PASSED: 7-0-1

ORDINANCE 16-22

TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BLOOMINGTON MUNICIPAL CODE
(To Establish a Parking Commission)

WHEREAS, in March of 2013, the City adopted Ordinance 13-03: *To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes* which, after implementation and minor amendments:

- broadened the definition of parking meters to authorize new technology;
- replaced a limited parking zone covering most of the downtown with a Parking Meter Zone;
- set the rate for parking meters and times those rates would be enforced;
- created a new part-time, non-reserved permit for use in the City's garages (to provide downtown employees with an alternative to on-street parking);
- provided for the continued use of certain parking permits (i.e. construction/contractor and delivery vehicles) in the Downtown Parking Meter Zone and, in some cases, under revised procedures; and
- integrated overlapping Parking Zones; and

WHEREAS, parking management and policy responsibilities, after a 2013 reorganization by the Administration, are now divided among at least eight departments (Clerk, Controller, Economic & Sustainable Development, Housing and Neighborhood Development, Legal, Planning & Transportation, Police, and Public Works); and

WHEREAS, over the years, the City's parking management actions have appeared at times ad hoc, inconsistent, and not grounded in an overall parking policy or management plan; and

WHEREAS, parking issues are not merely transportation issues, playing a primary role in at least five of the seven guiding principles of the city's current comprehensive plan, the 2002 city Growth Policies Plan (GPP) — namely, "compact urban form," "nurture environmental integrity," "leverage public capital," "mitigate traffic," and "conserve community character"; and

WHEREAS. these concerns about vehicle storage are at least as important as vehicle movement and deserve a commission whose scope is as broad as these concerns; and

WHEREAS, no city commission, department, or official has as their purpose the management of private vehicles once they stop moving: concerns such as how much land or public money is devoted to vehicle storage, what the community's goal for its ratio of vehicle storage to other land uses should be, and the role that the addition of vehicle storage should play in the city's economic or sustainable development; and

WHEREAS, some parking-related policy oversight body is necessary to develop and implement parking-related policies that further or fulfill the goals of the GPP; and

WHEREAS, the Traffic Commission, whose purpose is "to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations," is primarily concerned with issues involving the smoothest possible movement of vehicles;

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

SECTION 1. Chapter 2.12 entitled "Boards, Commissions, and Councils" shall be amended by inserting Section 2.12.110, entitled "Parking Commission" with the title appearing in the Table of Contents for the chapter and the text reading as follows:

2.12.110 Parking Commission

(a) Purpose. It shall be the primary purpose of the Parking Commission (commission), in coordination with decision-makers and other entities as is necessary or prudent:

(1) to develop, implement, maintain, and promote a comprehensive policy on parking that takes into account the entirety of, and furthers the objectives of, the city's comprehensive plan; and

(2) to coordinate parking activities, to carry on educational activities in parking matters, to supervise the preparation and publication of parking reports, to receive comments and concerns having to do with parking matters, and to recommend to the common council and to appropriate city officials ways and means for achieving the city's comprehensive plan objectives through the administration of parking policies and the enforcement of parking regulations.

(b) Composition – Appointments. The Parking Commission shall be composed of nine voting members. These voting members shall be composed of five members appointed by the Mayor and four members appointed by the Common Council.

(c) Qualifications of Voting Membership.

(1) One member appointed by the Mayor and one member appointed by the Common Council shall be a merchant owning and operating a business located at an address within Schedule U – On-Street Metered Parking;

(2) One member appointed by the Mayor shall be a board member or an employee of a non-profit organization which operates at property that is owned or leased by the non-profit organization and located within Schedule U – On-Street Metered Parking;

(3) Four members, two appointed by the Mayor and two appointed by the Council, shall be residents living within the City limits. At least one of these four shall be a resident living at an address within Schedule U — On-Street Metered Parking, and at least one other of these four shall be a resident living at an address within a Residential Neighborhood Permit Parking Zone as described in Section 15.37.020;

(4) One member appointed by the Common Council shall be from among its membership; and

(5) One member appointed by the Mayor shall be from within the Transportation and Traffic Services Division of the Planning and Transportation Department.

(d) Terms. The initial terms of three mayoral and two council citizen appointments shall expire on January 31, 2018. The terms of the remaining initial citizen appointments shall expire on January 31, 2019. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31. The terms for the one mayoral appointment made from within the Planning and Transportation Department and the one council appointment made from within the members of the Council shall be for one year and expire on January 31.

(e) Powers and Duties. The commission shall meet at least one time each month, unless it votes to cancel the meeting. Its powers and duties shall include, but are not limited to:

(1) accessing all data regarding the City's parking inventory, including usage, capital and operating costs, so long as the data is released in a manner consistent with exemptions from disclosure of public records set forth in IC 5-14-3-4;

(2) reviewing the performance of all meters, lots, garages, and neighborhood zones in the City's parking inventory, and reviewing the performance of all divisions of City departments devoted specifically to parking management;

(3) making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to City code, enforcement procedures, or any other aspect of parking management policy;

(4) submitting an annual report of its activities and programs to the Mayor and Council by October of each year;

(5) adopting rules and regulations for the conduct of its business; and

(6) applying for appropriations through the Mayor, or researching and applying for grants, gifts, or other funds from public or private agencies, for the purpose of carrying out any of the provisions of this section.

(f) Staff. The Commission shall be staffed by the Transportation and Traffic Services Division of the Planning and Transportation Department.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor and publication in accordance with State law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of November, 2016.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN
Clerk, City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3RD day of November, 2016.

NICOLE BOLDEN
Clerk, City of Bloomington

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

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is authored by Councilmember Volan and, after evaluation of expansion of the downtown metered parking established with the adoption of Ordinance 13-03 in March of 2013, amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to create a new nine-member Parking Commission. The Parking Commission would improve parking management across the city, and would develop policies regarding parking in the context of, and to further or fulfill the goals of, the Growth Policies Plan.

Note: This ordinance was revised after distribution in the Council Weekly Packet and introduced at the Regular Session on October 19, 2016. The revisions corrected grammatical errors in the sixth Whereas clause and parts (d) and (e) of Section 1 of the Now Therefore provisions.

Clerk's Notes:

The following is a chronology regarding Ordinance 16-22:

October 19, 2016 – In a Common Council Regular Session (First Reading), the council introduced Ordinance 16-22.

October 26, 2016 – In a Common Council Committee of the Whole meeting, the council adjourned before consideration of Ordinance 16-22, which had been on the agenda for the meeting.

November 2, 2016 – In a Common Council Regular Session (Second Reading), the council took final action with a vote of 7-0-1 (Mayer).

November 3, 2016 – The Clerk presented the adopted legislation to Mayor John Hamilton for signature.

November 10, 2016 –Mayor Hamilton officially vetoed Ordinance 16-22. The Mayor's veto statement (dated November 10, 2016) was filed with the ordinance.

November 16, 2016 – In a Common Council Regular Session, the council overrode the Mayor's veto with a vote of 9-0.

Certify:

ANDY RUFF, President
Bloomington Common Council

Attest:

NICOLE BOLDEN, Clerk
City of Bloomington

Distributed to: Legal, Office of the Mayor, Office of the City Clerk, Council Administrator, Controller, ESD, Planning and Transportation, Police, HAND, and Public Works

JOHN HAMILTON
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OFFICE OF THE MAYOR
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November 10, 2016

VETO MESSAGE

To Members of the Common Council:

I am returning Ordinance 16-22 without my signature.

The proposal's author did extensive research on the important issue of parking in our community and particularly in our downtown core area. I appreciate and agree that this issue merits attention and additional study and review.

In earlier discussions with the proposal's author, the administration indicated an interest in considering combining existing commissions, such as the traffic and bicycle/pedestrian commissions, with the proposed parking commission, or in creating a time-defined task force. From my perspective, the topic of parking management is inherently linked to other mobility options and all related issues should be considered collectively in order to review and present the best options for our community.

As the Council is aware, there are approximately 37 current boards, commissions and committees. Each of these groups requires staff support. While adding one more commission may not itself seem a significant drain on staff resources, collectively the total number of hours committed to staffing these groups is very substantial. The administration would suggest that it may be time to assess together how and whether all the current boards, commissions and committees are fulfilling their intended purposes. I would encourage a joint effort in reviewing the value of these bodies prior to adding a 38th to the list.

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I understand that a sufficient number of votes were cast for the ordinance as proposed to overturn the veto. I respectfully request that the Council consider either creating a Mobility Management Commission that would replace the Traffic and Bicycle/Pedestrian commissions and add parking as a topic of review, or join in an overall review of each of our existing boards, commissions and committees in an effort better to utilize both citizen and staff time in the most efficient and effective way for our community.

Respectfully,

John Hamilton, Mayor
City of Bloomington