

In the Council Chambers of the Showers City Hall on Wednesday, January 21, 2009 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 21, 2009

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

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

REPORTS:

Councilmember Isabel Piedmont-Smith said that the celebration of the life of the late Reverend Martin Luther King, Jr. (MLK) was particularly poignant this year as the very next day we watched the inauguration of the first African-American President of the United States, Barack Obama. She noted that King not only worked for the causes of African-Americans, but worked tirelessly on behalf of peace and non-violence and to alleviate poverty in our country. She read from MLK address at the Riverside Church in New York City on April 4, 1967.

- COUNCILMEMBERS

Councilmember Tim Mayer noted the presidential inauguration, saying that "we have chosen hope over fear." He read a section of a January 17, 2009 New York Times editorial by Verlyn Klinkenborg which used these same words regarding regeneration and new beginnings.

Councilmember Mike Satterfield thanked agencies that served the homeless at this time of year. He asked citizens to consider buying from locally owned businesses, noting how money would stay in the local economy.

Councilmember Chris Sturbaum said the country was just now recovering from the assassinations of the 1960s and we needed to get to work in our own little corner of the world.

Councilmember Andy Ruff said that although the MLK speech Piedmont-Smith read was given a long time ago, and we've now elected a black man as president of the US, we haven't come that far in terms of peace and justice. He said that MLK supported unions for promoting strength and economic security, but since his death unions have been dramatically weakened. He noted too, that peace has not prevailed. He said we all need to seize the day and do what we can to help. The Obama administration cannot do everything and we all need to work in whatever way we can to keep the 'new days' from clouding up.

There were no reports from the Mayor or other city offices.

- MAYOR and CITY OFFICES

COUNCIL SIDEWALK COMMITTEE REPORT

- COUNCIL COMMITTEES

It was moved and seconded that the council accept the Disclosure of Conflict of Interest for Dan Sherman. Sherman noted that one of the sidewalk projects considered in the Sidewalk Committee meetings this year would have passed in front of his house.

MOTION TO ACCEPT
DISCLOSURE OF CONFLICT OF
INTEREST

The motion received a roll call vote of Ayes: 9, Nays: 0.

Dan Sherman noted the Sidewalk Committee members and staff members that supported the work of the committee. He outlined the funding sources, criteria for funding, process of deliberation and then explained the six sidewalk segments that were selected for funding this

- Sidewalk Committee Report

cycle. He noted the last Sidewalk Committee meeting and debriefing meeting would take place in the future.

- Sidewalk Committee Report
(cont'd)

Volan thanked Sherman for his report, and asked if the entire \$225,000 in funding came from residential parking permit sales. Sherman said that the Bloomington Municipal Code included this provision. Volan asked how many projects were proposed, and asked for an example of one that didn't get funded. Sherman said over 40 projects were proposed and gave examples of a couple of projects that were not funded.

Satterfield noted that it was a comprehensive report. Sherman said that the deliberations took about 10 hours. Satterfield asked about the Kinser Pike project, and what criteria enabled the project to be highly ranked. Sherman said that not only did it rate highly, but it rose higher because of intuitive and anecdotal information. Sherman said that there was no actual measure of pedestrian usage at this time.

Mayer added that there were pedestrian counters that triggered a count when a person walked by it. He thanked the committee for considering the East Third Street project and said that there was no sidewalk on the entire length of Third Street from Bryan to the bypass, and had been that way since the area had been improved in the 1970s. He outlined areas on that street where he considered creating a sidewalk to be critical.

Sherman noted that the Greenways project would extend all the way to the bypass.

Piedmont-Smith said there was no pedestrian signal at Kinser Pike and the bypass and wondered who would be in charge of putting one in. Sherman said it would be a state or INDOT issue, and confirmed that the City could request a pedestrian signal there.

Community member Michelle Cole said that it would be helpful to see the scores for the proposed projects, especially for those not chosen for funding.

Sidewalk Committee member Wisler said that even though the committee was funding 6 projects in the city, more sidewalks would be constructed through other programs of the city. He added there was a small amount of funding in this program, and that 'walk scores,' pedestrian level of service, and cost were all considered. He said that some of the cost component was the acquisition of right-of-way, and then explained that concept. He said that some projects had a higher score, but that the cost of right-of-way acquisition made a difference in the project viability. He added that if citizens would donate portions of the right-of-way, it would make residential sidewalk projects a lot more feasible.

Wisler said he was particularly interested in the Kinser/by-pass crossing because it was a busy intersection surrounded by attractive destinations with the school, skate park, and business plazas. He said he was also interested in the 17th Street and Kinser Pike intersection, but that right-of-way acquisition was too expensive. He said that these may be recommendations for next year.

Sidewalk Committee member Rollo said that while the scoring was not arbitrary, it needed a bit more refining. He said that the committee process helped capture factors that were not reflected in the scoring criteria. He gave some examples. Rollo thanked the committee members for their work, saying that they were committed and made the process work well. He also thanked Mayor Kruzan for his support in sidewalk funding.

- Sidewalk Committee Report
(cont'd)

Rollo noted that most of the sidewalk projects that the city was currently working on were actually not required of developers in the past. He said it was a shame that the public had to make up for the lack of planning in the past, even remote past. He noted the cautionary tale that there's a lot to be considered when the city approves development projects, including storm water, sewers, sanitation and all city services. He said that there were hidden costs, and we ought to have ways that we can establish full cost accounting with these projects. He added that pursuing the concurrency and adequacy of services needed to be examined as well.

Sandberg noted the priority system used in this funding and commended the committee in allocating the limited resources. She said that there was wide representation on the committee, and asked citizens to contact council members if they had residential sidewalk needs. She noted her support of the recommendations in the report.

Sturbaum said he had served for a number of years on this committee and that there were always too many projects to complete with too little money. He noted the additional support for this work with money by the mayor, and the support of the utilities department. He said new thinking about sidewalks was forthcoming; that sidewalks are an asset, not a 'taking.' He hoped that more folks would donate their right-of-way to the sidewalk projects to make them more affordable.

Volan said that the Alternative Transportation Fund (from the regulation the overuse of free parking from the core neighborhoods) funded the sidewalk projects, and noted its value as such. He said that, similarly, the demand for downtown parking should also fund the downtown non-motor vehicle transit.

President Ruff asked Volan not to stray from the sidewalk committee report and recommendations topic.

Volan said that the report was made possible by parking, and his point was relevant.

Mayer thanked the committee for its work and consideration of the sidewalk on East Third Street. Mayer said that he had served on the committee, but wondered if a Barrett Law would be appropriate in these instances. He noted that a Barrett Law was one where a municipality could assess a levy for street, curbs, sidewalks, alleys and sewer improvements on the benefitted properties.

Piedmont-Smith thanked the committee members, as well as Dan Sherman and Justin Wykoff for their work. She noted that all the projects with the assigned scores were available to the public on the council website within the packet that outlined the Sidewalk Report. She noted that the Moore's Pike Sidewalk would improve sight lines and increase safety in this area for pedestrians.

Piedmont-Smith noted that residents from District 5 had requested a sidewalk on Madison Street between Dodds and Patterson. She wanted them to know that the project was not deemed feasible at this time because of low levels of traffic in that area. She noted the same could be said of a project requested on Fairview south of the hospital. She added that the request for a sidewalk on the north side of Miller Drive was not ranked higher because of the complete sidewalk on the south side of the street. She added that these projects would be considered in the future.

Ruff noted that this committee's work was daunting. He said that even though there were not a lot of projects funded at one time, a decade of this incremental work had made a significant change in the sidewalk inventory.

It was moved and seconded that the council adopt the recommendations in the Sidewalk Committee Report.

- Sidewalk Committee Report (cont'd)

The motion received a roll call vote of Ayes: 9, Nays: 0.

METROPOLITAN PLANNING ORGANIZATION REPORT

Councilmember and Metropolitan Planning Organization member Ruff said that at the request of Indiana University, as well as the City of Bloomington, the MPO Policy Committee added its support to their statements regarding the establishment of new at-grade railroad crossings. He said it is usually difficult to get new at-grade railroad crossings because, in order to keep potential contacts between vehicles and trains to a minimum, the railroad company doesn't like to allow new railroad crossings.

- Metropolitan Planning Organization Report

Statements of support for additional at-grade rail crossings.

Ruff noted that IU had approached the MPO for a statement of support for their interest in creating a new at grade rail road crossing at Woodlawn. He said it had come to the Policy Committee with a hold recommendation from the Citizens Advisory Committee and the Technical Advisory Committee, as they had expressed an interest in hearing more about the north side plans of the University before endorsing the crossing. He said the Policy Committee made the endorsement in light of the closing of the crossing at Walnut Grove.

Ruff said the Policy Committee approved a request for a statement of support from the City to establish a crossing at South Johnson Avenue, which is south of 3rd Street on the west side near Basswood Drive. It would eventually provide a connection between 2nd and 3rd Streets and is part of the master thoroughfare plan.

He added that the Citizens Advisory Committee of the MPO worked with planning staff to develop a complete streets policy to insure that needs of all users of the corridor were met as part of a road construction or reconstruction project. The draft statement was put together and then modified by the CAC, at which point it was also supported by the Technical Advisory Committee. After, it came to the Policy Committee for adoption and implementation.

Adoption of the Policy Committee of the Complete Streets Policy for the Bloomington/Monroe County Metropolitan Planning Organization.

Ruff asked Planning Director Tom Micuda to briefly explain the Complete Streets Policy.

Micuda said the Complete Streets Policy was adopted by the policy committee of the MPO. Micuda said that this was a relatively new concept that was gradually being adopted in communities across the country, and that Bloomington was in the initial wave of communities considering the Complete Streets Policy. He said the policy would provide a check in the transportation planning process as streets were designed to consider all modes of transportation. He noted that there was a test score that would need to be met for funding from the MPO. Micuda added that this would be implemented in the next round of the Transportation Improvement Program which is the Four Year Capital Plan for MPO street projects.

Ruff commended citizens of the community who helped draft and bring this policy forward. He noted that a spirited debate took place as the policy was adopted.

There were no comments at this point in the meeting.

PUBLIC INPUT

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

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND
READING

It was moved and seconded that Ordinance 09-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Ordinance 09-02 be adopted.

Director of Employee Services Department Daniel Grundmann explained the legislation.

Grundmann limited his presentation to unanswered questions about the Ordinance, referring councilmembers to the complete synopsis and previous discussion of the legislation.

He noted that he did not expect any additional budget appropriations due to the changes of grades for the Police Department's Executive Assistant or Office Manager.

He addressed an issue brought up in previous discussions about a Limited Part Time (with Benefits) Motor Equipment Operator, which would be a 12 hour per week position. Grundmann said that this situation was covered in Section Two of the Personnel Manual and it indicates that the LPT with Benefits was a little used classification within city policy, but allowed benefits to be paid to someone who holds a position with less than 20 hours of work per week but for more than nine months per year. He defined these benefits as health insurance, but not benefit time, or Paid Time Off.

Piedmont-Smith said that the City had a Job Evaluation Committee, and that as a long time supervisor at IU, she knew that it was difficult to keep up with changes in job descriptions. She said she was happy to support their recommendation.

Ordinance 09-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 09-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-1-2. It was moved and seconded that Resolution 09-01 be adopted.

Resolution 09-01 To Amend the Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction - Re: Amending the Map of Said Jurisdiction to Transfer 38.31 Acres Located at 2865 East Rhorer Road from Monroe County to the City of Bloomington

Plan Director Tom Micuda spoke to this resolution. He noted that the County Commissioners and Monroe County Plan Commission had discussed this change in the City/County Interlocal Planning Agreement recently. He said that the resolution and the following ordinance on the agenda would first transfer property into the City of Bloomington's planning jurisdiction and then designate a zoning classification for the property. Micuda noted that the zoning request was for a Planned Unit Development allowing up to 38 single family detached housing units on 38 acres on Rhorer Road.

As background, Micuda showed maps that included the city and county planning jurisdictions, corporate boundaries, the City's Areas Intended for Annexation (AIFA) and properties that were proposed to be transferred. He noted that approval of the resolution would place the property into the AIFA as well as the city planning jurisdiction.

Micuda outlined reasons the request could be supported. He noted that the

Ordinance 09-02 To Amend Ordinance 08-15 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 2009 - Re: Positions in the Police Department, Public Works Department, Parks and Recreation, and Utilities

Resolution 09-01 To Amend the Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to Planning and Zoning Jurisdiction - Re: Amending the Map of Said Jurisdiction to Transfer 38.31 Acres Located at 2865 East Rhorer Road from Monroe County to the City of Bloomington

environmental regulations under city jurisdiction would be stricter than county jurisdiction, and that element of control would be favorable to the city. Secondly, he said that the acreage most likely would be developed with other property that the petitioner controls in the area in a large PUD request, but the city would still get planning control through the Plan Commission and Common Council processes. This would be better than having a split jurisdiction and having the city and county reviewing separate portions of the development.

He then spoke of the proposed zoning situation, saying that the proposal for 38 units per acre was a place holder as it was not an "up zone" for the petitioner. He added that this zoning designation was consistent for the property around the site in question.

Micuda pointed out adjacent properties on maps and told their position, contiguity, zoning and probability for development in the future.

Micuda noted that at the Committee of the Whole meeting on this issue he was questioned about the County Commissioners' discussion on this subject. Micuda said that the commissioners met on June 20, 2008, and unanimously approved the amendment to the interlocal agreement.

Micuda said that the resolution had been before the county's Plan Commission. Micuda set forth some issues regarding future development under city jurisdiction.

These issues included that rights-of-way be dedicated consistent with the Thoroughfare Plan. Micuda noted that the city's jurisdiction would call for sidewalk rights-of-way as a matter of course. Because the property was not immediately being considered for annexation, the County Highway Department would review the infrastructure to make sure it met standards.

Micuda said that street connectivity was recommended in the future development in terms of the surrounding properties, but that this would be subject to environmental and engineering feasibility analysis that would occur later.

Micuda also noted another question from the Committee of the Whole discussion that asked about the impacts of development in this area to the Monroe County Community School Corporation. He said that a representative of MCCSC sits on the development review committee and noted that a development of 38 units per acre on the property in question would have negligible effect on school enrollment. However, if a larger aggregated development of 152 acres would occur at some point, it would have impacts and would have to be considered as any PUD proposal.

Micuda concluded by saying that the City Plan Commissioners and County Commissioners had recommended this request. The City Plan Commission advocated the separation of the zoning designation request from the transfer of jurisdictions.

Rollo asked if the petitioner's representative, who coincidentally sat on the City Plan Commission, recused himself from votes on this issue. Micuda said he did.

Rollo asked if anything like the placeholder PUD had been implemented before. Micuda said it was unique to this situation although it was sometimes used when preliminary plans of a PUD are not complete. Rollo asked if there were any negative precedents being set with these actions. Micuda said he didn't anticipate any because the PUD designation was not really the choice of the petitioner, but came from the transfer of jurisdictions.

Rollo asked if the Urban Services Boundary included the AIFA or came to

Resolution 09-01 (cont'd)

the edge of the AIFA. Micuda said that that term was created by the county to indicate sewer service was acceptable in a petition to develop a property. If a development with sewers was planned outside of that boundary, the boundary would have to be amended by the County Plan Commission. He said that the boundary was at the edge of the city's AIFA and added that the Utilities Service Board had slightly increased the boundary to include the property being discussed.

Rollo asked if there were any plans to annex the property, since the property would be placed in the city's AIFA. Micuda said there was not a plan to do so, but it would be included in the properties that would be periodically reviewed for annexation.

Wisler clarified with Micuda the AIFA boundary and corporate boundaries on maps. Wisler asked if there was any portion of the property owned by the petitioner that was within the city boundary. Micuda said that there was a 13-acre parcel within the corporate limits. Wisler asked the representative of the petitioner if there were plans to build residential units on both properties, within and outside of the corporate boundaries.

Travis Vencel, representative of YFD, LLC, petitioner, said that Wisler's question had nothing to do with the question being asked of the council at this meeting. He said that whether or not the parcel came into the city's planning jurisdiction, whether the areas were owned by one individual or several, inside or outside the corporate limits, the land in question would be developed, and the parcels adjacent to it would be developed. He said he had no idea of what any structures would look like at this point.

Wisler said his question was more about how developable that section of the property was to which Vencel said he guessed that the 13-acre parcel would not have 13 separate lots.

Volan noted that there was no mention of annexation of property with this resolution, and asked why it would not be eligible for annexation since infrastructure would be used.

Micuda said that the properties in the AIFA infrastructure would remain under county purview and would stay there until the area was annexed.

Micuda further addressed Volan's question about the timing of annexation. He said that the City reviewed parcels with an eye to fiscal benefit, services and other costs to the city, but that built out areas with higher assessed valuation were generally more attractive for annexation.

There was no public comment on this resolution.

In final council comments, Wisler said that this was an interesting case, citing the AIFA and corporate boundary issues. He said the request that the parcel be put into the City's jurisdiction so that a developer would have to deal with only one governmental entity rather than two separate processes with two entities was a good reason to consider this favorably.

He noted for the record that he had concerns about putting property in the AIFA because the people who lived there were disadvantaged in having to live by rules that are passed by the Common Council, and yet don't get to vote for council members. He said he hoped when folks bought these properties, they would understand that they'd be governed by zoning and development laws of the city.

Wisler said that it was important to him that corporate boundaries be intuitive and that people understand whether or not they live in the city. He said this could be confusing, as these properties are developed, and that a neighborhood could be split by a corporate boundary. He was concerned that citizens know where to get services, noting that one neighbor might have to call the Bloomington Police Department where another might have

to call the County Sheriff for services. He noted again that he would watch to see if the boundary and distinction between city and county would be apparent in terms of citizen services and rights.

Volan noted that there needed to be a mechanism for transferring development rights between properties and gave the example of an owner with a right to build 443 units being able to sell those rights to another land owner that already had infrastructure and schools within the city boundaries. He said that would preserve land around the edges of the city that really shouldn't be developed. He noted that he was against the development of these parcels altogether and was inclined to say no to this development and by extension say no to this proposal.

Rollo said it was prudent to be able to consider this development as a PUD as it would work to the benefit of both the petitioner and the community. He added that it was prudent to have the potential development handled by a single governmental entity, and he believed the process of City Plan Commission and Council review was best. He said that the Environmental Commission commented at the committee meeting on this item, and the city's more stringent environmental ordinances and oversight would come to bear on this site.

Piedmont-Smith said she agreed that she would rather not see this site developed at all, noting that what was proposed was "suburban sprawl." She added that given the circumstances she would rather have this suburban sprawl be controlled by the Unified Development Ordinance and city regulations than the county regulations. She specifically noted the county had less stringent regulations about working towards sustainability and environmental concerns. She said she would be keeping her eye open for the final PUD and hoped it would be something that was prudent for the future of the community.

Sandberg thanked Micuda for the additional information with regards to the school system and agreed that it was best to have this PUD under city control.

Resolution 09-01 received a roll call vote of Ayes: 8 Nays: 1 (Volan)

It was moved and seconded that Ordinance 09-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-1-2. It was moved and seconded that Ordinance 09-01 adopted.

Ordinance 09-01 To Amend the Bloomington Zoning Maps to Designate 38 Acres in the Process of Being Transferred From the Monroe County to the City Planning Jurisdiction as a Planned Unit Development (PUD) to Allow Up to 38 Single Family Detached Dwelling Units - Re: 2865 East Rhorer Road (YFD, LLC)

It was moved and seconded that Reasonable Condition #1 to Ordinance 09-01 be adopted.

Reasonable Condition #1

Piedmont-Smith explained the rationale for adding the reasonable condition that incorporates the Conservation Subdivision type into this PUD. She said the provision would ensure that houses would be clustered in one area so that the rest of the parcel could remain green space. She said the property, currently mostly greenspace, had a stream, sinkholes and environmentally sensitive land that could be protected with this measure. She added that the Planning Department and petitioner were amenable to this request.

This action is sponsored by Councilmember Piedmont-Smith and imposes a Reasonable Condition on PUD-33-08 under authority of BMC 20.04.080 (g)(1). This Reasonable Condition would require the final plan for this PUD to incorporate the Conservation Subdivision type specified in the Unified Development Ordinance.

Sturbaum noted that this 'reasonable condition' was reasonable.

Reasonable Condition #1 (cont'd)

Rollo asked if, by putting the condition on this parcel, there might be anything unforeseen in a larger PUD with surrounding parcels.

Micuda clarified the 'reasonable condition' provision, saying that if the 38-acre parcel came up for development on its own, it would have to be immediately reviewed under the conservation easement option. The action wouldn't bind the city to do that with a larger PUD, but the reasonable condition would indicate the preference of the council, and still be a binding determination on the 38-acre parcel.

Rollo asked if the 'reasonable condition' provision would be exempt if it came as part of a PUD. Micuda said it would be discussed as part of the PUD process in terms of what the appropriate subdivision type would be, given the properties location and strengths. He reiterated that the council was indicating a preference, even if it was not a binding decision on the rest of the property.

There was no public comment on the 'reasonable condition' provision.

There were no additional comments on Reasonable Condition #1

The motion for Reasonable Condition #1 to PUD 33-08 received a roll call vote of Ayes: 9, Nays: 0.

Volan clarified that the first resolution changed the agreement between the city and county so that the acreage could be transferred to the city planning jurisdiction. The subsequent ordinance changed internal zoning maps because, when a parcel is brought into the city planning jurisdiction, it must be given a zoning designation.

Vote On Ordinance 09-01 as amended.

Micuda said that the county designation on the property was 1 unit per acre, a designation class that was eliminated in the city per the 2007 Unified Development Ordinance. In response to Volan's comments about zoning designations near that proportion, Micuda said that Residential Estate districts had 2.5 acre lots, and that Residential Single Family districts had quarter acre lots.

Volan asked how the development of the 38-acre plot would be affected if it was not part of a larger PUD proposal. He specifically asked if neighbors would find themselves living next to properties unlike theirs. Micuda answered that if the zoning request got adopted, but the larger PUD is turned down, there would still be PUD zoning on this property for up to 38 single family detached housing units that would be developed in a conservation subdivision pattern. He added that the process would include a public hearing and the opportunity to involve neighbors.

Rollo expressed concerns about concurrency in this area. He asked about an evaluation of services that would accommodate a large scale development. Micuda said the analysis was in process and that sections of such an evaluation were being drafted. He added that it would be considered as part of services in an area of a quadrant of the city and would be part of any analysis the planning department would do for a PUD request.

Rollo asked about the recommendation that connectivity be maximized for this parcel, and asked if this referred to a stream crossing from Canada Farm. Micuda said that some individual plan commissioners were concerned. He said that there were benefits to connectivity in terms of other properties, but drawbacks in terms of environmental

impacts. He said that the developer needed this information to fully understand their options.

Vote On Ordinance 09-01 as amended (cont'd)

Rollo stated for the record that he was particularly interested in sanitary sewer services. He said having an analysis as to whether a prospective large development could be accommodated would help him in making a decision on a PUD.

Volan again referred to transferring development rights, asking if there was any way that this could happen through a PUD process. Micuda said it would not likely happen because he didn't think a property in the city's jurisdiction had the significant amount of land needed to do this. He also said that a PUD was specific to one piece of property, and that transfer of development rights included multiple properties. He offered to do more research on this issue.

Volan noted that a possible PUD on the land in question might include two non-contiguous parcels. Micuda said that since the larger PUD had not been yet proposed, he would investigate the possibilities. Volan said Micuda's use of the word 'possible' was encouraging.

There was no public comment on this item

Ordinance 09-01 as revised by Reasonable Condition #1 received a roll call vote of Ayes: 8, Nays: 1 (Volan).

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

It was moved and seconded to suspend the rules to take up an item that was not on the agenda.

Motion to Suspend Rules

The motion was approved by a voice vote.

It was moved and seconded to cancel the Committee of the Whole meeting scheduled for January 28, 2009 due to lack of legislation to be considered.

Motion to cancel Committee of the Whole meeting scheduled for 1/28/09.

The motion was approved by a voice vote.

There was no public input at this point in the meeting.

PUBLIC INPUT

The meeting was adjourned at 10:09 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington