City of Bloomington
Common Council

Legislative Packet

Wednesday, 14 December 2016

Special Session

All material contained herein.

Office of the Common Council
P.O. Box 100
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Bloomington, Indiana 47402
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http://www.bloomington.in.gov/council

City of Bloomington Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@bloomington.in.gov

To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **December 9, 2016**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:

- **Notice** of Cancellation of Committee of the Whole on Wednesday, December 14, 2016 and Replacing it with a Special Session

Legislation and Background Material for First and Second Reading at the Special Session on Wednesday, December 14, 2016:

- **Ord 16-44** – To Amend Title 20 of the Bloomington Municipal Code, Entitled "Unified Development Ordinance" (Amending 20.05.020 "CF-01 [Communication Facility; General]")
    - Memo to Council from Planning and Transportation and City Legal

Contact: Christy Langley at 812-349-3459 or langleyc@bloomington.in.gov

- **Res 16-45** To Ratify Adoption of Ordinance 16-26 which Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2017 and Take All Steps Necessary and Proper To Approve these Salaries for 2017
    - Memo to Council from Council Attorney/Administrator

Contact: Dan Sherman at 812-349-3409 or shermand@bloomington.in.gov

Memo

Replacing Committee of the Whole with Special Session on Wednesday, December 14th –

Two Ordinances for First and Second Reading – Possible Wrap-up of Year that Evening

The end of the year is coming to a close, with three meetings left on the Council schedule. These include a Committee of the Whole next Wednesday (on December 14th), a Staff-Council Internal Work Session the following Monday (on December 19th), and a Regular Session later that week (on Wednesday, December 21st). There are two ordinances that can be addressed in one evening if that is the will of the Council. With that in mind, the Council voted last Wednesday to cancel the Committee of the Whole next week and replace it with a Special Session to introduce, discuss, and, if ready, take final action on these pieces of legislation in one night. Please know that those ordinances are included in this packet and are summarized herein.

Special Procedure to Adopt Ordinances on the Same Day and Same Meeting in which They are Introduced

Special procedures are required under local code (BMC 2.04.300) for one of the ordinances (Ord 16-44) and under the same local code provision and State law (IC 36-4-6-13) for the other ordinance (Ord 16-45). In order to comply with these provisions, these ordinances appear on the Special Session Agenda under First Reading and Second Readings. The vote to introduce each of these ordinances requires the unanimous consent of the Council and the vote on passage of each of these ordinances require a two-thirds majority of the entire Council (i.e. at least six members).

Possible Wrap-Up of Council Business for the Year Next Week

It's possible next Wednesday for the Council to finish consideration of legislation and wrap-up its regular meetings for the year. One activity scheduled for the Regular Session on December 21st – the opening of proposals for guaranteed savings contracts – can be rescheduled for January 11th without impairing the program timeline. An announcement by the President regarding the rescheduling of the opening of those proposals and a motion to cancel the Regular Session would allow the Council to finish-up a week earlier than planned.

First and Second Readings at the Special Session on Wednesday, December 14th

Item One -- Changes to Title 20 – Communication Facilities

At the end of 2015, the Council considered **Ordinance 15-26**, an ordinance certified from the Plan Commission. **Ordinance 15-26** made a number of changes to Title 20 (the UDO), ranging from routine "clean up" to changes to performance and maintenance bond requirements. However, perhaps one of the most significant changes occasioned by **Ordinance 15-26**, was its revision to the City's permitting of cell towers, revisions that were made to bring local code into compliance with new State statutory requirements.[1] In 2015, the Indiana General Assembly added a new chapter to the Indiana Code governing permits for wireless service providers. The measure was intended to provide a state-wide uniform framework for all applications for new cell towers, substantial modifications, and collocation requests. While the new provision constrained the ability of local units to make certain requirements of wireless providers, it made clear that the new provision does not "affect the ability of a permit authority to exercise zoning, land use, planning, or permitting authority otherwise allowed under law, including IC 36-7, with respect to the siting of new wireless support structures." IC 8-1-32.18.

While the Plan Commission's changes tracked where the towers can or cannot be sited, the changes inadvertently deleted other elements of permissible local control, such as screening, setback, and lighting.[2] **Ordinance 16-44** adds these zoning requirements back in, in substantially similar form. As recounted in the legislation's "Whereas" clauses, the intent of these additions is to minimize the visual impacts of these towers and to protect residential areas from the potential adverse effects of such towers.

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[1] HEA 1318 created I.C. 8-1-32.3, "Permits for Wireless Service Providers."

[2] Notably, cell phone towers are only permitted in three of the City's fifteen zoning districts: Industrial General (IG); Institutional (IN) and Quarry (QY). Cell phone towers are listed as conditional uses in four districts: Residential Estate (RE); Commercial Arterial (CA); Business Park (BP); and Medical (MD).

Ordinance 16-44 adds the following construction requirements to BMC 20.05.020 C-01 "Communication Facility; General." The additions are substantially similar to the construction requirements deleted with the 2015 change; where the requirements vary, the variation is noted in the below.

Additions:

- **Monopole**: All towers must be of a monopole design. Monopole design is a single tube tower and is distinguishable from other cell tower designs, such as lattice work towers or guyed wire towers. This requirement is identical to that previously deleted.
- **Setback**: Towers must be set back from all property lines a minimum distance equal to the calculated fall zone. Note that the previous version of the UDO located this distance at 80'; however, the new State law provides that the City may not impose a fall zone requirement larger than the area within which the wireless support structure is designed to collapse. I.C. 8-1-32.3-17.
- **Lighting**: Only lighting that is used for safety or security purposes or required by the FAA, other federal law or State law is permitted. Any lighting is required to be oriented inward, so as to not project on surrounding properties. This requirement is identical to that previously deleted.
- **Height**: Towers may not exceed a height of 199' from the base of the structure to its highest point, including appurtenances. This requirement is identical to that previously deleted.
- **Screening**: Any tower must include the following screening requirements:
    - An 8' opaque wall surrounding the tower and
    - An evergreen screen consisting of either shrubs planted at a maximum of three feet on center or evergreen trees planted at a maximum of 10 feet on center. At the time of planting, all plants must be at least 5 feet tall.

Plan Commission Action

The Plan Commission is scheduled to consider this change to the UDO on Tuesday, 13 December, the night before Council consideration. It is anticipated that the matter will be certified to the Council either that evening or early the next morning. Note that the Plan Commission was scheduled to hear this earlier, but due a notice problem by the newspaper, the matter had to be re-scheduled.

Item Two – Ord 16-45 Ratifying the Adoption of Ord 16-26 and Approving the Fixing of Salaries for Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City for the Year 2017

Ord 16-45 corrects an error in the adoption of Ord 16-26, which fixed the salaries for appointed officers, non-union, and A.F.S.C.M.E. employees for all of the departments of the City in 2017.

As covered in the Whereas clauses, on October 13, 2016, the City Council passed a packet of legislation, including three salary ordinances and three appropriation ordinances which approved the City Budget for 2017 (City Budget Package for 2017). The next day, the Mayor was presented with the City Budget Package for 2017 and returned it to the City Clerk within a week under the belief that all the legislation had been signed. About six weeks later, however, it was discovered that one of those pieces of legislation, Ord 16-26, had not been signed by the Mayor. Although unintentional, the absence of signature could be construed as a veto of the ordinance which became known well past the opportunity for the Council to override it.

The ordinance affirms that the Mayor intended to sign this legislation along with the other pieces of legislation in October and also states that the Mayor and Council wish to fix the next year's salaries and compensation for positions as set forth in Ord 16-26. To that end, the ordinance ratifies the adoption of Ord 16-26, which fixed said salaries for 2017, at the same time as the adoption of the rest of the City Budget Package for 2017. In the event ratification alone does not accomplish the intent of the Mayor and Council, this ordinance otherwise approves and fixes the salaries as set forth in this ordinance.

For the details regarding the salaries and compensation fixed by this ordinance, please see the weekly Council Legislative Packet issued, in part, for the Council Special Session and Committee of the Whole on Wednesday, September 28th.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL SPECIAL SESSION
7:30 P.M., WEDNESDAY, DECEMBER 14, 2016
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

IV. LEGISLATION FOR FIRST READING *

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

2. Ordinance 16-45 – To Ratify Adoption of Ordinance 16-26 which Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2017 and Take All Steps Necessary and Proper to Approve these Salaries for 2017

V. LEGISLATION FOR SECOND READING AND RESOLUTIONS *

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

Committee Recommendation: None – Not Heard at Committee

2. Ordinance 16-45 – To Ratify Adoption of Ordinance 16-26 which Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2017 and Take All Steps Necessary and Proper to Approve these Salaries for 2017

Committee Recommendation: None – Not Heard at Committee

VI. COUNCIL SCHEDULE

VII. ADJOURNMENT

**** Note**: There are two ordinances on this agenda and both are scheduled for introduction, consideration, and final vote this evening. To take action in one evening, special procedures are required under local code (BMC 2.04.300) for Ordinance 16-44 and under the same local code provision and State law (IC 36-4-6-13) for Ordinance 16-45. In order to comply with these provisions, these ordinances appear on this Special Session Agenda under First Reading and Second Readings. The vote to introduce each ordinance under First Reading requires the unanimous consent of the Council and the vote to adopt on each ordinance under Second Readings requires a two-thirds majority of the entire Council (at least six members) in order to pass.*

*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.

Posted and Distributed: 09 December, 2016

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 12 December -16 December 2016

Monday, 12 December

12:00	pm	Board of Public Works Work Session, Kelly
12:00	pm	Affordable Living Committee, McCloskey
3:00	pm	Wage Growth Task Force Report Presentation, Chambers
5:00	pm	Utilities Service Board, 600 E Miller Dr
5:30	pm	Bicycle and Pedestrian Commission, Hooker Conference Room

Tuesday, 13 December

10:30	am	I-69 Progress/Safety Update, O&M Center, SR 37
1:15	pm	New Fire Truck Push-In, Fire Station #5, 1987 S.Henderson
3:30	pm	Board of Park Commissioners, Chambers
4:30	pm	Commission on Aging, McCloskey
5:30	pm	Board of Public Works, Chambers
5:30	pm	Plan Commission, Hooker Conference Room
6:00	pm	Bloomington Commission on Sustainability, McCloskey
6:30	pm	Sister Cities International-Cuba, Dunlap
6:30	pm	Sister Cities International-Postoltega, Kelly
7:30	pm	Sister Cities International-Joint Meeting, Kelly

Wednesday, 14 December

9:30	am	Tree Commission, 930 W. 4th St
12:00	pm	Bloomington Urban Enterprise Association, McCloskey
1:30	pm	Switchyard Park Update, 245 W. Grimes
2:00	pm	Hearing Officer, Kelly
3:30	pm	Bloomington EPA 2016 Brownfield Assessment Grant Meeting, McCloskey
4:30	pm	Environmental Resources Advisory Council, Parks
5:00	pm	Bloomington Arts Commission, McCloskey
5:30	pm	Traffic Commission, Chambers
5:30	pm	Commission on the Status of Black Males, Hooker Conference Room
7:30	pm	Common Council Special Session, Chambers

Thursday, 15 December

8:00	am	Bloomington Housing Authority, 1007 N Summit
5:30	pm	Board of Zoning Appeals, Chambers
7:00	pm	Environmental Commission, McCloskey

Friday, 16 December

12:00	pm	Domestic Violence Task Force, McCloskey

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Posted and Distributed: Friday, 09 December 2016

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City of Bloomington
Office of the Common Council

NOTICE

The Council's Committee of the Whole discussion scheduled for December 14, 2016 has been cancelled. Instead, the Council will hold a Special Session that evening.

SPECIAL SESSION
WEDNESDAY, DECEMBER 14, 2016
7:30 p.m.
COUNCIL CHAMBERS
CITY HALL, 401 N. MORTON

Per Indiana Open Door Law (I.C. §5-14-1.5), this provides notice that these meetings will occur and are open for the public to attend, observe, and record what transpires.

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.

Posted: December 9, 2016

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City of Bloomington

NOTICE

THE AFFORDABLE LIVING COMMITTEE
WILL MEET ON THE FOLLOWING DAYS:

Monday	**12 December 2016**	**Noon**	**McCloskey Room (#135)**
Monday	**19 December 2016**	**Noon**	**Hooker Room (#245)**
Monday	**09 January 2017**	**Noon**	**Hooker Room (#245)**
Monday	**23 January 2017**	**Noon**	**Hooker Room (#245)**
Monday	**06 February 2017**	**Noon**	**Hooker Room (#245)**
Monday	**13 February 2017**	**Noon**	**Hooker Room (#245)**
Monday	**06 March 2017**	**Noon**	**Hooker Room (#245)**
Monday	**20 March 2017**	**Noon**	**Hooker Room (#245)**
Monday	**03 April 2017**	**Noon**	**Hooker Room (#245)**
Monday	**17 April 2017**	**Noon**	**Hooker Room (#245)**
Monday	**01 May 2017**	**Noon**	**Hooker Room (#245)**
Monday	**15 May 2017**	**Noon**	**Hooker Room (#245)**
Monday	**05 June 2017**	**Noon**	**Hooker Room (#245)**
Monday	**19 June 2017**	**Noon**	**Hooker Room (#245)**
Monday	**10 July 2017**	**Noon**	**Hooker Room (#245)**
Monday	**24 July 2017**	**Noon**	**Hooker Room (#245)**

Per Indiana Open Door Law (I.C. §5-14-1.5), this provides notice that these meetings will occur and are open for the public to attend, observe, and record what transpires.

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Posted: Wednesday, December 07, 2016

ORDINANCE 16-44

TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "UNIFIED DEVELOPMENT ORDINANCE"

(Amending 20.05.020 "CF-01 [Communication Facility; General]")

WHEREAS, During the 2015 legislative cycle the Indiana General Assembly created a new Chapter in the Indiana Code, Chapter 8-1-32.3, entitled "Permits for Wireless Services Providers;" and

WHEREAS, the City of Bloomington ("City") amended Section 20.05.020 "CF-01 [Communication Facility; General]") via Ordinance 15-26 on December 16, 2015 to comply with the said new Indiana Code Chapter; and

WHEREAS, the said new Indiana Code Chapter does not affect the ability of a permit authority to exercise zoning, land use, planning, or permitting authority otherwise allowed under Indiana code, 36-7, Planning and Development, with respect to the siting of new wireless support structures; and

WHEREAS, the said new Indiana Code Chapter does not exempt an applicant from complying with applicable laws and ordinances concerning land use; and

WHEREAS, the City desires to adopt development standards to minimize the adverse visual impacts of Communication facilities; and

WHEREAS, the City desires to protect residential areas and land uses from potential adverse impacts of Wireless and Cellular Telecommunications Towers and Facilities to the extent permitted by applicable law; and

WHEREAS, the Plan Commission considered this case, ZO-38-16 on December 13, 2016 and made a positive recommendation in favor of the amendment to the UDO, as described herein.

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

SECTION 1. Section 20.05.020, entitled "CF-01 [Communication Facility; General]," shall be deleted and replaced with the following:

20.05.020 CF-01 [Communication Facility; General]

Purpose: The purpose of these standards is to provide sensible and reasonable development standards for the provision of reliable public and private telecommunication service; and whereas, there is a need to maximize the use of any communication transmission towers in order to reduce the total number of towers needed to serve the communications needs of the area; and whereas, there is a need to minimize the adverse, undesirable visual effects of such communication towers and to provide for the reasonable location of such towers in the City.

This Communication Facility Standards section applies to the following zoning districts:

All communication facilities must comply with the following provisions:

(a) Eligible Applicants: Must comply with the standards of Ind. Code § 8-1-32.3-19.
(b) Application Requirements and Review: Must comply with the standards of Ind. Code § 8-1-32.3-20, including:
    (1) A sworn statement shall be submitted documenting why collocation on an existing communication tower cannot meet the applicant's requirements. Such statement must demonstrate that collation of wireless facilities on an existing communication tower is not a viable option because collation:
        i. would not result in the same wireless service, functionality, coverage, and capacity;
        ii. is technically infeasible; or
        iii. is an economic burden to the applicant.
(c) Construction Requirements: All antennas, communication towers, accessory structures and any other wiring shall comply with the following requirements:

(1) All applicable provisions of this title and of the Indiana Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.
(2) All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association.
(3) With the exception of necessary electric and telephone service and connection lines approved by the board of zoning appeals, no part of any communication equipment or communication tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.
(4) All communication towers and communication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
(5) All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).
(6) All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.
(7) An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, calculated fall zone, and strength requirements to withstand natural forces such as ice, wind, and earth movements.
(8) All communication towers shall be of monopole design.
(9) Communication towers shall be set back from all property lines a minimum distance equal to the calculated fall zone, as set forth in the applicant's engineering certification for the communication tower.
(10) Only lighting that is for safety or security reasons, or required by the FAA or other federal or State authority, shall be permitted. All required lighting shall be oriented inward so as not to project onto surrounding properties.
(11) Communication towers shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure at ground level to the top of the highest point, including appurtenances.
(12) Screening: The following features shall be located around the outermost perimeter or security fence of a communication facility:
    i. An evergreen screen consisting of shrubs planted at a maximum of three (3) feet on center, or a row of evergreen trees planted at a maximum of ten (10) feet on center shall be planted around the entire communication facility. The height of all plants at the time of planting shall be no less than five (5) feet.
    ii. An eight (8) foot tall opaque fence or wall shall completely surround the entire communication facility.

(d) Existing Structures: Modifications of existing antennas, communication towers and communication equipment shall comply with Ind. Code § 8-1-32.3-21.
(e) Abandoned Towers: Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after thirty days from the date a notice of violation is issued, the city may remove the tower and bill the owner for the costs of removal and cleanup of the site.

SECTION 2. 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 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor, and after any waiting, notice, or publication requirements provided by Indiana law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

_____,
ANDY RUFF, 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 _____, 2016.

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

_____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends 20.05.20 of the Bloomington Municipal Code, entitled "CF-01, Communication Facility; General." These changes re-introduce development standards associated with the construction of communication facilities and are made in the interest of minimizing the adverse visual impacts of such facilities. Statute provides that localities are permitted to exercise such zoning land use authority over the construction of these facilities.

MEMO:

To: City of Bloomington Common Council
From: Christy Langley, Director of Planning and Transportation
James Roach Development Services Manager
Amelia Lewis Zoning & Long Range Planner
Anahit Behjou, Assistant City Attorney
Date: November 16, 2016
Re: Request to Amend 20.05.20 "CF-01 [Communication Facility; General]"

The City of Bloomington ("City") amended the Unified Development Ordinance in December 16, 2015 in response to the newly adopted chapter in the Indiana Code, Chapter §8-1-32.3, entitled "Permits for Wireless Services Providers". This amendment inadvertently removed zoning requirements for communication facilities.

Indiana Code 8-1-32.3-18, entitled "Zoning, land use, planning, and permitting authority not affected; land use laws and ordinances apply" states that §8-1-32.3 does not affect the ability of a permit authority to exercise zoning, land use, planning or permitting authority otherwise allowed under law, including under Indiana Code 36-7, with respect to the siting of new wireless support structures.

Therefore, the City wishes to amend 20.05.20 "CF-01 [Communication Facility; General]" to incorporate the zoning requirements for communication facilities.

(a) Eligible Applicants: Must comply with the standards of Ind. Code § 8-1-32.3-19.

(b) Application Requirements and Review: Must comply with the standards of Ind. Code § 8-1-32.3-20.

(1) A sworn statement shall be submitted documenting why collocation on an existing communication tower cannot meet the applicant's requirements. Such statement must demonstrate that collation of wireless facilities on an existing communication tower is not a viable option because collation:

i. would not result in the same wireless service, functionality, coverage, and capacity;

ii. is technically infeasible; or

iii. is an economic burden to the applicant.

~~(b)~~(c) Construction Requirements: All antennas, communication towers, accessory structures and any other wiring shall comply with the following requirements:

(1) All applicable provisions of this title and of the Indiana Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.

(2) All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association.

(3) With the exception of necessary electric and telephone service and connection lines approved by the board of zoning appeals, no part of any communication equipment or communication tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.

(4) All communication towers and communication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.

(5) All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).

(6) All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

(7) An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, calculated fall zone, and strength requirements to withstand natural forces such as ice, wind, and earth movements.

(8) All communication towers shall be of monopole design.

(9) Communication towers shall be set back from all property lines a minimum distance equal to the calculated fall zone, as set forth in the applicant's engineering certification for the communication tower.

(10) Only lighting that is for safety or security reasons, or required by the FAA or other federal or State authority shall be permitted. All required lighting shall be oriented inward so as not to project onto surrounding properties.

(11) Communication towers shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure at ground level to the top of the highest point, including appurtenances.

(12) Screening: The following features shall be located around the outermost perimeter or security fence of a communication facility:

i. An evergreen screen consisting of shrubs planted at a maximum of three (3) feet on center, or a row of evergreen trees planted at a maximum of ten (10 feet on center shall be planted around the entire communication facility. The height of all plants at the time of planting shall be no less than five (5) feet.

ii. An eight (8) foot tall opaque fence or wall shall completely surround the entire communication facility.

~~(c)~~(d) Existing Structures: Modifications of existing antennas, communication towers and communication equipment shall comply with Ind. Code § 8-1-32.3-21.

~~(d)~~(e) Abandoned Towers: Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after thirty days from the date a notice of violation is issued, the city may remove the tower and bill the owner for the costs of removal and cleanup of the site.

ORDINANCE 16-45

TO RATIFY ADOPTION OF ORDINANCE 16-26 WHICH FIXED THE SALARIES OF APPOINTED OFFICERS, NON-UNION, AND A.F.S.C.M.E. EMPLOYEES FOR ALL THE DEPARTMENTS OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA FOR THE YEAR 2017 AND TAKE ALL STEPS NECESSARY AND PROPER TO APPROVE THESE SALARIES FOR 2017

WHEREAS, On October 13, 2016, the City Council passed a packet of legislation, including salary ordinances and appropriation ordinances, approving the City Budget for 2017 (City Budget Package for 2017); and

WHEREAS, On October 14, 2016, the Mayor was presented with the City Budget Package for 2017 and returned it to the City Clerk within a week under the belief that all the legislation had been signed; and

WHEREAS, On December 2, 2016, it was discovered that one of those pieces of legislation, Ordinance 16-26, which fixed the salaries of the appointed officers, non-union, and A.F.S.C.M.E. employees for all of the departments of the City for 2017, had not been signed by the Mayor; and

WHEREAS, The appropriations necessary to fund the salaries fixed by Ordinance 16-26 were approved with adoption of Appropriation Ordinance 16-06, which was another piece of the City Budget Package for 2017 and authorized appropriations and tax rates for 2017; and

WHEREAS, The City Council and Mayor wish to fix the next year's salaries and compensation for the positions as set forth in Ordinance 16-26;

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

SECTION 1: From and after the first day of January 2017, the salary and pay schedule for the following appointed officers and employees of the City of Bloomington, be fixed as follows:

SALARY SCHEDULE AS PRESENTED BY MAYOR JOHN HAMILTON TO THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON:

I, John Hamilton, Mayor of the City of Bloomington, Indiana, as required by Indiana Code §36-4-7-3, hereby fix the salaries and pay schedule for the following appointed officers and employees of the City of Bloomington, Indiana, beginning January 1, 2017, and continuing thereafter until duly changed, and request that such salary rates be approved by the Common Council of said city.

In addition to the salaries of appointed officers and employees of the Civil City, this ordinance also contains the salaries of the appointed officers and employees of the City Utilities Department, which have been approved by the Utility Services Board pursuant to Indiana Code §36-4-7-3.

For employees not covered by a collective bargaining agreement (non-union), the maximum rates listed below reflect the maximum annual salary for each job grade for a regular full-time employee. These ranges are based on full-time hours worked and will be prorated for part-time employees.

For Labor, Trades and Crafts employees, the maximum rates listed below reflect the maximum longevity-based hourly rate for each job grade in accordance with the Step Charts continued in the Work Agreement and Memorandum of Understanding between City of Bloomington and Local 2487 CBME, A.F.S.C.M.E.

Where more than one position share the same job title in the department indicated, the number of positions that share the job title is given in parentheses after the job title.

Department/Job Title	**Grade**
Board of Public Safety	
Board Members	

Clerk

Deputy City Clerk	5
Hearing Officer	4

Common Council

Council/Administrator Attorney	12
Deputy Administrator/Deputy Attorney	9

Community and Family Resources Department

Director	12
Director – Safe & Civil City	7
CBVN Coordinator	7
Special Projects Coordinator	7
Health Projects Coordinator	7
Latino Outreach Coordinator	6
CBVN Assistant Coordinator	6
Special Projects Program Specialist	6
Office Manager/Program Assistant	5

Controller's Department

Controller	12
Deputy Controller	10
Budget/Grants Manager	9
Accounting and Procurement Manager	8
Purchasing Manager	8
Payroll Systems Manager	6
Senior Accounts Payable/Revenue Clerk	5
Accounts Payable/ Revenue Clerk (3)	4
Revenue Clerk/Customer Service (2)	3

Department of Economic and Sustainable Development

Director	12
Sustainability Coordinator	8
Assistant Director for Small Business Development	8
Assistant Director for the Arts	8
Customer Service Representative III	3

Fire Department

Fire Inspection Officer	7
Secretary	3

HAND Department

Director	12
Assistant Director	10
Program Manager (5)	7
Neighborhood Compliance Officer (6)	5
Housing Specialist	4
Rental Specialist 1	3
Rental Specialist 2 (2)	3

Human Resources Department

Director	12
Assistant Director	10
Benefits Manager & Human Resources Generalist	8
Human Resources Generalist	7
Manager of Worker's Compensation & HR Administrative Functions	5
Administrative Assistant	3

Information and Technology Services Department

Director	12
Assistant Director	10
Systems and Applications Manager	10
GIS Manager	10
Technology Support Manager	10
Systems and Innovation Analyst	9

Application Developer	8
Database Administrator & Web Appl. Developer	8
Systems Administrator	8
Webmaster and User Interface Specialist	7
Applications Support and Security Specialist	7
GIS Specialist (2)	5
Technology Support Specialist (5)	5

Legal Department

Legal

Corporation Counsel	12
City Attorney	11
Assistant City Attorney (4)	10
Human Rights Director/Attorney	10
Legal Secretary/Paralegal	5
Secretary – Human Rights and Legal	4

Risk Management

Risk Manager/Assistant City Attorney	10
Director of Safety and Training	6
Secretary – Risk and Legal	4

Office of the Mayor

Deputy Mayor	12
Communications Director	9
Director of Innovation	9
Executive Assistant	5
Customer Service III	3

Parks Department

Administrator	12
Operations and Development Director	10
Recreation Services Director	9
Sports Services Director	9
Operations Superintendent	8
General Manager, Twin Lakes Recreation Center	8
Community Events Manager	7
Community Relations Manager	7
Golf Facilities Manager	7
Coordinator-AJB	7
Natural Resources Manager	7
Sports Facility Manager	7
Sports Facility/Program Manager	7
Aquatics/Program Coordinator	6
Membership Coordinator	6
Program/Facility Coordinator (5)	6
Golf Programs Coordinator	6
Health/Wellness Coordinator	6
Natural Resources Coordinator	6
Community Relations Coordinator	6
Urban Forester	6
Sports/Facility Coordinator	6
City Landscaper	6
Golf Course Superintendent	5
Market Master Specialist	5
Program Specialist (3)	4
Community Relations Specialist	4
Office Manager	4
Operations Office Coordinator	4
Customer Service Representative III	3
Customer Service Representative II (2)	2
Crew Leader	110
Equipment Maintenance Mechanic	108
Equipment Maintenance Mechanic (Facilities)	108
Working Foreman (5)	108
Apprentice MEO/Master MEO (3)	104/108

Laborer (6)	104
Custodian	101

Planning and Transportation Department

Planning and Transportation Administration

Director	12
Assistant Director	10
Office Manager	5
Planning Assistant	3

Planning Services Division

Planning Services Manager	9
Senior Long Range Planner	7
Senior Transportation Planner	7
Bicycle and Pedestrian Coordinator	6
Zoning and Long Range Planner (0.5 FTE)	5
Planning Technician	4

Development Services Division

Development Services Manager	9
Senior Zoning Compliance Planner	9
Senior Zoning Planner	7
Senior Environmental Planner	7
Public Improvement Manager	7
Zoning Planner	5
Zoning Compliance Planner	5
Zoning Planner (0.5 FTE)	5

Transportation and Traffic Engineering Services Division

Transportation and Traffic Engineer	11
Project Engineer	10
Senior Project Manager	8
Project Manager (2)	7
Engineering Field Specialist	6
Engineering Technician	4

Police Department

CEDC

Telecommunications Manager	9
Telecommunications Supervisor (3)	7
Telecommunicators (19.5 FTE)	6
Training Coordinator	8
CAD/RMS Administrator	5

Parking Enforcement

Parking Enforcement Supervisor	8
Team Leader	4
Parking Enforcement Officers (10)	3

Records

Crime Scene Technician and Property Manager (2)	8
Records Supervisor	7
Records Assistant Supervisor	6
Executive Assistant	6
Crime Analyst	6
Special Investigations Clerk	5
Records Clerk (11)	5
Office Manager	4
Front Desk Clerk I	4
Evidence Room Clerk (0.5 FTE)	2
Custodian	1

Public Works Department

Public Works Administration

Director	12
Data Analyst and Manager	8
Special Projects Manager	6
Customer Service Representative III	3
Board Members	

Animal Care and Control

Director	9
Outreach Coordinator	6
Shelter Manager	7
Volunteer Program Director	6
Secretary (4)	2
Animal Control Officer (3)	107
Kennel Worker (9)	103

Operations and Facilities

Director	9
Parking Garage Manager	8
Downtown Specialist	3
Customer Service/Security Specialist (6)	3
Maintenance/Custodian	107

Fleet

Fleet Maintenance Manager	8
Fleet Office Clerk/Customer Service Representative	3
Inventory Coordinator	3
Apprentice Master Mechanic/Mechanic (7)	109/112

Sanitation

Director	9
Office Manager	3
Crew Leader (2)	110
Apprentice MEO/Master MEO (16)	104/108
Laborer (4)	104

Street Operations

Director of Street Operations	10
Deputy Director	8
Sign and Marking Supervisor	7
Signal and Lighting Supervisor	7
Asset Clerk/Emergency Grants Coordinator	4
Asset Clerk	3
Crew Leader (5)	110
Apprentice MEO/Master MEO (16)	104/108
Laborer (12)	104

Utilities

Accounting and Finance

Utilities Assistant Director – Finance	11
Finance Manager	8
Accounting Manager	7
Accounts Receivable Manager	6
Associate Accountant	5
Web/Information Manager	5
Account Collections Specialist	5
Accounting Clerk	4
Accounts Payable Clerk	4
Payroll Administrator	3
Assistant Accounts Payable Clerk	2
Cashier (2)	2

Administration

Director	12
Deputy Director of Operations	11

Conservation and Energy Resource Manager	8
Water Quality Coordinator	8
Pretreatment Program Coordinator	8
Public Affairs Specialist	7
Environmental Program Coordinator	7
Environmental Research Technician	6
Pretreatment Program Inspector	5
Administrative Assistant	4
Office Manager	3
Board Members	

Blucher Poole

Plant Manager	8
Wastewater Plant Operator (9)	106
Apprentice/Master MEO	104/108
Laborer	104

Customer Relations

Customer Relations Manager	6
Customer Relations Representative (4)	2

Dillman

Superintendent of Wastewater Treatment	9
Maintenance Coordinator	7
Solids Handling Supervisor	7
Secretary	2
Plant Maintenance Mechanic Apprentice/Mechanic (4)	107/111
Wastewater Plant Operator (9)	106
Apprentice MEO/Master MEO	104/108

Engineering

Utilities Assistant Director – Engineering	11
Utilities Engineer (3)	10
Capital Projects Manager	9
GIS Coordinator	7
Senior Project Coordinator (2)	7
Assistant GIS Coordinator	6
Project Coordinator (2)	6
Utilities Inspector (3)	6
Utilities Technician (3)	5
Administrative and Project Coordinator	4
Education Specialist	4

Laboratory

Chemist	8
Lab Technician I (3)	109

Meter Services

Assistant Superintendent	7
Meter Services Representative/Management Technician	3
Meter Technician II	107
Meter Serviceman (4)	105
Meter Reader (6)	103

Monroe Plant

Superintendent	9
Plant Service Mechanic	6
Plant Maintenance Mechanic Apprentice/Mechanic (2)	107/111
Water Plant Operator (10)	106

Purchasing

Purchasing Manager	7
Inventory Coordinator	4
Purchasing Buyer	4
Working Foreman	108
Laborer (2)	104

Transmission and Distribution	
Utilities Assistant Director – T&D	11
Assistant Superintendent (5)	7
Engineering Field Technician (4)	5
T&D/Meter Operations Coordinator	4
Secretary	3
Communications Operator (7)	1
Lineman (8)	110
Plant Maintenance Mechanic Apprentice/Mechanic (4)	107/111
Apprentice MEO/Master MEO (10)	104/108
Laborer (16)	104

SECTION 2 A. Non-Union Positions. The minimum and maximum rates listed below reflect the salary ranges for each job grade for a regular full-time employee. These ranges are based on full time hours worked and will be prorated for part-time employees. Employees whose 2017 salary is higher than the maximum of the salary range due to past merit/market increases or attraction/ retention, shall nonetheless continue to receive their total salary.

NON-UNION

Grade	**Minimum**	**Maximum**
1	$ 30,000	$ 34,097
2	$ 30,000	$ 36,858
3	$ 30,000	$ 40,171
4	$ 30,000	$ 44,110
5	$ 32,040	$ 50,114
6	$ 35,233	$ 57,487
7	$ 36,638	$ 62,385
8	$ 37,515	$ 65,269
9	$ 40,103	$ 74,478
10	$ 42,066	$ 81,657
11	$ 50,021	$ 97,098
12	$ 53,460	$ 108,543

Pension Secretaries	3,700
Board of Public Works Members	2,100
Board of Public Safety Members	635
Utility Services Board Members	4,279

SECTION 2 B: Police Shift Differential. Employees working in the Police Department as dispatchers and clerks shall receive a twenty-six cents ($0.26) per hour premium shift differential for working the evening shift.

SECTION 2 C: Labor, Trades, and Crafts Positions. Any employee who transfers laterally or is promoted to another position in the Pay Plan shall be paid at the wage for the new position in accordance with the relevant longevity step as determined by the Step Charts contained in the Work Agreement and Memorandum of Understanding between City of Bloomington and Local 2487 CBME, A.F.S.C.M.E. Provided, however, no current employee shall receive a pay reduction upon lateral transfer or promotion, but will not receive an additional increase due to promotion or longevity until so merited with the step pay system for the job classification. An employee who is demoted for disciplinary reasons or in lieu of layoff shall receive the wage for the relevant step within the job classification to which the employee is demoted. Also, the employee's longevity of service is "carried" to the new position. Internal promotions shall be paid at ninety-five percent (95%) of the salary of the relevant grade and step for the first thirty (30) days after promotion. Employees who transfer to a pay grade below their current pay grade shall be paid at the relevant grade and step for the new position.

Employees whose present rate of pay is higher than indicated by the Step Charts, based on the employee's pay grade and longevity, will not receive a pay cut, but will not receive any increase due to longevity until the step chart for the year in question shows an amount greater than the employee's current wage rate plus any across-the-board increase for the year in question.

The rates shown below for the pay grades and job classification for Labor, Trades, and Crafts positions are the minimum and maximum rates:

LABOR, TRADES, AND CRAFTS

Grade	Minimum	Maximum
101	$ 16.65	$ 20.27
102	$ 16.76	$ 20.40
103	$ 16.89	$ 20.52
104	$ 17.01	$ 20.65
105	$ 17.13	$ 20.75
106	$ 17.25	$ 20.87
107	$ 17.36	$ 21.01
108	$ 17.49	$ 21.11
109	$ 17.61	$ 21.26
110	$ 17.73	$ 21.36
111	$ 17.85	$ 21.47
112	$ 19.11	$ 22.74
113	$ 19.97	$ 23.61

SECTION 2 D: Gainsharing. This section applies to Labor, Trades, and Crafts (LTC) positions.

Management and employees of the City of Bloomington may design and implement a gainsharing program whereby the City can provide, and the employees can be rewarded for, the highest quality and most cost-effective public service possible for the citizens of Bloomington. In the event that a gainsharing program is implemented, the terms of application of such program shall be approved by Ordinance of the Bloomington Common Council.

SECTION 2 E: Emergency Call Out. This section applies to Labor, Trades, and Crafts (LTC) positions. Whenever it becomes necessary for a Department to call out an employee for emergency work at times other than such employee's regular shift period, such employee shall receive not less than three (3) hours. This provision shall prevail for each time an employee is called out by a Department at periods other than his/her regular shift. The rate of pay for emergency call out shall be one and one-half (1 ½) times the regular hourly rate except on Sundays and holidays, when the rate of pay for emergency call out shall be two (2) times the regular hourly rate. Any such payment for emergency call out shall be in addition to the employee's daily wages, if any, and in addition to any on call pay to which the employee is entitled.

SECTION 2 F: On Call Status. This section applies to Labor, Trades, and Crafts (LTC) positions. Any employee who is required to be on call shall be paid thirty-five dollars ($35.00) per 24-hour period.

SECTION 2 G: Temporary Reassignment. This section applies to Labor, Trades, and Crafts (LTC) positions. An employee who is temporarily assigned to perform the duties of a job classification in a pay grade above the employee's normal pay grade shall be compensated at the rate in effect for the higher pay grade as follows:

1) If the assignment exceeds two (2) consecutively scheduled work days, the employee shall be paid the higher rate for all consecutive days worked in the higher classification, including the first two (2) consecutive days; or
2) If the assignment exceeds thirty-two (32) hours in a payroll period, the employee shall be paid the higher rate for all hours worked in the higher classification during the payroll period.

SECTION 2 H: Tool Allowance. This section applies to Labor, Trades, and Crafts (LTC) positions. Employees classified as mechanics in Fleet Maintenance shall be reimbursed up to one thousand dollars ($1,000.00) in any calendar year for the purchase of tools.

SECTION 2 I: Licenses and Certifications. This section applies to Labor, Trades, and Crafts (LTC) positions. Wastewater Plant Operators who obtain (Class 1) certifications and T&D Shop Foremen and T&D Linemen who obtain (DS-L) certifications, issued by the State of Indiana, Department of Environmental Management, shall receive an additional fifty cents ($0.50) per hour. T&D Plant Maintenance Apprentices and Mechanics who obtain Collection System Class II Certification, issued by the Indiana Water Pollution Control Association, shall receive an additional thirty-three cents ($0.33) per

hour. Wastewater Plant Operators who obtain Class II, Class III, or Class IV license(s) shall receive an additional thirty-three cents ($0.33) per hour per classification obtained.

Water Plant Operators who qualify as a grade operator in training (O.I.T.) as defined by 327 IAC 8-12-3.2 will receive an additional fifty cents ($0.50) per hour after one year of service and an additional thirty-three ($0.33) cents per hour after two years of service. Water Plant Operators who obtain a grade WT 5 certification will receive additional pay in the amount of one dollar and sixteen cents ($1.16) per hour.

Incentive pay premiums may be awarded for one certification for all union-eligible Utilities Department employees in addition to those licenses recognized above, with the limitations that follow. Wastewater Plant Operators can be recognized financially for a maximum of four certifications total, no more than one of which may be outside of the specific plant operator certifications listed above. In addition to the certifications listed in Section A, incentive pay may be acquired for other certifications as approved in writing by the Director of Utilities**.** Water Plant Operators can be recognized financially for a maximum of two (2) certifications total; no more than one may be outside the specific plant operator certifications listed above. Any incentive pay premiums other than the amounts listed above shall be thirty-three cents ($0.33) per hour.

Where an employee is required by Employer to obtain a Class B CDL, he/she will receive twenty cents ($0.20) per hour additional compensation. Where an employee is required by Employer to obtain a Class A CDL, he/she will receive thirty cents ($0.30) per hour additional compensation. Employees classified as mechanic in Fleet Maintenance that obtain the certification of (ASE) Automotive Service Excellence (ASE) will receive an additional six cents ($0.06) per hour for each test passed. A maximum of eight (8) certificates or forty-eight cents ($0.48) shall apply.

Employees who possess the following certifications shall receive ten cents ($0.10) per hour additional compensation provided said certifications remain current and are considered an essential requirement or function of an employee's job:

1) International Municipal Signal Association—Traffic Signal Technician, Level 1;
2) International Municipal Signal Association—Sign and Pavement Marking Technician Level 1;
3) American Concrete Institute—Flatwork Finisher and Technician;
4) Certified Arborist;
5) Certified Pool Operator; and
6) Euthanasia Certificate.

COB reserves the right, at its sole option, to add additional categories of certifications to the above list. If additional categories are added to the above list, the Union and all employees shall be notified in writing.

At no time shall any employee receive compensation for more than three (3) certifications or specialty pay bonuses, unless otherwise provided for in the collective bargaining agreement.

SECTION 2 J: Night and Swing Shifts. This section applies to Labor, Trades, and Crafts (LTC) positions. In accordance with Article 4 of the Work Agreement and Memorandum of Understanding between the City of Bloomington and Local 2487 CBME, A.F.S.C.M.E., employees working on the evening or night shift shall receive fifty-seven cents ($0.57) per hour premium. Employees working on a swing shift shall receive a sixty-three cents ($0.63) per hour premium.

SECTION 2 K: Holiday Pay. This section applies to Labor, Trades, and Crafts (LTC) positions. For all paid legal holidays worked, the employee will receive a holiday allowance of two times regular pay, plus regular pay over a 24-hour period, and employees not working will receive regular pay.

In addition, in the event an employee's regular schedule of work includes work on Easter Sunday, which is not a paid legal holiday within the agreement, said employee will receive a premium of half time in addition to the employee's regular rate of pay or, at the discretion of the supervisor, compensatory time off. The half time premium shall be in addition to any other premium to which the employee is entitled.

SECTION 2 L: Common Law Positions. All positions that are filled on an ad hoc basis and are of a temporary or seasonal nature. The rates shown below are the maximum rates for employees with the job classifications.

COMMON LAW POSITIONS

Job Title	Minimum	Maximum
Administrative Assistant	10.00	13.00
Youth Counselor in Training	5.85	7.25
Attendant	7.85	8.70
Cashier	7.25	7.75
Clerical Assistant	10.00	13.00
Crossing Guard	23.00/day	25.50/day
Instructor	7.40	25.50
Intern	10.00	12.00
Laborer	7.85	15.70
Law Clerk	10.00	15.00
Leader	8.20	12.50
Lifeguard	8.49	9.75
Manager	9.61	12.48
Motor Equipment Operator	7.91	17.23
Specialist	8.00	50.00
Sports Official	10.00	25.00
Staff Assistant	10.71	11.88
Supervisor	9.36	12.75

Section 2 M. Longevity Recognition Pay. Any employee with the City of Bloomington who has completed upon their anniversary date said years of service as outlined below, shall receive the below compensation. This compensation is in addition to their regular pay as outlined in this ordinance.

Five (5) years	$25.00
Ten (10) years	$50.00
Fifteen (15) years	$75.00
Twenty (20) years	$100.00
Twenty-five (25) years	$150.00
Thirty (30) years	$200.00
Thirty-five (35) years	$250.00
Forty (40) years	$300.00
Forty-five (45) years	$350.00
Fifty (50) years	$400.00

SECTION 2N: Performance Recognition Fund. Individuals and groups of employees will be eligible for up to $1,000 per person in recognition of their performance, the total amount given not to exceed $25,000.

SECTION 3: The rates shown as wages and salaries for the positions listed above are maximum rates.

SECTION 4. This ordinance is intended to take all steps necessary and proper to fix the salaries of the appointed officers, non-union, and A.F.S.C.M.E. employees for all of the departments of the City for 2017. To that end, this ordinance ratifies the adoption of Ordinance 16-26, which fixed said salaries for 2017, at the same time as the adoption of the rest of the City Budget Package for 2017. In the event ratification alone does not accomplish the intent of the Mayor and Council, this ordinance otherwise approves and fixes the salaries as set forth in this ordinance.

SECTION 5. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2016.

_____
ANDY RUFF, 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 _____, 2016.

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

_____
JOHN HAMILTON, Mayor

SYNOPSIS

This ordinance is intended to set the maximum 2017 salary for all appointed officers, non-union, and A.F.S.C.M.E. employees for all the departments of the City of Bloomington, Indiana. The Council passed Ordinance 16-26 in October, which fixed said salaries for 2017, but there were some procedural irregularities that cast doubt upon its adoption. To address errors in the adoption process, this ordinance ratifies the adoption of Ordinance 16-26. In the event ratification alone does not accomplish the intent of the Mayor and Council, this ordinance otherwise approves and fixes the salaries as set forth herein.

OFFICE OF THE COMMON COUNCIL

CITY OF BLOOMINGTON

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Memorandum

To: Council Members
From: Dan Sherman, Council Attorney/Administrator
Date: December 9, 2016
Re: Ord 16-45 – Ratifying Adoption of Ord 16-26 and Fixing Salaries for Appointed Officials, Non-Union Employees, and A.F.S.C.M.E. Employees for All the Departments of the City in 2017

Ord 16-45 corrects an error in the adoption of Ord 16-26, which fixed the salaries for appointed officers, non-union, and A.F.S.C.M.E. employees for all of the departments of the City in 2017.

As covered in the Whereas clauses, on October 13, 2016, the City Council passed a packet of legislation, including three salary ordinances and three appropriation ordinances which approved the City Budget for 2017 (City Budget Package for 2017). The next day, the Mayor was presented with the City Budget Package for 2017 and returned it to the City Clerk within a week under the belief that all the legislation had been signed. About six weeks later, however, it was discovered that one of those pieces of legislation, Ord 16-26, had not been signed by the Mayor. Although unintentional, the absence of signature could be construed as a veto of the ordinance which became known well past the opportunity for the Council to override it.

This ordinance affirms that the Mayor intended to sign this legislation along with the other pieces of legislation in October and also states that the Mayor and Council wish to fix the next year's salaries and compensation for positions as set forth in Ord 16-26. To that end, the ordinance ratifies the adoption of Ord 16-26, which fixed said salaries for 2017, at the same time as the adoption of the rest of the City Budget Package for 2017. In the event ratification alone does not accomplish the intent of the Mayor and Council, this ordinance otherwise approves and fixes the salaries as set forth in this ordinance.

For the details regarding the salaries and compensation fixed by this ordinance, please see the weekly Council Legislative Packet issued, in part, for the Council Special Session and Committee of the Whole on Wednesday, September 28th.