



City of Bloomington Common Council

Legislative Packet

Regular Session

5 November 2008

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/council>



Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas

None

Annual Council Schedule

- **Annual Council Schedule for 2009**
 - Memo to Council

Legislation for Final Action (Listed in Order of Consideration at the Committee of the Whole:

- **App Ord 08-06** To Specially Appropriate from the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Workers Compensation Expenses)
Contact: Mike Trexler at 349-3416 or trexlerm@bloomington.in.gov or Daniel Grundmann at 340-9-3578 or grundmad@bloomington.in.gov
- **Ord 08-21** To Vacate A Public Parcel - Re: A Segment of the Fairview Street Right-of-Way Running North/South Between 515 West Patterson Drive and 1300 South Patterson Drive (Cook Pharmica, LLC, Petitioner)
Contact: Lynne Darland at 349-3529 or darlandl@bloomington.in.gov
- **Ord 08-20** To Amend the Preliminary Plan for the Clarizz Planned Unit Development (PUD) to Allow an Additional 1350 Square Feet of Medical Office Space - Re: 583 S. Clarizz Blvd. (Orthopedics of Southern Indiana)
Contact: Pat Shay at 349-3524 or shayp@bloomington.in.gov

- **Ord 08-19** To Amend Title 15 Of The Bloomington Municipal Code Entitled “Vehicles And Traffic”
 - **Am 01** (Piedmont-Smith) - would insert a 4-way stop at the intersection of Allen and South Henderson Street;
 - **Am 03** (Sturbaum) – would convert some of the proposed 2-hour parking on the north side of 4th Street between Madison and Rogers Street to 1-hour parking (2 spaces on the east and 1 space on the west of the alley) and unrestricted parking (the remaining spaces west of the alley) ;
 - **Am 04** (Volan) – calls for a quarterly audit of downtown parking usage;
 - **Am 05** (Ruff) – would lower the escalating fine for a Class D Violation from \$25/\$40 to \$20/\$40;
 - **Am 06** (Volan) – would introduce one of the two changes proposed by Bloomington - Transportation Options for People (B-TOP). In particular, it would increase the:
 - 12/5 non-reserved monthly parking pass from \$38 to \$46.
(*Note: All of these amendments have been compiled in this packet.*)

*Contact: Susie Johnson at 349-3411 or johnsons@bloomington.in.gov
(for fees and fines)*

*Justin Wykoff at 349-3593 or wykoffj@bloomington.in.gov
(for traffic controls)*

*Jacquelyn Moore at 349-3426 or mooreja@bloomington.in.gov
(for legal questions)*

Please see the [October 15th Council Legislative Packet](#) for the legislation, summary and materials (except for all of the amendments to Ord 08-19 which are now compiled in this packet).

Legislation and Background Material for First Reading:

- **Ord 08-12** To Vacate A Public Parcel - Re: Four Right-of-Ways on the Property Known as Fairview School Located at 627 West 8th Street (Monroe County School Corporation, Petitioner)
 - Zoning Map of the Surrounding Area; Aerial Map of Area; Depiction of Vacated Right-of-Ways; Memo to Council from Lynne Darland, Zoning and Enforcement Manager; Petition; Letter from Petitioner; Elevations and Floor Plans; Insert Indicating Responses from Utilities and Emergency Services

Contact: Lynne Darland at 349-3529 or darlandl@bloomington.in.gov

Minutes from Regular Session:

- October 15, 2008

Memo

2009 Annual Schedule and Four Ordinances Ready for Final Action and One Ordinance Ready for Introduction at the Regular Session on Wednesday, November 5th

The 2009 Annual Schedule and four ordinances are ready for final action and one ordinance is ready for introduction at the Regular Session next Wednesday. The Annual Schedule and Memo can be found in this packet and are summarized herein. The four ordinances ready for final action can be found in the [October 15th Council Legislative Packet](#). For your convenience, the amendments to **Ord 08-19** have been compiled in this packet. The one ordinance ready to be introduced next week can also be found in this packet

Annual Schedule

This packet contains the proposed Council Schedule for 2009 and a memo explaining it. Please review the material and offer your comments and be ready to a vote on it this coming Wednesday.

Here are some of the meetings or deadlines that do not follow the usual first-four-Wednesdays-a-month schedule:

- **January** – proposed Organizational and Committee of the Whole on Wednesday, January 7th (rather than the first Monday of the month);
- **March** – proposed doubling up meetings on the fourth Wednesday with a Regular Session immediately followed by a Committee of the Whole in order to take off during Spring Break;
- **April** – The first Committee of the Whole in April falls on the first night of Passover. Rather decide what to do about the conflict now, the Annual Schedule notes the conflict and lets the Council take action next year when it has a better idea of the work load that month.

- **Budget Meetings (May, July, and September)**

This schedule proposes holding the:

- Budget Advance on Wednesday, May 13th;
- Departmental Budget Hearings on the fourth week of July (July 20th – 23rd), and
- Usual budget hearings on the first and second Wednesdays in September.

Please note that the Controller's Office has confirmed these dates.

- **Other Meetings in July** – proposed Committee of the Whole on the fifth Wednesday (in order to avoid doubling up earlier in the month or canceling the Committee.)
- **November** – proposed doubling up of Regular Session and Committee of the Whole on November 4th and November 18th because the Council will not meet on Veteran's Day (November 11th) and the Wednesday before Thanksgiving (November 25th.)
- **Fifth Wednesdays** - note that there are five Wednesdays in April, July, September, and December (*which affect deadlines for filing legislation and provide opportunities to shift your meetings.*)

**Item One - Ord 08-12 – Vacating Four Right-of-Ways
on Property Known as Fairview School Located at 627 West 8th Street
on Behalf of the Monroe County School Corporation (MCCSC)
for the Construction of a New Fairview School**

Ord 08-12 vacates four right-of-way segments on the property occupied by Fairview School at 627 West 8th Street on behalf of MCCSC in order to construct a new and demolish the old elementary school.

General Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures. Those procedures are found at I.C. 36-7-3-12 et seq. and start with the petitioner filing an application with the Council. The Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing wherein the public can offer its comments and objections

against the action to the Council (November 19, 2008). According to statute, the grounds for remonstrance are limited to questions of access and the orderly development of the area. In the event the ordinance is adopted by the Council, the Clerk must then file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Staff reviews the request and notifies all the utility services, safety services and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria, staff prepares a report and an ordinance for the Council Office. The City Clerk then assures that an ad is placed in the paper and that abutting property owners have been notified by certified mail of the public hearing

Please note that the Council's action to vacate a right-of-way or an easement must be done in the public interest. It extinguishes the City's interest in the property and generally has the effect of splitting the right-of-way between the adjacent owners.

The following paragraphs summarize the application of the local criteria to this request as presented in reports and background material provided by Lynne Darland, Zoning and Enforcement Manager.

Petition

According to the memo from Lynne Darland, letter from petitioner, and other material in the Council Office, the petitioner wishes to build a new school on the south east corner of this block and then demolish the current building on the north west corner of the block. The current structure was built in 1928, added onto in 1953, and completely remodeled in 1990. The 45-foot drop from the west to east end of the block led to a school with seven levels and the decision to construct an entirely new and much more accessible building at the lower end of the site. When completed, the new school will face 7th Street, have bus pull-offs in front, a parent drop-off accessed from W. 8th, two age-based playgrounds on the west and a small parking lot with a terraced garden at the north west corner of the site.

Concerns of Surrounding Property Owners.

The Memo from Darland does not mention any concerns from neighbors.

Description of Vacated Property. The vacated right-of-ways are all within the block currently occupied by Fairview School and the Second Baptist Church and include: a 40-foot wide portion of Fairview Street; a 12-foot wide east/west alley

running across the entire block; a 12-foot wide alley running north/south across the west side of the block and a portion of a 12-foot alley running north/south on the east side of the block. Please note that the legal description of these right-of-ways was provided by the petitioner and is set forth in the ordinance and accompanied by a map that is attached to the ordinance.

Interest of Utilities and Safety Services. I.C. 36-7-3-16 protects utilities which occupy or use all or part of the public way from losing their rights upon the vacation of the right-of-way unless they choose to waive those rights. The only utility indicating actual interests in the right-of-ways was the City of Bloomington Utility Department, which has a water line in the eastern most north/south alley. The memo from Lynne Darland states that the petitioner has agreed to relocate the line to Rogers Street since the line lies under the footprint of the new elementary school. Please note that the memo also says that the Police and Fire departments were contacted and found no problem with the vacation.

Current Status - Access to Property. The Memo indicates that these right-of-ways are not improved and do not provide access to or through the site. In fact, the petitioner noted that one portion of the eastern most north/south alley was vacated at the request of the Second Baptist Church in 1996 (Ord 96-20).

Necessity for Growth

Future Status – The Memo found that “no public utilization of these right-of-ways is anticipated by the City [and that] ...[a]ll public services can be adequately served through the remaining right-of-ways in the immediate area with the use of easements.”

Private Utilization – the memo indicates that the vacation “will allow the petitioner to move forward with their plans to construct a new school on the same property as the existing school.”

Compliance with regulations – The memo says that the vacation “will not create any issues regarding compliance with local regulations.” Please note that the Plan Commission approved the site plan in July, the BZA approved a package of variances in July and October, and the Historic Preservation Commission decided not to designate the older part of the building as historic as part of a demolition review process in October. Copies of material from these bodies are available in the Council Office for anyone who wishes to learn more about those deliberations.

Relation to City Plans – The memo indicates that “the proposal is consistent with City plans” and that “MCCSC has worked diligently and faithfully with the City to create an acceptable school plan where the school will remain in the city where children can walk and bike to school. Loss of this right-of-way does not conflict with the City’s Thoroughfare Plan or Growth Policies Plan.”

Approvals and Recommendation

The Board of Public Works voted to support this vacation on condition that the petitioner would relocate the City water line to Rogers Street (which has been agreed to by the petitioner).

Happy Birthday Brad Wisler (Nov. 6th)

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, NOVEMBER 5, 2008
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: October 15, 2008 (Regular Session)

IV. REPORTS FROM:

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
 - **Annual Council Schedule for 2009**
- 4. Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Appropriation Ordinance 08-06 To Specially Appropriate from the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Worker's Compensation Expenses)

Committee Recommendation: Do Pass 8 – 0 – 1

2. Ordinance 08-21 To Vacate a Public Parcel – Re: A Segment of the Fairview Street Right-of-Way Running North/South Between 515 West Patterson Drive and 1300 South Patterson Drive (Cook Pharmica, LLC, Petitioner)

Committee Recommendation: Do Pass 8 – 0 – 1

** Motion to Postpone Until November 19th Anticipated*

3. Ordinance 08-20 To Amend the Preliminary Plan for the Clarizz Planned Unit Development (PUD) to Allow an Additional 1350 Square Feet of Medical Office Space – Re: 583 S. Clarizz Blvd. (Orthopedics of Southern Indiana)

Committee Recommendation: Do Pass 8 – 0 – 1

4. Ordinance 08-19 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"

Committee Recommendation:	Do Pass with Amendments	2 – 0 – 7
	Am 01	3 – 0 – 6
	Am 03	7 – 0 – 2
	Am 05	7 – 0 – 2
	Am 06	1 – 5 – 3

VII. LEGISLATION FOR FIRST READING

1. Ordinance 08-12 To Vacate a Public Parcel – Re: Four Right-of-Ways on the Property Known as Fairview School Located at 627 West 8th Street (Monroe County School Corporation, Petitioner)

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



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

To: Council Members
From: Council Office
Re: Calendar for the Week of November 3-8, 2008

November is Adopt-a-Senior Pet Month!

Monday, November 3, 2008

5:00 pm Redevelopment Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room

Tuesday, November 4, 2008



City Holiday: Election Day – Offices Closed.

Wednesday, November 5, 2008

10:30 am Safe Routes to School Task Force, Hooker Room
12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
4:00 pm Opening Reception for National American Indian Heritage Month, Atrium
5:00 pm Solid Waste Management District Citizen's Advisory Committee, McCloskey
5:30 pm Commission on Hispanic and Latino Affairs, Hooker Room
7:30 pm Common Council Regular Session, Council Chambers

Thursday, November 6, 2008

11:30 am Solid Waste Management District, Monroe County Courthouse, Judge Nat U. Hill, III Room
4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
7:00 pm Environmental Commission, McCloskey
7:00 pm Peak Oil Task Force, Hooker Room
7:30 pm Telecommunications Council, McCloskey

Happy Birthday Brad Wisler, Councilmember, District II!

Friday, November 7, 2008

No meetings are scheduled for this date.

Saturday, November 8, 2008

9:00 am Bloomington Community Farmers' Market, Showers Common, Showers Building, 401 N. Morton

Posted and Distributed: Friday, October 31, 2008

**COMMON COUNCIL
MEETING SCHEDULE AND LEGISLATION DEADLINES FOR THE YEAR 2009
(Subject to Revision by Common Council)**

LEGIS CYCLE	DEADLINE FOR ORDINANCES; E-MAILED TO CCL BY NOON	DEADLINE FOR RESOLUTIONS; E-MAILED TO CCL BY NOON	REGULAR SESSION 1st READING FOR ORDS.	COMMITTEE DISCUSSION	REGULAR SESSION FINAL ACTION
1	Mon. Dec. 22 (2008)	Mon. Dec. 22 (2008)	¹ Jan. 7	¹ Jan. 7	Jan. 21
2	Mon. Jan. 12	Fri. Jan. 16	Jan. 21	Jan. 28	Feb. 4
3	Mon. Jan. 26	Mon. Feb. 2	Feb. 4	Feb. 11	Feb. 18
4	Mon. Feb. 9	Fri. Feb. 13	Feb. 18	Feb. 25	Mar. 4
5	Mon. Feb. 23	Mon. Mar. 2	Mar. 4	Mar. 11	² Mar. 25
6	Wed. Mar. 11	Wed. Mar. 11	Mar. 25	Mar. 25	Apr. 1
7	Mon. Mar. 23	Mon. Mar. 30	Apr. 1	⁸ Apr. 8	Apr. 15
8	Wed. Apr. 1	Mon. Apr. 13	Apr. 15	Apr. 22	³ May 6
9	Wed. Apr. 22	Mon. May 4	May 6	⁴ May 13	May 20
10	Mon. May 11	Mon. May 18	May 20	May 27	June 3
11	Mon. May 25	Mon. Jun. 1	June 3	June 10	June 17
12	Mon. June 8	Mon. June 15	June 17	June 24	July 1
13	Mon. June 22	Mon. June 29	July 1	July 8	July 15
14	Mon. July 6	Wed. July 15	⁴ July 15	^{4 & 5} July 29	⁶ Aug. 5
AUGUST RECESS					
15	Wed. Aug. 19	Wed. Aug. 19	⁷ Sep. 2	⁷ Sep. 9	Sep. 16
16	Fri. Sep. 4	Mon. Sep. 14	Sep. 16	Sep. 23	³ Oct. 7
17	Wed. Sep. 23	Mon. Oct. 5	Oct. 7	Oct. 14	Oct. 21
18	Fri. Oct. 9	Mon. Oct. 19	Oct. 21	Oct. 28	Nov. 4
19	Mon. Oct. 26	Mon. Oct. 26	⁹ Nov. 4	⁹ Nov. 4	⁹ Nov. 18
20	Wed. Nov. 4	Wed. Nov. 4	⁹ Nov. 18	⁹ Nov. 18	Dec. 2
21	Wed. Nov. 18	Mon. Nov. 30	Dec. 2	Dec. 9	⁷ Dec. 16

YEAR END RECESS

First Legislative Cycle for 2010:

Mon. Dec. 21 (2009)	Mon. Dec. 21 (2009)	¹ Wed. Jan. 6 (2010)	¹ Wed. Jan. 6 (2010)	Wed. Jan. 20 (2010)
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Deadlines for Legislation: The deadline for submitting legislation and all accompanying materials, including a summary memo, is noon on the date listed. For information on the manner for submitting these materials, please inquire with the Council Office.

Unless otherwise indicated, the Council meets on the first four Wednesdays of the month in the Council Chambers in Room 115 of the Showers Center, 401 North Morton, at 7:30 p.m. The following footnotes list and explain the exceptions to this general rule:

- There will be an annual Organizational Meeting on this date when the Council elects officers and gives legislation first reading. The meeting is generally held on the first Monday in January, except when it is a legal holiday, in which case the meeting is held on the first Tuesday. (BMC 2.04.050[c & d]). However, by the adoption of this schedule, the Council has set this meeting for the first Wednesday after the first Monday in January. This meeting will be immediately followed by a Committee of the Whole.
- The Council will not meet during Spring Break and will move its second Regular Session in March to the fourth Wednesday and hold it immediately before the second Committee of the Whole that month.
- There will be two weeks between the Committee of the Whole and the Regular Session due to the occurrence of a fifth Wednesday in these months.
- There will be a Council Budget Advance in the McCloskey Room of City Hall at 5:30 p.m. on Wednesday, May 13th and Departmental Budget Hearings in the Council Chambers at 6:00 p.m. on Monday, July 20th, Tuesday, July 21st, Wednesday, July 22nd, and Thursday, July 23rd 2009.
- Due to the Departmental Budget Hearings being held during the fourth week of July, the second Committee of the Whole will be held on the fifth Wednesday of July.
- Since the Council will have a brief recess after first meeting in August and the second Regular Session in December, no legislation will be introduced for first reading at these meetings. (BMC 2.04.060 [e] & [g])
- The Council will consider the City Budget for 2010 along with routine legislation during the first legislative cycle in September. The City Budget will be considered at a public hearing during the Committee of the Whole to be held immediately after the Regular Session on the first Wednesday in September and be ready for final adoption at a Special Session on the Second Wednesday in September. Typically, non-budget related legislation for that legislative cycle will be discussed at a Committee of the Whole to be held immediately after the Special Session on the second Wednesday in September and will be given final action at the Regular Session on the third Wednesday in September.
- The first Committee of the Whole in April falls on the evening of Passover. Depending upon the workload that month, the Council may hold the meeting immediately after the first Regular Session in April or cancel it.
- The Council will not meet on the second Wednesday in November because it falls on Veterans' Day and will not meet on the fourth Wednesday of November because it is the night before the Thanksgiving Holiday (BMC 2.04.050(f)). For those reasons, the Council will hold a Regular Session immediately followed by a Committee of the Whole on the first and third Wednesdays of November.



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

To: Council Members
From: Council Office
Re: Approving the Annual Schedule for Year 2009 on November 5th
Date: October 31, 2008

Contents

Memo with Highlights of Meeting and Scheduling Issues
Proposed Annual Schedule for 2009

Memo

The Council should set its schedule for next year by mid-November so that the City Calendar can be finished before our Intern, Michael Falls, leaves for winter vacation. The Council typically meets on the first four Wednesdays of the month, with Regular Sessions being held on the first and third Wednesday and Committees of the Whole being held on the second and fourth Wednesday.

Explanation of the Schedule Sheet. The Annual Schedule presents these meetings in legislative cycles which appear as 21 rows with 6 columns. The rows indicate the 21 legislative cycles next year. Legislative cycles begin with a Regular Session, are followed by a Committee of the Whole, and end with another Regular Session. The 5 columns indicate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 6</u>
Legislative Cycle	Deadline for Filing Ordinances	Deadline for Filing Resolutions	Regular Session <i>When Ordinances are Introduced</i>	Committee of the Whole <i>When Ordinances and Newly Introduced Resolutions are Discussed</i>	Regular Session <i>When Ordinances and Resolutions are Ready for Final Action</i>

Deadlines. The deadline for legislation generally falls 10 days before the meeting at which the legislation is scheduled to be introduced (whether at a Regular Session or a Committee of the Whole) and provides time for staff to review the legislation and prepare the weekly legislative packet for distribution on Friday. The deadline is typically on the Monday of the week before that meeting (or, in other words, the Monday of the week the Council packet for that meeting goes out). However, the deadline is moved back a day when there is a City holiday during that week and is moved back as much as a week when there are 5th Wednesdays in the month. This latter change allows staff to take time-off other than during the August Recess. Please note that the Municipal Code requires legislation and background material be filed at least two weeks before the item is to be introduced at the Council.

Explanation of the Footnotes. The footnotes in the Annual Schedule indicate those occasions when the Council does not meet on a Wednesday or does not follow the usual four-Wednesdays-a-month routine.

Religious Holidays. Please note that this calendar schedules a Committee of the Whole on the evening of Passover (April 8th). As an alternative the Council could schedule this meeting after the Regular Session on April 1st, shift all of the last three meetings back a week because there are five Wednesdays that month, or dispense with the meeting entirely. The decision to double up on the first Wednesday or cancel the Committee of the Whole could be made next year but, given the number of changes entailed, the decision to shift three meeting should be made with the Annual Schedule. The decision in this schedule is to keep the meeting on that evening and defer action on changing it until next year.

There may be other religious holidays you want to observe and for that reason a copy of the IU "Five-Year Religious Holidays Calendar" is available in the Council Office or can be found on the web at http://www.indiana.edu/~deanfac/rel_hol_cal.html.

Please review the following highlights and the accompanying schedule and be prepared to vote on the schedule at the November 5th Regular Session.

Proposed Annual Schedule - Highlights and Issues

January

Wednesday, January 7th Organizational Meeting and Committee of the Whole. *Please note that while statute no longer requires the Council to hold an Organizational Meeting on the first Monday of the new year (unless it was a legal holiday, in which case the meeting was to be held on Tuesday), our local code still does. However, under local code you may reschedule that meeting by a majority vote of the Council (e.g. by approving a different date in the Annual Schedule).*
Question: We typically hold the Organizational Meeting and the first Committee of the Whole immediately after it. Do you want to meet on the first Wednesday after the first Monday of the year or on the second Wednesday of that month (January 14th)?

March

Spring Break occurs during the week of March 15th – 21st. This schedule avoids meeting during Spring Break by moving the second Regular Session in March from the third to the fourth Wednesday immediately before the second Committee of the Whole of March.

Wednesday, March 18th No Regular Session (*Spring Break*)

Wednesday, March 25th Regular Session immediately followed by a Committee of the Whole (*because the Regular Session would otherwise fall during Spring Break*).

April

There are five Wednesdays this month and the second Wednesday falls on the first evening of Passover. As noted in the opening paragraphs, this schedule leaves the Committee of Whole on that night rather than doubling up the week before, canceling the meeting entirely or shifting the last three meetings of the month back a week. All but the last alternative could easily be done by a motion of the Council next March or April. Please share your thoughts on how you want to approach this conflict.

Wednesday, April 29th

No Meeting – Fifth Wednesday

May

Wednesday, May 13th

“Budget Advance” in the McCloskey Room at 5:30 p.m. *Please note that the budget-related meetings have been confirmed with the Controller’s Office.*

July

July is unusual for two reasons: first, there are five Wednesdays in the month and second, the Council typically holds Departmental Budget Hearings over four evenings during the fourth week of the month. This will mean that the second Committee of the Whole will be shifted from the fourth to the fifth Wednesday of the month.

Monday, July 20th

Start of Departmental Budget Hearings which will begin at 6:00 p.m.

(Through)
Thursday, July 23rd

End of Departmental Budget Hearings

Wednesday, July 29th

Committee of the Whole will be held on the fifth Wednesday

August

Wednesday, August 5th

August Recess begins after Regular Session

September

Wednesday, September 2nd

August Recess ends with Regular Session immediately followed by Committee of the Whole to discuss the 2010 Budget

Wednesday, September 9th

Council will hold Special Session to take action on 2010 budget immediately followed by a Committee of the Whole to discuss non-budget related legislation for the first legislative cycle in August.

November

November is unusual this year because there are holidays on two of our normal meeting nights. First, Veterans' Day falls on the second Wednesday of the month and, second, Thanksgiving falls after the fourth Wednesday of the month

Wednesday, November 4th Regular Session immediately followed by a Committee of the Whole (*in order to provide for a Committee of the Whole which would not otherwise occur because of Veterans' Day*)

Wednesday, November 11th 2nd Wednesday - No Meeting - Veterans' Day

Wednesday, November 18th Regular Session immediately followed by a Committee of the Whole (*in order to provide for a Committee of the Whole which would not otherwise occur because of Thanksgiving*).

Wednesday, November 25th 4th Wednesday – No Meeting - Night Before Thanksgiving

December

Wednesday, December 16th Last meeting of the year

Note that there are five Wednesdays in December, so you will have an extra week off before our first meeting of the new year.

Ordinance 08-19: To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic”

AMENDMENTS

- **Am 01** (Piedmont-Smith) - would insert a 4-way stop at the intersection of Allen and South Henderson Street
- **Am 03** (Sturbaum) – would convert some of the proposed 2-hour parking on the north side of 4th Street between Madison and Rogers Street to 1-hour parking (2 spaces on the east and 1 space on the west of the alley) and unrestricted parking (the remaining spaces west of the alley)
- **Am 04** (Volan) – calls for a quarterly audit of downtown parking usage
- **Am 05** (Ruff) – would lower the escalating fine for a Class D Violation from \$25/\$40 to \$20/\$40
- **Am 06** (Volan) – would introduce one of the two changes proposed by Bloomington - Transportation Options for People (B-TOP). In particular, it would increase the:
 - 12/5 non-reserved monthly parking pass from \$38 to \$46

***** Amendment Form *****

Ordinance #: 08-19
Amendment #: 01
Submitted By: Councilmember Piedmont, District 5
Date: September 12, 2008

Proposed Amendment:

1. Ord 08-19 shall be amended by inserting Section 61, which shall read as follows:

Section 63. Section 15.12.010 Schedule A of Bloomington Municipal Code Chapter 5.12 “Stop, Yield, and Signalized Intersections” shall be amended by deleting the following stop intersection:

STOP INTERSECTIONS

Traffic On	Shall Stop for Traffic on
Allen Street	Henderson Street

2. Ord 08-19 shall be amended by inserting Section 62, which shall read as follows:

Section 64. Section 15.12.010 Schedule B of Bloomington Municipal Code Chapter 5.12 “Stop, Yield, and Signalized Intersections” shall be amended by adding the following multi-stop intersection:

MULTI-STOP INTERSECTIONS

Henderson and Allen Street	4-Way
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3. Ord 08-19 shall be further amended by renumbering the subsequent sections accordingly.

Synopsis

This amendment is sponsored by Councilmember Piedmont-Smith. It converts the intersection of Henderson and Allen Street from a 1-Way stop for traffic on Allen to a Multi-Way stop for traffic on Allen, the Bryan Park Entrance, and Henderson. This change was recommended by the Traffic Commission in order to slow traffic on Henderson which, on average, was going almost twice the legal limit of 20 mph. However, it was opposed by staff, which concluded that the traffic counts did not warrant the stop and stop signs should not be used to slow traffic. In an understanding with the Council Office, all such disputed items come forward as an amendment that needs sponsorship a member of the Council.

10/29/08 Committee Action: 3 (Piedmont-Smith, Rollo & Sturbaum) - 6
10/1/08 Regular Session Action: Pending
September 12, 2008

***** Amendment Form *****

Ordinance #: 08-19
Amendment #: Am 03
Submitted By: Councilmember Sturbaum, District 1
Date: October 10, 2008

Proposed Amendment:

1. Section 11 of Ord 08-19 shall be amended by deleting the following line from Schedule N (Limited Parking Zones):

LIMITED PARKING

Street	From	To	Side of Street	Limit
Fourth Street	1 st Alley East of Madison Street	1 st Alley West of Rogers Street	North	2 Hr. (8)

2. Section 11 of Ord 08-19 shall be amended by adding the following lines to Schedule N (Limited Parking Zones):

LIMITED PARKING

Street	From	To	Side of Street	Limit
Fourth Street	1 st Alley East of Madison Street	3 rd Space East of the 1 st Alley West of Madison Street	North	2 Hr. (8)
Fourth Street	2 nd Space East of the 1 st Alley West of Madison Street	1 st Space West of the 1 st Alley West of Madison Street	North	1 Hr. (8)
Fourth Street	Rogers Street	1 st Alley West of Rogers Street	North	2 Hr. (8)

Synopsis

The ordinance would convert all of the spaces on the north and south side of 4th Street between Madison and Rogers from unrestricted parking to 2-hour parking from 5:00 a.m. to 5:00 p.m. on Monday through Saturday. This amendment is sponsored by Councilmember Sturbaum and would add three 1-hour parking spaces on the north side of this block to help businesses in the area and leave a few spaces near Rogers Street on this side of the block unrestricted to help the residents of the area. In particular, it would place two 1-hour parking spaces just east of the alley and one 1-hour parking space just west of the alley and leave the remaining spaces west of the alley as unrestricted parking.

10/29/08 Committee Action: 7 – 0 – 2 (Mayer and Satterfield)

11/5/08 Regular Session Action: Pending

October 10, 2008

***** Amendment Form *****

Ordinance #: 08-19
Amendment #: Am 04
Submitted By: Councilmember Volan, District 6
Date: October 23, 2008

Proposed Amendment:

1. Ord 08-19 shall be amended by inserting a new Section 63 and renumbering the subsequent sections accordingly. The new Section 63 shall read as follows:

Section 63. The Office of the Mayor shall submit to the Common Council a comprehensive public parking report on a quarterly basis, which audits usage of downtown parking facilities. Downtown parking facilities include both public and private parking spaces on the street as well as in lots and garages within the area as described in the study entitled "Walker Downtown Master Plan – Final Report." The purpose of the audit is to provide accurate records of parking supply and demand over time to help develop and implement a rational and fact-based transportation plan to promote the vitality of the downtown.

Synopsis

This amendment is sponsored by Councilmember Volan and would require the Office of the Mayor to submit a comprehensive public parking report on a quarterly basis to the Council Office. The purpose of the audit is to provide accurate records of parking supply and demand over time to help develop and implement a rational and fact-based transportation plan to promote the vitality of the downtown.

10/29/08 Committee Action: Not Introduced that evening
11/5/08 Regular Session Action: Pending

October 28, 2008

***** Amendment Form *****

Ordinance #: 08-19
Amendment #: Am 05
Submitted By: Councilmember Ruff, At-Large on behalf of the Administration
Date: October 23, 2008

Proposed Amendment:

1. Section 56 of Ord 08-19 shall be amended by replacing the figure "\$25.00" with the figure "\$20.00" wherever it appears in the provision so that it shall now read:

SECTION 56. Subsection (d) of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64 "Traffic Violation Schedule" shall be amended by deleting "\$15.00" after "Fine:" and replacing it with "\$20.00" and by deleting "\$30.00" in the same line and replacing it with "\$40.00" so that the phrase regarding "Fine" shall read as follows:

Fine: \$20, \$40 (depending upon when paid)

2. Section 57 of Ord 08-19 shall be amended by replacing the word "twenty-five" with the word "twenty" wherever it appears in the first sentence of the provision so that it shall now read:

SECTION 57. Subsection (d)(1) of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64 "Traffic Violation Schedule" shall be amended by deleting the word "fifteen" as it appears in the first sentence and replacing it with "twenty" and by deleting the word "thirty" as it appears in the second sentence and replacing it with "forty" so that the provision now reads:

(d)(1) The fine for Class D Traffic Violations shall be twenty dollars, if paid within seven calendar days. The fine shall automatically increase to forty dollars if not paid within seven calendar days.

Synopsis

This amendment is sponsored by Councilmember Ruff on behalf of the Administration and would lower the increase in the escalating fine for a Class D Violation. Currently the fine rises from \$15 to \$30 if not paid within seven calendar days. The ordinance proposes that the fine rise from \$25 to \$40 when not paid in that time frame. This amendment would have that fine rise from \$20 to \$40 and be consistent with the doubling of the fine when not paid within seven calendar days.

10/29/08 Committee Action: 7 – 0 – 2 (Mayer and Satterfield)
11/5/08 Regular Session Action: Pending

October 23, 2008

***** Amendment Form *****

Ordinance #: 08-19
Amendment #: Am 06
Submitted By: Councilmember Volan, District 6
Date: October 23, 2008

Proposed Amendment:

1. Section 32 of Ord 08-19 shall be amended by deleting Schedule V (Permit) and replacing it with the following:

	SCHEDULE V – PERMITS			
	Nonreserved permit per month	Nonreserved permit per month	Reserved space lease per month	Reserved space lease per month
Municipal Lot	Admission Monday - Friday 6:00 am - 6:00 pm, Sat. & Sun 6:00 am - Noon	Admission 7 days per week 24 hours per day	Monday through Friday 6:00 a.m. -6:00 p.m.	7 days per week 24 hours per day
Lot 2 Walnut Center Garage (7th & Walnut)	\$ 46.00	\$ 64.00	\$ 52.00	\$ 69.00
Lot 5 (6th and Lincoln)	\$ 46.00		\$ 52.00	\$ 69.00
Lot 7 Regester Parking Garage (7 th and Morton)	\$ 46.00	\$ 64.00	\$ 52.00	\$ 69.00
Lot 9 4th & Walnut Parking Garage	\$ 46.00	\$ 64.00	\$ 52.00	\$ 69.00

Synopsis

This amendment is sponsored by Councilmember Volan and brings forward one of the two changes proposed by Bloomington Transportation Options for People (BTOP). The change would increase the price for a 12 hours per day/ 5 days per week (12/5) non-reserved monthly pass from \$38 to \$46 so that it would match the former price for the 12/5 reserved monthly pass.

10/29/08 Committee Action: 2 (Sandberg and Volan) – 0 - 7

11/5/08 Regular Session Action: Pending

October 23, 2008

ORDINANCE 08-12

TO VACATE A PUBLIC PARCEL

**Re: Four Right-of-Ways on the Property Known as Fairview School
Located at 627 West 8th Street
(Monroe County School Corporation, Petitioner)**

- WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and
- WHEREAS, the petitioner, Monroe County Community School Corporation (MCCSC), has filed a petition to vacate a parcel of City property more particularly described below; and
- WHEREAS, pursuant to I.C. 36-7-3-16, the following Utilities have submitted written communications to the City indicating that they are not occupying or using any part of these public ways and have no objection to the vacation: City of Bloomington Digital Underground, AT&T, Duke Energy, and Vectren;

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 I.C. 36-7-3-12, four City right-of-ways located on the property known as Fairview School at 627 West 8th Street shall be vacated. These right-of-ways include: a 40-foot wide portion of Fairview Street; a 12-foot wide east/west alley running through the entire block; a 12-foot wide alley running north/south across the west side of the block and a portion of a 12-foot alley running north/south across the east side of the block. These right-of-ways are depicted in the map attached to this ordinance and are more particularly described as follows:

Alley #1

A North-South alley located between Lots 3 and 5 and lots 4 and 6, including the East-West alley between Lots 3, 4, 5, and 6 in Fairview Addition and being described as follows; Beginning at the Southwest corner of Lot 3: thence N00°05'34"W along the West line of said Lot 3, across an East-West alley and along the West line of Lot 4 a distance of 274.23 feet to the Northwest corner of Lot 4 and the South Right-of-Way of 8th Street; thence along said South Right-of-Way S89°20'38"W 12.00 feet to the Northeast corner of Lot 6; thence S00°05'34"E along the East line of Lot 6, across an East-West alley and along the East line of Lot 5 a distance of 274.19 feet to the Southeast corner of Lot 5 and the North Right-of-Way of 7th Street; thence along said Right-of-Way N89°34'17"E 12.00 feet to the point of beginning.

Alley #2

An East-West alley located between Lots 1 through 10 in Fairview Addition and between Lots 282, 283, 286, and 287 of the IN-Lots to the City of Bloomington and also including a portion of Jackson Street and being described as follows;

Beginning at the Southwest corner of Lot 10 in Fairview Addition; thence N89°27'26"E along the South line of Lots 10, 8, 6, 4, and 2 in Fairview Addition, crossing Jackson Street and along the South line of Lots 283 and 286 of the IN-Lots, a distance of 645.22 feet to the Southeast corner of Lot 286 and the West Right-of-Way of Rogers Street; thence along said West Right-of-Way S00°21'40"W 12.00 feet to the Northeast corner of Lot 287; thence S89°27'26"W 645.08 feet along the North line of Lots 287 and 282 of the IN-Lots, crossing Jackson Street and along the North line of Lots 1, 3, 5, 7, and 9 in Fairview Addition to the Northwest corner of Lot 9 and the East Right-of-Way of Fairview Street; thence along said Right-of-Way N00°19'03"W 12.00 feet to the point of beginning.

Alley #3

A North South alley between Lots 281, 282, 283, 286, 287 and 288 of the IN-Lots and described as follows;

Beginning at the Southwest corner of Lot 288; thence N00°12'25"E along the West line of Lots 288, 287 and 286 a distance of 210.15 feet to the Northwest corner of Lot 286; thence S89°38'27"W a distance of 12.00 feet to the Northeast corner of Lot 283; thence S00°12'25"W along the East line of Lots 283, 282 and 281 a distance of 210.16 feet to the Southeast corner of Lot 281 and the North Right-of-Way of 7th Street; thence along said Right-of-Way N89°34'17"E 12.00 feet to the point of beginning.

Jackson Street

Jackson Street located between Lots 1 and 2 of Fairview Addition and Lots 281, 282, 283 and 284 of the IN-Lots and described as follows;

Beginning at the Southwest corner of Lot 281 of the IN-Lots; thence N00°03'07"E along the West line of Lots 281, 282, 283 and 284 a distance of 274.89 feet to the Northwest corner of Lot 284 and the South Right-of-Way of 8th Street; thence along said Right-of-Way S89°20'38"W 40.00 feet to the Northeast corner of Lot 2 in Fairview Addition; thence S00°03'07"W along the East line of Lot 2 and Lot 1 a distance of 274.73 feet to the Southeast corner of Lot 1 in Fairview Addition and the North Right-of-Way of 7th Street, thence along said Right-of-Way N89°34'17"E 40.00 feet to the point of beginning.

SECTION II. 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 _____, 2008.

SUSAN SANDBERG, 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 _____, 2008.

REGINA MOORE, Clerk
City of Bloomington

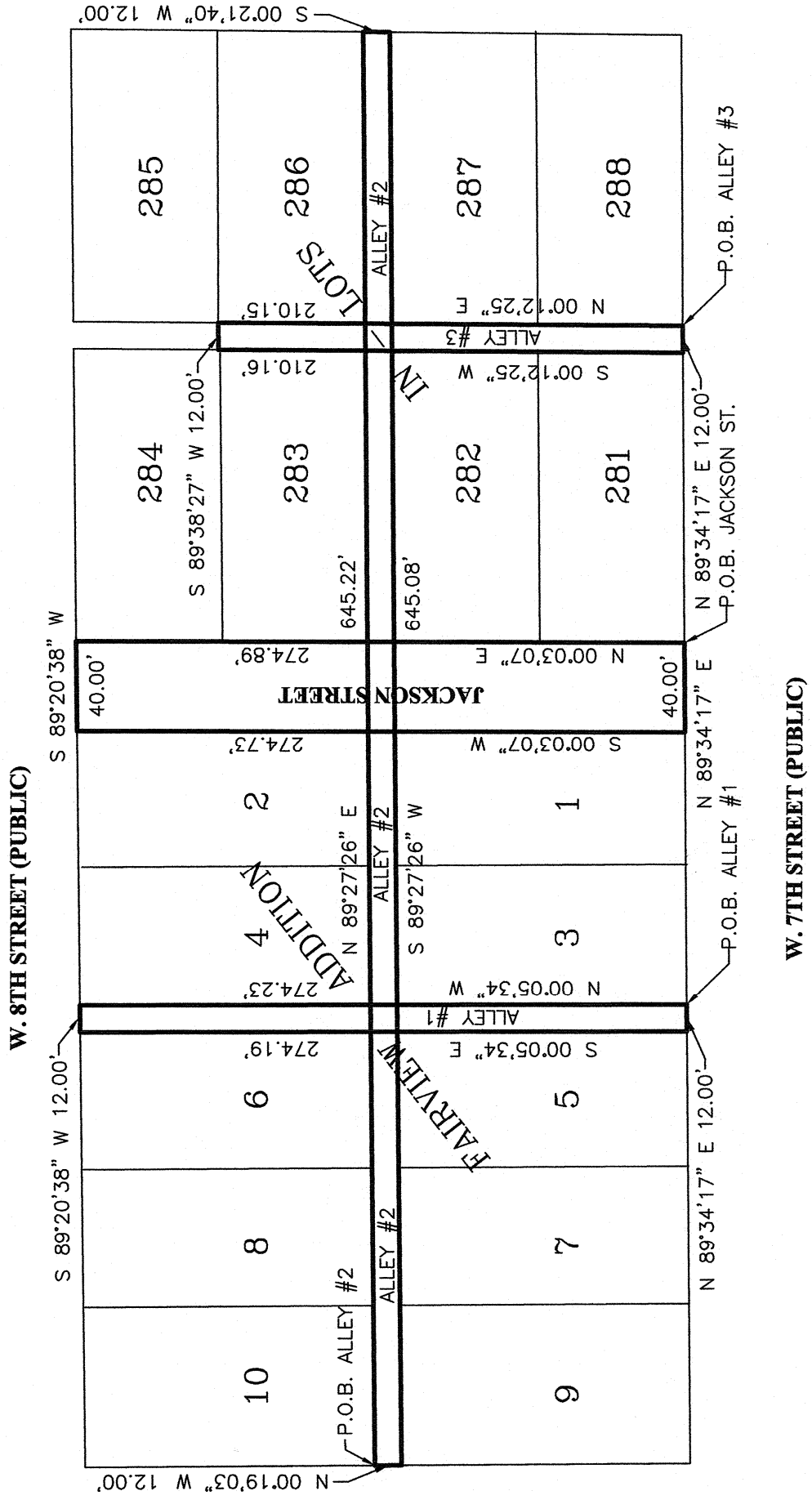
SIGNED and APPROVED by me upon this _____ day of _____, 2008.

MARK KRUZAN, Mayor
City of Bloomington

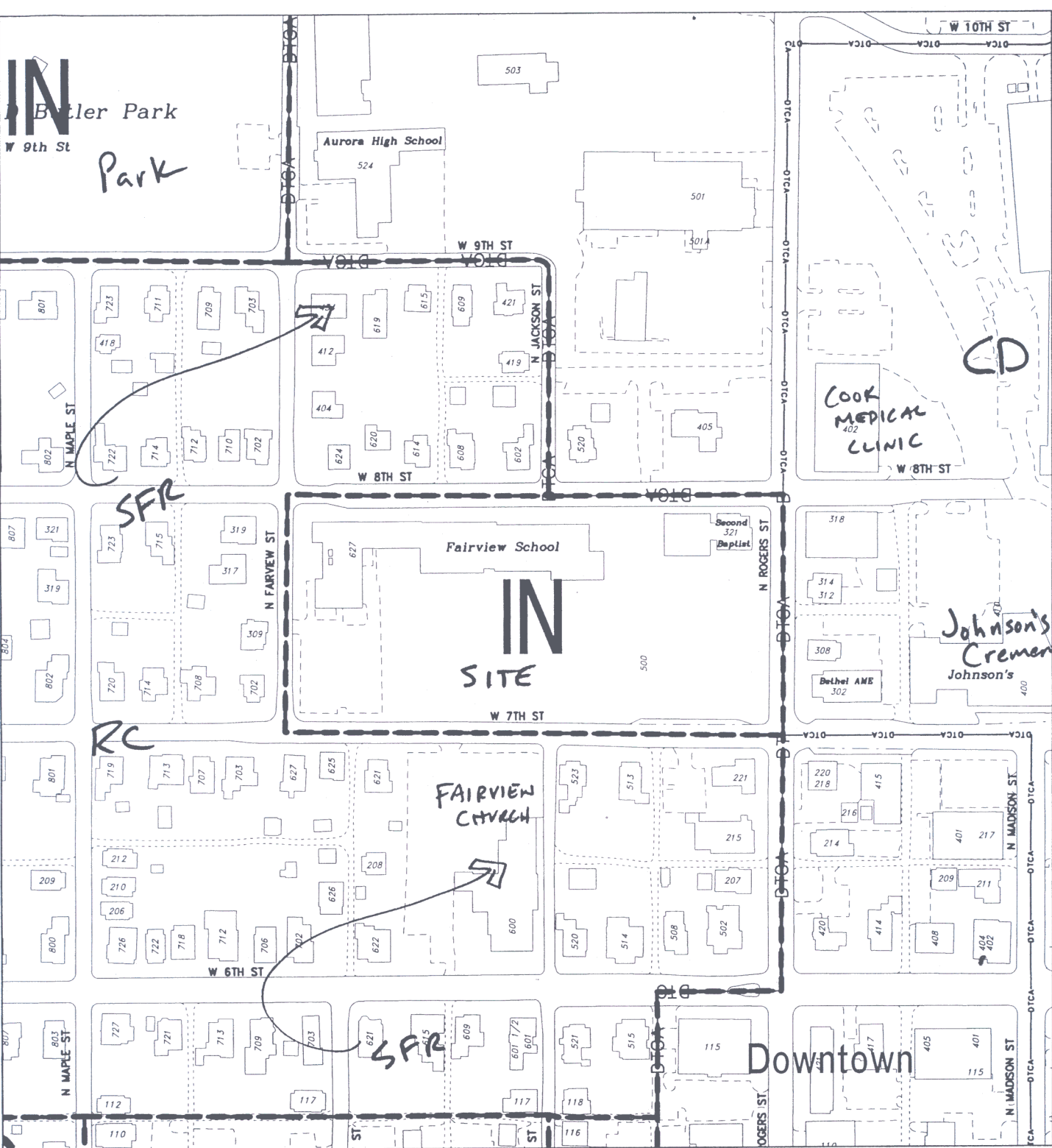
SYNOPSIS

The petitioner, Monroe County Community School Corporation, requests vacation of four right-of-ways located on property commonly known as Fairview School at 627 W. 8th Street in order to build a new elementary school.

Attachment to Ordinance 08-12 Depicting Vacated Right-of-Ways



IN
 Butler Park
 W 9th St
 Park



SP-23-08 MCCSC, NEW FAIRVIEW SCHOOL

500 W. 7TH STREET

LOCATION/ZONING/LAND-USE MAP

PLAN COMMISSION/BOARD OF ZONING APPEALS

By: shayp

10 Jul 08



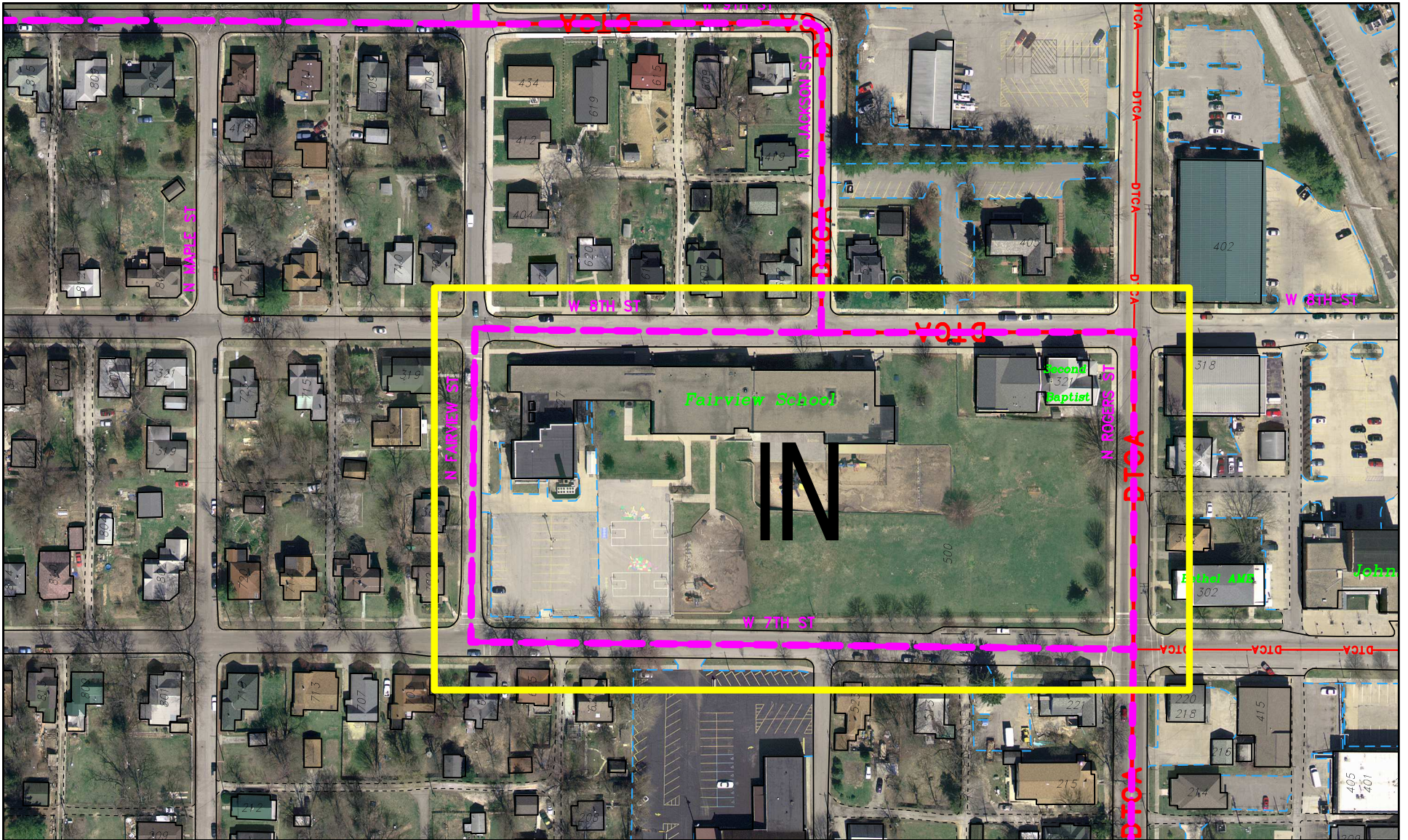
City of Bloomington
 Planning

N

Scale: 1" = 200'

For reference only; map information NOT warranted.

16



Ord 08-12 Vacation of ROW for Fairview School
 Map of Surrounding Property

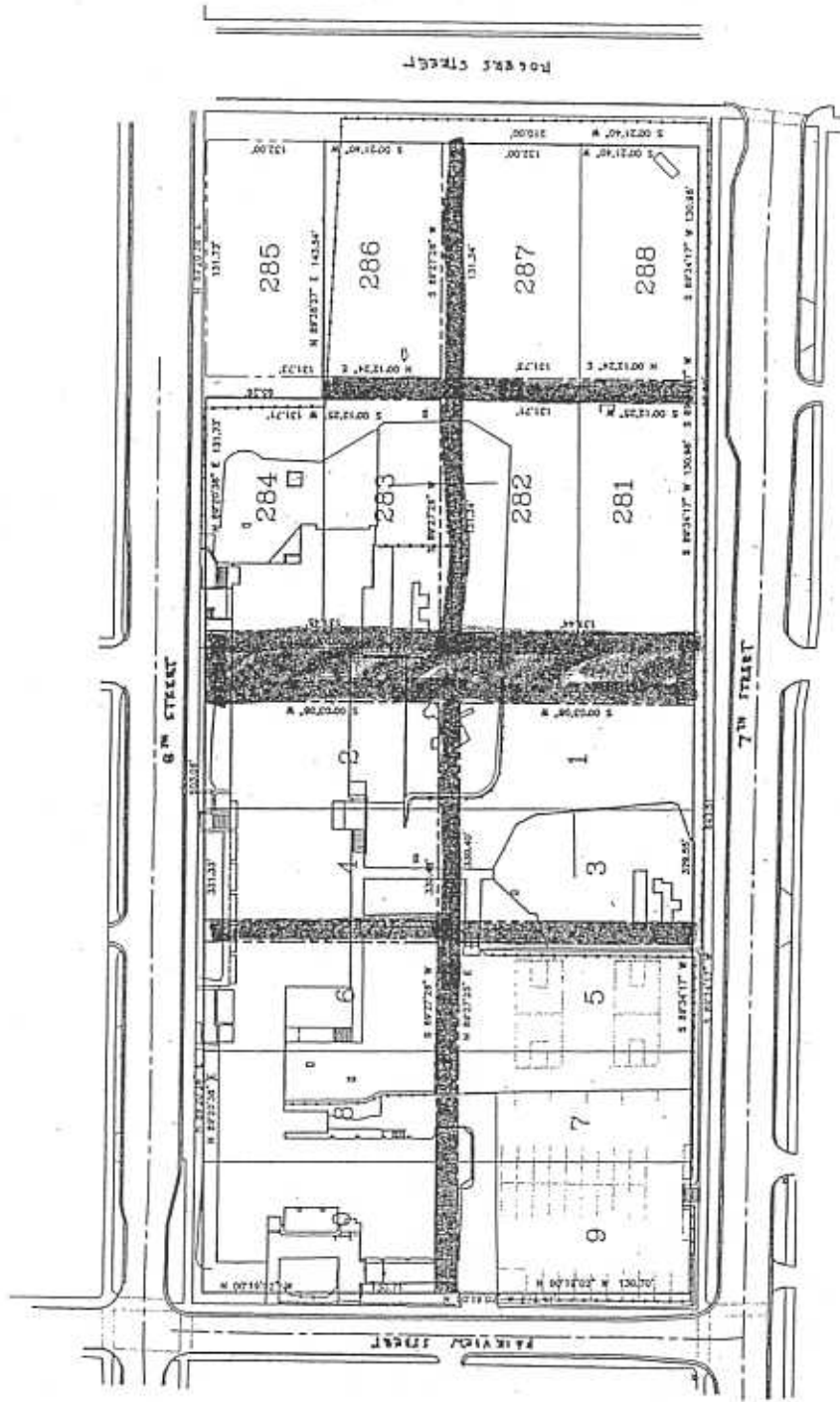
By: shermand
 30 Oct 08
 File: LLFrVwScI



For reference only; map information NOT warranted.

City of Bloomington
 Clerk & Council

Scale: 1" = 150'





**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: August 22, 2008
TO: City of Bloomington Common Council Members
FROM: Lynne Darland, Zoning & Enforcement Manager
SUBJECT: Request for vacation of street & alley rights-of-way
PETITIONERS: Monroe County Community School Corporation (MCCSC)

LOCATION: The petitioner is proposing to vacate the street and alley rights-of-way between 7th Street and 8th Street, and between Fairview Street and Rogers Street.

BACKGROUND: MCCSC has plans to build a new school on the existing Fairview School property. The new school will be constructed in front of the existing Fairview School, and then the existing school will be demolished. With construction of the new Fairview School on the same parcel, the owners would like to pursue vacation of several rights-of-way and obtain clean title to the property. There are four rights-of-way which have been used as school property historically. There is one twelve foot wide east/west alley right-of-way, and three north/south rights-of-way. One of the north/south rights-of-way is a forty foot wide leg of Jackson Street, while the other two north/south rights-of-way are twelve feet wide alley rights-of-way. These are shown on the submitted site plan.

Fairview School was first built in 1928, and a large addition was constructed in 1953. Most recently the school was completely remodeled in 1990. Unfortunately, the school was built on such a grade that it has 7 different levels and has never been able to achieve ADA compliance. The proposed school will meet all ADA requirements. The school corporation looked at many options for moving Fairview School Entirely, but has chosen to keep the school at the current location. The rights-of-way in question have no history of use or public improvements. The full rights-of-way will go to MCCSC because they are owners on both sides of the rights-of-way.

UTILITY INTRESTS: The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way:

- The City of Bloomington Public Works Department
- The City of Bloomington Utilities Department
- The City of Bloomington Information & Technology Services Department (ITS)
- AT&T
- Duke Energy
- Comcast Communications
- City of Bloomington Police Department
- City of Bloomington Fire Department
- Vectren

The request for vacation was heard by the Board of Public Works (BPW) on July 8th of this year. The BPW voted to recommend vacation of the right-of-way. CBU has a public water line in the eastern

most north/south right-of-way where the new school is to be constructed. This line will be relocated to Rogers Street. None of the other utilities had lines in the rights-of-way and have no objections to the proposed rights-of-way vacation. City Police, Fire, and ITS had no objections to vacating this right-of-way.

CRITERIA: The criteria utilized to review a public ROW or easement vacation request are as follows:

1. Current Status - Access to Property.

The rights-of-way are not currently improved or used for access. When the new school is built, access to and around the building and grounds will be attainable. As previously stated, both the Fire and Police Departments find that they can adequately serve the school without use of the rights-of-way.

2. Necessity for Growth of the City:

Future Status: No public utilization of these rights-of-way is anticipated by the City. All public services can adequately be served through use of easements.

Proposed Private Ownership Utilization: The only interested party to this right-of-way is MCCSC. MCCSC owns the property on both sides of these rights-of-way. The vacation of these rights-of-way will allow the petitioner to move forward with their plans to construct a new school on the same property as the existing school.

Compliance with Regulations: The vacation of these alley and street rights-of-way will not create any issues regarding compliance with local regulations.

Relation to Plans: This proposal is consistent with City Plans. MCCSC has worked diligently and faithfully with the City to create an acceptable school plan where the school will remain in the city where children can walk and bike to school. Loss of this right-of-way does not conflict with the City's Thoroughfare Plan or Growth Policies Plan.

RECOMMENDATION: Both staff and the Board of Public Works have recommended that the City vacate the alley and street rights-of-way in question.



City of Bloomington
Office of the Common Council

Petition for Vacation of Public Right-of-Way

Ordinance: 08-12
Hearings:
Council Chambers Regular Session - First Reading November 5, 2008
401 North Morton Street Committee of the Whole - Discussion November 12, 2008
7:30 p.m. Regular Session - Public Hr & Final Action November 19, 2008

Address of Property 627 W. 8th Street
Description of Proposed Vacation: Four right-of-ways in the block framed by W. 8th on the north, Rogers Street on the east, W. 7th on the south and N. Fairview on the west including: a 40-foot wide portion of Fairview Street; a 12-foot wide east/west alley running through the entire block, an 12-foot wide alley running north/south on the west side of the block and a portion of a 12-foot alley running north/south on the east side of the block.

Name of Petitioner Monroe County Community School Corporation
c/o Mike Scherer, Director of Extended Services
Address 560 E. Miller Drive, Bloomington, IN 47401
Phone 330-7720

Consultant William S. Riggert, Bledsoe Riggert & Guerrettaz, Inc
Address 1351 W. Tapp Road, Bloomington, IN 47403
Phone 336-8277

Abutting Property Owners: Second Baptist Church, Inc.,
321 N. Rogers, Bloomington, IN 47404-3737


This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will provide a list of and notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: _____


WM. S. RIGGERT

Date: 10.29.2008

June 2, 2008

Lynne Darland
City of Bloomington Planning Department
Showers Center City Hall
401 North Morton Street
Bloomington, Indiana 47402

RE: Request for Public Right-Of-Way Vacation
Fairview Elementary School, 627 West 8th Street

Dear Lynne,

As part of the proposed new Fairview Elementary School and on behalf of the Monroe County Community School Corporation (MCCSC), we are requesting the vacation of the public rights-of-way that cross the Fairview Elementary School site bounded by Fairview Street to the west; 8th Street to the north; Rogers Street to the east; and 7th Street to the south as shown on the enclosed exhibit.

MCCSC is in the process of designing a new Fairview Elementary School to replace the existing. The new school will be positioned on the existing site along 7th Street in such a fashion that the existing school will remain functional until construction of the new school is completed.

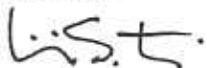
The existing rights-of-way that cross the Fairview Elementary school site are obstructed by the existing Fairview Elementary School and its associated site improvements. The new school building and the proposed site improvements will cross these rights-of-way as well. There should be no problems with the proposed vacations with the exception of the City of Bloomington Utilities Department's 12-inch that runs through the north/south alley just west of Rogers Street. We will be relocating this water line as part of the proposed project.

The existing rights-of-way appear to be platted as part of the Fairview Addition and the original Town of Bloomington In-Lots bounded by Fairview Street to the west; 8th Street to the north; Rogers Street to the east; and 7th Street to the south with the exception of the platted alley that runs between In-Lots 284 and 285 – behind the Second Baptist Church, 321 North Rogers Street – that was vacated in 1996 by Ordinance 96-20. These rights-of-way are composed of unimproved alleys and the unimproved portion of Jackson Street. We would recommend that these rights-of-way be described in general terms with respect to the respective subdivisions and lots as noted above rather than by meets and bounds.

Please note that there are no other properties other than MCCSC's that abut these rights-of-way.

Please contact me if you have any questions regarding this request.

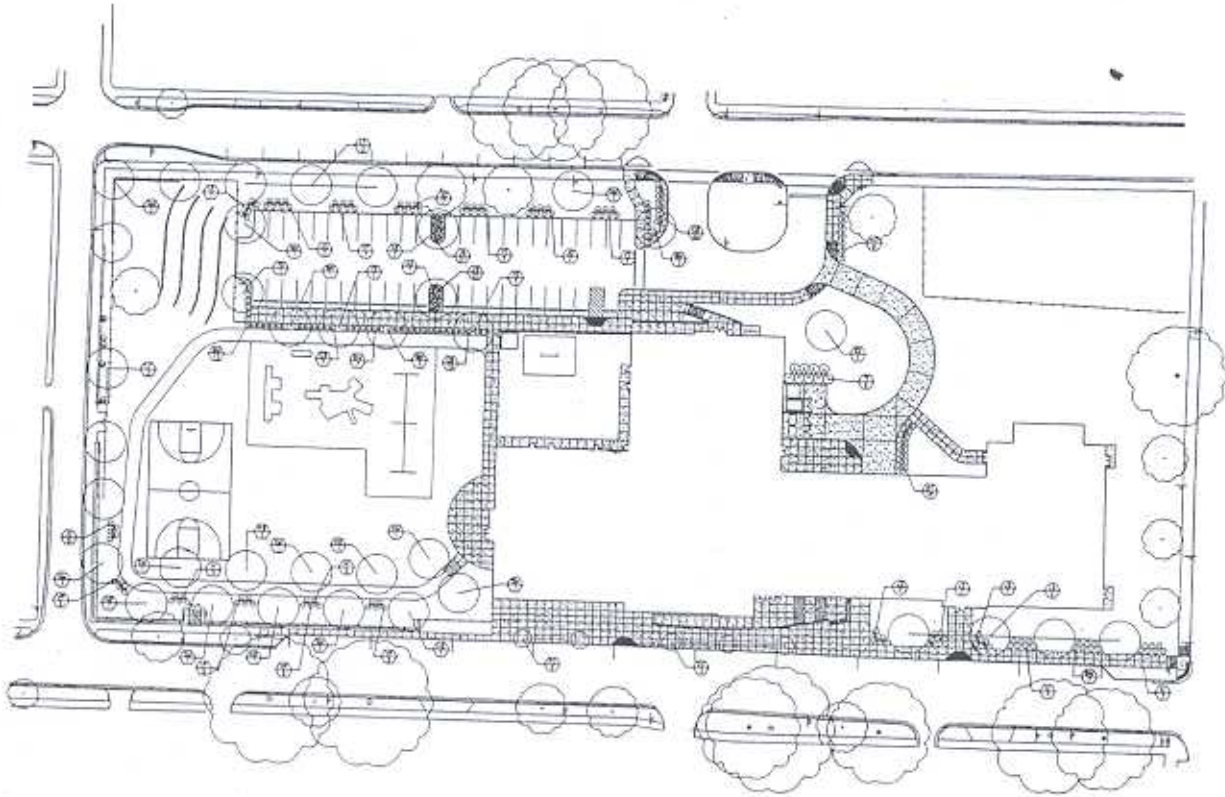
Sincerely,



William S. Riggert, PE
Principal

Enclosure

xc: Mike Scherer, MCCSC Director of Extended Services
Mary J. Krupinski, Kirkwood Design Studio, PC
File – Project No. 6201



ORIGINAL
V-28-08
LANDSCAPE/SITE PLAN

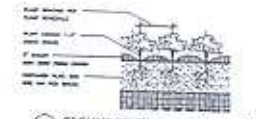
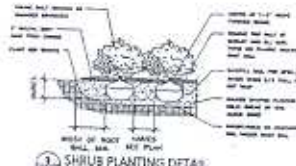
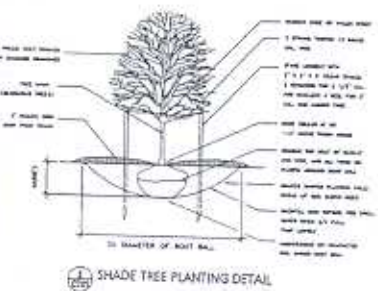
GENERAL SITE NOTES

1. ALL CONTRACTOR SHALL VERIFY ALL UTILITIES AND MARK ALL UTILITIES ACCORDING TO RECORD PLANS. TO BE LOCATED FROM ALL UTILITIES MARKED ON THE PLAN TO PREVENT AND MINIMIZE THE RISK OF AND ACCIDENTS TO PERSONS AND PROPERTY DURING THE CONSTRUCTION PERIOD.
2. ALL CONTRACTOR SHALL VERIFY ALL PLANT SYMBOLS AND PLACEMENT AND VERIFY THE PLANT SYMBOLS TO BE PLACED AS SHOWN ON THE LANDSCAPE PLAN. ALL PLANT SYMBOLS SHOWN ON THE PLAN ARE INDICATED BY NUMBER AND SHALL BE PLACED AS SHOWN ON THE PLAN LIST.
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LEGEND



SYMBOL	PLANT NAME	PLANT SPECIES	PLANT SIZE	PLANT QUANTITY
1	Shade Tree	Red Maple	1" CALIBER	10
2	Shade Tree	White Birch	1" CALIBER	10
3	Shade Tree	Green Ash	1" CALIBER	10
4	Shade Tree	Black Walnut	1" CALIBER	10
5	Shade Tree	White Oak	1" CALIBER	10
6	Shade Tree	Red Oak	1" CALIBER	10
7	Shade Tree	Yellow Birch	1" CALIBER	10
8	Shade Tree	Black Cherry	1" CALIBER	10
9	Shade Tree	White Birch	1" CALIBER	10
10	Shade Tree	Green Ash	1" CALIBER	10
11	Shade Tree	Black Walnut	1" CALIBER	10
12	Shade Tree	White Oak	1" CALIBER	10
13	Shade Tree	Red Oak	1" CALIBER	10
14	Shade Tree	Yellow Birch	1" CALIBER	10
15	Shade Tree	Black Cherry	1" CALIBER	10
16	Shade Tree	White Birch	1" CALIBER	10
17	Shade Tree	Green Ash	1" CALIBER	10
18	Shade Tree	Black Walnut	1" CALIBER	10
19	Shade Tree	White Oak	1" CALIBER	10
20	Shade Tree	Red Oak	1" CALIBER	10
21	Shade Tree	Yellow Birch	1" CALIBER	10
22	Shade Tree	Black Cherry	1" CALIBER	10
23	Shade Tree	White Birch	1" CALIBER	10
24	Shade Tree	Green Ash	1" CALIBER	10
25	Shade Tree	Black Walnut	1" CALIBER	10
26	Shade Tree	White Oak	1" CALIBER	10
27	Shade Tree	Red Oak	1" CALIBER	10
28	Shade Tree	Yellow Birch	1" CALIBER	10
29	Shade Tree	Black Cherry	1" CALIBER	10
30	Shade Tree	White Birch	1" CALIBER	10
31	Shade Tree	Green Ash	1" CALIBER	10
32	Shade Tree	Black Walnut	1" CALIBER	10
33	Shade Tree	White Oak	1" CALIBER	10
34	Shade Tree	Red Oak	1" CALIBER	10
35	Shade Tree	Yellow Birch	1" CALIBER	10
36	Shade Tree	Black Cherry	1" CALIBER	10
37	Shade Tree	White Birch	1" CALIBER	10
38	Shade Tree	Green Ash	1" CALIBER	10
39	Shade Tree	Black Walnut	1" CALIBER	10
40	Shade Tree	White Oak	1" CALIBER	10
41	Shade Tree	Red Oak	1" CALIBER	10
42	Shade Tree	Yellow Birch	1" CALIBER	10
43	Shade Tree	Black Cherry	1" CALIBER	10
44	Shade Tree	White Birch	1" CALIBER	10
45	Shade Tree	Green Ash	1" CALIBER	10
46	Shade Tree	Black Walnut	1" CALIBER	10
47	Shade Tree	White Oak	1" CALIBER	10
48	Shade Tree	Red Oak	1" CALIBER	10
49	Shade Tree	Yellow Birch	1" CALIBER	10
50	Shade Tree	Black Cherry	1" CALIBER	10



LANDSCAPE PLAN

HONOLULU COUNTY COMMUNITY SCHOOLS CORPORATION
FAIRVIEW ELEMENTARY
WEST 7TH STREET
HONOLULU

LANDSCAPE PLAN
C-701

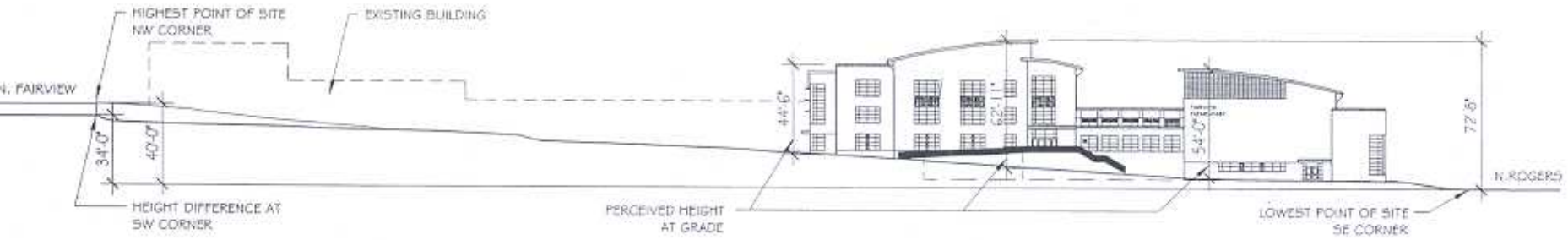


EXHIBIT #1
 V-28-08 (AMENDMENT)

8

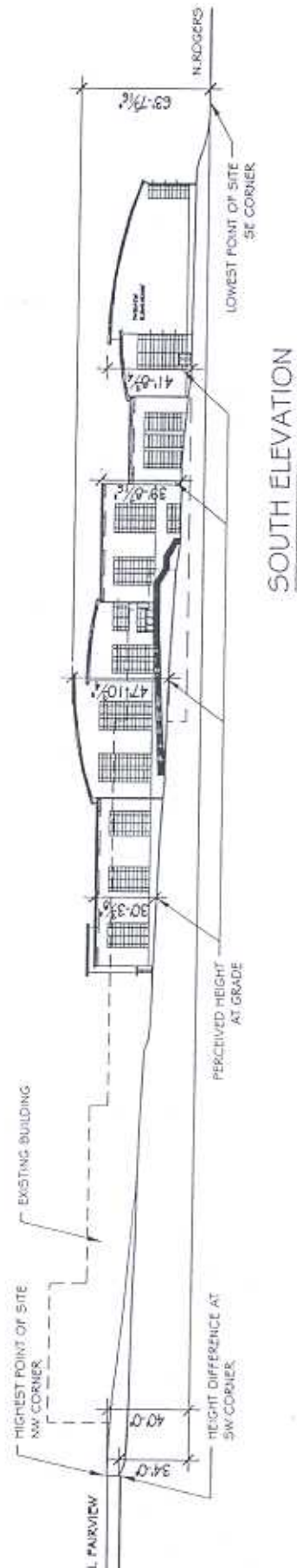
DATE: 9-15-06

PROJECT NAME: FAIRVIEW ELEMENTARY
 PROJECT NUMBER: 2007-20

RAWOOD DESIGN STUDIO

9

ORIGINAL BUILDING
DESIGN V-28-08



ORDINANCE 08-12
TO VACATE A PUBLIC PARCEL
Re: Four Right-of-Ways on the Property Known as Fairview School
Located at 627 West 8th Street
(Monroe County School Corporation, Petitioner)

Responses from Utilities and Safety Services
(Available in the Council Office)

I.C. 36-7-3-16 (b) provides that utilities that are occupying and using all or part of the right-of-way for the location and operation of their facilities at the time the vacation proceedings are instituted may continue to do so after the vacation of right-of-way, unless they waive their rights by filing written consent in those proceedings.

Utility Interests in the Alley Ways

Vectren	Has no facilities within the right-of-ways and waives rights to them.
Duke	Has no facilities in these right-of-ways.
Comcast	Has no problems with the vacation, but would expect petitioner to reimburse them for necessary relocation of its facilities.
City of Bloomington Utilities Dept	Has a public water line in the eastern most north/south alley closest to Rogers Street. <i>Lynne Darland indicates that the petitioner will move this line to Rogers Street in order to construct the new school.</i>
AT&T	Has no facilities in the described right-of-ways.
Bloomington Digital Underground	Has no reservations with this request.

Safety Services Interest in the Alley Ways

Police Department	No objections.
Fire Department	

In the Council Chambers of the Showers City Hall on Wednesday, October 15, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
October 15, 2008

Roll Call: Mayer, Piedmont, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Wisler
Absent: Volan,

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of October 1, 2008 were approved by a voice vote.

APPROVAL OF MINUTES

Councilmember Mike Satterfield announced the new Fire Training program, a cooperative program between the city and the Hoosier Hills Career Center, a multi county program housed within the Monroe County School Corporation.

REPORTS:
COUNCILMEMBERS

Councilmember Chris Sturbaum thanked Boy Scout troop 121 for attending this meeting. He talked about the importance of voting and mentioned that these young people may be more informed on election issues than older folks.

Councilmember Tim Mayer thanked Delta Sigma Theta for their attendance this evening and the reception they sponsored prior to the meeting to celebrate their collaboration with city government.

Councilmember Rollo talked about the film entitled *The Eleventh Hour* which focused on overuse and depletion of the world's natural resources. He said the film was accompanied by a presentation on 'Does US Energy Policy Matter?' He spoke of the negative and dire consequences of harming our natural resources such as the escape of methane gas as a result of melting ice caps and the tremendous amounts of trash which has accumulated in the Pacific Ocean for miles and miles to a depth of thirty feet. He added that the worst aspect to this is that the US media hadn't covered this calamity, yet the European and others do.

Councilmember Wisler reminded all about the curb-side leaf collection which will have more frequent routes through the neighborhoods which hopefully will result in a quicker and more convenient pick up of leaves.

Councilmember Piedmont-Smith announced the meeting for the Local Council of Women to consider the merger of Bloomington Hospital with Clarian Hospital. She reminded everyone that during the earlier meeting held in June a vote to accept the merger was passed, but a subsequent petition asked for a revote because the organization's bylaws were not followed and the petitioners objected to the lack of democratic principles.

Councilmember Ruff thanked his council colleagues for their reports, and added a thanks and welcome to those groups attending the meeting.

Councilmember Sandberg announced that this month is Domestic Violence Awareness month and pointed out the display currently housed in City hall. She also added that Bloomington High School South was presenting a production of the musical Carousel in which the student cast sensitively and aptly bring attention to domestic violence. She said this was why she supported the arts as something not frivolous but as a great way to help illuminate issues and teach us all.

Daniel Lopez, Communications Director, City of Bloomington talked about the current activities of Be Neighborly and the upcoming activities of Be Involved focusing on community involvement, and highlighted the work of the Bloomington Volunteer Network. He also said October was designated as Adopt-A-Dog month. Lopez also said that Bloomington was recently named as a Green Community of the Year by the Indiana Association of Cities and Towns. Finally, on behalf of National Disability Employment Awareness Month, he read a proclamation from Mayor Mark Kruzan which was accepted by Janessa Gerber, Director of Services for Options for Better Living.

MAYOR and CITY OFFICES

There were no reports from council committees

COUNCIL COMMITTEES

Virginia Leblanc, President of Delta Sigma Theta introduced her alumnae chapter and the members attending this evening's meeting who sponsored the council reception prior to the meeting. She said their purpose in attending was to continue a collaborative effort between these professional and graduate student women and the Bloomington community. They would like to see PK-12 education as a priority in the community, and asked how their chapter could best serve Bloomington and Monroe County. She concluded by inviting all to their Evening of Jazz on November 1st from 8:00-11:00 pm in the Neal Marshall Center.

PUBLIC INPUT

Buff Brown reported on a parking space occupancy study in the downtown area conducted by BTOP which illustrated parking patterns in 2008 with a comparison to 2007.

There were no appointments to boards or commissions at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 08-13 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, noting the October 1, 2008 Regular Session Action was to Postpone until October 15, 2008 and stating that the Committee Do Pass Recommendation was 9 – 0 – 0.

LEGISLATION FOR SECOND READING

Resolution 08-13 Approving the Purchase of Cascades Trailer Park and Stone Mill Properties

It was moved and seconded that Resolution 08-13 be adopted.

Mick Renneisen, Director of Parks and Recreation, City of Bloomington introduced the legislation and the desire to purchase the Cascades Trailer Park and Stone Mill properties to add to the City Park system.

Councilmember Wisler asked if anything had substantially changed in this legislation since the Committee of the Whole. Renneisen said one of the conditions of the offer was to remove the stone mill from the property, but none of the terms have changed.

Councilmember Rollo asked about whether this new part of the Cascades Park would have natural landscaping, an interpretive center or native flora. Renneisen said the area would be re-vegetated very quickly

Randy Cassady, one of the property owners recognized those people in Parks and Recreation and the Parks Commission, specifically Mick Renneisen, Les Coyne, Joe Hoffman, Mary Catherine Carmichael and John Carter for making this happen, and their dedication to the community and the city's leadership which supported this project. He commented on how fortunate the community was to have so many people willing to work together to create a great addition to the city. He said it was a long time coming, but it would be something that the entire community would be proud of.

Council comments:

Resolution 08-13 (Cont'd)

Councilmember Sturbaum thanked Randy Cassady for his comments and said this was an example of government working for the good of the community.

Councilmember Rollo thanked Randy Cassady, the Parks Commission, and Parks and Recreation for this wonderful acquisition. He reiterated that he hoped this area would be replanted soon with native vegetation. He said he was grateful that Bloomington was adding to its green space with the addition of this park, since the community loses 143 acres of green space a year, and gains only 21 acres. He said this addition was unusual because it was Brownfield space and was coming back to the city as green space. He added that the city needed to do all it could to acquire green space especially in the southeast part of the city where much of the loss had occurred.

Councilmember Wisler said this was a job well done and complimented all involved for making this work. He said he looked forward to greater access from the surrounding neighborhoods, and knew the good people from the Parks Department would be able to solve that.

Councilmember Mayer thanked Randy Cassady for his work with this project to make it happen, and said it was because of the efforts of the property owners to purchase parcels in order to sell them to the city. He added that this was a project where municipal government did not necessarily have the ability to purchase and hold parcels for a future time as the private sector does, which was why he was grateful that private citizens were willing to take on this responsibility to acquire an important asset for the community. He thanked all involved.

Councilmember Sandberg said she was so very proud of this project and said it was a tribute to everyone on the Parks Board and everyone connected to this effort. She said she loved Randy Cassady's enthusiasm for this project, and said this type of reclamation was so important to the progress of the community

Resolution 08-13 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Appropriation Ordinance 08-05 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, noting the October 1, 2008 Regular Session Action was to Postpone until October 15, 2008 and stating that the Committee Do Pass Recommendation was 9 – 0 – 0.

It was moved and seconded that Appropriation Ordinance 08-05 be adopted.

Mike Trexler, City Controller said this was the appropriation for the land purchase the Council had just approved. This action appropriates \$514,500 from the land acquisition fund which receives a portion of COIT income.

Appropriation Ordinance 08-05 To Specially Appropriate from the Parks Land Acquisition Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for the Purchase of the Cascades Trailer Park and Stone Mill Properties Adjacent to Cascades Park)

Councilmember Rollo asked what was the yearly contribution to the fund. Trexler said 15% of the COIT goes into the Cumulative Capital Development Fund.

Councilmember Rollo said he would support an increase to the Greenspace Fund or at least would like to discuss the possibility.

Appropriation Ordinance 08-05 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Deputy Clerk Wanzer read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 08-06 To Specially Appropriate from the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Worker’s Compensation Expenses)

Appropriation Ordinance 08-06

Ordinance 08-19 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” (*This ordinance was re-introduced this evening after having been withdrawn on October 1, 2008.*)

Ordinance 08-19

Ordinance 08-20 To Amend the Preliminary Plan for the Clarizz Planned Unit Development (PUD) to Allow an Additional 1350 Square Feet of Medical Office Space – Re: 583 S. Clarizz Blvd. (Orthopedics of Southern Indiana)

Ordinance 08-20

Ordinance 08-21 To Vacate a Public Parcel – Re: A Segment of the Fairview Street Right-of-Way Running North/South Between 515 West Patterson Drive and 1300 South Patterson Drive (Cook Pharmica, LLC, Petitioner)

Ordinance 08-21

It was moved and seconded to move the Committee Of the Whole from October 22nd to October 29th because of the Local Council of Women Meeting scheduled for October 22nd.

Motion to change the date of the Committee of the Whole

The motion was approved by a voice vote.

There was no comment from members of the public at this meeting.

PUBLIC INPUT

The meeting was adjourned at 8:55 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington