

City of Bloomington Common Council

Legislative Packet

**Wednesday, 2 May 2018
Regular Session**

- For legislation and background material regarding App. Ordinance 18-01 and App. Ordinance 18-02 please consult the [18 April 2018 Legislative Packet](#).
- For legislation and background material regarding Resolution 18-08 and an amendment to App. Ordinance 18-01, 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
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Notices:

- **Reminder of Annual Budget Advance – Tuesday, May 1, 2018 in the McCloskey Room at 5:30 pm**

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

- **App Ord 18-01** To Specially Appropriate from the General Fund, Parks General Fund, Local Road & Street Fund, Parking Meter Fund, Jack Hopkins Social Services Funding Program Fund, and Vehicle Replacement Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2017 for Unmet Needs in 2018)
 - Memo to Council from Jeff Underwood, Controller

Contact: Jeff Underwood at 812-349-3412, underwoj@bloomington.in.gov

→ *Please consult the packet issued in interest of the Regular Session on 18 April 2018 for initial legislation and background material.*

- Am 01 (Sponsor, Cm. Piedmont-Smith) – Correcting Grammatical and Typographical errors

→ *Please consult this packet for Am 01 which was sponsored by Cm. Piedmont-Smith and given a Do Pass Recommendation of 7-0-0 at the Committee of the Whole after being amended at that meeting.*

- **App Ord 18-02** Additional Appropriation for Bloomington Transportation Corporation for 2018 (for Studies and Two Buses)
 - State Form 55819 – Certified Copy of Additional Appropriation (See Section II, E (Net Amount of Increase))
 - Budget Form 2 – Estimate of Miscellaneous Revenue
 - Memo to Council from Lew May, General Manager

Contact: Lew May at 332-5688 or mayl@bloomingtontransit.com

→ *Discussed at the Committee of the Whole on April 25th and ready for consideration under the Second Readings and Resolutions at the Regular Session on Wednesday, May 2nd.*

Please consult the legislative packet issued for the Regular Session on 18 April 2018 for legislation and background material.

- **Res 18-08** To Amend Resolution 18-05 which Approved an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Regarding Building Code Authority (To Reconcile Two Versions of the Agreement)
 - Exh A – Version of Interlocal Agreement Signed on March 28, 2018
 - Exh B – Version of Interlocal Agreement Approved by the Council with adoption of Res 18-05 on March 21, 2018
 - Memo to Council from Philippa Guthrie, Corporation Counsel;

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

→ *To be introduced and discussed at one hearing at the Regular Session on May 2nd. Please see this packet for the legislation and related information and material.*

**Legislation to be Introduced under First Reading at the Regular Session on
Wednesday, May 2, 2018**

None

Minutes

- January 17, 2018 (Regular Session)
- March 21, 2018 (Regular Session)

Memo

Meeting Reminders:

UDO Assessment Meeting - Council and Council Land Use Committee	Tuesday, May 1st	11:00 am (Chambers)
<u>Budget Advance</u>	Tuesday, May 1st	5:30 pm (McCloskey Room)
Council Sidewalk Committee	Wednesday, May 2nd	12:00 pm (Council Library)

Items for Consideration and Introduction at the Regular Session on Wednesday, May 2, 2018

There are three items ready for consideration under Second Readings and Resolutions and no items ready for introduction under First Readings next Wednesday night. As noted above, this packet and the [packet](#) issued for the Regular Session on April 18th, will need to be consulted for the various legislation and background material.

Second Readings and Resolutions

Item One – App Ord 18-01 (Appropriation of Reversions) – Am 01 and Follow-Up Questions

The first item under Second Readings and Resolution is App Ord 18-01, which would appropriate a portion of reversions at the end of last year for use by departments this year. Please note that there is an amendment (Am 01) in this packet, which is sponsored by Cm. Piedmont-Smith and corrects some grammatical and typographical errors in various whereas clauses. In addition, please recall that there were a series of requests for more detail that the Controller agreed to provide.

Item Three – Res 18-08 (Amending Res 18-05, which approved an Interlocal Agreement with the County Regarding Building Code Authority, in Order to Reconcile Two Versions of the Agreement)

Res 18-08 reconciles two versions of the Interlocal Agreement with the County regarding Building Code services. One version was approved by the Common

Council with adoption of Res 18-05 in mid-March of this year. The other version was approved by the County Commissioners later that month within days of its expiration at the end of March and was signed by the Mayor before the existing agreement elapsed.

As noted in the weekly [Council Legislative Packet](#) issued for the Regular Session on March 21, 2018, the City and County may enter into interlocal agreements under IC 36-1-7 et seq and have had ones regarding building code services in place for over twenty-years. For an overview of the history and particulars of these agreements, please see the aforementioned legislative packet.

Res 18-08 amends Res 18-05 to approve the version of the interlocal agreement approved by the Commissioners at the end of March. The differences between the two versions are briefly described and explained in the Memo to the Council provided by Philippa Guthrie, Corporation Counsel. In brief, the version approved by the Council would have: corrected some citations, job titles, and grammar; removed a provision providing for cancellation by either party after 30-day written notice to the executive of the other party; and, extended the agreement for 21 months. The version approved by the County: except for correction of some job titles, did not address the “clean-up” language; kept the 30-day cancellation provision; and, only extended for another nine months (until January 1, 2019).¹

¹ A strikeout version comparing Exh A with the 2017 agreement is available in the Council Office.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
6:30 P.M., WEDNESDAY, MAY 2, 2018
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: 17 January 2018 – Regular Session
21 March 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. App Ord 18-01 – To Specially Appropriate From the General Fund, Parks General Fund, Local Road & Street Fund, Parking Meter Fund, Jack Hopkins Social Services Funding Program Fund, and Vehicle Replacement Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2017 for Unmet Needs in 2018)

Committee recommendation:

App Ord. as amended

Do Pass: 3-1-3

Am- 01:

Adopt: 7-0-0

2. App Ord 18-02 – Additional Appropriation for Bloomington Transportation Corporation for 2018 (for Two Buses and Studies)

Committee recommendation:

Do Pass: 7-0-0

3 Resolution 18-08 To Amend Resolution 18-05 Which Approved An Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana Regarding Building Code Authority (To Reconcile Two Versions of the Agreement)

Committee Recommendation:

Do Pass: N/A

VII. LEGISLATION FOR FIRST READING: *None*

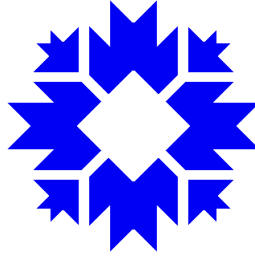
VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

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**

MEETING NOTICE

Common Council

Budget Advance

**Tuesday, 1 May 2018
5:30pm**

**McCloskey Room, Room 135
City Hall, 401 North Morton**

The Common Council will hold a *Budget Advance* Tuesday, May 1, 2018 at 5:30pm in the McCloskey Conference Room (#135). As a quorum of the Council will be present, this meeting constitutes 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.

Posted: Friday, 27 April 2018

Supplemental Materials

App Ordinance 18-01

Amendment - 01

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

Appropriation

Ordinance #: 18-01
Amendment #: Am 01
Submitted By: Cm. Piedmont-Smith, District V
Date: April 25, 2018

Proposed Amendment:

1. App Ord 18-01 shall be amended by adding the word “Division” after the words “Animal Care & Control” in the first Whereas Clause on the first page of the ordinance so that it will read as follows:

WHEREAS, the Animal Care & Control Division desires to increase its budget Classification 1 – Personal Services, Classification 3 – Services and Charges, & Classification 4 – Capital Outlays in order to provide for use of a grant from the Subaru Corporation for a pilot program to decrease length of stay, training and the installation of outdoor fencing; and

2. App Ord 18-01 shall be further amended by adding the word “Department” after the words “Community and Family Resources” in the fifth Whereas Clause on the first page so that it will read as follows:

WHEREAS, the Community & Family Resources Department desires to increase its budget in Classification 2 – Supplies and Classification 3 – Services and Charges in order to provide additional supplies, education and training for City employees, and printing needs; and

3. App Ord 18-01 shall be further amended by adding the word “an” before the words “outside consultant” in the last Whereas Clause on the first page of the ordinance so that it will read as follows:

WHEREAS, the Parks Department for the Parks General Fund desires to increase its budget in Classification 3 – Services & Charges and Classification 4 – Capital Outlays in order to provide for an outside consultant, equipment, and vehicle replacement; and

Synopsis

This amendment is sponsored by Cm. Piedmont-Smith and corrects some typographical errors in two of the whereas clauses for this appropriation ordinance.

Note: This amendment was amended at the Committee of the Whole to correct a typographical error in the first Whereas Clause.

4/25/18 Committee Action: Recommendation to Amend Am 01 to Correct Typographical Error in first Whereas Clause
Do Pass: 7 – 0

5/2/18 Regular Session Action: Pending

(April 25, 2018)

RESOLUTION 18-08

**TO AMEND RESOLUTION 18-05 WHICH APPROVED AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA REGARDING BUILDING CODE AUTHORITY
(To Reconcile Two Versions of the Agreement)**

WHEREAS, on March 21, 2018, the Common Council of the City of Bloomington (“Council”) considered Resolution 18-05 to approve the Building Interlocal Agreement, which is incorporated herein as Exhibit B (“Agreement”) between the City of Bloomington and the Monroe County;

WHEREAS, on said date, the Council approved the Agreement and extended the Agreement to December 31, 2019; and

WHEREAS, on March 28, 2018, the County Commissioners approved an extension to the previous year Building Interlocal Agreement, which is incorporated herein as Exhibit A, by extending the expiration date of that Agreement through January 1, 2019; and

WHEREAS, there are minor differences between the two agreements; and

WHEREAS, the City of Bloomington wishes to amend Resolution 18-05 to reconcile said differences and to request the approval of the version of the Building Interlocal Agreement that was approved by the County Commissioners on March 28, 2018;

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 January 1, 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 approved on March 28, 2018, 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.

DORORTHY 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 resolution amends Resolution 18-05 to reconcile two versions of the interlocal agreement with Monroe County regarding the combining and coordinating of certain building code services. One version was approved by the Common Council by adoption of Resolution 18-05 in mid-March and the second version was approved by the County Commissioners later that month, just days before the existing agreement was to expire. The City of Bloomington and Monroe County have cooperated regarding the provision of these services for well over a decade and the major difference between these two agreements is that the version approved by the County would expire at the beginning of 2019 and the version approved by the County would expire at the end of that year. This resolution adopts the version of the agreement approved by Monroe County.

Exhibit A - Agreement Signed on March 28, 2018

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE
CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA
REGARDING BUILDING CODE AUTHORITY THROUGH JANUARY 1, 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 which provides for the waiver of fees under specified conditions for eligible affordable housing projects up to the amount of \$2,500.00 per year.
- 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 January 1, 2019. This Agreement may be renewed by mutual agreement of the parties for an appropriate term of years. This Agreement may be canceled by either party upon thirty (30) days written notice to the executive of the other party.
- 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.

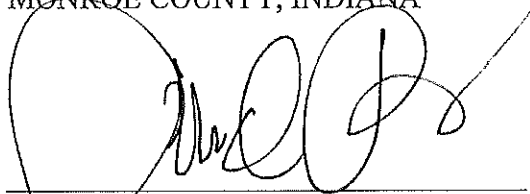
Whenever this Agreement requires the approval, consent and/or cooperation of a party (or parties), said approval, consent and/or cooperation shall not be unreasonably withheld.

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.

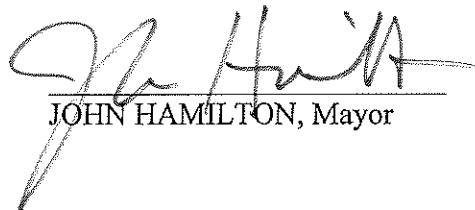
SO AGREED this 28 day of March, 2018.

MONROE COUNTY, INDIANA



AMANDA BARGE, President
Monroe County Board of Commissioners

CITY OF BLOOMINGTON, INDIANA



JOHN HAMILTON, Mayor

DOROTHY GRANGER, President
Bloomington Common Council

ATTEST:

CATHERINE SMITH, Auditor

ATTEST:

NICOLE BOLDEN, City Clerk

Exhibit B - Interlocal Agreement Approved by the Common Council
with Adoption of Res 18-05

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.

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

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"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: 04/23/2018

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.

On March 21, 2018, the Common Council approved an extension of the Building Interlocal Agreement (“2018 Agreement”) until December 31, 2019. The 2018 Agreement presented to Council contained minor changes to address a few language clean up issues from the previous year’s Building Interlocal Agreement (“2017 Agreement”).

On March 28, 2018, the County Commissioners approved a different version of the Building Interlocal Agreement (“County 2018 Agreement”) which extended the expiration date to January 1, 2019. In all, the County 2018 Agreement contained the following changes from the 2017 Agreement:

- The title was changed to show the extension of the Agreement through January 1, 2019.
- The fourth whereas clause reflected the date of the 2018 Agreement’s expiration.
- In Part 2K, the titles were updated for “City Planning and Transportation Director” and “Transportation and Traffic Engineer.”
- Part 3C was updated to state that “The term of this Agreement shall be from April 1, 2018 through January 1, 2019.”

When the County notified us that they had approved a different version, they indicated that it was because a couple of questions had come up about the 2018 Agreement but there was insufficient time to work through them. The 2017 Agreement was on the verge of expiration. They decided that extending the existing 2017 Agreement, which had worked well for both parties, was the most expedient course of action, and they therefore made only the minimal changes related to dates and position titles.

With no time for the City to reconcile these two documents before the 2017 Agreement expired, and because the County 2018 Agreement was so similar to the 2017 Agreement, we asked the Mayor to

sign the County 2018 Agreement so that the understanding of the parties regarding building permits would be governed by one document. We are therefore here to request that the Council approve the version of the Building Interlocal Agreement that was approved by the County Commissioners and signed by the Mayor.

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, January 17, 2018 at 6:33pm with Council President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 17, 2018

Roll Call: Ruff, Sturbaum (arrived 6:37pm), Chopra, Piedmont-Smith, Granger, Volan, Sandberg, Sims, Rollo
Members Absent: None

ROLL CALL
[6:31pm]

Council President Dorothy Granger gave a summary of the agenda.

AGENDA SUMMATION
[6:31pm]

There were no minutes for approval at the meeting.

APPROVAL OF MINUTES

Councilmember Isabel Piedmont Smith read a passage from a speech given by Dr. Martin Luther King, Jr.

REPORTS [6:33pm]

- COUNCIL MEMBERS

Councilmember Allison Chopra recognized the members of the Dr. Martin Luther King, Jr. Birthday Commission and complimented them on a recent program.

Jim Blickensdorf, Chair of the Parking Commission, presented a financial report on the city's parking system, a copy of which would be kept in the City Clerk's Office. He reviewed the 2016 financial status of the parking system, the Parking Commission's approach to parking policy, and how pricing might influence consumer behavior.

- The MAYOR AND CITY OFFICES

Councilmember Andy Ruff asked if differential pricing referred to pricing that would change based on time, location, or both factors.

Council Questions:

Blickensdorf said it generally referred to pricing based on location.

Chopra asked if there were data that showed how the installation of parking meters had changed parking utilization rates during May and June.

Blickensdorf said that occupancy rates could only be tracked by looking at meter data. He said there were no data about utilization rates before the meters were installed.

Councilmember Steve Volan said there had been some counts completed as part of previous parking studies, but those counts had not been paired with data from the meters. He imagined that parking utilization rates had not decreased after the installation after the meters. He thought that data could be better organized for a future report.

Councilmember Jim Sims asked if the Parking Commission had given any consideration to the idea of shared parking at various large lots in the city.

Blickensdorf said it had been discussed generally but specific locations had not been discussed.

Sims noted that the neighborhood parking program was not put in place to generate revenue, but to help provide parking for neighborhood residents. He asked if raising the amounts for violations of those regulations had been considered.

Blickensdorf pointed out that many of the neighborhood zones had changed over time. He suggested that fee structures could be different depending on the zone. He pointed out that permit fees for the neighborhood zones had not been raised in years.

Councilmember Chris Sturbaum asked whether the high number of tickets issued in the neighborhood zones was evidence of high competition for those spots and the need to continue providing protection for those neighborhoods.

Blickensdorf said that was one way to look at the issue. But he cautioned that there were only a limited number of spots available in the zones. He said some zones did not have enough available spots for the permits issued.

There were no committee reports.

There was no public comment.

There were no appointments to boards or commissions.

There was no additional public comment.

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. At its meeting on January 10, 2018, the Council introduced Resolution 18-01 while also affirming and ratifying all actions taken in regard to the Comprehensive Plan (Plan) in 2017. Please refer to the minutes from those meetings for a description of the procedure for consideration of the resolution and amendments thereto.

Piedmont-Smith moved and it was seconded to adopt amendments (115, 119, 121, 123, 124, 126, 127, 128, 129, 130, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 150, 151, 152, 153, 154, 155, 156, 157, 158, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 171, 172, 173, 176, 178) listed under the consent agenda.

The motion to adopt amendments listed under the consent agenda received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Councilmember Dave Rollo introduced and described the amendment. He read the text it would add to the Plan introduction.

Scott Robinson, Planning Services Manager, said that staff supported the amendment and had no concerns about many of the upcoming amendments. He explained that staff requested that the amendments not be placed on the consent agenda largely because the amendments added new text to the Plan, which he thought warranted discussion.

Volan moved and it was seconded to adopt Amendment 01 to Amendment 116.

The motion to adopt Amendment 01 to Amendment 116 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Gwen White, Jan Sorby, Cynthia Bretheim, and Jon Lawrence spoke in support of the amendment.

Piedmont-Smith thanked Rollo for proposing the amendment.

Ruff thanked Rollo for the amendment.

REPORTS (cont'd)

- The MAYOR AND CITY OFFICES

- COUNCIL COMMITTEES

- PUBLIC

APPOINTMENTS TO BOARDS AND COMMISSIONS

ADDITIONAL PUBLIC COMMENT

CONTINUATION OF CONSIDERATION OF THE CITY'S COMPREHENSIVE PLAN (PROPOSED IN 2018 BY RESOLUTION 18-01 AND IN 2017 BY RESOLUTION 17-28) [7:30pm]

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

CONSENT AGENDA:

Vote on Consent Agenda Items [7:35pm]

Amendment 116

Amendment 01 to Amendment 116

Vote on Amendment 01 to Amendment 116 [7:45pm]

Public Comment:

Council Comment:

Volan said that Bloomington had been steadily growing, in large part because of larger enrollments at Indiana University (IU). He cautioned that growth should not be a substitute for sustainability. He supported the amendment.

Amendment 116 (cont'd)

Councilmember Susan Sandberg noted that IU had recently admitted its largest class. She expected that its growth would continue and thought that the city should plan accordingly within the framework of sustainability.

Rollo said the amendment did not specify what type of quality of life indicator should be used, so that an appropriate indicator could be selected later.

The motion to adopt Amendment 116 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 116 as amended [8:01pm]

Ruff introduced and read the amendment.

Amendment 117

Robinson said staff supported the amendment.

Rollo said he supported the amendment and the idea that growth should not be confused with quality of life.

Council Comment:

Piedmont-Smith thanked Ruff for proposing the amendment. She thought it did a good job of providing context for the Plan. She agreed that physical growth, by itself, was not sustainable. She appreciated the clarifications provided by the amendment.

Ruff thanked staff for working with him on the amendment. He clarified that the amendment was not in response to some intentional statement by staff that called for growth as a proxy for economic development. He proposed it to avoid misinterpretations of the Plan.

The motion to adopt Amendment 117 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 117 [8:10pm]

Ruff introduced and read the amendment. He thought that labor had been inadvertently omitted from the Plan and explained that the amendment was meant to rectify that.

Amendment 118

Robinson said the omission of labor in the Plan was not intentional and staff supported the amendment.

Jackie Yenna spoke in support of the amendment.

Public Comment:

Sandberg thanked Ruff for the amendment. She thought conversations about affordability in the community were incomplete without conversations about wages. She noted the important role labor played in fighting for fair wages.

Council Comment:

Rollo agreed with Sandberg's comments and thanked Ruff for noticing the oversight.

Piedmont-Smith read another passage from a speech given by Dr. Martin Luther King, Jr that emphasized the importance of the labor movement. She thought it was important to include the labor community as part of the Plan.

Amendment 118 (cont'd)

Ruff thanked the members of the labor community who had provided suggestions for the amendment.

Granger thanked Ruff and commented on the importance of labor organizations.

The motion to adopt Amendment 118 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 118 [8:23pm]

Ruff introduced and read the amendment. He thought the concept of import substitution was important to include in the Plan.

Amendment 120

Robinson said staff supported the amendment.

Volan moved and it was seconded to adopt Amendment 01 to Amendment 120.

Amendment 01 to Amendment 120

The motion to adopt Amendment 01 to Amendment 120 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Amendment 120 [8:29pm]

Piedmont-Smith thanked Ruff for the amendment. She agreed import substitution was important and should be a part of sustainability.

Council Comment:

Volan expanded on the concept of import substitution and said he supported the amendment.

Rollo said the amendment was a valuable addition to the Plan. He encouraged people to buy local products and reviewed some of the benefits of doing so.

Sandberg said supporting local businesses also helped local non-profit organizations.

Ruff spoke about how conserving energy allowed local money to stay in the community.

The motion to adopt Amendment 120 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 120 as amended [8:37pm]

Sandberg introduced and described the amendment. She explained that an amendment previously considered had included confusing language and Amendment 122 was intended to revise and clarify that language. She detailed the methodology used to create projected population levels and housing needs for the city through 2040.

Amendment 122

Volan agreed that concerns over the previous amendment were warranted and more context was needed. He thanked Sandberg and staff for the effort put into Amendment 122.

Sandberg added that a more comprehensive housing study might be needed in the future.

Robinson thanked Sandberg and Volan for working with staff on the amendment.

Councilmember Jim Sims hoped that any future housing study would look at individuals who worked in Bloomington but lived outside Monroe County due to its high cost of housing.

Amendment 122 (cont'd)
Council Comments:

Volan agreed with Sims' comment and looked forward to such a housing study.

Piedmont-Smith said she appreciated the amendment, because having good data was important. She, Volan, and Amelia Lewis, Zoning and Long Range Planner, discussed the chart included with the amendment.

Sturbaum noted that the chart reflected that many residents were paying more for housing than they could afford.

Sorby spoke in favor of the amendment.

Public Comment:

Volan said the data in the amendment made was more reflective of the trends in Bloomington than the previous language. He said the amendment also reflected the disparity in available housing for people with certain income levels.

Council Comment:

Granger said data were important and she appreciated the graph that accompanied the amendment.

The motion to adopt Amendment 122 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 122 [8:54pm]

Ruff introduced and described the amendment.

Amendment 125

Robinson said staff supported the amendment.

Sorby thanked Ruff for the amendment.

Public Comment:

Sturbaum said the amendment made good changes that better reflected the spirit of Bloomington.

Council Comment:

The motion to adopt Amendment 125 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 125 [8:59pm]

Rollo introduced and described the amendment.

Amendment 131

Robinson said staff supported the amendment.

Sturbaum asked if Rollo considered creating a Bloomington happiness report, based on Bhutan's Gross National Happiness concept. He thought such a report could be done annually.

Council Questions:

Rollo said the amendment called for a general quality of life survey, but he thought whatever measurement tool was used should have utility and be comparable to other cities.

Piedmont-Smith asked why "Quality of Life Survey" was capitalized in the amendment if it did not refer to a specific survey. She suggested amending the amendment.

Sturbaum thought it was appropriate to capitalize the term, as it could refer to a specific report in the future.

Kennedy spoke about the importance of local control and input on a future quality of life survey.

Public Comment:

Terry Amsler suggested amending the amendment to indicate the survey would be recurring.

Amendment 131 (cont'd)

Sturbaum suggested adding that the quality of life survey would be citizen-created and recurring.

Council Comment:

Chopra asked Sturbaum's suggested changes would pose problems when it came time for the city to actually conduct the survey.

Robinson said the Plan should be general and not specify how the city would phrase the request for proposals.

Rollo thought inserting the word recurring was appropriate.

Rollo moved and it was seconded to adopt Amendment 01 to Amendment 131.

Amendment 01 to Amendment 131

The motion to adopt Amendment 01 to Amendment 131 was approved by unanimous consent.

Vote on Amendment 01 to Amendment 131 [9:14pm]

The motion to adopt Amendment 131 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 131 as amended [9:15pm]

Piedmont-Smith introduced and described the amendment.

Amendment 132

Robinson said staff supported the amendment.

Sims asked if the amendment was directed at the administration.

Council Questions:

Piedmont-Smith said that the Plan as a whole applied to all of city government, but said that the administration often initiated annexation proposals.

Lawrence spoke in support of the amendment.

Public Comment:

Sandberg thought the amendment was a good idea. She noted that the city and county had been in discussions during a recent annexation proposal before the state legislature passed legislation to end the city's annexation efforts.

Council Comment:

Volan echoed Sandberg's comments.

Sturbaum said discussing such proposals with the county made sense.

Chopra believed the administration would discuss such proposals with the county regardless of whether the Plan called for it or not. She said she supported the amendment.

The motion to adopt Amendment 132 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 132 [9:20pm]

Rollo introduced and described the amendment.

Amendment 138

Robinson said staff supported the amendment.

Sims asked if the standards included in the amendment were the minimum federal drinking water standards.

Council Comment:

Rollo said that was correct, and added that the Utilities Department already attempted to meet those standards 100% of the time. He explained the amendment simply encapsulated that goal within the Plan.

Piedmont-Smith thanked Rollo for proposing the amendment and for incorporating her suggestions into the amendment.

Amendment 138 (cont'd)

Rollo thanked the Friends of Lake Monroe group, who had suggested the amendment to Rollo.

The motion to adopt Amendment 138 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 138 [9:25pm]

Rollo introduced and described the amendment. He explained the amendment was the product of revising the previously introduced Amendment 100. He said the amendment was meant to encourage maintaining the rhythm and character of a particular area.

Amendment 100-R

Piedmont-Smith added that the amendment allowed contemporary or modern architecture as long as that architecture fit with the existing characteristics of an area.

Robinson noted that a reference in the amendment needed to be updated to reflect a change in the policy numbers. He also questioned the need for the amendment. He noted staff supported the original language in the Plan and thought the amendment actually contradicted other portions of the Plan.

Sturbaum said there was a difference between diversity of housing types and diversity of housing design. He asked why there was encouragement for diverse design.

Council Questions:

Robinson said it fit within Goal 5.2 and was consistent with the overall structure of that goal. He thought the amendment was a directive to do nothing but maintain, which conflicted with other portions of the Plan that encouraged diversity in housing. He said there were regulations within the city's zoning ordinance to ensure compatibility with things like set-backs, heights, and materials. He said he did not see the need to revise the original policy.

Piedmont-Smith thought the amendment flowed naturally from the goal by sustaining neighborhood character and building neighborhood pride through the built environment. She also agreed with Sturbaum that there was a difference between diverse housing types and diverse housing designs. She thought there was no conflict.

Volan asked what other aspects of a type of housing existed other than prevailing pattern of development, building distribution, and scale.

Piedmont-Smith said one could distinguish between single family or multi-family housing. She said a house could fit in with the surrounding building character but be a duplex or triplex.

Volan said he still saw contradictions and was not persuaded by the explanation.

Granger asked Dan Sherman, Council Attorney, if a friendly amendment was needed to correct the reference to Policy 5.2.6.

Sherman confirmed that the change was in writing.

Lawrence commented on the distinction between housing types and housing designs. He thought the amendment was meant to encourage compatible design.

Public Comment:

Sorby spoke in favor of the amendment.

Bretheim spoke in support of the amendment.

Amendment 100-R (cont'd)

Rollo asked staff to respond to the comments pointing out a contradiction between sustaining neighborhood character but also encouraging diverse architectural design.

Council Comment:

Robinson said the goal was talking about housing in the community, not just neighborhoods. He reiterated that staff supported the original language in the Plan and did not understand the need to amend it. He did not think the original language would allow someone to build something in a neighborhood that was out of context.

Sturbaum thought the amendment made the language clearer and would support it.

Piedmont-Smith did not think the amendment prevented diverse architecture and said it would help allay concerns for neighborhoods, so she would support it.

Volan thought the amendment created a conflict with Amendment 141, or would confuse readers of the Plan who had not followed the meetings where housing types were discussed.

Rollo said he supported the amendment.

Granger said she would support the amendment and did not think it was incompatible with Amendment 141.

Granger moved and it was seconded to adopt Amendment 01 to Amendment 100-R.

Amendment 01 to Amendment 100-R

The motion to adopt Amendment 01 to Amendment 100-R was approved by unanimous consent.

Vote on Amendment 100-R as amended [9:58pm]

Ruff said he agreed with staff and would vote no on the amendment.

Council Comment:

Sims said he was concerned the amendment would discourage neighborhoods from having a diverse range of income levels.

Piedmont-Smith said Policy 5.1.3 encouraged a wide range of housing options and types for all income levels.

The motion to adopt Amendment 100-R as amended received a roll call vote of Ayes: 5, Nays: 3 (Ruff, Volan, Sims), Abstain: 1 (Chopra).

Vote on Amendment 100-R as amended [10:02pm]

Rollo introduced and described the amendment. He explained that a previous version had been introduced and withdrawn, but was reintroduced after revision.

Amendment 104-R

Robinson said staff supported the amendment.

Sorby spoke in support of the amendment.

Public Comment:

Bretheim requested that the Council listen to the concerns of residents and spoke in support of the amendment.

Chopra said she appreciated the amendment for affirmatively stating what the city wanted as opposed to what it did not want.

Council Comment:

The motion to adopt Amendment 104-R received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 104-R [10:08pm]

Ruff introduced and described the amendment. He explained that even if the city had the ability and means to expand roadways, there would be limited interest in doing so.

Amendment 148

Robinson said staff supported the amendment.

The motion to adopt Amendment 148 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 148
[10:11pm]

Rollo introduced and described the amendment.

Amendment 159

Robinson said staff supported the amendment.

Sorby spoke in support of the amendment.

Public Comment:

The motion to adopt Amendment 159 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 159
[10:13pm]

Piedmont-Smith introduced and described the amendment. She explained that the amendment was an attempt to describe where increased density would be appropriate.

Amendment 170

Robinson said staff supported the amendment.

Sturbaum said he read the amendment as leaving open the possibility of three or four-story buildings but not as prescribing them.

Council Questions:

Piedmont-Smith agreed.

Volan asked if College Avenue was an urban corridor.

Piedmont-Smith thought that a portion of the street might fall into that category, but a majority of it was in the downtown district.

Volan asked if urban corridors were not considered part of downtown.

Piedmont-Smith said that was correct.

Volan asked if urban corridors were the only place that were appropriate for taller developments.

Piedmont-Smith said no. She said the amendment merely encouraged higher densities in urban corridors.

Volan asked if a similar statement was made in other districts.

Piedmont-Smith thought not, but said there were already taller buildings downtown.

Volan pointed out that many residents opposed taller buildings, even downtown. He asked why taller buildings would be accepted in urban corridors.

Piedmont-Smith thought that most residents opposed buildings taller than four stories but there was still a need for additional development and increased density somewhere. She thought the urban corridors were an appropriate location for such density.

Sorby, Lawrence, and Bretheim spoke in support of the amendment.

Public Comment:

Sturbaum thought the amendment was broad but said he would trust that the Unified Development Ordinance (UDO) update process and other systems would not allow buildings in inappropriate locations.

Council Comment:

Granger said she liked the amendment and appreciated that it stated things in positive terms rather than listing what the city did not want.

Volan said he thought members of the public were mostly concerned with building height and size. He suggested that the Council and the Council of Neighborhood Associations (CONA) should educate the public about the UDO and the Plan. He said he did not oppose the amendment.

Amendment 170 (cont'd)

Sandberg said she had heard concerns about increased density, but she said additional housing had to go somewhere. She liked that the amendment specified where it was most appropriate to put such housing.

Rollo thought the urban corridors were logical locations for higher densities. He thought additional details could be worked out later and would support the amendment.

Volan reiterated his earlier comments.

Piedmont-Smith said some residents had concerns other than height, including lack of modulation, uninteresting architecture, and little interest for pedestrians.

Chopra said she also heard complaints about big, tall buildings, but wondered what the alternative to such buildings would be. She did not think the answer was urban sprawl. She said she would be voting no because she thought the UDO update process was a more appropriate time to discuss the issue.

The motion to adopt Amendment 170 received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 1 (Volan).

Vote on Amendment 170
[10:36pm]

Piedmont-Smith introduced and read the amendment. She described the concept of a Lifetime Community and explained that the Commission on Aging had been working on the concept for some time.

Amendment 174

Robinson said staff supported the amendment.

Sandberg said the concept of a Lifetime Community was exciting and interesting. She said she would help encourage and support such developments any way she could.

Council Comment:

The motion to adopt Amendment 174 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 174
[10:40pm]

Volan introduced and described the amendment.

Amendment 175

Robinson said staff supported the amendment.

The motion to adopt Amendment 175 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 175
[10:43pm]

Volan introduced and described the amendment.

Amendment 177

Robinson said staff supported the amendment. Robinson also thanked the Council for its time and attention to review and amend the Plan as a whole. He appreciated the effort the Council put into the review process.

Volan thanked Robinson and staff for their efforts.

Piedmont-Smith asked how the acknowledgements page could be edited if names were missing.

Amendment 177 (cont'd)
Council Questions:

Volan suggested that the page could be edited after adoption but before it was published. He also suggested that Council could authorize staff to make amendments.

Sherman suggested that the Council President could be authorized to review the page and approve it.

Chopra suggested that Council staff be listed on the page.

Volan said he would support that.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Amendment 177.

Amendment 01 to Amendment 177

The motion to adopt Amendment 01 to Amendment 177 was approved by unanimous consent.

Vote on Amendment 01 to Amendment 177 [10:52pm]

The motion to adopt Amendment 177 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 177 as amended [10:54pm]

Volan moved and it was seconded that Resolution 18-01 be adopted.

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

Ruff, Sturbaum, Piedmont-Smith, Granger, Volan, Sandberg, Sims, and Rollo expressed appreciation and thanks to all those who had worked on and provided input for the Plan.

Council Comment:

The motion to adopt Resolution 18-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Resolution 18-01 [11:06pm]

The Council and Sherman spoke about the upcoming schedule.

COUNCIL SCHEDULE [11:07pm]

Volan moved and it was seconded to cancel the Committee of the Whole scheduled for January 24, 2018. The motion was approved by voice vote.

The meeting was adjourned at 11:08pm.

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

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, March 21, 2018 at 6:30pm with Council President Dorothy Granger presiding over the Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 21, 2018

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

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 January 10, 2018. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:32pm]
January 10, 2018 (Organizational Meeting)

Volan moved and it was seconded to approve the minutes of February 15, 2018. The motion was approved by voice vote.

February 15, 2018 (Special Session)

Volan moved and it was seconded to approve the minutes of February 21, 2018. The motion was approved by voice vote.

February 21, 2018 (Regular Session)

Councilmember Isabel Piedmont-Smith spoke about the Women's History Month luncheon that was held earlier that day.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Alex Crowley, Director of the Economic and Sustainable Development Department, gave the Council an update on the Trades District project and the Dimension Mill project.

- The MAYOR AND CITY OFFICES [6:39pm]

Dr. Gwendolen White, President of the Bloomington Commission on Sustainability (BCOS), presented its first-ever Sustainability Awards to Madeline Hirschland, One World Enterprises, and the Center for Sustainable Living.

There were no reports from Council Committees.

- COUNCIL COMMITTEES

Cathi Crabtree spoke to the Council about the Monroe County chapter of Showing Up for Racial Justice (MC-SURJ) and its opposition to the city purchase of an armored vehicle.

- PUBLIC [7:09pm]

Volan moved and it was seconded to reappoint Marcus Debro and appoint Dianne Shewmaker to the Dr. Martin Luther King, Jr. Birthday Commission. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:14pm]

Volan moved and it was seconded to revoke the appointment of Zaira Hernandez to the Commission on the Status of Women for cause. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Jacqueline Fernette and appoint Nana Amoah-Ramey, Landry Culp, and Lynne Shiffriss to the Commission on the Status of Women. The motion was approved by voice vote.

Volan moved and it was seconded that Resolution 18-05 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.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:15pm]

Volan moved and it was seconded that Resolution 18-05 be adopted.

Resolution 18-05 To Approve of
Interlocal Cooperation Agreement
between the City of Bloomington
and Monroe County – Re: Building
Code Authority
Council Questions:

Anahit Behjou, Assistant City Attorney, presented the legislation.

Councilmember Chris Sturbaum asked if the agreement was a routine renewal.

Behjou said that was correct.

Piedmont-Smith asked if the city and county paid each other to perform the functions in the agreement.

Behjou said they did not.

Piedmont-Smith asked what funds could be needed for the interlocal agreement as referred to in part six.

Behjou said that she could get the information.

Councilmember Dave Rollo asked if a two-year extension was typical for the agreement.

Behjou said it varied.

Rollo asked if the city negotiated issues like building efficiency or building materials as part of the agreement.

Behjou said she was not aware of any discussions.

Councilmember Jim Sims asked about the removal of text that allowed for cancellation of the agreement with 30-days notice.

Behjou said it was not inserted because neither the city or county had tried to terminate it early.

Granger asked how much time Behjou would need to get answers for Piedmont-Smith.

Behjou said she could review the agreement and contact someone for more details.

Piedmont-Smith moved to postpone voting on the resolution until the next regular session, and said she also wanted answers to Rollo's questions.

Dan Sherman, Council Attorney, said that the agreement expired at the end of the month and there would be some time in April without an agreement in place.

Rollo asked what would happen if the agreement expired.

Behjou said the county handled the city building code and the city handled the zoning. She said there would not be an agreement for a while.

Rollo asked what the real effect would be.

Sherman said it would have to be discussed with the county and that there was no real way to answer that question.

Sturbaum asked if there had been any problem with the current agreement.

Behjou said there was not.

Sturbaum said the parties were bound by state code and it seemed like a routine matter.

Volan moved and it was seconded to postpone further consideration of Resolution 18-05 until after the third item on the agenda.

Motion to postpone Resolution 18-05

The motion to postpone Resolution 18-05 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to postpone Resolution 18-05 [7:25pm]

Volan moved and it was seconded that Ordinance 18-06 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 8, Nays: 0, Abstain: 0.

Ordinance 18-06 – To Amend Title 16 of the Bloomington Municipal Code 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)

Volan moved and it was seconded that Ordinance 18-06 be adopted.

Chris Wheeler, Assistant City Attorney, presented the legislation.

Council Questions:

Sturbaum asked how the city inspection of fire extinguishers and smoke detectors worked.

Wheeler said Title 16 adopted by reference the building and safety codes, which still allowed for inspections. He said the city would still be able to enforce through those mechanisms.

Sturbaum asked if overlapping and unnecessary sections of the code were being removed.

Wheeler said none of them were necessary and that they overlapped with state code. He said the deviation from state code was enough that the Indiana Fire Prevention and Building Safety Commission disliked the city code.

There was no public comment.

Public Comment:

Granger said that she was frustrated that the state thwarted the city’s role in protecting its citizens.

Council Comment:

The motion to adopt Ordinance 18-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 18-06 [7:31pm]

Volan moved and it was seconded that Ordinance 18-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 2, Nays: 0, Abstain: 6.

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

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

Amelia Lewis, Zoning and Long Range Planner, presented the legislation.

Council Questions:

Councilmember Allison Chopra asked if the proposed legislation addressed enforcement.

Lewis said that the legislation attempted to address enforcement by giving property owners additional options prior to installing a fence.

Chopra asked if there would be less enforcement because people were already adhering to the behaviors in the proposed legislation.

Lewis agreed and said it would ideally result in fewer variance requests and decreased enforcement.

Chopra asked if there had been variance requests due to the deer population.

Lewis said that was not a primary concern. She said more of the requests were about a desire to use a portion of a yard for children or pets.

Chopra asked why people wanted higher fences.

Lewis said the legislation primarily dealt with the location of fences. She said most people typically put up a six-foot privacy fence.

Ordinance 18-04 (cont'd)

Rollo asked if the majority of the variance requests in the last ten years had been approved.

Lewis said yes.

Rollo asked if the complaints to U-Reports in the last year had been violations.

Lewis said those were violations as a result of complaints.

Rollo asked if those fences had to be taken down since they did not comply with code.

Lewis said they had to be taken down or had to apply for a variance.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 18-04.

Amendment 01 to Ordinance 18-04

Amendment 01 Synopsis: This amendment was mentioned by the Planning and Transportation staff at the Committee of the Whole and is sponsored by Cm. Piedmont-Smith. 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.

Lewis reviewed the amendment for the Council.

The motion to adopt Amendment 01 to Ordinance 18-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 18-04 [7:47pm]

Sturbaum moved and it was seconded to adopt Amendment 02 to Ordinance 18-04.

Amendment 02 to Ordinance 18-04

Amendment 02 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.)*

Sturbaum explained the amendment to the Council. He said that some of language in the amendment was intended to clarify for the average reader and that he liked the redundancy of the language.

Lewis said staff objected to the language in the amendment because it was redundant and it only applied to a small portion of the fence rather than regulating everything that happened on the secondary frontage.

Sturbaum asked if the language was harmful.

Council Questions:

Lewis said it was not harmful, but staff preferred the language to apply to the entire length of the fence rather than just one-third of it.

Granger asked if changing that language would help staff support the amendment.

Lewis said it would.

Sturbaum said he would accept a friendly amendment.
Rollo said that he did not understand what the discussion was about and asked for a diagram to be put up on the screens.

Amendment 02 to Ordinance 18-04
(*cont'd*)

Volan agreed with Rollo. He asked how open-construction was defined.

Lewis said it was intended to be defined through description in the legislation.

Volan asked if staff and Sturbaum were okay with the lack of definition.

Sturbaum said he wanted to avoid over-regulating to avoid enforcement issues and unintended consequences.

Volan asked if there was a better way to be more specific in order to avoid future disputes.

Sturbaum said there was simple language in other legislation and a common understanding of what was meant by the term open-construction. He said if there was a problem the Council could come back and fix the issue.

Rollo asked for a walk-through of the amendment with a diagram.

Sturbaum explained the amendment with the drawing that Volan held up for the camera.

Granger asked why the amendment was written to only apply to one fence and not all fences.

Sturbaum said the focus was on the public realm, which meant street-facing fences. He encouraged open-construction on other fences, but said it was not the Council's primary concern.

Rollo asked if the hand-drawn diagram was consistent with what had been shown on the screen.

Lewis explained how the amendment would work with the diagram shown on the screen.

Sturbaum moved and it was seconded to make a friendly amendment to Amendment 02 to Ordinance 18-04.

Friendly amendment to
Amendment 02 to Ordinance 18-04

Sturbaum said that he would like to strike the words "facing streets or sidewalks" from Amendment 02 so that staff would support the amendment.

Sims asked if plexiglass would be an acceptable material instead of lattice work.

Lewis said she thought it would and that the legislation specified that the fence needed to be made of durable materials.

Sturbaum suggested that plexiglass would not be allowed because it would yellow and become opaque over time.

Rollo asked if durable materials were defined and if staff had a list for the purposes of enforcement.

Lewis said they did not have a list of durable materials.

Rollo said that the durable materials language needed to be defined or struck from the amendment.

Volan asked if a fence would be allowed if the first five feet were made of wood, and the next three feet were chain-link.

Sturbaum and Lewis said chain-link was a prohibited material.

Chopra suggested the wording could be changed to say that the open construction should be made out of the same material as the fence itself.

Sturbaum said he thought it was implied in the legislation.

Granger suggested removing “durable materials” and instead having “same material as the rest of the fence”.

Lewis said the reason for the “durable materials” language was to allow for a metal top and a wood bottom, which staff thought was an acceptable option for homeowners.

The motion to adopt the friendly amendment to Amendment 02 received a voice vote of Ayes: 8, Nays: 0, Abstain: 1 (Volan).

Rollo asked how staff felt about striking the language regarding durable materials, since there was a list of prohibited materials.

Lewis gave an example of a fence made of netting and wood, which would not be prohibited but was also not desirable.

Sturbaum said the Council should want fences built out of durable materials.

Rollo said if that was the case then the Council should change the code or define durable materials.

Sturbaum said he thought people knew what durable materials were.

There was no public comment.

Rollo said the Council was creating a potential problem for enforcement if it was not clear what durable materials consisted of.

Sims said he preferred definitions and that part of the legislation felt restrictive.

Volan said he thought the terms needed more definition and that the legislation was not ready for a vote that evening.

Councilmember Andy Ruff agreed with the need for more clarity in the amendment. He agreed with Sims that there was a restrictiveness to the amendment that he was uncomfortable with.

Chopra said she did not like the amendment because it was confusing. She said if the legislation was not clear and readily usable then it was not good legislation. She said an amendment should not be heard on the same night as a final vote because it made the Council feel like the decision should be rushed through.

Piedmont-Smith thought it was a good amendment and appreciated the fact that it was in the packet prior to the meeting.

Councilmember Susan Sandberg agreed with Piedmont-Smith. She said she was concerned about delaying a vote because she did not want to impair citizens’ abilities to design their yards the way they wanted. She said she would vote yes on the amendment.

Volan said he thought the amendment was too complicated for the time allotted, and suggested that Sturbaum bring it forward again after it was revised.

Granger said she liked the amendment but would like to see it applied to all fences.

Sturbaum said it was a simple amendment. He called public-facing fences with open-construction “good neighbor” fences. He said people could understand what a lattice-topped fence was. He said

Amendment 02 to Ordinance 18-04
(cont’d)

Vote to adopt friendly amendment
to Amendment 02 [8:14pm]

Council Questions:

Public Comment:

Council Comment:

the Council could go back and revise if needed rather than agreeing to giant barricade fences.

Amendment 02 to Ordinance 18-04 (cont'd)

The motion to adopt Amendment 02 as amended to Ordinance 18-04 received a roll call vote of Ayes: 3 (Sturbaum, Piedmont-Smith, Sandberg), Nays: 6, Abstain: 0. FAILED.

Vote to adopt Amendment 02 as amended to Ordinance 18-04 [8:36pm]

There was discussion about the best way to postpone discussion of the legislation.

Ruff asked if staff looked at other communities to compare their fencing regulations.

Council Questions:

Lewis said staff looked at other city ordinances to see how they were written.

Sturbaum asked if discussion of the regulations had occurred at the Bicycle and Pedestrian Safety Commission.

Lewis said it had.

There was no public comment.

Public Comment:

Volan said he was not opposed to postponing discussion on the legislation to give Sturbaum more time to revise his amendment. He said he saw the value of open construction but wanted better definitions.

Council Comment:

Chopra said she wanted to vote on the ordinance that evening but would be voting no.

Sturbaum asked his colleagues to vote to postpone discussion on the legislation.

Ruff said he had tremendous admiration for Sturbaum's passionate and diligent work to promote and further develop the quality and appearance of the community's built environment. He also did not believe that staff would propose bad policy. He thought the issue of the legislation fell somewhere between staff and Sturbaum's views.

Chopra believed the Council should vote on the legislation that evening.

Volan said that it was possible to amend the legislation right then or to amend the code later. He did not think staff was trying to put forth bad policy.

Sandberg moved and it was seconded to postpone of Ordinance 18-04 until the next regular session or as determined by Council leadership.

Motion to postpone Ordinance 18-04

Piedmont-Smith said the motion seemed reasonable in light of the upcoming Council schedule.

Chopra asked Sandberg why she moved to postpone.

Sandberg said she listened to all of the comments and thought the confusion could be rectified by another two weeks worth of work.

Sturbaum reminded the Council that Planning agreed that there was a good way to change the legislation.

The motion to postpone Ordinance 18-04 received a roll call vote of Ayes: 7, Nays: 2 (Ruff, Chopra), Abstain: 0.

Vote to postpone Ordinance 18-04 [8:58pm]

Volan moved and it was seconded that Resolution 18-05 be taken off the table and reopened for discussion.

Behjou explained to Piedmont-Smith that building permit fees were divided between the city and county. She said the money had to go back to the budget and in order for that to happen there had to be an appropriation clause.

Piedmont-Smith clarified that it was revenue coming in that needed to be appropriated before it was spent.

Behjou said that was correct.

Behjou told Rollo that the county did not have any rules regarding building materials. She said the city had guidelines in the Unified Development Ordinance (UDO), but they could not require more than what the state allowed.

Rollo asked if it was because state law preempted local codes.

Behjou said that the city could enforce what was in the UDO to the extent that state law allowed.

Rollo asked if it could be required during the building permit process.

Behjou said building materials were not reviewed during the permitting process. She said that the city could review the materials when the project came to the city for certified zoning compliance.

Chris Reinhart spoke about UDO building standards and the state code.

Rollo thanked Reinhart for his comment. He said that he hoped more time would be available for future interlocal agreements.

Sandberg thanked Reinhart. She said the interlocal agreement was the best path forward and she supported it.

The motion to adopt Resolution 18-05 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Volan moved and it was seconded that Ordinance 18-05 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Granger appointed Chopra, Volan, Piedmont-Smith and Sturbaum to the Council Land Use Committee.

There was no public comment.

There were no changes to the council schedule.

The meeting was adjourned at 9:08pm.

Resolution 18-05 To Approve of Interlocal Cooperation Agreement between the City of Bloomington and Monroe County – Re: Building Code Authority

Public Comment:

Council Comment:

Vote to adopt Resolution 18-05 [9:05pm]

LEGISLATION FOR FIRST READING

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)

ADDITIONAL COMMITTEE APPOINTMENTS [9:06pm]

ADDITIONAL PUBLIC COMMENT

COUNCIL SCHEDULE [9:06pm]

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

For Approval