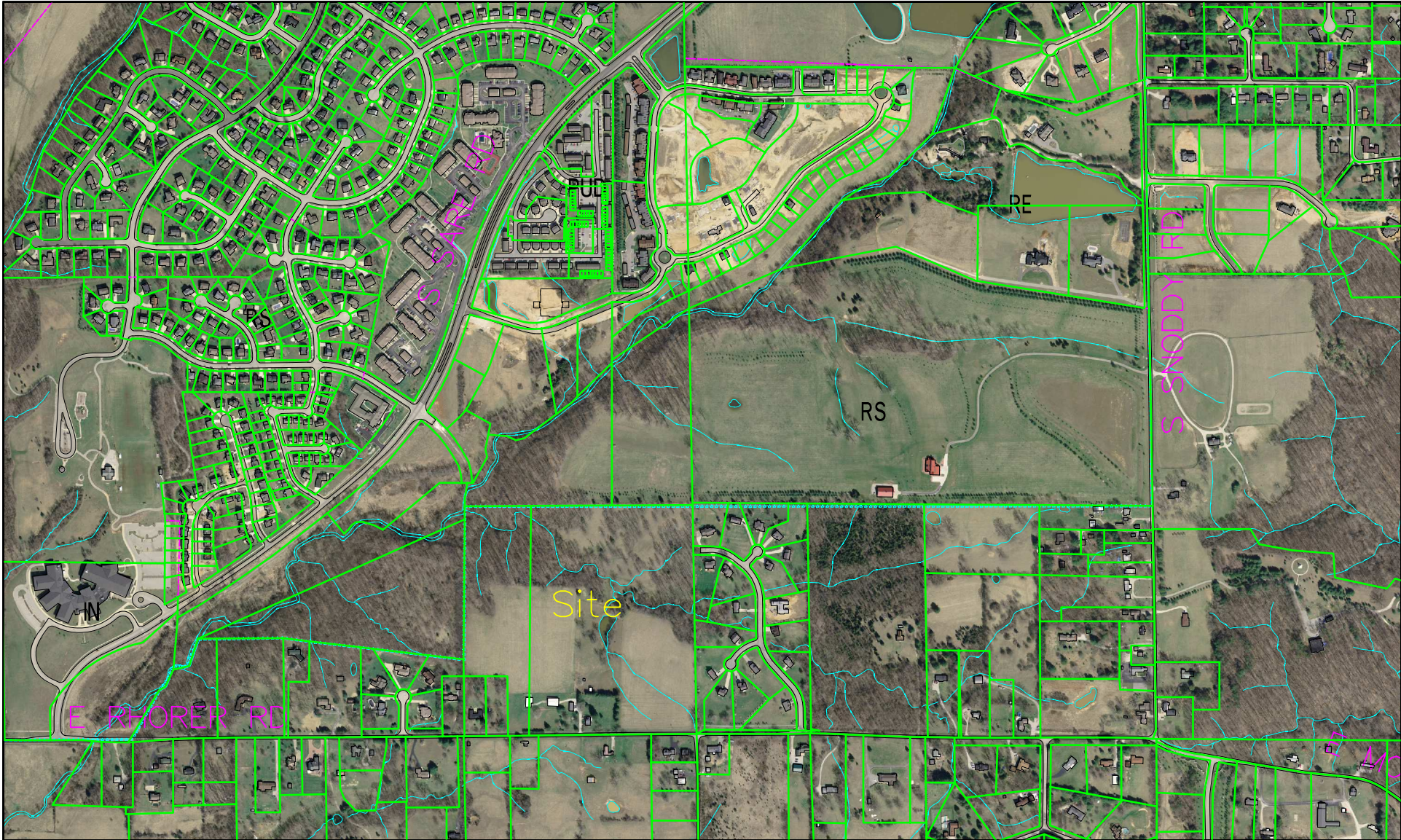
Signature of Controller

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

Yes _____ No _____

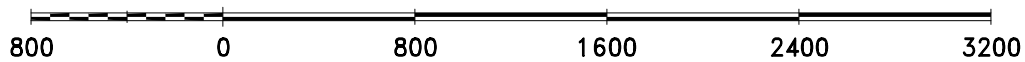
If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

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.)



Ord 09-01 – Designating a PUD for 38.31 Acres at 2685 East Rhorer Road
2006 Aerial Photo of Surrounding Land Uses

By: shermand
29 Dec 08
File: LLOrd0901



For reference only; map information NOT warranted.



City of Bloomington
Clerk & Council



Scale: 1" = 800'

Interdepartmental Memo

To: Members of the Common Council
From: Tom Micuda, AICP, Planning Director
Subject: Case # PUD-33-08
Date: December 9, 2008

Attached are the staff reports, petitioner's statements, maps, and exhibits which pertain to Plan Commission Case # PUD-33-08. The Plan Commission heard this petition at its October 6th and November 8th meetings and voted 8-0-1 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting Preliminary Plan approval to rezone a 38.31 acre property in the County's Planning Jurisdiction to Planned Unit Development (PUD). Additionally, the petitioner is also requesting an amendment to the *Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in regard to Planning and Zoning Jurisdiction* in order to transfer this property into the City's Planning Jurisdiction. The request for jurisdiction transfer was heard and approved by the Monroe County Commissioners at their June 20th meeting.

BACKGROUND:

Proposed Units:	38
Lot Area:	38.31 acres
Proposed Density:	0.99 units/acre
Current Zoning:	Residential Estate (RE1) – County's Planning Jurisdiction
GPP Designation:	No designation due to location in County's Jurisdiction
Existing Land Use:	Residential with one single family home (previously used for agriculture)
Proposed Land Use:	Single family residential – one acre lots
Surrounding Uses:	North – one single family home (zoned RS) West – Canada Farm PUD; scattered single family homes East – Fox Chase subdivision South – scattered single family homes

REPORT SUMMARY: The petitioner is requesting to transfer 38.31 acres currently located in the County's Planning Jurisdiction into the City's Planning Jurisdiction. The reason for this request is that the petitioner controls an additional 114 acres within the City's Jurisdiction and would like to have a future development request heard by one governmental review body rather than petition for separate developments in the City and County. An aerial map showing the additional 114 acres in the City's Jurisdiction plus the 38.31 acre property proposed to be transferred can be found on Exhibit #1.

The 38.31 acre property located in the County's Planning Jurisdiction is currently zoned RE1. This zoning designation would allow future single family residential development on one acre lots. Located directly to the east is the Fox Chase single family subdivision,

which was created in the early 1990s when the City had planning control of the old 2-mile fringe. This subdivision is now in the County's Jurisdiction. Located to the west of this property are scattered single family homes on one acre lots in the County's Jurisdiction including a small 5-lot subdivision on Deerfield Drive. Located to the northwest of this property is Parcel I of the Canada Farm PUD. This 13 acre parcel, which is yet to be developed, is zoned for a total of 13 housing units, multifamily or single family. Located to the north of this property is a large tract of land, approximately 96 acres, that is in the City's Planning Jurisdiction and accessed from Snoddy Road. This parcel is zoned Residential Single Family (RS). Council members may recall that this parcel was rezoned to RS by Plan Commission/Council action during the UDO adoption process back in 2007. At the same time, the ownership parties of these properties dedicated the 32 acre Goat Farm property to the City's Parks Foundation. Minutes of the Plan Commission discussion concerning this rezoning have been provided in the packet.

In terms of process, the Bloomington Common Council must vote on whether or not to amend the *City/County Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction* to allow this 38 acres to be transferred and then designated as part of the City's Areas Intended for Annexation (AIFA). The Monroe County Commissioners have already given permission for this jurisdiction transfer. Both the Plan Commission and Council must also determine how the 38 acres should be zoned in order to ensure appropriate zoning controls should the Council approve the land transfer request.

Because the City does not have an equivalent zoning designation to the County's RE1 zoning district, the petitioners are requesting approval for a PUD so that they can gain the same property right (38 single family housing units) as they have if the property were subdivided in the County. The petitioners have not submitted a preliminary plan in association with this request because they've committed to bring forward a larger, detailed PUD proposal for this acreage as well as the additional 114 acres they control within the City's Jurisdiction. The Plan Commission was willing to accept this deviation in the typical PUD process due to the unique circumstances surrounding the request.

RESULTS OF PLAN COMMISSION HEARINGS: The Commission was supportive of the petitioner's PUD request, but had some questions for staff at the October 6th hearing as well as final comments at the November 10th hearing.

Issue #1 – Street Connectivity: Multiple Plan Commissioners expressed support for future development of the 38.31 acres to have as much street connectivity as possible, both within the development and accessing adjacent properties. One Commissioner added that street connectivity was particularly important in this case due to safety concerns along Rhorer Road. Staff concurs with the Commission that connectivity will be a critical issue in evaluating a more detailed PUD for both this 38.31 acre property and the petitioner's adjoining 114 acres. However, no decisions should be made at this time until a more detailed PUD preliminary plan is submitted for evaluation by the Plan Commission and City Council.

Issue #2 – Development Density adjoining the Deerfield Subdivision: One resident who lives at one of the five lots located within the Deerfield subdivision off Rhorer Road spoke at the October 6th hearing. Her concern was making sure that there was not too much development density being proposed for the property north of her lot in Deerfield. The lots within Deerfield are almost exactly one acre in size. The property north of Deerfield is not being proposed for rezoning at this time but is controlled by the petitioner and would be subject to re-evaluation as part of an eventual 152 acre PUD request.

The property north of Deerfield was approved as part of the Canada Farm PUD for 13 housing units (multifamily or single family) on 13 acres. If developed in this manner, the resultant density would be the same as the Deerfield subdivision. Clearly, the petitioner would have the right to ask for greater or less density in this area as part of a future PUD. However, such a request would be subject to both Plan Commission and Council review with input from Deerfield residents.

Issue #3 – Implications for Potential Change to City’s Urbanized Edge: As noted by staff and Plan Commissioner Joe Hoffmann, both the 1991 and 2002 Growth Policies Plan identified the East Fork of Jackson Creek as the City’s urbanized edge. This is noted later in the staff report under Criteria 2 for the rezoning request.

Staff concurs with Commissioner Hoffmann that the acceptance of this property into the City’s Planning Jurisdiction with one unit per acre density coupled with the 2007 rezoning of the petitioner’s property along Snoddy Road potentially moves the urbanized edge eastward. Because there is a discontinuity between these actions and the land use recommendations of the GPP outlined later in the report, staff recommends that future consideration of the petitioner’s larger PUD request be accompanied by an amendment to the GPP’s East Jackson Creek Subarea to determine land use, urban services, and site design recommendations beyond the East Fork of Jackson Creek. Both Plan Commissioner Hoffmann and Council representative Isabel Piedmont-Smith expressed concern about the potential impacts of more urban density development which could occur in the future beyond the east fork of Jackson Creek.

CRITERIA FOR REZONING REQUEST

- 1. ZONING/DENSITY OF SURROUNDING PROPERTIES:** The zoning and surrounding densities for adjacent properties can be found on Exhibit #2. All areas located east, south, and southwest of the 38 acre site are zoned RE1. In terms of actual development density, the Fox Chase subdivision contains a density of 0.9 units per acre. The scattered single family lots and Deerfield subdivision are almost exactly 1 unit per acre. Areas located adjacent and south of Rhorer Road contain lot sizes ranging from 1 to 17 acres in size. Parcel I of the Canada Farm, located northwest of the site, has been approved for one unit per acre development. Finally, the 96 acre parcel located north of the site is zoned RS and would allow for approximately 4 units per acre residential

development.

Based on surrounding zoning and development densities, the proposed one unit per acre density of this PUD is compatible and appropriate for the 38 acre site.

2. **GROWTH POLICIES PLAN – JACKSON CREEK SUBAREA:** Both the subarea map and associated policies are contained in this packet and labeled as Exhibits #3 and 4. Although the 38 acres is not contained within this subarea, the recommendations for areas east of the East Fork of Jackson Creek are applicable to the site. In terms of land use, both the subarea map and text recommend conservation residential development for areas located east of the East Fork. Specifically, recommendation #2 under *Land Use Policies* proposes that “*Reduced densities (less than 1 unit per acre) are appropriate for the area east of Jackson Creek.*” The GPP subarea map and policies do not specify how much less than one unit per acre is appropriate for areas beyond the East Fork. However, the Conservation Residential land use designation on Page 32 of the GPP does indicate that “The minimum lot size [for this designation] should be at least 2.5 acres.” Page 32 of the GPP is identified as Exhibit #5 in the packet.

From staff’s point of view, there is a discrepancy that the Plan Commission and Council must resolve when comparing these GPP policies to the actual zoning and surrounding densities located in both the City and County Planning Jurisdictions. If the Commission and/or Council finds that a 2.5 acre zoning designation is more appropriate for this property given the GPP’s recommendations, the petitioner would simply opt to keep the property in the County’s zoning jurisdiction where it could be subdivided for one-acre lots or even rezoned for higher density development. As a general rule, staff typically places a greater weight on actual zoning and surrounding development densities when making rezoning recommendations as opposed to relying on more general GPP guidance.

3. **CONDITION OF PROPERTY TO SUPPORT ONE-UNIT PER ACRE DENSITY –** A final factor that must be considered when determining appropriate zoning is the condition of property and its ability to support the proposed development. Although these conditions are proposed to be more specifically evaluated if the petitioners bring forward a larger PUD proposal in 2009, some preliminary evaluations can be made.

Environmental Considerations – There do not appear to be any karst features on the property. There does appear to be FEMA floodplain in the extreme northwest corner of the property in association with a tributary that drains into the East Fork of Jackson Creek. The southern half of the property contains very little tree cover and gentle slopes. The northeast quadrant of the site also contains gentle slopes with some scattered trees. The more environmentally sensitive areas include the northwest quadrant of the property as well as a tributary of the East Fork which traverses the center of the site.

Connectivity – Future development of the property will create connectivity decisions for the Plan Commission and Council. Please see the connectivity map labeled Exhibit #6. To the east, a street stub has been connected to this property in association with the Fox Chase subdivision. Additionally, with future development of this 38.31 acres, it would make logical sense to consider providing street stubs to the north (the 96 acre tract controlled the petitioner) and west (Parcel I of the Canada Farm, also controlled by the petitioner).

At the extreme southeast corner of this site, Harrell Road intersects with Rhorer Road. When the City had planning control of the two-mile fringe, the City's pre-1991 Thoroughfare Plan showed Sare Road extending from Rogers Road through this property and connecting with Harrell Road. When the Canada Farm development was approved in 1996, Sare Road was approved to be constructed west of the East Fork of Jackson Creek. However, a roadway stub was approved (Canada Drive) to eventually connect from Sare Road through this property to Harrell Road. Whether or not this stub is extended from the Canada Farm PUD to this site will have to be thoroughly studied in association with a more detailed PUD request for the petitioner's entire acreage. On one hand, the extension of this stub would allow for more direct access to school, park, and future commercial services associated with the Canada Farm PUD. It also makes sense to ease vehicular trips on Rhorer and Snoddy Roads. On the other hand, an extension of this street stub would impact the floodplain, mature trees, and steep slopes surrounding the East Fork of Jackson Creek. Although a street stub extension would be consistent with the development approval of the Canada Farm PUD, it would be in conflict with the East Jackson Creek Subarea policy in the GPP which does not recommend road connections across the Jackson Creek floodplain (please note recommendation #3 in the Urban Services section of the subarea – Exhibit 4).

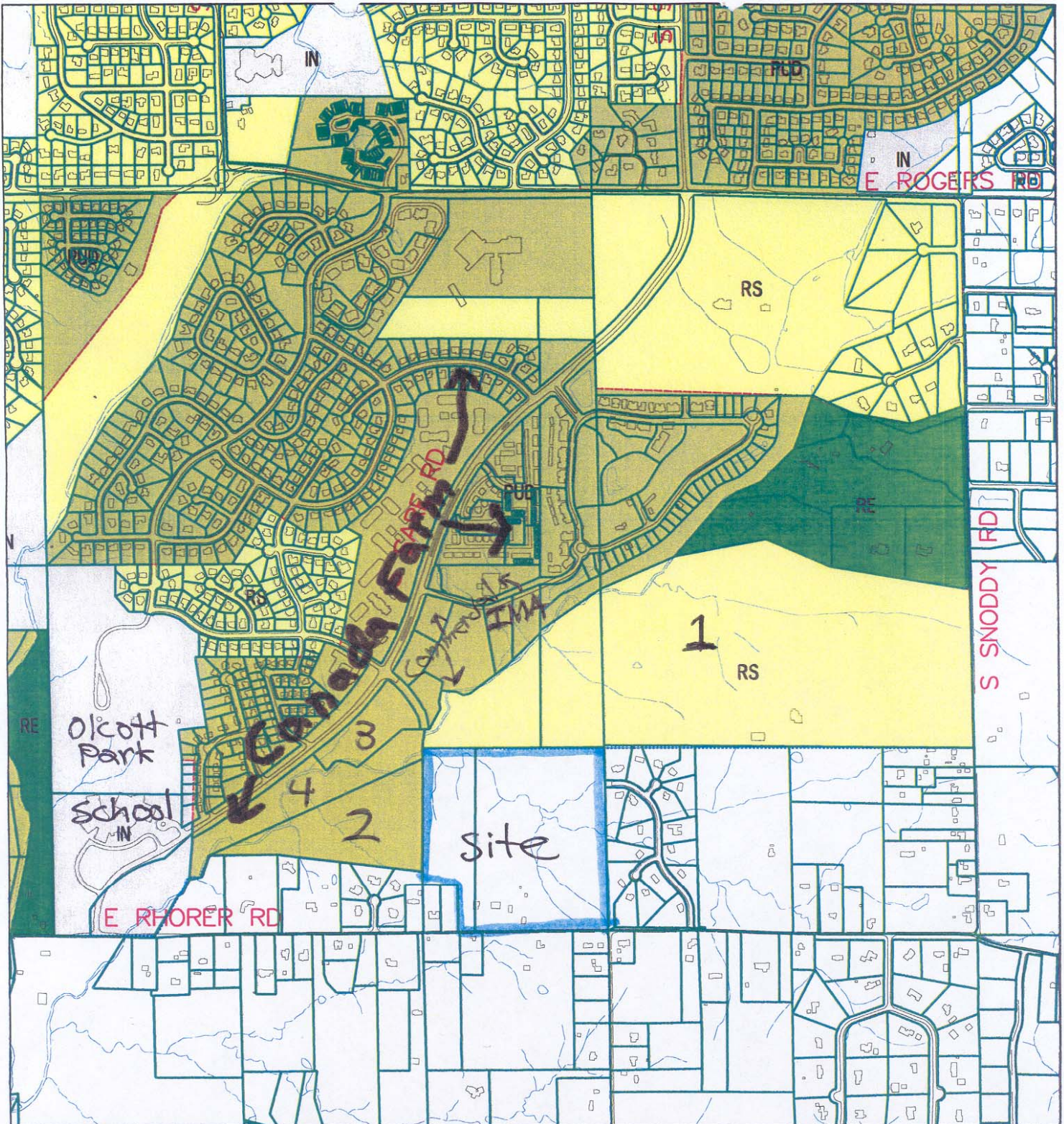
Utilities – The developer proposes to serve this site with both City water and sewer. Sewer is available due the presence of an interceptor along the East Fork of Jackson Creek. Water is available along Sare Road and would have to be extended eastward across the Creek.

In addition, the City Utilities Department has developed plans for the future construction of a redundant water transmission line that would convey water service from the Lake Monroe treatment facility to the City of Bloomington. Designs for this transmission line show water service running across the front of this property along Rhorer Road to a connection point at the Sare/Rhorer intersection. If a roadway network was connected through the interior of this site to the Canada Drive stub, the water transmission line connection to Sare Road could be considerably shortened with reduced installation costs.

Impacts to Monroe County Community School Corporation (MCCSC) –

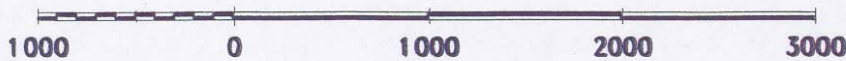
Planning staff has spoken to MCCSC officials concerning impacts of this potential site development. MCCSC officials noted that development of the 38 acre site would have minimal impact to the Binford Rogers School District serving this area. MCCSC officials concur with Planning staff that a larger PUD encompassing all 152 acres of the petitioner's landholding would impact elementary school enrollments. Planning has encouraged MCCSC to talk to property owners in the area to prepare for potential enrollment impacts of such a PUD request.

RECOMMENDATION: The Plan Commission is forwarding the PUD request to the Common Council with a positive recommendation. However, in order for the PUD request to be considered for this property (Ordinance 09-01), the Council must also act on Resolution 09-01 to amend the City/County Interlocal Cooperation Agreement. Action on this resolution would allow the 38.31 acre property to be transferred into the City's Areas Intended for Annexation (AIFA).



- Parcel 1 - 96 acres / 4 units per acre
- Parcel 2 - 13 acres / 1 unit per acre
- Parcel 3 - 5 acres / 5.9 units per acre
- Parcel 4 - Undevelopable

By: greulice
3 Oct 08



N

City of Bloomington
Planning

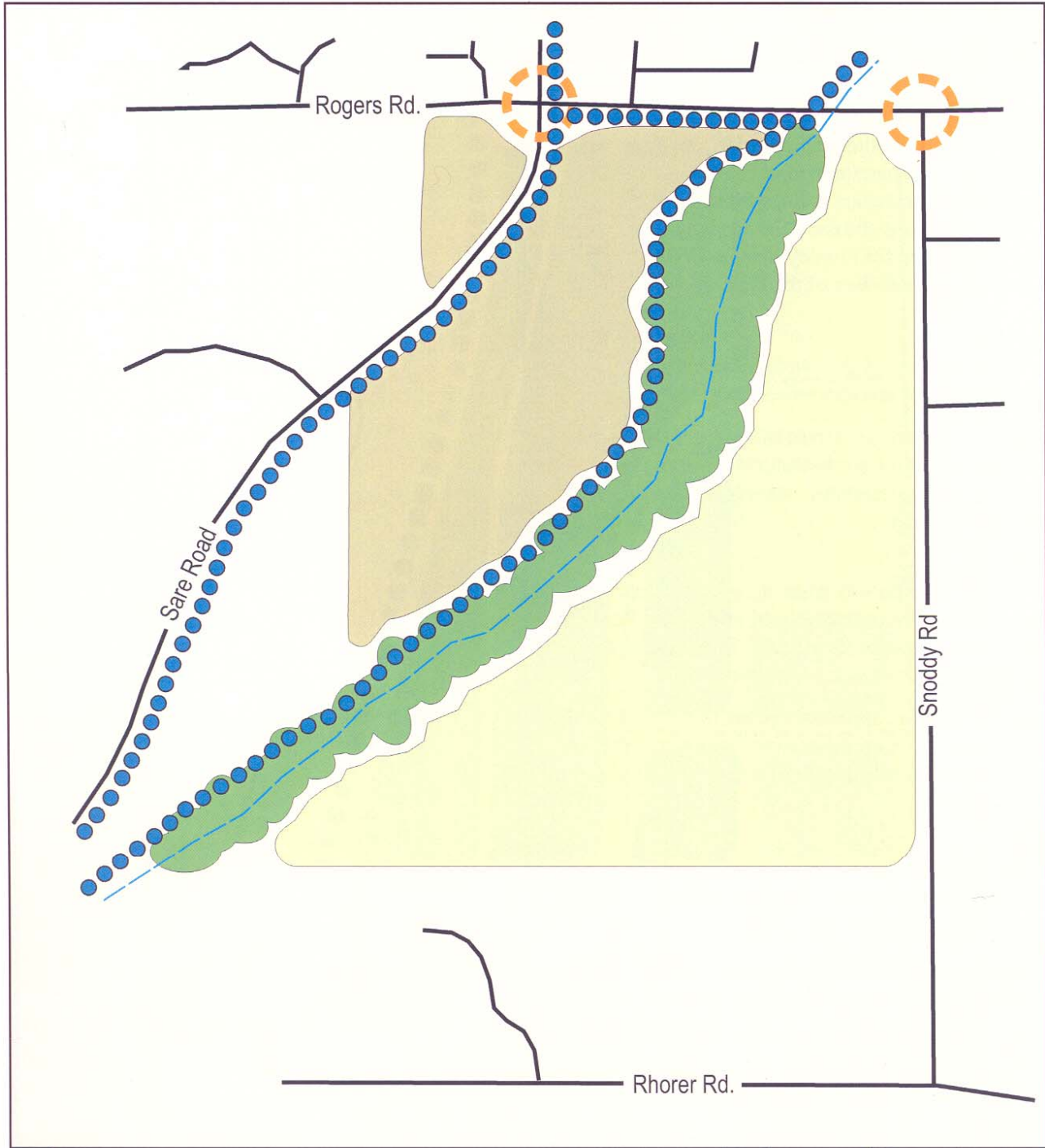


Scale: 1" = 1000'

For reference only; map information NOT warranted.



PART 3: Critical Subareas



MAP LEGEND

Conservation Residential	New Roadway
Urban Residential	Creek
Preserve Stream Corridor	Alternative Transportation Path
Existing Roadway	Improve Intersection

East Jackson Creek Subarea
Prepared by: Ground Rules, Inc.



EX H 3



PART 3: Critical Subareas

East Jackson Creek Subarea

Intent

This site is located south of Rogers Road, west of Snoddy Road, east of the Canada Farm PUD and Sherwood Oaks Christian Church, and runs south to the City's planning jurisdiction boundary. This area is divided by the floodway of the East Fork of Jackson Creek. This Subarea is intended to provide additional residential development opportunities at mixed urban densities, while defining the southeastern urban edge of Bloomington.

Land Use Policies

- *Urban scale densities are appropriate west of Jackson Creek, with a mix of residential types encouraged to complement existing development patterns.*
- *Reduced densities (less than 1 unit per acre) are appropriate for the area east of Jackson Creek.*
- *Development must be sensitive to the environmental constraints present in the area. As well, the preservation of Jackson Creek's floodplain should be incorporated into plans using conservation easements and greenways.*

Urban Services

- *The intersection of Rogers and Sare Road has poor geometry for a 4-way intersection, necessitating the existing four-way stop configuration. This intersection will require full signalization as development progresses south of Rogers Road.*
- *The poor sight distance at the Rogers Road/Snoddy Road intersection must be improved as additional traffic is generated from this Subarea.*
- *Road connections across the Jackson Creek floodplain are not recommended due to topographic and other environmental constraints. Options for additional pedestrian connections should be explored with each development east of Jackson Creek.*

Site Design

- *A goal for this Subarea is to utilize innovative residential design to minimize site disturbance and protect scenic areas. Clustering and smaller lot sizes should be considered as an alternative to large-lot subdivision.*
- *Additional recommended elements of site design should include pedestrian facilities, such as sidewalks or asphalt pathways, to connect with Schmaltz Farm Park as well as the future commercial/office development within the Canada Farm PUD. A major sidepath facility should be installed along the south side of Rogers Road connecting Schmaltz Farm Park with the Sare Road pathway accessing the Canada Farm PUD.*



Conservation Residential

Intent

This category identifies areas possessing special natural environmental characteristics that require careful attention with regard to development proposals. It includes areas within the Lake Monroe and Lake Griffy watersheds as well as areas containing steep slopes and woodlands. This category also identifies areas that may be poorly served by public water, sewer, and roads. Any development in Conservation Residential areas should be low in density and clustered in a manner that protects environmentally sensitive lands and preserves infrastructure capacity.

Land Use

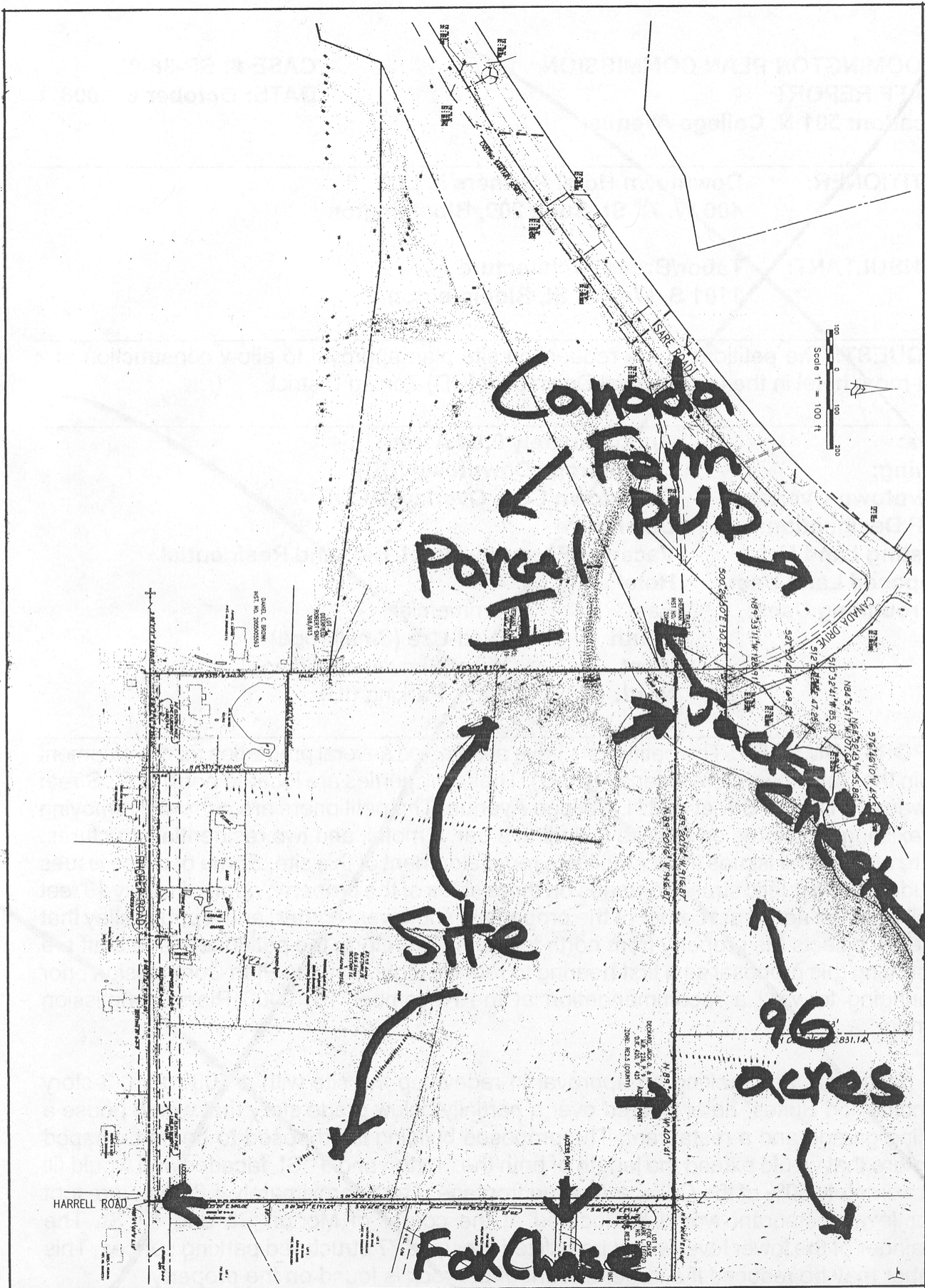
Due to the environmental characteristics of these areas, large lot single family development should be permitted and urban densities discouraged. The minimum lot size should be at least 2.5 acres.

Urban Services

Conservation Residential areas are typically located on rural roads, with County services and access to City water. Sewer service in these areas is spotty. With respect to new development, all sewer service requests should be closely scrutinized. Other public facilities, such as sidewalks and drainage structures, should be required to ensure that there are no incentives to develop substandard subdivisions.

Site Design

As development in Conservation Residential Areas will be single-family residential in nature, dwellings and structures will comply with the development standards as set out in the Zoning and Subdivision Ordinances. Further, dwellings and structures shall be sited so not to hinder any environmentally sensitive areas or conditions. Access to property located within these areas should be from existing streets and roads. The development and construction of new public roadways within these areas should be discouraged. Development standards should encourage clustering of homes in order to limit the consumption of open space as much as possible. Subdivision regulations should require that designated common open spaces not include open areas of private lots.



Designed by
Drawn by
Sheet no.
Project no. 460722

Proposed:
DECKARD PROPERTY
Bloomington, Indiana

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EXHIBIT