In the Council Chambers of the Showers City Hall on Wednesday, January 15, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 15, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler,
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes of the Regular Session of June 5, 2013, the Special Session of October 9, 2013 and the Organizational Session of January 8, 2014 were approved by a voice vote.

APPROVAL OF MINUTES

REPORTS

- COUNCIL MEMBERS

Steve Volan reported that the Materials Recovery Facility would be discussed by the Monroe County Solid Waste Management District during the coming year. He said that city residents might need to separate clear glass and colored glass from the rest of their recyclables as clear glass is more valuable. He said this would reduce the expense of both recycling and waste removal. He looked forward to reporting more on this issue in the spring.

Tim Mayer thanked the Street Department and Public Works employees for their work during the inclement season. He said the same folks fill potholes, plow streets and pick up leaves. He asked that people be patient as the workers rotate between these jobs according to weather.

Dorothy Granger reported that January is National Stalking Awareness Month, and that 6.6 million people were stalked yearly in the United States, and that one in six women and one in nineteen men have experienced stalking victimization at some point in their lives.

Chris Sturbaum said he was disappointed in the Indiana governor for putting the marriage amendment to a vote, noting that it would be similar to voting on school integration. He said he was also disappointed in the governor for failing to expand Medicaid. He also expressed disappointment that IU Health had not settled negotiations with United Health Care with regards to health insurance provisions. He said that meant that many citizens and city employees could not use Bloomington Hospital at this time. He said it was an example of for profit health care at work, not to serve people, but to wrangle the most dollars out of the health care system.

Darryl Neher asked citizens to pay attention to the state legislature and their activities as a number of bills not receiving coverage were important. He noted the "ag gag" bill that would hide abuses from the public eye and make whistle blowing a crime. He said other Indiana laws already covered the issues in the bill.

There were no reports from the Mayor or City Offices at this meeting.

- The MAYOR AND CITY OFFICES

- COUNCIL COMMITTEES
  - 2014 Sidewalk Committee Report

It was moved and seconded to amend Council Attorney/Administrator Dan Sherman's Disclosure of Conflict of Interest form to include his name and address on the initial page of the document.
The motion to amend the document was approved by a voice vote.

It was moved and seconded to accept Dan Sherman's amended Disclosure of Conflict of Interest regarding a sidewalk project that might have been discussed by the committee for funding. The project that would pass by his residence was not discussed or funded this year.
The motion to accept the Disclosure was approved by a voice vote.

Sherman noted the composition of the Sidewalk Committee and acknowledged city staff that provided support for the committee. He said

that purpose of the committee was to make recommendations for the surplus money from the Neighborhood Parking Permit Program set aside in the Alternative Transportation Fund. He said the amount was $300,000, a $75,000 increase over the last two years.

Sherman said safety, roadway classification, pedestrian usage, proximity to destination, linkages to other sidewalks and cost/feasibility were the criteria for recommendations. Sherman noted that the following recommendations from the committee:

- Kinser Pike from Colonial Crest to 17th Street – East Side $38,068.80
- 17th – Maple to Madison – South Side $46,060.30
- E. 7th Street at SR 45/46 Bypass $20,000
- Leonard Springs Between 400 South of Bloomfield Road to Tapp Road – East Side $15,000
- Sheffield Drive – Morningside Dr. to Providence Drive – West Side $55,143
- Maxwell Lane – Jordan to Sheridan Drive – North Side $96,279.38
- Traffic Calming - Set Aside $15,000

Council questions:
Mayer asked if there was a reason the state project didn't include stairs and ramp amenities to the E 7th Street project when they changed the by-pass last year. Sherman said that there was no discussion of a ramp, but that the state offered to put in stairs. In return they wanted a commitment from the city to put a sidewalk on 7th Street, which the city estimated at a cost of over $100,000. He said the committee didn't recommend that project. Mayer asked about the time frame. Sherman said it may have been during the construction phase, was within the last three to four years.

Spechler asked for clarification that the sidewalk just discussed was to the west side of the by-pass and not the east side which was newly constructed as a pedestrian/bicycle boulevard.
Spechler also asked for clarification on the Sheffield sidewalk extension.

There was no public comment on this report.

Sturbaum said he had been on the committee for a long time and that the city was playing catch-up to put in sidewalks where none were required before the planning and zoning took effect. He said sometimes connections were a really good way to benefit the most people and residences. He said the list to catch up is discouragingly long, but that was this prioritizing was so important.

