In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, December 14, 2016 at 7:33pm with Council President Andy Ruff presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
December 14, 2016

Roll Call: Granger, Sturbaum, Mayer, Sandberg, Ruff, Volan, Piedmont-Smith, Chopra, Rollo
Absent: None

ROLL CALL
[7:33pm]

Council President Ruff gave a summary of the agenda.

AGENDA SUMMATION
[7:34pm]

It was moved and seconded to appoint Eric Dockendorf to the Bloomington Digital Underground Advisory Committee.

The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS
[7:35]

LEGISLATION FOR FIRST READING

It was moved and seconded that Ordinance 16-44 be introduced and read by title and synopsis only. Deputy Clerk Stephen Lucas read the legislation by title and synopsis.

Ordinance 16-44 – To Amend Title 20 of the Bloomington Municipal Code, Entitled "Unified Development Ordinance" (Amending 20.05.020 "CF-01 [Communication Facility; General]")

It was moved and seconded that Ordinance 16-45 be introduced and read by title and synopsis only. Deputy Clerk Lucas read the legislation by title and synopsis.

Ordinance 16-45 – To Ratify Adoption of Ordinance 16-26 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 2017 and Take All Steps Necessary and Proper to Approve these Salaries for 2017

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Ordinance 16-44 be introduced and read by title only and be considered under Second Reading at the Special Session. The motion received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 16-44 be adopted at the same meeting it was introduced.

Ordinance 16-44 – To Amend Title 20 of the Bloomington Municipal Code, Entitled "Unified Development Ordinance" (Amending 20.05.020 "CF-01 [Communication Facility; General]")
[7:40pm]

Christy Langley, Director, Planning and Transportation, introduced herself, and thanked the Council for considering the legislation in such quick fashion. She said the proposed ordinance was an amendment to the cell tower ordinance, and reminded the Council that it had received the ordinance before the Plan Commission saw it, reviewed it and voted on it, which the Plan Commission had done at a special session the previous evening. She reviewed the few amendments, which included correcting typographical errors and changing language in the lighting section to add a caveat for lighting required by FAA or federal or state regulations. She explained that previous changes to the cell tower regulations were made as a response to a change in state law. After discussing with other

Ordinance 16-44 (*cont'd*)

communities and cities, she said the City realized it might have taken out too much from its ordinance. She said the proposed legislation addressed that issue. She added that the proposed legislation made some of the language more consistent with state code, and it rolled back some of the language that had been taken out previously. She summarized the proposed changes contained within the legislation, with a brief explanation of each change.

Council Questions:

Councilmember Allison Chopra asked whether the ordinance would limit specially-designed poles that could be used in neighborhoods. For example, she asked, would it prevent poles in neighborhoods from being designed to blend in.

Langley said no, those types of towers were not addressed by the legislation.

Councilmember Steve Volan asked what the typical fall zone was for a 99-foot tower, and asked whether the fall zone was the same as the height of the tower.

Langley said no, explaining that the typical fall zone was smaller than the tower, usually due to the tower's design. However, she explained the fall zone was specific to the tower design, and there were a number of different designs.

Volan asked whether there were any tower designs where a tower would just topple over in a straight line.

Langley said there might be, but that she did not know. She added that Bloomington could require an engineer-stamped certification for what fall zone a tower would have.

Volan clarified that there was no blanket fall zone for towers, but instead was tower-specific.

Langley said that was correct.

Rollo asked whether the requirement that towers not exceed a height of 199 feet from base to top was a state requirement or something required by the Bloomington Municipal Code.

Langley said it was required by the BMC, but was also consistent with many other city codes across the state. She explained that restriction was in place because that was the maximum height before the tower would have to be lit pursuant to FAA regulations. She said the City tried to avoid such lighting so as not to bother adjacent property owners.

Rollo asked what the height limit was in an urban or neighborhood area, asking whether the limit was relative to the height of other structures.

Langley thought the limit would be the maximum structure height of the individual district.

Councilmember Isabel Piedmont-Smith asked whether any monopoles had guy-wires.

Langley said yes, some of them did.

Council Comment:

Sturbaum asked for clarification of Langley's answer to Rollo's question regarding tower heights in neighborhoods.

Langley said Rollo had asked about the maximum height allowance for the smaller cellular facility poles. She clarified that the maximum height for those poles equated to the maximum structure height for the individual district.

Piedmont-Smith said she was glad they could add back some of the elements of the previous ordinance to help protect neighbors.

Volan reminded the Council that it would require a two-thirds majority of the Council to pass the legislation, because the legislation was being read on the same night on which it was being voted.

Ordinance 16-44 (*cont'd*)

The motion to adopt Ordinance 16-44 received a roll call vote of Ayes: 9, Nays: 0.

Vote on Ordinance 16-44 [7:50pm]

It was moved and seconded that Ordinance 16-45 be introduced and read by title only and be considered under Second Reading at the Special Session. The motion received a roll call vote of Ayes: 9, Nays: 0. Deputy Clerk Lucas read the legislation by title.

It was moved and seconded that Ordinance 16-45 be adopted at the same meeting it was introduced.

Caroline Shaw, Director, Human Resources, introduced herself, and thanked the Council for having her on short notice. She explained that one of the City's salary ordinances passed earlier in the year was missing a signature. She explained that Ordinance 16-45 would correct that mistake.

Ordinance 16-45 – To Ratify Adoption of Ordinance 16-26 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 2017 and Take All Steps Necessary and Proper to Approve these Salaries for 2017 [7:51pm]

The motion to adopt Ordinance 16-45 received a roll call vote of Ayes: 9, Nays: 0.

Vote on Ordinance 16-45 [7:53pm]

Council Administrator/Attorney Daniel Sherman explained that, because the Council could conclude its business for the year, it could cancel its scheduled meeting for December 21, 2016.

COUNCIL SCHEDULE

It was moved and seconded to cancel the meeting on December 21, 2016. The motion was approved by voice vote.

Sherman reminded the Council of an upcoming Internal Work Session and the potential topics for discussion at that meeting. Sherman and the Council had some discussion about which councilmembers would be in attendance at that meeting.

Ruff announced that Council would be on recess until January 11, 2017.

Mayer thanked Ruff, Sandberg, and Volan for serving as Council President, Vice President, and Parliamentarian, respectively. He also thanked staff for their work.

Volan wished everyone a happy holiday.

The meeting was adjourned at 7:58 pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 11th day of January, 2017.

APPROVE:

Susan Sandberg
, PRESIDENT
Bloomington Common Council

ATTEST:

N Bolden
Nicole Bolden, CLERK
City of Bloomington