COMMON COUNCIL
REGULAR SESSION
July 17, 2013

In the Council Chambers of the Showers City Hall on Wednesday, July 17, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

ROLL CALL

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

AGENDA SUMMATION

Council President Neher gave the Agenda Summation

APPROVAL OF MINUTES

It was moved and seconded that the minutes of the Regular Session of June 19, 2013, the Special Session of June 26, 2013 and the Regular Session of July 3, 2013 be approved.

The motion was approved by a voice vote.

REPORTS

- COUNCIL MEMBERS

Councilmember Volan said that at long last a draft of the report and the recommendations of the Special Committee on Street Design and Engineering Standards was ready for the committee to consider. Committee members Ruff, Spechler and Volan will schedule their meeting and discuss the report.

Councilmember Mayer said, "stay cool."

Councilmember Sturbaum said, "peace and love."

- The MAYOR AND CITY OFFICES

There were no reports from the Mayor's office or other city offices at this meeting.

- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

- PUBLIC

Call for public comment:

John McGuigan, from Caveat Emptor, spoke about the new parking meters that will be installed downtown and the cost to the public to use them. He said he wanted to argue for a mixed use of long and short term parking meters. With hourly rates lower for longer term parking up to two hours as he experienced in Evanston, Illinois. He also said he was concerned about the part time parking rates in the garages for part time workers who would find it difficult to pay the rates.

Janis Starcs, from Caveat Emptor, spoke about the hardship of workers and others to pay the current parking meter rates, especially for those workers who make minimum wage or just above.

Brenden Carlton, a downtown worker, said he had heard from retail owners who said paid parking downtown would essentially lower the property value of the businesses downtown.

Ben Skirvin, staff at Caveat Emptor addressed the paid downtown parking issue and those who may not be able to pay, especially the "working poor" or those whose pay is regularly decreased. He also mentioned that those who volunteer downtown would have to pay to park. He said that additional expenses for parking could discourage some from opening businesses downtown. He said that it appeared that Bloomington had two hands out: one asking for money and one with a sign that said keep out.

Kay Bull, who identified herself as a transgendered resident of Bloomington, sang a song she wrote for the city council about those in elected positions.

PUBLIC COMMENTS *(cont'd)*

Dave Stewart asked the city council to grant a veto option to the chicken ordinance for health reasons. He said he preferred the original ordinance that allowed for neighbors to grant permission in the form of a waiver in order to keep chickens. He said because of allergies he has severe medical symptoms and reactions with chickens in the yard next door. He said he had talked to his neighbor and discussed the problems, and also told him he was willing to pay for the removal of the chickens.

Glenn Carter said the Ubuntu Shelter group was still looking for a location for a low barrier homeless shelter. He asked the city council for a legal space to allow citizens a chance to sleep at their own risk.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments made at this meeting.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 13-10 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Stop and Signalized Intersections, One Way Streets, Speed Zones, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking and the City Parking Garages

It was moved and seconded that Ordinance 13-10 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the committee recommendation of do pass 8-0.
It was moved and seconded that Ordinance 13-10 be adopted.

Amendment #1 to Ordinance 13-10
Indiana Senate Enrolled Act 387 went into effect on July 1, 2013 and increas the fine for accessible parking violatic from $50 to $100. This amendment brings the fine for local violations of these provisions in line with those of the State.

It was moved and seconded that Amendment #1 to Ordinance 13-10 be introduced. It had a Do Pass recommendation of 8-0.

Volan asked Susie Johnson, Director, Public Works to comment on the amendment, specifically the relationship of IU handicapped placards and State of Indiana placards issued by the Bureau of Motor Vehicles.

President Neher asked Johnson to review the ordinance and then the amendment.

Johnson highlighted the changes this ordinance would make to Title 15, including changes in signal lights, stop intersections, one way on Gentry and Smith, speed limits around parks, angled parking on Hillside, addition of no parking spaces, lane width changes on Mitchell, changes in combination 2 hour and residential spaces, changes in downtown garage names, and the addition of several handicapped spaces to the downtown area.

Questions on Amendment #1 to Ordinance 13-10.

Volan asked about the placards issued by IU and the placards issued by the BMV. He said it was his understanding that the city had been honoring placards issued by IU in cars parked in city spaces. He asked if this was allowed.

Johnson said that Indiana code would not allow the city to honor placards issued by IU. She said the city had been honoring IU placards, but in the future would no longer honor them.

Volan asked if the city had communicated with Parking Operations at IU. Johnson said yes. She also said that the Clerk's Office learned that IU never intended for the city to honor the IU placards, and that it would be more useful for anyone to get the state issued handicapped placard instead of only getting the IU placard.

Amendment #1 to Ordinance 13-10 *(cont'd)*

Johnson deferred to Deputy Clerk Wanzer for clarification in response to Volan's question about which placard to get. Wanzer said in her discussion with Doug Porter, Director of IU Parking Operations, she learned that with a state issued placard, IU employees still needed to obtain an IU placard to park on IU property. She said that IU staff could get an IU handicapped placard that was honored only on IU property, but that with a state issued placard, it was just easier for the permit holder since that allowed parking anywhere.
She added that all of the information was available on the IU website.

There were no comments from the public.

Council Comments:

Volan said that he was trying to achieve clarity in the explanation of rules. He said his questions were to try to clarify information and minimize confusion for the public. He summarized what he understood about handicapped placard use. He said this amendment was more of a formality by aligning city fines with the new higher state fines for illegal parking in handicapped spaces. He said he endorsed it.

Spechler said to be clear, if one would like to park in a handicapped space at IU, an IU handicapped placard was required, which was not adequate for parking anywhere else. He summarized by saying, "Park at IU, have an IU placard, park anywhere else, have a state of Indiana placard."

Mayer said the aforementioned Doug Porter was the son of the later John Porter, councilmember in the 1980s.

Amendment #1 to Ordinance 13-10 received a roll call vote of:
Ayes: 9, Nays: 0

Ordinance 13-10 as amended

Discussion on Ordinance 13-10 as amended.

Council questions on Ordinance 13-10 as amended:

Rollo asked about how decisions were made on placement and numbers of handicapped parking spaces. Johnson said she worked with Barbara McKinney, the attorney from city legal who worked with accessibility issues. Johnson said they attempted to find spaces that were adjacent to curb cuts, were mid block adjacent to an alley or at the end of the block, and spaces that were level.

Rollo asked if there was a formula for numbers, and Johnson said it was described in the American with Disabilities Act. She said the city had been in compliance prior to this, but thought it important to review and add new spaces.

Rollo asked if the numbers were adequate to accommodate the new destination locations that were being developed. Johnson said this was the type of thing that needed to be monitored regularly as development and population, demographics, and needs changed.

Volan asked if it was true that the city was seeking to make 4% of parking spaces accessible. Johnson said she was unsure of the precise formula, but could get that information.

Rollo asked about the numbers of motorcycles that were allowed to park in one space. Johnson said as many that could fit legally as long as the meter was paid.

There were no comments from the public.

Ordinance 13-10 as amended *(cont'd)*

Spechler thanked Susie Johnson for her work on this and said that his constituents appreciated this ordinance and its changes.

Volan said he appreciated the change in garage names and added that he thought it was always better to try to clarify and explain rather than have too little information.

Mayer thanked Susie Johnson and her staff for their work.

Neher said he and his constituents appreciated the 24 hour light at Walnut and Grimes which would make the intersection much safer.

Ordinance 13-10 as amended received a roll call vote of Ayes: 9 Nays: 0

Final vote on Ordinance 13-10 as amended

It was moved and seconded that Resolution 13-12 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, saying that there was no committee recommendation.

Resolution 13-12 To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG)

Patty Mulvihill, Assistant City Attorney, said this was a federal grant that came to the city each year, but since it was shared between the city and county, both governing bodies needed to enter into an interlocal agreement that specified the expenditures. This year both departments wanted to purchase a program for crime mapping and analysis that would indicate where crime was occurring and provide real-time information for officers on the street. The balance of the expense would come from funds budgeted for the new dispatch center. The county Commissioners passed their portion of the interlocal agreement the previous week.

Council questions:

Rollo asked how the mapping would work, and whether it was a predictive tool. Mulvihill said according to what she learned from Chief Diekhoff, officers could see data on a map and also communicate via a program similar to a blog. She said it allowed all entities, city and county to communicate and share data.

Neher asked if this would help maximize the efficiencies of staff. Mulvihill said yes, that this program would break the city into sections and provide information about staffing needs.
Neher asked if there were any additional long term maintenance costs. Mulvihill said there would be, but that cost was budgeted in the dispatch center with technology costs.

Public comment:

Glenn Carter asked why the expenditure on this data equipment needed to be made rather than having police officers using their training and intuition. He said he would like to know more about the program and how it wouldn't duplicate what human beings had done heretofore.

Ben Skirvin said he works with mapping programs and noted that Google mapping could do GIS level statistical analysis for no expense. He asked why the city would need to spend $124,000 for something that was offered for free.

Another constituent said it sounded incredibly expensive, and wondered if that was just the cost overrun. He noted that there must be someone in Bloomington who could develop this for no or a lower cost.

Resolution 13-12
(cont'd)

Council follow up questions:
Volan asked a follow-up question of Mulvihill concerning cost. Mulvihill said she couldn't address whether this was too expensive, but that we did have an IT department that had analyzed it. She added that it was more than mapping, but also real-time communication and blogging. She said it also created an interface with the county which had not been possible previously, except after the fact and manually updated.

Volan asked if this was a new program or an upgrade. Mulvihill said it was new and would allow the city to interface with the county.

Sandberg asked if the data gathering capabilities could be used for other types of reports and queries and whether this could be used to leverage other types of grants. Mulvihill said according to Chief Diekhoff this was a more comprehensive approach that gave the city and county better data and information about crime and trends, and assisted in community policing.

Comments:

Spechler said he had always been supportive of a productive cooperation between the city and county, and noted that this was a federal grant for criminal justice and not coming from city tax revenue. He encouraged endorsement of this.

Ruff said since council members were not experts in law enforcement, it was wise to accept the recommendation of those who worked in law enforcement.

Volan said that the council should be asking more questions about the software purchases of the police department, just as the council sought more details on the software and programs that would operate the parking meters. He added that he was supportive of this expenditure, but that council members needed to be familiar with products they were funding.

Mayer said that federal tax payments by local citizens were coming back to benefit the community, and that the council was fortunate to have the opportunity to make this local decision on federal funding.

Rollo said the public comments about cost were heard, but trusted that IT had studied this adequately. He suggested that the council receive a report sometime in the future as to the effectiveness of this purchase. He said he supported this resolution.

Neher said this had been mentioned by Chief Diekhoff in last year's budget review, and that the department wanted to be able to use data analysis more effectively. He added that this just wasn't about examining patterns, but also trends of data and points of data that no one person could do. He said he was happy to support this.

Resolution 13-12 received a roll call vote of: Ayes: 9, Nays: 0

Resolution 13-13 To Approve an *Amended* Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG)

It was moved and seconded that Resolution 13-13 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, saying that there was no committee recommendation on this item.

Patty Mulvihill reviewed this ordinance and the background for the purchase of light bars. She said this was requested by BPD Chief Mike Diekhoff who had made the request since the BPD realized they would not be able to train an officer in the use of the polygraph equipment

previously proposed.

Resolution 13-13
(cont'd)

Council questions:

Spechler asked whether the city and county cooperated in the use of current polygraph equipment. Mulvihill said yes there were many instances of cooperation.

Spechler asked if polygraph equipment was not used much, was it necessary for both city and county to be equipped with polygraph equipment and trained staff. Mulvihill said no, it wasn't used that frequently.

Neher asked whether the light bars would have been purchased without this grant funding. Mulvihill said yes, since lighting on police cars was required and they wear out, that this expenditure would have been taken from the city budget.

There was no public comment.

Council Comments:

Spechler said this was an example of cooperation which saved the city money, and should be endorsed.

Resolution 13-13 received a roll call vote of: Ayes: 9, Nays:0

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST READING

This section of public comment had no speakers.

PUBLIC COMMENT

Parliamentarian Mayer said that due to action the council took the previous week, the city budget hearings were moved from July 20th to August 19th. Therefore, the council would hold city budget hearings on August 19th, 20th, 21st, and 22nd at 6:00 each day in the council chambers.

COUNCIL SCHEDULE

It was moved and seconded to adjust the August, September and October legislative cycle in the following manner:

Motion Regarding Legislative Cycles in Late August, September, and Early October

In light of the July 3rd Council decision to change the schedule for informal consideration of the 2014 Budget from July to August and formal consideration of the budget legislation from early September to late September and early October, it was moved and seconded that the Council adopt the following schedule for consideration of other legislation in August, September, and early October, 2013:

First Legislative Cycle for September (August 28th – September 3rd)

The Council shall meet on:

- Wednesday, August 28th to hold a Regular Session which shall be immediately followed by a Committee of the Whole; and
- Tuesday, September 3rd to hold a Regular Session.

These meetings shall constitute the first legislative cycle for September.

Second Legislative Cycle for September (September 3rd – 11th – 18th)

After holding the Regular Session on September 3rd, the Council shall meet on:

Motion Regarding Legislative Cycles in Late August, September, and Early October *(cont'd)*

- Wednesday, September 11th to hold a Committee of the Whole; and
- Wednesday, September 18th to hold a Regular Session.

These meetings shall constitute the second legislative cycle in September.

First Legislative Cycle for October (September 18th – October 2nd – October 16th)

After holding the Regular Session on September 18th and while considering budget legislation on other Wednesdays during this period, the Council shall meet on:

- Wednesday, October 2nd to hold a Committee of the Whole; and
- Wednesday October 16th to hold a Regular Session

These meetings shall constitute the first legislative cycle for October.

Ancillary Actions and Information

The aforementioned meetings shall be held in the Council Chambers located in Room 115 of City Hall (401 North Morton) and, unless otherwise noted, begin at 7:30 p.m.

This motion modifies the 2013 Council Annual Schedule by canceling the meetings that occur during this time period. The Council shall resume the 2013 Annual Schedule starting on Wednesday, October 16th.

The President of the Council shall establish the dates for the submission of legislation to the Council Office and, after consultation with Council members, the dates and times for holding the Staff/Council Internal Work Sessions.

Council Attorney/Administrator Dan Sherman added that this motion was necessary due to rescheduling the budget hearings, as mentioned by Mayer.

There were no questions or comments.

The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

ADJOURNMENT

The meeting was adjourned at 8:56 pm.

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington