COMMON COUNCIL
REGULAR SESSION
April 8, 2015

In the Council Chambers of the Showers City Hall on Wednesday, April 8, 2015 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

ROLL CALL

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

AGENDA SUMMATION

Council President Rollo gave the Agenda Summation

APPROVAL OF MINUTES

It was moved and seconded that the minutes of the Special Session of March 25, 2015 be approved.
The minutes were approved by a voice vote.

REPORTS

- COUNCIL MEMBERS

Tim Mayer noted that winter had left Bloomington as the magnolia trees were now blooming.

Dave Rollo noted that there would be a seminar/talk sponsored by the Biology Department on Friday, April 10, 2015 in Myers Hall on the IU Campus. He said it would be of interest to community members who were interested in Griffy Woods, and the health of that area.

- The MAYOR AND CITY OFFICES
  Report from the Controller

Jeff Underwood, City Controller, gave the council a report on the steps that the city had taken to increase internal financial controls since he had entered the office.

He read from the Financial Policies Manual:

> *While no system is perfect or fool proof, the institution of appropriate level of internal controls will provide reasonable assurance regarding the reliability of financial information and records, effectiveness and efficiency of operation, proper execution of management's objectives in compliance with laws and regulations.*

He noted that this meant balancing the appropriate levels of controls with the efficiency of operations. He said the department would take a systematic approach to the review of processes throughout the city and the city's operations. He said existing technology would help with monitoring and moving information for control. He added that this created transparency so that anyone in the system could see where a transaction was in the financial process from beginning to end.

Underwood said he began his tenure by meeting with all city departments and people within those departments where revenue or expenditures were processed to determine their needs, to look at current processing, to see what controls were already in place, what assistance was needed and how the Controller's office could assist them. He said this was key to understanding the users' environments and needs. He said he met with the IT office and reviewed all the existing software packages that were used for processing revenue or expenditures, and reviewed all the management reports that could be provided. He wanted to see how those individual pieces interacted with the Enterprise Financial System, New World, which was the main financial software package for the city.

He said his office established working groups to

- Review and establish best practices for the various processes and activities,
- Perform risk analysis to assess and apply the best level of control based on the risk – determining the best type of control for the circumstance,
- Investigate and fully utilize the functionality of the New World program,
- Recommend and develop training programs for new and existing personnel,

Report from the Controller
(cont'd)

- Review and recommend appropriate user roles for various computer programs used within the financial system. He said each person should be able to handle their work and then move it on to the next person in line.

Saying that many processes were only tweaked in a minor way, Underwood outlined changes that were made in the city's financial procedures as:

Improving the purchase order process.

- Creating and hiring of the Purchase Manager position to analyze spending and leverage purchasing power, developing standard documents for procedures that are both state required and local policy, helping develop specifications for different types of purchases, and compliance requirements in these items.
- Implementing real time budgeting for purchase orders, rather than processing them in batches.
- Changing the invoice and collection processes to include segregation of duties, especially in revenue collection and billing. More than one person would now handle the process.
- Moving collections of fees and fines from smaller departments to the Controller's office to relieve them of that burden.
- Instituting a pre-application review for grant processes to make sure that all requirements, matching funds, reporting elements and staffing requirements were known before the grant application was submitted.
- Changing the process for Requests for Projects so that there would not be blanket funding agreements. He said the project timeline, funding, phases and work would be reviewed in advance so that the proper funding would be ready for each phase of a contract. He noted this measure would allow greater control of where and when funds were spent.

He thanked city department heads, employees and the Controller's staff for their work, suggestions, willingness to work for change and help throughout the months of planning and implementation of these changes. He concluded by noting that there was not really an end point to this project, but being diligent, continuing to work and review the project was necessary, and his office was committed to doing that.

Rollo called for council members to ask questions of Underwood.

Spechler, noting his great confidence in Underwood, asked him if he could do a better job of messaging those major improvements in the financial dealings of the city. He noted city municipal primary candidates and their supporters had been calling for a complete change of the city's fiscal system, not knowing it already had been changed.

Ruff asked about oversight regarding physical infrastructure improvement projects. Underwood said that oversight was incorporated, although he tended to focus on the financial aspects of the project. He said inspection reports, review of the reports and tying it to the financial component of payment had been implemented. He said payment would not be released until all reports and reviews were completed.

Neher asked if the working groups could be characterized as internal audit groups. Underwood said that the name of the department was 'controller' but internal auditing was an essential part of the department's work. He said his staff checked invoices for the appropriate levels of approval and assurances against that process.
Neher asked if the State Board of Accounts had completed their city audit. Underwood said that the SBA routinely completed an audit – including a review of segregation of duties and internal controls -- and would make suggestions to the city if needed. He added that that the audit served as an independent review of practices and an outside set of eyes on the processes.

Report from the Controller *(cont'd)*

Volan asked if the controller's job was statutory. Underwood said yes.
Volan asked if the malfeasance issues the city experienced were in capital funds rather than the general fund. Underwood said yes.
Volan asked if there had been internal controls in place before Underwood took office, and if he had strengthened them rather than creating them from scratch. Underwood said most measures were already in place, and most of the processes needed only small tweaks or changes. He said his review was focused on a process with one person controlling it from beginning to end, and high risk projects. He also looked at how payments were processed. He said bigger changes were made on the revenue side of the operation.
Volan stated that this was an improvement in the city's internal processes, and reiterated that the new internal financial policies manual was an improvement on existing financial policies and not a complete establishment of something the city never had before.

Sandberg asked about the current environment for staff, and what their comfort level would be if they saw something they thought they should report. Underwood said his approach was that he was not out to prosecute people, but to protect the good people who worked for the city, and to protect the assets of the city. He said he felt employees appreciated that approach, and in the meetings he'd held, people were at ease talking about processes and where they could see improvements could be made. He said these were the people who were at the base of the city's transactions and provided some of the best feedback he'd gotten in the process. He added that he felt people were able to relax a bit with this philosophy, and knew that they could speak with him or his staff about anything they felt was a bit out of the ordinary. Sandberg thanked him for his respectful approach.

Rollo asked if he had seen evidence of new policies substantially delaying projects, wondering if there was a bureaucracy had been created to increase oversight. Underwood said the new process was needed to have the proper controls in place. He noted the need for a balanced approach. He said pre-approvals might slow the vetting process, but once that was in place, it helped with more timely payments and reviews. He gave an example of a process, the Farmer's Market Bucks, where working with his staff, the claims and payments for vendors was streamlined with bar codes and vendor cards instead of spread sheets, claim sheets and a labor intensive system of matching claims with vouchers.

Rollo asked what other things might be anticipated in creating more transparency to the public. Underwood said he'd like to have more documents accessible on the web where they could be seen and submitted electronically. He said vendors would be able to see claim reports, track their payments in the process, and see the day it was deposited into their account. He said he would also like to show claim reports, payroll claim reports, financial reports posted on the web so that citizens could see the processes, the levels of controls, flow charts and the financial timeline.

Rollo thanked Underwood for his report.

- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

- PUBLIC

President Rollo called for public comment.

Marc Haggarty said there were no deer in Griffy. He asked the council members to go to Griffy and take pictures of what they saw. He said that the public felt that if they were not connected with IU or the DNR, they wouldn't be believed in the deer issue. He claimed that there was financial interest in the deer and the processing of the deer from White Buffalo as the DNR marketed deer and timber, multimillion dollar businesses.
He spoke of his dislike of killing deer with high powered weapons.

Daniel McMullen asked the council to propose a resolution in support of the Convention of States, a project of Citizens for Self-Governance.

There were no appointments made at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Resolution 15-10 – Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

It was moved and seconded that Resolution 15-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation.
It was moved and seconded that Resolution 15-10 be adopted.

Jennifer Osterholt, Director of the Bloomington Housing Authority, requested that the city forgive $32,720 payment in lieu of taxes, a longstanding practice with the city. She said she was grateful for the forgiveness of taxes in the past and reviewed the accomplishments of the housing authority.

She said the amount of funds forgiven could only be the amount used for the housing units owned by the BHA and the services that they provided. She said these would include a provision of space and support for an onsite the Boys and Girls Club, provision and maintenance of a computer lab to assist residents, provision of space for a Head Start class, the provision of space and support for an adult basic education class, a senior meals program and community food pantry. She added the BHA provided a bucket of cleaning supplies to each new resident.

Osterholt said the BHA had renovated the exteriors of all the buildings and that most of the interiors had been renovated as well. She said that 35 obsolete furnaces would be replaced on 2015.

She described the federal Housing and Urban Development inspections for Housing Authorities, and noted that inspections were done routinely by both HAND and an in-house inspector.

Osterholt said the federal budget sequestration meant a reduced amount of funding would come from HUD for public housing authorities. She noted that BHA also administered Section 8 housing vouchers and 80 veterans' housing vouchers. She said these vouchers helped 1376 families with rent, and this was separate from the 310 public housing units. She noted some vouchers were used for homeless issues with partners Crawford House, the Rise, Middleway House and in family unification programs with the Division of Family and Children.

Spechler asked how many people were on the waiting list. Osterholt said the Section 8 waiting list had been open for two months and 600-700 applications were taken in; there were about 200 people on the waiting list for public housing units. She noted the BHA's occupancy rate was 89% each month with 12-20 openings per month. She said when someone received a voucher they would kept it until no longer needed.

There was no public comment on this issue.
Sandberg thanked Osterholt for her work in the public arena and for her partnership with the HAND department and the city.
Mayer thanked Osterholt for her work. He said that the BHA and the city had worked together in the CDBG process and said he appreciated the partnership. He thanked Osterholt for her patience and cooperation because the city couldn't fund all of the needed renovations and upgrades needed at one time.

Spechler said that waiving this fee was the least the city could do for the BHA work in the housing realm. He hoped for more vouchers for the homeless in the future.

Resolution 15-10 received a roll call vote received a roll call vote of Ayes: 8, Nays: 0, (Sturbaum out of the room)

Resolution 15-07 - To Confirm Resolution 15-06 which Designated an Economic Revitalization Area, Approved a Statements of Benefits, and Authorized a Period of Tax Abatement for Personal Property Improvements - Re: Properties at 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)

It was moved and seconded that Resolution 15-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation on this item, but that this public comment portion of the deliberation of this item would serve as the publically noticed hearing.

It was moved and seconded that Resolution 15-07 be adopted.

Danise Alano-Martin noted this was a confirmatory resolution that would complete the granting of tax abatement for Cook Pharmica.
She said this measure would allow the company to add equipment for their fill and finish process. She said this would enable the company to add to their global client base and thus add 70 full time jobs which she said would meet or exceed the city's living wage requirement. She said the abatement was worth over $1.2M to the company and during the time of the abatement they would still be paying about $545,000 in taxes.

Spechler noted that this was an example of a good use of the tax abatement tool in creating good paying jobs in the community especially for the unemployed, handicapped or inexperienced. He said Cook had a record of employing people who would not otherwise find gainful employment.

Rollo noted this as a growing economic sector, that Cook Pharmica had been a good community partner, and thanked them for their investment.

Resolution 15-07 received a roll call vote received a roll call vote of Ayes: 8, Nays: 0, (Sturbaum out of the room)

Ordinance 15-04 - To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: Making Various Housekeeping Changes, Creating Three Classifications of "Potentially Dangerous" Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of "Habitual Offender," and Other Changes

It was moved and seconded that Ordinance 15-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0.

It was moved and seconded that Ordinance 15-04 be adopted.

Patty Mulvihill, City Attorney, explained the changes that were proposed in this legislation. She said the proposal included sugar gliders, African Pygmy hedgehogs and degus be added to the permitted domestic pet list in the code. She said the proposal included a change to include a question regarding citations and convictions under Title 7 in the application for a commercial animal establishment or breeder license. She said the proposal included the ability for the Animal Control Commission to put reasonable conditions on pet owners if their dog was potentially dangerous, and proposed a change to the classification of potentially dangerous and vicious animals.
Mulvihill said that the ordinance included a proposal for allowing an agent of the pet owner to pick up a pet for convenience of both the shelter and owner.

Mulvihill said that language regarding beating an animal would be enforced if the action caused a beating or death. She said videos had been submitted that indicated that an animal was in pain, and it was proposed that that provision be added to this section of the chapter.

She proposed an addition to the tethering section that would require the animal to not be able to go onto another's property, be tethered in a way that might result in harm or strangulation, tethered after certain hours, on abandoned property, or tethered over the age of six months if the dog has not been neutered.

She proposed combining the exotic animals, prohibited animals and reptiles sections for clarity. She proposed removing a section that called for an 'animal census.' She said that the fine section needed to be modified to coincide with state law, that the section needed an ability to collect an administrative fee to cover monitoring of some violations. She also proposed a section on habitual offenders by holding owners responsible for the actions of their pets and imposing restrictions on them if necessary.

Ordinance 15-04 *(cont'd)*

Granger asked if the Animal Care and Control Department had the ability to microchip a pet. Mulvihill said they did.

Sturbaum said that two of his constituents asked about keeping bees within the last month. Mulvihill said that that beekeeping was not permitted except within residential estate zoning districts. She said this was really a Title 20 (Unified Development Ordinance) issue.

Rollo asked about the change from causing injury and death to causing pain and how that would be determined and enforced. He asked what people should do when someone witnessed this. Mulvihill said there was an instance where the witnesses were willing to sign an affidavit stating what they saw, and in another the neighbors videoed the incident, but upon examination by a veterinarian there was no injury detected. She said this proposal would give the ordinance more authority.

Rollo asked about the status of habitual offenders and asked if that would actually save work for the department. Mulvihill said there were not many bad pet owners in the city, but those few took up an inordinate amount of time for the department.

Dave Schleibaum said he liked to go into People's Park and could see that people didn't always take care of their dogs and didn't pick up after their dogs. He said that adding provisions about this would be a good idea in this ordinance.

Spechler said cleaning up after dogs was a matter of human control.

Granger said she was pleased with this important proposal for more humane treatment of animals and for stricter repercussions for humans who mistreat the animals.

Rollo asked Mulvihill to speak to Schleibaum's statement. Mulvihill said that dogs were allowed in the park if they were on a leash or lead. She read regulations from the code. The owner behavior of not cleaning up after dogs was prohibited, and if there were questions or incidents, she encouraged people to call Animal Control. Rollo asked if this was complaint based, and Mulvihill said it was more that than not.

Rollo said there are very good changes in this legislation and thanked the Director Laurie Ringquist and Mulvihill for their work.
Ordinance 15-04 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 15-08 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"- Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations

It was moved and seconded that Ordinance 15-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-2 as amended.
It was moved and seconded that Ordinance 15-08 be adopted.

Tom Micuda, Director of the Planning and Transportation Department, presented answers to questions that arose in the committee hearing.
He said the council asked for information about the roundabout at Sare and Rogers Road. He pulled accident data for 30 months before construction of the roundabout and for the 30 months that it had been open to traffic. He said prior to construction there were 16 recorded accidents at the intersection as a four way blinking stop, which he said was about average. He said five injuries resulted from those accidents. He noted eleven accidents in the last 30 months, with only 2 injuries.
Micuda said that the major cause (82%) of accidents in the roundabout was failure to yield, while it comprised 40% of the accidents in the previous blinking stop intersection.

He said there was a question about the codification of a loading zone at the Allison JukeBox. He said this was a codification of a current condition, but looked new because the area needed signage and a fresh coat of paint on the curb.

Ordinance 15-08 *(cont'd)*

Micuda said there was a question about bike parking in the area near a present loading zone on West 6th Street that was proposed to be eliminated. He said the question was about using the loading zone as bike parking. Micuda said he did bike parking counts for all four sides of the courthouse square and found:

- West: 22 bikes could be parked,
- South: 7 bikes could be parked,
- East: 8 bikes could be parked,
- North: 12 bikes could be parked.

He said parking for 8 bikes was located on a concrete island existed right next to the loading zone that was proposed to be removed.

Rollo asked if the accident reports at the roundabout included pedestrians or vehicles. Micuda said there were no bike accidents in either time frame, with one pedestrian in the roundabout section.

Volan asked the final cost of the Rogers/Sare Roundabout. Micuda said he didn't have the actual figure but noted that the local allocation was less than $1M but the federal allocation put the total cost over $2M.

Rollo said he would like to have the same accident information regarding the roundabout at Rogers and High Street. Micuda said he could pull the data from the same 30 month period.

It was moved and seconded to adopt Amendment #1 to Ordinance 15-08.

Amendment #1 to Ordinance 15-08

This amendment, sponsored by council member Sturbaum, authorized angle parking along North College north of 10th Street. The angle parking is associated with BMC 12.24.070 (– Tree Work Permits), passage of the ordinance with this amendment will have the effect of approving a Tree Work Permit, which includes certain conditions and is available in the Council Office.

Chris Sturbaum advocated for this amendment to change parking on College Avenue north of 10th Street from parallel parking to angle parking. He said during the committee discussion there was concern about green space and the attractiveness of the proposal. He said because of this, the petitioners had changed their proposal to add more visual green space.

Suzanne O'Connell, Vice President of Real Estate for Cedarview Management, said that the council members' comments about green space figured heavily into the revised plan. She said that by eliminating the 5x5 tree grates, creating long planting areas going five feet into the sidewalk area, keeping the trees that were in the tree grates, and creating more green space around the trees would serve to soften the front of the building. The new rendering did not move existing fire hydrants, and so incorporated them into the new design as they stood at the present time. O'Connell, further reflecting on the concerns over aesthetics, said flower boxes with wave petunias on the building's ledges would beautify the area.

Sturbaum asked how the change in the petition would be reflected with specific regards to tree type. Micuda said this was a question for the council attorney, as it was not an amendment from the administration. He asked Dan Sherman, Council Attorney/Administrator, if a petitioner made a commitment at a meeting it could be part of the requirement of the fulfillment of the action.

Sherman asked if Sturbaum could state the commitment. Sturbaum said the commitment was to shift from tree grates to green space as depicted in a drawing that O'Connell provided. He said that there was some discussion of tree types, but he thought that was in the realm of the tree commission, not the council.

Sherman said this was an unusual petition because according to the code, the approval of this amendment served as an approval of a tree work permit. He said the action had to be consistent with the tree ordinance, and in the material provided to the council members was an email from Dave Williams, Operations and Development Director with the Parks and Recreation Department, indicating a recommendation. He said an approval at this point would incorporate those recommendations. He said he didn't know if the current proposal was counter to those recommendations from Parks and Recreation or not.

Amendment #1 *(cont'd)*

Micuda said the schematic plan would be fleshed out and presented to the staff. The granting of a 'right-of-way excavation permit' to redo the sidewalk, curbing and new parking configuration would be reviewed. He said that there was nothing in that permit requirement that would address specific tree or shrub plans. He suggested that he would be overseeing the permit, and expected that the request would be submitted as part of the proposal, but didn't have a regulatory role in determining if changes were made and issue a permit with that determination. He said he expected that what he would see in the process would be just what the council saw.

Rollo asked if there was a specification about non-native invasive species of trees being prohibited. Micuda said the trees would be city trees, and that the City Forester had authority about plant material used. He said they would not be invasive, would not be ornamental trees, and tree species were suggested.

Volan asked about health of trees in the new proposal. Micuda said that the first scheme had five foot tree grates, with the new proposal using a modified tree plot with mulch that is five feet wide. Volan noted the sidewalk would be six feet wide, in addition to the five foot tree plot.

Sturbaum said the council considered the decision to be conditioned upon the commitments, and that was what would bind the decision. Sherman said the council could specify conditions. He reminded the council the ordinance authorized angled parking, and also would be approving a tree work permit which called for conditions of approval or reasons for rejection. He said Dave Williams's email included his recommendations that would constitute compliance with the tree ordinance and could be incorporated into requirements for approval. He said if the council felt that these recommendations needed to be specifically worded in the amendment, they could be added to the conditions of approval for the tree permit.
Sandberg asked about the total number of spaces, and the position of parking meters with special concern about the shrubs shown in the new plan and how people would maneuver them to get to the meters.
Micuda said that the meter poles would be aligned to bracket two parking spaces. He said they should be incorporated into the plot, not the sidewalk, and should be spaced so there would be room between the trees and shrubs. He noted that the picture shown was a 'schematic' plan rather than a final design with tree, shrub, and meter placement.

Mayer asked that Micuda explain the chronology of the project. Micuda noted the development project was approved in 2002. He noted that there was not a notification process for parking amendments, and said that since this amendment did not come from the administration he was not prepared to make substantive comments on the amendment.

Mayer noted that the petitioner had planned on paying for the project, but asked if that included striping the street, parking spaces, or installing the meters or meter posts, or painting yellow curbs. Micuda said the petitioner would be responsible for painting yellow curbs, striping of the spaces, but wasn't sure about lane markings. Micuda said the city would want to do the parking meter installation, and didn't know the particulars about the billing situation at this point.

Granger asked if parking under the building was available to the public. O'Connell said there were 12 spaces for the public which was negotiated during the proposal process. She said the rest of the spaces reserved for residents.

Rollo asked if there was sufficient bike parking in the area. Micuda said there was bike storage within the structure. O'Connell said there were no bike racks at this point, but the management had considered putting some in at the north end of the building. Rollo asked about bike parking for visitors to the retail spaces. Micuda said if it were a new project, bike parking

Amendment #1 *(cont'd)*

would be required. Micuda said the city had inventory of racks, and also the developer could add them as the infrastructure is changed. He said this was easily done in either case.

Sturbaum asked O'Connell if Cedarview would add bike racks. She said that they would work with the city on that idea, but didn't have the authority to commit to paying for them.

Rollo asked who would be responsible for the maintenance of the tree plot. Micuda said the property owner was responsible for the 5 foot mulched bed, shrubs, and trees. He added that pruning and removing would have to be coordinated with the city.

Rollo noted it could be a condition of approval to require plantings to be native species. He asked if the property owner was willing to do that. O'Connell said it was workable.

Sherman noted that Dave Williams had made a recommendation for the tree plantings, a Princeton Select Gingko. Rollo noted that was not a native species. Sturbaum noted that they had not been added to the plan at the time of William's recommendations. Sherman said that as long as there was no conflict with the recommendations from the Parks and Rec staff it wouldn't be a problem. O'Connell said her rendering showed Gingko trees, and showed generic shrubs.

Rollo said he did not want to conflict with the recommendations of Parks and Rec. Rollo said he would like, as a condition of approval, any other vegetation be native vegetation. He asked Sherman if this could be done. Sherman asked Micuda if a requirement that shrubs be natives was consistent with the Tree Ordinance. Micuda said the tree ordinance only addressed the street tree zone, and that the shrubs were only addressed in the Unified Development Ordinance. He said since the shrubs were just added to the plan, the new proposal had not been evaluated by anyone. He added that this really had nothing to do with the Tree Ordinance or the tree work permit.

Sherman said he knew this was technical, but suggested that the council not impose the above condition because there was no precedent for it.

Mayer thanked the petitioner for the new ideas. He said people would step on shrubs in the tree plot, they'd bear the brunt of snow removal from the street and sidewalk, and they would have a hard time surviving. He suggested a tree plot with grass, which was a pattern that already existed in the community in areas where there were parking meters. He noted that shrubs need more maintenance than trees, and need more trimming, watering and fertilizing.

Spechler said that the purpose of this proposal was to promote the businesses. He said he welcomed angle parking, but wondered if the trees would block the view of businesses in the building. O'Connell said that was the current struggle, and that they've added features to draw attention to the building. Spechler wondered about signage with awning signs; Micuda said awnings often displayed signage.

Rollo asked Micuda if it were permissible to plant an exotic invasive plan on the street. Micuda said it was not. Rollo said he was satisfied.

There was no public comment on this amendment.

Volan said this was a good solution, would benefit the city, and would support the amendment.

Sturbaum commended the petitioner for being responsive to the comments at the committee meeting to create a better project.

Spechler said the city would get more parking revenue with this plan and the area would look better. He voiced his support.

Sandberg agreed with Mayer with regards to having shrubs trampled, said she'd like mulch, and said she'd trust city staff to deal with this.

Amendment #1 *(cont'd)*

Granger appreciated willingness of the petitioner to add green space.

Mayer said he still had concerns and wished that there was a comprehensive plan for development on College Avenue from 17th to 6th Street. He said it would have been helpful in this discussion. He voiced concern that the people across the street or adjacent to this property were not notified. He said that notifications were an essential part of what Bloomington does, and they would be affected by what happens with this area.

Rollo said this proposal could work safely, and then added that the rendering made a difference. He said exotic invasive plants were used by the state and other public/private entities and they propagate from urban areas.

Amendment #1 to Ordinance 15-08 received a roll call vote of Ayes: 8 Nays: 1 (Mayer).

Vote on Amendment #1 to Ord 15-08

There were no other questions on the Ordinance as amended.

Ordinance 15-08 as amended

Isabel Piedmont-Smith was glad to see the removal of parking on one side of Wylie because it was too narrow for safe passage of vehicles.
Rollo thanked Micuda for his work on the code changes.

Ordinance 15-08 as amended received a roll call vote of Ayes: 9, Nays: 0

Vote on Ordinance 15-08 as amended

It was moved and seconded that Ordinance 15-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation on this item.
It was moved and seconded that Ordinance 15-10 be adopted.

Ordinance 15-10 - To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles and Traffic) of th Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)

Rollo noted that because there was no recommendation on this item, it would be heard again. He asked for a motion to continue this ordinance to a special session to be made at the end of Volan's presentation. He also asked that the council members give him some indication of their favorability of the ordinance and/or its components.

Volan presented his review of the parking management system after its first year of operating with parking meters within 90 blocks of the central city since August of 2013. He gave his philosophy for the regulation of the limited supply of spaces in these areas while encouraging long-term parkers to park off-street, considering fairness for those with unique needs and for using revenue for economic and social sustainability in the downtown. In doing this he explained his reason for proposing the ordinance.

Volan said he wanted to correct problems he saw with excessive hours of enforcement, the overpricing of some meters, the lack of free hours in the Morton Street garage, concern for volunteers of arts and social service non-profit organizations about needing to pay for parking, and to address the concern that merchants felt that customers had been lost.

Volan explained his proposed hours of enforcement of 9am to 9pm would result in $175,000 less in revenue for the city, but that was less than the mayor's proposal of enforcing fewer hours (10am to 8 pm) which would result in $430,000 less revenue.

Volan countered an administration proposal that lowered parking fees in summer months by saying that Bloomington was no longer dependent on the school year schedule. He proposed lowered fees in underused blocks to encourage usage instead. He said this measure would bring in $135,000 less revenue.

Volan said that Morton Street garage was managed differently during the implementation of the meters, and now it was easier and more sensible to offer the 'three free hours' plan there. He said fiscal impact would be minimal, and might alleviate some crowding in other garages.

Volan proposed a grant program ($50,000 maximum per year) for 100% of parking fees for volunteers of arts and social service non-profits. He added that the app for doing this would have a fee, and that the non-profit would be responsible for that fee. He also proposed a discount program for 15% of parking fees for merchants in the metered areas, with coupons that could be used in 1, 2, or 3 hour denominations.

Volan proposed a parking commission to oversee the proposed grant and discount program. It would consist of seven members comprised of merchants, non-profit representatives, a Planning and Transportation staff member, a council member and one citizen not of these categories. He said he could imagine the need for this commission to work in the future with all aspects of parking that were currently overseen by several city departments.

Volan proposed a 'pay-as-you-go' modification in the ParkMobile app so that it would only require initializing and stopping transactions rather than several 'topping off' transactions per parking sessions.

Volan noted that the administration had recommended the elimination of credit card fees. He said the elimination of this cost would lead to more credit card use which he said the city would absorb to the tune of $150,000 as the credit card company would charge the fees whether the city was involved or not. He recommended leaving the fees as they were at that time.

Volan said that his proposals would reduce the revenue loss to half of the administration proposal. He added that his proposal would create more parking use in the peripheral areas and thus increase revenue, reduce the hassle of parking in metered areas, and targeted key groups more accurately.

Rollo noted that there were no staff present for questions, but if needed they would answer questions for the following week's discussion.

Spechler asked Volan if his graph on the meter usage by time of day was based on the specific time of meter activation with no notes on the length of time purchased by meter. He said the lower number for the 9 pm hour failed to recognize the people who parked earlier and stayed past that time. He said that payment versus space use indicated different things. Volan said he was correct, and that more sophisticated analysis was needed.

Spechler said that Volan's figures regarding the restructure of the cost of parking in the close-in areas and periphery areas were flawed and said his dollar numbers were just a guess. Volan responded that making the entire zone $.50 per hour for the whole summer was more detrimental. Spechler said that economic efficiency did not require that all assets be used all the time, and having some spaces open didn't bother him. He said that Volan's criteria of having more people parking was not the correct one, and he was skeptical. Volan countered that his proposal was a more surgical, strategic plan that that of the administration.

Granger, voicing concern, asked Volan about the data used. He said the data was provided by the city and was based on when a driver put money into the meter. He said an analysis of what hours were paid for in that initial payment would be beneficial to have and analyze, but said that there were peaks of high use in the day. He said the lowering of the price to $.50 in the periphery was worth trying.

Spechler added that Volan should have claimed that his proposal had a positive incentive effect in that it reduced the cost of parking early in the day or late in the day which would benefit restaurants or arts venues. He said this is not just a parking revenue matter, but reflected that customers and audiences needed this parking.

Volan noted his disagreement with the administration's proposal on the credit card fees. He said he had an amendment to their ordinance but would save it for the special session.

Rollo asked what percentage of downtown parkers could be expected to use ParkMobile. Volan estimated that about 3% of parking transactions used the app, and noted the lack of promotion of this feature. He said a ParkMobile representative noted a 15% adoption rate in other cities. He said this app could provide benefits that meters alone could not provide, and that the city should promote the use of this app.

Neher asked what the fiscal impact would be if the fee on the app were eliminated. Volan estimated it would be less than $20,000. Neher asked him to explain the variances in the convenience costs for ParkMobile. Volan explained ParkMobile had several plans for paying for parking that incurred different costs per parking session.

Ruff asked if Volan objected to the elimination of credit card fees because he believed it would be an unfair subsidy compared to the ParkMobile fees. Volan said that people should know how much their services cost and to charge that fee was the more responsible policy. He said that ParkMobile provided a great service even at a $.50 charge per transaction, and that he encouraged people to use it.

Neher asked Volan to state the superiority of the app over cash or credit besides the convenience of use. Volan said the ParkMobile program compared favorably to the use of credit cards in meters with more services, including 'topping off' a parking session from anywhere. Neher asked if not eliminating the credit card fee was about personal convenience. Volan said he felt that convenience was enough, and he also wanted the users to be aware of the costs of the system. He said this was minor in comparison to the establishment of metered parking.

Rollo asked if the duties of the parking commission would include things other than the oversight of the proposed grant and discount programs. He asked if other policies would be considered by this commission. Volan said that Planning and Transportation Department would be the main factor in determination of hours and prices. He said there were many departments that were affected by the way parking was managed, and parking merited its own commission. He felt a commission would be valuable in the future for proposing parking policy.

Spechler said he was skeptical about ParkMobile and said it may be ahead of our time. He asked if the app would cost more in money or staff time. Volan said it was a company that the city was already doing business with. The new set up would need time for parkers to acclimate, but he didn't see a need for an increase in staff time for this implementation. He assured Spechler that this wouldn't impact the ordinary user, but would be required for merchants and non-profits who participated. He said this feature was already available by ParkMobile. He said that the ordinance included an incentive to try the app for merchants.

Daniel McMullen said this proposal was unfair because it treated motorized vehicles and bicycles differently. He said credit card payments would be an outsourcing of city control over the issue.

David Schleibaum noted his father helped install the original meters in the downtown many years ago. He said he had a problem was with parking rates for the spaces with less demand being priced the same as those with higher demand. He said fines should be lowered with the idea of promoting the downtown. He said $10 was the optimal fine with increases in fines for repeat offenders. He asked how much the city received from parking fines, not just the meter revenue. He said non-profits should be offered the three free hours in garages instead of taking up street parking which was more costly. He said the ParkMobile app would encourage longer parking sessions and preferred the two hour parking rule to encourage turnover.

Gabe Coleman, downtown small business owner and candidate for city council, said he appreciated the council making the important decision

Ordinance 15-10 *(cont'd)*

about parking in the downtown. He said the numbers discussed were not complete and urged the council to make decisions while having full financial statements on revenue and impact.

Volan said the administration's report issued in October 2014 contained information on revenue on garages and fines and found they did not appreciably change from pre-meter days. He said the ordinance should be adjusted each year to accommodate the most current conditions. He added that this modest proposal took a lot of time to research and it deserved support.

Spechler said he liked the enforcement times of 9am to 9pm. He said the grant and discount programs were worth considering, liked the concept of helping out these groups, but said it could be done in a simpler way. He said the $.50 proposal was not of merit for him, and it was not proven that it would bring people downtown. He noted Volan's effort and thought that went into the plan, but said he had mixed feelings about the proposal overall.

Granger thanked Volan for his work and time spent in explanation of this proposal. She said it was still confusing in places and wasn't comfortable with the whole proposal.

Rollo said Volan had done an extensive review of the data and was intrigued by different rate structure for spaces, the grants for non-profits, but was concerned about the parking commission. He said he was unclear about incentivizing the use of the ParkMobile app while eliminating credit card fees for users, noting it needed more discussion.

Motion to continue Ordinance 15-10

It was moved and seconded that the council hold a Special Session on April 15, 2015, and to continue Ordinance 15-10 to that meeting.

The motion to call a Special Session to follow the regularly scheduled Committee of the Whole and continue this item at that time received a roll call vote of Ayes: 8, Nays: 1 (Mayer).

Invoking the 10:30 Rule

It was moved and seconded that Ordinance 15-09 be read by the Clerk by title and synopsis, however, because it was after 10:30 pm, a roll call vote was taken to determine if two thirds of the members wished to continue the meeting.

The motion to read Ordinance 15-09 ordinance received a roll call vote of Ayes: 7, Nays: 2 (Sturbaum, Spechler) and therefore the ordinance was read.

Ordinance 15-09 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" and to Make Other Changes Related to Metered Parking - Re: Shortening the Hours of Enforcement of On-Street Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare "Parking Holidays," and Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage)

Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation on this item.
It was moved and seconded that Ordinance 15-09 be adopted.

Neher explained his proposal with reference to Ordinance 15-10 just discussed. He noted hours of enforcement proposed were the same. Neher said the elimination of the credit card fee for parkers would 'level the playing field' with cash users. He said the parking holiday clause would just codify the mayor's ability to not enforce meters during specific days depending on weather conditions or holiday seasons. He explained the extension of hours in the 4th Street Garage was intended to stop people from working around the system to avoid charges while, in fact parking all day. He said the change did not affect the three hours of free parking offered there. He said the clarification of parking rates was not a change, just a change in the way it was expressed. He said the impact was about $325,000 less revenue for the city, with just credit card fee elimination.

Sturbaum asked about convenience fees. Neher said the fees were cited by many as a disincentive for using the metered parking. He said it could be a

perception issue with some people, but that the elimination of the fee would help adjust that perception.

Sandberg asked Neher about the communication and input from the downtown business community and their thoughts on this issue. Neher said he spoke with business owners, the Downtown Bloomington, Inc. organization, and the Chamber of Commerce. He said these were the key issues, especially the hours of enforcement. He said there had been talk about having only one free hour of parking in the garages, and that the discussions heavily favored keeping those three free hours.

Volan added that his ordinance proposed the same hours of operation for the 4th Street garage.

Granger asked if it proposed any free parking on Morton Street. Neher said it did not.

Rollo said he wasn't in favor of the meters because of the rate, hours of enforcement and the general effect on downtown businesses. He liked the variable rates in Volan's proposal. He said that his discussion with restaurant owners showed a favor towards ending enforcement at 8pm. He asked if there was a consensus on this issue. Neher said there wouldn't be a consensus across the business owners downtown.

Ron Walker, Vice President of Commercial Real Estate for CFC Properties, said they had looked at both ordinances and supported Ordinance 15-09 mainly because it had more simplicity. He noted that the company had hundreds of tenants, and didn't have consensus on hours of enforcement. He said they agreed with the extension of hours in the 4th Street garage as it affected their tenants, employees and visitors in Fountain Square Mall. He said the credit card convenience fee was a surprise to people using meters and agreed that the elimination of those fees was a good thing.

Daniel McMullen said the language in Ordinance 15-09 was simple and understandable. He said he liked the idea of parking holidays.

Spechler said he would not endorse simplicity but the people wanted it. He said parking meter acceptance was still an issue, and Volan's ordinance didn't give enough fairness and equality, and would confuse the public in an election year. He liked Ordinance 15-09, and said it helped restaurants and arts organizations reduce the cost of parking for their patrons. He said it was well worth the money forfeited in the elimination of credit card fees.

Volan said the most misunderstood part of the night's agenda was no conflict between the two ordinances presented. He called them complementary ordinances. He asked that people not judge them against each other. He noted that Ordinance 15-09 had a clause that allowed the mayor to suspend enforcement of meters during the holiday season. He said this should be made more specific, and that the mayor's waving of parking fees on Saturdays during the holiday season should be changed to the slower shopping days, i.e., Mondays and Tuesdays.

Volan defended what others called the complexity of his proposal saying that loading zones, fifteen minute spaces, and accommodations of regulations for specific business interests already made the parking system complex. He said both of these ordinances made the system simpler, fairer and more diverse.

Granger said she liked the simplicity of Ordinance 15-09, but added that she was still contemplating the proposals.

Sandberg said the latter proposal was easy to understand. She said she liked much of Volan's proposal but said there were many different parts to it, and was concerned about unintended consequences, and she wasn't sure she could embrace all of it. She said she needed more clarification on the parking commission issue. She said perceptions, difficulty with change and

simplicity were all parts of citizen acceptance of meters. She said she would rather step slowly and in phases to changes in regulations with Ordinance 15-09 for the time being.

Ordinance 15-09 *(cont'd)*

Rollo said he often talked to business owners in the downtown about the effect of meters. He said they felt there was a 15-20% decline in income since metering. He said he would like to examine the possibility of shortening the hours of enforcement further. Rollo said that Volan's proposal was a coordinated package but wondered if it could possibly be divided. He said the parking adjustments on South Washington Street were to accommodate those people who are threatened with traumatic violence, an exceptional amendment but needed for this clientele.

It was moved and seconded that Ordinance 15-09 be continued to a Special Session to be held after the scheduled Committee of the Whole on April 15, 2015.

Motion to continue Ordinance 15-09

The motion to continue Ordinance 15-09 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 15-07 - To Amend the Planned Unit Development District Ordinance and Preliminary Plan to Revise the Approved List of Uses Within the Shortstop Food Mart Planned Unit Development (PUD) -Re: 901 N. Smith Road (Eastside Investments, LLC, Petitioner)

LEGISLATION FOR FIRST READING
Ordinance 15-07

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

PUBLIC COMMENT

Rollo noted the call for a Special Session on April 15, 2015 which changed the published council schedule.

COUNCIL SCHEDULE

The meeting was adjourned at 11:50 pm.

ADJOURNMENT

APPROVE:

Dave Rollo, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington