



City of Bloomington Common Council

Legislative Packet

Regular Session

18 April 2007

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

812.349.3409

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



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Final Action:

None

Legislation and Background Material for First Reading:

- **Ord 07-06** To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” – Re: To Correct Drafting Errors With Respect to Allowing Accessory Chicken Flocks in the Residential Core (RC) District; Establishing of Maximum Residential Density in the Business Park (BP) and Medical (MD) Districts, and Identification of Districts in Which Use of Dwelling Unit Equivalents is Permitted
 - Certification of Plan Commission (7 – 0); Memo from Tom Micuda, Director of Planning Department; Changes to Text of the UDO:
 - Amendment 1: Allowing Accessory Chicken Flocks in the Residential Core zoning districts
 - Amendment 2: Adding Multifamily Density Limitations for the Business Park and Medical zoning districts
 - Amendment 3: Revise the definition of Dwelling Unit Equivalent (DUE) to specify zoning districts where such units can occur

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

- **Ord 07-09** To Amend Ordinance 06-14 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2007 - Re: Positions in the Community and Family Resources Department, Office of the Mayor, and Parks and Recreation

- Memo to Council from Daniel Grundmann, Director of Employee Services

Contact: Daniel Grundmann at 349-3578 or grundmad@bloomington.in.gov

Minutes from Regular Session:

March 7, 2007

April 4, 2007

Memo

**Two Items Ready for Introduction at the Regular Session
on Wednesday, April 18th**

There are no items ready for final action and two ordinances ready for first reading at the Regular Session next Wednesday. Both ordinances can be found in this packet.

First Readings

**Item One - Ord 07-06 Offering Three Corrections to the
Unified Development Ordinance (UDO)**

Ord 07-06 amends Title 20 of the BMC entitled the Unified Development Ordinance (UDO) to correct three matters that were overlooked during the recent adoption of that ordinance. As Tom Micuda says in his memo to the Council, these corrections were considered sufficiently important to change now rather than with other changes expected in the last quarter of this year. The Plan Commission recommended their adoption after one hearing on March 5, 2007 by a vote of 7 – 0.

The first amendment adds “Accessory Chicken Flocks” as a permitted use in the Residential Core (RC) zoning district subject to special conditions. This reflects the intent and language of Ord 06-21, which was adopted last fall prior to the passage of the UDO and established a permitting program under Title 7 (Animal Control) for small flocks of chickens in certain residential districts. Those districts included the Residential Estate (RE) and Residential Single Family (RS) zones and zoning districts that may amend or replace them in the future. The UDO designated certain formerly-designated RS properties near the urban center as a new RC district, but did not, in the course of adoption, acknowledge the allowance of small flocks of chickens in that district.

The second amendment inserts a maximum dwelling unit density of 15-units per acre for multi-family uses in Business Park (BP) and Medical (MD) districts. The setting

of some limit on the number of dwelling units per acre became necessary when multi-family uses (in the form of upper floor dwelling units) were permitted in these districts, but was not done during the adoption of the UDO. The figure of 15-units per acre is consistent with the dwelling unit limits for commercial and multi-family zones.

The third amendment changes the definition of Dwelling Unit Equivalent (DUE) in order to limit it to RM, RH, CL, CG, CA, BP, and MD Districts and improve some imprecise language. The concept of the DUE first appeared in the 1995 Zoning Ordinance and acknowledged that units of smaller than, or with fewer bedrooms than, a three-bedroom unit had less impact on the surrounding area than the standard three-bedroom unit. In recognition of this fact, these units were counted at less than one unit when calculating the number of units allowed per acre. The changes indicate in which zoning districts the DUE may be applied and clarify that the term establishes a method for calculating whether a project has complied with the maximum density requirement.

Item Two – Ord 07-09 – Amending Ord 06-14 which Set the Salaries for Officers, Non-Union and A.F.S.C.M.E. Employees of the City for 2007 – Re: Positions in Community and Family Resources, the Mayor’s Office, and Parks and Recreation

Ord 07-09 amends Ord 06-14 which set the salaries for officers, non-union and A.F.S.C.M.E. employees of the City for 2007. These amendments affect positions in the Community and Family Resources and Parks and Recreation departments and the Office of the Mayor. They are the result of revised or new job descriptions filed with the Employee Services department who, in general, forward them to the Job Evaluation Committee (JEC) to determine the appropriate grade. These changes eliminate two and add three positions, increase and decrease the grade of an equal number of positions (three), and change the title of three positions. The following is a summary of those changes taken from Daniel Grundmann’s memo to the Council.

Community and Family Resources

Change Title of Youth and Family Project Coordinator to Program Specialist – Special Projects and Decrease Grade from 7 to 6

This position began when the City was administering the childcare voucher program and significantly changed when the State took over

those duties a few years ago. Decreased independent judgment and consequences of errors led to the reduction in grade.

Decrease Grade of Program Assistant II - Special Projects position from 6 to 5

Reduced responsibilities related to external relations led to the decrease in this position.

Mayor's Office

Split Assistant Director of Economic Development into Assistant Director of Economic Development for Small Business and Sustainable Development and Assistant Director of Economic Development for the Arts and Reduce Grade from 9 to 8

The Mayor's Office intends to split the Assistant Director of Economic Development (ADED) into two ADED positions in order to provide better focus on two separate initiatives: Small Business & Sustainable Development and the Arts. Each position will plan, direct or coordinate a broad range of policies and activities for their respective area. The ADED for Small Business and Sustainable Development will serve as liaison for the Bloomington Commission on Sustainability, facilitate internal processes that are efficient for business and promote sustainable development, perform outreach services, and act as an ombudsman for business constituents. The ADED for the Arts will direct the development of the Bloomington Entertainment and Arts District (BEAD), oversee art exhibitions and special events, work with the Bloomington Community Arts Commission in concert with the Board of Public Works, and work with various groups to implement related programs.

Fiscal Impact for 2007 - \$36,000

The memo indicates that these positions will result in a fiscal impact of \$36,000 for the rest of this year and will require an additional appropriation sometime this year. Please note that the Employee Services has evaluated the duties and has recommended a grade of 8. As has done in the past, it will forward the job description to the JEC for their decision (and bring it back to the Council should the grade change).

Parks and Recreation

Two vacancies and a general review of operations have led this department to propose the following changes.

Operations Division –

Increase Grade of Operations Superintendent from 7 to 8

Increased complexity and independent judgment due to greater strategic management duties - capital project planning, budgeting, and coordination of site design and layout – led to the increase in grade.

Eliminate Secretary Position (Grade 1) and

Add an Operations Division Office Coordinator (Grade 4)

This change came out of a work flow analysis done by the Employee Services Department, which concluded that some largely clerical duties being done by Division Director were better suited for a high grade clerical position and, thereby, allowing the Director to focus on more strategic matters. The JEC found that the combination of the existing secretarial duties of a vacant position combined with additional higher level clerical duties warranted a Grade 4 for this new position

Sports Services Division –

Change Title of Aquatics/Sports Program Supervisor to Aquatics/Sports Program Coordinator

The change in title makes it more consistent with other titles within in the department.

Eliminate Aquatics/ Sports Specialist position.

The department proposes elimination of this position after having reorganized duties within the Aquatics program and made better use of seasonal labor.

Farmers' Market – Add Market Master Position at Grade 4

This change would turn a seasonal into a regular, year-round, part-time position due to the lengthening of the market season and expansion of market in general. Revenue from food vendors should offset the additional costs of the change.

Belated Happy Birthday to Susan Sandberg!

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, APRIL 18, 2007
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: March 7, 2007 (Regular Session)
April 4, 2007 (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

VII. LEGISLATION FOR FIRST READING

1. Ordinance 07-06 To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” – Re: To Correct Drafting Errors With Respect to Allowing Accessory Chicken Flocks in the Residential Core (RC) District; Establishing of Maximum Residential Density in the Business Park (BP) and Medical (MD) Districts, and Identification of Districts in Which Use of Dwelling Unit Equivalents is Permitted
2. Ordinance 07-09 To Amend Ordinance 06-14 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the year 2007 – Re: Positions in the Community and Family Resources Department, Office of the Mayor, and Parks and Recreation

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
Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council
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To: Council Members
From: Council Office
Re: Calendar for the Week of April 16-21, 2007

Earth Week!

Monday, April 16, 2007

12:30 pm Coordinated Human Services – Public Transportation Planning, McCloskey
4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Farmers' Market Advisory Council, Parks and Recreation, Showers Building Room 250
5:00 pm Utilities Service Board, IU Research-North Showers, 501 N. Morton Street 100B
5:30 pm Bicycle & Pedestrian Safety Commission, Hooker Room
6:30 pm *Home Construction and Remodeling for Energy Efficiency* presented by Bob Geswein, Rogers Room, Bloomington Convention Center, 302 S. College Ave.

Tuesday, April 17, 2007

4:00 pm Community & Family Resources Commission, Hooker Room
4:00 pm Board of Public Safety, McCloskey
5:30 pm Animal Control Commission, McCloskey
5:30 pm Bloomington Public Transportation Corporation, Transportation Center, 130 W. Grimes Lane
5:30 pm Board of Public Works, Council Chambers

Wednesday, April 18, 2007

9:30 am Tree Commission, Rose Hill Cemetery Office, 930 W. Fourth Street
3:30 pm Bloomington Housing Quality Appeals, Hooker Room
4:00 pm Martin Luther King Jr., Birthday Commission, McCloskey
6:30 pm Metropolitan Planning Organization Citizen's Advisory Committee, McCloskey
7:00 pm Council of Neighborhood Associations, Dunlap
7:30 pm Common Council Regular Session, Council Chambers

Thursday, April 19, 2007

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N. Summit, Community Room
10:00 am U.S. Census Bureau Workshop, Council Chambers
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, April 20, 2007

12:00 pm Domestic Violence Taskforce, Hooker Room

Saturday, April 21, 2007

8:00 am Bloomington Community Farmers' Market, Showers Common

ORDINANCE 07-06

**TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“UNIFIED DEVELOPMENT ORDINANCE”**

Re: To Correct Drafting Errors With Respect to Allowing Accessory Chicken Flocks in the Residential Core (RC) District; Establishing of Maximum Residential Density in the Business Park (BP) and Medical (MD) Districts, and Identification of Districts in Which Use of Dwelling Unit Equivalents is Permitted

- WHEREAS, Ordinance 06-24 approved the Unified Development Ordinance (“UDO”), which repealed and replaced both Title 20 of the Bloomington Municipal Code entitled, “Zoning,” and Title 19 of the Bloomington Municipal Code, entitled “Subdivisions;” and
- WHEREAS, the development of the UDO entailed numerous drafts; one hundred thirty-nine (139) amendments to the hearing draft by the Plan Commission; and nineteen (19) amendments by the Common Council; and
- WHEREAS, following final adoption of the UDO, drafting errors have been discovered that require correction in order to carry out the intent of the Plan Commission and Common Council with respect to accessory chicken flocks, multi-family uses in the Business Park (BP) and Medical (MD) Districts, and the use of Dwelling Unit Equivalents in calculating residential density;

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

SECTION I. Section 20.02.100 of the Bloomington Municipal Code entitled “Residential Core (RC); Permitted Uses” shall be amended to add “accessory chicken flocks” to the list of permitted uses and shall read as follows:

20.02.100 Residential Core (RC); Permitted Uses

* Additional Requirements refer to
Chapter 20.05; §SC: Special Conditions Standards.

- accessory chicken flocks*
- artist studio*
- dwelling, single-family (detached)
- group care home for the developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- park
- utility substation and transmission facility*

SECTION II. Section 20.05.092 of the Bloomington Municipal Code entitled “SC-07 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks]” shall be amended to add references to the Residential Core [RC] District and shall read as follows:

20.05.092 SC-07 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks]
This Special Conditions Standards section applies to the following zoning districts:

RE RS RC

(a) Crops and Pasturage — RE Zoning District:

(1) Livestock shall be permitted only in a pasturage context. Pasture use shall be limited to one animal unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent (15%) shall not be considered in determining the total pasture size, and shall not be utilized for pasture purposes.

(2) Animal units per animal shall be determined as follows:

- (A) All larger animals, including cattle, horses, swine, ponies, *etc.*, shall equal 1.0 animal unit;
 - (B) Goats, sheep, miniature horses, *etc.*, shall equal 0.5 animal unit;
 - (C) All smaller animals including fowl shall equal 0.2 animal unit; and
 - (D) All animals less than four (4) months of age shall be calculated at one-half (½) the unit value of their respective category above.
- (3) All other agricultural businesses involving livestock are prohibited, including but not limited to concentration points, confined feeding, feedlots, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, and transfer stations.
- (4) Livestock shall not be kept on any parcel of less than five (5) acres in area and three hundred (300) feet in width, except that chickens and ducks may be kept within the density limits on parcels of two (2) acres or more.
- (5) Structures containing livestock or livestock waste shall meet the following minimum setbacks:
- (A) Front Setback: Seventy-five (75) feet;
 - (B) Side Setback: Fifty (50) feet;
 - (C) Rear Setback: Seventy-five (75) feet.

(b) Accessory Chicken Flocks — RE, RS and RC Zoning Districts:

(1) One chicken flock may be kept as a use accessory to a permitted residential use, provided that such use is permitted by Title 7 of the Bloomington Municipal Code, as it may hereafter be amended, and further provided that such use complies with all regulations of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended. Such regulations of Title 7 of the Bloomington Municipal Code are expressly incorporated herein by reference. In areas that are subject to this Unified Development Ordinance but not within the corporate boundaries of the City of Bloomington, the Planning Department shall administer and enforce such regulations.

SECTION III. Section 20.02.480 of the Bloomington Municipal Code entitled “Business Park (BP); Development Standards” shall be amended to add a maximum density standard and shall read as follows:

20.02.480 Business Park (BP); Development Standards

Minimum Lot Area:

- 32,670 square feet

Maximum Density:

- 15 units/acre (2,904 square feet per dwelling unit)

Minimum Lot Width:

- 130 feet

Minimum Front Building Setback:

- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:

- 20 feet

Minimum Rear Building Setback:

- 20 feet

Maximum Impervious Surface Coverage:

- 60% of the Lot Area

Minimum Parking Setback:

- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Structure Height:

- Primary Structure: 60 feet
- Accessory Structure: 30 feet

SECTION IV. Section 20.02.560 of the Bloomington Municipal Code entitled “Medical (MD) District; Development Standards” shall be amended to add a maximum density standard and shall read as follows:

20.02.560 Medical (MD) District; Development Standards

Minimum Lot Area:

- 10,890 square feet

Maximum Density:

- 15 units/acre (2,904 square feet per dwelling unit)

Minimum Lot Width:

- 65 feet

Minimum Front Building Setback:

- 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:

- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Minimum Rear Building Setback:

- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Maximum Impervious Surface Coverage:

- 60% of the Lot Area

Minimum Parking Setback:

- Front: 20 feet behind primary structure’s front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Structure Height:

- Primary Structure: 80 feet
- Accessory Structure: 25 feet

SECTION V. Section 20.11.020 of the Bloomington Municipal Code entitled “Defined Words” shall be amended by amending the definition of “Dwelling Unit Equivalent (DUE)” to read as follows:

Dwelling Unit Equivalent (DUE): In the RM, RH, CL, CG, CA, BP, and MD Districts only, establishes a density value for dwelling units based upon the size of the unit and/or the number of bedrooms in the unit. This value may be applied to the units per acre measurement in order to calculate density and determine compliance with density maximums. Where allowed, the following proportions shall be used in calculating dwelling units per acre:

- (1) 3- or more bedroom unit = 1.0 unit;
- (2) 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- (3) 1-bedroom unit with less than 700 square feet = 0.50 of a unit;
- (4) Efficiency or studio unit with less than 550 square feet = 0.33 of a unit.

SECTION VI. The Clerk of the City and the City Planning Director are hereby authorized and directed jointly to make any and all non-code changes to the illustrative portions of Title 20, Unified Development Ordinance, as may be necessary or appropriate in light of the amendments made by this Ordinance, including but not limited to the following:

Residential Core (RC) District
Page 2-9

Box Entitled “Additional Development Standards that Apply” will be amended to add “SC-07.....Page 5-91” under Special Conditions (SC).

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2007.

DAVE ROLLO, 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 _____, 2007.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2007.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance corrects drafting errors in the recently-adopted Unified Development Ordinance (“UDO”), codified as Tile 20 of the Bloomington Municipal Code, in order to carry out the intent of the Plan Commission and Common Council. The amendments address allowing accessory chicken flocks in the Residential Core (RC) District; establishing a maximum residential density standard for multi-family uses in the Business Park (BP) and Medical (MD) Districts; and amending the definition of Dwelling Unit Equivalent (“DUE”) to specify the zoning districts in which DUEs may be used for density calculations.

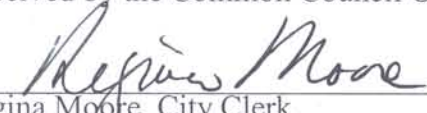
****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 07-06 is a true and complete copy of Plan Commission Case Number ZO-07-07 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 5, 2007.

Date: March 9, 2007


Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 9th day of MARCH, 2007.


Regina Moore, City Clerk

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

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____

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

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



**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: April 9, 2007
TO: City of Bloomington Common Council Members
FROM: Tom Micuda, Planning Director
SUBJECT: Case # ZO-07-07 - Minor Housekeeping Amendments to the Unified Development Ordinance (UDO)

Attached to this memo are three simple amendments to the UDO being recommended by the Planning staff and Plan Commission for City Council adoption. The common theme of all three amendments is that they address topics within the UDO that were overlooked by Planning staff during the final stages of the Plan Commission and City Council amendment consideration process that concluded late in 2006.

The Planning Department anticipates bringing forward a larger package of housekeeping amendments to the UDO during the fourth quarter of 2007. However, the three enclosed amendments were deemed important enough for the Plan Commission to consider them at the March 5, 2007 meeting. These amendments were approved by the Commission by a vote of 7-0. A synopsis of the amendments follows.

Amendment #1 - Allowing Accessory Chicken Flocks in the Residential Core zoning districts

- Reason for Amendment – As part of the City Council's amendments to Title 7 (Animals), chickens were allowed within the City limits in single family (RS) zoning districts. When the UDO was amended at the City Council, Title 7 was appropriately cross-referenced by including accessory chicken flocks as permitted uses in the RE and RS zoning districts. However, the cross-referencing failed to include the Residential Core (RC) zoning district.
- Problem – Accessory chicken flocks are currently not included as a permitted use within the RC zoning district. This goes against the Council's intent of the Title 7 amendments and does not address most of the properties where chickens are being kept within City limits.
- Solution – Allow accessory chicken flocks within the RC zoning district, subject to the additional regulations in Title 7.

(Over)

Amendment #2 - Adding Multifamily Density Limitations for the Business Park and Medical zoning districts

- Reason for Amendment – During Plan Commission hearings to amend the UDO, upper story multifamily units were added as permitted uses in the Business Park and Medical zoning districts.
- Problem – While this land use was added, no maximum density limitation was incorporated into the zoning districts. This would permit an unlimited number of upper story multifamily units to be constructed in these districts.
- Solution – Create a maximum density limitation of 15 units per acre just like in the Commercial and Multifamily zoning districts.

Amendment #3 - Revise the definition of Dwelling Unit Equivalent (DUE) to specify zoning districts where such units can occur

- Reason for Amendment – Dwelling unit equivalents or DUEs were used under the old Zoning Ordinance in recognition of the fact that smaller bedroom count units (efficiencies, one bedroom, and two bedroom units) have reduced impacts as compared to 3-5 bedroom units. Therefore, a calculation was developed in the Zoning Ordinance to count DUEs as fractional portions of typical dwelling units (e.g. a 1-bedroom unit is counted as ½ of a typical 3-5 bedroom dwelling unit). The UDO continues the DUE allowance but did not specify where DUEs could be applied.
 - Problem – No guidance for which zoning districts are eligible for DUE usage.
 - Solution – The amendment would allow DUEs for zoning districts where multifamily uses are permitted. This includes the Residential Multifamily (RM), Residential High-Density (RH), Commercial Limited (CL), Commercial General (CG), Commercial Arterial (CA), Business Park (BP), and Medical (MD) zoning districts
-

RECOMMENDATION: The Planning Department recommends approval of these text amendments to the Unified Development Ordinance.

Amendment #: 1

Date: March 5, 2007

Synopsis: This amendment adds accessory chicken flocks as a use permitted – subject to special conditions - in the RC District, to carry out the intent of the Council in enacting the chicken provisions of Title 7 “Animals.” Ordinance 06-21 allowed small chicken flocks in single family zoning districts, referencing the then-current zoning ordinance and the RS and RE districts “as the same may be hereafter amended or replaced.” When the UDO was subsequently enacted, the RS district was replaced in some areas by a new single family district called Residential Core (RC). Because of a drafting error, the allowance for chickens was not carried over to the RC District in the UDO, as was intended by all concerned. This amendment corrects that error in two sections of the UDO in order to effectuate the Council’s intent.

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following Sections:

1. 20.02.100 Residential Core (RC); Permitted Uses
Page 2-8

20.02.100 Residential Core (RC); Permitted Uses

*** Additional Requirements refer to
Chapter 20.05; §SC: Special
Conditions Standards.**

- accessory chicken flocks*
- artist studio*
- dwelling, single-family (detached)
- group care home for the developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- park
- utility substation and transmission facility*

2. Residential Core (RC) District
Page 2-9

Box Entitled “**Additional Development Standards that Apply**” will be amended to add “SC-07.....Page 5-91” under **Special Conditions (SC)**.

3. 20.05.092 SC-07 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks]
Pages 5-91 to 5-92

20.05.092 SC-07 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks]

This Special Conditions Standards section applies to the following zoning districts:

RE RS RC

Highlighted text denotes text to be added

~~Strike through text~~ denotes text to be deleted

- (a) Crops and Pasturage — RE Zoning District:
- (1) Livestock shall be permitted only in a pasturage context. Pasture use shall be limited to one animal unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent (15%) shall not be considered in determining the total pasture size, and shall not be utilized for pasture purposes.
- (2) Animal units per animal shall be determined as follows:
- (A) All larger animals, including cattle, horses, swine, ponies, *etc.*, shall equal 1.0 animal unit;
- (B) Goats, sheep, miniature horses, *etc.*, shall equal 0.5 animal unit;
- (C) All smaller animals including fowl shall equal 0.2 animal unit; and
- (D) All animals less than four (4) months of age shall be calculated at one-half ($\frac{1}{2}$) the unit value of their respective category above.
- (3) All other agricultural businesses involving livestock are prohibited, including but not limited to concentration points, confined feeding, feedlots, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, and transfer stations.
- (4) Livestock shall not be kept on any parcel of less than five (5) acres in area and three hundred (300) feet in width, except that chickens and ducks may be kept within the density limits on parcels of two (2) acres or more.
- (5) Structures containing livestock or livestock waste shall meet the following minimum setbacks:
- (A) Front Setback: Seventy-five (75) feet;
- (B) Side Setback: Fifty (50) feet;
- (C) Rear Setback: Seventy-five (75) feet.
- (b) Accessory Chicken Flocks — RE, and RS and RC Zoning Districts:
- (1) One chicken flock may be kept as a use accessory to a permitted residential use, provided that such use is permitted by Title 7 of the Bloomington Municipal Code, as it may hereafter be amended, and further provided that such use complies with all regulations of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended. Such regulations of Title 7 of the Bloomington Municipal Code are expressly incorporated herein by reference. In areas that are subject to this Unified Development Ordinance but not within the corporate boundaries of the City of Bloomington, the Planning Department shall administer and enforce such regulations.

Amendment #: 2

Date: March 5, 2007

Synopsis: This amendment imposes a density limit in the Business Park (BP) and Medical (MD) Districts of fifteen (15) units per acre for multifamily residential uses. The limit is the same as for the Commercial and Multifamily zoning districts. The amendment corrects an oversight that occurred during the UDO adoption process when the allowance for multi-family uses on the second floor or above was added to the ordinance without adding the density limit that became necessary in these districts only because of the multi-family uses.

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following Sections:

1. 20.02.480 Business Park (BP); Development Standards
Page 2-27

20.02.480 Business Park (BP); Development Standards

Minimum Lot Area:

- 32,670 square feet

Maximum Density:

- 15 units/acre (2,904 square feet per dwelling unit)

Minimum Lot Width:

- 130 feet

Minimum Front Building Setback:

- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:

- 20 feet

Minimum Rear Building Setback:

- 20 feet

Maximum Impervious Surface Coverage:

- 60% of the Lot Area

Minimum Parking Setback:

- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Structure Height:

- Primary Structure: 60 feet
- Accessory Structure: 30 feet

Highlighted text denotes text to be added

~~Strikethrough text~~ denotes text to be deleted

2. 20.02.560 Medical (MD) District; Development Standards
Page 2-31

20.02.560 Medical (MD) District; Development Standards

Minimum Lot Area:

- 10,890 square feet

Maximum Density:

- 15 units/acre (2,904 square feet per dwelling unit)

Minimum Lot Width:

- 65 feet

Minimum Front Building Setback:

- 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:

- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Minimum Rear Building Setback:

- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Maximum Impervious Surface Coverage:

- 60% of the Lot Area

Minimum Parking Setback:

- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Structure Height:

- Primary Structure: 80 feet
- Accessory Structure: 25 feet

Highlighted text denotes text to be added

~~Strikethrough text~~ denotes text to be deleted

Amendment #: 3

Date: March 5, 2007

Synopsis: This amendment revises the definition of Dwelling Unit Equivalent (“DUE”) to specify in which districts DUE’s may be used to calculate density. The DUE concept allows smaller units with two or fewer bedrooms to be counted as less than one full unit for purposes of calculating units per acre. For example, a one bedroom unit with less than 700 square feet is counted as one-half of a dwelling unit. The concept recognizes the lesser impacts of such smaller bedroom-count units compared with the more typical three to five bedroom unit. The concept was carried over in the UDO from the prior zoning ordinance, and this amendment corrects the inadvertent omission of the list of zoning districts in which such calculation is allowed. The amendment also corrects some imprecise language in the definition.

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following Section:

20.11.020 Defined Words
Page 11-15

Dwelling Unit Equivalent (DUE): **In the RM, RH, CL, CG, CA, BP, and MD Districts only,** ~~E~~establishes a density value for dwelling units based upon the size of the unit and/or the number of bedrooms in the unit. This value may be applied to the units per acre measurement in order to **calculate density and determine compliance with density maximums.** ~~meet the dwelling unit requirement.~~ Where ~~specifically allowed in this Unified Development Ordinance,~~ the following proportions shall be used in calculating the dwelling units **maximums per acre:**

- (1) 3- or more bedroom unit = 1.0 unit;
- (2) 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- (3) 1-bedroom unit with less than 700 square feet = 0.50 of a unit;
- (4) Efficiency or studio unit with less than 550 square feet = 0.33 of a unit.

ORDINANCE 07-09

TO AMEND ORDINANCE 06-14 WHICH FIXED THE SALARIES OF APPOINTED OFFICERS, NON-UNION AND A.F.S.C.M.E. EMPLOYEES FOR ALL THE DEPARTMENTS OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, FOR THE YEAR 2007
- Re: Positions in the Community and Family Resources Department, Office of the Mayor, and Parks and Recreation

- WHEREAS, the Community and Family Resources Department would like to change the grade and title of the Youth and Family Project Coordinator and the grade of the Program Assistant II – Special Projects position to reflect changes in responsibilities; and
- WHEREAS, the Office of the Mayor would like to broaden the scope of the Assistant Director of Economic Development by deleting the existing position and forming an Assistant Director for Small Business and Sustainable Development along with Assistant Director of Economic Development for the Arts to better serve the economic development mission of the City; and
- WHEREAS, Parks and Recreation would like to change the grade of the Operations Superintendent, change the title of the Aquatics/Sports Supervisor, eliminate the Secretary and Aquatics/Sports Specialist positions and replace them with Operations Division Office Coordinator and Market Master positions;

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

SECTION I. Section 1 of Ordinance 06-14 shall be amended by deleting the following lines regarding job title and grade as indicated below:

Department	Job Title	Grade
Community and Family Resources	Youth and Family Project Coordinator	7
Community and Family Resources	Program Assistant II — Special Projects	6
Mayor	Assistant Director of Economic Development	9
Parks	Operations Superintendent	7
Parks	Aquatics/Sports Program Supervisor	6
Parks	Aquatics/Sports Specialist	4
Parks	Secretary	1

SECTION II. Section 1 of Ordinance 06-14 shall be amended by adding the following lines regarding job titles and grade as indicated below:

Department	Job Title	Grade
Community and Family Resources	Program Specialist — Special Projects	6
Community and Family Resources	Program Assistant II — Special Projects	5
Mayor	Assistant Director of Economic Development for Small Business and Sustainable Development	8
Mayor	Assistant Director of Economic Development for the Arts	8
Parks	Operations Superintendent	8
Parks	Aquatics/Sports Program Coordinator	6
Parks	Operations Division Office Coordinator	4
Parks	Market Master	4

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2007.

DAVE ROLLO, 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 _____, 2007.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2007.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the City of Bloomington Salary Ordinance for the year 2007 (Ordinance 06-14). The amendments change the grades of the Operations Superintendent (Parks) and the Program Assistant II — Special Projects (Community and Family Resources). They also change the grade and title of the Youth and Family Project Coordinator (Community and Family Resources) and the title of the Aquatics/Sports Program Supervisor (Parks) position. They delete a Secretary and Aquatics/Sports Specialist (both in Parks) converting them to Operations Division Office Manager and Market Master, and convert the existing Assistant Director of Economic Development position (Office of the Mayor) to two assistant director positions at a reduced grade.

Memorandum

To: City Council members
From: Daniel Grundmann, ES Director
CC: Dan Sherman, Mayor Kruzan, James McNamara, Kevin Robling, Susan Clark, Mick Renneisen
Date: 4/13/2007
Re: Proposed Salary Ordinance Amendment (Ordinance 07-09)

We respectfully request the following changes to the 2007 Salary Ordinance (06-14).

Community and Family Resources

The *Youth and Family Project Coordinator* position was significantly restructured after the State's move to consolidate administration of the child care voucher program. Changes in the position resulted in decreased independent judgment and consequence of errors as reviewed by the Job Evaluation Committee (JEC) and are the catalyst for this request for a grade change from 7 to 6. The Program Assistant II position also received review from the committee due to job description revisions. Those revisions resulted in reduced responsibility for activities and relations external to the organization, which in turn drove the recommendation to change the grade from 6 to 5. The salaries of the incumbents will not be changed.

Mayor's Office

The position of *Assistant Director of Economic Development* was revised to better meet the needs of the economic development function in the City. By separating the responsibility areas currently absorbed by one Assistant Director into two positions, we will be better suited to address the economic development goals of the organization and needs of the community. One of the Assistant Director positions will focus on small business and sustainable development issues, while the other will concentrate on the arts as an economic development tool. Below are brief job summaries for the two positions:

Assistant Director of Economic Development for Small Business and Sustainable Development plans, directs and coordinates a broad range of small business advocacy and sustainable development activities of the Economic Development division of the Office of the Mayor. The incumbent participates in departmental policy development, administrative and long-range planning, and problem resolution. Activities include advising and serving as staff liaison to the Bloomington Commission on Sustainability, facilitating the City's internal policy processes to foster an efficient business environment focusing on concepts consistent with sustainable development, implementing outreach efforts through community and stakeholder collaboration in order to promote the reputation of Bloomington's positive business environment and sustainable development approach, and acting as ombudsperson for business constituents with all City departments.

Assistant Director of Economic Development for the Arts plans, directs and coordinates a broad range of public arts activities of the Economic Development division of the Office of the Mayor. Activities and related work performed seek to integrate the tenets of the arts as economic development engines for the city of Bloomington. The incumbent participates in departmental policy development, administrative and long-range planning, and problem resolution. Responsible for direction of the development of the Bloomington Entertainment and Arts District, oversight of operations related to implementation of programs such as exhibition of art, negotiation of agreements and/or coordination of related special events, and implementation of related programs in coordination with other City departments, boards, commissions and other constituents. Additionally, the incumbent serves as the internal coordinator and advisor to the Bloomington Community Arts Commission in concert with the Department of Public Works.

The position descriptions received preliminary review in Employee Services and, as a result, we are requesting the jobs be included in the ordinance at grade 8. If approved, the additional cost to the Mayor's Office budget including health care, PERF, and FICA for the remainder of 2007 will be approximately \$36,000. This number, while conservative, is a rough estimate subject to numerous variables including knowledge, skills, and ability, and experience of those selected as well as dates of hire. While, due to the vacancy of the existing Assistant Director position there is money in category 1 to cover the costs temporarily, we anticipate the requirement of an additional appropriation this year.

Parks and Recreation

Due to position vacancies, both existing and anticipated, the Parks and Recreation department reviewed organizational structure and made significant changes to several positions. The Job Evaluation Committee recently reviewed these changes and the following recommendations for grades are a result of the committee's review.

<u>Current Job:</u>	<u>grade</u>	<u>Proposed Job:</u>	<u>grade</u>
Operations Superintendent	7	Operations Superintendent	8
Aquatics/Sports Program Supervisor	7	Aquatics/Sports Program Coordinator	7
(new)	---	Operations Division Office Coordinator	4
Aquatics/Sports Specialist	4	Eliminated	---
Secretary (1 FTE)	1	Eliminated	---
Market Master	(seasonal)	Market Master	4

Enhanced strategic management duties including capital project planning, budgeting, and coordination of site design and layout drove the complexity and independent judgment of the *Operations Superintendent* position resulting in the request to change the grade from 7 to 8.

Also in the Operations Division, Parks would like to eliminate the *Secretary* position and add the *Operations Division Office Coordinator*. This position includes the duties of the *Secretary* and adds numerous tasks (including project file and record maintenance, payroll processing, and budget tracking among others) many of which are currently absorbed by the division director. The need to transfer these duties from the division director was identified in an Employee Services work flow analysis wherein it was determined that the strategic level position was overburdened with tasks generally associated with high level clerical positions resulting in an inefficient use of resources. The JEC reviewed the job description resulting in our request for approval of this position at grade level 4.

In the Sports Services Division Parks would like to change the title of the Aquatics/Sports Program Supervisor to Aquatics/Sports Program Coordinator to make it consistent with other job titles in the organization, and eliminate the Aquatics/Sports Specialist position. By reorganizing the division of duties in the Aquatics program and making better use of seasonal supervisors, we are able to more effectively use our full time employees in other areas.

Finally in Parks, we would like to add to the Ordinance the Market Master position. This position is currently filled by a seasonal employee. With the expansion of the market season, higher volume of community members, and the increased duties associated with expansion of participants to include prepared food vendors we have year-round need for this position. Parks anticipates that savings from seasonal wages and revenue from prepared food vendors will more than offset the cost associated with creating this part-time position.

While the associated budgetary impact in Parks and Recreation is not yet determined due to unfilled vacancies, the net effect within the Parks department will be a 0.5 *reduction* in FTE and an overall *reduction* in compensation costs. No employees will be displaced with these changes.

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

In the Council Chambers of the Showers City Hall on Wednesday, March 7, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 7, 2007

Roll Call: Wisler, Diekhoff, Ruff, Sandberg, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Susan Sandberg thanked the many council members, Mayor, and community members whom attended the 22nd Annual Women's History Month luncheon earlier in the day. She said County Commissioner Iris Kiesling received a Lifetime Achievement Award, City Clerk Regina Moore was honored with the 2007 Woman of the Year Award, and the keynote speech was given by Dr. Gloria Randall Scott, the first African-American to serve as National President of Girl Scouts USA. Sandberg also noted that the Commission on the Status of Women, Mayor Mark Kruzan, Clerk Regina Moore and she would host a "Women in Government Reception" to honor women who are serving in city government and on city boards and commissions. The reception was to be held on Thursday, March 8, 2007 at City Hall, and Sandberg invited all to attend.

REPORTS:
COUNCILMEMBERS

Chris Sturbaum noted that Big Brothers Big Sisters was pleased to be part of the day's luncheon and congratulated award winners.

Tim Mayer congratulated Iris Kiesling and Regina Moore on their awards and said the luncheon was a very nice event.

Brad Wisler also congratulated Clerk Moore on her award. He said he was very happy that Anthem Insurance and the Bloomington Hospital were able to reach an agreement recently on coverage. He concluded his report by wishing the IU Basketball team and Coach Kelvin Sampson luck in the upcoming tournament.

Mike Diekhoff congratulated Iris Kiesling and Regina Moore on their awards.

David Sabbagh congratulated Kiesling and Moore. He told of a loss in the community with the passing of Mary Oliver and Iliya Harik, and offered condolences to the family of these wonderful citizens. He concluded by saying how delighted he was on the selection of Michael McRobbie as the new president of Indiana University.

Andy Ruff said that Iliya Harik was an international scholar, born on an orchard farm in Lebanon, and was a treasure of our community. He said that Harik was an amazing colorful character in Bloomington and in the international community as well, and said we should appreciate and celebrate his life.

Steve Volan echoed Sabbagh and Ruff's comments on the passing of Harik and Oliver. He also wished McRobbie well in being the next great leader for IU. He congratulated Kiesling and Moore, saying that he was proud to have served with them and looked forward to learning more from them. He noted a theme in mentioning Sister Cities and Big Brothers Big Sisters, and thought that the combination might be a Big Sister Cities of America. He would nominate Portland, Oregon and New Orleans to be associated with Bloomington in that program. He

thanked Buff Brown and several officials in Portland, Oregon for hosting his visit, adding that he would be bringing many reports to the council about what he learned there. He noted many connections between Bloomington and New Orleans, and read portions of a letter from a former Bloomington resident who now lives in New Orleans. It outlined the projected land loss in Louisiana that would result in an ecological disaster as wetlands, ports, coastlines, and shrimp beds disappear. He noted that he would be putting this information on his website, www.volcan.org, and asked citizens to keep the urgency of the letter in mind.

Dave Rollo congratulated Clerk Moore and Commissioner Kiesling for their awards.

There were no reports from the Mayor at this meeting.

There were no council committee reports at this meeting.

Miah Michaelson, Executive Director of the Bloomington Area Arts Council, informed the Council of the *One Book One Bloomington* program the BAAC had sponsored for the last several years. She noted the BAAC was partnering with the National Endowment for the Arts BIG READ program this year, and was one of 75 communities across the nation in the program. She noted that Bloomington was the only community that selected its one book, *Fahrenheit 451*, and would be holding about 25 events surrounding the reading and discussion of the book. She said that bookmarks, CD's, and Reader's Guides had been provided with this partnership and that free books would be available through this grant, also.

There were no appointments at this meeting.

It was moved and seconded that Resolution 07-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-2. It was moved and seconded that Resolution 07-01 be adopted.

Lisa Abbott, Director of the Housing and Neighborhood Development Department, presented the Mayor's recommendations for the distribution of a federal grant from Housing and Urban Development. She said the City of Bloomington qualifies for these funds by meeting certain criteria. She outlined the department's assistance programs funded by this grant, which touched individual homes, neighborhoods, historic preservation and protection, and helping social services provide better services for their clients, our own citizens. She noted that funds have decreased by 32% over the last five years, and thanked the Citizen's Advisory Committee, her staff, and especially Tim Mayer for their work in allocating these funds.

Sturbaum asked how the Evergreen houses were coming along, to which Abbott gave a short report on the construction status. She said that one home might be available for occupancy by the end of May.

Rollo asked if the CDBG funds had ever been this low. Abbott said since she came to the department in December of 1998, she didn't recall the grant funding to be lower. Prompted by a question from Rollo, Abbott said that she wasn't aware of a mechanism to track private contributions to see if the private contributions were making up for shortfalls.

Rollo asked Abbott if the process of funding was satisfactory to her. Abbott noted that physical improvement requests needed to meet the

MAYOR and CITY OFFICES

COUNCIL COMMITTEES

PUBLIC INPUT

BOARD AND COMMISSION
APPOINTMENTS
LEGISLATION FOR SECOND
READING

Resolution 07-01 To Approve
Recommendations of the Mayor for
Distribution of Community
Development Block Grant (CDBG)
Funds for 2007

Resolution 07-01 (cont'd)

recently revised City's *Consolidated Plan* and federal guidelines. She also noted that the social service agency allocation process had been revised several years ago to include program need, numbers of clients served, program budget and a discretionary segment. She said that the process is working, but that attention should now be turned to what the process and priorities would be in the coming times of seriously diminished funding. She added that as the federal funding had been reduced, the Mayor and Council had added funds to the Jack Hopkins Social Services Funding program, and thanked them for the additions.

Mayer stressed the Citizen's Advisory Council was a bi-partisan citizen group. He noted that the deliberations and process was fair and even handed, and increased demands for food, housing, and other essentials made the choices and allocation decisions very difficult. He noted that social service agencies and the United Way had reported that they had difficulties in meeting their goals this year.

Sandberg asked when the next year's funding allocations would be known. Abbott said that the allocations for 2007-2008 were not yet announced, but she guessed that 2008-2009 funds would be similar amounts. She said that she hoped that the 110th Congress would restore some CDBG funding for future years.

Wisler asked what would happen if the federal funding amount was less than expected, to which Abbott noted the CAC had planned that any increases or decreases in funding would be distributed evenly across the programs.

Wisler asked about the nature of the Emergency Home Repair and Owner Occupied Rehabilitation programs' significant increase over last year's funding. Abbott said there was a waiting list for these services. She noted the programs were supplemented with other money and the funding was also being reduced this year. She said that she hoped the programs would serve similar numbers of people with this arrangement. She noted the two programs were essential to the safety of citizens. Abbott stated that Emergency Home Repair is essential in order to make sure people are not in an unsafe situation.

Abbott stated the importance of HAND's Citizens' Academy and explained how it worked. She stated that Bloomington is wonderful because the city allocates the full amount of funds to social services that is allowable, when a lot of other cities do not.

Mayer thanked everyone involved for their work.

Resolution 07-01 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 07-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-1. It was moved and seconded that Ordinance 07-03 be adopted.

City Attorney Tricia Bernens was asked to speak by President Rollo. She stated Ordinance 07-03 proposed amendments to Title 8, Historic Preservation, and to Title 17, Construction Regulations. She stated the primary purpose of these amendments was to parallel and implement changes to demolition delay that were made in the UDO. She said they put in more penalties for any violation against Title 8 to reflect high fines, specific enforcement authority, and have an added provision in Title 8 to formally adopt the historic survey upon which the demolition regulations are based upon.

Ordinance 07-03 To Amend Title 8 "Historic Preservation and Protection" and Title 17 "Construction Regulations" of the Bloomington Municipal Code – Re: To Implement Revisions to the Demolition Delay Ordinance, Including Enforcement Provisions, as Provided by the Bloomington Unified Development Ordinance and Codifying the Adoption of the 2001 City of Bloomington Survey of Historic Sites and Structures

Sturbaum stated his father and he bought a house a block from his house, and they sold it to someone who had plans to partially demolish it and restore the other half. He said the Historic Commission came in and approved the process but the project did not follow its commitment to the Historic Commission as it should have, and in the end the whole house was demolished without any consequences. He stated there were flaws in the way the process worked before, and this ordinance fixes the holes in that ordinance. Sturbaum said with this ordinance there are binding legal commitments and it takes care of the flaws in the previous ordinance.

Ordinance 07-03 (cont'd)

Bernens agreed with Sturbaum that the new ordinance fixes the holes in the previous ordinance, so now people must uphold their commitments.

Council members thanked Bernens for all her hard work.

Ordinance 07-03 received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation for first reading at this meeting.

LEGISLATION FOR FIRST
READING

There were no comments from the dozen or so members of the public that attended this meeting.

PUBLIC INPUT

The meeting was adjourned at 8:38 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, April 4, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 4, 2007

Roll Call: Wisler, Ruff, Sandberg, Rollo, Sturbaum, Volan, Sabbagh
Absent: Mayer, Diekhoff

ROLL CALL

Council President Rollo gave the Agenda Summation.

AGENDA SUMMATION

The minutes of February 21, 2007 were approved by a voice vote.

APPROVAL OF MINUTES

Brad Wisler stated he was pleased to report that the Indiana State Senate passed the bill regarding passenger rail to Bloomington. He stated originally they had been in contact with local legislators to amend Senate Bill 105 which passed unanimously, and will now go back to conference to reconcile the differences between the house and the senate version. He is pleased with the outcome and gave thanks to our local legislators.

REPORTS:
COUNCILMEMBERS

David Sabbagh reminded folks about the local Homeward Bound 5 K Walk to Provide Housing and Fight Homelessness. He encouraged the community to participate.

Andy Ruff announced a program called the Pick-It-Up Campaign sponsored by the Housing and Neighborhood Department (HAND). He stated this campaign would provide free blue trash bags to neighborhoods to encourage people to clean up litter in individual neighborhoods. He said this was a program that needed more awareness and he encouraged folks to get involved. He also stated that he was encouraged to hear Council Member Wisler talk about rail transportation because this would reduce negative environmental impacts and lessen our dependency on foreign oil.

Susan Sandberg recognized community activist Charlotte Zietlow who was named the 2007 Business and Champion Treasure. She stated that Zietlow was a local treasure from her groundbreaking service on the City Council in the '70s and as the founder of the downtown shop Goods for Cooks. She said Zietlow's dedication and work on behalf of Middle Way House showed excellent opportunity for the future of women. She stated that Zietlow had paved the way for a better Indiana. Sandberg also encouraged folks to give food items to the Bloomington Food Bank and hoped community members would be generous.

Chris Sturbaum thanked the business community and the City for making the effort to work more closely together. He is happy about all the great things happening downtown and stated it takes a team effort.

Dave Rollo reminded council that it was the one year anniversary of the City Council's adoption of the resolution of the Kyoto protocol and the Mayor's signing of the climate protection agreement. He announced "Step-It-Up," which is a national day of action on global warming on Saturday, April 14. He said that 1200 communities in all 50 states would be acting that day to focus on green house gas admissions and global warming. The Bloomington event would begin with a march to the Bloomington Farmers Market by several community groups with a rally at 10:00am. The program would include speakers, information tables and music. Bloomington Mayor Mark Kruzan, Congressman Baron Hill, Singer/Songwriter Carrie Newcomer, and Author Scott Russell Sanders had been invited to address the public at the event. He invited all to come.

Rollo asked the council to move to accept a Disclosure of Conflict of Interest in regards to the deliberation on Resolution 07-03 because he and his wife are members of Bloomingfoods and loaned money for the Bloomingfoods project.

Resolution 07-03
Motion to accept Dave Rollo's Disclosure of Conflict of Interest.

The Motion to Accept Dave Rollo's Disclosure of Conflict of Interest received a roll call vote of Ayes: 7, Nays: 0.

Housing and Neighborhood Department Director Lisa Abbott announced a downtown "clean up" on May 1, 2007. She said this would be a joint effort from various City departments and downtown businesses and volunteers. She invited citizens to come out and help clean up the downtown. Abbott reported that HAND and Bloomington Housing Authority were working jointly on a national campaign called *Housing America 2007*. She said the goal of this national campaign was to promote and raise awareness on affordable housing. She then proceeded to read a proclamation from the Mayor.

MAYOR and CITY OFFICES

Vicki Provine is the co-chair (with Darrell Stone of IU) of the Homeward Bound Walk and spoke about the annual event which will take place Sunday, April 15th. She stated the purpose of the walk was to raise awareness of housing issues and homelessness. She said that 100% of the funds go directly to 13 agencies in Bloomington. She encouraged folks to go to www.homelesswalks.org to learn more about the event.

There were no reports from committees at this meeting.

COUNCIL COMMITTEES

Pedro Roman asked the council to do all it could to oppose a Ku Klux Klan rally in Bloomington. He noted that the Klan had announced its intention of holding a rally in Bloomington, and stated that the Bloomington community should not support the Klan's right to protest fully robed and hooded. He encouraged the city to pass an ordinance making it illegal to rally with faces covered. He likened the Ku Klux Klan to terrorist groups such as the Taliban and Al-Qaeda, and respectfully requested that the city stand up to them, though it might mean a lawsuit.

PUBLIC INPUT

There were no appointments at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 07-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-0. It was moved and seconded that Resolution 07-03 be adopted.

LEGISLATION FOR SECOND READING

Director of Economic Development Danise Alano explained the nature of this loan, and gave a brief history of the petitioner's past business activities and their opportunities for supporting the City's activities in the downtown. She noted that the grocery would serve the downtown neighborhoods, and would be of benefit to the entire downtown. Bloomingfoods General Manager George Huntington was present for questions.

Resolution 07-03 To Approve Application and Authorize Loan from the Business Investment Incentive Fund (Bloomington Cooperative Services, Inc., Petitioner)

Volan asked if this was the first loan applied for from the Business Investment Incentive Load Fund in the past 7 years. Alano said she didn't think that there had been any loans in that time, but that there were grants to non-profits that had been awarded from this fund. Sturbaum noted that there were loans turned down last year when he served on the Economic Development Commission and advocated grants rather than loans from the fund. They noted that interest is accumulating, but there was \$675,000 in the fund currently.

Resolution 07-03 (cont'd)

Sturbaum noted that this was a leftover fund from funds that were given to the city by Westside industries in lieu of their annexation into the city. Volan said that there were no plans to use all the money; Alano agreed. Volan asked what other businesses besides groceries lend themselves to co-operative arrangements. Huntington noted that rural electric and farm co-ops were examples of providing goods and services that members want. He noted that conventional business models operate to have a return on investment, while the core values that drive the co-ops are different. Volan asked if there was a greater market for the products that Bloomingfoods sells. Huntington noted that societal awareness of health, good diets and the desirability of locally produced foods has increased. Volan asked if this business model would be untenable in the future. Huntington said he believed that that because co-ops were owned by the members of the community, the members would want to support their own interests.

Volan asked about the most spectacular failure of a cooperative.

Huntington mused that savings and loans, or credit unions might be examples.

Volan noted that one of the functions of local government was solid waste recycling, and that glass recycling was problem with transportation of the goods. He mused that maybe a glass crusher might be modeled after the co-op model. Huntington said that Bloomingfoods was interested in cooperative endeavors, and talked about the Bloomington funeral alliance that they had consulted with. It was noted that perhaps Bloomingfoods could provide some research assistance with Volan's idea. Volan then asked Alano, if the BIIF funds could be used to give a prize to someone who would want to start a glass crushing business. Alano noted that the funds were for loans and small grants to non-profit or for profit businesses, and that for this to occur the BIIF guidelines would have to be rewritten.

Sabbagh said this used to be called the West Side Fund, and was given to the city to NOT annex the west side industries. He made a point that this is not a venture capital fund and that we want the money back to reinvest.

Alano noted that the fund was originally called the Industrial Incentive Fund, and was formed in 1986. She said the guidelines were rewritten in 1999 to support downtown business retention and expansion, and to retain the character of the downtown. She noted that there was a business disruption lending program that was used during the BIG DIG Public Works project on Kirkwood.

Wisler asked if the fund balance of \$675,000 was actually in the bank or if it was committed to the fund and collections of loans were being pursued. Alano said that this was money in the bank and that the single outstanding loan was for under \$20,000.

Volan noted that venture capital was not the same as a prize grant for creative thinking in business ventures and asked if Sabbagh didn't agree. Sabbagh said it wasn't a question for discussion now and he would defer answering until a later date.

There was no public comment on this legislation.

Sturbaum said when he was a child his grandmother took him shopping with a little two wheel cart and planned to use it at the Bloomingfoods market.

Sabbagh said he and his wife supported the Bloomington market.

Volan said his questions earlier were to take advantage of cooperative

experts in asking if this money could be used to “incentivize” a model of service for solid waste facilities. He thanked the council for their indulgence in his musings.

Resolution 07-03 (cont’d)

Resolution 07-03 received a roll call vote of Ayes: 6, Nays: 0. NOTE: Dave Rollo did not participate in discussion or vote on this item.

There was no legislation for first reading at this meeting.

LEGISLATION FOR FIRST
READING

A motion to cancel the scheduled meeting for April 11, 2007 received a roll call vote of Ayes: 6, Nays: 0.

Cancellation of next committee
meeting

There was no public comment at this meeting.

PUBLIC INPUT

The meeting was adjourned at 8:40 pm

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington