

**City of  
Bloomington  
Indiana**



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**Office of the Common Council**  
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**To: Council Members**  
**From: Council Office**  
**Re: Weekly Packet Memo**  
**Date: March 7, 2003**

## **Packet Related Material**

**Memo**

**Agenda**

**Calendar**

### **Notices and Agendas:**

**Notice and Agenda** for Initial Meeting of Jack Hopkins Social Services Funding Program Committee on Tuesday, March 11<sup>th</sup> in the Council Library at 5:30 p.m.

**Notice** of Council Input Session for Zoning Ordinance on Tuesday, March 11<sup>th</sup> at 12:30 p.m. in the McCloskey Room.

### **Legislation for Discussion:**

**Ord 03-04** To Amend the Bloomington Zoning Maps from Re1 to PUD and to Amend the Preliminary Plan for the Canada Farm Planned Unit Development (PUD)  
*(Please see the February 28<sup>th</sup> packet for legislation, summary, and background information)*

*Contact: Jim Roach at 349-3527 or [roachja@city.bloomington.in.us](mailto:roachja@city.bloomington.in.us)*

**Ord 03-06** To Amend Title 6 Entitled "Health And Sanitation" in Order to Repeal and Reenact Chapter 6.12 Entitled "Smoking in Public Places and Places of Employment"

*(Please see the February 28<sup>th</sup> packet for legislation, summary, and background information)*

**Am 3a (Banach)** - This amendment originally exempted private offices, private clubs, private functions in public places like bars, restaurants, hotels and motels, and outdoor seating located at a reasonable distance from doors, windows and ventilation systems. It has been revised to delete references to "private clubs" and reflects a revision in the ordinance which excludes them from the smoking prohibition.

**Am 4 (Rollo)** - This amendment would allow smoking in the existing designated smoking areas in bars (but not restaurants) with better assurances regarding the quality of air in those places and with the understanding that these areas would phase-out once the bar changed ownership, changed location or ceased to operate for more than six months (forthcoming).

**Am 5 (Rollo)** - This amendment would allow smoking in certain outdoor seating areas (forthcoming).

*Contact: Anthony Pizzo at 349-3409*

## **Memo**

### **Reminders**

Council Input Session for Zoning Ordinance on Tuesday at 12:30 p.m. in the McCloskey Room

Jack Hopkins Social Services Funding Committee Meeting on Tuesday at 5:30 p.m. in the Council Office Library

**Chair of Meeting:** Diekhoff

### **Two Items for Discussion at Committee of the Whole on March 12th**

There are two items ready for discussion at next Wednesday's Committee of the Whole. The first, **Ord 03-04**, amends Parcel G of the Canada Farm PUD in order to expand it by about 7 acres and allow 38 single family residences on 11 acres and the second, **Ord 03-06**, would repeal and reenact Chapter 6.12 (Smoking in Public Places).

### **More on Ord 03-06 (Smoking Ordinance)**

**Limit on Debate.** As you all can imagine, your consideration of the smoking ordinance promises to bring a multitude of citizens to our chamber for the next few meetings. For that reason, I anticipate that we will have two podiums and a TV in the lobby. I also suggest that you consider a motion to limit debate. Please let Chris or me know what you would like to do in order for us to prepare the motion and alert citizens to your intentions. Typical elements of the motion:

- Maximum time per speaker (3 minutes);
- Number of times speaker may comment on motion (once); and
- Alternate speakers between podiums.

**Amendments.** Jason has prepared three amendments to the ordinance that were included in the February 28<sup>th</sup> packet. He has modified Am 3 (now Am 3a) to reflect the revision in **Ord 03-06** which exempts private clubs from the smoking prohibitions (which is enclosed with this material).

Dave Rollo has asked to meet with me on Monday to draft amendments that would allow smoking in the existing designated smoking areas in bars (but not restaurants) with better assurances regarding the quality of air in those places and with the understanding that these areas would phase-out once the bar changed ownership, changed location or ceased to operate for more than six months.

*Please note that Dr. Pizzo encourages councilmembers to visit the following website for information rejecting the effectiveness of ventilation systems:*

*<http://www.no-smoke.org/ventilation.html>*

Dave also wishes (I believe) to allow smoking in certain outdoor seating areas.

Please let me know if council members have other amendments in mind.

**NOTICE AND AGENDA**  
**BLOOMINGTON COMMON COUNCIL COMMITTEE OF THE WHOLE**  
**7:30 P.M., WEDNESDAY, MARCH 12, 2003**  
**COUNCIL CHAMBERS**  
**SHOWERS CENTER, 401 N. MORTON**

**Chair: Michael Diekhoff**

1. Ordinance 03-04 To Amend the Bloomington Zoning Maps from RE1 to PUD and to Amend the Preliminary Plan for the Canada Farm Planned Unit Development (PUD) – Re: 3902 & 3942 South Sare Road (Wininger Stolberg Group, Petitioners)

Asked to Attend: James Roach, Senior Zoning Planner, Planning Department  
Representative of Petitioner

2. Ordinance 03-06 To Amend Title 6 Entitled “Health and Sanitation” In Order to Repeal and Reenact Chapter 6.12 Entitled “Smoking in Public Places and Places of Employment”

Sponsor: Dr. Anthony Pizzo, Council Member At-Large

*Note: The Council intends to entertain a motion to limit debate*

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**To: Council Members**  
**From: Council Office**  
**Re: Calendar for the Week of**  
**March 10, 2003 – March 16, 2003**  
**Date: March 7, 2003**

Monday, March 10, 2003

4:00 pm Commission on the Status of Black Males, McCloskey  
4:30 pm Plat Committee, Planning Department, Hooker  
5:00 pm Utilities Service Board, Service Center  
5:00 pm Redevelopment Commission, Kelly  
5:30 pm Plan Commission, Chambers

Tuesday, March 11, 2003

12:00 pm Housing Network, IU Research  
12:30 pm Zoning Input Meeting (Common Council), McCloskey  
5:30 pm Bloomington Community Arts Commission, Kelly  
5:30 pm Jack Hopkins Social Services Funding Committee, Council Office  
5:30 pm Board of Public Works, Chambers  
6:30 pm Home Buyers Club, McCloskey

Wednesday, March 12, 2003

2:00 pm Bloomington Digital Underground, Advisory Group, McCloskey  
4:00 pm Board of Housing Quality Appeals, McCloskey  
7:30 pm Common Council Meeting-Committee of the Whole, Chambers

Thursday, March 13, 2003

3:30 pm Bloomington Historical Preservation Commission, McCloskey  
4:00 pm Solid Waste Management District, Solid Waste Management Facilities  
5:30 pm Board of Zoning Appeals, Chambers

Friday, March 14, 2003

1:00 pm Metropolitan Planning Organization-Technical Advisory Committee, McCloskey



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

# **MEETING NOTICE**

## **Common Council**

The Common Council has been invited to meet with the City Planning Department in order to offer their input on upcoming Zoning Ordinance changes. This meeting is scheduled from 12:30 – 1:30 p.m. on Tuesday, March 11, 2003, in the McCloskey Room at City Hall (401 N. Morton Street). Because a quorum of the Council may be present, this meeting would also constitute a meeting of the Common Council under the Indiana Open Door Law. For that reason, this statement is providing notice that this governing body may be meeting and that this gathering is open for the public to attend, observe, and record what transpires.

Dated and Posted: Friday, March 7, 2003



City of Bloomington  
Office of the Common Council

# MEETING NOTICE

## **Jack Hopkins Social Services Funding Committee**

The Jack Hopkins Social Services Funding Committee will meet at 5:30 p.m. on Tuesday, March 11, 2003. The meeting will be held in the Council Office, Suite 110, at City Hall (401 N. Morton Street). The purpose of the meeting is to establish procedures for the Jack Hopkins Social Services Funding Program for the year. Because a quorum of the Council may be present, this meeting would also constitute a meeting of the Council, as well as of this committee under the Indiana Open Door Law. For that reason, this statement is providing notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

**Notice and Agenda**  
**Jack Hopkins Social Services Funding Committee**  
**5:30 p.m., on Tuesday, March 11<sup>th</sup> 2003**  
**Common Council Library - Room 110, Showers Center, 401 North Morton**

1. Introduction of Committee Members
  - a. Common Council
    - Mike Diekhoff, Chris Gaal, Tim Mayer, Anthony Pizzo & Andy Ruff
  - b. Community & Family Resources Commission
    - Laurie Eynon and Ken Heller
  - c. Election of Chair
  
2. History of Funding
  - a. \$110,000 available this year
  
3. Monitoring Report for 2002 Grants
  
4. Consider Social Services Funding Process
  - a. Criteria - Review of Policy Statement
  
  - b. Soliciting, Assisting & Submitting Applications
  
  - c. Reviewing Applications - Packet of Proposals - Number, Order and Content of Hearings
  
  - d. Proposed Schedule/Dates for:
    - Distributing announcements & invitations - March 17<sup>th</sup>
    - Holding Technical Assistance Meeting - March 27<sup>th</sup>
    - Receiving proposals - April 17<sup>th</sup>
    - Distributing Summaries to Members - April 28<sup>th</sup>
    - Providing "First Cut" Responses - May 1<sup>st</sup>
    - First Hearing - Presentations - May 8<sup>th</sup>
    - Rating Applications - May 13<sup>th</sup>
    - Second Hearing - Recommendations and Review of Program - May 19<sup>th</sup>
    - Council Action on the resolution - June 4<sup>th</sup>
  
  - e. Schedule of Next Year
  
  - f. Funding Agreements
  
5. Other Business or Comments
  
6. Adjournment



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

**Ordinance #:** 03-06  
**Amendment #:** 3 a  
**Submitted By:** Jason Banach, Councilmember, District 2  
**Date:** March 7, 2003

**Proposed Amendment:**

1. Section 2 of Ordinance 03-06, regarding the proposed Section 6.12.010 of the Bloomington Municipal Code, entitled "Definitions," shall be amended in the following manner:

- A. The definition of "Place of Employment" shall be amended by deleting the phrase "private offices," as it appears in the first sentence, so that the definition shall now read as follows:

“Place of Employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias and hallways. A private residence is not a “place of employment” unless it is used as a child care, adult day care or health facility.

- B. The definition of "Private Office" shall be inserted into this section and shall read as follows:

"Private Office" means any fully enclosed space in a "place of employment" occupied by no more than one person, where smoke is eliminated from the building through ventilation or other technology without entering any other part of the place of employment.

2. Section 4 of Ordinance 03-06, regarding the proposed 6.12.030 entitled "Prohibition of Smoking in Public Places" shall be amended by deleting Part (a) (16) and Part (a) (17).

3. Section 7 of Ordinance 03-06, regarding the proposed Section 6.12.060 of the Bloomington Municipal Code, entitled "Where Smoking Not Regulated," shall be amended by:

- A. Inserting Part (a) (5), which shall read as follows:

(a)(5) Private functions in public places like bars, restaurants, hotels, and motels.

B. Inserting Part (a) (6) which shall read as follows:

(a)(6) Outdoor areas that are a reasonable distance from entrances, windows, ventilation systems, or other means for smoke to enter the building.

D. Relettering this section to reflect other amendments.

### Synopsis

This amendment defines a "private office" and excludes it from the smoking regulations. A "private office" is a fully enclosed space, occupied by no more than one person, where smoke is eliminated from the building through ventilation or other technology, without entering any other part of the place of employment. This amendment also deletes the prohibition against smoking in outdoor areas and private functions in bars, restaurants, and other similar public places. It was modified on March 7<sup>th</sup> to delete references to "private clubs," which now are excluded from the smoking prohibition.

**3/12/03 Committee Action:** Pending

**3/26/03 Regular Session Action:** Pending

Friday, February 28, 2003