Rollo said he agreed and added that there were inadequate stormwater facilities which added a further burden, as well. He thanked the Utilities department for working with the sidewalk committee. He thanked the committee for the Maxwell sidewalk completion, saying that it had been added to bit by bit for several years. He said the best people who could advocate for these projects were people who lived in areas that needed this pedestrian amenity and urged them to contact the council office.

Volan said he appreciated the committee's consideration of the 17th Street sidewalk section that was brought to the attention of the council by an eleven year old girl. He said the recommendations were generally well thought out.

Spechler noted the criteria for projects included safety which, he said, was his highest priority. He noted that each project's potential for increasing pedestrian and bicycle use was considered, but it was hard to forecast to what extent this would actually occur. He noted the committee looked at the entire city.

Mayer thanked the committee for considering the SR45/46 bypass underpass. He said that the original proposal was to open 7th Street to the west with a signalized intersection. He said the city worked with the state to include this feature. He said the next proposal was a pedestrian overpass,

2014 Sidewalk Committee Report *(cont'd)*

which was not encouraged by IU, and the proposal died. He noted that he and Mike Diekhoff (former District 3 council member) proposed that the state provide a pedestrian access across the bypass one way or another. He said it was unfortunate that the state didn't complete the underpass, which would have connected the Polly Grimshaw bicycle path that ran east along the railroad tracks from the bypass into the Park Ridge neighborhood with the signed bike path on 7th Street. He said he was looking forward to these improvements that have taken a long time to happen.

It was moved and seconded to approve the 2014 Sidewalk Committee Report.
The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

- Street Design and Engineering Standards Committee

Volan gave the committee report for the Street Design and Engineering Standards Committee. He read a proposed amendment into the report to reflect an additional and final meeting. He asked Ruff and Spechler, the two other committee members to speak to the report.

Ruff said he thanked staff for the time that they spent on the effort, and Volan for taking the initiative to create the committee. He said he felt that both of the main points of the mission and function of the committee were met.

Spechler thanked Volan for his efforts in producing the report. He said he could not accept part A-5 for two reasons, and said he had urged the committee to eliminate the point. He said the words in that section of the report *"the Public Works Department did not reflect a working appreciation of the Mitigate Traffic Policy Essence of the 2002 Growth Policy Plan"* was Volan's interpretation emphasis in reading the GPP. Spechler said that his reading was that in accepting that plan, the council committed to improve the possibilities for safe pedestrian and bicycle use, but not to reduce the importance of motor vehicle traffic except to reduce the number of trips.

Spechler said his other objection was the implied and obvious criticism of the Public Works Department, noting the working appreciation phrase. He said the report also contained the words *"We question its commitment to this portion of the GPP."* He said he didn't remember anything of this sort on the part of the representatives of the Public Works Department. He said before the council approves criticisms of a department of the city the council should go over the minutes of the meetings to see whether this interpretation was justified or not.

He said he didn't object to criticizing agents or employees of the city where necessary, but he noted that it needed to be carefully considered for morale, competence and ability to read the GPP in the city. He said the committee didn't go back to read the minutes, and the first meeting was held months ago. Spechler said he objected to making criticisms in an arbitrary and off handed way to say that they don't have a working appreciation of the GPP, which he said was to say that don't appreciate what is public policy in the city. He again stated that he felt this was wrong. He said the second sentence of 'we question' did not include him. He said the wording of the GPP had been approved, and that in his view the words 'mitigating traffic' meant that the city should improve the alternative ways of moving around the city without prejudicing people's choice to use their automobile because of weather, distances or handicaps. He said he did not join anyone on the council who was anti-automobile, adding that it was dead wrong. He said the interpretation presented in the report seemed to mean that automobile were downgraded and the other means of moving around the city were prioritized. He noted he had supported sidewalks and bike lanes, but said we should also improve the safety and convenience of motor traffic in the city.

Neher asked Sherman to explain the difference between accepting a report and approving a report.

Council Attorney/Administrator Dan Sherman said that under Robert's Rules of Order 'acceptance' meant to take into possession, and 'approval' meant to actually endorse the recommendations.

Rollo asked if the committee considered the anticipation of bicycle and pedestrian need when evaluating traffic flow. He further explained that pedestrians and bicyclists were discouraged from attempting to use certain routes because of current configurations of infrastructure. He used the changed in the Hyde Park/Moore's Pike cross walk as an example, saying that pedestrians would not have thought of using that crossway until a cross walk was created there.

Volan said this was the greatest debate of the committee, and the term for this condition was 'induced traffic' which meant *'if you build it, they will come.'* He said by adding lane capacity to a road, more people will use the road. He said the same thing would happen with sidewalks. Volan said Spechler was wrong on assertions of how the point was made about induced traffic. Volan said that as chair of the committee he felt responsible to review and transcribe each of the recorded televised meetings, but for practicality he removed much of the material from his initial effort.

Volan said that in the initial meeting he and Ruff had asked Mr. Wykoff about the notion of 'induced traffic.' He said Wykoff 'described no understanding of the concept.' He said his point came from a very specific line of questioning that did not receive a satisfactory answer. He said it was a shame that INDOT did not build sidewalks with the same enthusiasm that they built interstates. He said the lack of understanding of 'induced traffic' was ironic considering that Spechler, tonight in previous reports, said 'building sidewalks encourages more walking.' Volan said that was the very definition of induced traffic. He said the comment was not made in an offhand way, and the fact that the city engineer did not have a working understanding of the concept should give people pause.

He said the statement was not arbitrary, and the invocation of 'complete streets' in this document was an important note to make as it did not prioritize walking and biking over driving. He said it called for them all to be treated equally. He urged council members to not make a critique of ideas or actions automatically a quality of the people espousing the ideas. He reiterated that the report was a critique of ideas and actions, not a critique of the people who work for the city or of the council.

Sturbaum said he had been watching the neighborhood transportation process that had been born out of a desire to solve traffic problems that neighbors saw in their neighborhoods, a bottom-up solution. He said that if we drift away from that model for a top-down statistical analysis model, we would be less proactive. He said to solve problems as they bubble up, the best and quick solutions are provided.

Sturbaum said he was willing to rewrite the NTSP, but it was concerned that the changes would be written by the Planning Department would rewrite it, that only the most vocal neighborhoods would get attention. He feared that the rewrites would depend more on data than on the experience of the neighbors. He asked if there was a drift away from the original model of neighbors solving problems in their own neighborhoods.

Volan said it was a good question. He said that the section C-4 said that the "data relevant to the determination of where there are traffic safety problems is not readily forthcoming." He noted that the statement was

not that the problems themselves were not 'readily forthcoming,' just that hard data was not there. Speaking to Sturbaum's larger point, he said that he didn't believe that any member of the committee believed that the process should be more top-down. He corrected what he called a misimpression that the council approved the notion of an NTSP but that the document was written entirely by the Public Works Department. He said that it needed to be rewritten and that duty would still lie within the city administration, and that the council would approve the document. In answer to Sturbaum's question he said that the intent was still to have a bottom-up approach to neighborhood traffic problems, and also to improve the guidelines in tightening the time frame. He said the council should expect to approve the language that Planning would produce.

There were no public comments on the Special Committee Report.

Spechler, in his final comments, said he had criticized the idea that the Public Works Department did not reflect a working appreciation of the mitigate traffic policy essence of the 2002 Growth Policies Plan. He said the elaboration just provided was even worse. He said that to identify the employee and to criticize him for failing to appreciate Volan's theory of induced traffic was not acceptable to him. He said that to say that a person did not accept the theory was not merely a criticism of an idea but also a criticism of an expert within the city administration for failing to appreciate a theory. He said the theory of 'induced traffic' was not found in the GPP and was Volan's idea. Spechler said he absolutely opposed the idea of criticism directed towards a member of the administration for their statements in committees about ideas. He said that this would not encourage open discussion about ideas and was the wrong way to go. He added that he had told Volan several times that this was a poor time to operate the committee.

He concluded by saying that the point of A-5 as elaborated upon was even worse than its inclusion in the report. He rejected this as a message of the council and would vote against it if it were being adopted rather than being received by the council. He said he supported the final recommendations, and had also recommended to Volan that the accounts of the hearing should not have been included. He wanted the public to know that this member of the administration was not irresponsible or deaf to the issue in his participation in the committee hearings.

Ruff, as a third member of the committee, said he was sensitive to Spechler's concerns that ideas and comments be conveyed in a most productive, constructive and diplomatic manner. He added that it was difficult to discuss a significant change in orientation of past policies without at least an indirect criticism of what had been done before.

He said there were reasons that the engineer of public works now had included the planning director as part of the supervisory structure of his position and product. He said there was a reason for the hiring of a new transportation engineer with significant authority and input into infrastructure decisions with regards to streets and roadways. He added that there was a reason that many street improvement projects were now being initiated through the Planning Department instead of Public Works. He said the reason was not a secret, but a deliberate change.

Ruff said that some road improvements do create hostility with regards to bicycle and pedestrians and 'induced traffic.' He added that the term was a well documented term in planning. He added that the concept was in conflict with the policy essence in the Mitigate Traffic of the GPP. He said progress and change should be made productively and without blaming, naming or pointing fingers. He added that changes were called for and being implemented by the administration, and while he understood the section that Volan wanted to include in the report on

this matter, he understood Spechler's concerns. He also encouraged people who had concerns about this issue to watch the conversation and exchange between himself, Volan and the members of the Public Works Department who were present at the hearing.

Sturbaum said he was pleased with the report because his 'to do list' included revising the NTSP. He said the simple change of using the 95th percentile in thresholds was a smart thing to do. He said it was good for neighborhoods to revise this and think about how streets affect environments. He said the best dynamic was to listen to neighbors' concerns along with the data; it brought about a better decision that looking at only one of those factors. He thanked the council members and staff for their work on the committee and was glad that that one of the top recommendations was to revise the NTSP.

Granger said she was looking forward to the revision, and would help the council in considering legislation. She also thanked the committee.

Rollo said he appreciated the work of the committee and looked forward to the process of revisions, adding it was a reflection of changing times. He used an example of the build-out of the Moore's Pike area; there was no access for people on the south side of the street. He said the engineers, developers, and council could not imagine people wanting to walk across that street to get to the regional center there. He added that there would be conflict as people worked through different paradigms, and that his experience was that the three engineers were looking at the situation in different ways. He said that hard traffic was dominant and it was natural to look at things that way. He said walking, biking and public transportation were being considered more than in the 1990s. He said the infrastructure built over decades will take a long time to catch up with these concepts.

Rollo added that we should try to anticipate needs by finding destinations where pedestrian safety would be a concern. He said it was not always apparent and there was not always someone to advocate for these areas.

Neher said he appreciated the report as the forthcoming GPP discussion would benefit from the report that clearly outlined the opportunities and dangers ahead.

Volan said Rollo's comment about the city proactively looking for traffic safety problems was an issue that was debated in the final meeting of the committee. He said the commission decided that the city should focus on issues that at least one person had suggested. He said point C-2 was carefully crafted to clarify this unanimous decision by the committee.

Volan said he, as chair, deserved criticism for taking a long time to deliver the report. He said no one had criticized him for the delay, and he wouldn't take it personally if they did. He said no one related to the report should take any criticism personally, but it did not absolve him of the obligation to critique and criticize ideas that were wanting or that he disagreed with or that he believed his constituents disagreed with. He wanted to make sure that the phrase 'policy essence' was not misinterpreted. He said the GPP's chapters had headings that referred to policy essence, and that it was a clear policy recommendation of that document and he was trying to follow the recommendations as the will of the city as a whole.

He said he didn't anticipate the dissention on this particular issue taking such a long time, but appreciated the debate. He said debate on any one point should not obscure the utility of the whole report. He said he concurred with Sturbaum in looking forward to the revision and revival of the NTSP. He thanked clerk and council staff for their support

Street Design and Engineering Standards Committee Report *(cont'd)*

of the special committee and hoped that this would be a model for more efficient special committees in the future.

He concluded by saying that a critique of ideas was not a critique of people.

It was moved and seconded to accept the amended report from the Street Design and Engineering Standards Committee.
The motion was approved by a voice vote.

- PUBLIC

President Neher called for public comment.

John Lawrence, Representative of the Executive Committee of the Council of Neighborhood Associations (CONA), invited people to the first annual CONA Celebration on January 27th in Fountain Square Ballroom at 7 pm.

Glen Carter said he would be disappointed in the city if there were not arrangements made for a low barrier summer shelter for homeless individuals. He said there was a need for people to have shelter, and it was not just for people with addictions. He talked about the disease of addictions and mental illness and that those persons deserve some shelter, restrooms and clean drinking water. He noted that the Ubuntu Shelter Group was working to create this shelter program.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that the council affirm the mayor's appointment of John Saunders, Chris Cockerham, Sam DeSollar, Marjorie Hudgins, and Marleen Newman to the Historic Preservation Commission.
The nominations were approved by a voice vote which was not unanimous.

LEGISLATION FOR SECOND READING

There was no legislation for final action at this meeting.

LEGISLATION FOR FIRST READING

There was no legislation to be introduced at this meeting.

PUBLIC COMMENT

There was no public comment at this portion of the meeting.

COUNCIL SCHEDULE

It was moved and seconded to cancel the Committee of the Whole meeting scheduled for January 22, 2014 and hold a Special Session to take up a special resolution: Resolution 14-01 Supporting the Full Expansion of Medicaid in Indiana through the Affordable Care Act.
The motion was approved by a voice vote.

ADJOURNMENT

The meeting was adjourned at 9:12 pm.

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington