



City of Bloomington Common Council

Legislative Packet

**02 July 2014
Regular Session**

*For legislation and material regarding Ordinance 14-10,
please consult the [18 June 2014 Legislative Packet](#).
For legislation and material regarding Ordinance 14-11,
please consult the [25 June 2014 Legislative Packet](#).*

All other material contained herein.

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
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**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
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To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: June 27, 2014

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading:

- **Res 14-12** To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana for Joint Use of Fuel Stations
 - Monroe County and City of Bloomington, Indiana Interlocal Cooperation Agreement for Joint Use of Fuel Stations
 - Memo to Council from Adam Wason, Communications Director

Contact: Margie Rice, Corporation Counsel at 349-3547 or ricem@bloomington.in.gov

- **Ord 14-10** An Ordinance to Amend Ordinance 13-16, Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2014 - Re: To Centralize Planning and Transportation Functions of the City by Eliminating the Engineering Division of the Public Works Department, Shifting Engineering Functions to Planning and Replacing the Planning Department with a “Planning and Transportation Department;” To Create a New Position in the Public Works Administration Division of the Public Works Department entitled "Assistant Director;” and To Better Facilitate Strategies Associated with Community Policing by Eliminating the Parking Enforcement Division of the Public Works Department and Moving Parking Enforcement Duties to the Police Department.

Contact:
Patty Mulvihill, Assistant City Attorney, 349-3552 or mulvihip@bloomington.in.gov
Adam Wason, Director of Communications, at 349-2489 or wasona@bloomington.in.gov

Please see the [18 June 2014 Legislative Packet](#) for the legislation, summary, and other material regarding this item.

- **Ord 14-11** To Amend Various Chapters of the Bloomington Municipal Code Located in Title 2 (Administration and Personnel), Title 6 (Health and Sanitation), Title 10 (Wastewater), Title 11 (Lakes And Reservoirs), Title 12 (Streets, Sidewalks And Storm Sewers), Title 14 (Peace and Safety), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) (Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and Reflect Actual Practices and Policies in Affected Sections)

Contact: Patty Mulvihill, 349-3426 or mulvihip@bloomington.in.gov

Please see the [25 June 2014 Legislative Packet](#) for the legislation, summary, and other material regarding this item.

Legislation and Background Material for First Reading:

- **App Ord 14-01** Additional Appropriation for Bloomington Transportation Corporation for 2014 (For Downtown Transit Center, New Transit Bus, and Professional Services)
 - Certified Copy of Additional Appropriation and Appropriation Breakdown by Fund and Classification for Funds Requiring Department of Local Government Finance (DLGF) Approval
 - Form 2 – Estimate of Miscellaneous Revenue – Transit Operating Fund From Sources Other Than General Property Taxes For Use in Preparation of Estimate of Funds to be Raised, Year 2014
 - Memo to Council from Lew May, General Manager

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

Minutes from Special Session:

- June 11, 2014

Memo

Three Items Under Second Readings and Resolutions and One Item Under First Readings at the Regular Session on July 2nd

There are three items listed under Second Readings and Resolutions and one item listed under First Readings for the Regular Session on July 2nd. The three items under Second Readings include a new resolution, which can be found in this packet, and two ordinances, which can be found in the previous two packets, as indicated above. The item scheduled for First Reading is included in this packet.

Second Readings and Resolutions

Item One – Res 14-12 (Approving an Interlocal Cooperation Agreement Between the City and Monroe County for Joint Use of Fuel Stations)

Res 14-12 will be the first of three items ready for Second Readings next week. It approves a five-year interlocal agreement between Monroe County and the City of Bloomington allowing County vehicles to use City fueling stations. The interlocal is intended to provide County vehicles with more convenient fueling station options. At present, City fueling stations are located 1969 S. Henderson Street and 545 South Adams Street while County stations are located at 2800 Kirby Road, near the Monroe County Airport. Many County offices are located in the heart of Bloomington; without interlocal cooperation, the County's vehicles would be required to obtain fuel at the Kirby Road site, often requiring a 12-mile, 20-minute trip from the Courthouse Square to the County fueling site. As noted in the agreement and the resolution, this interlocal cooperation is effected in the interest of saving taxpayer funds, increasing employee efficiency, reducing fuel consumption and mitigating the environmental harm caused by increased vehicle miles travelled.

The City has been permitting the County to use its fueling stations since 2008, at which time parties entered into a five-year interlocal agreement. This agreement continues that relationship with one significant change. Through the previous agreement, the County was charged an administrative fee on a monthly basis (approximately \$3,960 annually). According to the accompanying memo submitted by Adam Wason, Communications Director, the County Commissioners requested a review of this charge. After a review conducted in consultation with the Fleet Maintenance, the agreement requires the County to pay a fee of \$0.35/gallon to cover the City's administrative cost associated with the Agreement. Wason notes that the fee will be charged to County departments and that the City's new fuel software will allow the City to automatically calculate this fee.

Key provisions of the agreement include:

- Administrative fee –The Agreement sets this fee at \$0.35/gallon.
- Review of Administrative fee – The Agreement provides that six months after the execution of the Agreement, the City and the County may review the actual time and administrative expenses incurred by the City in oversight and implementation of the Agreement for possible revision of the fee to reflect actual time and expense. Thereafter, the fee is to be reviewed on an annual basis, unless either party requests an earlier review.
- Authority to Adjust Fee – The County Commissioners have delegated to the County representative on the Administrative Board the authority to agree to reasonable increases or decreases in the Administrative Fee. On behalf of the City, the Board of Public Works has the authority to agree to reasonable increases or decreases in the fee. However, the Agreement requires both that the Board consult with the City Controller prior to any adjustment up or down and that the Mayor must approve such action.
- Billing & Payment – Under the Agreement, the City will issue monthly invoices to the County. The Agreement requires that the City shall invoice the County at the same per gallon rate the City invoices its own departments. Payment is due within 30 days of the invoice.
- Keys – The Agreement requires that the County provide the City with a complete and comprehensive list of vehicles that will be using the City’s fueling stations. Based on this information, the City will provide the County with fuel keys, for which the County is charged the actual cost of the keys. The Agreement requires the County to promptly notify the City of a lost key and the County will assume any costs associated with the loss of the key, including any lost fuel.
- Reports – The Agreement requires that the City provide the County with a monthly fuel report documenting:
 - departmental identification
 - vehicle identification
 - individual fueling the vehicle
 - odometer reading (as entered by County personnel)
 - date, time and place of fueling

- amount of fuel obtained; and
 - all other information included on coded key(s)
- Administration – The Agreement is to be administered by a two-person board consisting of the City’s Director of Public Works (or another appointee of the Mayor) and the County Commissioner Administrator (or another appointee of the Commissioners).
 - Indemnification – The Agreement includes a clause releasing, holding harmless and indemnifying the City, its officers, agent and employees, from causes of action related to the provision of fuel under the Agreement.

State law allows political subdivisions to enter into agreements for the joint exercise of the powers for the provision of services to the public (IC § 36-1-7-1) and, with certain exceptions, requires approval of the fiscal body. This resolution approves the interlocal cooperation agreement for joint use of fuel stations and incorporates the document into the legislation by reference.

First Readings

Item One – App Ord 14-01 (Additional Appropriation for Bloomington Transit Reviewed by Council in Accordance with Recent Statutory Change – \$1.5 Million for Transit Facility, New Bus and Professional Services)

App Ord 14-01 is the first appropriation to come forward under a 2012 change in State law, which requires additional appropriations from Bloomington Transit be approved by the Council (as the fiscal body that approved its annual budget).¹ App Ord 14-01 proposes an additional appropriation of \$1.5 million to supplement the 2014 approved budget. Recall that the Transit budget for 2014 projected revenue and expenditures of \$8.3 million with revenue coming from these five top sources: State Public Mass Transit Fund (~\$2.59 million); federal grants (~\$2.16 million); Property Tax Levy (~\$1.56 million); IU Contract (~\$1.11 million); and, Passenger Fares (\$0.6 million). The certified copy of the additional appropriation indicates that approximately \$4.1 million will remain in the Special Transportation General Fund after this appropriation.

¹ IC 6-1.1-18-5(j) was inserted with the enactment of PL 137-2012. It reads as follows: “This subsection applies to an additional appropriation by a political subdivision that must have the political subdivision’s annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or by a legislative or fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town, or county that adopted the political subdivision’s annual appropriation and annual tax levy must adopt the additional appropriation by ordinance before the department of local government finance may approve the additional appropriation.”

The appropriation would be used in the following manner:

▪ **Capital Outlays (Category 4) - \$1.475 Million**

- \$1.055 million would “cover contingency costs, change orders, and additional design services (toward the cost of the Downtown Transit Center) which could not be encumbered in 2014 budget.” In a phone call, Lew May, General Manager, indicated that this is a \$9.5 million project with about \$5.5 million in construction costs. The requested additional appropriation is largely the result of unforeseen costs associated with the preparation of the site and refinement of the design of the exterior. The unforeseen site preparation costs include: addressing 8-9 underground storage tanks hidden under buildings and buried basements with rubble. The tanks, any contaminated soils, and any loose fill had to be removed and properly disposed of, and replaced with clean fill. The installation of an engineered fill was necessary for the bus plaza in order to withstand the weight of the buses that will park there. The protracted site work caused delays in the project, which led to additional costs for enclosing and heating the partially- completed facility last winter. The refinements to the exterior design of the Transit Center were recommended by the Plan Commission and include a greater use of limestone, a detached (rather than flat) roof and exposed columns.

- \$420,000 would take advantage of a discretionary federal grant through the Indiana Department of Transportation (which requires a 20% local match) to purchase of a 40-foot transit bus to replace one purchased in 2002. This bus is one of a fleet of 15 buses that serve the IU campus which, because of the low rail underpass on East 10th Street, cannot be outfitted with the battery-hybrid technology used on the non-campus routes.

▪ **Other Services and Charges (Category 3) – \$25,000**

- \$25,000 would “provide support services for the bus tracker technology which includes (annual) cellular service costs and software/hardware support.” Mr. May reports that the system lets patrons with access to cell phones and computers know where buses are and when they are expected to arrive. It went live last August and has received several 100,000 hits since that time.

Have a Safe and Happy July 4th Next Friday

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, JULY 02, 2014
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: June 11, 2014 Special Session

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

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 14-12 To Approve the Interlocal Agreement between the City of Bloomington and Monroe County, Indiana For Joint Use of Fuel Stations

Committee Recommendation: None (*not heard by Committee*)

2. Ordinance 14-10 An Ordinance to Amend Ordinance 13-16, Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2014 - Re: To Centralize Planning and Transportation Functions of the City by Eliminating the Engineering Division of the Public Works Department, Shifting Engineering Functions to Planning and Replacing the Planning Department with a "Planning and Transportation Department;" To Create a New Position in the Public Works Administration Division of the Public Works Department entitled "Assistant Director;" and To Better Facilitate Strategies Associated with Community Policing by Eliminating the Parking Enforcement Division of the Public Works Department and Moving Parking Enforcement Duties to the Police Department.

Committee Recommendation (6/25): Do Pass 7 – 0

3. Ordinance 14-11 To Amend Various Chapters of the Bloomington Municipal Code Located in Title 2 (Administration and Personnel), Title 6 (Health and Sanitation), Title 10 (Wastewater), Title 11 (Lakes and Reservoirs), Title 12 (Streets, Sidewalks and Storm Sewers), Title 14 (Peace and Safety), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) – (Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and Reflect Actual Practices and Policies in Affected Sections)

Committee Recommendation (6/25): Do Pass 7 – 0

VII. LEGISLATION FOR FIRST READING

1. Appropriation Ordinance 14-01 Additional Appropriation for Bloomington Transportation Corporation for 2014 (For Downtown Transit Center, New Transit Bus, and Professional Services)

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 *Reports from the Public* 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



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

To Council Members
From Council Office
Re Weekly Calendar –30 June – 5 July 2014

Monday, 30 June

12:00 pm Board of Public Works Work Session, Kelly
2:30 pm Council for Community Accessibility Joint Meeting: Accessibility Screening & Activities and Events Committees, McCloskey
4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Utilities Service Board – Utilities, 600 E Miller Dr.

Tuesday, 01 July

4:00 pm Bloomington Community Farmers' Market – Madison St. between 6th and 7th
5:30 pm Board of Public Works, Council Chambers

Wednesday, 02 July

12:00 pm Bloomington Urban Enterprise Association, McCloskey
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 03 July

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 04 July

Happy Independence Day!
CITY OFFICES CLOSED

Saturday, 05 July

8:00 am Bloomington Community Farmers' Market – Showers Common, 401 N Morton St.

Posted and Distributed: Friday, 27 June 2014

401 N. Morton Street • Bloomington, IN 47404

City Hall

Phone: (812) 349-3409 • Fax: (812) 349-3570

www.bloomington.in.gov/council
council@bloomington.in.gov

RESOLUTION 14-12

**TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN
THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA
FOR JOINT USE OF FUEL STATIONS**

- WHEREAS, Indiana Code §36-1-7, *et.seq.*, allows local governmental entities to make the most efficient use of their powers, enabling them to contract with other governmental entities for the provision of services to the public; and
- WHEREAS, the City has fuel stations located at 1969 South Henderson Street and 545 South Adams Street; and
- WHEREAS, without interlocal cooperation, Monroe County’s vehicles would be required to obtain fuel at the County Highway Garage, located at 2800 Kirby Road; and
- WHEREAS, many County offices are located in the heart of Bloomington; and
- WHEREAS, fueling of County vehicles at the County’s fuel station often necessitates a round trip of 12 miles from the Courthouse area, and may take 20 minutes or more to accomplish; and
- WHEREAS, the City and County wish to make joint use of resources whenever possible to save taxpayer dollars, increase employee efficiency, reduce fuel consumption, and decrease the environmental damage resulting from fuel usage; and
- WHEREAS, the City is willing to allow County vehicles to fuel at City fueling stations.

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

SECTION 1. *The Monroe County and City of Bloomington, Indiana Interlocal Cooperation Agreement for Joint Use of Fuel Stations*, attached hereto and incorporated by way of reference, is hereby approved pursuant to IC §36-1-7 et seq.;

SECTION 2. If any section, sentence or provision of this resolution, 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 resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

SECTION 3. This resolution 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.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED to me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

Pursuant to IC §36-1-7 et seq., this resolution approves the *Monroe County and City of Bloomington, Indiana Interlocal Cooperation Agreement for Joint Use of Fuel Stations*. The City and County are entering into this agreement in interest of saving taxpayer dollars, increasing employee efficiency, reducing fuel consumption, and reducing environmental damage resulting from fuel usage.

**MONROE COUNTY AND CITY OF BLOOMINGTON, INDIANA
INTERLOCAL COOPERATION AGREEMENT
for
JOINT USE OF FUEL STATIONS**

This Interlocal Cooperation Agreement for Joint Use of Fuel Stations, entered into this _____ day of _____, 2014, by and between Monroe County, Indiana (County) and the City of Bloomington, Indiana (City).

WITNESSETH:

WHEREAS, Indiana Code 36-1-7, *et.seq.*, allows local governmental entities to make the most efficient use of their powers, enabling them to contract with other governmental entities for the provision of services to the Public; and

WHEREAS, the City has fuel stations located at 1969 S. Henderson Street and 545 South Adams Street; and

WHEREAS, Monroe County's vehicles must currently obtain fuel at the County Highway Garage, located at 2800 Kirby Road; and

WHEREAS, many County offices are located in the heart of Bloomington; and

WHEREAS, fueling of County vehicles at the County's fuel station often necessitates a round trip of 12 miles from the Courthouse area, and may take 20 minutes or more to accomplish; and

WHEREAS, the City and County wish to make joint use of resources whenever possible to save taxpayer dollars, increase employee efficiency, cut back on fuel usage and decrease the environmental damage resulting from fuel usage; and

WHEREAS, the City is willing to allow County vehicles to fuel at City fueling stations;

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions set forth herein, and in recognition of the previous, successful interlocal cooperation agreement entered into by the parties in 2008, the County and the City hereby agree as follows:

ARTICLE I
PURPOSE AND DURATION OF AGREEMENT

Section 1. Purpose. The purpose of this Agreement is to outline the responsibilities of the parties, administrative procedures governing and fees related to the use of City fuel stations by County vehicles.

Section 2. Duration. This Agreement shall be in full force and effect for a period of five (5) years after the date of its execution by both parties.

Section 3. Termination. This Agreement may be terminated by either party with forty five (45) days written notice, addressed to the following:

Monroe County
Board of Commissioners
Room 315 Courthouse
100 W. Kirkwood Avenue
Bloomington, IN 47404

City of Bloomington
Board of Public Works
401 N. Morton Street, Suite 130
Bloomington, IN 47404

and

City of Bloomington
Office of the Controller
401 N. Morton Street, Suite 240
Bloomington, IN 47404

Upon termination of the Agreement, the County shall return any coded keys to the City within thirty (30) days of termination.

ARTICLE II
PROCEDURES

Section 1. Information necessary from County for fuel keys. The County shall supply the City with a complete and comprehensive list of vehicles that will be utilizing City fueling stations, which will be kept up-to-date at all times. That list shall include the following information: Vehicle identifying information (County unit # and make and model of the vehicle); County department to which the vehicle is assigned; type of fuel used by the vehicle; vehicle tank size. In instances where the County wishes or needs to identify the specific individual fueling a vehicle, the County shall supply the City with the employee name, or other identifying information (e.g., "Employee A in Probation") and a separate key shall be encoded to identify that party.

Section 2. City will supply keys. Based on the information specified in Section 1, the City will supply the County with fuel keys. The County shall reimburse the City for the actual cost of any and all keys supplied to the County. The City shall add the actual cost to the appropriate monthly invoice, in accordance with Article II. Additional keys shall

be supplied to the County as requested by the County's representative on the Administrative Board, or a representative of the County Council office.

Section 3. Lost keys. Should a key be lost, the County will notify the City as soon as possible after the loss has been discovered, so that the City can invalidate that key's code, and issue another key. Notification shall be in the form of telephone or electronic notice, with written confirmation to follow. The County will be responsible for any costs associated with the loss of the key and replacing the key, including any lost fuel, excluding costs resulting from the City not invalidating the lost key code within a reasonable time after the County's notification. The replacement fee for a lost key shall be the cost at that time to the City to replace the key and shall be paid by the County in accordance with paragraph 2 above.

Section 4. Billing. The City shall issue monthly invoices to the County for fuel usage, in the format of individual invoices to each County Department utilizing the City fuel station. The City shall bill the County at the same per gallon rate the City invoices its own departments. The City shall mail the invoices to the County each month.

Section 5. Payment. The County shall pay the City billings within thirty (30) days of the date of the invoice.

Section 6. Reports. All County vehicles will be assigned a new city identification number, and the report will be issued with the city identification numbers. The County will be provided with a list of the County identification numbers and the city identification numbers to which they correspond. The City shall issue the County a single monthly report on fuel usage that will include the following information:

- Departmental identification
- Vehicle identification
- Individual fueling the vehicle (where County has requested a gas key that allows for such identification).
- Odometer reading, as entered by County personnel
- Date, time and place of fueling
- Amount of fuel obtained
- All other information included on the coded key(s).

In addition to monthly reports the City shall also supply annual reports showing the above data.

ARTICLE III **FEES**

Section 1. Administrative Fee. In addition to the cost of fuel and actual cost for keys as described in Article II, the County shall pay an administrative fee of thirty five cents (\$0.35) per gallon of fuel the County uses from the facility. Billing shall be done in accordance with Article II. The administrative fee is meant to reimburse the City for its

staff time spent to oversee and implement the joint fueling project and for generation of invoices and reports.

Section 2. Review and Adjustment of Administrative Fee. After six (6) months from the execution of this Agreement, the City and County may review the actual time and expenses incurred by the City in oversight and implementation of this Agreement, for possible revision (increase or decrease) of the administrative fee so that it will accurately reflect costs in time and expense to the City for its administrative role. Thereafter, the Administrative Fee shall be reviewed on an annual basis, unless the City or County requests an earlier review, in which case the fee shall be reviewed by both parties within thirty (30) days of the City's request. County review shall be done by the County Commissioner Administrator or such other entity or person as appointed by the County Commissioners; City review shall be done by the Board of Public Works, or such other entity or person appointed by the Mayor, in consultation with the City of Bloomington Controller.

Section 3. Authority to Adjust Fee. The Commissioners delegate to the County representative on the Administrative Board the authority to agree to reasonable increases or decreases in the Administrative Fee based upon data and information obtained at the review, provided the Administrative Board informs the Presidents of the Commissioners and County Council in writing of the proposed adjustment. The Board of Public Works shall have the authority to agree to reasonable increases or decreases in the Administrative Fee, on behalf of the City of Bloomington; however, the Board shall consult with the City of Bloomington Controller prior to agreeing upon any increase or decrease. The Mayor shall approve such action, as in accordance with the original execution of this Agreement.

ARTICLE IV **MISCELLANEOUS PROVISIONS**

Section 1. Administration. This Agreement shall be administered by a two person board consisting of the City's Director of Public Works, or such other appointee of the Mayor, and the County Commissioner Administrator, or such other appointee of the Board of County Commissioners. Other than coded keys, it is not anticipated that any real or personal property will be acquired, held or disposed of by the parties for implementation of this Agreement.

Section 2. Indemnification. The County shall release, hold harmless and indemnify the City, its officers, agents and employees, from any and all claims or causes of action which may arise as a result of the City's activities necessary or related to providing access to fuel, providing fuel, and documentation of fuel use. This includes, but is not limited to, damage to vehicles as a result of fuel provision or use and injury to County employees as a result of the provisions of this Agreement.

APPROVED this _____ day of _____ 2014, by the Board of Commissioners of Monroe County, Indiana.

MONROE COUNTY BOARD OF COMMISSIONERS

"AYES"

"NAYS"

Patrick Stoffers, President

Patrick Stoffers, President

Iris F. Kiesling, Vice President

Iris F. Kiesling, Vice President

Julie Thomas, Member

Julie Thomas, Member

ATTEST:

Steve Saulter, Auditor

This _____ day of _____ 2014

APPROVED this _____ day of _____ 2014, by the Monroe County Council.

MONROE COUNTY COUNCIL

"AYES"

"NAYS"

Geoff McKim, President

Rick Dietz, Vice President

Marty Hawk, Member

Lee Jones, Member

Ryan J. Langley, Member

Cheryl Munson, Member

Shelli Yoder, Member

ATTEST: _____, 2014.

Steve Saulter, Auditor of Monroe County

CITY OF BLOOMINGTON
BOARD OF PUBLIC WORKS

Charlotte Zietlow, President

James McNamara, Vice President

Dr. Frank N. Hrisomalos, Secretary

This _____ day of _____ 2014

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2014.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana,
upon this _____ day of _____, 2014.

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

MEMO:

To: City of Bloomington Common Council

From: Adam Wason, Communications Director

Date: June 16, 2014

Re: Inter-local Agreement with Monroe County Government for Use of Fueling Sites

The City of Bloomington and Monroe County Government entered into a five year inter-local agreement in 2008. This is an extension of that agreement with modifications to the way the administrative fees are calculated.

The County fueling station is currently located near the Monroe County Airport. The City has agreed to allow the County to use the City's fueling stations to allow the County to reduce fuel usage and time (labor cost) to fuel at the County Garage.

The only significant change to the contract is to how the administrative fees are assessed. The previous contract invoiced administrative fees to the County Commissioner's monthly at a cost of \$3,960 annually. The County Commissioner's requested that this fee be reviewed and not charged to the Commissioner's. We conducted an internal review with Fleet Maintenance to derive a per gallon cost of .35 to cover administrative overhead. For billing purposes, these charges will be charged to the users of the system (County departments). Our new fuel software will allow us to automatically calculate this without the need for additional record keeping.

**ORDINANCE 14-01 - ADDITIONAL APPROPRIATION FOR BLOOMINGTON TRANSPORTATION CORPORATION FOR 2014
 (For Downtown Transit Center, New Transit Bus, and Professional Services)**

WHEREAS, It has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget; now, therefore:

Be it ordained by the BLOOMINGTON COMMON COUNCIL that for the expenses of BLOOMINGTON TRANSPORTATION the following additional sums of money are hereby appropriated out of the fund named and for the purposes specified, subject to laws governing the same:

Fund Name: Transit Fund

Budget Class III - Other Services & Charges	\$ 25,000
Budget Class IV - Capital Outlays	<u>1,475,000</u>
TOTAL for Transit Fund:	<u>\$1,500,000</u>

Adopted the day of June, 2014.

<u>Name</u>	<u>(circle one)</u>			<u>Signature</u>
Darryl Neher, President	Aye	Nay	Abstain	_____
Dorothy Granger, Vice President	Aye	Nay	Abstain	_____
Timothy Mayer, Parliamentarian	Aye	Nay	Abstain	_____
Andy Ruff	Aye	Nay	Abstain	_____
Dave Rollo	Aye	Nay	Abstain	_____
Susan Sandberg	Aye	Nay	Abstain	_____
Marty Spechler	Aye	Nay	Abstain	_____
Chris Sturbaum	Aye	Nay	Abstain	_____
Steve Volan	Aye	Nay	Abstain	_____

ATTEST:

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Regina Moore	City Clerk	_____

MAYOR ACTION *(For City Use Only)*

<u>Name</u>	<u>Circle One</u>	<u>Signature</u>	<u>Date</u>
Mark Kruzan	Approve	_____	_____
	Veto		

CERTIFIED COPY OF ADDITIONAL APPROPRIATION

UNIT NAME: Bloomington Public Transportation Corporation

COUNTY NAME: Monroe

Date of Publication: June , 2014 Newspaper: Herald Times

Date of Publication: N/A Newspaper: N/A

Date of Public Hearing: June , 2014

Date of Ordinance: June , 2014

County # _____
Unit # _____
Date Received:
Order Number:

Complete for each fund from which the additional appropriations are made. Use a separate column for each fund.
Lines referred to below are on the Fund Report from the Department.

A. Department Fund Number	8001			
B. Fund Name	Special Tran General			
C. Appropriation Amount Requested	1,500,000			
D. Amount by Reduction	0			
E. Net Amount of Increase (C minus D)	1,500,000			
1. Property Tax Levy (Line 16)	1,113,564			
2. Levy Excess (Line 15)	0			
3. PTRC from CAGIT (Line 13A)	0			
4. LOIT Freeze Amount (Line 13B)	0			
5. Misc. Revenue (Line 8b) (If higher than 8b amount, a revised Budget Form 2 must be attached.)	9,781,006			
6. January 1 Cash Balance (include investments)	4,456,155			
7. Subtotal of Funds (Add 1 thru 6)	15,350,725			
8. Less Circuit Breaker	0			
9. Total Funds (7 minus 8)	15,350,725			
10. Department Approved Budget(Line 1)	8,362,525			
11. Encumbered Appropriations	2,868,025			
12. Temporary Loans Outstanding as of January 1	0			
13. Beginning Obligations (Add 10 thru 12.)	11,230,550			
14. Surplus Funds (9 minus 13)	4,120,175			
15. Previous additional appropriation(s) approved since January 1, less any reductions in appropriations.	0			
16. Amount transferred to the Rainy Day Fund	0			
17. Surplus Funds Remaining (14 minus 15 minus 16)	4,120,175			

I, Christa Browning, fiscal officer of Bloomington Public Transportation Corporation, do hereby certify that the above information is true and correct.

Dated this 28th day of May, 2014.

 130 West Grimes Lane
 Bloomington, IN 47403

Controller
 (812) 332-5688

**APPROPRIATION BREAKDOWN BY FUND AND CLASSIFICATION
FOR FUNDS REQUIRING DLGF APPROVAL**

Requested Amount of	Requested
Additional	Amount by
Appropriation	Reduction

Fund: 8001- Special Transit Fund Department: Bloomington Public Transportation

100000 Personal Services	0	
200000 Supplies	0	
300000 Other Svc & Charges	25,000	
400000 Capital Outlays	1,475,000	
9999 Total	1,500,000	

Fund: _____ Department: _____

100000 Personal Services		
200000 Supplies		
300000 Other Svc & Charges		
400000 Capital Outlays		
9999 Total		

Fund: _____ Department: _____

100000 Personal Services		
200000 Supplies		
300000 Other Svc & Charges		
400000 Capital Outlays		
9999 Total		

Fund: _____ Department: _____

100000 Personal Services		
200000 Supplies		
300000 Other Svc & Charges		
400000 Capital Outlays		
9999 Total		

Fund Total (If departmentalized)		
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I, Christa Browning fiscal officer of Bloomington Public Transportation Corporation, do hereby certify that amounts appropriated on June , 2014 are to be appropriated to the above stated major classes.

(Signature/Title)

(Attach additional copies as needed)

506 3
 ID YEAR CO TYPE KEY

BLOOMINGTON TRANSIT MONROE COUNTY, INDIANA

**ESTIMATE OF MISCELLANEOUS REVENUE - TRANSIT OPERATING FUND
 FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES
 FOR USE IN PREPARATION OF ESTIMATE OF FUNDS TO BE RAISED, YEAR 2014**

	ESTIMATED AMOUNTS TO BE RECEIVED			
	A Jul. 1, 2013 to Dec. 31, 2013	X Department of Local Government Finance	B Jan. 1, 2014 to Dec. 31, 2014	X Department of Local Government Finance
OTHER TAXES:				
201 Financial Institutions Tax	5,431		10,996	
202 License Excise Tax	25,000		45,900	
203 CAGIT Certified Shares				
204 CAGIT Property Tax Replacement Credit				
212 County Option Income Tax (COIT)	194,552		400,585	
217 CVET Commercial Vehicle Excise Tax	2,147		4,022	
207 Wheeltax				
206 Surtax				
LICENSES AND PERMITS:				
3101 Dog Licenses				
3102 Cable TV				
3201 Building Permits				
3202 Street and Curb Cut Permits				
INTERGOVERNMENTAL REVENUE:				
1121 Federal Matching Funds	6,224,744		5,014,123	
1300 Federal Payments in Lieu of Taxes				
1416 Motor Vehicle Highway Distributions				
1417 Local Road and Street				
1501 Liquor Excise Tax Distributions				
1502 Alcoholic Beverage Gallonage Tax Dist				
1503 Cigarette Tax Distributions - General				
1504 Cigarette Tax to CCIF				
1505 Cigarette Tax - Fire Pension Fund				
1506 Cigarette Tax - Police Pension Fund				
1600 State Payments in Lieu of Taxes	1,826,072		2,465,119	
CHARGES FOR SERVICES:				
2206 Fire Protection Contracts				
2501 Dog Pound Receipts				
3903 Fare Revenue	775,238		1,577,562	
FINES AND FORFEITURES:				
4101 Court Docket Fees				
4104 Ordinance Violations				
MISCELLANEOUS REVENUE:				
6100 Interest on Investments				
6200 Rental of Property				
6500 Miscellaneous Revenue	113,950		250,699	
OTHER FINANCING SOURCES:				
5201 Transfer From Parking Meter Fund				
5202 Transfer From Transit Operating			12,000	
5205 Transfer From Utility				
9999 Total Columns A and B	9,167,134		9,781,006	

NOTE: Col. A is for the period from July 1 to December 31 of the present year
 Col. B is for the period from January 1 to December 31 of the incoming year
 Cols. X are reserved for the Department of Local Government Finance.
 (CAGIT) means County Adjusted Gross Income Tax.



Bloomington Public Transportation Corporation

130 West Grimes Lane, Bloomington, Indiana 47403
812.332.5688 Fax 812.332.3660



To: Bloomington Common Council
From: Lew May, General Manager
Date: June 2, 2014
Re: Additional Appropriation Ordinance

The Bloomington Public Transportation Corporation (BPTC) respectfully requests Council approval of an additional appropriation ordinance in the total amount of \$1,500,000 for the 2014 budget to provide the necessary budget authority for the following additional budget expenses:

Downtown Transit Center	\$	1,055,000
40-foot Transit Bus	\$	420,000
Professional Services	\$	25,000
Total	\$	1,500,000

The requested \$1,055,000 will provide the balance of budget authority to cover contingency costs, change orders, and additional design services which could not be encumbered in the 2014 budget towards the cost of the Downtown Transit Center.

The requested \$420,000 will provide the necessary budget authority for the purchase of a new 40-foot transit bus in the 2014 budget. BPTC applied for and won a discretionary grant from INDOT earlier this year for Federal discretionary funds to make this purchase. This will provide for the replacement of an existing 2002 40-foot bus.

The requested \$25,000 will provide the necessary budget authority for professional services to provide support services for the bus tracker technology which includes cellular service costs and software/hardware support.

A copy of our additional appropriation ordinance is included for your consideration. The BPTC Board of Directors has reviewed the additional appropriation and provided its approval. Under Indiana law, the Bloomington Common Council must approve additional appropriation ordinances for BPTC.

In the Council Chambers of the Showers City Hall on Wednesday, June 11, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
June 11, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Spechler,
Absent: Rollo, Volan

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

Minutes for Special Session of May 28, 2014 were approved by a voice vote.

APPROVAL OF MINUTES

It was moved and seconded that Resolution 14-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, saying that there was no committee recommendation on this item.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

Resolution 14-11 To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana In Regard to 2014 Edward Byrne Memorial Justice Assistance Grant (JAG)

It was moved and seconded that Resolution 14-11 be adopted.

Patty Mulvihill, Assistant City Attorney, noted this Interlocal Agreement was an annual occurrence whereby the federal government, through the Department of Homeland Security allocated grant money based on violent crime statistics for the area as reported through the Uniform Crime Report. She said this year's allotment was \$28,826, and was divided according to the location of the crimes: 82% in the city, and the remainder in the county. The BPDs \$23,637.32 portion would be used towards the purchase of four iRecord digital video systems for four new interview rooms in the police station. She said the Monroe County Sheriff's award of \$5,188.68 would go towards the purchase of in-car videos for police vehicles.

There were no council questions or public comments on this issue.

Marty Spechler said this was an example of how the city and county cooperate. He said he was impressed that the county and city were augmenting the grant money with government funds to complete the purchases needed.

Resolution 14-11 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded that Ordinance 14-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 4-0-2. It was moved and seconded that Ordinance 14-05 be adopted.

Ordinance 14-05 To Amend Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" (Defining "Standardized Restaurants" and Treating Them as a Conditional Use in the Courthouse Square and University Village Overlay Districts of the Downtown)

Tom Micuda, Planning Director, said that the Plan Commission suggested a conditional use process for 'standardized restaurants' in two overlay districts. He said the ordinance created a definition for the term and created three conditional use criteria to evaluate them for appropriateness. He said two were use-based criteria centered on overconcentration and balance of national/regional/local offerings, and one was design-based. He said there were several plan commissioners and council members who had questions, and the amendment offered in the committee meeting was a result of trying to resolve these questions.

It was moved and seconded to adopt Amendment #1 to Ordinance 14-05 which had some formatting and typographical problems corrected over the last week.

Amendment #1 to Ordinance 14-05 (as corrected).

This amendment is sponsored by Councilmember Neher and increases the scope of the Plan Commission's recommended ordinance to include a Conditional Use review process for

Neher said that 'standardized restaurants' was changed to 'standardized businesses.' He also said that the three criteria for conditional use were balance, visual appearance and design as criteria for the conditional use

were changed to focus on the design element. He read a paragraph from the amendment that highlighted its essence:

The proposed use shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to: architecture, scale, facade, and signage. If the use is proposed for a site which contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered, but should not be viewed as sufficient to meet this criterion

There were no questions from council members on this amendment.

Jeb Conrad, President and CEO of the Chamber of Commerce noted that despite the initial concerns of their members, the Advocacy Committee, which met that day, was in support of the spirit of this ordinance. He said the Chamber believed in maintaining the integrity, the uniqueness, the historic value of the overlay districts that made downtown a unique location for visitors, residents and others. He expressed appreciation for the council's willingness to listen to the business community's concern on the original language of this amendment to the UDO.

Dave Harstad, said his office was on the second floor of a building on College Avenue, had windows but no sign, and would be considered a Standardized Business. He said that was silly. He noted his agreement with preserving the character of downtown Bloomington, and that first floor retail chain sign packages should be regulated. He said the definition as written was overly broad, and needed to be narrowed to eliminate small businesses that would be harmed by going through this process. He said that filing fees, time and uncertainty combined with a possible need for attorneys to work through lease agreements contingent upon approvals, and hiring of architects could all become overwhelming and daunting to a person who wanted to open a second branch of their business. He asked that the ordinance be more narrowly tailored to cover the businesses that it's really meant to cover. He asked for exclusions to the process for his business and others like his.

Harstad said he cared about the historic nature of the community and lauded the Historic Preservation Commission, and said it might be the appropriate body to deal with these issues of community character instead of the BZA. He also noted that this process seemed too quick for him and others to really digest the implications and impacts. He added that the courthouse square should have an historic designation.

Spechler said he was glad for the amendments being proposed. He said he was in favor of expanding the definition to all businesses rather than restaurants and was in favor of concentrating on the exterior of the buildings as well. He urged the Plan Commission to keep a watch for small businesses that could be spared a lengthy process, and could be instrumental in spurring economic development. He said this Amendment #1 eliminated the objectionable and legally offensive parts of the previous document.

Sturbaum said this was the right direction for the downtown. He said it would maintain the livelihood and character over the life of the buildings downtown, and maybe enliven some of the areas that needed attention. He said that the Historic Preservation Commission had studied the University Village Overlay, the architecture, use, and the unique building types. He said he liked the amendment that dealt with a light touch.

Sandberg said she was pleased with the current configuration of the amendment, and hoped that the process would not be unwieldy for those

what are known as "Standardized Businesses." The proposed amendment regulates not only restaurants, but all commercial businesses that provide standardized products and services. This amendment also modifies the Conditional Use criteria to be utilized by the Board of Zoning Appeals so that the Board's review focuses on steps a petitioner may pursue to assure that the project visually complements the surrounding area and the particular overlay district rather than on conditions largely beyond their control.

Note: Am 01 was revised with corrections after its Do Pass recommendation at the Committee of the Whole on June 11, 2014. The revisions: corrected one citation, made some changes to formatting, added an instruction to the codifier to reflect the new conditional use in the table of contents, and clarified that "convenience store" is an excluded use in the University Village Overlay district.

going through the process. She said this would not prevent the city from progressing and adding new energy, but would help maintain the best of the city. She did not want the process to interfere with economic development, business, or people’s ability to put interesting things in the downtown to add to the success of the area.

Amendment #1 to Ordinance 14-05
(as corrected) (*cont’d*).

Granger reiterated her support of the amendment adding that it supported business and community character. She also said that this might actually encourage more creative character.

Neher thanked the administration and council staff for their work on this amendment. He said the collaboration over concerns led to this product.

Amendment #1 received a roll call vote of Ayes: 7, Nays: 0

It was moved and seconded to adopt Amendment #2 to Ordinance 14-05.

Amendment #2 to Ordinance 14-05

Neher said that the amendment added “Whereas:” clauses that would put the ordinance into context. He said it went through a lengthy history of downtown economic development, overlays, and actually didn’t change the content of the amendment. He noted the title and synopsis would also be changed by amendment #2.

This amendment is sponsored by Councilmember Neher. It adds the Title, Whereas clauses, and Synopsis to Ordinance 14-05 as amended by Am 01, to reflect the procedural history and intent of the legislation.

Spechler asked if Restaurant Row would be part of the Overlay. Mulvihill said it already was.

There were no public comments on this amendment.

Sturbaum complemented the people who put this information together and said it was an important step in preservation of the downtown.

Amendment #2 received a roll call vote of Ayes: 7, Nays: 0

It was moved and seconded to adopt Amendment #3 to Ordinance 14-05.

Amendment #3 to Ordinance 14-05

Sturbaum said this added one clause that affirmed the adoption of the ordinance did not preclude the subsequent designation of the courthouse square as an historic district. He said that if people from 100 years ago were on the square today, they would recognize where they were. He said this was the most significant district in our city and it was our responsibility to preserve it.

This amendment is sponsored by Councilmember Sturbaum. It adds a final whereas clause stating that the ordinance does not preclude the subsequent designation of the Courthouse Square as a historic district.

He said he had been on the Historic Preservation Commission for a long time and the designation of the square has been discussed for all that time. He said that they had been waiting until it was not a controversial action rather than a obvious action. He said it was on the HPC agenda again for this year.

Mayer asked if a building would be reviewed in an historic district. Mulvihill said it would. She said that many buildings do have a protection now, even if they are not in an historic district.

There were no public comments on this amendment.

Spechler said he would leave the historic designation of the courthouse square to a subsequent discussion.

Granger said that this was an important amendment and opened up the discussion to happen next.

Amendment #3 received a roll call vote of Ayes: 7, Nays: 0

It was moved and seconded to adopt Amendment #4 to Ordinance 14-05.

Sturbaum said that this amendment would add a line to the definition of standardized business to exclude ones that do not have building frontage on the street. He said it was in response to Mr. Harstad's statements and concerns.

Mayer asked for the staff view on this amendment. Micuda said that the administration supported the amendment.

Sturbaum asked about the Hearing Officer option in the review process. Micuda said that conditional use reviews in the state of Indiana could be done through the BZA or through a Hearing Officer. He said the BZA met once a month and had a more formal process. The Hearing Officer, by state law, is appointed by the Plan Commission who could preside over simple variance and simple conditional use requests. He added that the Hearing Officer met with petitioners every two weeks. Micuda said he envisioned more requests and that they would be handled by both processes.

Dave Harstad said he wondered how the words "devoid of building frontage which is visible to the street" would be interpreted. He suggested the wording be changed to "not including business/professional offices located above the ground floor and any other commercial businesses located in such a manner." He said business/professional office was a defined term in the code. He said it would make clear that these businesses did not need a conditional use permit.

Sturbaum asked the staff to respond to Mr. Harstad's suggestion. Mulvihill said if the language was changed according to the suggestion, no business/professional office on the second floor would have to go through the conditional use process, window or not. Sturbaum asked if there were examples of businesses that had no windows or exterior doors. Mulvihill cited Fountain Square as the best example of this. She added that larger buildings had tenants that didn't have store frontage and would have no impact on the outward appearance of the overlay.

Sturbaum asked if there was a downside to the suggestion. Mulvihill said that one day there would be a business/professional office on the second or higher floor that might have a negative impact on the street frontage or appearance of these two overlays.

Mulvihill responded to a question by Neher regarding the second floor windows, saying that if Mr. Harstad's wording was adopted, those businesses would be exempt from the process.

Spechler said that the amendment was not mature, and asked the Plan Commission to think about this. Neher asked Dan Sherman, Council Attorney/Administrator to explain the process of this amendment to the UDO for clarification.

Sherman said that the process was in progress, and the ordinance was amended. If it were adopted, it would go back to the Plan Commission. Their options would be to approve, reject or fail to act on the changes. He said to amend the product of the night's work was not an option at this time.

Spechler thanked him for his explanation and said he could not accept this change. He said it could be better.

Sandberg asked if the upper floor businesses with windows would go through the Hearing Officer process. Micuda said it might not alleviate

Amendment #4 to Ordinance 14-05

This amendment would revise the definition of "standardized business" to exclude commercial business establishments "located in such a manner as to be devoid of any building frontage which is visible to a street." The intent of this amendment is to exclude businesses from the new conditional use review which do not have visible presence from the street.

Harstad's concerns but it would be a simpler and quicker process. He said that the Hearing Officer process, from filing to final outcome, could take as little as two weeks.

Amendment #4 to Ordinance 14-05
(cont'd)

Spechler questioned if cases could go to the Hearing Officer if the proposal was not adopted at this session. Micuda said that was correct.

Sandberg commented that she was comfortable with the process of review, and believed that being straightforward was a better path than making exceptions to the rule. She said this was not burdensome and the city was not looking to shut down businesses or discourage business. She said this would ensure that this would protect what we have and what we want to continue to encourage.

Granger said she supported this amendment as written, adding that second floor windows visible from the street are adequately covered here.

Mayer said the amendment was well considered and well written. He thanked staff for their work.

Sturbaum said he was sorry that all of Mr. Harstad's concerns were not addressed. He said we could change things if needed in the future.

Amendment #4 received a roll call vote of Ayes: 6, Nays: 1 (Spechler).

There were no council questions at this point in the deliberation, nor any more public comments.

Ordinance 14-05 as amended by four amendments.

Sturbaum thanked Neher for cleaning up the wording and pulling a lot of people together who were contentious about the issue. He thanked the staff and Mulvihill for their work, saying that this was a significant action that would matter to the city for a long time.

Sandberg said she was pleased with this work. She said she found the 'Whereas:' clauses rich and valuable and urged people to read them.

Spechler said this was a great example of community democracy that connected the Plan Commission, the public comments, the Chamber of Commerce, the council and developers, and that Darryl Neher put it in a package that the community could live with. Spechler said he was pleased to be a part of that.

Ruff noted the proposal really began with Mayor Kruzan. He said he had tremendous respect for that original proposal which he called bold and as progressive as possible in the state of Indiana so that we could work to preserve the special parts of the community.

Mayer noted his comments were what Sturbaum actually stated.

Neher said that when the process started there was concern about the necessity of the product. He had noted at the time that "the ordinance that the mayor brought forward deserved a debate." He said that now the debate and discussion was finished, and that the proposal to be voted on was different in language, but was centered on the downtown overlays as worthy of protection. He said the mayor and staff could not be thanked enough.

Ordinance 14-05 as amended received a roll call vote of Ayes: 7, Nays:
0

Neher polled the council on probable attendance at the Internal Work Session scheduled for Friday, June 13, 2014. Enough members said they would attend, and Neher said the session would be held as planned.

COUNCIL SCHEDULE

It was moved and seconded that the council amend the regular order of business on the agenda for the Regular Session on June 18, 2014 by switching Part VI (Legislation for Second Reading and Resolutions) with Part VII (Legislation for First Reading). Dan Sherman, Attorney Administrator/Attorney explained that change would allow the request for a vacation of right of way to be introduced and heard within the statutory time frame.

The motion to change the agenda was approved by a voice vote.

The meeting was adjourned at 8:38 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington