



City of Bloomington Common Council

Legislative Packet

Regular Session

15 October 2008

Office of the Common Council
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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Council Sidewalk Committee** on Monday, October 13, 2008 at 4:30 p.m. in the McCloskey Room

Legislation for Final Action:

- **Res 08-13** Approving the Purchase of Cascades Trailer Park and Stone Mill Properties
Contact: Mick Renneisen at 349-3711 or renneism@bloomington.in.gov
- **App Ord 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)
Contact: Mike Trexler at 349-3416 or trexlerm@bloomington.in.gov

Note: These items were postponed from October 1st to October 15th at the request of the Controller. Please see the [September 17th](#) Council Legislative Packet for the summary and materials.

Legislation and Background Material for First Reading:

- **App Ord 08-06** To Specially Appropriate from the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Workers Compensation Expenses)
 - Memo from Daniel Grundmann, Director of Employee Services; Risk Management Fund Balance Sheet*Contact: Mike Trexler at 349-3416 or trexlerm@bloomington.in.gov or*

Daniel Grundmann at 340-9-3578 or grundmad@bloomington.in.gov

- **Ord 08-19** To Amend Title 15 Of The Bloomington Municipal Code Entitled “Vehicles And Traffic”
 - Memo to Council from Public Works; Maps; Am 01 (Sponsored by Councilmember Piedmont-Smith); Am 03 (Sponsored by Councilmember Sturbaum)

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)
Jacqueline Moore at 349-3426 or moorej@bloomington.in.gov
(for legal questions)

- **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)
 - Certification (9-0); Map and Aerial Photo of the Surrounding Area; Memo to Council from Pat Shay, Development Review Manager; Letter from the Petitioner; Site Plan and Elevations; Staff Report for September 8, 2008

Contact: Pat Shay at 349-3524 or shayp@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)
 - Aerial Map of Area; Map of Transfer and Vacation; Photo of Right-of-Way; Staff Report to the Council from Lynne Darland, Zoning and Enforcement Manager; Petition and attachment; Letter from Petitioner; Legal Description of Right of Way; Site Plan and Sketch Map; Warranty Deed; Insert Indicating Responses from Utilities and Emergency Services

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

Minutes from Regular Session:

- October 1, 2008

Memo

Reminder: Council Sidewalk Committee Meets on Monday at 4:30 p.m. in the McCloskey Room

Two Items Ready for Final Action and Four Items Ready for Introduction at the Regular Session on Wednesday, October 15th

There are two items ready for final action and four items ready to be introduced at the Regular Session next week. The two items ready for final action are **Res 08-13** and **App Ord 08-05** which relate to the purchase of land next to Cascades Park. They were postponed from October 1st and can be found along with the summary and background material in the [September 17th Council Legislative Packet](#). The four items ready for introduction include one ordinance (**Ord 08-19** – the Omnibus Traffic Ordinance) that is being reintroduced after having been withdrawn on October 1st. Those four items all are summarized below and can be found along with background material in this packet.

Reschedule Committee of the Whole?

Some Council members would like to attend the Local Council of Women meeting at 7:00 p.m. on Wednesday, October 22nd, which falls a half hour before our Committee of the Whole. We could accommodate this request by taking advantage of the five Wednesdays this month and rescheduling the Committee of the Whole to October 29th. This would require a Motion to Reschedule the Committee of the Whole.

First Readings

Item One – App Ord 08-06 – Appropriating \$100,000 from the Risk Management Fund for Workers' Compensation Expenses

App Ord 08-06 appropriates \$100,000 from the Risk Management Fund to pay for additional Workers' Compensation expenses. The memo from Daniel Grundmann, Director of Employee Services, indicates that our Workers' Compensation claims are "unusually high this year." He notes that "the nature of budgets for Workers' Compensation claims is volatile," in that a few claims typically account for most of the expenditures over the course of the year.

Here he mentions that the City has over a 1,000 person work force (comprised of 700 regular employees and over 300 seasonal part-time employees) and that six accidents account for over half and twenty accidents account for over 85% of all the expenditures paid so far in 2008. Back and rotator cuff injuries, in particular, are the most common of the more expensive claims this year and have occurred in eight divisions of the City, led to most of the permanent partial impairment (PPI) and temporary total disability (TTD) pay-outs, and made up over 70% of all claims paid.

Grundmann says that the City continues to work with employees to reduce accident rates through its Risk Management Division and has used a third-party administrator for a significant overall savings compared to our self-administration of this program. The Risk Management Fund Balance Sheet provided by Mike Trexler indicates an ending balance of about \$124,000 this year.

Ord 08-19 Omnibus Amendments to Title 15 (Vehicles and Traffic) to be Reintroduced on Wednesday, October 15th

Ord 08-19, or what has been called an omnibus amendment to Title 15 (Vehicles and Traffic), is returning to the Council agenda with some minor revisions after being withdrawn on October 1st. The following paragraphs start with a description of the revisions made since the ordinance was withdrawn and then use the relevant portion of the packet memo for the September 17th Legislative Packet to summarize the ordinance (with a few modifications to reflect the aforesaid revisions and a new amendment, and to compress the text).

Revisions to Ord 08-19

The revisions to the ordinance made since it was withdrawn are minor and, in brief:

- Instruct the codifier to list the new definitions in the Table of Contents of Chapter 15.04 (See Section 1);
- Remove the 1-hour parking restriction on the half-block of Fourth Street west of Rogers to be consistent with the proposed 2-hour parking for this area (See Section 10); and
- Remove mention of delay in imposing permit fees for Lot 5 (See Section 32) and insert language which delays all fees and fines until January 1, 2009 (See Section 64).

Overview of Ord 08-19

This ordinance has over 60 sections long and includes:

- Routine changes in traffic and parking controls forwarded from the Traffic Commission (Please note the amendment from Councilmember Piedmont mentioned in the next section);
- A new Special Event Permit which provides reserved spaces for event-related vehicles in the BEAD;
- Increases in Neighborhood Parking Permit Program fees;
- Increases in rates for parking in City facilities;
- An increase in the Class D Traffic Violation - our most common violation - from an escalating \$15 fine that rises to \$30 if not paid within 7 days, to an escalating \$25 / \$40 fine;
- A reduction of fine for certain offenses; and
- An increase in the number of accessible parking spaces in City lots and garages.

Aside from the next two paragraphs, which discuss amendments to the ordinance, the remaining paragraphs draw upon the Memo to the Council from Susie Johnson, Director of Public Works, and summarize the changes in the order they affect Title 15.

Amendment 01 - Sponsored by Councilmember Piedmont-Smith – Proposing 4-Way Stop at the Intersection of Allen, Henderson, and the Bryan Park Entrance

There is an amendment (Am 01) in your packet sponsored by Councilmember Piedmont-Smith. It proposes a 4-Way Stop at the intersection of Allen & Henderson & the Bryan Park Entrance. This proposal was approved by the Traffic Commission last winter in order to slow the traffic which was, on average, going about twice the legal limit on Henderson (i.e. 38 mph in a 20 mph zone). The Engineering Staff opposed the recommendation because the factors listed in the Uniform Manual on Traffic Safety (*Manual*) for installing the stop sign were not present (e.g. traffic counts) and because the *Manual* counsels against using stops signs to slow traffic. The recommendation is coming forward as an amendment as a result of an understanding reached by the Council Office whereby all recommendations where there is a dispute between the Traffic Commission and

Staff will be come forward at the same time as the ordinance but in the form of an amendment.

Item Two - Amendment 03 - Sponsored by Councilmember Sturbaum – Proposing a Mix of 1-Hour, 2-Hour, and Unrestricted Parking for the North Side of Fourth Street Between Madison and Rogers Street

There is another amendment (Am 03) which is sponsored by Councilmember Sturbaum and has not been reviewed by the Traffic Commission. It attempts to balance concerns of businesses and residents by proposing some 1-hour, 2-hour and unrestricted parking on the north side of 4th Street between Madison and Rogers. In order to understand what the *amendment* does, please know that the *ordinance* would convert all of the spaces on both sides of this block from unrestricted parking to 2-hour parking from 5:00 a.m. to 5:00 p.m. on Monday through Saturday. The *amendment* would change the mix of parking on the north side of this block by adding three 1-hour parking spaces to help nearby businesses and leave a few spaces near Rogers Street unrestricted to help the residents on this block. In particular, it would add 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 on that side of the alley unrestricted. Please note Parking Enforcement Division believes they will be able to enforce these 1-hour parking zones.

Definitions (Chapter 15.04)

Sections 1 through 4 of **Ord 08-19** amend the definitions to Title 15 “Vehicles and Traffic.” In brief the amendments:

- Insert the term “parking space” - which means a space for parking a single vehicle as indicated by lines marked on the curb, street, or parking facility, or, in the absence of a marking, any space intended for parking not exceeding 22 feet in length (Section 1);
- Insert the term “Residential Neighborhood Permit” – which means a permit for an eligible resident to park their vehicle within a Residential Neighborhood Permit Zone under conditions set forth in this title (Section 1);
- Insert the term “Special Event Parking Permit” – which means a permit for busses or other vehicles which transport guests to and from lodging establishments, performers and their equipment to music venues and other related activities (Section 1);
- Change a definition of an abandoned vehicle so that it includes a vehicle that is three or more model years old (*rather than six*), mechanically inoperable

and left in a publicly visible location on private property continuously for more than 20 (*rather than 30*) days is considered abandoned (*to match Indiana Code*) (Section 2);

- Change another definition of abandoned vehicle so that it includes a vehicle that has been towed at the request of the BPD and impounded but not reclaimed within 20 (*rather than 15*) days of its removal (Section 3); and
- Redefines “parked” so that it refers to a motor vehicle “remaining stationary” on a “public way... parking area or street” except when “actually engaged in loading or unloading passengers or freight” (*to match Indiana Code*) (Section 4).

Stop, Yield and Signalized Intersections (BMC 15.12) (Section 5 And 6 of the Ordinance)	
<u>Location</u>	<u>Action</u>
Hawthorne will Stop for Wylie (Map 1)	The change converts this from a yield to a stop intersection.
Susie Street will Stop for Thomson Park Drive (Map 2)	The change reflects current signage after City accepted this intersection.

No Parking Zones (Sections 7 and 8 of the Ordinance)	
11 th Street from South Adams to North Monroe (North Side) (Map 3)	Currently parking is prohibited on both sides of 11 th between these intersections. The change allows parking from Summit to S. Adams. Rationale: will help residents of Housing Authority.
Lincoln Street from 17 th to 19 th Street (East Side) (Map 4)	Currently parking is prohibited on both sides of Lincoln. This change allows parking on east side from 72’ to 351’ north of 17 th . Rationale: done at property owner request.
19 th Street from Walnut to 150’ east of Washington (North Side) (Map 4)	Currently parking is prohibited on the north side of 19 th . Change would allow parking from on this stretch. Rationale: to accommodate addition to dental office.
Cottage Grove from Monroe to Diamond Street (South Side) (Map 5)	Currently parking is allowed on both sides of Cottage Grove. Change would prohibit parking on the south side. Rationale: this was done at request of neighbors.
Madison Street from 6 th Street to first alley north of 6 th (West Side) (Map 8)	Currently angled parking is allowed on the west side of this stretch of Madison Street. Change prohibits parking during the Tuesday Farmers’ Market. Rationale: area is used for the Market at that time.
Roosevelt Street between 4 th and 5 th	Currently parking is allowed on both sides of Roosevelt for

(Both Sides of the Street) (Map 6)	this block. Change would prohibit parking on either side of this block of Roosevelt. Rationale: to accommodate neighbor request and a sidewalk project.
13 th Street from Fess to 171' East (North Side) (Map 7)	Currently parking is prohibited for 140' east of Fess on north side of the street. Change extends the prohibition for an additional 31'. Rationale: IU requested change to protect a driveway.

**Limited Parking Zones (BMC 15.32.090(F))
Special Events Parking Permits**

Section 9 of Ord 08-19 creates a new “Special Events Parking Permit” for the Bloomington Entertainment and Arts District (BEAD). In particular,

- it allows busses conveying guests to and from lodging places and vehicles used to present or produce performances at entertainment venues;
- to be exempt from the 2-hour parking regulation;
- along College and Walnut between 2nd and 10th and Kirkwood between Indiana and Madison Street;
- after the applicant applies to the Board of Public Works (BPW) at least 7 days in advance and pays \$10 per parking space per day; and
- after the BPW approves the application and staff posts notice of the reserved space at least 24 hours in advance of the reservation.

Limited Parking Zones (BMC 15.32) Schedule N (Sections 10 and 11 of the Ordinance)	
<u>Location</u>	<u>Action and Rationale</u>
College Avenue from 8 th to 9 th (West Side) (Map 11)	This change converts designation of 30-minute parking and 2-hour parking from feet into parking spaces. Rationale: Change also leaves room for an Accessible Parking space at the south end of this block.
Grant Street from 3 rd to 4 th Street (West Side) (Map 12)	Currently there is no limit on parking on this side of the block of South Grant. This change imposes 2-hour, 8 a.m. to 5 p.m., Mon. through Sat. parking. Rationale: expand downtown parking.
Dunn Street from 3 rd to 4 th (East Side) (Map 12)	This change adds 2-hour, 8 a.m. to 5 p.m., Mon. through Sat. parking on the east side of this block of South Dunn. Rationale: expand downtown parking.
4 th Street from first alley east of Madison to the first alley west of Rogers (North Side) * Note Councilmember Sturbaum	2-hour, 5 a.m. to 5 p.m. weekday parking is currently allowed from the first alley east of Madison Street to Madison Street on the north side of 4 th Street. And, 1-hour, 8 a.m. – 5 p.m. parking is allowed from Rogers to the first alley west of Rogers. This change extends 2 hour parking to the first alley

<i>intends to propose Am 03, which would introduce a mix of 30-minute, 1-hour, 2-hour and unrestricted parking on this side of the block.</i>	west of Rogers Street. Rationale: expand downtown parking and request from business owners.
4 th Street from College to Rogers Street (South Side) (Maps 9 & 13)	2-hour, 5 a.m. to 5 p.m. weekday parking is currently allowed from College to Madison Street on the south side. The change extends that parking to Rogers Street. Rationale: expand downtown parking and request from business owners.
Madison Street from 4 th to Kirkwood Ave (West Side) (Map 13)	2-hour, 5 a.m. to 5 p.m. weekday parking is currently allowed from 4 th to Kirkwood on the west side of Madison. The change extends that parking to 85' north of 3 rd . Rationale: expand downtown parking.
Morton Street from 7 th to 8 th (East Side) (Map 9)	This side of this block of Morton is currently divided between 2-hour, 5 a.m. to 5 p.m. parking, Mon. through Sat. (north of the alley) and 2-hour, 8 a.m. to 5 p.m. parking Mon. through Friday (south of the alley). This converts the entire side to 2-hour, 8 a.m. to 5 p.m. parking Mon. through Friday. (Note: meters will remain.) Rationale: Change will ease use by visitors to the Farmers Market among other reasons.
Morton Street from 7 th to 8 th (West Side) (Map 9)	This side of Morton is currently divided between 1-hour, 5 a.m. to 5 p.m. parking, Mon. through Sat. (5 spaces south of the entrance to City Hall) and 2-hour, 8 a.m. to 5 p.m. parking Mon. through Friday (remaining spaces). This converts the entire side to 2-hour, 8 a.m. to 5 p.m. parking Mon. through Friday. (Note: meters will remain.) Rationale: Change will ease use by visitors to the Farmers Market among other reasons.
2 nd Street from Fess Avenue to 100' West of Fess. (South Side) (Map 10)	This stretch of Second Street has 15-minute parking 8 a.m. to 5 p.m. except Sunday. The change would remove this regulation and allow neighborhood permit parking during the weekdays. Rationale: Loading zone is no longer needed with the departure of K&S Market.
7 th Street from Morton to Rogers Street (North and South) (Maps 8 & 9)	This stretch of 7 th has 2-hour, 8 a.m. to 5 p.m. parking except Sunday. The change provides 2-hour, 5 a.m. to 5 p.m. parking on Monday through Friday for the eastern part of this stretch (extending from Morton to Madison on the south and from Morton to the B-Line Trail on the north) and continues the weekday prohibitions on the west. Rationale: perhaps to be consistent with other nearby parking regulations and to provide more room for visitors to the Saturday Farmers' Market?

Loading Zones (BMC 15.32.100) Schedule O (Sections 12 and 13 of the Ordinance)	
<u>Location</u>	<u>Action and Rationale</u>
200 block of North Madison (East Side)	The change designates the loading zone by the placement of the sign rather than by the space or footage on the block. Rationale: It adds flexibility so the loading zone can be changed to help with two businesses adjacent to the zone.
429 E. Kirkwood, first space west of Dunn (north side)	The change imposes the restriction from 5 a.m. to 5 p.m. on Monday – Saturday, rather at all hours. Rationale: it will provide additional parking in the evening.
200 block of West 6 th Street, first space east of Morton Street (North Side)	The change introduces a loading zone from 5 a.m. to 5 p.m. Monday – Saturday.

Bus Zones (BMC 15.32.110) Schedule P (Sections 14 of the Ordinance)	
<u>Location</u>	<u>Action and Rationale</u>
7 th Street from Walnut to the first space east of Walnut (North Side)	This change adds a bus stop here. Rationale: it provides for greater pedestrian safety by allowing riders exiting the bus to do so at the intersection of Seventh and Walnut where they can cross safely at the traffic signal.

Accessible Parking (BMC 15.32.150) Schedule S (Sections 15 And 16 of the Ordinance)	
<u>Location</u>	<u>Action and Rationale</u>
17 Municipal Lots	This change increases the number of municipal lots with accessible parking spaces from 13 to 17 lots and increases the number of accessible spaces from 45 to 77.
100 block of North College, first space north of 8 th Street (West Side)	This change adds these new accessible parking spaces.
100 block of North Walnut, first space south of 6 th Street (West Side)	
200 block of South Grant, first space south of 4 th Street (West Side)	

Parking Facing Traffic – Prohibited (BMC 15.32.170)

Section 17 of Ord 08-19 replaces the current provision to make the prohibition against parking facing traffic clearer and to update it to reflect the requirements of the Indiana Code. The intent of this provision is to prevent vehicles from crossing traffic.

Residential Neighborhood Permit Parking (BMC 15.37)

Sections 18-26 of Ord 08-19 make a number of changes to the Neighborhood Permit Parking Program.

- (Fees) Parking & Visitor Permits – This ordinance increases the fee for parking and visitor permits in the ten Neighborhood Residential Zones from \$15 to \$25. The last fee adjustment was in 2003. Since that time, the Consumer Price Index indicates at least a 12% price increase for small Midwestern cities.
- (Fees) Replacement Permits –The cost of replacing a permit also increases under this ordinance from \$5 to \$10 in the interest of covering administrative and permit placard/card costs.
- (Fees) All Zones Permits – The cost of an “All Zones Permit” is increased from \$25 to \$50.
- The ordinance also clarifies that repetitive “applicants” for a by-pass must actually purchase a service permit. The intent of this provision is to prevent abuse of the by-pass program.
- Violations – The ordinance also makes changes to make it clear that a violation of this chapter always constitutes a Class D traffic violation. The BMC currently states that a violation “generally” constitutes a Class D traffic violation. Similarly, the ordinance shifts a “plate non-match” violation from a Class F to a Class D violation, thereby shifting the fine for this violation from \$20 to \$15 in the interest of making this violation agree with most other violations.
- The ordinance also allows that the Board of Public Works may sell up to 10 Zone 1 parking permits annually to the staff at Harmony School.

City Employee Parking (BMC 15.38)

Sections 27-31 of Ord 08-19 address changes to City Employee Parking. In brief, the changes:

- Limit parking in the City Employee Lot (Lot 11) to employees with a full time employee permit; and carry over similar language from the previous BMC that restricts usage of this lot to registered Farmers’ Market vendors during the hours of operation of the Bloomington Farmers’ Market; and allow for use of the Lot for events approved by the Board of Public Works.
- Change the violation and penalty for parking in Lot 11 from a Class H to a Class D infraction and make a tandem reduction of the penalty from \$50 to \$25 in the interest of making the fine for violating this provision similar to fines of similar offenses.

Municipal Parking Lots, Garages and On-Street Metered Parking (BMC 15.40)

Sections 32-40 of Ord 08-19 address changes to City lots, garages and metered parking. In brief, the changes:

- Increase the permit fees for parking in municipal garages (Section 32) {which include: Lot 2 -- Walnut Center Garage (7th & Walnut); Lot 5 – Sixth and Lincoln; Lot 7 – Register Parking Garage (7th & Morton); and Lot 9 (4th & Walnut)}; and
- adds a new parking permit type “24/7 Nonreserved.”
- are cited in a table in the accompanying *Memo* from the Department of Public Works and are reproduced here:

Permit type	24/7 reserved	12/5 reserved	24/7 nonreserved	12/5 nonreserved
current cost/mo.	\$56.25	\$45.83		\$33.33
proposed cost/mo.	\$69	\$52	\$64	\$38
increase	22.67%	13.46%	new	14.01%

As spelled out in the Department’s Memo, these increased permit fees reflect an increase in the Consumer Price Index (CPI) since the City last adjusted such rates in 2004. From January 2004 to December 2007, the CPI indicates a price increase of 12.2% for small Midwestern cities. The Department writes that,

“[t]he CPI along with our garage expenses, which were \$939,015 in 2007, more than justify the proposed increase.”

Note: In the above table, “24/7 reserved” refers to a space reserved 7 days a way, all hours of the day. “24/7 nonreserved” refers to admission 7 days a week, all hours of the day to non-reserved spaces. “12/5 reserved” refers to a permit for a reserved space to which permittee is granted access Monday-Friday, 6am-6pm. “12/5 nonreserved” refers to admission Monday-Friday, 6am-6p and Saturday and Sunday, 6am-Noon to a nonreserved space.

- Create a separate table – “Schedule W” – for “Hourly Parking.” Here, hourly parking is just separated out from the garage fee structure, where they were previously combined. All charges and parking times remain the same. (Section 33)
- Increase the fee for cancelling a parking permit lease, obtaining a replacement hang tags and obtaining a replacement garage access card from *five* to *ten* dollars to cover material and administrative costs. (Section 35)
- Clarify the difference between a “reserved and non-reserved” space (Section 36)
- Add language that makes clear that the City “neither required to sell permits for periods of less than one month nor to rebate fees paid in advance for periods of less than one month. (Section 39)
- Make a number of language changes in the interest of clarity throughout.

Removal and Impoundment of Vehicles (BMC 15.48)

Sections 41 through 48 of Ord 08-19 amend Chapter 15.48 of the BMC which provides for the removal and impoundment of vehicles. In brief, the changes:

- remove the word “emergency” wherever it appears in the Chapter to make clear that the removal and impoundment of vehicles does not require an emergency (Section 41 and 42);
- allow towing when the vehicle impedes or poses a hazard for both vehicular *and pedestrian traffic* (Section 43);
- clarifies that towing can be done from leased spaces in all City facilities (*and not just garages*) (Section 44);
- remove an incorrect statutory cite regarding the impoundment of unregistered vehicles (Section 45);

- remove a section that is covered under abandoned vehicles (BMC 15.52) (Section 46);
- remove a section concerning the Farmers' Market when it operated at 6th and Washington (Section 47); and
- authorize towing a vehicle parked in a No Parking zone (Section 48).

Abandoned Vehicles (BMC 15.52)

Sections 49 through 55 of Ord 08-19 amend Chapter 15.52 of the BMC which sets forth the procedure for handling abandoned vehicles. In brief, the changes:

- insert the proper statutory cite for registration of antique vehicles which are excepted from this Chapter (Section 49);
- remove an elaborate procedure for handling vehicles found in the possession of someone other than the registered owner and replace it with a statutory duty to take and store the vehicle in a suitable place (IC 9-22-1-5) (Section 50);
- remove the requirement that the tag on an abandoned vehicle indicate that the owner will lose registration privileges if they fail to pay for costs associated with care of the car because that no longer is provided by statute (Section 51);
- bring the procedure to be followed when a tagged vehicle or parts are not removed within 72 hours in conformance with I.C. 9-22-1-12 (*Note: This entails an officer making a report and taking photographs.*) (Section 52);
- raise the amount a vehicle or parts must be worth below which an officer may dispose of the items (Section 53) and above which he or she must take reasonable steps to determine the owner (Section 54) (*Note: That amount conforms to statute and went from \$100 to \$750*); and
- remove a provision regarding the disposal of abandoned vehicles because it is covered in the definition section (Section 55).

Traffic Violation Schedule (BMC 15.64)

Sections 56 through 60 of the Ord 08-19 amend Chapter 15.64 which sets forth the fines for violations of Title 15. In brief, the changes:

- raise the escalating fine for the most common violation – the Class D Traffic Violation (which includes overtime parking) – from \$15 to \$25 if paid within 7 days and from \$30 to \$40 if paid later on (Section 56 and 57);
- reduce the Neighborhood Parking Permit violation associated with putting a permit on an ineligible car (what we call a plate non-match) from a Class F

Traffic Violation (\$20) to a Class D Traffic Violation (\$15) (Section 58); and

- reduce the parking violation associated with illegally parking in an employee lot from a Class H Traffic Violation (\$50) to a Class D Traffic Violation (\$25/\$40) to bring it inline with other downtown parking violations (Section 59 and 60).

Effective Date

Section 64 of Ord 08-19 makes the ordinance effective upon adoption and publication, except for fees and fines which are delayed until January 1, 2009.

Item Three - Ord 08-20 – Amending the Clarizz Planned Unit Development (PUD) to Allow an Additional 1,350 s.f. of Medical Office Space

Ord 08-22 would amend the Clarizz PUD to allow the addition of 1,350 s.f. of medical office space at the request of Orthopedics of Southern Indiana.

Site and Surrounding Uses: This is a 0.85 acre portion of the built-out, 4.7 acre Clarizz PUD. It is occupied by a medical office and surrounded by medical offices to the north and south, single family residences (Hoosier Acres) on the east, and commercial properties (College Mall) on the west.

Growth Policies Plan (GPP): The Memo to the Council indicates that this PUD and the proposed amendment are consistent with its GPP designation of Community Activity Center.

History of PUD: In 1998, the developer worked closely with the residents of Hoosier Acres when proposing to convert this residentially zoned land to a PUD with more intense medical office uses. The Plan Commission and Council approved it with specific conditions of approval that formalized many of the compromises made with the neighbors. This amendment is coming forward because of the following condition:

The medical office land use on this site is restricted to no more than 50 percent of the total office square footage (15,750 square feet). Total office square footage within this PUD shall be limited to 31,500 square feet.

Proposed Amendment: Orthopedics of Southern Indiana has “seen very successful growth of their business” at this site and, after receiving positive responses from the

neighbors in Hoosier Acres, is proposing to expand the building in the following ways and for the following purposes:

- Partially fill-in two notches along the front of the building to add two exam rooms and space for physical therapy;
- Create a central dormer in the front (west side) of the building for nurse offices (but not patients); and
- Enclose the entryway on the south in order to better regulate the air-conditioning for the facility.

Plan Commission Action: On September 8th after one hearing, the Plan Commission voted unanimously to approve this amendment to the PUD with the following conditions of approval which:

- Require all existing conditions of approval for the PUD and this property to remain in effect;
- Prohibit any additional square footage to any other building within the PUD without further amendment to the PUD (*which clarified an important issue for the neighbors*); and
- Ties the approval of the Final Plan to the Council approval of the amendment to the Preliminary Plan.

Item Four - Ord 08-21 – Vacating a 44 x 115 foot Segment of Fairview Street Between 515 West Patterson Drive and 1300 South Patterson Drive (Cook Pharmica, LLP, Petitioner)

Ord 08-21 vacates a segment of the Fairview Street right-of-way between 515 West Patterson Drive and 1300 South Patterson Drive at the request of Cook Pharmica, LLC. This segment of right-of-way was imbedded in a larger (0.98 acre) parcel that was sold by the City to Cook Pharmica, LLC for \$37,000 in 2007. This larger parcel had been acquired by the City through voluntary sale as part of the Patterson Drive improvements and was no longer needed. Cook Pharmica wanted to use it as an entryway and to further secure their facility. Sometime after the transfer, the parties realized that it contained a portion of the Fairview Street right-of-way, which may not be sold, but can be vacated by the City. This ordinance is intended to wrap-up that conveyance.

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 ordinance to the Council (November 5, 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, they prepare 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. In this case, the petitioner has obtained a quitclaim deed from its neighbor and will own the entire segment.

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 information provided by the Plan Department, the Petitioner thought it acquired this piece of land when it purchased a larger parcel from the City in 2007. Sometime later, the parties realized that there was a right-of-way imbedded in the parcel that could not be sold, but could be vacated by the City. This petition and ordinance are intended to complete that earlier conveyance of land.

Concerns of Surrounding Property Owners. The Memo from Darland does not mention any concerns from neighbors.

Description of Vacated Property. The property to be vacated is a 44 x 115 segment of Fairview between 515 West Patterson Drive and 1300 South Patterson Drive on the south side of Patterson Drive. Please note that the survey map and legal

description of this right-of-way was provided by the Petitioner and the legal description is set forth in 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. There are numerous utility interests in these alley ways (please see the summary in the packet) and the memo from Lynne Darland indicates that the Petitioner will grant easements to all affected parties. Please note that the Fire Department had no concerns about this vacation and Police found no problem with this action as long as the access drive remains open to accommodate emergency vehicle response.

**Current Status - Access to Property.
Necessity for Growth**

Future Status – The Staff Report found that “no public utilization of this right-of-way is anticipated by the City [and that] ...[a]ll public services can be adequately served through use of easements.”

Private Utilization – The petitioner intends to continue to use this right-of-way an entryway into its facility. It has obtained a quitclaim deed from the abutting property owner, Bloomington PR, LLC, and will own the entire segment upon the vacation of this right-of-way.

Compliance with regulations – The Staff Report says that the vacation “will not create any issues regarding compliance with local regulations.”

Relation to City Plans – The Staff Report indicates that “the proposal is consistent with City plans” and the physical improvements made by Cook Pharmica, LLC, on their property has “received all necessary permits and was constructed according to the approved plans.” It further states that “loss of the right-of-way does not conflict with the City’s Thoroughfare Plan or Growth Policies Plan.”

Approvals and Recommendation

The Staff Report indicates that the Board of Public Works voted on September 16th to recommend approval of this action and that Plan Department supports it as well.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, OCTOBER 15, 2008
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: October 1, 2008 (Regular Session)

IV. REPORTS FROM:

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

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

October 1, 2008 Regular Session Action: Postpone until October 15, 2008
September 24, 2008 Committee Recommendation: Do Pass 9 – 0 – 0

2. 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)

October 1, 2008 Regular Session Action: Postpone until October 15, 2008
September 24, 2008 Committee Recommendation: Do Pass 9 – 0 – 0

VII. LEGISLATION FOR FIRST READING

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

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

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)

4. 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)

* *Motion to Reschedule Committee of the Whole Anticipated*

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 October 13-18, 2008

October is Adopt a Shelter Dog Month!

Monday, October 13, 2008

4:30 pm Council Sidewalk Committee, McCloskey
5:00 pm Utilities Service Board, Board Room, 600 E. Miller Dr.

Tuesday, October 14, 2008

8:00 am Emergency Management Coordination Board, McCloskey
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W. Grimes Lane
5:30 pm Board of Public Works, Council Chambers
5:45 pm Bloomington Community Arts Commission, Kelly
6:00 pm City of Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities International, Dunlap

Wednesday, October 15, 2008

9:30 am Tree Commission, Rose Hill Cemetery Office, 930 W. Fourth Street
6:00 pm Neighborhood Improvement Grant Meeting, McCloskey
7:00 pm Council of Neighborhood Associations, Hooker Room
7:30 pm Common Council Regular Session, Council Chambers

Thursday, October 16, 2008

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N. Summit, Community Room
9:00 am B-Line Weekly Progress Meeting, Council Chambers
4:00 pm Bloomington Digital Underground, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, October 17, 2008

9:00 am *City of Bloomington Employee Blood Drive* – Open to the Public, Council Chambers
11:00 am Common Council Internal Work Session, Hooker Room
12:00 pm Domestic Violence Task Force, McCloskey

Saturday, October 18, 2008

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

Posted and Distributed: Friday, October 10, 2008



City of Bloomington
Office of the Common Council

MEETING NOTICE

Common Council Sidewalk Committee

The 2009 Common Council Sidewalk Committee will meet at 4:30 p.m. Monday, October 13, 2008 in the McCloskey Room of City Hall (401 N. Morton Street). The purpose of the meeting is to discuss Committee procedures and sidewalk projects.

Because a quorum of the Common Council may be present, this meeting may constitute a meeting of the Council as well as of this committee under Indiana Open Door Law. Therefore, this provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Monday, October 6, 2008

APPROPRIATION ORDINANCE 08-06

**TO SPECIALLY APPROPRIATE FROM THE RISK MANAGEMENT FUND EXPENDITURES
NOT OTHERWISE APPROPRIATED
(Appropriating Funds for Worker’s Compensation Expenses)**

WHEREAS, the City has determined the need to appropriate additional funds for Worker’s Compensation and a sufficient balance remains in the Risk Management Fund to pay these expenses;

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

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

	AMOUNT REQUESTED
Risk Management Fund	
Line 53420 – Worker's Comp. & Risk Admin.	<u>100,000</u>
Total Risk Management Fund	<u>100,000</u>
Grand Total Risk Management Fund	<u>100,000</u>
Grand Total All Funds	\$ <u>100,000</u>

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 by 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

This ordinance appropriates \$100,000 from the Risk Management Fund to cover additional Worker’s Compensation expenses in 2008.

Memorandum

To: City Council Members
From: Daniel Grundmann, ES Director
CC: Dan Sherman, Mayor Kruzan, Maria Heslin, Kevin Robling, Mike Trexler
Date: 10/10/2008
Re: Risk Management Worker's Compensation Fund (Ordinance 08-06)

Risk Management Fund. The Employee Services Department requests an additional appropriation of \$100,000 from the Risk Management Fund in order to cover Worker's Compensation (WC) expenses. After authorization of this appropriation, projected year end cash balance in the Risk Fund will be approximately \$9,000.

As was discussed with the council for the June appropriation, WC claims have been unusually high this year. While our network discount savings are nearly three times higher than administrative costs paid to our third party administrator, high-claim injuries and related permanent partial impairment (PPI) and temporary total disability (TTD) pay-outs are driving costs. Of our nearly 700 regular employees and over 1,000 total employees, including seasonal part-time employees, twenty Worker's Compensation cases account for over 85% of all 2008 claims. Thus far in 2008 we paid claims for fourteen cases associated with back and/or rotator cuff injuries including employees in eight different divisions making up over 70% of all claims paid. *Half of all 2008 claims costs thus far are the result of only six WC injuries.*

While we continue to seek means to reduce accident rates and decrease costs, the nature of budgets for WC health care claims is volatile. This is demonstrated by the fact that only six accidents in more than 200,000 total employee work days account for over 50% of our 2008 Worker's Compensation claim expenses.

We appreciate your support and I welcome any questions you have regarding this ordinance.

Risk Management Fund

Combining Schedule of Revenues, Expenditures, and Changes in Fund Balance

	2000	2001	2002	2003	2004	2005	2006	2007	2008 Projected	2009 Budgeted
Beginning Fund Balance	\$ 575,641	\$ 713,832	\$ 676,057	\$ 439,478	\$ 251,981	\$ 223,118	\$ 233,163	\$ 120,097	\$ 302,574	\$ 124,664
Revenues:										
Revenue Budget	389,000	409,000	317,347	462,324	481,335	485,930	512,967	676,000	688,908	723,685
Excess (Deficiency)	<u>73,975</u>	<u>97,030</u>	<u>156,248</u>	<u>(7,951)</u>	<u>16,834</u>	<u>319,805</u>	<u>18,067</u>	<u>197,913</u>	<u>13,156</u>	<u>-</u>
Total Revenues	<u>462,975</u>	<u>506,030</u>	<u>473,595</u>	<u>454,373</u>	<u>498,169</u>	<u>805,735</u>	<u>531,034</u>	<u>873,913</u>	<u>702,064</u>	<u>723,685</u>
Expenditures:										
Budget (as Adopted)	389,570	455,263	449,917	525,292	526,335	479,861	504,867	664,942	679,974	714,856
Additional Appropriations	-	170,000	232,516	169,590	-	340,568	244,000		200,000	
Prior Year Encumbrances	13,858	21,670	34,467	-	9,313	-	8,297	26,494		
Savings (Reversions)	<u>(78,644)</u>	<u>(103,128)</u>	<u>(6,726)</u>	<u>(53,012)</u>	<u>(8,616)</u>	<u>(24,739)</u>	<u>(113,064)</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Expenditures	<u>324,784</u>	<u>543,805</u>	<u>710,174</u>	<u>641,870</u>	<u>527,032</u>	<u>795,690</u>	<u>644,100</u>	<u>691,436</u>	<u>879,974</u>	<u>714,856</u>
Excess (Deficiency) of Revenues Over (Under)	138,191	(37,775)	(236,579)	(187,497)	(28,863)	10,045	(113,066)	182,477	(177,910)	8,829
Year End Balance	<u>\$ 713,832</u>	<u>\$ 676,057</u>	<u>\$ 439,478</u>	<u>\$ 251,981</u>	<u>\$ 223,118</u>	<u>\$ 233,163</u>	<u>\$ 120,097</u>	<u>\$ 302,574</u>	<u>\$ 124,664</u>	<u>\$ 133,493</u>
Year End Balance as a % of Expenditures	220%	124%	62%	39%	42%	29%	19%	44%	14%	19%

*Please note, these expenses are not exclusive to Worker's Compensation. The Risk Management Fund also services the Risk Management division of Legal.

ORDINANCE 08-19

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “VEHICLES AND TRAFFIC”**

WHEREAS, the Traffic Commission has recommended certain changes be made in Title 15 of Bloomington Municipal Code entitled “Vehicles and Traffic”; and

WHEREAS, other changes to Title 15 are also necessary at this time;

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

SECTION 1. Chapter 15.04 DEFINITIONS shall be amended by adding the following definitions in alphabetical order within this Chapter, assigning the following section numbers, and renumber the remaining sections accordingly, and listing all sections in the table of contents for this Chapter:

Section 15.04.090 Parking space. “Parking space” means any space that is designated for the parking of a single vehicle by lines painted or marked on the curb or surface of the street or parking facility or, in the event spaces are not marked, a space intended for parking that shall not exceed twenty-two feet in length.

Section 15.04.140 Residential Neighborhood Permit. “Residential Neighborhood Permit” means a permit that is issued to persons residing in an area with streets or boundaries designated by ordinance of the City Council establishing the area wherein vehicles displaying a valid permit shall be allowed to be parked.

Section 15.04.160 Special Events Parking Permit. “Special Events Parking Permit” means a permit that is issued to reserve parking spaces for busses and other vehicles which are used for purposes including but not limited to the transportation of guests to and from lodging establishments and for the transportation of performers and/or their equipment used in association with the production or presentation of performances at entertainment venues.

SECTION 2. Sub-Section 15.04.020 (5) Abandoned vehicle of Bloomington Municipal Code Chapter 15.04 “Definitions” shall be amended to read as follows:

A vehicle that has been removed by an authorized towing service upon request of a police officer enforcing a statute or ordinance other than Chapter 15.52, if the vehicle once impounded is not claimed or redeemed by the owner or his agent within twenty days of its removal; or

SECTION 3. Sub-Section 15.04.020 (6) Abandoned vehicle of Bloomington Municipal Code Chapter 15.04 “Definitions” shall be amended to read as follows:

A vehicle that is three or more model years old and mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty days.

SECTION 4. Section 15.04.070 Parked of Bloomington Municipal Code Chapter 15.04 “Definitions” shall be amended by deleting the definition and replacing it with the following:

Parked means allowing a motor vehicle to remain stationary on a public way, public parking area or street, whether attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or freight.

SECTION 5. Section 15.12.010 Schedule A of Bloomington Municipal Code Chapter 15.12 “Stop, Yield and Signalized Intersections” shall be amended to add the following:

STOP INTERSECTIONS

Traffic On	Shall Stop for Traffic on
Hawthorne Drive	Wylie Street
Susie Street	Thomson Park Drive

SECTION 6. Section 15.12.020 Schedule C of Bloomington Municipal Code Chapter 15.12 “Stop, Yield and Signalized Intersections” shall be amended to delete the following:

YIELD INTERSECTIONS

Traffic On	Shall Yield to Traffic on
Hawthorne Lane	Wylie Street

SECTION 7. Section 15.32.080 Schedule M of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended to delete the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Eleventh Street	Adams Street	Monroe Street	North	Any Time
Lincoln Street	Seventeenth Street	Nineteenth Street	Both	Any Time
Nineteenth Street	Walnut Street	150’ East of Washington Street	North	Any Time
Thirteenth Street	Fess Avenue	140’ East of Fess Avenue	North	Any Time

SECTION 8. Section 15.32.080 Schedule M of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended by adding the following to Schedule M:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Cottage Grove	Monroe Street	Diamond Street	South	Any Time
Eleventh Street	Summit Street	Monroe Street	North	Any Time
Lincoln Street	Seventeenth Street	Nineteenth Street	West	Any Time
Lincoln Street	Seventeenth Street	72’ North of Seventeenth Street	East	Any Time
Lincoln Street	351’ North of Seventeenth Street	Nineteenth Street	East	Any Time
Madison Street	Sixth Street	1 st Alley North of Sixth Street	West	2:00 p.m. to 7:00 p.m. on Tuesdays from June through September
Roosevelt Street	Fourth Street	Fifth Street	East/West	Any Time
Thirteenth Street	Fess Avenue	171’ East of Fess Avenue	North	Any Time

SECTION 9. Section 15.32.090 Limited Parking Zones of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended by adding the following:

(f) Special Events Parking Permits

Upon approval of application, the Department of Public Works may issue a Special Events Parking Permit which temporarily exempts for specified time periods certain vehicles and uses from the parking controls listed elsewhere in this section.

- 1) Except as otherwise provided in this subsection, such permits are valid only for parking spaces with a two (2) hour parking time limit on Walnut Street and College Avenue between Second Street and Tenth Street, and on Kirkwood Avenue between Indiana Avenue and Morton Street.
- 2) Applications for such permits shall be submitted to the Department of Public Works at least seven (7) days prior to the time that reserved parking spaces are needed.
3. The Department of Public Works shall post notice of the parking space reservation at least twenty-four (24) hours in advance of the time the reservation shall become effective.
- 4) The Special Events Parking Permit may be issued for specific parking spaces on Walnut Street, College Avenue and Kirkwood Avenue provided that such parking is restricted to those spaces with a time limit equal to and not less than two (2) hours as listed in Schedule N of this section.
- 5) Permitted uses for a Special Events Parking Permit shall include, but are not limited to, busses transporting guests to and from lodging establishments, and busses and other vehicles used in association with the production or presentation of performances at entertainment venues.
- 6) A Special Events Parking Permit issued under the authority of this section shall exempt permit holders from prohibitions listed in Bloomington Municipal Code 15.32.070.
- 7) The fee for a Special Events Parking Permit shall be ten dollars (\$10) per vehicle per day or ten dollars (\$10) per vehicle parking space per day if the vehicle is to occupy more than one parking space.

SECTION 10. Section 15.32.090 Schedule N of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended to delete the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
College Avenue	60’ North of Eighth Street	104’ North of Eighth Street	West	30 min. (8)
College Avenue	104’ North of Eighth Street	65’ South of Ninth Street	West	2 Hr. (8)
Fourth Street	College Avenue	Madison Street	South	2 Hr. (8)
Fourth Street	1 st Alley East of Madison Street	Madison Street	North	2 Hr. (8)
Fourth Street	Rogers Street	1 st Alley W. of Rogers	North	1 Hr. (2)
Madison Street	Fourth Street	Kirkwood Avenue	West	2 Hr. (8)
Morton Street	Seventh Street	1 st Alley North of Seventh Street	East	2 Hr. (8)
Morton Street	1 st Alley North of Seventh Street	Eighth Street	East	2 Hr. (3)
Morton Street	Entrance to Lot 11 (South of City Hall)	Fifth Space South of entrance to Lot 11 (South of City Hall)	West	1 Hr. (3)
Morton Street	Up to but not including fifth space south of entrance to Lot 11	Seventh Street	West	2 Hr. (8)

(South of City Hall)

Second Street	Fess Avenue	100' W. of Fess Avenue	South	15 Min. (2)
Seventh Street	Madison Street	Morton Street	South	2 Hr. (2)
Seventh Street	Morton Street	Rogers Street	North	2 Hr. (2)

SECTION 11. Section 15.32.090 Schedule N of Bloomington Municipal Code Chapter 15.32 "Parking Controls" shall be amended to add the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
College Avenue	2 nd Space North of Eighth Street	4 th Space North of Eighth Street	West	30 Min. (8)
College Avenue	4 th Space North of Eighth Street	Bus Stop South of Ninth Street	West	2 Hr. (8)
Dunn Street	Third Street	Fourth Street	East	2 Hr. (2)
Fourth Street	College Avenue	Rogers Street	South	2 Hr. (8)
Fourth Street	1 st Alley East of Madison Street	1 st Alley West of Rogers Street	North	2 Hr. (8)
Grant Street	Third Street	Fourth Street	West	2 Hr. (2)
Madison Street	85' N. of Third Street	Kirkwood Avenue	West	2 Hr. (8)
Morton Street	Seventh Street	Eighth Street	East	2 Hr. (8)
Morton Street	Entrance to Lot 11 (South of City Hall)	Seventh Street	West	2 Hr. (8)
Seventh Street	Madison Street	Rogers Street	South	2 Hr. (2)
Seventh Street	Morton Street	Madison Street	South	2 Hr. (8)
Seventh Street	Morton Street	B-Line Trail	North	2 Hr. (8)
Seventh Street	B-Line Trail	Rogers Street	North	2 Hr. (2)

SECTION 12. Section 15.32.100 Schedule O shall be amended to delete the following:

LOADING ZONES

200 Block of North Madison Street from 142' to 186' north of Sixth Street on the east side.
429 E. Kirkwood Avenue, first space west of Dunn Street on the north side.

SECTION 13. Section 15.32.100 Schedule O shall be amended by inserting the following into the Schedule in first numeric, and then alphabetical, order:

LOADING ZONES

200 Block of North Madison Street as posted on the east side of the street.
429 E. Kirkwood, first space west of Dunn Street on the north side from the hours of 5:00 a.m. to 5:00 p.m., Monday through Saturday.
200 Block of West Sixth Street, first space east of Morton Street on the north side from the hours of 5:00 a.m. to 5:00 p.m., Monday through Saturday.

SECTION 14. Section 15.32.110 Schedule P shall be amended to add the following:

BUS ZONES

Street	From	To	Side of Street
Seventh Street	Walnut Street	First space East of Walnut Street	North

SECTION 15. Section 15.32.150 Schedule S shall be amended to delete the following:

- Lot 1
- Lot 2 (8 spaces)/Walnut Street Parking Garage
- Lot 3 (2 spaces)/4th Street/Washington Street
- Lot 5 (3 spaces)/6th Street/Lincoln
- Lot 6 (2 spaces)/Bloomington Police Department
- Lot 7 (10 spaces)/Regester Center Parking Garage
- Lot 9 (4 spaces)/4th Street Parking Garage
- Lot 11 (3 spaces)
- Lot 12 (3 spaces)
- Lot 13 (2 spaces)
- Lot 17 (4 spaces)
- Lot 18 (1 space)
- Lot 19 (3 spaces)

John F. Kennedy Law Enforcement Building – the first space south of the driveway on the west side of Lincoln Street.

SECTION 16. Section 15.32.150 Schedule S shall be amended to add the following:

- Lot 1 (3 spaces)/4th & Dunn
- Lot 2 (8 spaces)/Walnut Center Garage (7th & Walnut)
- Lot 3 (4 spaces)/4th & Washington
- Lot 5 (3 spaces)/6th Street & Lincoln
- Lot 6 (2 spaces)/3rd & Washington (BPD)
- Lot 7 (11 spaces)/Regester Parking Garage (7th & Morton)
- Lot 9 (8 spaces)/4th & Walnut Garage
- Lot 11 (4 spaces)/City Employee Lot (Green Lot)
- Lot 12 (5 spaces)/IU Research Park (Red Lot)
- Lot 13 (5 spaces)/CFC (White Lot)
- Lot 17 (2 spaces)/Bryan Park on Woodlawn
- Lot 18 (3 space)/Bryan Park on Stull
- Lot 19 (4 spaces)/Bryan Park at Henderson & Dixie
- Lot 20 (3 spaces)/Henderson & Allen
- Lot 21 (5 spaces)/Bryan Park Pool Area
- Lot 22 (5 spaces)/Southdowns & Woodlawn
- Lot 24 (2 spaces)/Miller Showers Park & 17th

100 Block of North College – first space north of Eighth Street on the west side of College Avenue

100 Block of North Walnut Street - first space south of Sixth Street on the west side of Walnut Street.

200 Block of South Grant Street - first space south of Fourth Street on the west side.

City of Bloomington Police Department - first space south of the driveway on the west side of Lincoln Street.

SECTION 17. Section 15.32.170 Parking prohibited facing traffic shall be amended by deleting the existing section and replacing it with the following:

No person shall stand or park a vehicle on the street or roadway other than in the direction of lawful traffic movement. Where parallel parking is required, vehicles shall park with the curbside wheels of the vehicle parallel with and within one foot of the curb or within the marked space. Where angled parking is required, vehicles shall be parked with the front wheel nearer the curb touching or within one foot of the curb or within the marked space.

SECTION 18. Section 15.37.050 Fees shall be amended by deleting the word “fifteen” and replacing it with “twenty-five”.

SECTION 19. Section 15.37.100 Replacement of Permit shall be amended by deleting the word “five” and replacing it with “ten”.

SECTION 20. Section 15.37.140 Special Exceptions shall be amended by adding the sentence “This is not in lieu of a service permit” before the last sentence.

SECTION 21. Section 15.37.150 Violations shall be amended to delete the word “generally” in the first sentence.

SECTION 22. Section 15.37.150 Violations shall be amended to delete the following:

However, it shall be a Class F violation, as listed in Section 15.64.010, for a person holding a valid residential neighborhood parking permit to use or display the permit on an ineligible motor vehicle. It shall also be a Class F violation for a person holding a valid residential neighborhood parking permit to use or display the permit on an ineligible motor vehicle.

SECTION 23. Section 15.37.170 Zone 1 fraternities and sororities shall be amended by renaming the section, “Zone 1 provisions”.

SECTION 24. Section 15.37.170 Zone 1 provisions shall be amended by naming the existing provision subsection (a) and adding the following subsection:

(b) The board of public works may sell up to ten Zone 1 parking permits annually to the staff of Harmony School.

SECTION 25. Section 15.37.190 All Zone permits shall be amended by deleting the word “twenty-five” and replacing it with “fifty.”

SECTION 26. Chapter 15.37 RESIDENTIAL NEIGHBORHOOD PERMIT PARKING shall be amended by inserting the Section title, “15.37.240 Zone 10 provisions” to the table of contents of Chapter 15.37 and by adding the following new section:

15.37.240 Zone 10 provisions.

The board of public works may sell up to twenty Zone 10 parking permits annually to the staff of Fairview Elementary School to allow parking in the area designated “Fairview School Staff Permit Parking.”

SECTION 27. Section 15.38.020 Restrictions shall be amended by deleting the existing subsection (b) and replacing it with the following:

(b) No person shall park in Lot 11 between five a.m. and five p.m., Monday through Friday without a Green FT Employee permit.

SECTION 28. Section 15.38.020 Restrictions shall be amended by adding the following subsection (c) and renumbering all subsequent subsections accordingly.

(c) During farmers’ market season the following restriction shall apply to parking in Lot 11:

No person shall park between four a.m. to two p.m. on Saturdays with the following exception: Registered farmers’ market vendors with proper authorization from the Parks and Recreation Department, under the direction of said department, and at the times and locations within the lot specified by that department. This prohibition applies to city employees with an otherwise properly authorized and displayed city employee permit.

SECTION 29. Section 15.38.020 Restrictions shall be amended by deleting the existing subsection (a) and replacing it with the following:

(a) No person shall park between five a.m. and five p.m., Monday through Friday in any of the spaces described in Schedule T without a properly authorized and displayed City employee permit, unless granted proper authorization by the Department of Public Works.

SECTION 30. Section 15.38.020 Restrictions shall be amended by deleting subsection (f) and renumbering the remaining subsections accordingly.

SECTION 31. Section 15.38.030 Violation and penalty shall be amended by deleting “Class H” and replacing it with “Class D”, and by deleting “Section 15.64.010(i)” and replacing it with “Section 15.64.010(d)”.

SECTION 32. Section 15.40.020 Applicable times and charges shall be amended by deleting Schedule V and replacing it with the following:

SCHEDULE V – PERMITS

Municipal Lot	Nonreserved permit per month	Nonreserved permit per month	Reserved space lease per month	Reserved space lease per month
	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)	\$ 38.00	\$ 64.00	\$ 52.00	\$ 69.00
Lot 5 (6th and Lincoln)	\$ 38.00		\$ 52.00	\$ 69.00
Lot 7 Regester Parking Garage (7 th and Morton)	\$ 38.00	\$ 64.00	\$ 52.00	\$ 69.00
Lot 9 4th & Walnut Parking Garage	\$ 38.00	\$ 64.00	\$ 52.00	\$ 69.00

SECTION 33. Section 15.40.020 Applicable times and charges shall be amended by renaming the existing Schedule W, “Schedule X – City Hall Visitor Parking” and by inserting a new schedule, titled “Schedule W – Hourly Parking” immediately following Schedule V. The new Schedule W shall read as follows:

SCHEDULE W – HOURLY PARKING

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 1 4th and Dunn	\$0.50	5:00 a.m. — 5:00 p.m. Monday through Friday
Lot 2 Walnut Center Garage (7th & Walnut)	\$0.25	24 hours per day 7 days per week
Lot 3 (4th & Washington)	\$0.25	5:00 a.m. — 5:00 p.m. Monday through Friday
Lot 5 (6th and Lincoln)	\$0.25	5:00 a.m. — 5:00 p.m. Monday through Friday
Lot 6 3rd St./BPD lot	\$0.25	5:00 a.m. — 5:00 p.m. Monday through Friday
Lot 7 Regester Parking Garage (7 th and Morton)	\$0.25	24 hours per day 7 days per week
Lot 9 4th & Walnut Parking Garage	\$0.25	5:00 a.m. — 5:00 p.m. Monday through Friday

SECTION 34. Section 15.40.020 Applicable times and charges shall be amended to add the words “and Schedule W” after “Schedule V” in subsection (a).

SECTION 35. Section 15.40.020 Applicable times and charges, subsection (d) shall be amended by deleting all references to “five dollars” and replacing these references with “ten dollars”.

SECTION 36. Section 15.40.030 Garage and Lot Permits subsection (b) shall be amended by deleting it and replacing it with the following:

(b) Garage and lot permit fees are specified in Schedule V of this chapter. A reserved lease grants parking privileges for a particular parking space in one specific municipal lot or garage. A nonreserved parking lease grants parking privileges for the times specified in Schedule V within a designated area in a specific municipal lot or garage, and that area shall exclude reserved lease spaces and meter only spaces.

SECTION 37. Section 15.40.030 Garage and Lot Permits subsection (c)(1) shall be amended by replacing the word “shall” with the word “may” and by inserting the word “shall” after the word “but”.

SECTION 38. Section 15.40.030 Garage and Lot Permits shall be amended by deleting the existing subsection (i) and renumbering the remaining subsections.

SECTION 39. Section 15.40.030 Garage and Lot Permits shall be amended by adding subsection (j):

(j) The City is neither required to sell permits for periods of less than one month nor to rebate fees paid in advance for periods of less than one month.

SECTION 40. Section 15.40.030 Garage and Lot Permits subsection (i) shall be amended by replacing the word “duplicate” with the word “replacement” and by deleting the phrase “for reserved parking spaces.”

SECTION 41. Chapter 15.48 EMERGENCY REMOVAL AND IMPOUNDMENT OF VEHICLES shall be amended by deleting the word “emergency” wherever it appears in this Chapter *and wherever the title of this Chapter appears in the Bloomington Municipal Code*. In particular,

(a) The Title for Chapter 15.48 shall now read CHAPTER 15.48 REMOVAL AND IMPOUNDMENT OF VEHICLES;

(b) The Table of Contents for Title 15 VEHICLES AND TRAFFIC shall be amended to reflect the foregoing new title;

(c) Section 15.48.020 shall be amended to read Section 15.48.020 Removal and Impoundment Procedure and this new title shall be reflected in the Table of Contents for Chapter 15.48

SECTION 42. Subsection (a) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended to read as follows:

- (a) Vehicles parked in any of the following circumstances are declared public nuisances and shall be subject to removal and impoundment in accordance with this Chapter as, well as any fines set by State law or City ordinance:

SECTION 43. Subsection (a)(1) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended to read as follows:

- (a)(1) Any vehicle located in such a manner as to constitute a hazard or impediment to the free movement of pedestrian or vehicular traffic;

SECTION 44. Subsection (a)(6) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended to read as follows:

- (a)(6) Any vehicle parked in a leased stall in a municipal parking facility without displaying the proper permit for that stall, or any vehicle in violation of Section 15.40.060(j) of this code;

SECTION 45. Subsection (a)(9) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended to read as follows:

- (a)(9) Any vehicle required to be registered under Indiana Code 9-18-2 which does not have the proper registration or license plates attached;

SECTION 46. Subsection (a)(10) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended by deleting it in its entirety and renumbering remaining subsections.

SECTION 47. Subsection (a)(12) of Section 15.48.010 General provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended by deleting it in its entirety and renumbering remaining subsections.

SECTION 48. Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended by adding Sub-Section (a)(13) at the end of the section which shall read as follows:

- (a) (13) Any vehicle parked in a space and at a time that parking is prohibited by a posted “No Parking” sign.

SECTION 49. Subsection (a)(5) of Section 15.52.010 Applicability of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by replacing the statutory cite “Indiana Code 9-17-12” with “Indiana Code 9-18-12” so that the subsection now reads:

(a)(5) Registered and licensed under Indiana Code 9-18-12 as an antique vehicle.

SECTION 50. Section 15.52.030 Vehicles in possession of person other than owner of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by deleting Subsections (a) through (d) and replacing them with the following paragraph:

When a police officer discovers a vehicle in the possession of a person other than the owner and the person cannot establish his/her right to the possession of that vehicle, the police officer shall act in accordance with Indiana Code 9-22-1-5.

SECTION 51. Subsection (a)(4) of Section 15.52.040(a)(4) Removal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by deleting the following phrase “, and if not paid the owner’s registration privileges will be suspended on that car” so that it shall read as follows:

(a)(4) That the owner will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or parts.

SECTION 52. Subsection (b) of Section 15.52.040 Removal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be deleted and replaced with the following:

(b) If the tagged vehicle or parts are not removed within the seventy-two hour period, the police officer shall prepare a written abandoned vehicle report in accordance with Indiana Code section 9-22-1-12.

SECTION 53. Subsection (c) of Section 15.52.040 Removal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by:

First, deleting the words “one hundred dollars” in the first sentence and replacing them with the words “seven hundred and fifty dollars”; and

Second, deleting the words “an automobile scrapyard” in the first sentence and replacing them with the words “a storage yard”.

SECTION 54. Subsection (d) Section 15.52.040 Removal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by deleting the words “one hundred dollars” as it appears in the first sentence and replacing them with the words “seven hundred and fifty dollars”.

SECTION 55. Section 15.52.050 Disposal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be deleted in its entirety and from the table of content for this Chapter.

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 “\$25.00” 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: \$25, \$40 (depending upon when paid)

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-five” 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-five dollars, if paid within seven calendar days. The fine shall automatically increase to forty dollars if not paid within seven calendar days.

SECTION 58. Subsection (d) "Class D Traffic Violations (most parking violations) and Subsection (g) "Class F Traffic Violation" of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64" Traffic Violation Schedule" shall be amended in the following manner:

First, the reference to "15.37.150 – Permit displayed in an ineligible motor vehicle (plate non-match)" shall be deleted from Subsection (d); and

Second, the reference to "15.37.150 – Parking in residential permit area" in Subsection (d) shall be amended to read "15.37.150 – Parking in residential permit area; Permit displayed in an ineligible motor vehicle (plate non-match)"

SECTION 59. Subsection (i) "Class H Violations" of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64"Traffic Violation Schedule" by deleting the following line:

15.38.020 Unauthorized parking in city employee parking lots

SECTION 60. 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 inserting the following in numerical order:

15.38.020 Unauthorized parking in city employee parking lots

SECTION 61. Subsection (a) of Section 15.40.050 City Hall Visitor Parking shall be amended by replacing all references to "Schedule W" with "Schedule X" throughout this subsection.

SECTION 62. Subsection (1) of Section 15.40.060 Violations shall be amended by replacing the reference to "Schedule W" with "Schedule X."

SECTION 63. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 64. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor, and publication in accordance with State law. However, all fines and fees shall not be effective until January 1, 2009.

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

This ordinance makes numerous changes to the Bloomington Municipal Code. This includes stop intersections, yield intersections, no parking zones, limited parking zones, loading zones, bus zones, accessible parking for persons with physical disabilities, parking prohibited facing traffic, special exceptions, residential neighborhood permit parking, restrictions violations and penalty, applicable times and charges, parking leases, city hall visitor parking, general provisions and violations and penalties.

Note: The Council accepted a request to withdraw this ordinance on October 1, 2008 and is scheduled to reintroduce it on October 15, 2008 with revisions affecting Sections 1, 10, 32 and 64.

MEMORANDUM

TO: BLOOMINGTON CITY COUNCIL
FROM: DEPARTMENT OF PUBLIC WORKS
RE: ORDINANCE 08-19
CC: DAN SHERMAN, CITY COUNCIL ATTORNEY

This ordinance makes several changes to the Bloomington Municipal Code which includes stop intersections, yield intersections, no parking zones, limited parking zones, loading zones, bus zones, accessible parking for persons with physical disabilities, parking prohibited facing traffic, special exceptions, residential neighborhood permit parking, restrictions violations and penalty, applicable times and charges, parking leases, city hall visitor parking, general provisions, violations and penalties.

Each section is described below following its respective order as depicted in the legal ordinance;

Section One

This section adds definitions for improved clarification of terminology used throughout Title 15. The usage of these terms will be discussed and added under future sections of this ordinance.

Section Two

This section changes wording to include a police officer to tow a vehicle and to modify the timeframe a vehicle needs to be claimed to 20 days instead of 15 to match current Indiana Code.

Section Three

This section changes wording that defines an "abandoned vehicle" to match current Indiana Code. Specifically to change the age of a vehicle from 6 years to 3 years; and the length of time a vehicle is left on the property from 30 days to 20 days.

Section Four

This section changes and clarifies the wording that defines the term "Parked".

Section Five

This section makes changes to Stop Intersections which includes changing an existing yield sign for Hawthorne Drive at Wylie Street to a stop sign; adding a stop sign for the newly accepted Susie Street at Thompson Park Drive.

See maps 1 & 2

Section Six

This section officially deletes the yield sign from the Bloomington Municipal Code for Hawthorne Drive at Wylie Street.

See map 1

Section Seven

This section deletes parts of the Bloomington Municipal Code where no parking was permitted, and will be changed/added in later sections.

See maps 3 & 4

Section Eight

This section makes changes to Schedule M 'No Parking Zones' to allow for parking to be added/changed on Cottage Grove from Monroe Street to Diamond Street (For Area Neighbors); Eleventh Street adjacent to the Bloomington Housing Authority (For Housing Authority); Lincoln Street between 17th Street and 19th Street (Property Owner Request); Nineteenth Street between Walnut Street and Washington Street (Dental Office Addition); Twentieth Street from Washington Street to Lincoln Street (Private Development – Planning); Madison Street between 6th Street and 1st Alley to the North (Farmers Market); Roosevelt Street between 4th Street to 5th Street (Neighbor Request/Sidewalk Project); Thirteenth Street between Fess Avenue and driveway to the East (Indiana University Request)

See maps 3, 4, 5, 6, 7 & 8

Section Nine

This section was developed to allow for bus and other vehicle parking related to events occurring in the BEAD or for bus parking bringing tourists to the BEAD. This permit allows the venue representative purchase a permit for \$10 per day per space. The permit is only valid in 2 hour parking zones.

Section Ten

This section deletes various sections of the 'Limited Parking' schedule, some of which will be added/changed in the next section.

See maps 8, 9 & 10

Section Eleven

This section makes changes to the 'Limited Parking Zones' which includes changes on College Avenue just North of 8th Street (Copper Cup, and ADA needs); Dunn Street between 3rd Street to 4th Street (Addition to Downtown Parking); Fourth Street between College Avenue and Rogers Street (Addition to Downtown Parking and Business Requests); Grant Street between 3rd Street to 4th Street (Addition to Downtown Parking); Madison Street between 3rd Street and Kirkwood Avenue (Addition to Downtown Parking); Morton Street between 7th Street and 8th Street (addition of two hour parking limitation to metered parking); Seventh Street between Morton Street to Rogers Street (allows evening parking for business, and codifies existing angle parking adjacent to B-Line)

See maps 8, 9, 11, 12 & 13

Section Twelve

This section deletes existing code references regarding the location of a loading zone on Madison Street so it can be changed to help with two businesses adjacent to it, and deletes a loading zone on Kirkwood Avenue with regard to times so parking can be made available after hours to other users (see next section)

See maps 9 & 12

Section Thirteen

This section adds/changes loading zones on Madison Street to assist area businesses; on Kirkwood Avenue to make additional parking available during evening hours; and adds a loading zone in the 200 block of East 6th Street with time limitations to allow for evening parking.

See maps 9 & 12

Section Fourteen

This section creates a bus zone on 7th Street to address pedestrian safety for users exiting the bus by allowing them to exit at the intersection of 7th Street and Walnut Streets and providing safe crossing at the traffic signal.

See map 9

Section Fifteen

This section deletes the existing code references to area municipal parking lots which will be changed to reflect current ADA requirements in the next section as well as providing descriptions along with lot numbers for improved reference.

See maps 9 & 12

Section Sixteen

This section includes the necessary changes to meet the required number of parking spaces required by ADA, and also provides for lots to be described in the Bloomington Municipal Code.

See maps 9, 12, 14, 15 & 16

Section Seventeen

This section makes changes to prevent vehicles from crossing the flow of traffic to park.

Section Eighteen

This section was developed to increase the fee for parking permits and visitor permits in the ten Neighborhood Residential Zones from \$15 to \$25. These permits are used by residents whose address is within the boundaries of a specific zone. This permit is good for one year, and the last change in price for this permit was in 2003.

Section Nineteen

This section increases the price of a replacement permit from \$5 to \$10 to cover administrative and permit placard/card costs.

Section Twenty

This section prevents a parker from abusing the special exception provision of the code (when someone calls in to request a by-pass), and requires them to actually purchase a service permit for repetitive users.

Section Twenty-one

This section clarifies that violations in this chapter 'always' constitute a class D traffic violation. Currently the code says "generally".

Section Twenty-two

This section deletes the \$20.00 fine for displaying a neighborhood permit on a non-eligible motor vehicle. In another section of this ordinance we are making this offence a class D traffic violation like most all other violations which is \$15 at issuance.

Section Twenty-three

This section renames this ordinance section as Zone 1 provisions.

Section Twenty-four

This section renumbers the provisions for Zone 1 provisions (formerly Fraternities and Sororities) and includes the ability for permit sales to occur to Harmony School.

Section Twenty-five

This section was developed to increase the fee for an all zone permit. These permits are typically used by service providers that do business in the zone. The permit allows them to park any place in any of the neighborhood zones. The permit is good for one year, and the last change in price for this permit was in 1995.

Section Twenty-six

This section was developed to allow teachers of Fairview School to purchase neighborhood zone parking permits and designates a certain portion of W. 7th St. for that purpose.

Section Twenty-seven

This section limits parking in Lot 11 (City Employee Lot) to employees with a full time employee permit.

Section Twenty-eight

This section restricts usage of Lot 11 (City Employee Lot) to registered farmers' market vendors during the hours of operation of the Bloomington Farmer's Market.

Section Twenty-nine

This section allows for usage of Municipal Parking Lots for events approved by the Board of Public Works and under the direction of the Department of Public Works.

Section Thirty

This section deletes subsection (f), which was just revised in (c) and re-alphabetizes accordingly.

Section Thirty-one

This section changes the violation and penalty for parking in Lot 11 from a Class H infraction to a Class D infraction, which translates to a reduction from fifty dollars to fifteen dollars to be consistent with the violations and penalties used for similar offences.

Section Thirty-two

This section was developed to increase the permit fees for parking in our municipal garages and to add a new parking permit type.

permit type	24/7 reserved	12/5 reserved	24/7 nonreserved	12/5 nonreserved
current cost	56.25	45.83		33.33
proposed cost	69	52	64	38
increase	22.67%	13.46%	new	14.01%

The last rate adjustment was in 2004. Since then the Consumer Price Index indicates a 12.2% price increase between January 2004 and December 2007 for small Midwestern cities. The CPI along with our garage expenses, which were \$862,870 in 2007, more than justify the proposed increase. Garage revenue for 2007 was \$178,481. Our per space subsidy for 2007 was \$45.92 per space per month.

Section Thirty-three

This section creates a new Schedule 'W' for 'Hourly Parking' detailing parking charges and applicable time for parking charges.

Section Thirty-four

Adds the words "and Schedule 'W'" after Schedule V in the current Bloomington Municipal Code.

Section Thirty-five

This section increases the cost for cancellations, replacement permits, hangtags, access cards from \$5 to \$10 to cover material and administrative costs.

Section Thirty-six

This section clarifies the difference between reserved and non-reserved parking permit privileges.

Section Thirty-seven

This section clarifies the wording for Parking Leases in the Bloomington Municipal Code.

Section Thirty-eight

This section deletes subsection (i) regarding the restrictions of permit holders which will be added with changes in subsequent sections of this ordinance.

Section Thirty-nine

This section adds subsection (j) regarding the ability of the City to sell monthly permits, as well as not refund permit fees paid in advance for periods of less than one month.

Section Forty

This section makes changes to the wording for permitting with regard to changing the word 'replacement' for the word 'duplicate' and renumbering Section 15.40.030 Parking Leases.

Section Forty-one

This section clarifies the chapter to reflect that towing is authorized for reasons other than emergency and cleans up some language.

Section Forty-two

This section revises the current code to remove the word 'emergency' from the paragraph authorizing the towing of vehicles and cleans up some language.

Section Forty-three

This section revises the current code to allow for towing vehicles that pose a hazard to vehicular and pedestrian traffic.

Section Forty-four

This section makes clarifications for parking violations within a municipal parking facility (rather than "the municipal garage").

Section Forty-five

This section removes an inaccurate reference to Indiana Code.

Section Forty-six

This section makes changes to delete a reference that is redundant in the code.

Section Forty-seven

This section deletes a reference to when the Farmer's Market was located in Lot 5 (6th and Lincoln)

Section Forty-eight

This section makes a change to the BMC to authorize the removal of a vehicle parked where parking is prohibited by a no parking sign.

Section Forty-nine

This section makes a change to the Bloomington Municipal Code to reference a current Indiana Code that had changed in the past and no longer applicable.

Section Fifty

This section clarifies existing Bloomington Municipal Code language to that of current Indiana Code with reference to right of possession of a vehicle.

Section Fifty-one

This section deletes the wording in the current municipal code that allows for the suspension of registration privileges which is not allowable under current Indiana Code.

Section Fifty-two

This section makes changes to the existing code to provide clarification and compliance with current Indiana Code.

Fifty-three

This section makes changes to the current municipal code section 15.52.040(c) Removal of Abandoned Vehicles to comply with current Indiana Code which changes the market value below which an officer may dispose of an abandoned vehicle or parts from one-hundred dollars to seven-hundred and fifty dollars, and to replace the word "an automobile scrap yard" with "a storage yard".

Section Fifty-four

This section makes changes to the current municipal code section 15.52.040(d) Removal of Abandoned Vehicles to comply with current Indiana Code for regarding the market value at or above which an officer must make a reasonable effort to ascertain the owner or person who may be in control of the vehicle or parts.

Section Fifty-five

This section deletes a reference to the disposal of abandoned vehicles as it is already covered in Section 15.04.020(5).

Section Fifty-six

This section makes changes to the fine amount for Class D traffic violations. The fine at the time the ticket is issued is increased from fifteen dollars to twenty-five dollars, and the fine increases to forty dollars for any fine not paid within seven calendar days of ticket issuance.

Section Fifty-seven

This section makes changes to correspond with the change in fine amounts for tickets issued for Class D violations at the time of issuance and at the time of escalation seven calendar days later if payment has not been made.

Section Fifty-eight

This section simply moves a violation to the appropriate subsection referring to a permit not matching the vehicle plate it was issued to. This move changes the fine at issuance from \$20 to \$15.

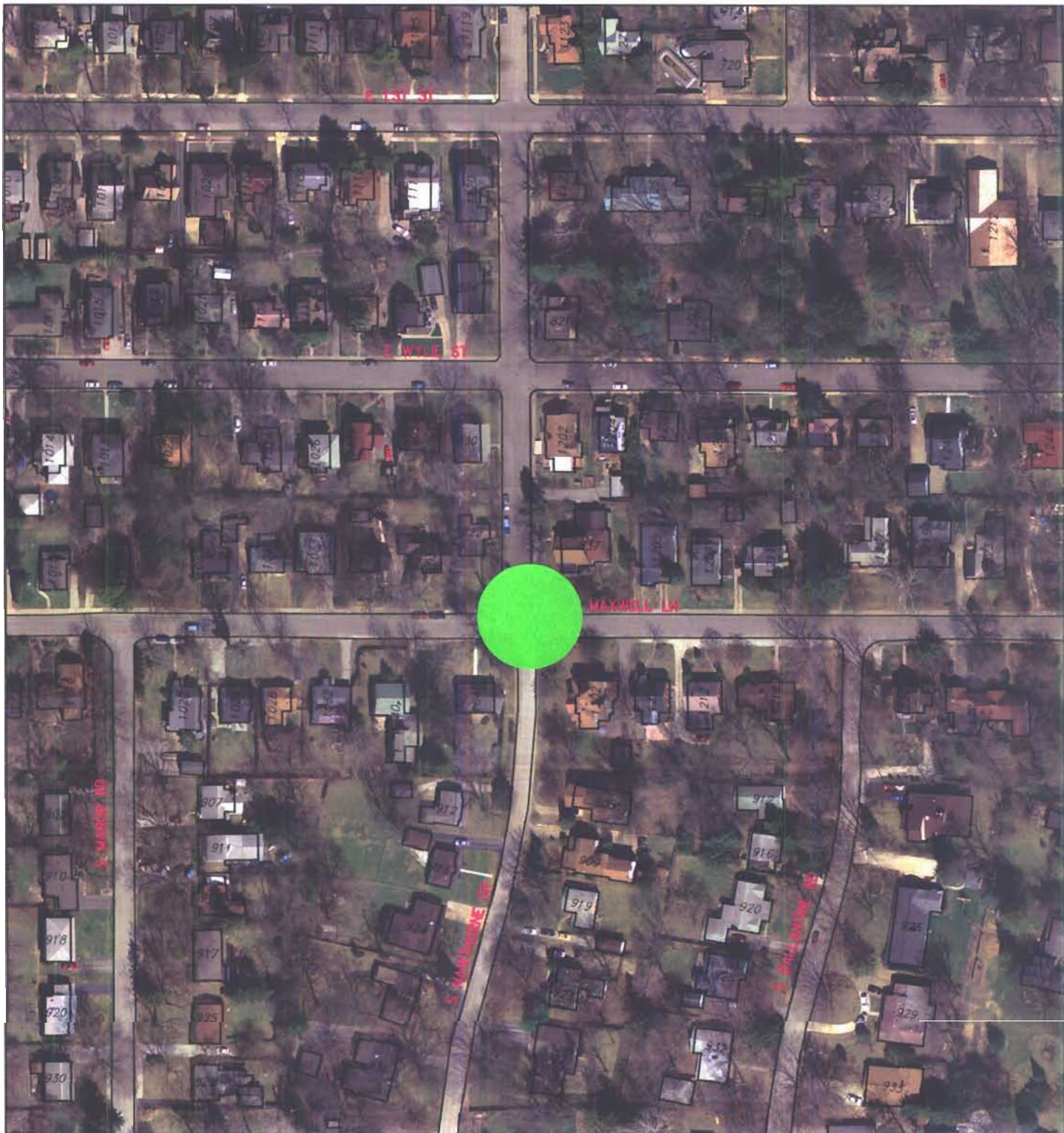
Section Fifty-nine

This section simply moves a violation to the appropriate subsection referring to a violation for parking in the City Employee Parking lots. This move changes the fine at issuance from \$50 to \$15.

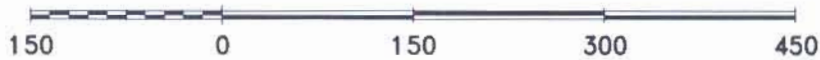
Section Sixty

This section makes changes to the violation fee for parking in City Employee Parking Lots to be the same as other violation fees assessed for illegal parking in the downtown area.

If you have any questions regarding this ordinance and its proposed changes please let me know at your earliest convenience and I will be happy to provide you with additional information regarding your questions or concerns.



By: ecclese
12 Sep 08



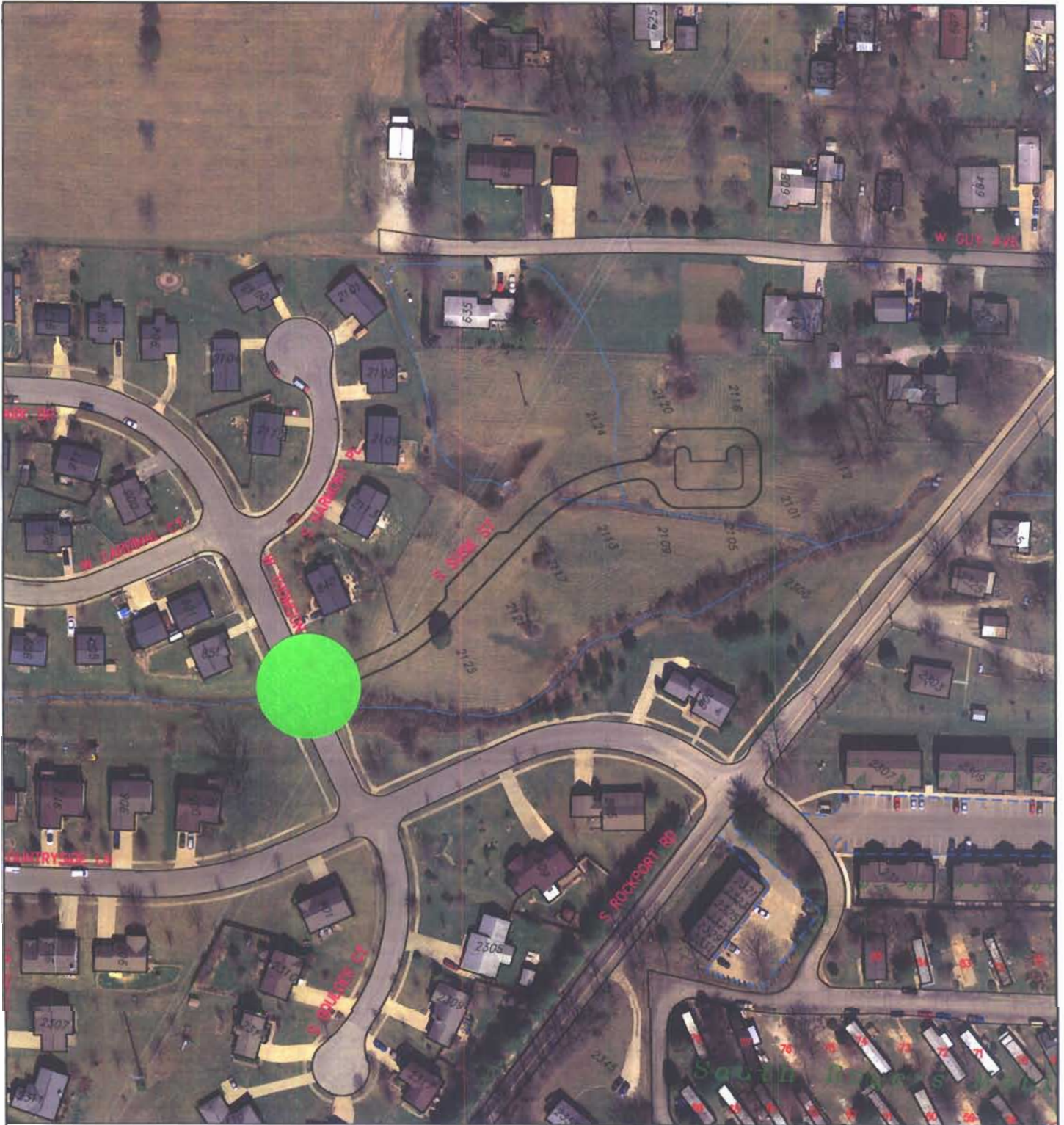
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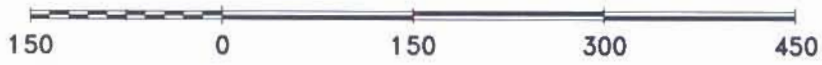
City of Bloomington
Engineering



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By: ecclese
12 Sep 08



City of Bloomington
Engineering

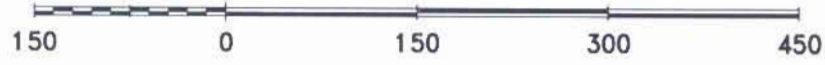


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For reference only; map information NOT warranted.



By: ecclese
12 Sep 08



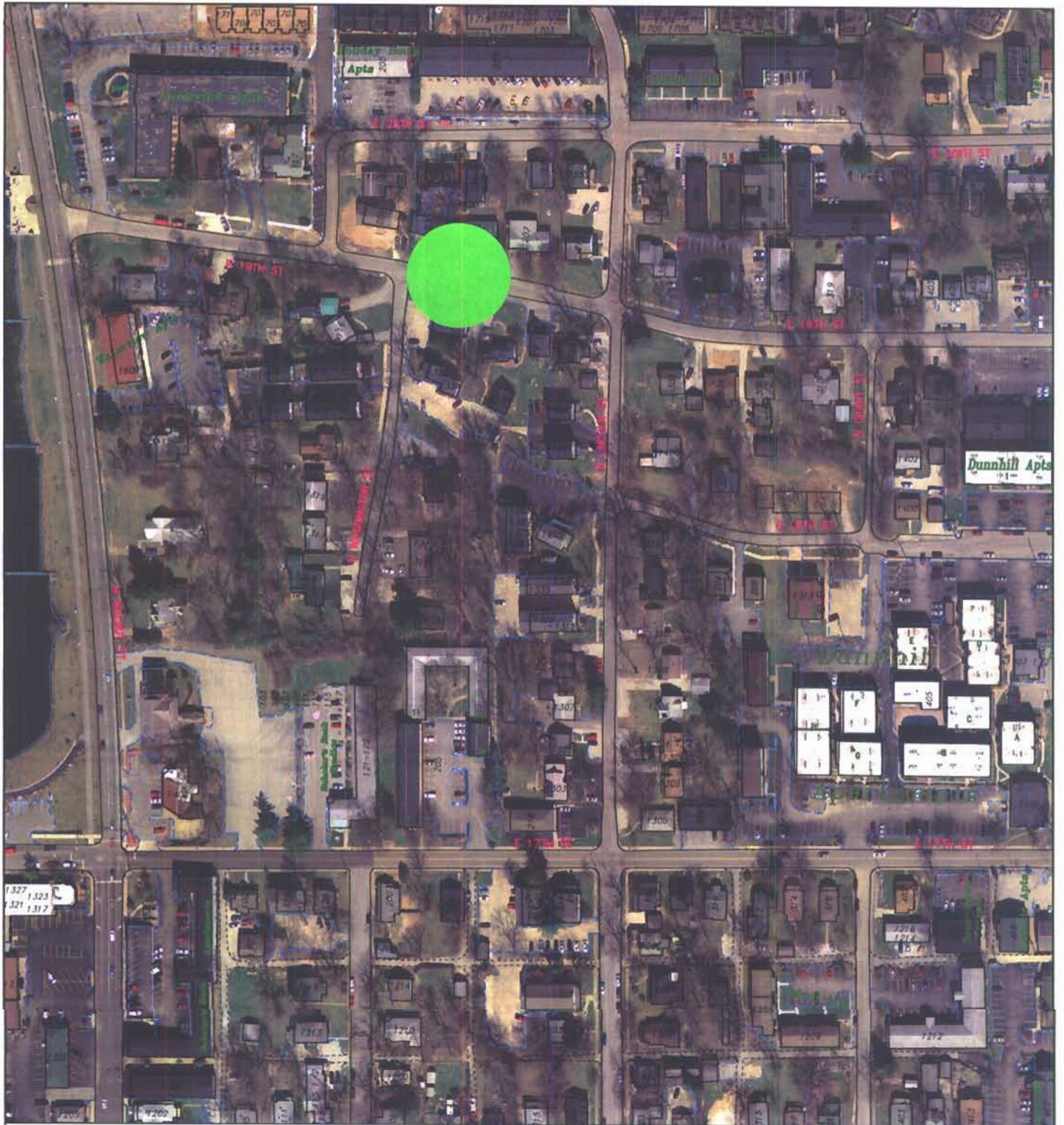
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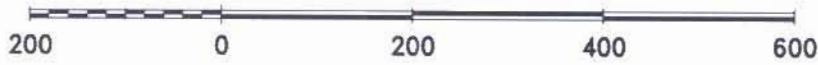
City of Bloomington
Engineering



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By: ecclese
12 Sep 08



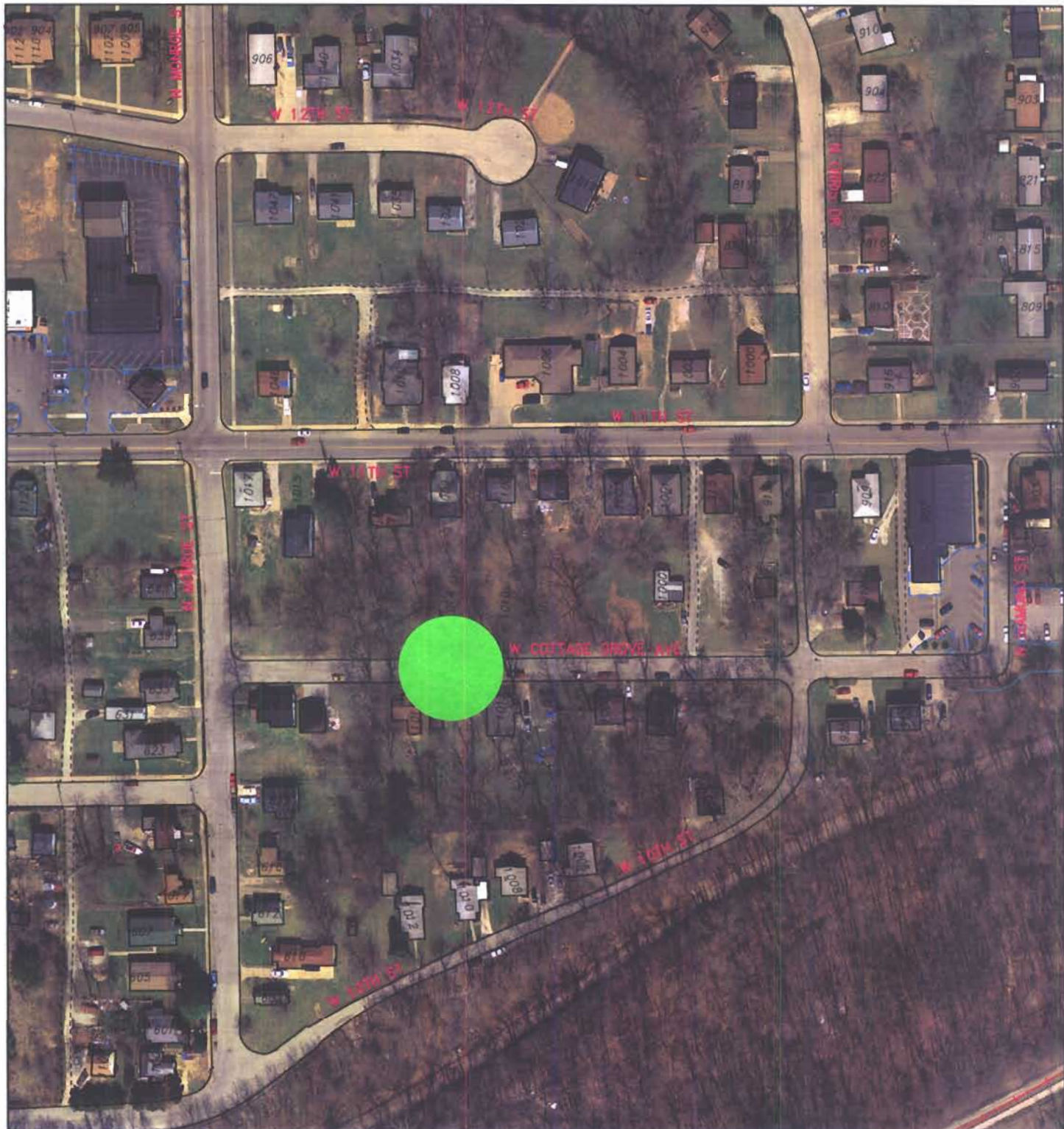
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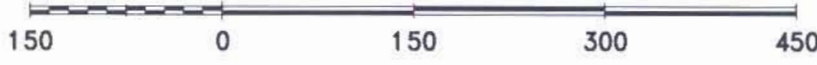
City of Bloomington
Engineering



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By: ecclese
12 Sep 08

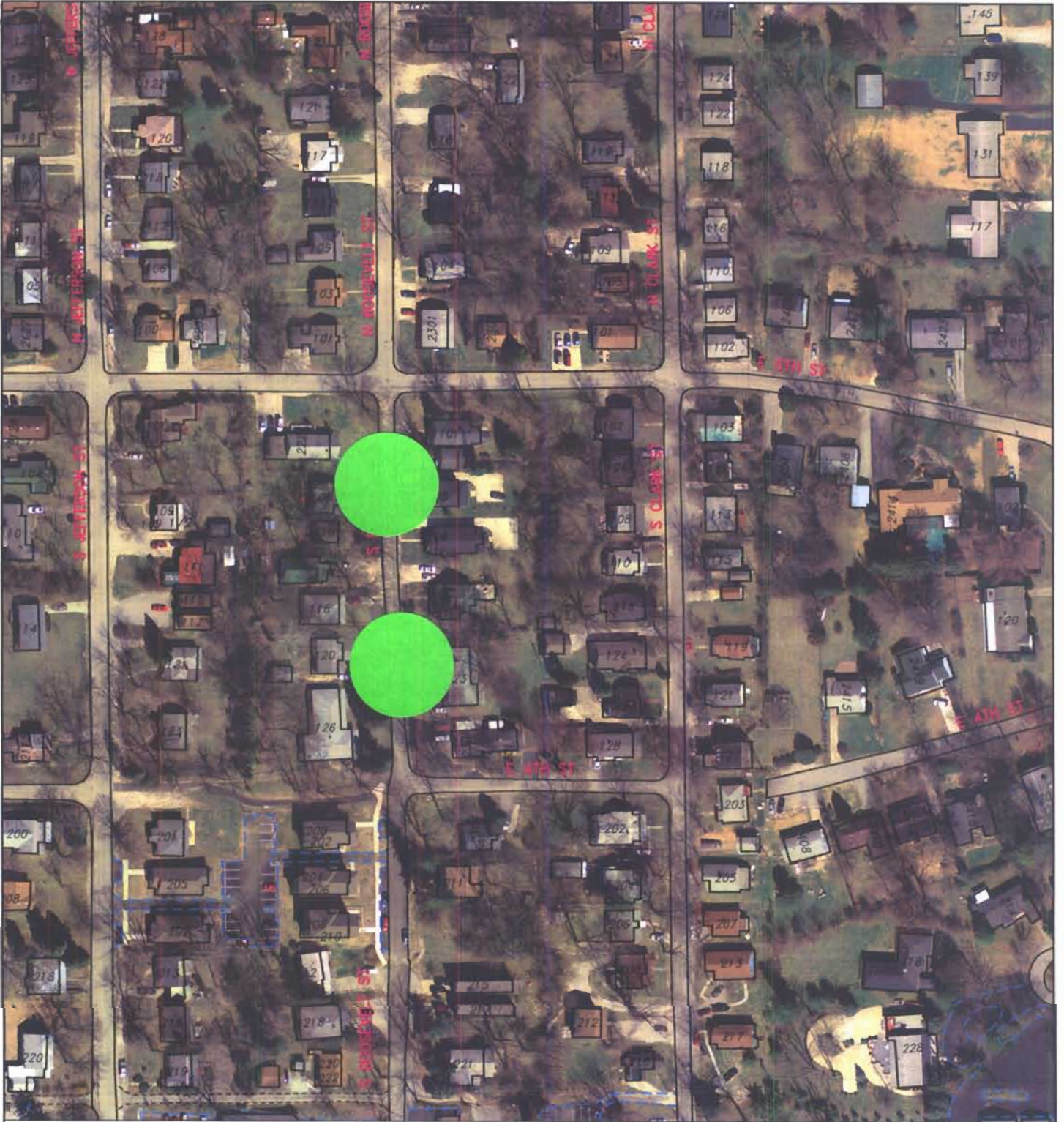


City of Bloomington
Engineering

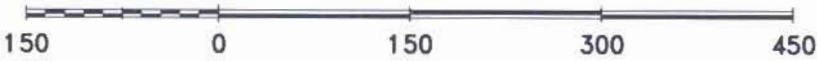


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For reference only; map information NOT warranted.



By: ecclese
12 Sep 08



For reference only; map information NOT warranted.



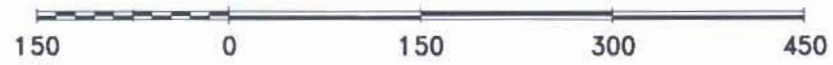
City of Bloomington
Engineering



Scale: 1" = 150'



By: ecclese
12 Sep 08



City of Bloomington
Engineering



Scale: 1" = 150'

For reference only; map information NOT warranted.



By: ecclese
16 Sep 08

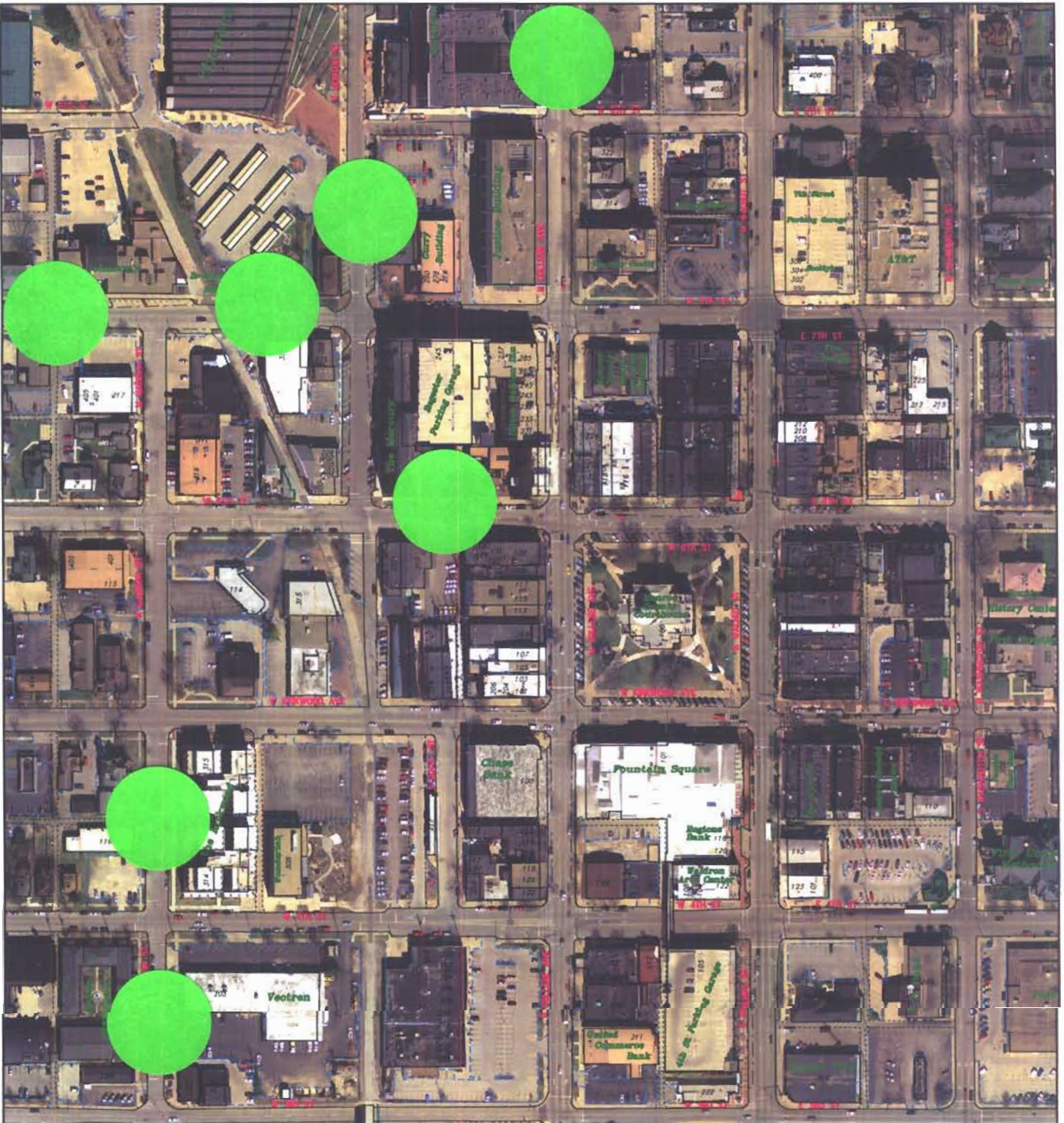


City of Bloomington
Engineering

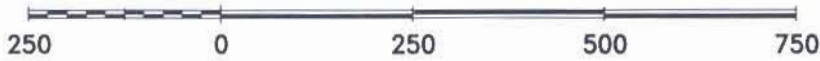


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For reference only; map information NOT warranted.



By: ecclese
12 Sep 08



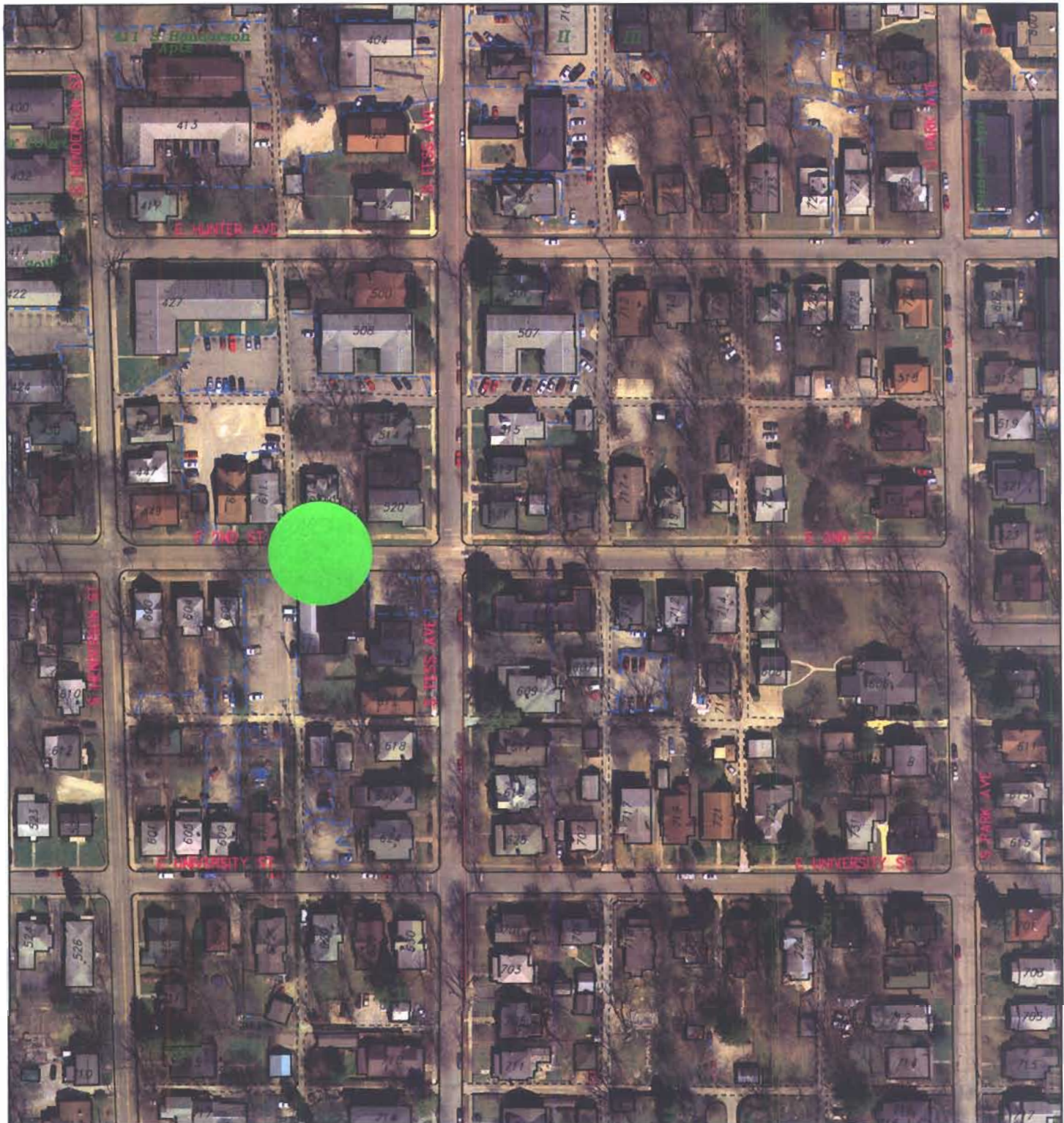
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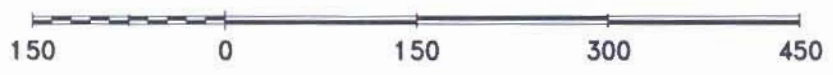
City of Bloomington
Engineering



Scale: 1" = 250'



By: ecclese
12 Sep 08

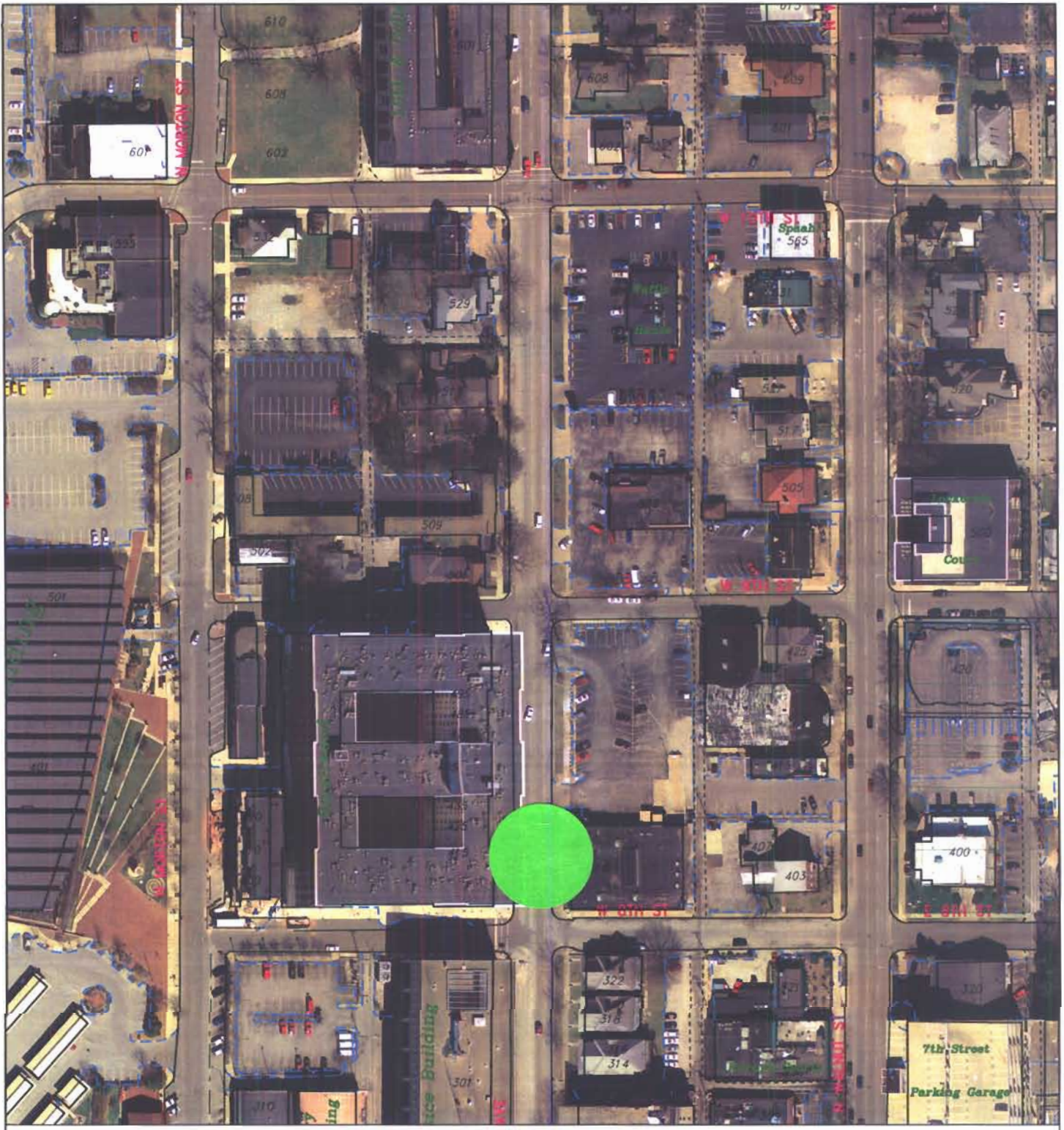


City of Bloomington
Engineering

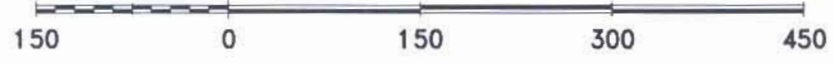


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For reference only; map information NOT warranted.



By: ecclese
12 Sep 08

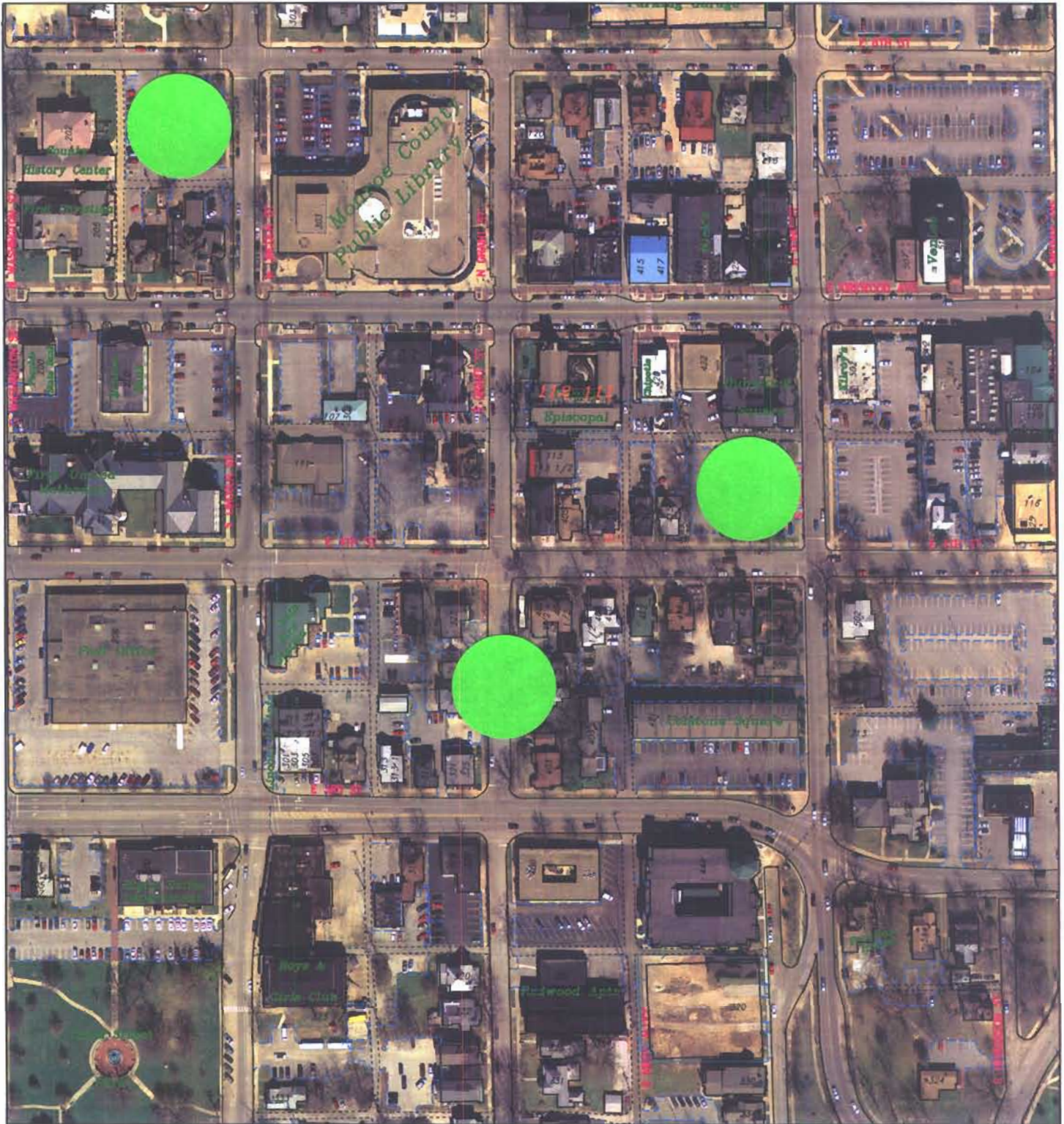


City of Bloomington
Engineering

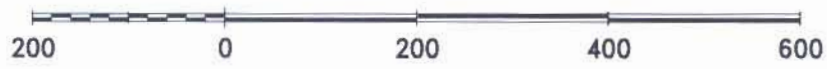


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For reference only; map information NOT warranted.



By: ecclese
12 Sep 08

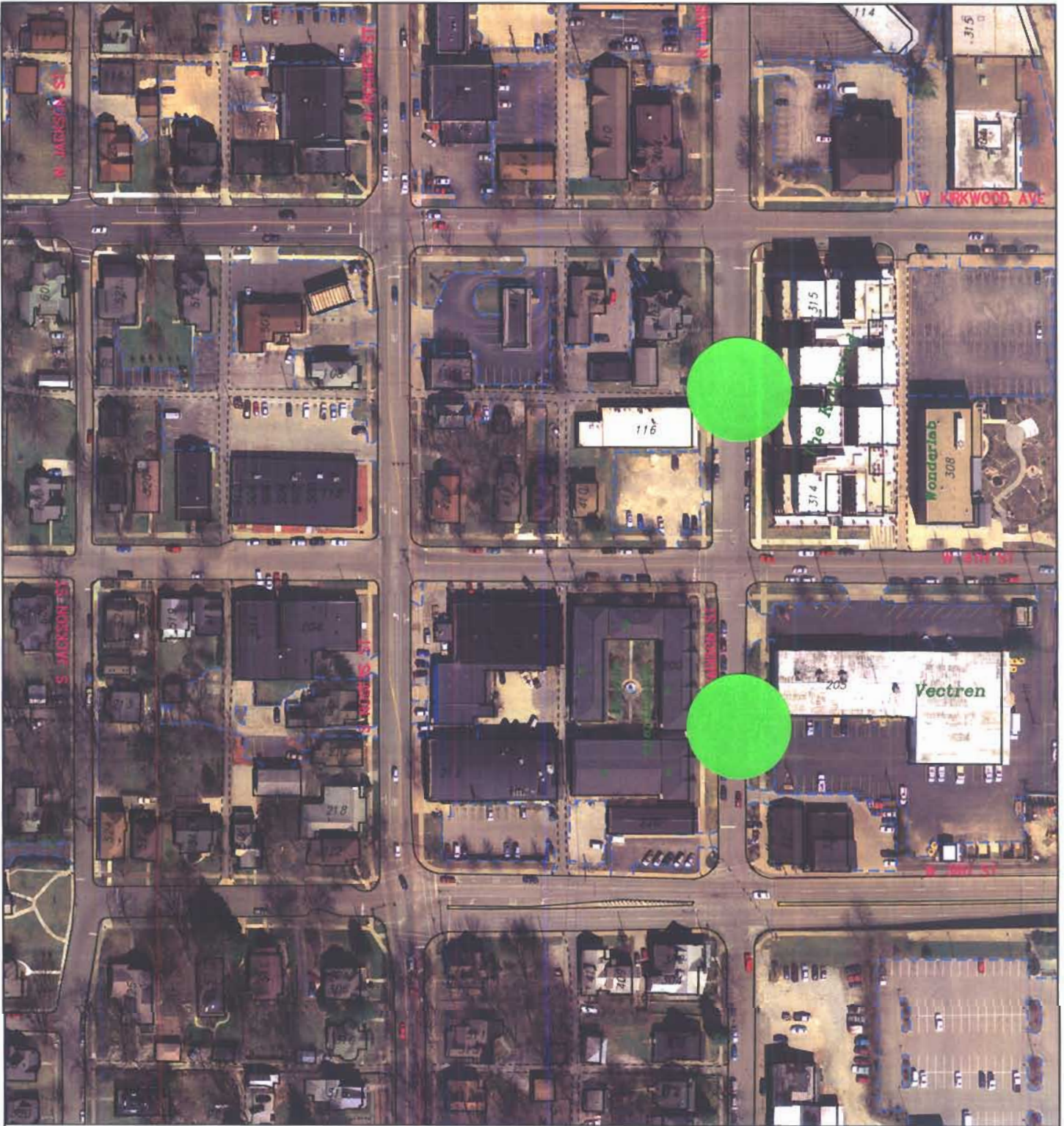


City of Bloomington
Engineering

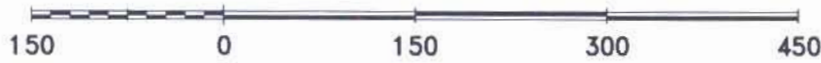


Scale: 1" = 200'

For reference only; map information NOT warranted.



By: ecclese
12 Sep 08

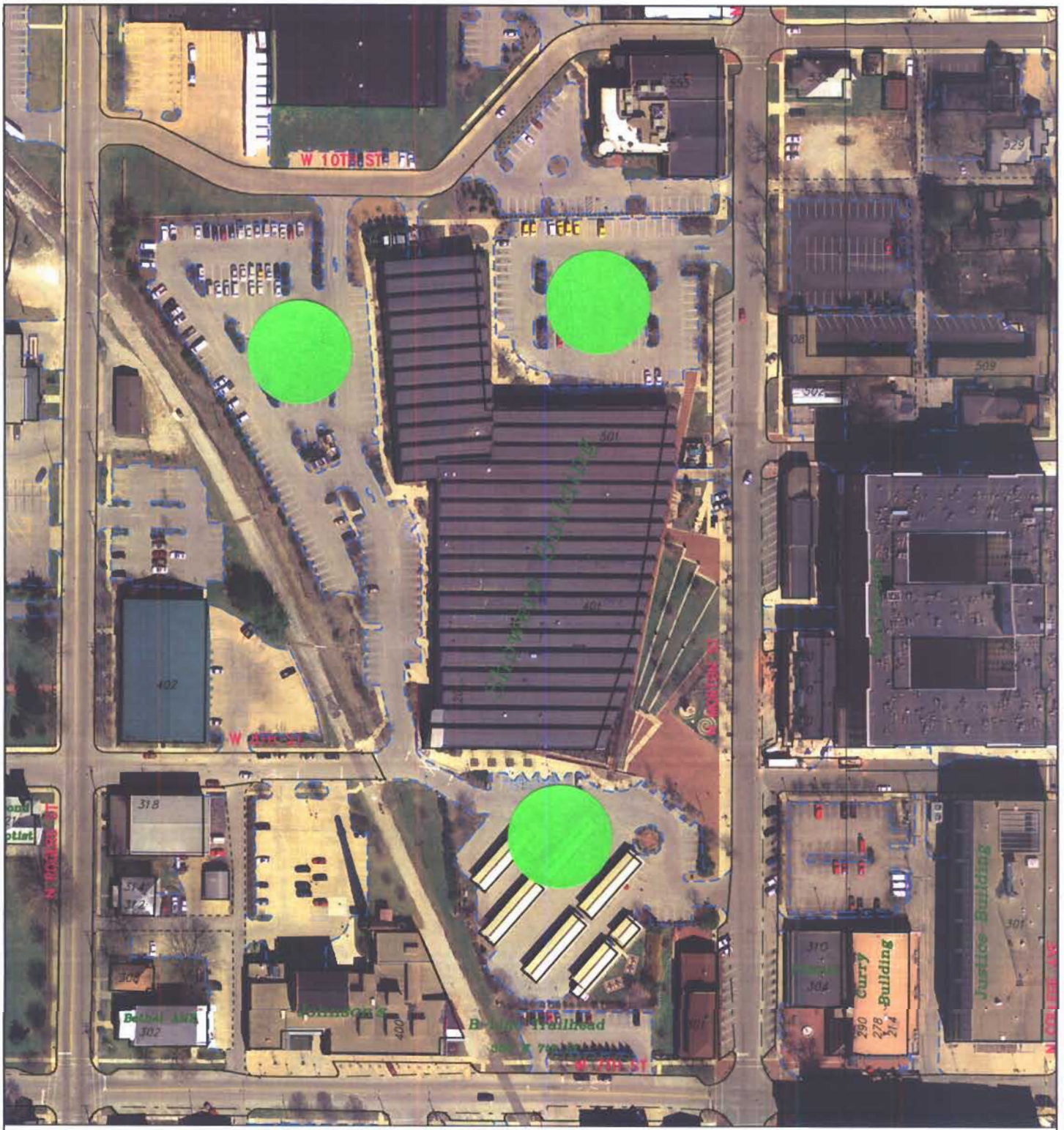


City of Bloomington
Engineering



Scale: 1" = 150'

For reference only; map information NOT warranted.



By: ecclese
12 Sep 08



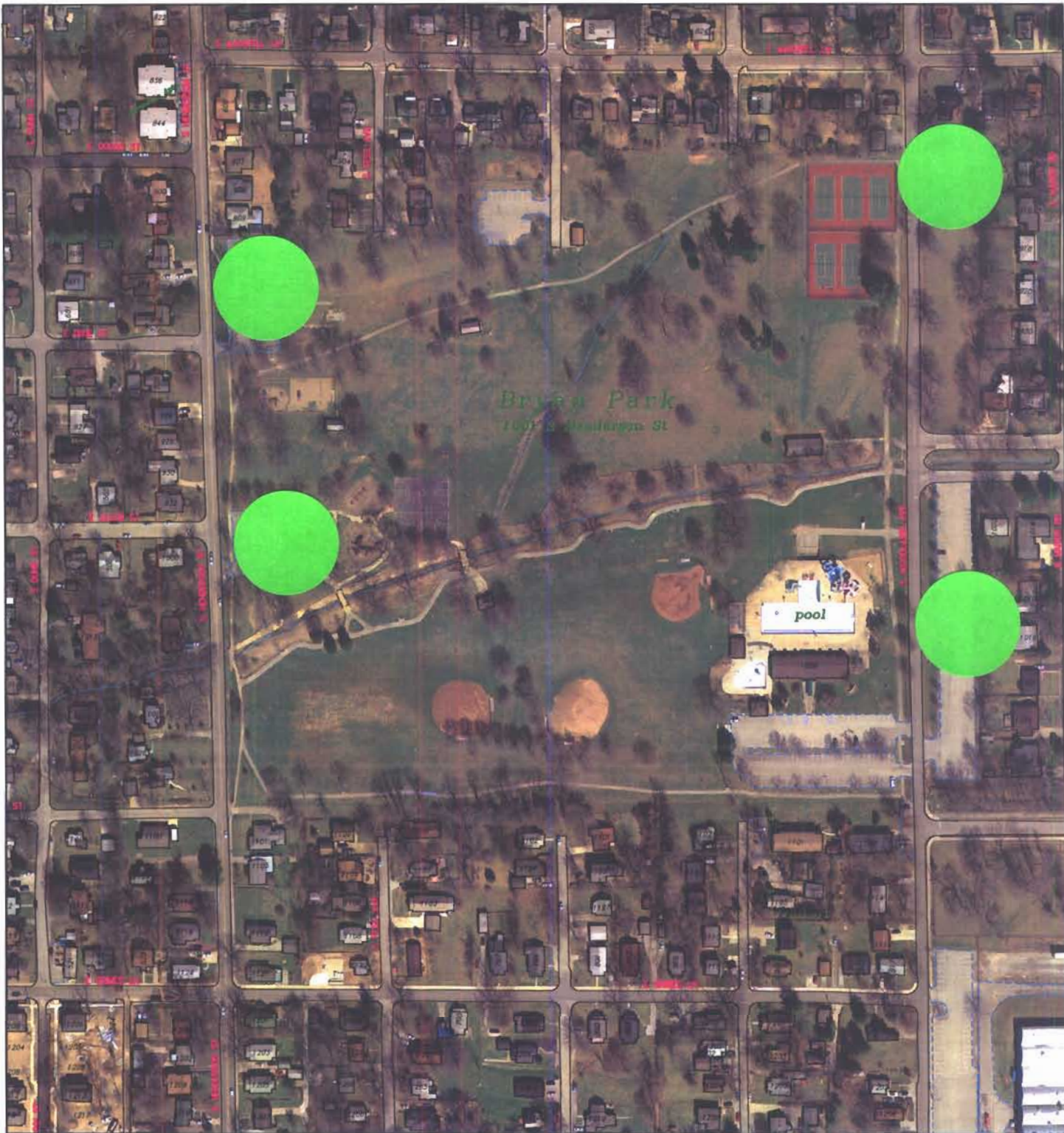
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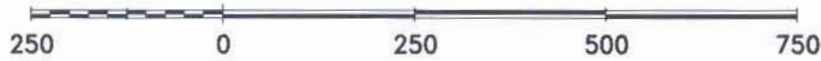
City of Bloomington
Engineering



Scale: 1" = 150'



By: ecclese
12 Sep 08



City of Bloomington
Engineering



Scale: 1" = 250'

For reference only; map information NOT warranted.



By: ecclese
12 Sep 08



City of Bloomington
Engineering



Scale: 1" = 150'

For reference only; map information NOT warranted.

***** 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
----------------------------	-------

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.

9/24/08 Committee Action: Pending
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: Pending

11/5/08 Regular Session Action: Pending

October 10, 2008

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)**

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-32-08, and recommended that the petitioner, (Orthopedics of Southern Indiana), be granted an amendment to the Preliminary Plan. 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 Preliminary Plan for approximately 0.85 acres of property within the Clarizz Office Park Planned Unit Development shall be amended. The property is located at 583 S. Clarizz Blvd. and is further described as follows:

LOT 1A in Clarizz Corporate Park as recorded in Plat Cabinet C, Envelope 318, found in the office of the Recorder of Monroe County, Indiana including 0.78 acres.

and

Part of Lot 2 in Clarizz Corporate Park (P.C. "C", Env. 272) also being a part of Section 2, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

Beginning at the southeast corner of said Lot 2; thence on the southern boundary of said Lot 2 the following 2 (2) courses: 1) NORTH 89 degrees 59 minutes 49 seconds West 127.14 feet; 2) 45.00 feet on a 97.50 foot radius non tangent curve to the left whose chord bears SOUTH 13 degrees 13 minutes 36 seconds West 44.60 feet; thence NORTH 00 degrees 00 minutes 14 seconds East 65.52 feet; thence SOUTH 89 degrees 59 minutes 46 seconds East 137.34 feet to a point on the east boundary of said Clarizz Corporate Park; thence on said east boundary SOUTH 00 degrees 00 minutes 14 seconds West 22.00 feet to the POINT OF BEGINNING containing 0.073 acres, more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

SECTION III. 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 IV. 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 _____, 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

This ordinance allows for an additional 1,350 square feet of medical office space within the Clarizz Office Park Planned Unit Development.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 08-20 is a true and complete copy of Plan Commission Case Number PUD-32-08 which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on September 8, 2008.

Date: September 18, 2008



 Thomas B. Micuda, Secretary
 Plan Commission

Received by the Common Council Office this 18th day of September, 2008.



 Regina Moore, City Clerk

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

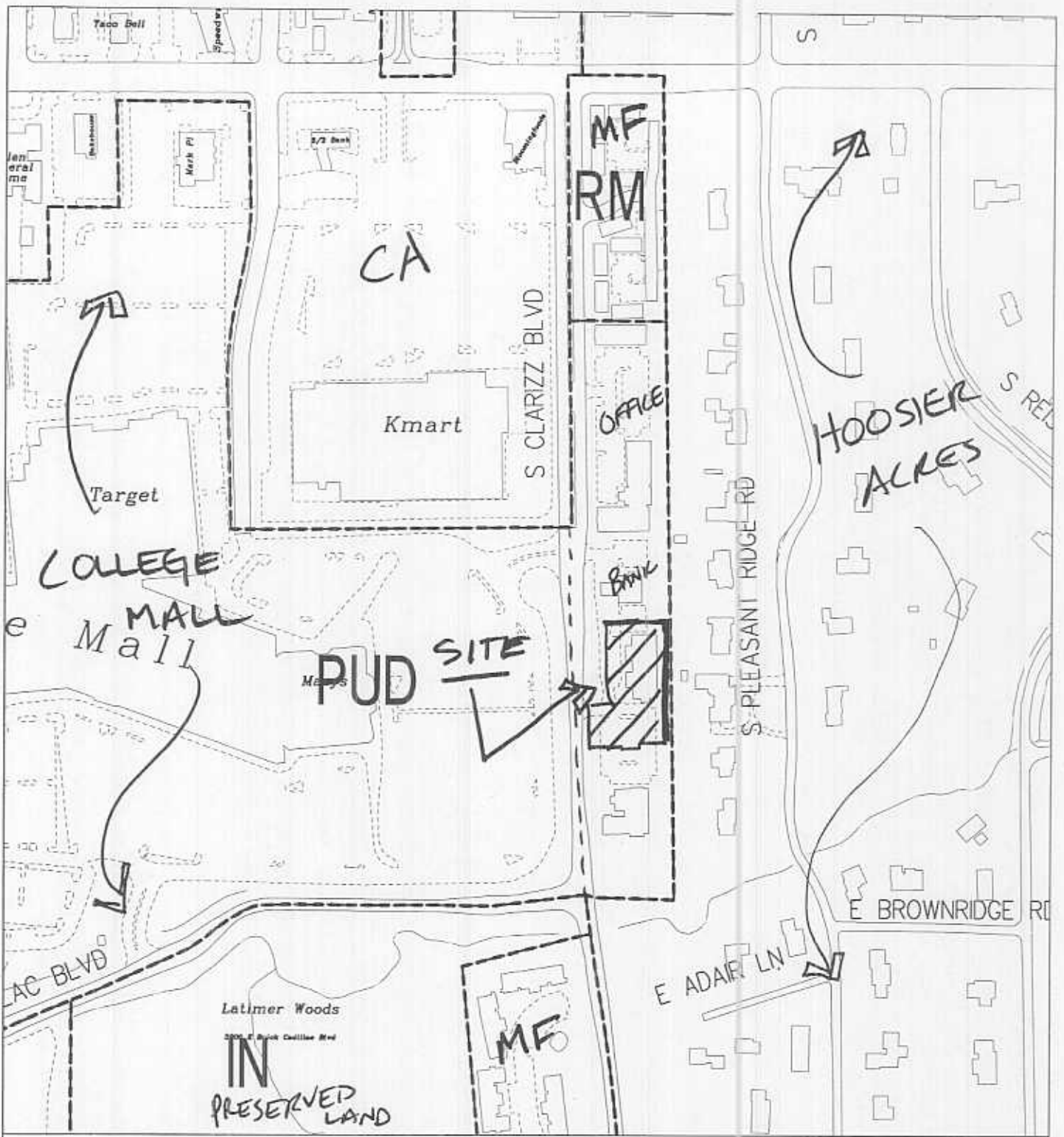
Signature of Controller

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

Yes _____ No _____

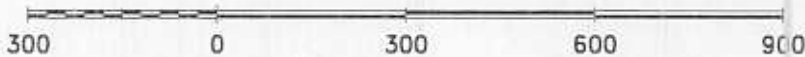
If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

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



PUD-32-08 ORTHOPEDICS OF SOUTHERN INDIANA
 583 S. CLARIZZ BLVD
 LOCATION/ZONING/LAND USE MAP
 PLAN COMMISSION/COMMON COUNCIL

By: shayp
 3 Sep 08



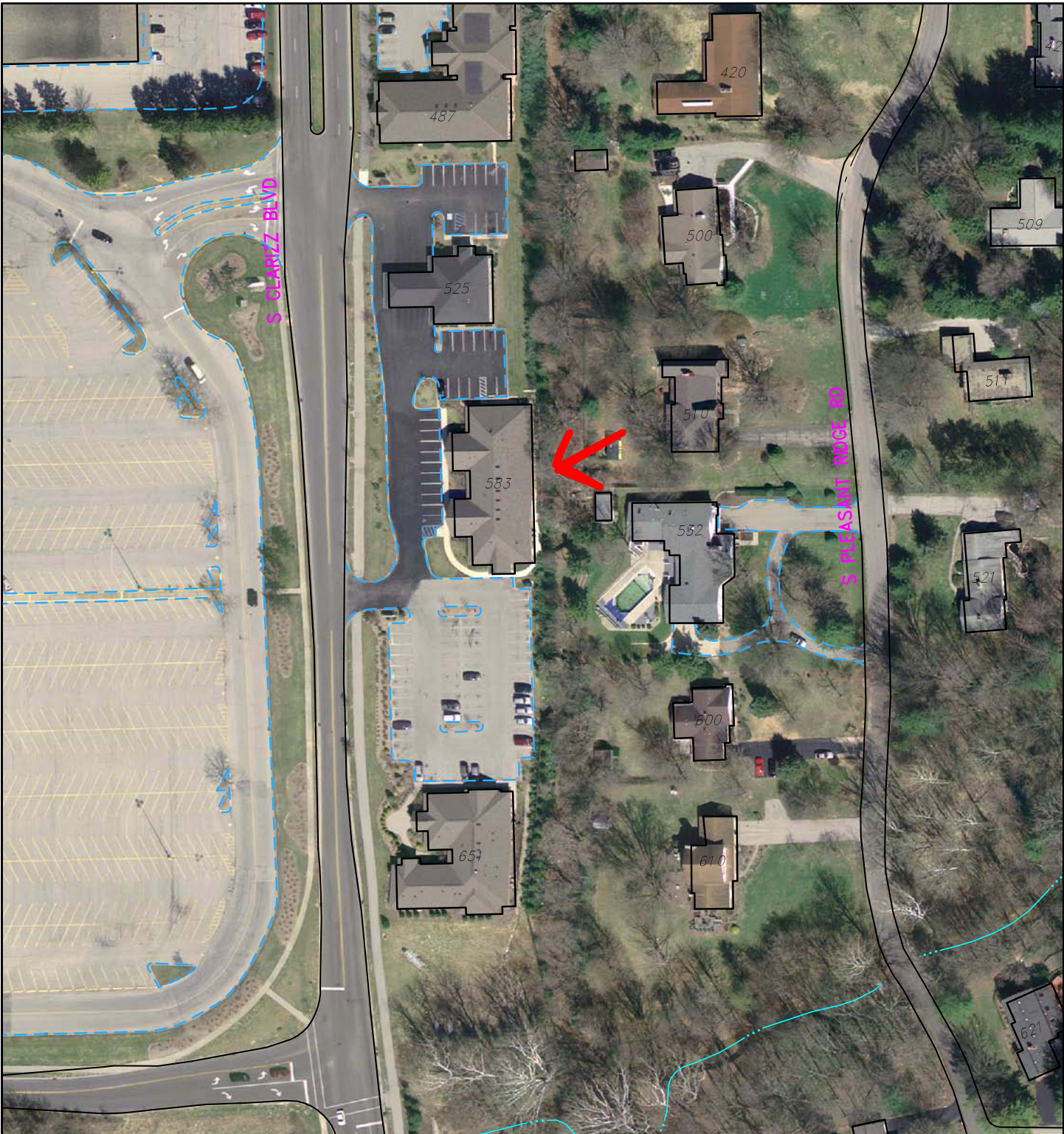
For reference only; map information NOT warranted.

City of Bloomington
 Planning



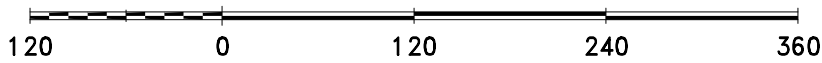
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67



Ordinance 08-20 Aerial Photo

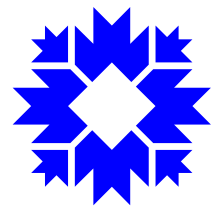
By: fallsm
10 Oct 08



For reference only; map information NOT warranted.



City of Bloomington
Clerk & Council



Scale: 1" = 120'

Interdepartmental Memo

To: Members of the Common Council
From: Patrick Shay, AICP, Development Review Manager
Subject: Case # PUD-32-08
Date: September 25, 2008

Attached are the staff report, petitioner's statements, maps, and exhibits which pertain to Plan Commission Case # PUD-32-08. The Plan Commission heard this petition at its September 8, 2008 meeting and voted 10-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner is requesting a preliminary plan amendment to the Clarizz Planned Unit Development (PUD) to allow an additional 1350 square feet of medical office space.

SITE INFORMATION:

Lot Area:	0.85 Acres
Current Zoning:	Planned Unit Development (Clarizz PUD)
GPP Designation:	Community Activity Center
Existing Land Use:	Medical Office
Proposed Land Use:	Medical Office
Surrounding Uses:	North – Bank South – Medical Office East - Single Family Residences (Hoosier Acres) West – Commercial (College Mall)

REPORT: This property is located on the east side of S. Clarizz Blvd. east of the College Mall. It is a portion of a 4.7 acre tract that was zoned for single family use until 1998 when it was rezoned to Planned Unit Development (PUD-47-98). During this process, the developer of the PUD and the adjacent neighborhood to the east, Hoosier Acres, worked closely to come to several compromises allowing for the construction of a new office park and branch bank. The PUD was approved with several specific conditions of approval. One of these conditions of approval stated that "*The medical office land use on this site is restricted to no more than 50 percent of the total office square footage (15,750 square feet). Total office square footage within this PUD shall be limited to 31,500 square feet*". To date, these maximums have been constructed and no additional square footage can be added.

The petitioner is seeking an amendment to this condition of approval to allow for an additional 1350 square feet of office space. They want to add two exam rooms and additional physical therapy space to the first floor and additional non-customer space on the second floor. This would be achieved through filling two "notches" in the building and creating a new central dormer to the front (west) of the structure. The petitioner is also requesting to enclose the current covered entry. This will not be for any additional functional space, but to allow for more efficient internal heating and cooling functions.

The proposal would be consistent with all architectural restrictions of the original PUD. Although a very minor change, a PUD amendment from the Plan Commission and Common Council is still necessary for the expansion to occur. The approval also included a specific number of parking spaces for the PUD. No additional parking spaces are being proposed with this request. Staff finds this consistent with the past policies of the Council to encourage less parking. The petitioner is comfortable with this addition without additional parking.

Growth Policies Plan: The 2002 Growth Policies Plan (GPP) identifies this area as Community Activity Center. The uses associated with this proposal are fully consistent with the policies of the GPP. The issue of this amendment request focuses more on the proposal's consistency with the spirit of the original PUD approval. The petitioner has met with several of the neighbors that were involved in the original PUD and were heavily involved in the past development of the site. They have received positive feedback from these neighbors regarding this amendment request. The amendment would allow for a normal expansion of a successful local business while still maintaining the integrity of the original approval. Furthermore, no negative comments were received by staff or the Plan Commission regarding this request.

The neighbors involved in the recent discussions wanted the petitioner to clarify that any potential approval would not impact the remainder of the PUD, but would only allow for this small addition to the subject building only. They desired that any other future requests also necessitate a subsequent PUD amendment. Staff and the Plan Commission were in agreement with these requests and have recommended appropriate conditions to ensure these commitments.

CONCLUSION: As previously stated, staff finds the proposed addition to be a minor deviation from the PUD that will not have a major impact to this development. This amendment is necessary to allow a successful local business to remain at this location. This amendment will allow for an appropriate expansion and will maintain the integrity of the PUD.

RECOMMENDATION: The Plan Commission forwarded this petition with a recommendation of approval with the following conditions:

1. All existing conditions of approval for this PUD and this property shall remain in full effect.
2. No additional square footage is permitted for other buildings within the PUD without a subsequent PUD amendment.
3. Final plan approval is contingent upon approval of the preliminary plan amendment by the Common Council.



Stephen L. Smith P.E., L.S.
Daniel Neubecker L.A.
Steven A. Brehob, B.S., C.E.T.

August 11, 2008

Patrick Shay
Development Review Manager
City of Bloomington Planning
401 N. Morton Street
Bloomington, IN. 47401

RE: Clarizz PUD Amendment

Dear Pat,

On behalf of our client, Orthopedics of Southern Indiana (OSI), we are requesting a Preliminary PUD Plan Amendment and Final PUD Plan approval to allow expansion of their office. This office was built a few years ago in the Clarizz PUD, between Clarizz Blvd and Hoosier Acres to the east. We have worked closely with the neighbors from the inception of the overall PUD approval and have met with them recently in regards to this proposal.

According to the original PUD, medical uses within the PUD cannot exceed an area of 15,750 square feet overall. The proposed OSI expansion will exceed this maximum, according to our estimates. The current proposal is to expand the building square footage by approximately 1350 square feet. The visible expansion will be approximately 584 square feet on the main floor and 646 on the second floor, within the roof structure as dictated and controlled by the original PUD. In addition, the porch/entry of the building will be enclosed, not for additional office space, but to produce a double outside door setup so the waiting room will be better protected from seasonably warm or cold outdoor air. According to our calculations, there is only room to expand the medical use in the current PUD, by about 200 square feet, hence the need for this petition.

Orthopedics of Southern Indiana has seen very successful growth of their business since opening this office, has been a very good neighbor, enjoys the neighborhood and wishes to keep their practice at this location. However, to do so requires this expansion to add space for nurses offices, treatment rooms and physical therapy expansion. The upstairs expansion area includes space for new nurses offices. No customers are treated on the second floor. The proposed building expansion has been carefully considered with respect to how it will impact the look of the building on the Clarizz side and also to be sure there is no impact to Hoosier Acres residents to the east. To that end, the expansion is entirely to the west, toward Clarizz. Recessed areas in the current floor plan are to be partially filled and a gable roof added on the second floor. Care has been taken to maintain the breaks in the facade along Clarizz, rather than filling the



recesses completely.

Based upon a well attended neighborhood meeting, I believe the neighbors to be supportive of this proposal, however are concerned that proper language and controls be put in place to ensure that this use expansion is only to be used in the OSI building and not any other buildings in the PUD. Our request is therefore to expand the maximum allowed medical square footage to allow for the proposed OSI expansion, as indicated in the attached floor plans. However, this use expansion can only to be used in the OSI building. Any other expansion of other buildings in the PUD must come before the Plan Commission and be required to have a neighborhood meeting to inform the neighbors of any new proposal. We are very concerned that the neighbors have the opportunity to be involved with this and any future proposals in this PUD.

Since this is a fairly simple request, we are asking for waiver of the second hearing at the Plan Commission. We are also requesting both a Preliminary PUD Amendment and a Final PUD Plan approval, as recommended by staff, so as not to encroach further on the Plan Commission and Planning staff time or delay construction further.

Attached is an aerial photograph of the site indicating the first floor expansion area, a site plan, a preliminary floor plan and elevation and a colored rendering of the preliminary building facade design and reductions. Also attached is the application form and fee.

Sincerely,

Dan Neubecker

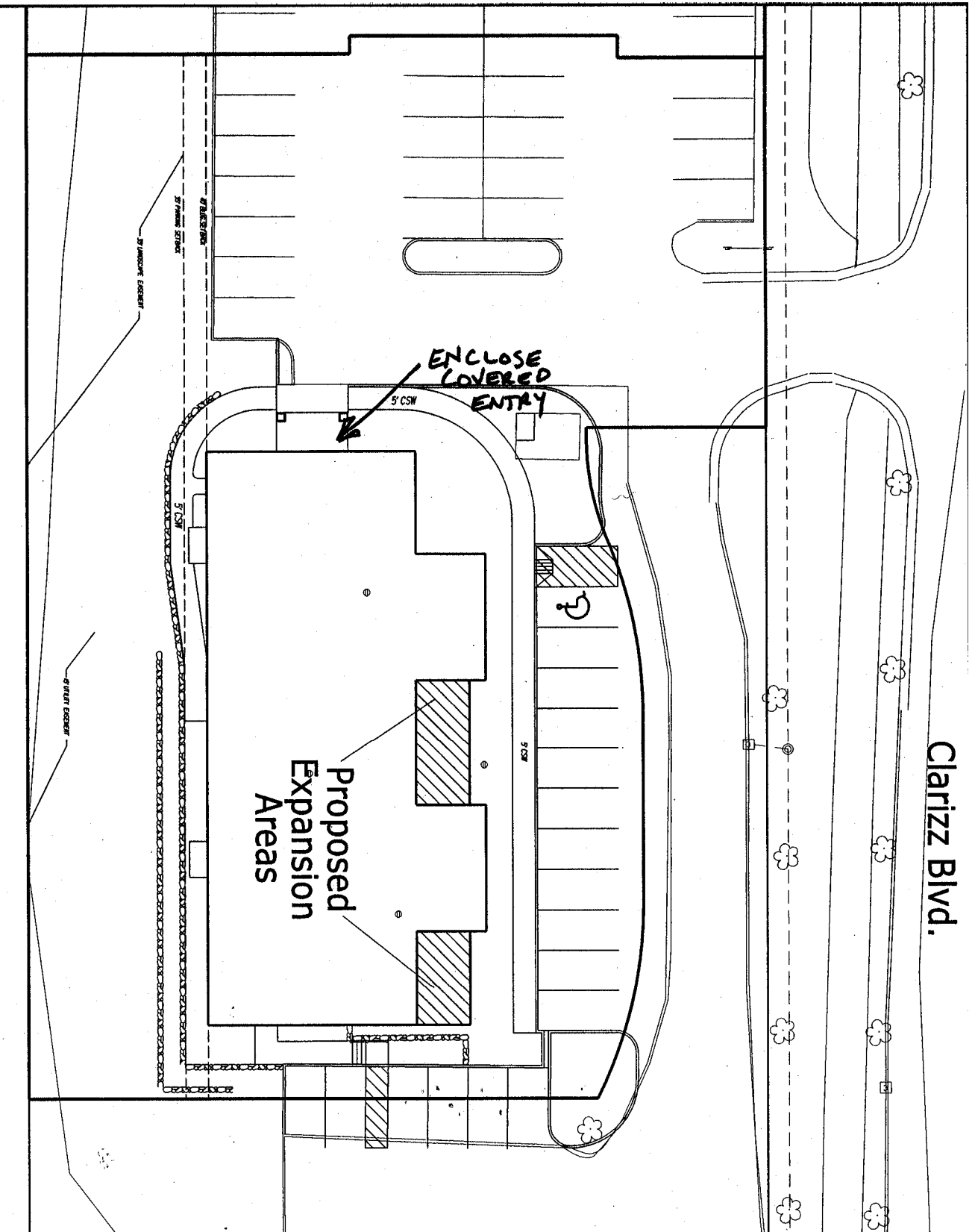
SMITH NEUBECKER & ASSOCIATES, INC.

J:\3436\correspondence\PUD-amendment_PatricShay_8-11-08.doc

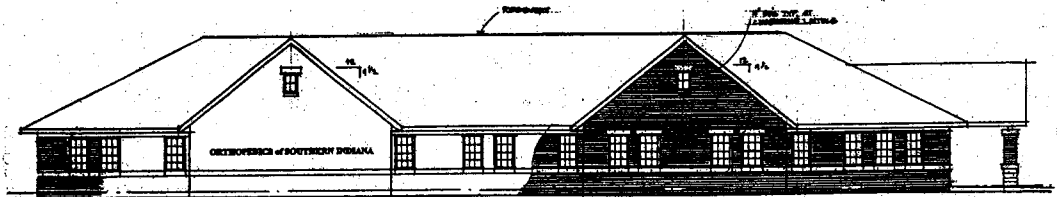
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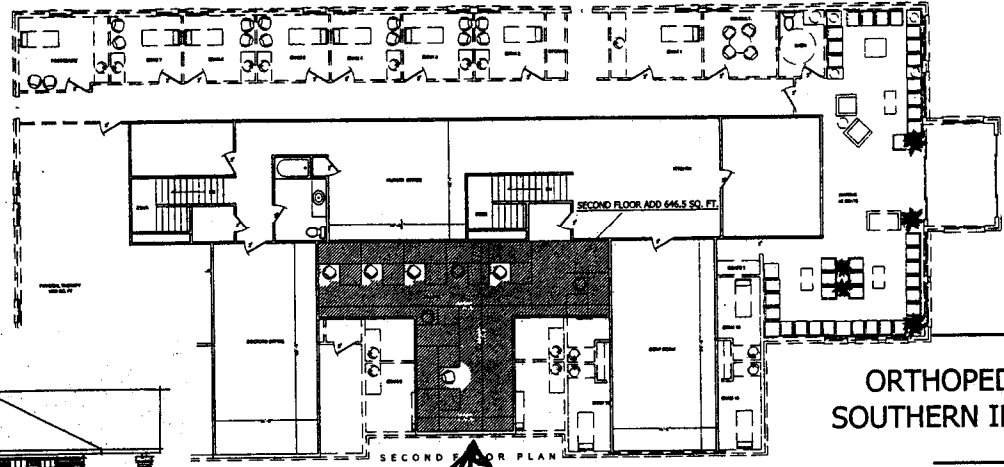
Clarizz Blvd.



1
PVP-52-08
FLOOR PLANS



EXISTING WEST ELEVATION
Scale 1/8" = 1'-0"

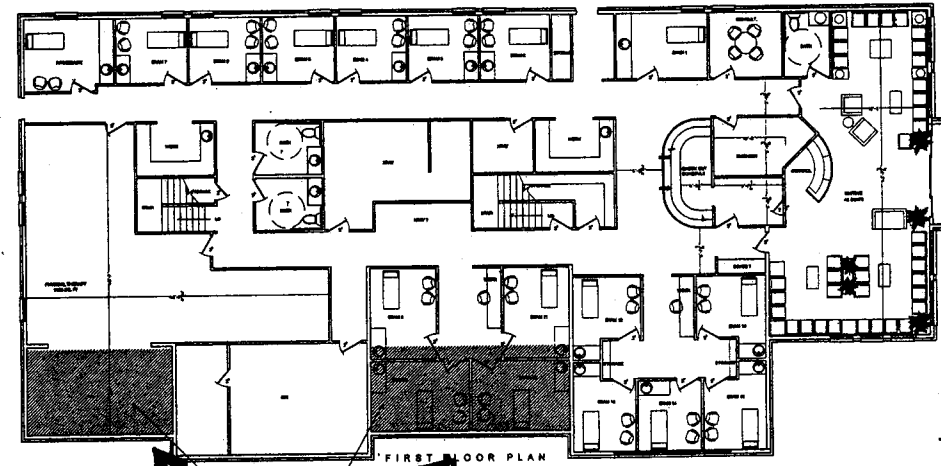


NEW 2ND FLOOR AREA

ORTHOPEDECS OF SOUTHERN INDIANA

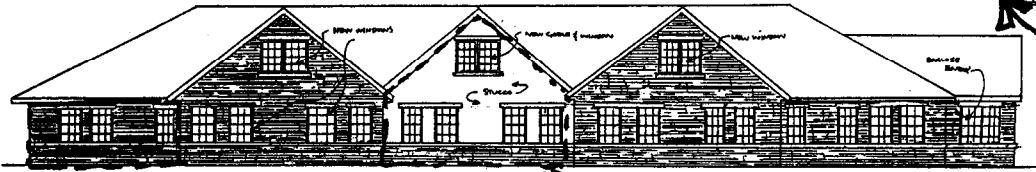
1ST FLOOR
1/8" = 1'-0"

JUNE 15 08



NEW 1ST FLOOR AREA

ENCLOSED ENTRY PROPOSED



NEW WEST ELEVATION
Scale 1/8" = 1'-0"

AREAS OF ADDITIONS

Client has not authorized any use of this plan for any other purpose than the one intended. The architect is not responsible for any errors or omissions in this plan. The architect is not responsible for any construction costs or other matters not mentioned in this plan. The architect is not responsible for any construction delays or other matters not mentioned in this plan. The architect is not responsible for any construction delays or other matters not mentioned in this plan.

CRAIG BAILEY DESIGN, INC.

P.O. BOX 7136 . BLOOMINGTON, IN 47404 . 812-333-3696

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
LOCATION: 583 S. Clarizz Blvd.**

**CASE #: PUD-32-08
DATE: September 8, 2008**

**PETITIONER: Orthopedics of Southern Indiana
583 S. Clarizz Blvd, Bloomington**

**COUNSEL: Smith Neubecker & Associates, Inc.
453 S. Clarizz Blvd, Bloomington**

REQUEST: The petitioner is requesting a preliminary plan amendment to the Clarizz Planned Unit Development (PUD) to allow an additional 1350 square feet of medical office space. Also requested is final plan approval and a waiver of the required second hearing.

SITE INFORMATION:

Lot Area: 0.85 Acres
Current Zoning: Planned Unit Development (Clarizz PUD)
GPP Designation: Community Activity Center
Existing Land Use: Medical Office
Proposed Land Use: Medical Office
Surrounding Uses: North – Bank
South – Medical Office
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REPORT: This property is located on the east side of S. Clarizz Blvd. east of the College Mall. It is a portion of a 4.7 acre tract that was zoned for single family use until 1998 when it was rezoned to Planned Unit Development (PUD-47-98). During this process, the developer of the PUD and the adjacent neighborhood to the east, Hoosier Acres, worked closely to come to several compromises allowing for the construction of a new office park and branch bank. The PUD was approved with several specific conditions of approval. One of these conditions of approval stated that *“The medical office land use on this site is restricted to no more than 50 percent of the total office square footage (15,750 square feet). Total office square footage within this PUD shall be limited to 31,500 square feet”*. To date, these maximums have been constructed and no additional square footage can be added.

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The proposal would be consistent with all architectural restrictions of the original PUD. Although a very minor change, a PUD amendment from the Plan Commission and Common Council is still necessary for the expansion to occur. The approval also included a specific number of parking spaces for the PUD. No additional parking spaces are being proposed with this request. Staff finds this consistent with the past policies of the Council to encourage less parking. The petitioner is comfortable with this addition without additional parking.

PRELIMINARY PLAN ISSUES:

Growth Policies Plan: The 2002 Growth Policies Plan (GPP) identifies this area as Community Activity Center. The uses associated with this proposal are fully consistent with the policies of the GPP. The issue of this amendment request focuses more on the proposal's consistency with the spirit of the original PUD approval. The petitioner has met with several of the neighbors that were involved in the original PUD and have been heavily involved in the past development of the site. They have received positive feedback from these neighbors regarding this amendment request. The amendment would allow for a normal expansion of a successful local business while still maintaining the integrity of the original approval. Furthermore, staff has not received any negative comments regarding this petition request.

The neighbors involved in these discussions wanted the petitioner to clarify that any potential approval would not impact the remainder of the PUD, but would only allow for this small addition to the subject building only. They desired that any other future requests also necessitate a subsequent PUD amendment.

FINAL PLAN: Due to the minor scope of this request, the petitioner is seeking a final plan approval based on the submitted materials that would be contingent upon ultimate approval of the amendment request by the Common Council. Staff is comfortable with this request.

CONCLUSION: As previously stated, staff finds the proposed addition to be a minor deviation from the PUD that will not have a major impact to this development. This amendment is necessary to allow a successful local business to remain at this location. Staff finds that the business has not outgrown the site, but the current building. This amendment will allow for an appropriate expansion and will maintain the integrity of the PUD .

RECOMMENDATION: Staff recommends forwarding this petition to the Common Council with a positive finding and the following conditions of approval:

1. All existing conditions of approval for this PUD and this property shall remain in full effect.
2. No additional square footage is permitted for other buildings within the PUD without a subsequent PUD amendment.
3. Final plan approval is contingent upon approval of the preliminary plan amendment by the Common Council.

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)**

- 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 petitioners, (Cook Pharmica, LLC.) have filed a petition to vacate a parcel of City property more particularly described below;
- WHEREAS, the City has received a copy of a quitclaim deed granted from Bloomington PR, LLC to Cook Pharmica, LLC wherein the “Grantor disclaims any interest in (this) vacated portion (of Fairview Street), even if such portion would otherwise have vested in Grantor because of such vacation”;

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, a portion of City owned property shall be vacated. The property, a forty-four by one hundred and fifteen foot segment of the Fairview Street right-of-way running north/south between 515 West Patterson Drive and 1300 South Patterson Drive, is more particularly described as follows:

A part of the Southeast Quarter of Section 5, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of Section 8, Township 8 North, Range 1 West of Monroe County, Indiana; thence South 85 degrees 13 minutes 49 seconds East 3635.41 feet along the South line of Section 8; thence leaving said Section line North 04 degrees 46 minutes 11 seconds East 3488.91 feet to a MAG nail and to the East line of the Cook Pharmica property (IN# 2003016378); thence North 26 degrees 26 minutes 56 seconds West 402.79 feet to a capped 5/8” rebar and to the South right-of-way line of Patterson Drive; thence following the South right-of-way of Patterson Drive on a curve to the left 228.02 feet with a radius of 346.18 feet and a chord bearing of South 65 degrees 33 minutes 48 seconds East 223.92 feet; thence continuing on said right-of-way South 86 degrees 36 minutes 33 seconds East 36.53 feet and to the west right of way of Fairview Street and the Point of Beginning of this description; thence continuing on said Patterson right-of-way South 86 degrees 36 minutes 33 seconds East 44.00 feet to the east right of way of Fairview Street; thence along said east right of way, South 03 degrees 13 minutes 38 seconds West 114.95 feet to a Railroad spike; thence leaving said east right of way, North 86 degrees 36 minutes 54 seconds West 44.00 feet to the west right of way of Fairview Street; thence along said west right of way, North 03 degrees 13 minutes 38 seconds East 114.95 feet to the Point of Beginning, containing +/- 5057.75 square feet.

SECTION II. Pursuant to I.C. 36-7-3-16, the following Utility have submitted written communications to the City indicating that it is not occupying or using any part of these public ways and has no objection to the vacation: Vectren states it has “no objection” to this action.

SECTION III. 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.

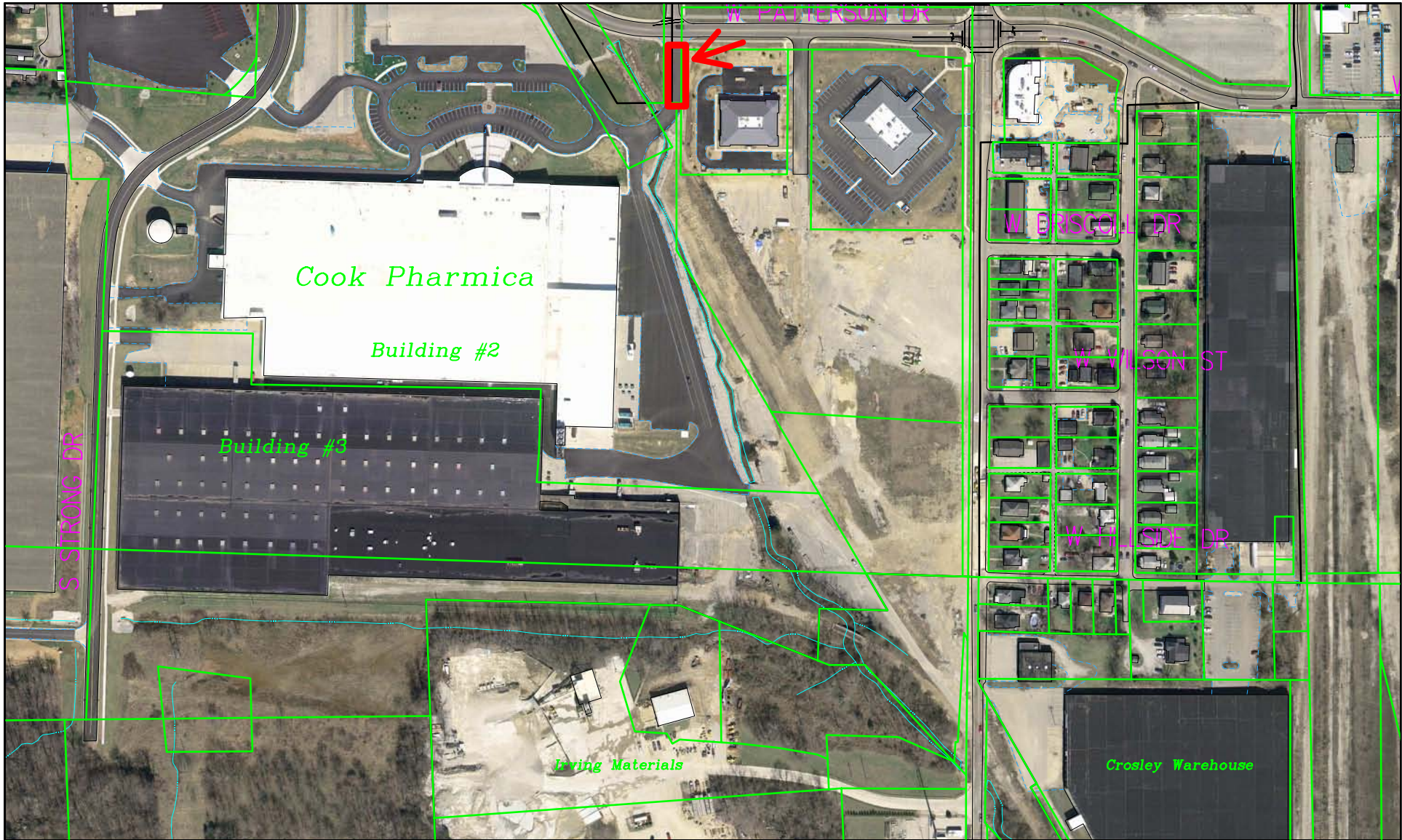
REGINA MOORE, Clerk
City of Bloomington

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

MARK KRUZAN, Mayor
City of Bloomington

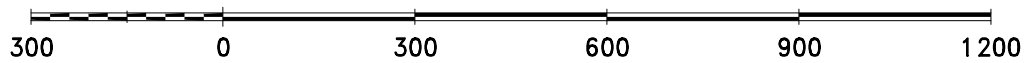
SYNOPSIS

The petitioner, Cook Pharmica, LLC., requests vacation of the public parcel commonly known as the Fairview Street right-of-way running north/south between 515 West Patterson Drive and 1300 South Patterson Drive on the south side of Patterson Drive.



Ord 08-21 Vacation of Fairview ROW for Cook Pharmica LLC

By: shermand
7 Oct 08



For reference only; map information NOT warranted.



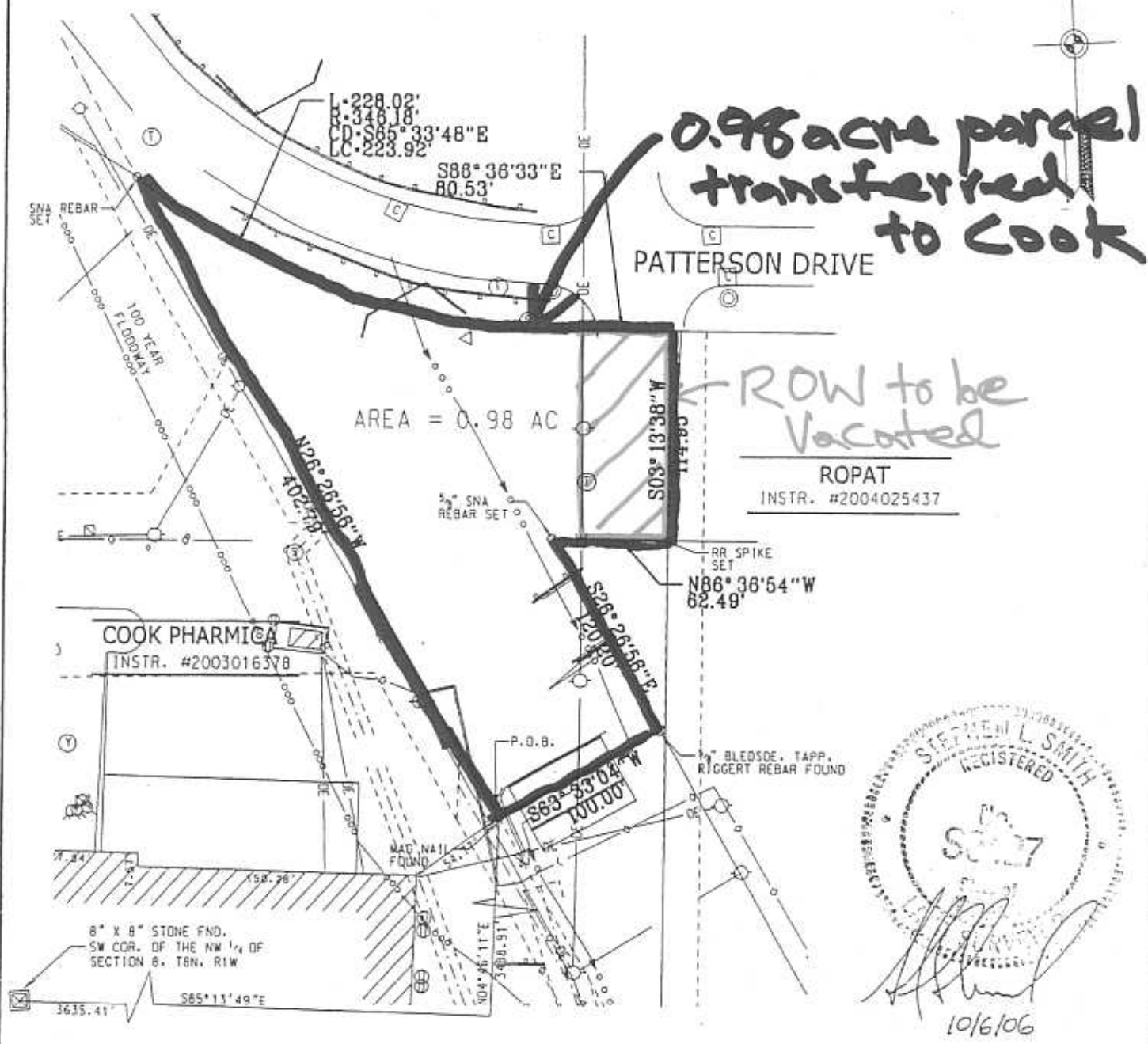
City of Bloomington
Clerk & Council



Scale: 1" = 300'

OWNER: City of Bloomington
 PARCEL NO.:
 COUNTY: MONROE
 SECTION: 5
 TOWNSHIP: 8N
 RANGE: 1W

PROJECT NAME: COOK/PATTERSON R/W
 PROJECT NO.: 3713
 DRAWN BY: RGB DATE: 1/10/05
 CHECKED BY: JDR DATE: 1/10/05
 SCALE: 1"=80'



Smith Neubecker & Associates, Inc.
 453 S. Clarizz Boulevard
 Bloomington, Indiana, 47407-5355
 Telephone: (812) 336-6536
 FAX: (812) 336-0513
 www.snainc.com

TOTAL AREA 0.98ACRES+-

NOTE:
 THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY



9/19/2008 10:32



**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: September 19, 2008
TO: City of Bloomington Common Council Members
FROM: Lynne Darland, Zoning & Enforcement Manager
SUBJECT: Request for vacation of a street right-of-way
PETITIONERS: Cook Pharmica, LLC

LOCATION: The petitioner is proposing to vacate the street right-of-way of Fairview Street, which runs north to south and is located south of Patterson Drive.

BACKGROUND: The right-of-way is a segment of Fairview Street directly south of Patterson Drive measuring 44 feet by 115 feet. The right-of-way is surrounded by the Social Security Administration building on the east and Cook Pharmica on the west. Previously, the City of Bloomington worked with Cook Pharmica to help that company purchase 0.98 acres of the Indiana Enterprise Center (IEC). The sale of the city's property to Cook Pharmica was intended to help the industry promote economic development and provide significant employment in the area. This sale allowed Cook Pharmica to secure its facility and enhance its entryway off Patterson Drive. The parcel was eventually sold and deeded to Cook Pharmica in April 2007.

Subsequent to that sale, it was discovered that a portion of the property was right-of-way that cannot be sold, but must be vacated by law. To that end, Cook Pharmica is now requesting vacation of the segment of Fairview right-of-way that was part of the 0.98 acres.

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
- 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 September 16, 2008. The BPW voted to recommend vacation of the right-of-way. Several of the utilities have active lines in this right-of-way segment. Cook Pharmica will grant easement to all parties including but not limited to,

Duke, and AT&T. CBU has public sewer and water lines in the right-of-way and will require an easement. City Police and Fire 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.

This right-of-way is located within an area that is used as a private access to the Cook Pharmica complex. Cook Pharmica purchased the property with the intent of securing the property as their entrance. As previously stated, both the Fire and Police Departments find that they can adequately serve the area and Cook Pharmica without accessing the right-of-way in question.

2. Necessity for Growth of the City:

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

Proposed Private Ownership Utilization: The only other interested party to this right-of-way, Bloomington PR, LLC, (owner of the Social Security Building site) quitclaimed all interest in the right-of-way to Cook Pharmica in April 2008.

Compliance with Regulations: The vacation of this street segment will not create any issues regarding compliance with local regulations.

Relation to Plans: The proposal is consistent with City Plans. Cook Pharmica has worked diligently and faithfully with the City to create new economic development for Bloomington. Their complex has received all necessary permits and was constructed according to approved plans. 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 right-of-way in question.



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

Petition for Vacation of Public Right-of-Way

**Ordinance:
Hearings:**

Ordinance 08-21

**Council Chambers
401 North Morton Street
7:30 p.m.**

**First Reading
Committee of the Whole
Final Action (Public Hearing)**

October 15, 2008
October 29, 2008
November 5, 2008

**Address of Property
Description of Proposed
Vacation:**

Between 515 West Patterson Drive and 1300 South Patterson Drive
A forty-four by one hundred and fifteen foot segment of the Fairview
Street right-of-way running north/south between 515 West Patterson
Drive and 1300 South Patterson Drive.

**Name of Petitioner
Address
Phone**

Cook Pharmica, LLC
1300 South Patterson Drive, Bloomington, IN, 47403
(812) 355-6746

**Consultant
Address
Phone**

Theodore J. Ferguson & Cynthia A. Hamstra of
Ferguson & Ferguson, Attorneys at Law
403 East Sixth Street, Bloomington, IN 47408
(812) 330-2030

Abutting Property Owners:

Petitioner and
Bloomington PR, LLC,
P.O. Box 40, Bloomington, IN, 47402

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: _____

Date: _____

PETITION FOR VACATION OF RIGHT OF WAY
OF COOK PHARMICA LLC

Names & Addresses of Owners of Property Abutting Proposed Vacation

Bloomington PR, LLC
P.O. Box 40
Bloomington, IN 47402

Cook Pharmica LLC
1300 South Patterson Drive
Bloomington, IN 47403

G:\Cook Pharmica LLC\City acre\Owners of Abutting Property.doc

Ferguson & Ferguson

403 East Sixth Street
Bloomington, IN 47408

(812) 330-2030
Fax: (812) 334-3892

Attorneys at Law

Theodore J. Ferguson
David L. Ferguson
Cynthia A. Hamstra
Anne M. Steigerwald
Traci A. Gundersen
Steven C. Jackson

Of Counsel
Stephen L. Ferguson

Founder
James H. Ferguson (1928-2001)

May 5, 2008

VIA HAND-DELIVERY

City of Bloomington
Planning Department
Attn: Lynne Darland
401 North Morton Street
P.O. Box 100
Bloomington, IN 47402

RE: Cook Pharmica LLC
Matter: 1180 West Patterson Drive
Subject: Vacation of public right-of-way
F&F File: #3234-8

Dear Lynne:

In 2004, Cook Pharmica LLC acquired property in the Indiana Enterprise Center for redevelopment into a pharmaceutical manufacturing facility.

On October 18, 2005, the City's Board of Public Works resolved that a 0.98 acre parcel, adjoining Cook Pharmica LLC's property and remaining from the City's construction of Patterson Drive and acquired by voluntary sale (not through eminent domain), should be transferred to Cook Pharmica LLC. By the same resolution, the Board of Public Works authorized Cook Pharmica LLC to enter upon the parcel and install signage prior to closing on the parcel. *See the enclosed Resolution 2005-54.*

In April of 2007, the City of Bloomington conveyed the parcel to Cook Pharmica LLC. *See the enclosed Warranty Deed.* After the conveyance, the parties learned that right-of-way across the eastern portion of the parcel remained to be vacated.

Bloomington PR, LLC, is the only other property owner adjoining the right-of-way. In February of 2008, Bloomington PR, LLC, released and quitclaimed any present or future interest in vacated right-of-way on the parcel which Cook Pharmica LLC acquired from the City of Bloomington. *See the enclosed Quitclaim Deed.*

Currently, the right-of-way is being used to provide vehicular entry to Cook Pharmica LLC; it provides no access to other private or public places. There is no foreseeable future need for public utilization of the right-of-way. The vacation presents no present or anticipated future compliance issues; neither does it violate any Master or Thoroughfare Plans for the area.

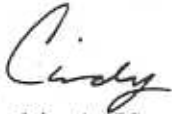
Cook Pharmica LLC has provided the significant employment and economic development benefits for the City of Bloomington that were anticipated in the 2005 resolution of the Board of Public Works. The City's conveyance of this parcel to Cook Pharmica LLC assisted in promoting this economic development project within the Indiana Enterprise Center.

It is appropriate that the public right-of-way remaining on this parcel be vacated now. Accordingly, enclosed please find Cook Pharmica LLC's: 1) Petition for Vacation of Public Right-of-Way, 2) Legal Description, 3) Site Plan / Sketch Map, and 4) Names & Addresses of Owners of Property Abutting Proposed Vacation.

If you have any questions, please call.

Very truly yours,

FERGUSON & FERGUSON



Cynthia A. Hamstra

Enclosures

cc: Tedd Green, Cook Pharmica LLC
Susan Failey, Legal Department



Stephen L. Smith, P.E., L.S.
Daniel Neubecker, L.S.
Steven A. Birchholz, L.S. & A.S.

**COOK/PATTERSON
FAIRVIEW RIGHT-OF-WAY
JOB NO. 3713**

A part of the Southeast Quarter of Section 5, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:


COMMENCING at the Southwest corner of the Northwest Quarter of Section 8, Township 8 North, Range 1 West of Monroe County, Indiana; thence South 85 degrees 13 minutes 49 seconds East 3635.41 feet along the South line of Section 8; thence leaving said Section line North 04 degrees 46 minutes 11 seconds East 3488.91 feet to a MAG nail and to the East line of the Cook Pharmica property (LN# 2003016378); thence North 26 degrees 26 minutes 56 seconds West 402.79 feet to a capped 5/8" rebar and to the South right-of-way line of Patterson Drive; thence following the South right-of-way of Patterson Drive on a curve to the left 228.02 feet with a radius of 346.18 feet and a chord bearing of South 65 degrees 33 minutes 48 seconds East 223.92 feet; thence continuing on said right-of-way South 86 degrees 36 minutes 33 seconds East 36.53 feet and to the west right of way of Fairview Street and the Point of Beginning of this description; thence continuing on said Patterson right-of-way South 86 degrees 36 minutes 33 seconds East 44.00 feet to the east right of way of Fairview Street; thence along said east right of way, South 03 degrees 13 minutes 38 seconds West 114.95 feet to a Railroad spike; thence leaving said east right of way, North 86 degrees 36 minutes 54 seconds West 44.00 feet to the west right of way of Fairview Street; thence along said west right of way, North 03 degrees 13 minutes 38 seconds East 114.95 feet to the Point of Beginning, containing +/- 5057.75 square feet.

This description was prepared in the office without benefit of field survey or examination of adjoining deeds. This certification does not take into consideration additional facts that an accurate and correct title search and/or examination or field survey might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

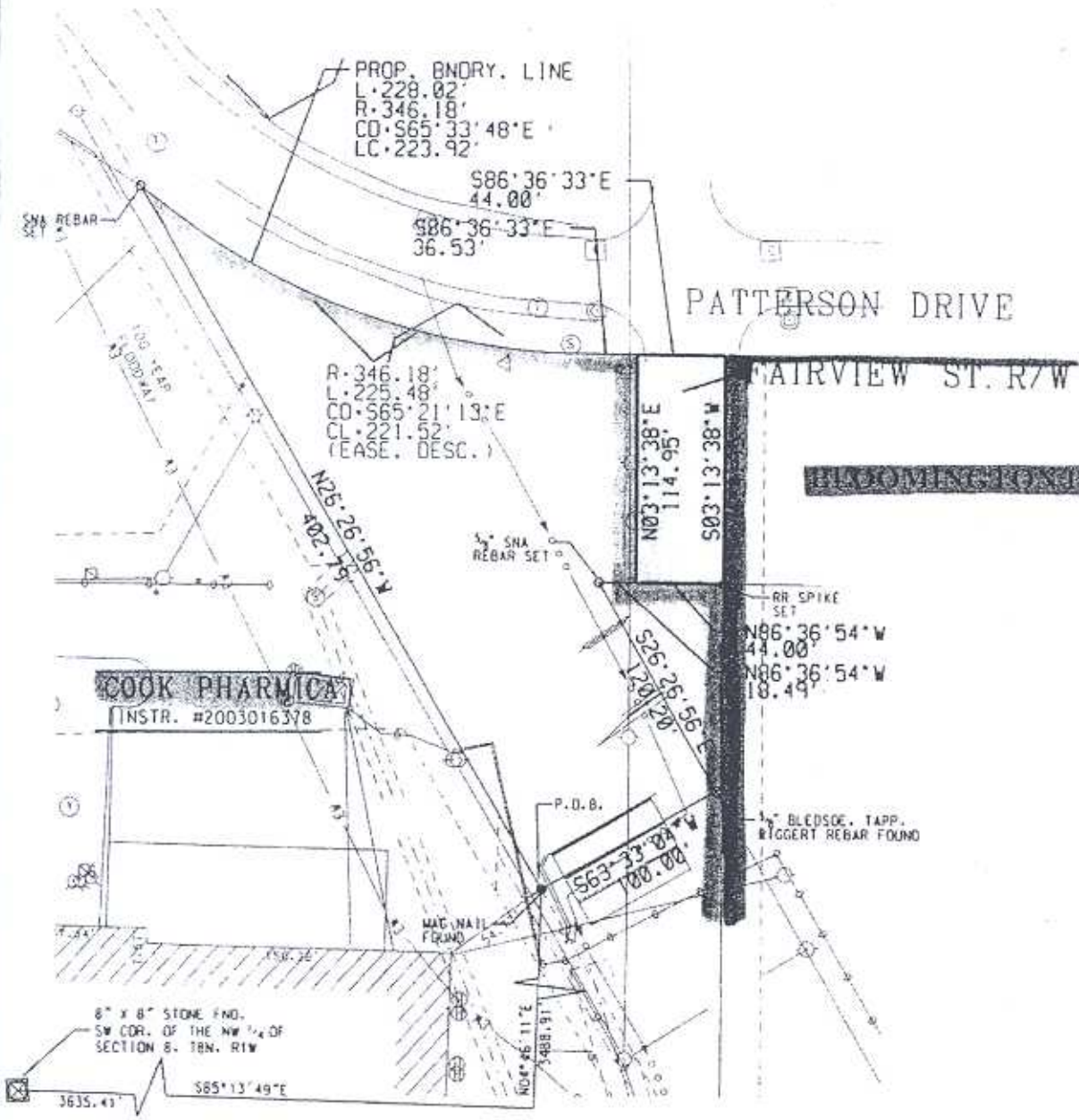
Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements.

Certified this 15th day of May, 2008.


Stephen L. Smith
Registered Land Surveyor No. S0427
State of Indiana



**LEGAL DESCRIPTION
for Petition for Vacation of Public Right-of-Way
of Cook Pharmica LLC**



SITE PLAN / SKETCH MAP
depicting Right-of-Way and Adjoining Properties
for Petition for Vacation of Public Right-of-Way
of Cook Pharmica LLC

CORPORATE WARRANTY DEED

File Number: 27262

CITY OF BLOOMINGTON, an Indiana municipal corporation ("Grantor"), whose principal office is at Bloomington, Indiana, CONVEYS AND WARRANTS to COOK PHARMICA LLC, a Foreign limited liability company ("Grantee") of Monroe County, Indiana, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt which is acknowledged, the following described real estate in Monroe County, State of Indiana:

A part of the Southeast Quarter of Section 5, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of Section 8, Township 8 North, Range 1 West of Monroe County, Indiana; thence South 85 degrees 13 minutes 49 seconds East 3635.41 feet along the South line of Section 8; thence leaving said Section line North 04 degrees 46 minutes 11 seconds East 3488.91 feet to a MAG nail and to the East line of the Cook Pharmica property (IN#2003016378) and to the Point of Beginning of this description; thence North 26 degrees 26 minutes 56 seconds West 402.79 feet to a capped 5/8 inch rebar and to the South right-of-way line of Patterson Drive; thence following the South right-of-way of Patterson Drive on a curve to the left 228.02 feet with a radius of 346.18 feet and a chord bearing of South 65 degrees 33 minutes 48 seconds East 223.92 feet; thence continuing on said right-of-way South 86 degrees 36 minutes 33 seconds East 80.53 feet to the Northwest corner of the Ropat property (IN#2004025437) thence along the west line of the Ropat property South 03 degrees 13 minutes 38 seconds West 114.95 feet to a Railroad spike; thence continuing with Ropat property North 86 degrees 36 minutes 54 seconds West 62.49 feet to a 5/8 inch rebar; thence along said Ropat property South 26 degrees 26 minutes 56 seconds East 120.20 feet to a 5/8 inch rebar; thence along said Ropat property South 63 degrees 33 minutes 04 seconds West 100.00 feet to a MAG nail, which is also the Point of Beginning of this description. Containing 0.98 acre, more or less.

SUBJECT TO THE FOLLOWING:

1. Real estate taxes for the year 2006, due and payable in 2007, and all subsequent taxes and assessments.
2. Rights of the public, the State of Indiana, the County of Monroe and the municipality in and to that portion of the premises taken or used for road and alley purposes and drainage tiles, ditches, feeders and laterals, if any.
3. Sewer line easement in favor of City of Bloomington dated August 13, 1955, recorded November 17, 1955, in Miscellaneous Book 32, page 329, in the office of the Recorder of Monroe County, Indiana.
4. Overhead electric lines running across said land as shown on the plat prepared by Smith Neubecker & Associates, Inc., dated January 10, 2005.

The undersigned persons executing this deed on behalf of the Grantor represent that Mark Kruzan is the duly elected Mayor of the Grantor and Beth Hollingsworth is the President of Board of Public Works; such persons have been fully empowered by proper resolution of the Board of Directors of the Grantor to execute and deliver this deed; Grantor has full capacity to convey the real estate described in this deed; and all necessary action for making this conveyance has been taken and done.

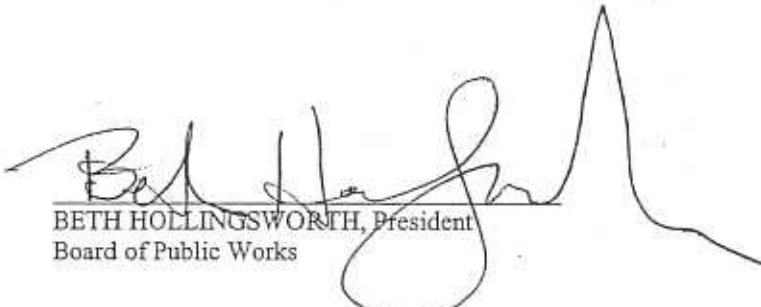
Grantor has executed this CORPORATE WARRANTY DEED, this 20th day of April, 2007.

CITY OF BLOOMINGTON
An Indiana municipal corporation

By:



MARK KRUZAN, Mayor



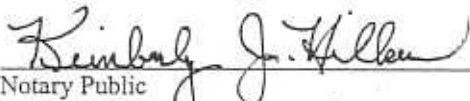
BETH HOLLINGSWORTH, President
Board of Public Works

STATE OF INDIANA)
)SS:
COUNTY OF MONROE)

Before me, the undersigned, a Notary Public in and for said County and State, this 23rd day of April, 2007, came Mark Kruzan, Mayor of the City of Bloomington, and acknowledged the execution of this instrument.

My Commission Expires:





Notary Public

Kimberly J. Hilker

Name Printed

Monroe

County

STATE OF INDIANA)
)SS:
COUNTY OF MONROE)

Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of April, 2007, came Beth Hollingsworth, President of Board of Public Works, City of Bloomington, and acknowledged the execution of this instrument.

Penny S. Myers
Notary Public

My Commission Expires:

Penny S. Myers
Name Printed

Monroe
County



Grantee Address: 1300 S. Patterson Drive, Bloomington, IN 47401

This Instrument Prepared By
MORRIS H. ERICKSON, Attorney at Law
Sturbridge Center, 810 Auto Mall Road
Bloomington, Indiana 47401
Telephone: (812)335-1111

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (name)."

Morris H. Erickson

ORDINANCE 08-21

**TO VACATE A PUBLIC PARCEL –
Re: A segment of the Fairview Street Right-of-Way Running
North/South
Between 1300 South and 515 West Patterson Drive
(Cook Pharmica, LLC, 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.

Safety Services Interest in the Alley Ways

Police Department *Wants access drive to remain open to accommodate emergency vehicle response.*

Fire Department *Expressed no concerns (per Lynne Darland).*

Utility Interests in the Alley Ways

Vectren *None*

Duke *Has a major feeder circuit in this right-of-way and will need to maintain those facilities. (Map)*

Comcast *Wants applicant to reimburse them for the costs associated with relocating any facilities within the right-of-way.*

City of
Bloomington
Utilities Dept *Wants an easement “over the whole thing” to be executed in order to protect public sewer and water lines crossing it and a private line running along it.*

AT&T *Wants an easement over the entire vacated parcel or an agreement in writing for expenses incurred in rerouting the existing facilities.*

Bloomington
Digital
Underground *Wants access to line under the sidewalk which Lynne Darland says is outside of the vacated parcel.*

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

COMMON COUNCIL
REGULAR SESSION
October 1, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Susan Sandberg reported that October was Domestic Violence Awareness Month and that several persons issued Public Service Announcements for the cause, including her. She urged folks to remember this.

REPORTS:
COUNCILMEMBERS

Danise Alano, Director of the Department of Economic and Sustainable Development, provided a report regarding the Annual Lotus World Music and Arts Festival. She gave information on the weekend's events, including the free event "Lotus in the Park" on Saturday in Third Street Park. She said that the city created a partnership with Lotus to provide a free event with high quality arts and entertainment for citizens.

MAYOR and CITY OFFICES

There were no council committee reports at this meeting.

COUNCIL COMMITTEES

Michelle Cole from Bloomington Transportation for People spoke of their last presentation by Walter Kulash whose topic was the Principles of Sensible Traffic. She noted some interesting facts from his presentation that might be counterintuitive to observers, but beneficial and efficient in practice. Cole noted their next speaker would be Neal Angrisano, Director of Facilities Management in Johnson County, Kansas, whose topic would be "Buildings for a Green Community." The presentation was scheduled for October 28, 2008 from 9-11 am.

PUBLIC INPUT

David R. Grubb spoke about the need for relating to youth.

It was moved and seconded that Sam Frank be appointed to the Utilities Service Board. The appointment was approved by a voice vote.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that Lee Sandweiss be appointed to the Bloomington Community Arts Commission. The appointment was approved by voice vote. Sturbaum noted the exceptional quality of all applicants for this position and said that the interview committee would be recommending to the BCAC that they be involved in some sort of an advisory commission capacity.

It was moved and seconded that Resolution 08-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0.

LEGISLATION FOR SECOND
READING

It was moved and seconded that the council postpone Resolution 08-13 until the Regular Session on October 15, 2008. Piedmont-Smith noted that the appropriation ordinance that accompanied this resolution had not been advertised in a timely manner and wanted to clarify that the controller asked that it be moved to a later meeting to accommodate the proper advertisement.

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

The motion to postpone was approved by 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. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0.

It was moved and seconded that the council postpone Appropriation Ordinance 08-05 until the Regular Session on October 15, 2008.

The motion to postpone was approved by a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 08-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Recommendation to accept the Administration's request for withdrawal of 9-0-0.

It was moved and seconded that the council accept the request by the Administration to withdraw Ordinance 08-19. The motion was approved by a roll call vote of Ayes: 8, Nays: 0.

There was no legislation to be introduced at this meeting.

It was moved and seconded to cancel the Committee of the Whole meeting scheduled for October 8, 2008. The motion was approved by a roll call vote of Ayes: 8, Nays: 0.

Mr. Grubb spoke briefly at the end of the meeting.

The meeting was adjourned at 8:08 pm.

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

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.

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

Motion to withdraw

LEGISLATION FOR FIRST READING

CANCELLATION OF NEXT COMMITTEE OF THE WHOLE MEETING

PUBLIC INPUT

ADJOURNMENT