

City of Bloomington Common Council

Legislative Packet

Wednesday, 21 March 2018

Regular Session

For the initial legislation and background material regarding Ordinance 18-04 and Ordinance 18-06 please consult the [07 March 2018 Legislative Packet](#). For amendments to Ord 18-04 and all other material and legislation please consult this packet.

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).

Office of the Common Council
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council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

**Memo
Agenda
Notices:**

- **Notice of Possible Quorum of Council Members at Monroe County Public Library's *Coffee and Conversation* to be held**
 - on Monday, April 2nd at 6:30 pm in Meeting Rooms 1B & 1C (303 E. Kirkwood Avenue)
- **Notice of Council Sidewalk Committee Meetings to be held at noon in the Council Library on:**
 - Thursday, April 12th
 - Wednesday, May 2nd

Legislation for Consideration under Second Readings and Resolutions at the Regular Session on March 21st

- **Res 18-05** Approval of Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana – Re: Building Code Authority
 - Memo to Council from Philippa Guthrie, Corporation Counsel;
 - Interlocal Agreement (Building Code Authority)

Contact: Philippa Guthrie at 812-349-3426 or guthriep@bloomington.in.gov

*→ To be introduced and discussed at the Regular Session on March 21st.
Please see this packet for the legislation and related information and material.*

- **Ord 18-06** To Amend Title 16 of the Bloomington Municipal Code (BMC) Entitled “Residential Rental Unit and Lodging Establishment Inspection Program” - Re: Repeal of Chapters 16.06 (Public Health and Safety), 16.07 (Smoke Detectors), 16.08 (Carbon Monoxide Detectors), and 16.09 (Fire Extinguishers)
 - Memo to the Council from Chris Wheeler, Assistant City Attorney
 - Title 16 – highlighting chapters removed by this ordinance

Contact:

Chris Wheeler at 812-349-3426; wheelech@bloomington.in.gov

→ Introduced at Regular Session on March 7th and discussed at the Committee of the Whole later the same evening.

Please consult that [Legislative Packet](#) issued for the Regular Session on March 7th for initial legislation and background material.

- **Ord 18-04** To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amending Fencing and Wall Standards and Some Related Definitions Set Forth in BMC 20.05.046(d) and BMC 20.11.020
 - Memo to Council from Amelia Lewis, Zoning and Long Range Planner;
 - Staff Report to the Plan Commission (February 5, 2018);
 - Title 20 (UDO) – Excerpts – Annotating changes proposed by [Ord 18-04](#)

Contact:

Amelia Lewis at 812-349-3549, lewisa@bloomington.in.gov

→ Introduced at Regular Session on March 7th and discussed at the Committee of the Whole later the same evening.

Please consult that [Legislative Packet](#) issued for the Regular Session on March 7th for initial legislation and background material.

Supplemental Material

- Amendments Prepared for Consideration at the March 21st Regular Session:
 - Am 01 (Submitted by Planning and Transportation Staff – *in need of a Council sponsor*) – it removes an ambiguity and clarifies that fences installed anywhere forward of the front building wall shall not exceed four (4) feet in height.
 - Am 02 (Sponsored by Cm. Sturbaum) – it is intended to enhance the visual experience for pedestrians and motorists by requiring the portion of a fence facing the street at a location forward of the secondary front building wall that is in excess of five (5) feet to be of “open construction” and made of durable materials.

→ Amendments are available in this packet.

**Legislation to be Introduced under First Reading at the Regular Session on
Wednesday, March 21st**

→ With all Legislation and Background Material Contained in this Packet)

- **Ord 18-05** To Amend Title 4 of the Bloomington Municipal Code (BMC) Entitled “Business Licenses and Regulations” (Amending Chapter 4.28, Entitled “Mobile Vendors,” to Provide for Appeal of Adverse Actions to the Board of Public Works)
 - Memo to Council from Philippa Guthrie, Corporation Counsel
 - Excerpts from Title 4 (Business Licenses and Regulations) annotated with changes

Contact: Philippa Guthrie at 812-349-3426, guthriep@bloomington.in.gov

Minutes

- January 10, 2018 (Organizational Meeting)
- February 15, 2018 (Special Session – State of the City Address)
- February 21, 2018 (Regular Session)

Memo

**Items for Consideration and Introduction at the Regular Session
on Wednesday,**

There are three items ready for consideration under Second Readings and Resolutions and one item ready for introduction under First Readings next Wednesday night. As noted above, this packet and the packet issued for the Regular Session on March 7th will need to be consulted for the various legislation and background material. Please note that there are two amendments for one ordinance, Ord 18-04 (Amending Title 20 – Re: Fencing Regulations), which are included in this packet and briefly noted below.

Resolutions and Second Readings

Item One – Res 18-05 (Approving the Interlocal Agreement with the County Regarding Building Code Authority)

Res 18-05 approves an Interlocal Agreement with the County which would extend the County's authority over the administration of building codes until the end of 2019 (or, in other words, for twenty-one months). Since 1996, when the County adopted a comprehensive plan and was able to exercise zoning authority over the former 2-mile fringe, the City and County have had agreements over building codes and, for most of that time, the planning and zoning jurisdictions. As noted in previous summaries, the principal benefit of the agreement "is in providing convenient and efficient one-stop-shopping for citizens of Monroe County and the City of Bloomington" who are in need of building permits. Affirming this conclusion, Philippa Guthrie, Corporation Counsel, in her memo, states that "(t)he Administration continues to believe that vesting local building code administration in a single entity (the Monroe County Building Department) is the most cost effective and convenient way to provide necessary building code services to the citizens of the City."

Interlocal Agreements

Please note that agreements between political subdivisions (otherwise known as "interlocal agreements") are authorized and governed by I.C. 36-1-7-1 *et seq* and must include the:

- duration;
- purpose;
- manner of financing, budgeting, staffing and supplying the joint undertaking;
- method(s) for disposing of property in the event of a partial or complete termination; and
- administration either through a separate entity or a joint board (which is the approach taken here) with powers as delegated by the agreement.

In addition, these agreements may include:

- any other appropriate matters.

History of Agreements with County on Planning, Zoning, and Building Permits

Over the last two decades, the parties have continued this cooperation with a series of legislation that, on occasion, called for brief extensions to allow for completion

of negotiations, and more often, granted full, five-year agreements.¹ The current agreement will expire on March 31, 2018 and, while the parties are still negotiating the arrangement over the long term, they are willing to enter into a twenty-one month extension, which is now ready for your consideration.²

Overview of Terms and Extension of Current Agreement

This agreement would cover the period from April 1, 2018 through the end of 2019 and contains essentially the same terms as the last one.³ The remainder of this summary briefly describes the significant terms of this agreement.

Under the agreement, the Monroe County Building Department enforces all State building, plumbing, electrical, mechanical, energy conservation and fire building safety codes within the City and unincorporated areas of the County, and the City administers all planning, zoning, and subdivision compliance functions within the City's Zoning Jurisdiction Area.⁴

Along with providing for the future modification of the agreement and liberal interpretation of its terms, recognizing that each term is contingent upon the appropriation of funds, and requiring that cooperation be not unreasonably withheld, the remainder of the agreement provides for the following:

- The Monroe County Building department processes all permits and fees related to the building codes. The fees collected on behalf of the City are the sole payments due under this agreement and will be transmitted on a quarterly basis (as promptly after the 1st of January, April, July, and October after allowing for the County's claims processing procedures).
- The City Planning and Transportation Department will pick up and drop off permit materials every day until the County is able to transmit this

¹ The legislation authorizing past agreements included: Res 96-33 (authorizing a 5-year term for both the planning and building codes); Res 01-31 (authorizing a 3-month extension for both planning and building codes); Res 02-09 (authorizing a 5-year term for planning codes) and Res 02-10 (authorizing a 1-year term for building codes); Res 02-38 (authorizing a 4-year term for the building codes); Res 07-02 (authorizing a 5-year term for one agreement covering both planning, zoning and building codes); Res 12-14, authorizing a five-year term for the building code; and Res 17-15, authorizing a one-year extension for the building code (expiring on March 31, 2018).

² The Agreement has not yet been signed by the County Commissioners.

³ The primary change in the proposed agreement would be the 21-month extension. In addition, the agreement would also remove text that allows either party to cancel the agreement upon 30-day written notice to the executive of the other party. Lastly, it would correct some citations, job titles, and grammar.

⁴ The term "City Zoning Jurisdiction Area" is defined as "those portions of the County over which the City, by law or interlocal agreement, possesses planning, zoning, and subdivision control authority."

- information electronically and, in addition, both parties agree to make their best efforts to expedite the permitting process.
- The Monroe County Building department shall not to issue a building permit within the City's planning jurisdiction without receiving a certificate of zoning compliance from the City and without transcribing the conditions onto the permit. They shall not issue any occupancy permit without requiring compliance with the conditions of the permit.
 - The City will be responsible for determining zoning and subdivision compliance and administer bonds within its planning jurisdiction area and the County must e-mail any notice of certificate of occupancy permit to the City in order to facilitate simultaneous inspections. Both parties agree to provide information requested by the other party in a timely fashion.
 - For residential rental property within the corporate limits, the County may not issue any type of permit that changes the disposition of the structure until the HAND department has reviewed and released the application and cannot issue a certificate of occupancy until HAND has confirmed compliance with the Property Maintenance Code.
 - The County will waive fees for affordable housing projects within the City as set forth in BMC 17.08.050(c) and allow waiver of certain fees under specified conditions for eligible affordable housing projects.
 - The County will cooperate with the City in sharing GIS information. This will entail handling and transmitting permit-related data to the City in a manner that meets the City's needs, yet accounts for the County's capabilities.
 - The County will notify the appropriate fire department of pertinent applications and transcribe all the requested notations onto the temporary and permanent Certificates of Occupancy. The County will also notify the City Fire Department of all applications for variance from the fire code regarding properties within the City in order to help coordinate communication with the Indiana Fire and Building Safety Commission.
 - The County shall inspect utility-related permit activity that occurs within areas between buildings and the connection to the City's main or meter, and determine compliance with applicable ordinances and regulations.
 - The County shall issue Stop Work Orders upon the written request of the City Planning and Transportation Director, Transportation and Traffic Engineer, or the Director of HAND. These orders will be used to stop construction activity when there has been a violation of the zoning or subdivision ordinance, historic preservation ordinance, or in those

circumstances when the matter will be presented to the Board of Zoning Appeals. The party whose ordinance(s) have been violated will be responsible for enforcing the violation.

Item Two – Ord 18-06 (Amending Title 16 – Residential Rental Unit and Lodging Establishment Program – to Repeal Invalid Chapters)

Summary and Material Previously Provided – No Further Information Requested

Item Three – Ord 18-04 (Amending Title 20 – Unified Development Ordinance – to Address Fencing on Corner and Through Lots)

Two amendments were mentioned when this ordinance (Ord 18-04) was discussed at the Committee of the Whole on March 7th. The synopses for these amendments are set forth below and the full amendments are included in this packet.

Am 01 - This amendment was mentioned by the Planning and Transportation staff at the Committee of the Whole *and will need a Council Sponsor for introduction at the Regular Session on March 21st*. It strikes the words “along the front setback” in a sentence that continues “... of the secondary front building wall,” and replaces those words with “forward.” This is intended to clarify that fences installed anywhere forward of the front building wall shall not exceed four (4) feet in height.

Am 02 - This amendment is sponsored by Cm. Sturbaum and is intended to enhance the visual experience of the pedestrians and motorists passing by the secondary front of corner and through lots within the City’s Planning Jurisdiction with “good neighbor” fences. The negative “blank wall experience” is much like the downtown, where large blank spaces have long been prohibited. With that in mind, it applies to tall fences (i.e. those fences more than four [4] feet in height) facing the street and located forward of the secondary front building wall. In that regard, it requires that the portion of these fences that exceed five (5) feet in height be of open construction. (*Please see the attached examples of both solid and open-topped fences.*)

First Readings

Item One – Ord 18-05 (Amending Chapter 4.28 of the BMC Regarding “Mobile Vendors” to Provide for Appeals to the Board of Public Works)

The one item ready for introduction under First Reading next Wednesday is **Ord 18-05**. This ordinance amends Chapter 4.28 of the Bloomington Municipal Code (BMC) entitled “Mobile Vendors,” a chapter which licenses and regulates what are more commonly known as “food trucks.” It provides applicants for, and holders of, these licenses with an opportunity to appeal adverse actions by the City.

Under this chapter, the City may deny an application, revoke or suspend a license, and impose penalties for violations of the provisions in this chapter. While there is an appeal provision for denial of an application for a license, there is not an explicit process of appeal for holders of business licenses for these other adverse actions. This ordinance deletes the appeal provision for denial of this license and combines that appeal with appeal of the other adverse actions in a new section entitled “Appeals.”

The new provision provides for an appeal to the Board of Public Works upon filing of a written request explaining the reasons for the appeal within ten working days of the adverse action. It also states that the “decision and order” of the Board of Public Works is “final and conclusive,” which clears the way for those aggrieved by that decision to take the matter to court if they so choose.

The provision reads as follows:

Any applicant or licensee aggrieved by the action of the City Controller in the denial, suspension or revocation of a license or any person who is issued a citation shall have the right of appeal to the Board of Public Works. Such appeal shall be taken by filing with the Board of Public Works within ten (10) working days of the action complained of, a written statement setting forth fully the grounds for the appeal. The decision and order of the Board of Public Works on such appeal shall be final and conclusive.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
6:30 P.M., WEDNESDAY, MARCH 21, 2018
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

- III. APPROVAL OF MINUTES FOR:** 10 January 2018- Organizational Meeting
15 February 2018- Special Session
21 February 2018- Regular Session

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

- 1 Resolution 18-05 To Approve of Interlocal Cooperation Agreement between the City of Bloomington and Monroe County – Re: Building Code Authority
Committee recommendation: None

- 2 Ordinance 18-06 To Amend Title 16 of the Bloomington Municipal Code (BMC) Entitled “Residential Rental Unit and Lodging Establishment Inspection Program” - Re: Repeal of Chapters 16.06 (Public Health and Safety), 16.07 (Smoke Detectors), 16.08 (Carbon Monoxide Detectors), and 16.09 (Fire Extinguishers)
Committee recommendation: Do Pass: 8-0-0

- 3 Ordinance 18-04 To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code (BMC) - Re: Amending Fencing and Wall Standards and Some Related Definitions Set Forth in BMC 20.05.046(d) and BMC 20.11.020
Committee recommendation: Do Pass: 2-0-6
Am-01 (Submitted by: Planning and Transportation) None
Am-02 (Sponsor: Cm. Sturbaum) None

VII. LEGISLATION FOR FIRST READING

- 1 Ordinance 18-05 To Amend Title 4 of the Bloomington Municipal Code (BMC) Entitled “Business Licenses and Regulations” (Amending Chapter 4.28, entitled “Mobile Vendors,” to Provide for Appeal of Adverse Actions to the Board of Public Works)

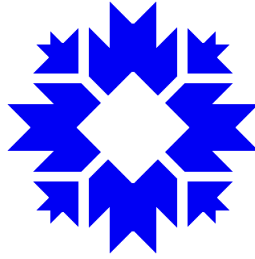
VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

** Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812) 349 - 3409 or e-mail council@bloomington.in.gov.



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

NOTICE

Members of the Bloomington Common Council
have been invited to attend

Monroe County Public Library's

Coffee and Conversation

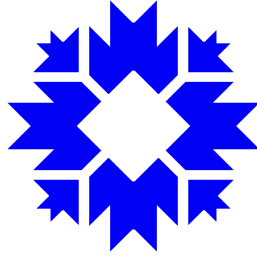
Monday, 02 April 2018

6:30 pm

Monroe Public Library, Meeting Rm 1B & 1C

303 E Kirkwood, Bloomington

As a quorum of the Council may be present, this gathering may constitute a meeting of the Common Council under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



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

NOTICE

Council Sidewalk Committee Meetings

**Thursday, 12 April 2018
and
Wednesday, 2 May 2018**

**12:00 pm
Council Library (Suite #110)
City Hall, 401 North Morton**

The Council Sidewalk Committee is a four-member Standing Committee of the Council. Under Indiana Open Door law, these are meetings where the public may attend, observe and record what occurs. In the event an additional member of the Council were to attend these meetings, a quorum of the Council would be present. For that reason, this notice also announces that these meetings may be meetings of the entire Council, as well.

Posted: Friday, 16 March 2018

RESOLUTION 18-05

**APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA –
Re: Building Code Authority**

WHEREAS, Indiana Code allows governmental entities to jointly exercise powers through interlocal cooperation agreements; and

WHEREAS, the City of Bloomington and Monroe County have exercised such powers since 1996 in order to coordinate and combine certain building code services, as explained and set forth in the attached Interlocal Cooperation Agreement which is incorporated herein as Exhibit A (“Agreement”); and

WHEREAS, it is in the best interests of the citizens of Bloomington that such cooperation continue until December 31, 2019;

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

SECTION 1. It is in the best interests of the citizens of Bloomington, Indiana, to coordinate and combine certain building code services through interlocal cooperation with Monroe County Government as has been done since 1996; therefore, the City of Bloomington intends to continue such cooperation from April 1, 2018 through December 31, 2019, under the terms of the attached Interlocal Cooperation Agreement (Exhibit A).

SECTION 2. The Common Council of the City of Bloomington, as the fiscal and legislative body of the City of Bloomington, in Monroe County, Indiana, hereby approves the Interlocal Cooperation Agreement, pursuant to Indiana Code § 36-1-7-1, et seq.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2018.

DOROTHY GRANGER, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2018.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2018.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The attached Interlocal Cooperation Agreement (Exhibit A) extends for until December 31, 2019 the long-term arrangement between the City of Bloomington and Monroe County to combine and coordinate the provision of certain building code services. This interlocal cooperation is authorized by Indiana Code § 36-1-7-1.

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA
REGARDING BUILDING CODE AUTHORITY THROUGH DECEMBER 31, 2019

WHEREAS, Indiana Code § 36-1-7-1 et seq. permits governmental entities to jointly exercise powers through interlocal cooperation agreements; and

WHEREAS, in 1996, the City of Bloomington, Indiana ("City"), acting by and through its Mayor and its Common Council, and the County of Monroe, Indiana ("County"), acting by and through its Board of Commissioners and its County Council, determined that the interests of the citizens of Monroe County, Indiana, would be better served by coordinating and combining certain City and County building code services through an interlocal cooperation agreement; and

WHEREAS, in 1996, the City and the County entered into a five-year interlocal cooperation agreement, effective beginning April 1, 1997, that conferred County-wide Building Code administration authority on the Monroe County Building Department; and

WHEREAS, the term of the original interlocal agreement has been extended to March 31, 2018;

WHEREAS, the City and the County have determined that it is more cost effective and convenient for the citizens of Monroe County, Indiana, to continue to have the authority, power and responsibility for local building code administration, including permit application processing, project inspection, and permit issuance vested in a single entity, the Monroe County Building Department; and

WHEREAS, this Interlocal Cooperation Agreement ("Agreement") reflects the commitments and understandings agreed to by the City and the County in order to efficiently and effectively provide the transfer of powers between the City and the County;

NOW, THEREFORE, the City and the County hereby agree as follows:

Part 1. Definitions.

"Building Permit" shall include without limitation any permit for construction, remodeling, demolition, moving, plumbing, electrical, or any other permit that affects construction, demolition, use and/or occupancy of land, buildings or structures, provided that such permit is within the scope of "Building Code Jurisdiction" as defined herein.

"Building Code Jurisdiction" refers to applicability, administration and enforcement of City and County ordinances adopting state building, plumbing, electrical, mechanical, energy conservation, swimming pool, and fire safety codes; specifically, this term refers to Monroe County Code

Chapter 430 and to those portions of Bloomington Municipal Code Title 17 that concern such State codes.

"City Zoning Jurisdiction Area" refers to those portions of the County over which the City, by law or by interlocal cooperation agreement, possesses planning, zoning, and subdivision control authority.

"County Zoning Jurisdiction Area" refers to those portions of the County over which the County, by law or by interlocal cooperation agreement, possesses planning, zoning, and subdivision control authority.

Part 2. Building Code Jurisdiction.

The Monroe County Building Department shall enforce all State building, plumbing, electrical, mechanical, energy conservation, and fire building safety codes, as adopted by City and County ordinances, within the corporate limits of the City, and within all other unincorporated areas of Monroe County, Indiana. The City will administer planning, zoning, and subdivision compliance functions within the City Zoning Jurisdiction Area, including, without limitation, the assignment of street addresses.

- A. The Monroe County Building Department shall accept building permit applications and will provide review, issue permits, receive fees, and provide inspections and enforcement, as required, for all buildings within the County in accordance with County Building Codes.
- B. City zoning compliance review and the issuance of a Certificate of Zoning Compliance ("CZC") by the City are conditions precedent to the issuance of a building permit for any project located within the City Zoning Jurisdiction Area. For projects located within the City Zoning Jurisdiction Area, the County will collect the City Zoning Compliance Review Fee, in the amount established by the City, in addition to the County Building Permit Fee.
- C. The County will not issue a building permit for a project located within the City Zoning Jurisdiction Area unless and until a Certificate of Zoning Compliance has been issued for the project by the City. The County will transcribe the CZC conditions required by the City onto the building permit; and the County will require compliance with the conditions as part of any temporary or permanent Certificate of Occupancy issued for the project by the County.
- D. The City Planning and Transportation Department will send a staff person to the Monroe County Building Department once a work day to pick up and return all permit application materials until such time as the Monroe County Building Department is able to electronically transmit such application materials directly to the City Planning and Transportation Department. Both parties agree to make their best efforts to expedite the processing of permits under this agreement, and specifically, County agrees to insure that permit applications are ready to be picked up by the City Planning and Transportation Department as soon as reasonably possible after receipt by the County, and City agrees to

review and act upon all permit applications as soon as reasonably possible after receipt from the County.

- E. The City will inspect and enforce zoning and subdivision compliance and administer bonds within the City Zoning Jurisdiction Area. The Monroe County Building Department will e-mail the City Planning and Transportation Department a Notice of Certificate of Occupancy Inspection to allow the City and the County inspections to take place simultaneously where reasonably possible. The County and the City will cooperate in providing information requested by the other party in a timely fashion.
- F. The County will not issue any construction, remodel, demolition, moving, or any other type of permit that might change the disposition of a structure to a residential rental within the corporate limits of the City until the City Code Enforcement Division ("HAND") has completed plan review and released the application. The County will schedule all final inspections of those permits with HAND where reasonably possible. The County will not issue a Certificate of Occupancy to a residential rental property within the corporate limits of the City unless and until compliance with the City of Bloomington Property Maintenance Code has been determined by HAND.
- G. For projects located within the corporate limits of the City, the County agrees to recognize and enforce Section 17.08.050(c) of the Bloomington Municipal Code and the waiver of fees under specified conditions for eligible affordable housing projects.
- H. In recognition of the City's investment in the GIS mapping system, the County agrees to collect and verify GIS data for the City in a manner consistent with both the informational needs of the City and the information gathering and processing capabilities of the County. The County shall provide such data as is customarily obtained through building permit administration and planning subdivision approvals. The County will cooperate in enhancing its computer capability and compatibility for information exchange with the City.
- I. The County will notify the appropriate Fire Department for fire code inspections and shall transcribe all notations requested by the Fire Department, with jurisdiction over the project area, on to temporary and permanent Certificates of Occupancy. The County will notify the City Fire Department to coordinate review, response, and comment to the State Fire and Building Safety Commission regarding all applications for variance within the corporate boundaries of the City.
- J. The County shall inspect for compliance with all City of Bloomington Utilities regulations and any City ordinances governing construction/connection of utilities related to permit activity between the building and the connection to City's meter or main.
- K. The County shall issue stop work orders on Building Permits issued by the County where violations of applicable City zoning/subdivision or historic preservation regulations, including erosion control, would result from continued construction activity, or where work is stayed due to an appeal to the Board of Zoning Appeals as provided in Indiana Code § 36-7-4-1001. The County shall issue such stop work order upon written request of the City

Planning and Transportation Director, the Transportation and Traffic Engineer , or the Director of Housing and Neighborhood Development. Enforcement action shall be taken by the governmental entity whose ordinances or conditions of approval have been violated.

Part 3. Recitals of Commitment, Purpose, Duration, and Renewal of Agreement.

- A. The level of cooperation recited in this Agreement is intended to exist in perpetuity for the efficient and effective delivery of governmental services to the citizens of Monroe County. However, the parties recognize that modifications may be required, both to the Agreement itself, and to the practices and procedures that bring the recitals contained within this document to fruition.
- B. The County will collect the City Zoning Compliance Review Fee specified by the City, pursuant to Part 2, Paragraph B of this Agreement, and will transmit the collected fees to the City on a quarterly basis. Payments to the City will be made as promptly as possible after April 1, July 1, October 1, and January 1 of each year of this Agreement, allowing for the County's claim processing procedures. No other payments will be due to the City, from the County, under this Agreement.
- C. The term of this Agreement shall be from April 1, 2018 through December 31, 2019. This Agreement may be renewed by mutual agreement of the parties for an appropriate term of years.
- D. The City and County departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of Monroe County, Indiana.

Part 4. Interpretation and Severability.

- A. Because the jurisdictional approach set forth in this Agreement departs from current practice, the parties acknowledge and agree that this Agreement shall be liberally construed so that the parties can cooperatively address unforeseen problems through the implementation of policies, with minimal need for Agreement amendment.
- B. If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void, or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Part 5. Approval, Consent and/or Cooperation.

Whenever this Agreement requires the approval, consent and/or cooperation of a party (or parties), said approval, consent and/or cooperation shall not be unreasonably withheld.

Part 6. Appropriation of Funds.

The parties acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by their respective councils. The parties agree to make a good faith effort to obtain all necessary appropriations from their councils and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

SO AGREED this _____ day of _____, 2018.

MONROE COUNTY, INDIANA

CITY OF BLOOMINGTON, INDIANA

AMANDA BARGE, President
Monroe County Board of Commissioners

JOHN HAMILTON, Mayor

DOROTHY GRANGER, President
Bloomington Common Council

ATTEST:

ATTEST:

CATHERINE SMITH, Auditor

NICOLE BOLDEN, City Clerk



**City of Bloomington
Legal Department**

TO: Members of the Common Council of the City of Bloomington

FROM: Philippa Guthrie, Corporation Counsel

CC: Dan Sherman, Council Administrator/Attorney

RE: Building Interlocal Agreement

DATE: 03/09/2018

State law allows governmental entities to jointly exercise powers through interlocal cooperation agreements.

The City and Monroe County have many such interlocal agreements, including one regarding the administration of the local building codes.

In 1996, the City and Monroe County entered into a five-year interlocal agreement that resulted in the County administering the local building codes for the City and County. This meant that the County handled permit application processing, project inspection, and permit issuance for all properties within the City and within the unincorporated areas of Monroe County.

The Building Interlocal has been extended several times since its initial five-year term. The Administration continues to believe that vesting local building code administration in a single entity (the Monroe County Building Department) is the most cost effective and convenient way to provide necessary building code services to the citizens of the City.

The Building Interlocal that is presented to you is in substantially the same form as previous iterations of the Building Interlocal. It will be extended to the end of year 2019 and will be revisited before expiration.

ORDINANCE 18-05

**TO AMEND TITLE 4 OF THE BLOOMINGTON MUNICIPAL CODE (BMC)
ENTITLED “BUSINESS LICENSES AND REGULATIONS”
(Amending Chapter 4.28, entitled “Mobile Vendors,” to
Provide for Appeal of Adverse Actions to the Board of Public Works)**

- WHEREAS, BMC Title 4, entitled “Business Licenses and Regulations,” licenses and regulates certain businesses operating within the City; and
- WHEREAS, BMC Chapter 4.28, entitled “Mobile Vendors,” licenses and regulates what are commonly known as “food trucks”; and
- WHEREAS, under Chapter 4.28, the City may deny an application for a license and may also revoke, suspend, or impose a penalty for certain violations of this chapter; and
- WHEREAS, while Chapter 4.28 provides for an appeal of denial of applications for a license, it does not explicitly provide a process for appeal to holders of business licenses who have had the license revoked or suspended, or who have incurred a penalty under this chapter; and
- WHEREAS, the denial, revocation and suspension of a license along with the imposition of a penalty by the City under this chapter are actions adverse to the applicant or holder of a business license, and the municipal code should provide them with a uniform process to appeal these adverse actions;

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

SECTION 1. Bloomington Municipal Code (BMC) Title 4, entitled “Business Licenses and Regulations,” Chapter 28, entitled “Mobile Vendors,” Section 100, entitled “Business License – Issuance,” Part (c), shall be amended by striking the text after the first sentence so that it shall read as follows:

- (c) Failure of the controller to issue a license within fourteen (14) days of completion of the application constitutes denial of the application.

SECTION 2. BMC Chapter 4.28 shall be further amended by adding a new Section 4.28.200, entitled “Appeals,” which shall be inserted into the table of contents for this chapter and shall read as follows:

4.28.200 Appeal.

Any applicant or licensee aggrieved by the action of the City Controller in the denial, suspension or revocation of a license or any person who is issued a citation shall have the right of appeal to the Board of Public Works. Such appeal shall be taken by filing with the Board of Public Works within ten (10) working days of the action complained of, a written statement setting forth fully the grounds for the appeal. The decision and order of the Board of Public Works on such appeal shall be final and conclusive.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

DOROTHY GRANGER, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2018.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2018.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends BMC Chapter 4.28 which provides for the licensing and regulation of “Mobile Vendors,” which are more commonly known as “food trucks.” While this chapter currently provides an applicant with an opportunity to appeal a denial of this business license, it does not explicitly offer a process by which a holder of this business license may appeal the revocation or suspension of the license or the imposition of a penalty for violation of a provision of this chapter. This ordinance provides the applicant for, or holder of, this business license with an opportunity to appeal any of these adverse actions to the Board of Public Works.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: Members of the Common Council of the City of Bloomington
FROM: Philippa Guthrie, Corporation Counsel
Michael Rouker, City Attorney
CC: Dan Sherman, Council Attorney
RE: Amendment to Title 4 of the Bloomington Municipal Code (“BMC”)
DATE: March 16, 2018

Title 4 of the BMC, entitled “Business Licenses and Regulations,” governs business licenses for various types of businesses. One of these types of businesses is Mobile Vendors, which are more commonly known as food trucks (Chapter 4.28). Chapter 4.28 requires that anyone wanting to operate as a mobile vendor must obtain a license from the City. It also authorizes the City to deny license applications, and to impose penalties, including fines and suspension or revocation of licenses, on business license holders who are cited for violating the Chapter’s provisions.

Section 4.28.100 includes a provision for applicants whose license applications are denied to appeal that decision. However, nowhere in the rest of Chapter 4.28 is there any provision explicitly setting forth the right to, and process for, appealing any other regulatory decision by the City regarding a business license to a mobile vendor.

Staff believes that the opportunity to appeal any such adverse action by the City should be provided to anyone applying for or holding a business license. Therefore, this amendment proposes to remove the appeal process for denial of a license application, and to create a new section, Section 4.28.200, that offers an appeals process for any adverse action taken by the City related to a business license applicant or holder, including denial of an application for a license, suspension or revocation of a license, or any fine for a license.

The proposed language is:

Appeal. Any applicant or licensee aggrieved by the action of the City Controller in the denial, suspension or revocation of a license or any person who is issued a citation shall have the right of appeal to the Board of Public Works. Such appeal shall be taken by filing with the Board of Public Works within ten (10) working days of the action complained of, a written statement setting forth fully the grounds for the appeal. The decision and order of the Board of Public Works on such appeal shall be final and conclusive.

Staff requests the Council’s approval of this amendment to the above-mentioned chapters of Title 4.

**Chapter 4.28 (Mobile Vendors)
with Changes Proposed by Ord 18-05 Highlighted**

Guide to Annotations

Yellow Shade = A change in text or where a change occurs

Bold Text = new text

~~Strikeout Text = deleted text~~

Large Red Font Text = Section of Ordinance Making the Change

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Chapters:

Chapter 4.04 - RESERVED

Chapter 4.16 - SOLICITORS

Chapter 4.18 - PAWNBROKERS

Chapter 4.20 - SECONDHAND DEALERS*

Chapter 4.22 - DEALERS IN VALUABLE METALS

Chapter 4.24 - TAXICABS

Chapter 4.26 - VELOCABS

Chapter 4.28 - MOBILE VENDORS

Chapter 4.30 - PUSHCARTS

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Chapter 4.28 MOBILE VENDORS

Sections:

[4.28.010 Definitions.](#)

[4.28.020 Operations generally.](#)

[4.28.030 Business license—Required.](#)

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[4.28.180 Penalties—Revocation of license.](#)

[4.28.190 Restriction on use and licenses.](#)

4.28.200 Appeals

4.28.010 Definitions.

The following terms shall have the following meanings:

"Beverage" means any nonalcoholic liquid, hot or cold, intended for use in whole or in part for human consumption.

"City property" means all outdoor areas which are owned, or leased as lessee, by the city or one of the city's departments, or upon which the city or one of its departments has an easement or right-of-way

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including, but not limited to, streets, sidewalks, plazas or other areas adjacent to buildings owned by the city or one of its departments.

"Food" means any raw, cooked, frozen or processed edible substance or beverage intended for use in whole or in part for human consumption.

"Mobile food vendor unit" means a person who sells, serves, offers for sale, or gives away food or beverages from any self-contained mobile unit, independent with respect to water, sewer and power utilities, capable of moving or being moved, is meant to be portable and is not permanently attached to the ground, consisting of an enclosed truck, trailer, bus, or similar vehicle that contains equipment used for the sale and/or preparation of food or beverages merchandise and is closed up when not in operation. An ice cream truck that does not park or locate in any one place for longer than ten minutes is not considered a mobile food vendor unit for purposes of this chapter.

"Private property" means all outdoor areas which are not owned or leased by any governmental agency or entity, including, but not limited to, streets, sidewalks, plazas, parking lots, or other areas adjacent to buildings not owned by a governmental agency or entity.

"Special event" is any event so designated by the City of Bloomington Board of Public Works.

(Ord. 15-05, § 2, 3-26-2015)

4.28.020 Operations generally.

It is unlawful to locate a mobile food vendor unit in the city except in accordance with the provisions of this chapter.

(Ord. 15-05, § 2, 3-26-2015)

4.28.030 Business license—Required.

- (a) It is unlawful to locate a mobile food vendor unit in the city without first having secured a license to do so as provided by this chapter.
- (b) A separate license shall be required for each mobile food vendor unit.
- (c) This chapter does not apply to any recognized participant of a special event.
- (d) It is not necessary to obtain a temporary use permit under Chapter 20 of the Bloomington Municipal Code in order to obtain a license for a mobile food vendor unit under this chapter.

(Ord. 15-05, § 2, 3-26-2015)

4.28.040 Business license—Application.

Any person desiring a license under this chapter shall submit a fully completed application to the city controller at least fourteen (14) days prior to the proposed date of utilizing the mobile food vendor unit. The application must set forth or have attached the following information as specified:

- (a) The applicant's name, current physical address, telephone number, email address and date of birth;
- (b) The name, current physical address, and telephone number of the person, firm, limited liability company, corporation or organization which the applicant is employed by or represents, and the length of time of such employment or representation;

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- (c) If the applicant is employed by or represents a firm, limited liability company or corporation, the applicant shall provide the name and current physical address of all members of the firm or limited liability company, or all officers of the corporation, as the case may be;
- (d) If the applicant is employed by or represents a corporation or limited liability company then there shall be stated on the application the date of incorporation or organization, the state of incorporation or organization, and if the applicant is a corporation or limited liability company formed in a state other than the State of Indiana, the date on which such corporation or limited liability company qualified to transact business as a foreign corporation or foreign limited liability company in the State of Indiana;
- (e) The type of products to be sold and the hours of the day the applicant plans to conduct business;
- (f) The place or places where said business may be conducted, and a written statement, if applicable, from the owner of any private property wherein the business may be conducted authorizing the applicant to use the property;
- (g) The duration of the license being sought;
- (h) A statement as to whether or not a license, under the provisions of this chapter, or any other similar ordinance of the City of Bloomington or any other county, town, municipality, or State has been revoked, together with the details thereof; and
- (i) The designation of a resident of the State of Indiana as a registered agent for purposes of receiving notices from the City of Bloomington or other service of process, as a result of doing business in the City of Bloomington.

(Ord. 15-05, § 2, 3-26-2015)

4.28.050 Business license—Prerequisites.

An application for a license under this chapter shall not be considered unless proof of the following are provided with the application:

- (a) All applicable permits required by the Monroe County Health Department, including but not limited to a food service establishment license or a certified food handler certificate;
- (b) Proof of registration as a business with the Indiana Secretary of State;
- (c) Proof of an employer identification number;
- (d) If business is to be conducted on city property, a resolution from the city's board of public works;
- (e) If business is to be conducted on or in property owned or managed by the City of Bloomington Parks Department, a letter of approval from said department;
- (f) If any type of spark, flame or fire will be produced, proof of an open burn permit issued by the City of Bloomington Fire Department;
- (g) Proof of insurance in accordance with the amounts established by this Chapter;
- (h) A copy of the Indiana registration for the vehicle;
- (i) Copy of a valid driver's license;
- (j) Copy of an Indiana Driver's Record and/or equivalent of whatever state has issued the applicant his/her driver's license;
- (k) Proof of an independent safety inspection of all vehicles to be used in the business in accordance with the provisions of this chapter;
- (l) A scaled site plan showing the location of the proposed mobile food vendor unit and the properties: drives, parking access aisles, fire lanes, sidewalks and accessible routes; and

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(m) Proof of payment for, or exemption from, the applicable fee.

(Ord. 15-05, § 2, 3-26-2015)

4.28.060 Business license—Duration and fee.

- (a) Each applicant shall pay a license fee in accordance with the schedule set forth below (all licenses are for a consecutive period of time):
- (1) One (1) Day License: \$25.00;
 - (2) Three (3) Day License: \$30.00;
 - (3) Seven (7) Day License: \$50.00;
 - (4) Thirty (30) Day License: \$75.00;
 - (5) Three (3) Month License: \$150.00;
 - (6) Six (6) Month License: \$200.00; and
 - (7) One (1) Year License: \$350.00.
- (b) The following listed organizations and/or entities while required to obtain a license under this chapter are exempt from having to pay any fees, so long as the proceeds thereof are to be used exclusively for religious, charitable, educational or scientific purposes:
- (1) Churches;
 - (2) Schools;
 - (3) Benevolent organizations;
 - (4) Fraternal organizations; and
 - (5) Other similarly situated organizations.
- (c) Pursuant to Ind. Code 25-25-2-1, while all honorably discharged veterans are required to obtain a license under this chapter they are exempt from having to pay any fees.

(Ord. 15-05, § 2, 3-26-2015)

4.28.070 Application fee—Refund on denial.

An applicant shall pay an application fee in the minimum amount of \$25.00, unless exempted under section 4.28.060. In the event the license is granted, the application fee shall be retained by the city and applied toward the license fee. In the event the license is denied, \$20.00 of the application fee shall be retained to defray the administrative expense incurred in investigating and processing the application, and any remainder shall be refunded to the applicant.

(Ord. 15-05, § 2, 3-26-2015)

4.28.080 Effect of cessation of business.

No deductions shall be allowed from the fee for a license issued pursuant to this chapter for any part of the term of which the licensee does not engage in such business.

(Ord. 15-05, § 2, 3-26-2015)

4.28.090 Business license—Insurance and indemnity.

- (a) Each applicant for a license shall provide a certificate of liability insurance to the city controller upon a form approved by the Corporation Counsel of the City of Bloomington, insuring the applicant, and naming the City of Bloomington as co-insured, against the following liabilities and in the following amounts relative to such activity:
 - (1) Personal injury: \$100,000.00 per occurrence and \$300,000.00 in the aggregate;
 - (2) Property damage: \$25,000.00 per occurrence and \$50,000.00 in the aggregate; and
 - (3) Indiana minimum, at least, for motor vehicle insurance coverage.
- (b) Each applicant shall provide a document approved by the Corporation Counsel for the City of Bloomington, in which the applicant agrees to indemnify and hold harmless the City of Bloomington for losses or expenses arising out of the operation of his/her business.

(Ord. 15-05, § 2, 3-26-2015)

Section 1 of Ord 18-05

4.28.100 Business license—Issuance.

- (a) The controller shall within fourteen (14) days of receipt of the completed application issue the business license to the applicant if the controller finds the following:
 - (1) Compliance with all provisions of this chapter;
 - (2) The applicant has not had a prior license issued under this chapter, or any other similar licensed authorized by a different governmental entity, suspended or revoked; and
 - (3) The applicant has not been previously found to be in violation of this chapter, or any other similar law promulgated by a different governmental entity.
- (b) The controller may, upon a finding of appropriateness, issue a business license to an applicant who has been found to meet the terms of the above subsections 4.28.100(a)(1), (2).
- (c) Failure of the controller to issue a license within fourteen (14) days of completion of the application constitutes denial of the application. ~~The applicant may appeal the denial by filing a written statement to the city's board of public works within ten (10) days after passage of those fourteen (14) days. The board of public works shall, within the next thirty (30) days, determine whether the applicant has complied with all provisions of section 4.28.100(a), and if so, shall authorize the controller to issue the license if there is such compliance. Prior to this determination, which is final and conclusive, the applicant will have an opportunity to be heard regarding the denial.~~

(Ord. 15-05, § 2, 3-26-2015)

4.28.110 Business license—Transferability.

A license issued pursuant to this chapter shall not be transferable to another licensee.

(Ord. 15-05, § 2, 3-26-2015)

4.28.120 Business license—Identification.

- (a) All licenses issued by the controller under this chapter shall be prominently displayed on the mobile food vendor unit and shall be shown to any person who requests to see the license.
- (b) Failure to display or exhibit a license in accordance with this section may be grounds for suspension or revocation of said license.

(Ord. 15-05, § 2, 3-26-2015)

4.28.130 Business license—Safety inspection required.

- (a) No license shall be issued to locate a mobile food vendor unit unless each vehicle to be used by the business has undergone an independent safety inspection within the last two (2) years; a copy of the safety inspection report shall be included with the application.
- (b) It is unlawful to locate a mobile food vendor unit which has not undergone and passed an independent safety inspection in accordance with this Section.
- (c) If, at any time, the City of Bloomington has probable cause to believe that a mobile food vendor unit is unsafe or in a mechanically unsound condition, the chief of police or his/her designee may order a mobile food vendor unit licensed under this chapter to undergo an immediate safety inspection. The immediate safety inspection must occur within five business days and a copy of the safety inspection report shall be promptly submitted to the chief of police or his/her designee. If the safety inspection reveals deficiencies with the mobile food vendor unit, the mobile food vendor unit cannot be used until such time as the deficiencies have been remedied.

(Ord. 15-05, § 2, 3-26-2015)

4.28.140 Location restrictions.

Except as provided for in section 4.28.030(d) of this title, the following location restrictions apply:

- (a) No mobile food vendor unit shall locate in any parking lot, parking space, or parking facility owned, leased or managed by the City of Bloomington unless approval has been given by the city's board of public works.
- (b) No mobile food vendor unit shall locate within fifty (50) feet of any facade of a ground level establishment that also sells food or beverages, or locate within fifty (50) feet of the perimeter of such an establishment's outdoor seating area, regardless of whether or not the mobile food vendor unit is currently conducting business. The distance restriction only applies from an hour before the opening time to an hour after the closing time posted by a ground level establishment on the façade of its building;
- (c) No mobile food vendor unit shall locate in an alleyway.
- (d) Mobile food vendor units shall be located a reasonable distance from all posted bus stops, crosswalks, driveways, alleyways, right-of-way lines of two or more intersecting streets and building entrances or walk-up windows.
- (e) Mobile food vendor units shall only be located on private property if the private property owner has provided both the business operator and the city written permission for the mobile food vendor unit to locate on said property.
- (f) No mobile food vendor unit shall locate within a one block radius of a special event unless prior approval has been granted by either the operator of the special event or the city's board of public works.

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- (g) No mobile food vendor unit shall park on city property in violation of any city parking regulation, restriction, or ordinance. For example, if parking at one, or multiple, parking meters, the operator of the mobile food vendor unit shall feed all relevant parking meters with the required monetary amount.
- (h) No mobile food vendor unit shall be located in a manner which would significantly impede or prevent the use of any City of Bloomington property, or which would endanger the safety or property of the public.
- (i) No mobile food vendor unit shall be located within fifteen (15) feet of any fire hydrant.
- (j) No mobile food vendor shall locate within any zoning district except the following: commercial general; commercial arterial; commercial downtown; industrial general; business park; and institutional.
- (k) No mobile food vendor operating on private property shall displace required parking or landscaping nor block any drives, parking access aisles, fire lanes, sidewalks, or accessible routes required for the private parking by the city's zoning code.
- (l) No mobile food vendor unit shall be located more than one (1) foot away from the curb of the street on which it is parked.
- (m) No mobile food vendor unit shall park near an intersection and in a manner that blocks the line-of-sight of drivers using adjacent roadways.

(Ord. 15-05, § 2, 3-26-2015)

4.28.150 Prohibited hours.

No mobile food vendor unit shall be located on any public property between the hours of 4:30 a.m. and 6:30 a.m.

(Ord. 15-05, § 2, 3-26-2015)

4.28.160 Standards of conduct.

All mobile food vendor unit operators shall conform to the following standards of conduct:

- (a) Mobile food vendor unit operators shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any unreasonable noise of such volume as to be in violation of the City of Bloomington Noise Ordinance as stated in Title 14 of the Bloomington Municipal Code;
- (b) A device may not be used which would amplify sounds nor may attention be drawn to the mobile food vendor unit by an aural means or a light-producing device (examples of such devices may include, but are not meant to be limited to the following: bull horns and strobe lights);
- (c) No mobile food vendor unit may be permanently or temporarily affixed to any object, including but not limited to buildings, trees, telephone poles, streetlight poles, traffic signal poles or fire hydrants;
- (d) No mobile food vendor unit may be used to advertise any product which is not authorized to be sold from that unit;
- (e) Each mobile food vendor unit shall be limited to one sandwich board sign that meets the provisions of Sections 20.05.082(f)(2) and 20.05.082(f)(3) of the Bloomington Municipal Code regardless of the zoning district in which it locates;

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- (f) No mobile food vendor unit may make use of any public or private electrical outlet while in operation;
- (g) Each mobile food vendor unit shall protect against littering and shall have both an adequate trash receptacle and a separate receptacle for recyclable materials:
 - (1) The trash and recyclable receptacles shall be emptied sufficiently often to allow disposal of litter and waste by the public at any time;
 - (2) The trash and recyclable receptacles on the mobile food vendor unit shall not be emptied into trash or recyclable receptacles owned by the City of Bloomington;
 - (3) Liquid from the mobile food vendor unit shall not be discharged on or in a city sewer or drain or elsewhere on city property, nor on private property without the express written consent of the owner thereof;
- (h) Before leaving any location each mobile food vendor unit shall first pick up, remove and dispose of all trash, refuse and/or recyclable materials, including products spilled on the ground within twenty (20) feet of the mobile food vendor unit.
- (i) No mobile food vendor unit shall expose any pedestrian to any undue safety or health hazards nor shall it be maintained so as to create a public nuisance;
- (j) Each mobile food vendor unit shall be maintained free and clear of dirt, and finishes shall not be chipped, faded or unduly marred;
- (k) Foods or beverages which present a substantial likelihood that liquid matter or particles will drop to the street or sidewalk during the process of carrying or consuming the food or beverage shall be sold in proper containers so as to avoid falling to the street or sidewalk;
- (l) Mobile food vendor units which utilize a grill or device that may result in a spark, flame or fire shall adhere to the following additional standards:
 - (1) Be placed approximately twenty (20) feet from a building or structure;
 - (2) Provide a barrier between the grill or device and the general public;
 - (3) The spark, flame or fire shall not exceed twelve (12) inches in height;
 - (4) A fire extinguisher shall be within reaching distance of the mobile food vendor unit operator at all times;
- (m) Mobile food vendor unit operators shall be required to obey the commands of law enforcement officers or fire officials with respect to activity carried out inside of the city's jurisdictional limits, including, where possible, the removal of the mobile food vendor unit and cessation of such sales;
- (n) No mobile food vendor unit shall ever be left unattended;
- (o) Mobile food vendor units shall not be stored, parked or left overnight on any city property;
- (p) All mobile food vendor units which are food service establishments as defined by Title 10.17 of the Bloomington Municipal Code shall install an approved grease interceptor or grease trap. Foods, oils and greases shall never be discharged into the city's sewer or storm drains;
- (q) All mobile food vendor unit operators are required to collect and pay all applicable and appropriate sales taxes;
- (r) No mobile food vendor shall provide customer seating unless approval has been provided by the city's board of public works and the city's planning and transportation department;
- (s) All mobile food vendors shall comply with the lighting standards found in Chapter 20.05 of the Bloomington Municipal Code;
- (t) All mobile food vendors shall comply with the vision clearance standards found in Chapter 20.05 of the Bloomington Municipal Code;

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- (u) No mobile food vendor shall have a drive-thru; and
 - (v) The decibels of any generator(s) associated with a mobile food vendor unit shall not exceed "70dBA".
 - (1) Such noise measurement shall be made at a height of at least four (4) feet above the ground and at a point approximately twenty-five (25) feet away from where the noise is being emitted on a sound level meter operated on the "A" weighting network (scale).
 - (2) No person other than the operators shall be within twenty-five (25) feet of the sound level meter during the sample period.
 - (3) Sound measurements shall be conducted at that time of day or night when the relevant noise source is emitting sound.
 - (4) The sound level measurement shall be determined as follows:
 - (A) Calibrate the sound level meter within one (1) hour before use.
 - (B) Set the sound level meter on the "A" weighted network at slow response.
 - (C) Set the omnidirectional microphone in an approximately seventy-degree position in a location which complies with subsections (1) and (2) herein. The operator of the sound level meter shall face the noise source and record the meter's instantaneous response.
 - (D) Recalibrate the sound level meter after use.
 - (5) It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurement.
- (Ord. 15-05, § 2, 3-26-2015; Ord. No. 16-16, § 2, 7-12-2016)

4.28.170 Safety requirements.

All mobile food vendor units shall comply with the following safety requirements:

- (a) All equipment installed shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
- (b) All utensils shall be stored in a manner to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided by the vendor to avoid loose storage of knives and other sharp or bladed instruments.
- (c) All foods and beverages to be used, prepared, cooked, displayed, sold, served, offered for sale or stored in a mobile food vendor unit, or during transportation to or between locations shall be from sources approved by the health authorities of the point of origin and must be clean, wholesome, free from spoilage, adulteration, contamination or misbranding and safe for human consumption. The standards for judging wholesomeness for human food shall be those promulgated and amended from time to time by the United States Food and Drug Administration, United States Department of Agriculture, the State Department of Health, the State Department of Agriculture, and the Monroe County Health Department and published in the United States Code of Federal Regulations, the Indiana Code Annotated or the Indiana Administrative Code, and the Monroe County Code.
- (d) Each mobile food vendor unit shall be constructed so that the portions of the unit containing food shall be covered so that no dust or dirt will settle on the food; and such portions of the unit which are designed to contain food shall be at least eighteen (18) inches above the surface of the public way while the unit is being used for the conveyance of food.
- (e) The food storage areas of each mobile food vendor unit shall be kept free from rats, mice, flies and other insects and vermin. No living animals, birds, fowl, reptiles or amphibians shall be permitted in any area where food is stored.

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- (f) Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the mobile food vendor unit.

(Ord. 15-05, § 2, 3-26-2015)

4.28.180 Penalties—Revocation of license.

- (a) Any person, partnership, limited liability company or corporation which violates any provision of this chapter, shall be subject to the following penalties:

- (1) Operating a mobile food vendor unit without a license:

First offense \$2,500.00

Second offense within any 12-month period \$5,000.00

Third offense, or each thereafter, within any 12-month period \$7,500.00

- (3) Failure to comply with any other provision of this chapter:

First offense \$250.00

Second offense within any 12-month period \$500.00

Third offense, or each thereafter, within any 12-month period \$1,000.00

- (b) In addition, the controller's office shall, after notice and hearing before the city's board of public works, suspend or revoke, by written order, any license issued hereunder if the board of public works finds:

- (1) The licensee has violated any provision of this chapter or any rule or regulation lawfully made under and within the authority of this chapter;
- (2) The licensee is operating the mobile food vendor unit licensed under this chapter in a manner contrary to state or local code; or
- (3) Any fact or condition exists which, if it had existed at the time of the original application for such license, would have permitted the controller's office to refuse originally to issue such license.

- (c) Any person charged with violating the provisions of this chapter may, in the discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one opportunity to comply with this chapter's provisions.

(Ord. 15-05, § 2, 3-26-2015)

4.28.190 Restriction on use and licenses.

The City of Bloomington has exclusive authority to restrict the use of mobile food vendor units and the issuance of business licenses for mobile food vendor units under the following conditions:

- (a) The city may restrict the use of mobile food vendor units in certain designated areas of the city in the event of an emergency declared by the mayor, the chief of police, the fire chief, the director public works, the director of utilities, and/or any of the aforementioned duly appointed designees.
- (b) Absent an emergency as described above, the city may restrict the use of mobile food vendor units in certain designated areas of the city provided the city has given each mobile food vendor unit licensee written notice of the restriction at least seventy-two (72) hours in advance of the restriction going into effect.

(Ord. 15-05, § 2, 3-26-2015)

Section 2 of Ord 18-05

4.28.200 Appeals.

Any applicant or licensee aggrieved by the action of the City Controller in the denial, suspension or revocation of a license or any person who is issued a citation shall have the right of appeal to the Board of Public Works. Such appeal shall be taken by filing with the Board of Public Works within ten (10) working days of the action complained of, a written statement setting forth fully the grounds for the appeal. The decision and order of the Board of Public Works on such appeal shall be final and conclusive.

ORDINANCE 18-04
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE (BMC)
- Re: Amending Fencing and Wall Standards and Some Related Definitions
Set Forth in BMC 20.05.046(d) and BMC 20.11.020

Supplemental Materials

- Am 01 (Submitted by Planning and Transportation Staff – *in need of a Council sponsor*) – it removes an ambiguity and clarifies that fences installed anywhere forward of the front building wall shall not exceed four (4) feet in height.
- Am 02 (Sponsored by Cm. Sturbaum) – it is intended to enhance the visual experience for pedestrians and motorists by requiring the portion of a fence facing the street forward of the secondary front building wall that is in excess of five (5) feet to be of “open construction” and made of durable materials.

***** Amendment Form *****

Ordinance #: 18-04

Amendment #: 01

Submitted By: Planning and Transportation Staff *(with a Council Sponsor needed for introduction at the Regular Session on March 21st).*

Date: March 13, 2018

Proposed Amendment:

1. Section 1 of Ord 18-04 shall amended by striking part (d)(2)(A) and replacing it with the following:

(d)

(2) Corner Lots: On corner lots where the structure has two front building walls, one frontage shall be the considered a secondary front building wall.

(A) Fences and walls forward of the front building wall shall abide by 20.05.046(d)(1).

2. Section 1 of Ord 18-04 shall further be amended by striking part (d)(3)(A) and replacing it with the following:

(d)

(3) Through Lots: On through lots where the structure has two front building walls, one frontage shall be the considered a secondary front building wall.

(A) Fences and walls forward of the front building wall shall abide by 20.05.046(d)(1).

Synopsis

This amendment was mentioned by the Planning and Transportation staff at the Committee of the Whole and will need a Council Sponsor for introduction at the Regular Session on March 21st. It strikes the words “along the front setback” in a sentence that continues “... of the secondary front building wall,” and replaces those words with “forward.” This is intended to clarify that fences installed anywhere forward of the front building wall shall not exceed four (4) feet in height.

3/7/18 Committee Action: None

3/21/18 Regular Session Action: *Pending*

(March 14, 2018)

Changes to Section 1 of Ord 18-04 Proposed by Amendment 01

SECTION 1. Section 20.05.046(d), entitled “Fence and Wall Standards, General: Maximum Height,” shall be deleted and replaced with the following:

20.05.046(d) Fence and Wall Standards, General: Maximum Height

(d) Maximum Height:

(1) Interior Lots

(A) Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight (8) feet.

(B) Forward of the front building wall of the primary structure, fences and walls shall not exceed four (4) feet in height.

(2) Corner Lots: On corner lots where the structure has two front building walls, one frontage shall be the considered a secondary front building wall.

(A) Fences and walls ~~along the front setback~~ **forward** of the front building wall shall abide by 20.05.046(d)(1).

(B) Fences and walls along the lot frontage of the secondary front building wall, shall not exceed four (4) feet forward of the build to line or the building setback line, whichever applies.

(C) Behind the build to line or front building setback line, on the secondary front building wall, fences and walls shall not exceed eight (8) feet in height.

(D) Any determinations as to the secondary front building wall shall be decided by the Planning and Transportation Director.

(3) Through Lots: On through lots where the structure has two front building walls, one frontage shall be the considered a secondary front building wall.

(A) Fences and walls ~~along the front setback~~ **forward** of the front building wall shall abide by 20.05.046(d)(1).

(B) Fences and walls greater than four (4) feet in height, along the lot frontage of the secondary front building wall, when adjacent to a neighborhood street or secondary collector street, shall meet the building setback.

(C) Fences and walls greater than four (4) feet in height, along the lot frontage of the secondary front building wall, when adjacent to a primary collector street or arterial street, shall be set back at least ten (10) feet from the property line.

(4) Where no primary structure exists on the parcel, fences and walls shall not exceed four (4) feet in height.

***** Amendment Form *****

Ordinance #: 18-04
Amendment #: 02
Submitted By: Cm. Sturbaum, District I
Date: March 15, 2018

Proposed Amendment:

1. Section 1 of Ord 18-04 shall amended by inserting (d)(2)(D) and relettering the subsequent parts accordingly. The new part (d)(2)(D) shall read as follows:
 - (d) (2)
 - (D) Fences facing streets or sidewalks up to and between the build to line/building setback line and the secondary front building wall which exceed five (5) feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of such fence shall b e made of durable materials.

2. Section 1 of Ord 18-04 shall be further amended by inserting (d)(3)(D) which shall read as follows:
 - (d) (3)
 - (D) Fences facing streets or sidewalks up to and between the build to line/building setback line and the secondary front building wall which exceed five (5) feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of such fence shall b e made of durable materials.

Synopsis

This amendment is sponsored by Cm. Sturbaum and is intended to enhance the visual experience of the pedestrians and motorists passing by the secondary front of lots within the City’s Planning Jurisdiction with “good neighbor “ fences. The negative “blank wall experience” is much like the downtown, where large blank spaces have long been prohibited. With that in mind, it applies to tall fences (i.e. those fences more than four [4] feet in height) installed forward of the secondary front building wall. In that regard, it requires that the portion of these fences that exceed five (5) feet in height be of open construction. *(Please see the attached examples of both solid and open-topped fences.)*

3/7/18 Committee Action: None
3/21/18 Regular Session Action: *Pending*

(March 14, 2018)

Changes to Section 1 of Ord 18-04 Proposed by Amendment 02 (without Regard to any Action on Am 01)

SECTION 1. Section 20.05.046(d), entitled “Fence and Wall Standards, General: Maximum Height,” shall be deleted and replaced with the following:

20.05.046(d) Fence and Wall Standards, General: Maximum Height

(d) Maximum Height:

(1) Interior Lots

(A) Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight (8) feet.

(B) Forward of the front building wall of the primary structure, fences and walls shall not exceed four (4) feet in height.

(2) Corner Lots: On corner lots where the structure has two front building walls, one frontage shall be the considered a secondary front building wall.

(A) Fences and walls along the front setback of the front building wall shall abide by 20.05.046(d)(1).

(B) Fences and walls along the lot frontage of the secondary front building wall, shall not exceed four (4) feet forward of the build to line or the building setback line, whichever applies.

(C) Behind the build to line or front building setback line, on the secondary front building wall, fences and walls shall not exceed eight (8) feet in height.

(D) Fences facing steets or sidewalks up to and between the build to line/building setback line and the secondary front building wall which exceed five (5) feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of such fence shall b e made of durable materials..

(E) Any determinations as to the secondary front building wall shall be decided by the Planning and Transportation Director.

(3) Through Lots: On through lots where the structure has two front building walls, one frontage shall be the considered a secondary front building wall.

(A) Fences and walls along the front setback of the front building wall shall abide by 20.05.046(d)(1).

(B) Fences and walls greater than four (4) feet in height, along the lot frontage of the secondary front building wall, when adjacent to a neighborhood street or secondary collector street, shall meet the building setback.

(C) Fences and walls greater than four (4) feet in height, along the lot frontage of the secondary front building wall, when adjacent to a primary collector street or arterial street, shall be set back at least ten (10) feet from the property line.

(D) Fences facing streets or sidewalks up to and between the build to line/building setback line and the secondary front building wall which exceed five (5) feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of such fence shall b e made of durable materials.

(e) no primary structure exists on the parcel, fences and walls shall not exceed four (4) feet in height.

Examples of Fencing – Solid and Open-Top



Examples of Fencing – Solid and Open-Top



In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, January 10, 2018 at 6:30pm with Council President Susan Sandberg presiding over the Organizational Meeting of the Common Council.

COMMON COUNCIL
ORGANIZATIONAL MEETING
January 10, 2018

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

ROLL CALL [6:31pm]

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Councilmember Chris Sturbaum said he believed there was treason, not collusion.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Councilmember Steve Volan said that he would not seek to be the Council representative on the Solid Waste Management District Board because he had lost confidence in the leadership of that body and its executive director. He believed that his replacement would bring fresh ideas and eyes, and hoped they would not find it as disappointing as he had.

Sandberg reminded people that with the start of the new year it was time for people to submit applications for boards and commissions if they would like to be appointed or reappointed.

Denise Lessow, Chair of the Commission on Aging, gave the commission's annual report.

- The MAYOR AND CITY OFFICES [6:37pm]

Councilmember Dave Rollo encouraged the members of the commission to attend the meetings for the update of the city's Unified Development Ordinance (UDO) in the future.

Lessow said she appreciated the invitation and said that the commission hoped to be involved.

Volan asked for a more in-depth description of dementia-friendliness.

Lessow explained that there were workshops that helped to build awareness for the community so they understand how to help others who are suffering from dementia.

Councilmember Isabel Piedmont-Smith asked if the commission had received the data requested from the community survey.

Lessow said it was a complicated issue and that the commission was working with city staff.

Councilmember Dorothy Granger thanked Lessow and shared her gratitude for the entire commission.

Councilmember Allison Chopra asked if the commission heard from older citizens about the need for a community space.

Lessow said that the commission had heard the need and was trying to document the exact nature of the need for a community space.

There were no committee reports at this meeting.

- COUNCIL COMMITTEES

Tia Arthur and Kristin Bishay spoke about Monroe County Court Appointed Special Advocates (CASA).

- PUBLIC

Volan moved and it was seconded that the following slate of officers be elected: ELECTION OF OFFICERS [7:05pm]

President: Dorothy Granger
Vice President: Isabel Piedmont-Smith
Parliamentarian: Steve Volan

The slate was approved by a voice vote.

The councilmembers took new seats as assigned by the new president. Council President Granger presided for the remainder of the meeting and presented outgoing President Sandberg with a gavel to commemorate her term as president.

Sandberg thanked Granger for serving as her Vice-president in the preceding year and said she was happy to pass the leadership to Granger. Sandberg said she was looking forward to the upcoming year and thanked her colleagues.

Sandberg moved and it was seconded that Council appointments to the following list of Boards and Commissions be approved: APPOINTMENTS TO BOARDS AND COMMISSIONS [7:09pm]

Citizens Advisory Committee-Community Development Block Grants (CDBG)-Social Services **Sandberg**
CDBG-Physical Improvements **Ruff**
Commission for Bloomington Downtown **Sturbaum**
Economic Development Commission (City) **Granger**
Economic Development Commission (County) **Chopra**
Environmental Resource Advisory Committee **Rollo**
Metropolitan Planning Organization **Piedmont-Smith**
Plan Commission **Sandberg**
Solid Waste Management District **Piedmont-Smith**
Urban Enterprise Association Board **Sturbaum**
Utilities Services Board **Sims**
Bloomington Economic Development Corporation **Sims**
Bloomington Commission on Sustainability **Rollo**
Parking Commission **Volan**
PS LIT Allocation Committee **Granger, Piedmont-Smith, Sandberg, and Sims**

The nominations were approved by a voice vote.

Granger appointed the following councilmembers to the Council Jack Hopkins Social Services Committee: **Chopra (Chair), Granger, Piedmont-Smith, Ruff, and Sandberg**

Granger appointed the following councilmembers to the Council Sidewalk Committee: **Granger (Chair), Rollo, Sims, Sturbaum**

President Granger noted that the Board and Commission Interview Committee assignments would remain the same:

A- **Chopra, Sims, Sturbaum**
B- **Granger, Volan, Ruff**
C- **Piedmont-Smith, Rollo, Sandberg**

Rollo moved and it was seconded to reappoint Gwendolen White to the Commission on Sustainability. The motion was approved by voice vote.

Rollo moved and it was seconded to reappoint Sam Frank and Jeff Ehman to the Utilities Service Board. The motion was approved by voice vote.

Rollo moved and it was seconded to reappoint Matthew Hanauer to the Commission on the Status of Children and Youth. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS (cont'd)

Rollo moved and it was seconded to reappoint Jim Blickensdorf and Faith Hawkins to the Parking Commission. The motion was approved by voice vote.

Chopra moved and it was seconded to reappoint Darcie Fawcett to the Bloomington Urban Enterprise Association. The motion was approved by voice vote.

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

Clerk's Note: On August 29, 2017, the Common Council called to order a Special Session, which began the Council's consideration of Resolution 17-28 to be completed over a series of meetings. At its meeting on October 24, 2017, the Council adopted a motion to extend its deliberations of Resolution 17-28. Please refer to the minutes from those meeting for a description of the procedure for consideration of the resolution and amendments thereto.

REINTRODUCTION OF LEGISLATION PROPOSING ADOPTION OF THE COMPREHENSIVE PLAN, CONSIDERATION OF AMENDMENTS CARRIED-OVER FROM DECEMBER 5, 2017 MEETING OF THE SPECIAL SESSION, AND OTHER RELATED ACTIONS

Volan moved and it was seconded that Resolution 18-01 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 18-01 – To Adopt the City's Comprehensive Plan

Volan moved and it was seconded to: affirm and ratify all actions taken in regard to the Comprehensive Plan (Plan) in 2017; this includes, but is not limited to, actions regarding the disposition of amendments – including all votes taken by the Council, manner of the deliberations – including motions regarding the conduct of the meetings, and proposed schedule for deliberations into the new year; continue deliberations in the same manner on either Regular or Special Sessions in 2018; this includes, among other things, having the Council take up the Comprehensive Plan as part of the Organizational Meeting this evening, without convening a Special Session and, in future weeks, at either Regular or Special Sessions, giving the President the power to approve the Regular Session agendas to account for deliberations on the Comprehensive Plan, considering the Comprehensive Plan in seriatim (i.e. one part at a time and then as a whole, with the entire document open to amendment), and allow the Council to amend its procedures or schedule in regard to these deliberations by a simple majority vote (rather than a two-thirds majority required as a Suspension of the Rules).

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

Vote on motion [7:18pm]

Piedmont-Smith introduced and explained the amendment.

Amendment 112

Scott Robinson, Planning Services Manager, said the language staff had concerns about in the amendment had been removed.

Volan asked if an option was to ask the Plan Commission to grant fewer height waivers.

Council Questions:

Piedmont-Smith said that the amendment did not help or hinder the process of allowing taller heights in exchange for some community benefit. She felt that tighter standards for granting height variances could be addressed in the upcoming UDO process.

Volan asked if the amendment removed encouragement for building heights.

Amendment 112 (cont'd)

Piedmont-Smith agreed that was correct.

Volan asked Robinson to clarify his earlier statement.

Robinson said the revised amendment still encouraged increased density, which he thought was consistent with the vision of the downtown area.

Rollo asked if staff had objections to the amendment.

Robinson said they supported it as revised.

Piedmont-Smith apologized for not getting the revision to Robinson earlier.

Sturbaum asked if the original language for the downtown core was based on the UDO and if that was why the height was capped at 50 feet.

Robinson said that was correct but that he had referenced the Downtown Vision and Infill Strategy Plan, which did not specify heights but encouraged increased heights and density.

Sturbaum said he was pleased that staff supported the amendment.

Jan Sorby spoke in favor of the amendment.

Public Comment:

Volan said that developers used taller buildings as an example as to why they should be allowed to build higher than the set standards. He thought the amendment was an important step in curbing future height waivers.

Council Comment:

Sturbaum was glad the amendment removed some language in the Plan.

Piedmont-Smith clarified the meaning of "diversify density calculations".

The motion to adopt Amendment 112 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 112 [7:33pm]

Sturbaum introduced and described the amendment.

Amendment 36-R

Piedmont-Smith asked what "mixed density development" was.

Council Questions:

Sturbaum said it was anything other than single-family.

Piedmont-Smith asked if the term meant higher density.

Sturbaum said he was summarizing for the sake of brevity.

Robinson said that the first sentence of the amendment was unclear and suggested additional wording.

Sturbaum said he did not agree.

Robinson explained that if the first sentence designated the urban corridor then the second sentence would not be necessary.

Sturbaum said he did not see a problem with the amendment as written.

Piedmont-Smith agreed with staff that the amendment was not clear and asked Sturbaum where the increased density was desired.

Sturbaum said that the increased density needed to be sensitive to the environment around it.

Volan asked how the revised amendment differed from the original submission, even with the suggested changes.

Amendment 36-R (cont'd)

Sturbaum said that the two sentences suggested that increased density was better in neighborhoods other than single-family neighborhoods.

Volan asked Attorney Dan Sherman for clarification of the language in the amendment and said he would wait for the answer while other questions were asked.

Chopra said the amendment felt elitist.

Sturbaum said the language was meant to be guidance for the UDO update.

Sherman read the language Volan asked for.

Rollo asked if staff was comfortable with the phrasing.

Robinson said that it was fine.

Ruff asked if Sturbaum would change the language back to what Sherman had just read.

Sturbaum said that he would.

Volan asked for the vote on Amendment 36.

Sherman said that it was not introduced.

Ruff asked for more clarification on staff's opinion.

Robinson said that staff was not opposed to the amendment but thought it needed more clarification.

Volan moved and it was seconded to adopt Amendment 01 to Amendment 36-R.

Amendment 01 to Amendment 36-R

Volan suggested new language for the amendment, which read as follows, "In order to preserve the character of existing single-family neighborhoods, this increased residential density and diversity in housing types should be located outside those neighborhoods."

Sturbaum said he would accept the language as a friendly amendment.

Granger asked Robinson if he was happy with the change in the amendment.

Robinson said that it addressed his concerns.

Sims asked where the amendment applied.

Robinson said that it applied to the urban corridor, which was in the map that was displayed.

Volan asked staff if they supported the amendment and if it precluded the building of mixed-use housing.

Robinson said that it made sense and that further details would be worked out in the UDO.

Piedmont-Smith asked if there were any single-family residential districts in the urban corridor area.

Robinson said there were some fuzzy areas but changes would be made through the UDO.

Jon Lawrence spoke in favor of the amendment.

Public Comment:

Jan Sorby spoke in favor of the amendment.

Sturbaum thanked Volan for making the amendment better.

Amendment 36-R (cont'd)
Council Comment:

Piedmont-Smith said she did not think the amendment made a difference, but she supported it because it did not cause any harm.

Volan spoke about the amendment and said that he supported the amendment.

The motion to adopt Amendment 01 to Amendment 36-R received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Amendment 36-R [8:11pm]

Jon Lawrence told the Council to go for it.

Public Comment:

The motion to adopt Amendment 36-R as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 36-R as amended [8:12pm]

There were no additional public comments.

ADDITIONAL PUBLIC COMMENT

There was extended discussion on the upcoming Council schedule.

COUNCIL SCHEDULE

Piedmont-Smith moved and it was seconded to cancel the Committee of the Whole previously scheduled to immediately follow the Organizational Meeting. The motion was approved by voice vote.

The meeting was adjourned at 8:48pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2017.

APPROVE:

ATTEST:

Dorothy Granger, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

Attachment: Board and Commission Interview Team Members for 2018

BOARD AND COMMISSION -- INTERVIEW COMMITTEE¹ ASSIGNMENT GRID 2018

Committee →	A Allison, Jim & Chris	B Dorothy, Steve & Andy	C Isabel, Dave & Susan
↓ Boards and Commissions			
Animal Care and Control Commission	X		
Bloomington Arts Commission			X
Bicycle and Pedestrian Safety Commission		X	
Bloomington Digital Underground Advisory Committee		X	
Board of Zoning Appeals	X		
Commission on Aging	X		
Commission on Hispanic and Latino Affairs			X
Commission on the Status of Black Males		X	
Commission on the Status of Women		X	
Commission on Sustainability			X
Commission on the Status of Children and Youth			X
Economic Development Commission	COUNCIL		
Environmental Commission		X	
Historical Preservation Commission	X		
Housing Quality Appeals Board	X		
Housing Trust Fund Board			X
Human Rights Commission			X
Dr. Martin Luther King, Jr. Birthday Celebration Commission		X	
Parking Commission			X ²
Public Transportation Corporation	X		
Redevelopment Commission	X		
Telecommunications Council		X	
Traffic Commission		X	
Tree Commission			X
Urban Enterprise Association	X		
Utilities Service Board			X

¹ The three Board and Commission Interview Committees are Standing Committees of the Council enabled by Res 13-04 To Consolidate the Council Board and Commission Interviewing and Nominating Committees. Res 13-04 assigned the interviewing responsibility for each board and commission to a specific Interviewing Committee.

² The Parking Commission was established with adoption of Res16-41 and the duty to make recommendations regarding citizen appointments to the Council was delegated to Interviewing Committee C by adoption of a motion at the Organizational Meeting on January 11, 2017.

In the Buskirk-Chumley Theater, Kirkwood Avenue, Bloomington, Indiana on Tuesday, February 15, 2018 at 7:00pm with Council President Dorothy Granger presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
February 15, 2018

Council President Dorothy Granger welcomed everyone and called the meeting to order. She noted that since it was a Special Session for the State of the City, the meeting would be considered adjourned when the Mayor's remarks concluded. She then asked Clerk Nicole Bolden to call the roll.

CALL TO ORDER
[7:12pm]

Roll Call: Sturbaum, Ruff, Granger, Sandberg, Sims, Piedmont-Smith, Volan, Chopra
Absent: Rollo

ROLL CALL

Mayor Hamilton began the State of the City Address, the text of which is attached to these minutes.

STATE OF THE CITY ADDRESS
[7:15pm]

Several citizens interrupted the Mayor with a series of questions related to the Bloomington Police Department's purchase of an armored vehicle.

Granger called for a 15-minute recess.

Recess [7:38pm]

The Mayor attempted to continue his remarks. Several citizens stood in front of the stage and continued to shout over him.

Meeting reconvened [7:56pm]

The meeting was adjourned at 8:00pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2018.

APPROVE:

ATTEST:

Dorothy Granger, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

State of the City Address
Mayor John Hamilton
15 February 2018

“Thanks to our wonderful talent this year: Fairview young folks just awesome. And thanks to the Bloomington treasure of Scott Russell Sanders. Thanks to the Buskirk-Chumley. And thanks to all the people who put this event together. City staff. Thanks to all who are here, from city council members to other elected officials; thanks to my wife First Lady Dawn Johnsen, my father, and to all of you.

The theme for my remarks tonight focuses on twos. Two years in to this administration, two more years ahead, and our 200th anniversary. But tonight needs to begin with a different kind of 2. Too many.

Yesterday another tragic school shooting killed at least 17 people, in Parkland, Florida. Our hearts are with those families and that community. Our nation has had too many killing sprees. Of the ten largest mass casualty shootings in modern America, three have now happened in the last five months. One is too many. I know we all worry about where is next.

I’m distressed that we don’t have common sense gun control laws. I’m distressed that as a nation we seem to accept this proliferation of arms and this level of carnage. I’m distressed that we have so much untreated mental illness in our country. I’m distressed that bullying still is far too common among young people in schools. I’m distressed that we don’t have more justice in our world. I’m distressed that from the White House come not words of inclusion and welcome and unity, but words stirring anger and bitterness and resentment and blame.

I’m distressed about all that, as I expect many of you are too. I am also mayor of this, a largely peaceful community. Largely peaceful, but not immune from violence, or prejudice, or bigotry, or untreated mental illness, or injustice, or anger.

I want to talk tonight generally about the state of our city, in many ways, from many angles. Some good things going on, and some challenges that remain. Before I do that, I know the past several days have seen one particular issue arise, about a purchase of a new armored vehicle to update and replace one formerly used by the Police Department. Like many issues, this has viewpoints on different sides, and many legitimate questions and concerns have been raised. I think we in government collectively did not air enough of those questions and concerns publicly early enough, and we’re making up time now. In fact, I’ve asked the Board of Public Safety, which is the civilian board overseeing the police department, whose members I appoint, to hold a public hearing in coming days, explicitly to review the policies, procedures, and training protocols that will accompany this vehicle. I’ve also asked the Police Department to conduct another public session, as was done earlier this week, in an upcoming evening to continue the dialogue about when, how, and why this vehicle can be used for public safety -- and importantly, when, how, and why NOT to be used as well.

I believe deeply that the more our community knows about our police department -- the people who work there, the policies followed, the actions taken, and yes the equipment used -- the better off we all are. And the same goes for police knowing our community better and better.

As your mayor, I will make decisions that I believe are in the best interest of our community. And I will make mistakes, and no doubt make some decisions that each of you disagrees with. We will all continue to listen and learn, and improve our community that way. I have been convinced that in this dangerous and heavily armed world, as we were just tragically reminded again yesterday in Parkland or last year in Las Vegas, or before that in Charleston, or Sandy Hook, or in less notorious but just as tragic domestic violence situations occurring regularly, this tool of an armored vehicle is important to protect our protectors in extremely dangerous situations, to allow them to do their work well, and to increase the chance that, God forbid, any of us is a victim in such a situation, we may survive. It’s an insurance policy for all of us, and a safety measure for our first responders. I appreciate that the discussion will and should continue, and look forward to continued community input about it, at the Board of Public Safety, with the Police directly, and in wider dialogues.

Tonight, I’m turning now to those other more general two’s: years past and future in this administration. And of course, the two HUNDRED years of our Bicentennial.

SECTION I - TWO YEARS IN

Right now, Bloomington is in the midst of special times of very big opportunities. Several of our largest employers are undertaking major expansions. Our growing small business and tech sector is building critical momentum. Our city itself is investing in several new public assets that will benefit our community for generations to come. Our levels of civic engagement - how many people are active in causes and for candidates -- are among the very highest in the nation (we learned that from last year's scientific survey of our residents...) And surely we would say we're in political times that are, perhaps "extraordinary" is the most polite word.

Last year, we talked about "building the city we want to live in." That it's up to us to create the community we want...

Before that 2016 was Say What We'll Do, and Do What We Say. We outlined the four basic pillars of our work – Jobs/Economy, Aff. Housing, Public Education, and Efficient & Innovative Govt.

Let's take a few moments to review some of the major activities and developments activities that have gone on in the past two years in Bloomington.

- We saw our largest private employer, Cook Group, announce a major new investment in our community
- We saw Bloomington's first "Unicorn," a new company sold for a Billion Dollars, as Cook Pharmica was sold to Catalent
- And IUHealth and IU have broken ground on a once-in-a-century effort, the new Regional Academic Health Center, the largest single investment project in our community's history
- Our region's largest employer, Indiana University, in the past two years has completed or under construction another \$400 million in facilities in Bloomington, and its student body continues to grow and diversify.
- The North American corporate headquarters and design center of Tasus will move downtown and plant a flag in the Trades District.
- And of course the new, planned expanded Convention Center and downtown hotel (a big step w F&B tax and now design/planning)
- These six significant development projects represent very important positive momentum for jobs in our community. Of course, much more than employment projects has been going on too.....
- Let's note Modernization of Sanitation; our now weekly single stream recycling and volume based trash pickup is expected significantly to increase overall recycling, and to protect our workforce from injuries.
- Our community must work for people of all walks of life, and that includes having Affordable Housing. In the past two years, nearly 2,800 new bedrooms in multifamily buildings have been approved for private investment. That's a big number, 2,800. I'm pleased that about 15% of that -- 422 bedrooms are new, dedicated long-term to be affordable for people with low- or middle-income, disabilities, or other special needs. We passed an Accessory Dwelling Unit ordinance. And we reduced the size of buildings that can build downtown By Right, to allow more public engagement. Those are all a start at chipping away at our affordability crisis; but we have a lot more work to do.....
- Many of us would contend that climate change is one of, if not THE greatest challenge facing our planet and thus our community. Much much needs to be done. I am very proud to report on the progress in local energy production during the past two years. It took Bloomington 10 yrs to install our first megawatt of local solar. And then in the past six months, we're seeing an additional five megawatts installed.
- We completed and are using the first ever scientific survey of local resident attitudes.
- We could spend a lot of time on Safe and Civil and Just City efforts, recounting last summer's challenges to public safety and overdoses and homelessness and more. We are spending a lot of time as a community meeting these challenges. I want to thank the many partners who have made great progress in building better safety, and civility, and justice, all three, in our community. Shalom extended to weekend hours. We instituted a new jobs program in our parks, to employ some of our brothers and sisters directly in solving the problem. We are focused on data and best practices to improve every day.
- Two years ago we were all concerned about rising levels of Disinfectant By-Products in our drinking water from Lake Monroe. Our great team at Utilities has gotten a handle on that and those levels have been dramatically reduced to well under federal health guidelines. CBU also is in the middle of major upgrades of their water, wastewater, and sewer lines, to assure us all of a top quality systems for decades to come.

- Like at CBU, our public safety departments -- fire, police and dispatch -- also have seen critical improvements in their equipment and training. You heard last week, perhaps, in our second annual public safety report about much of this.
- And Public Art continues to expand, with new public-private partnerships for beautiful murals adding more than 15,000 square feet of outdoor art brightening up our city!
- And I am so excited about the activation of the Dimension Mill building and the broader Trades District, which we've teed up over the past months with construction beginning very shortly.

We could go on and on with this list. So much has happened -- including our first autonomous vehicle demonstration showing our innovative side, the first annual community-wide Opioid Summit organized by the county responding to the epidemic of addiction, our first revisions to our Comprehensive Master Plan in 15 years, and on.

And I must mention that pending purchase of the current Hospital site, in which we the community will acquire 24 acres of prime downtown territory, at a very favorable price, to allow us together to chart the future activities there. A new HUB in the HEART of our city. It's a great opportunity.

That is a huge list of things going on, a review of 100 plus million dollars in public investments coming up and well over one billion dollars in private and non-city investments, and of course it misses hundreds of exciting projects, programs, dreams and plans among all of our people. And even cutting this list in half would describe a very ambitious and active time in our community. This is a Singular time in our history.

These good things happen only because city employees do a great job. And on our entire community's behalf, I thank them all for all they do....Over the past few months I joined and worked two public safety shifts, with firefighters at Station One for 24 hours. And with police for an 8-hour second shift one afternoon and evening. I wish every resident could experience that as I did (or working alongside sanitation workers, or at scene of a water-main break, or doing housing inspections, or planting trees in our parks.....) We are lucky to enjoy great work done 24/7 by our city employees....

As we track our performance as a government we always want to measure and be transparent about that, with you the public. For example we track the speed of arrivals of our fire department's responses to all the thousands of 911 calls every year. We measure how quickly a pothole gets filled after reporting.

Over the past couple of years, we have continued to invest in our workforce. a new four-year labor contract was approved for firefighters. A new Quartermaster system assures each of our 100 firefighters has safe, quality equipment; With council support, now every regular City employee earns at least \$15/hour, whether part-time or full. With council's support, and leadership from HR now at least 1% of payroll is dedicated to training and development.

We've embraced Transparency: B-Clear, Bloomington Revealed and our Dashboard share dozens of data sets, with more every month. At the Farmers Market or other venues, I or department heads host weekly public availabilities. I open my own office weekly for an hour of one-on-one meetings with any resident on any topic they choose.

Our new Innovation department has dug into operations all over City Hall and beyond, and helped implement new, more efficient ways to operate: from using drones in missing-person searches and fire inspections, to using LIDAR equipped trucks to map the quality of our streets and sidewalks, to using transcription services to get public meetings transcribed, online, and searchable so residents can access information much more easily.

Now not everything has worked as we intended. Remember I've always said we'll try things and they won't all work. We worked on our boundaries, also known as Annexation. I continue to believe that our local governments need to align better to provide better, reliable, sustainable services to all of our people. The state house had another idea. They also decided up there to outlaw inclusionary zoning down here -- a tool used all across the country to help support affordable housing. We're still working hard every week on digital infrastructure, despite hiccups and a national regulatory climate that has gotten more hostile to creative municipal solutions.

And there are certainly big challenges that persist in Bloomington: poverty, especially children experiencing poverty. Addictions, especially the explosion of opioids. Wrenching high housing costs - the highest in the state - that burden thousands of households. Homelessness, including for many families

with kids. Rapes reported in our city went up nearly 50% last year. Even in our progressive community, women are objectified and harrassed; transgender people face threats. And CASA caseloads, times when our community needs to step in to protect a child from danger, have skyrocketed.

I cannot help pausing and noting that our federal administration, which COULD do so much to help, often makes things harder these days: re opioids with a new focus on criminality and jails; affordable housing with funding cuts; infrastructure needs with proposed new private leverage prioritization; with irresponsible deficit spending to reward the top 1% of our economy with more and more wealth; and ultimately with a culture of disrespect and bigotry that weakens our country.

We witness failures in our own beloved community, People of the Muslim faith have been assaulted. So have people of color. We have seen swastikas painted on public places. It happens here. (In a state that still will not pass a hate crime bill, which the Herald Times appropriately deemed "APPALLING") Local institutions can objectify women in terrible ways.

We know we live amid state, national, and global trends that can be daunting. And we are not immune. But we are not passive either. I am so proud to see our community rising, over and over again, to respond to challenges like these. From Hands Across the Trail, to Women's Marches and pink hats, to Peace marches, to Black Lives Matters protests, to PRIDE events, to Bloomington United, to just this week the first State of the Black Community report.

Bloomington didn't change our character with the last election. And we continue our full-throated and deeply held support for ALL people, of whatever color, national origin, sexual orientation, gender identity, abilities, religion, ethnicity -- ALL are welcome in this community. And we know we are stronger in our diversity.

So for 2 years in, we've seen progress on jobs, housing, public education, and a government that works, and works more transparently for us. Our community is far from perfect of course. We have much work ahead. But we are improving. We are making progress. And I believe the State of our City is strong with very positive outlook ahead.

SECTION II - TWO YEARS AHEAD

A wonderful glimpse into the future came at the New Year's Eve event six weeks ago kicking off our Bicentennial year. One activity featured Wishing-Well notes for our community. Here are some favorites:

- To always be a welcoming, inclusive city that cares.
- I wish for Indiana ha[ve] more kindness.
- I wish people will stop feeling sorry and start seeing light in the dark.
- To have love in the air.

In the coming two years, we have VERY full plate of activities already, most of which have been outlined above. A few aspects deserve some special mention:

First, We have to manage all these active projects well, and leverage these investments for maximum public benefit. Given unprecedented activity levels we need to do these things right!! Therefore, we will be requesting additional support in the 2018 budget year for project management resources, to assure appropriate oversight of this unprecedented array of major projects. As well, strategic public investments can leverage the impact of these foundational projects. Think of the city as an investor on behalf of all of us, to get the most good out of these projects, for the long haul. You've already seen prudent but strategic property acquisition near Switchyard Park, and the Trades District, and the major property acquisition of the current hospital site. Expect to continue to see proposed public investments that can leverage the community value of these projects, for public benefits like affordable housing, community facilities, targeted development, greenspace and more.

Second, we will need significant public involvement in lots of planning work coming down the pike, from the Urban Land Institute process beginning to address the downtown 24 acres in early April, to our Unified Development Ordinance meetings, to Transportation and Sustainability planning sessions in the coming months. Or parking planning, if that's your thing. Or planning around the I-69 corridor, which we do expect will be completed to Martinsville this year. There are LOTS of opportunities to get involved in major planning for coming years, and I hope you will do so.

Third, beyond physical infrastructure, in which we see enormous activity and investment, how do we invest appropriately in the softer/human side to assure progress and opportunity and justice? This can get difficult with budget realities. As a city, how do we best increase investments in child care, education, health care, food security. And the arts, diversity and inclusion? We've made our first-ever direct investment of general funds in supporting Child Care slots this year. I want to thank the city council for your far-sighted support of this investment in our future. Getting our youngest residents a better start in life. We're expanding arts funding through the Arts Commission. And we're working to support our local food economy and healthier living.

Fourth, we must continue to get more effective, and innovate with, and expand transparency in, our daily government activities.

Continue modernization, for example finally getting computers for the thousands of field inspections we do annually of rental properties. tablets for HAND? we've grown to 1%, is it time to get to a training budget worth 2% of our payroll? Accreditation of police, and then fire departments.... (going from one to three nationally accredited departments). Animal Shelter opening. And sometimes the old is new too -- we plan to relaunch the old sidewalk-match program, to encourage private owners to improve the public sidewalks on their properties? And an announcement: this afternoon the city and IU signed a contract with Zagster/Pace, a leading company out of Massachusetts, to launch our community's New Bike Share in the spring!! Very exciting! Watch for it.

We have been energetically committed to sharing data about who works for the city, our diversity and our training. And data about how we are doing on meeting our goals. Check out the new website and public accessibility. By budget time this fall, I hope you all will find new accountability useful: we will focus on ways to make community investments, goals, and results even more transparent: here is an example of what I'm talking about. Every department will have public goals, and public report cards on how we're doing on those.

We also will continue work on big challenges, like our Digital infrastructure. And community development finance. And Our city boundaries and our collaborative role in the region.

Throughout it all we will hold fast to Bloomington values – inclusion, equity. Opportunity. Creativity. (Beverly Calender-Anderson has used this quote): “Diversity is being invited to the dance. Inclusion is being asked to dance.” (Verna Myers) Equity is having your music played ... Belonging is knowing all the songs ... Acceptance is when you get taken home from the dance.....”

One other important thing to mention about the coming couple years: we'll be completing a signature new PARK FOR THE AGES!! Construction will begin in May and be completed in 2019. And here's the new logo! Switchyard Park will bring multiple social, recreational, economic and environmental benefits to the community, and will include a signature pavilion and platform to draw visitors in for festivals, gatherings and recreation, A big outdoor stage to attract performers near and far, never-before-seen playground structures, a splash pad for hot summer days, pickleball and bocce courts, skate park, dog park, community gardens and more. The design is a tribute to the past and nod to the future. The Switchyard Park will be a destination park that is innovative, memorable and dynamic.

SECTION III - TWO HUNDRED YEARS TO CELEBRATE

So....this is a lot to process. There is a LOT going on in Bloomington, with your city government. (When you see a city employee, please thank them for all they are doing -- they are working very hard on a big number of efforts on behalf of all of us!!) And we SO appreciate all the partners who make this work possible. That's partners today, and of course all the partners from the past on whose shoulders we stand.

I want to turn for just a bit to think together about this Bicentennial Year during which we can be Looking Back and Paying Forward?? A year during which we can remember how lucky we are to benefit from 200 years of thousands (millions?) of individual and collective decisions that made Bton what it is today. And a year to commit to do our job, to do the same for future generations.

Change is coming. Bloomington will change. It WILL CHANGE. It always has, and it always will. And our job is to change well, not badly. The Bicentennial reminds us of our obligation to the next generations -- to pass along a city that will thrive, a community that will welcome and work for people from all walks of life, and from all corners of the globe, a place where justice is evident and where opportunity abounds.

Bloomington needs to be a city of choice for the next generations of caring, creative people who will chart the course and steer the ship for the coming decades.

With the Bicentennial we are taking some extra steps. Many events will come up this year, as City and County both celebrate together our joint birthday year. Tonight I want to share new details to help us honor the Bicentennial, helping create a more connected, sustainable, and equitable community:

- First, Trees. More trees make a healthier, more beautiful, more welcoming community, and a better future. A new initiative I'm announcing tonight is a tree program for residents to join: a way personally to join the Bicentennial tree effort as a family, grateful for previous generations, and investing in future generations. Details will come about planting in your own yard, or for donating a Bicentennial tree at a park or school, including as a memorial or gift. I hope you will seriously consider participating personally. (make mental notes of those birthdays, anniversaries, special dates coming up!)
- Second, Trails. We love trails, and so will the next generation. We're outlining an exciting new set of community-enhancing trails planned with the Bicentennial:
 - A Griffy Loop trail, to circle Griffy Lake with beautiful vistas, and new connectivity to the east and west
 - Including through Lower Cascades -- our oldest city park -- where we propose to limit vehicular traffic to one lane, one-direction, and create fabulous bike and ped connectivity through a beautiful valley
 - B-Line extension, both north and south -- up to 17th Street (and then west to county trails), and down along the Rail Trail to connect with....
 - A Jackson Creek Trail southern loop from Rhorer Rd to Fairfax Road, through the abandoned railroad, crossing South Walnut Street to the Clear Creek Trail Head at Church Lane/Rogers St
 - And here you can see the vision of a trail system looping all around our community, connecting to region, and with great inner spokes and links!
- Third, Jobs. We're announcing a Bicentennial Job Corps. A public works program to bring hard-to-employ people into the workforce (modeled after our successful efforts led by Parks downtown this summer). This Job Corps will help with some special Bicentennial efforts -- like extra pruning of trees, and mulching or invasive plant removals, like extra painting or overgrowth clearing or maintenance of sidewalks, helping hard-to-employ folks get jobs and build a record of successful work
- And if you have some more ideas about what we should be doing this Bicentennial Year, by all means let us know, and get involved!!

So we live in a place where, for a couple hundred years formally under the name Bloomington, people have gathered together, for the reasons people have been gathering in cities and towns across the planet for a few thousand years.

People gather in cities and intermingle. We interact and combine in new mixtures of faiths, backgrounds, languages, viewpoints, values, ethnicities, races, goals, And with that great intermingling, that increasing diversity and inclusion, we also get more creative, we innovate, we learn new things, from each other, from new combinations.

Recently I've been reading a book called "The New Localism: How Cities can Thrive in the Age of Populism." The age of populism referred to is the dangerous populism we've seen recently, nourished here and abroad, that is nostalgic, nationalistic, and nativist. This book urges that it is cities where the opposite can and must happen: that cities have the forward-looking, open-to-the-world, inclusive and welcoming approach to the world, where intermingling and innovation are valued and where diversity and inclusion are celebrated as strengths.

A year ago, we weren't really sure what was going to happen at the federal scene. Now we know more. It's dysfunctional where we would like support. It's not hard to get frustrated or maybe even furious these days about all manner of things. And that's OK, But look at this picture. And think about the the New Localism.

There really are hundreds of cities charting the future of America. We are one of those (in fact we're number 251 of MSAs if you're counting by size) We're one of those communities..... that Malcolm Abrams described in the current Bloom mag "where people still care about truthfulness and science, refugees and climate change, fair elections and competent judges, the value of art and the danger of guns, affordable health care for all, and treating people with dignity no matter their race, color, religion or gender identity." And we are far from alone -- America is full of cities and people like this.

As we're at our 200th birthday, let's remember how America celebrated its 100th birthday -- the symbol we chose, and the lasting power that symbol carries, for us, and across all our communities and the planet. Last year we spoke about this torch and our relay race of democracy.....how we in our community must continue the progress toward a more perfect union -- step by step, forward not backward -- and that is right.

This year, and in this place, I want us to remember that we in our relay race, here in Bloomington, we are part of hundreds of these efforts across our country. There is a GREAT RESILIENCE to our country and our people. As Jim Sims said at the wonderful Rosa Parks birthday celebration at our downtown Transit Center earlier this month [led by the fabulous Gladys Devane and Liz Mitchell] -- the power in people is greater than the people in power.

And I also very much want us to remember that our city -- despite all these projects and activities -- our city is really our people, and who we are, and what we want? and how we treat each other. and how we create the community we want, for each other, and for the future generations. I'm talking about everyone in this room and far beyond, through your volunteer work, public service, corporate partnerships, advocacy, activism that great Bloomington RISING, we see every day - even when it challenges us and pushes us in government and makes us better. That's our great system. That's messy and beautiful democracy. And goodness knows we need more of that in 2018, and beyond.

It is such a blessing to be among you all, people who love this city and each other, to carry forward that mission together.

THANK YOU..... And remember this is a birthday year for our city, and what is a birthday without cake?! Please join us for a slice of cake and conversation. THANK YOU!!"

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 21, 2018, at 6:31pm with Council President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 21, 2018

Roll Call: Chopra, Piedmont-Smith, Granger, Volan, Sandberg, Sims, Rollo, Ruff (arrived 6:35pm)
Absent: Sturbaum

ROLL CALL
[6:31pm]

Council President Dorothy Granger gave a summary of the agenda.

AGENDA SUMMATION
[6:32pm]

Councilmember Steve Volan moved and it was seconded to approve the minutes of October 24, 2017. The motion was approved by voice vote.

APPROVAL OF MINUTES
October 24, 2017 (Special Session)
November 07, 2017 (Special Session)
[6:33pm]

Volan moved and it was seconded to approve the minutes of November 07, 2017. The motion was approved by voice vote.

Councilmember Jim Sims presented a Conflict of Interest Disclosure Statement related to Resolution 18-04 and explained that he would be recusing himself from the discussion and vote for that resolution.

REPORTS
• COUNCIL MEMBERS
[6:35pm]

Granger moved and it was seconded to accept the Conflict of Interest Disclosure Statement of Sims.

The motion was approved by roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to Accept Conflict of Interest
Disclosure Statement [6:35pm]

Councilmember Susan Sandberg recommended her colleagues read *A Better Way to Zone* by Donald Elliott.

Volan addressed the Critical Incident Response Team (CIRT) armored vehicle town hall meeting that took place the previous night. He said he had posted a letter online that detailed his thoughts on the issue.

Councilmember Isabel Piedmont-Smith thanked people for attending the CIRT town hall meeting. She emphasized the importance of time and reflection on the matter.

Byron Bangert, Chair of the Bloomington Human Rights Commission, presented the 2018 BHRC Award to Bloomington PRIDE.

• The MAYOR AND CITY
OFFICES [6:42pm]

There were no reports from Council Committees.

• COUNCIL COMMITTEES

Mark Haggerty spoke about the need for dialogue with the Council regarding the CIRT vehicle and assault weapons.

• PUBLIC [6:48pm]

Andrea Ford spoke about making Switchyard Park Bloomington's first natural playground.

Sandberg moved and it was seconded to appoint Erin Hatch to the Bloomington Commission on Sustainability. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:00 pm]

Sandberg moved and it was seconded to appoint Andrew Findley to the Bloomington Arts Commission. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Brian Richardson, Jr. to the Commission on the Status of Black Males. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Jim Rosenbarger to the Bicycle and Pedestrian Safety Commission. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Larry Haywood and Sarah Ryterband and appoint Colin Elliot to the Traffic Commission. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Chris Neggers and Nicholas Kappas to the Environmental Commission. The motion was approved by voice vote.

Volan moved and it was seconded that Resolution 18-04 be introduced and read by title and synopsis only. Chief Deputy Clerk Stephen Lucas read the legislation by title and synopsis.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:02 pm]

Volan moved and it was seconded that Resolution 18-04 be adopted.

Resolution 18-04 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2018

Doris Sims, Director of the Housing and Neighborhood Development Department, presented Resolution 18-04. Sims explained that the City was eligible to apply for the Community Block Development Grant (CDBG) on a yearly basis. She said 15% of the funds were allotted to social services, 20% of the funds were used for administrative costs and 65% of the funds were for physical improvement projects. There was an application process through which community organizations could ask to receive CDBG funding. Sims estimated that the city would have \$700,000 to allocate from the CDBG program. Sims outlined organizations and projects that would receive CDBG funding for 2018 in the social services, administrative, and physical improvement categories.

Councilmember Dave Rollo noted that the Crestmont renovation had been part of CDBG funding in previous years. He asked if that project was close to being finished.

Council Questions:

Sims said the project was about 75% complete.

Rollo asked if the Crestmont renovation would require further funding after 2018.

Sims answered that the renovation could require several more cycles of CDBG funding.

Rollo mentioned that there had been discussion about ending CDBG funds. He asked Sims if she had any insights.

Sims was confident that the Housing and Neighborhood Development department would receive funds for 2018. She was unsure about receiving allocations in future years.

Councilmember Andy Ruff added that Crestmont was built at different times and therefore needed renovations at different times.

There was no public comment.

Public Comment:

Sandberg noted that there were limited funds for social services and that all organizations seeking funds were worthy.

Resolution 18-04 (cont'd)
Council Comments:

Rollo thanked Sims and the committees for their work and spoke against cutting CDBG funds by the federal government.

Piedmont-Smith thought the sidewalk project on West Adams Street was a very important project and was happy to see it funded.

Granger said she appreciated the thoughtful way Sims has planned for a potential cut of CDBG funds.

The motion to adopt Resolution 18-04 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Sims out of room).

Vote on Resolution 18-04 [7:19pm]

Volan moved and it was seconded that Ordinance 18-02 be introduced and read by title and synopsis only. Lucas read the legislation by title and synopsis, giving the committee do-pass recommendation of 9-0.

Ordinance 18-02 – An Ordinance Re-Establishing the Cumulative Capital Development Fund under IC 36-9-15.5

Volan moved and it was seconded that Ordinance 18-02 be adopted.

Jeff Underwood, Controller, presented Ordinance 18-02. Underwood explained that the Cumulative Capital Development (CCD) fund was used mostly to maintain infrastructure within the city, such as sidewalks, trails and streets. It was funded primarily by property taxes. The rate was indexed, so if a community grew, the rate was lowered in order to maintain a flat amount. Underwood stated that the purpose of Ordinance 18-02 was to reset the rate from 4.8 cents per 100 dollars of assessed value to 5 cents, which would result in an additional \$100,000 of funding to start in 2019. The priority for the funds would be installation and repair of city sidewalks. The city also intended to resurrect a previously-available cost-share program for low income areas. This sidewalk repair program involved the city paying for the labor and the resident paying for materials. Underwood explained that the meeting served as the public hearing for the CCD fund and a 30-day remonstrance period would follow.

Rollo asked for clarification as to whether the Department of Local Government Finance (DLGF) would approve raising the rate to 5 cents and if it would automatically reduce the rate with growth.

Council Questions:

Underwood said he anticipated approval as long as the city adhered to the statute. He confirmed that the rate was automatically indexed, so the new rate was only guaranteed for one year.

Volan asked if the CCD funds could be used for the repair of sidewalks and asked how the labor would be funded.

Underwood said that CCD funds could be used for the repair of sidewalks. He said that the city could perform the work but could also contract out to allow for more flexibility.

Volan asked how the cost-share program would work.

Underwood explained that the money from homeowners would go to the city and the city would subsequently buy the materials, but the city could contract the labor to offset costs. Discussions about hiring more staff or contract out would take place after approval.

Volan asked how the public could let the city know they wanted a sidewalk repaired.

Underwood replied that the city would establish methods online and in person.

Volan asked if the fund was solely dedicated to sidewalk repair.

Ordinance 18-02 (cont'd)

Underwood said that the funds would be split between low income areas and sidewalks that require the most repair.

Rollo said he was concerned that the cost-share program would not be effective enough in offsetting costs for low income residents.

Underwood explained that the city would look for matching programs before deferring to residents.

There was no public comment.

Public Comment:

Piedmont-Smith voiced her support for Ordinance 18-02. She said that property tax caps were bad public policy because the wealthiest members of the community would not see any increase in their property taxes and she believed that was not fair. Piedmont-Smith also reminded everyone that a \$100,000 increase in the CCD fund was a relatively modest increase.

Council Comments:

Rollo voiced support for directing funds towards low income areas.

Granger noted that many sidewalks were in poor shape and she supported the ordinance.

The motion to adopt Ordinance 18-02 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Ordinance 18-02 [7:33pm]

Volan moved and it was seconded that Ordinance 18-03 be introduced and read by title and synopsis only. Lucas read the legislation by title and synopsis, giving the committee do-pass recommendation of 9-0.

Ordinance 18-03 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Batman-Waldron House at 403 West Kirkwood Avenue

Volan moved and it was seconded that Ordinance 18-03 be adopted.

Rachel Ellenson, Program Manager of Historic Preservation, gave the presentation for Ordinance 18-03. Ellenson explained the Batman Waldron house was built in 1895 as a wedding present to Mary Waldron from Ira Batman, who was a prominent Bloomington figure. The style of the house was unique in that it was seen in only 5% of structures in the United States. The house received a survey rating of outstanding from the State of Indiana. Nancy Garrett, the owner and petitioner, would be receiving funds to repair the roof of the house. Ellenson said that by designating the house as a historic district, the city would be better able to protect the original house. Designation would help the house receive funding for further needed repairs.

Rollo asked if there were any other significant changes to the structure other than the addition in the back and the damage to the roof.

Council Questions:

Ellenson explained most of the exterior was intact. In the interior, some walls had been taken down to open the space up but most of the floor plan was intact. Mrs. Garrett had left some of the original flooring.

Volan asked if the shingles were painted blue.

Ellenson said that the shingles were gray but there was blue wooden trim.

Rollo said the house was an outstanding Bloomington building and he appreciated Mrs. Garrett seeking historic designation.

Council Comment:

The motion to adopt Ordinance 18-03 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Ordinance 18-03 [7:46pm]

Volan moved and it was seconded that Resolution 18-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis, giving the committee do-pass recommendation of 5-1-2.

Resolution 18-02 – To Establish a Land Use Standing Committee of the Common Council

Volan explained that the resolution delineated the Land Use Committee’s purpose, the number of members, and a requirement for the committee to entertain a motion to refer land use issues to the committee.

Sandberg moved and it was seconded to adopt Amendment 02 to Resolution 18-02.

Amendment 02 to Resolution 18-02

Amendment 02 Synopsis: This amendment is sponsored by Councilmember Sandberg and strikes the requirement that one member of the Land Use Committee must be the Council’s representative to the Plan Commission. As provided by the Bloomington Municipal Code, the Council President appoints the members of this Committee, “observing the preference of each member as closely as possible.” BMC 2.04.210. Therefore, under this rule and this amendment, while the Council’s representative to the Plan Commission may be one of the members of the Land Use Committee, there is no requirement to do so.

Sandberg explained that the amendment removed the requirement that the Council’s Plan Commission representative serve on the Land Use Committee.

Rollo said he was sensitive to requiring a councilmember to serve on the committee. He asked if the Plan Commission representative could volunteer to serve on the committee if so desired.

Council Questions:

Sandberg said the amendment did not preclude the Plan Commission representative from serving on the committee.

Volan recognized Sandberg’s concern with taking on additional responsibilities. He offered to amend the resolution to say that the Plan Commission representative was not expected to serve on the Land Use Committee until the following year. He did not think it made sense to have a Land Use Committee without the Plan Commission representative as a member.

Sandberg thought the participation of the Plan Commission representative should be left up to the discretion of the Council President. She noted that she was not only concerned about her own workload.

Rollo asked Council Attorney Dan Sherman if public notice would be required for committee meetings.

Sherman said yes.

There was no public comment.

Public Comment:

Piedmont-Smith agreed with Volan that it made sense to have the Plan Commission representative serve on the Land Use Committee and was not in favor of the amendment.

Council Comments:

Granger spoke in favor of the amendment because it would be good for the Plan Commission representative to receive feedback from the Land Use Committee.

Amendment 02 to Resolution 18-02 (cont'd)

Volan thought a four-person committee was the best fit for the Council. He believed the committee would become a de facto five person committee without the Plan Commission representative and he did not support the amendment.

Piedmont-Smith pointed out that there was no better way for the Plan Commission representative to get feedback from the Land Use Committee than to serve on the committee.

Rollo recognized the significant time commitment required to serve on the Land Use Committee and was wary of compelling someone to serve on the committee.

Sandberg said that the Council President previously had the power to appoint members to committees and thought the President should retain that power due to the several extenuating circumstances that might arise.

Volan said he did not believe that the Land Use Committee would add a significant amount of time to any councilmember's duties.

The motion to adopt Amendment 02 to Resolution 18-02 received a roll call vote of Ayes: 6, Nays: 2 (Volan, Piedmont-Smith), Abstain: 0.

Vote on Amendment 02 to Resolution 18-02 [8:04pm]

The motion to adopt Resolution 18-02 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Resolution 18-02 as amended [8:05pm]

Volan moved and it was seconded that Ordinance 18-01 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING
Ordinance 18-01 –
To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Sidewalk Requirements and Sidewalk Variances Set Forth in BMC 20.05.010, 20.05.051, 20.09.130, 20.09.135 & 0.11.020

Sherman reminded the Council of its upcoming schedule.

COUNCIL SCHEDULE

The meeting was adjourned at 8:10pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2018.

APPROVE:

ATTEST:

Dorothy Granger, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington