



City of Bloomington Common Council

Legislative Packet

Regular Session

13 July 2011

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of Schedule for Budget-Related Hearings and Other Meetings of the Common Council to Be Held in July, August & Early September of 2011**

Legislation for Second Reading:

None

Legislation and Background Material for First Reading:

- **Ord 11-07** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Various Changes, Including But Not Limited to, Creating a Schedule for Pedestrian Hybrid Beacon Signals (BMC 15.12.030 – Schedule D[2]), Lowering Speed Limits on Neighborhood Streets from 30 mph to 25 mph (BMC 15.24.020 – Schedule I), and Clarifying the Notice Period Before Cars May be Towed (BMC 15.48.010)
 - Memo to the Council from Susie Johnson, Director of Public Works; Maps
Contact: Susie Johnson at 349-3411 or johnsons@bloomington.in.gov
- **Ord 11-08** To Vacate a Public Parcel - Re: An East/West Alley Right-of-Way and a Segment of North/South Alley Right-of-Way on the North Side of the 1900 Block of East Third Street Between Rose Avenue and Union Street (The Trustees of Indiana University, Petitioner)
 - Aerial Map of with Vacated Alleys Highlighted; Aerial Map of Surrounding Area and Zoning; Staff Report to Council from Lynne Darland, Zoning and Enforcement Manager; Petition; Letter from Petitioner; Legal Description; Site Plan; List of Abutting Property Owners; Footprint and

Renderings of New Apartment Building; Insert Indicating Responses from Utilities and Emergency Services; Photos of the Vacated Property; Photos of the Houses

Contact: Lynne Darland at 34-3529 or darlandl@bloomington.in.gov

Minutes from Regular and Special Sessions:

- 22 June 2011 (Special Session)

Memo

Reminder: Departmental Budget Hearings Start Monday after Next (July 18th)
(There are only minor changes from last year, but please see the enclosed schedule to see who chairs each evening)

No Items Ready for Second Readings and Two Ordinance Ready for Introduction at the Regular Session on Wednesday, July 13th

There are no items ready for second reading and two ordinances ready for introduction at the Regular Session next Wednesday. Those two ordinances are included in this packet and summarized herein.

First Readings

Item One – Ord 11-07 – Amending Title 15 (Vehicles and Traffic)

Ord 11-07 amends Title 15 (Vehicles and Traffic). It is the second such ordinance this year. The following is a detailed summary of the changes proposed by the ordinance which, in brief:

- Codify stop and yield intersections on newly accepted streets (Sections 1 & 2);
- Create a Schedule for Pedestrian Hybrid Beacon signals and codifies two such signals as well as three new standard signals (Sections 3 -7);
- Lower the maximum speed limits on neighborhood streets from 30 mph to 25 mph once signage is in place (Sections 9 – 13);
- Codify existing “no parking” zones on newly accepted streets and introduce new, alternating ones along West 7th Street (Section 14);

- Modify “limited parking” zones along East Kirkwood, adds a two-hour time restriction on Union and makes other housekeeping changes (Sections 15-16);
- Update “bus zones” and “official parking zones” (Sections 17-19);
- Consolidate references to Neighborhood Parking Zone fees (Sections 20-22); and
- Clarify the notice period before cars may be towed (Sections 23-24).

**STOP, YIELD AND SIGNALIZED INTERSECTIONS
(CHAPTER 15.12)**

**STOP INTERSECTIONS (15.12.010 - SCHEDULE A)
(Section 1 of the Ordinance)**

LOCATION(S)

ACTION and RATIONALE

Andrew Circle, Coleman Court, and Arbors Lane
(Map 1)

Inserts stops for newly accepted streets in the Shadow Creek Subdivision and where Andrews Circle intersects with the south side of Moores Pike (a few streets east of Sare Road).

Adams Hill Circle, Isabel Court, Jalen Court, Maston Court, Petal Court, Pine Meadows Drive, Quarry Court, Sunflower Drive, Twin Oaks Ridge
(Map 2)

Inserts stops for newly accepted streets within the Adams Hill Farm, Robins Glen, and Sunflower Gardens subdivisions and as those streets intersect with Adams Street and Countryside Lane.

S. Dunn, Wilson, and Palmer
(Map 3)

Inserts stops for newly accepted streets in the South Dunn Street Subdivision and where those streets intersect with East Hillside and Palmer Streets.

Marquis Drive, Glendore Drive, Lismore Drive
(Map 4)

Inserts stops for newly accepted streets within the Crescent Bend Subdivision and where those streets intersect with Crescent Road and West 17th Street.

W. Habitat Street
(Map 5)

Inserts stop for the newly accepted W. Habitat Street where it intersects with N. Hopewell Street.

**YIELD INTERSECTIONS (15.12.020 - SCHEDULE C)
(Section 2 of the Ordinance)**

LOCATION

ACTION and RATIONALE

Adams Street and Tapp Road
Roundabout
(Map 6)

Inserts yields for these streets as motorists enter the roundabout.

Bricklin and Wyndam Courts
(Map 7)

Inserts yields for these newly accepted streets in the Rosewood and Hyde Park Subdivision as they intersect with Atlee Street.

**SIGNALIZED INTERSECTIONS (15.12.030 - SCHEDULE D[1] & D [2])
(Sections 3 – 7 of the Ordinance)**

ACTION and RATIONALE

Sections 3, 4, 5 & 7 Codify Pedestrian Hybrid Beacon Signals – Early this year, the Council codified the City’s first Pedestrian Hybrid Beacon Signal at 19th and Dunn. Councilmember Piedmont-Smith suggested that these signals should be in their own schedule. Sections 3 & 4 introduce a new schedule (D[2]) to cover this new kind of signal. They state what motorists must do when entering the intersection and facing the beacon when the beacon is on, off, or flashing a yellow arrow. When the beacon is on the motorist must obey the signal, unless an officer directs otherwise. When the beacon is off, the motorist may proceed through the intersection. When the yellow arrow is flashing, the motorist may turn after yielding to on-coming traffic. Sections 5 & 7 remove the one Pedestrian Hybrid Beacon Signal from Schedule D(1) and add two at:

- Dunn and 19th (Map 11)
- Country Club Drive and the B-Line Trail (Map 10)

Section 6 Codifies Three New Standard Signals – These sections codify standard traffic signals due to recent improvements at:

- Atwater and Henderson (Map 8)
 - 3rd and Kimble and 3rd and Cory Lane (Map 9)
- Flashing yellow would occur from 10:00 p.m. to 6:00 a.m. 7 days a week.

**ONE-WAY STREETS AND ALLEYS
(CHAPTER 15.16)**

**ONE WAY STREETS (SCHEDULE E)
(Section 8 of the Ordinance)**

LOCATION

ACTION and RATIONALE

Smith Avenue between Washington
and Lincoln Streets
(Map 11-A)

Section 8 undoes some of the changes made in Ord 10-15 last November regarding Smith Avenue by making Smith Avenue a two-street between Lincoln and Washington Streets. History and Rationale: Last November, Smith Avenue was a one-way street for eastwardly traffic from the mid-block east of Walnut to Lincoln Street. In order to accommodate daily traffic dropping-off and picking-up students, the Project School persuaded the City to split the direction of Smith Avenue at Washington Street, with one block of westwardly traffic to Walnut and one block of eastwardly traffic to Lincoln. According to the memo, this change was recommended by the Traffic Commission and best accommodates the Project School and the Parks and Recreation Department.

**SPEED REGULATIONS
(CHAPTER 15.24)**

**SPEED REGULATIONS
(CHAPTER 15.24)
INCREASED OR DECREASED STATE SPEED LIMITS (SCHEDULE I)
(Sections 9 - 13 of the Ordinance)**

Sections 9 and 10 lower the speed limit on neighborhood (what the Master Thoroughfare Plan refers to “local”) streets from 30 mph to 25 mph. These sections accomplish this reduction by making the maximum speed limit on City streets 25 mph and providing for exceptions. Those exceptions are set forth in Schedule I (Increased or Decreased State Speed Limits - found in BMC 15.24.020) and Schedule J (School, Park and Playground Speed Zones - found in BMC 15.24.030). Much of the code changes needed to reduce the speed limits are found in Schedule I (Section 13 of the Ordinance), where most primary and secondary arterials have been inserted with their existing 30 mph speed limit. Please note that Schedule I preserves existing higher and lower speed limits, but the memo from Susie Johnson indicates that the Engineering Department will conduct an analysis of arterials and collectors over the next 12 – 24 months to determine whether further reductions in speed are prudent. The ordinance and memo from Susie Johnson indicates that these new speeds will be enforced once new signs are in place.

LOCATION

ACTION and RATIONALE

All Neighborhood Streets

Section 13 reduces the maximum speed from 30 mph to 25 mph

Section 13 keeps the maximum speed at 20 mph

- 1st Street from Rogers Street to Walker Street
- Morningside Drive from 3rd Street north to Concord Drive
- 17th Street from within 300 feet of Lindberg Drive

- Curry Pike from Bloomfield Road north to City limits
- Dunn Street from 17th Street north to SR45/46
- Fee lane from 17th Street north to SR45/46
- 17th Street from Jackson Street west to SR45/46

Section 13 keeps the maximum speed at 35 mph (*for the time being – see introductory paragraph for these section*).

- Arlington Road from Monroe west to City limits
- Bloomfield Road from SR 37 to east to Adams Street
- Patterson Drive from Allen Street north to W. 2nd
- Walnut Avenue from SR45/46 north to Blue Ridge Drive
- Walnut Avenue from Pinewood Drive south to City limits.

Section 13 keeps the maximum speed at 40 mph (*for the time being – see introductory paragraph for these section*).

- Walnut Avenue from Blue Ridge north to City limits

Section 13 keeps the maximum speed at 45 mph (*for the time being – see introductory paragraph for these section*).

<p>PARKING CONTROLS (CHAPTER 15.32)</p>

NO PARKING ZONES (SCHEDULE M)
(Section 14 of the Ordinance)

LOCATION

ACTION and RATIONALE

- Cory Lane – 3rd to 660’ south of 3rd (E/W)
- Dunn – Grimes to Hillside (W)
Glandore – Marquis to end of street (W)
- Lismore – 17th to Marquis (W)
Marquis – Crescent to end of street (S)
- Petal Court – Sunflower to end of cul-de-sac (N/S)
- 7th St. – Oak to Maple (alternating sides)
- Sunflower – Countryside to end of cul-de-sac

This section codifies “No Parking” Zones where these conditions already exist. In large part, these are street segments that have been accepted into the City’s road network.

While not a new street segment, Seventh Street from Oak to Maple is included in this list in response to recommendations from both the Near Westside Neighborhood Association and the Traffic Commission, both of whom recommended staggered parking to slow traffic. As a result, the proposed “no parking” zones alternates the zones on either side of the street.

(Maps 12-16)

LIMITED PARKING ZONES (SCHEDULE N)
(Sections 15-16 of the Ordinance)

LOCATION

ACTION and RATIONALE

Kirkwood

1st & 2nd spaces E of alley between Lincoln and Grant (S)
- change from 15 min to 2hrs.
(8:00am-5:00pm, M-F)

Kirkwood: This section shifts code changes are intended to reflect practice. Previous a pharmacy was located in an adjacent building and found shorter parking durations facilitated quicker drop off/pick up. The ordinance also adds the appropriate (8a-5p) legend to other segments along Kirkwood (one Lincoln and a Grant St. stretch) to reflect current practice.

143’ W of Indiana to Dunn (S)
-change from 1 hr. to 2hrs.
(8:00am-5:00pm, M-F)

Morton: The ordinance removes a space on Morton from the Code’s 2-hour schedule. The space was actually codified as a 15-minute space some time ago, but at the time it was not deleted from the 2-hour schedule. This is a housekeeping measure to clean up Code. Space is adjacent to First

Morton 7th to 6th (W)
- housekeeping deletion of 2-hour

provision

Financial/Irwin Union/Hays Market

S. Rogers 200' N. of Patterson to 50' N of Dixie (E)

- Eliminates limited parking here

S. Rogers: Eliminates the 2-hour parking restriction along this stretch. Historically, this restriction was needed to accommodate RCA; now it is a burden to neighbors.

Union 7th to 10th (W)

- addition

(8:00am-5:00pm, M-F)

Union: Adds 2-hr. parking on Union, 7th to 10th at the request of IU. IU finds this area tends to be used for storage parking.

(Maps 17 & 18)

**BUS ZONES (SCHEDULE P)
(Sections 17 & 18 of the Ordinance)**

LOCATION

ACTION and RATIONALE

Blair – 1 space 70' E of 14th to 1st alley N of 4th

- deletion

Blair: Cleans up to Code to delete a bus zone where one does not exist.

Third St. – Additions

- Wynnedale to 85' E of Wynnedale (S)
- Johnson to 85' E of Johnson (S)
- Cory to 85' E. of Cory (S)
- Landmark to 85' E. of Landmark (S)

(Map 19)

Third St.: Adds 5 new bus stops as part of the W. 3rd St. improvement project.

**OFFICIAL VEHICLE ZONES (SCHEDULE R)
(Section 19 of the Ordinance)**

LOCATION

ACTION and RATIONALE

Morton – 5th space S of entrance to Lot 11 (south side of City Hall)

Removes one space from the “Official Vehicle Zone” and makes the space available to the general public.

Historically, the Hoosier Hills Food Bank needed this space for parking during Farmers’ Market. They no longer need the space.

<p style="text-align: center;">RESIDENTIAL NEIGHBORHOOD PERMIT PARKING (CHAPTER 15.37)</p>

**FEEES
(Section 20 of the Ordinance)**

ACTION and RATIONALE

Clarifies cost of permits and eligibility for visitor parking permits (15.37.050). This change makes it clear that cost of all permits issued under Chapter 15.37 are \$25 with the exception of all-zones permits (\$50) and Kirwood & Walnut employees (\$75). The proposed change also explicates that only holders of residential permits are eligible for visitor permits.

**ZONE 7 FRATERNITIES & SORORITIES (15.37.200)
COLLINS CENTER RESIDENTS (15.37.220)
(Sections 21 & 22 of the Ordinance)**

ACTION and RATIONALE

This provision cleans up language in the Zone 7 (Fraternities & Sororities) and Collins Center issuance guidelines by eliminating the reference to fees in these sections. The fees for all neighborhood permits are captured in one section 15.37.050. As a result, when the Code was changed last year to increase fees for neighborhood parking permits to \$25, the general provision of 15.37.050 was changed, but not the fee reference in Zone 7 and Collins. As a result, there was a conflict in the code. The proposed ordinance change eliminates the fee reference in the issuance guidelines and makes the fee schedule the only point of reference. This is congruent for other neighborhood zones for which the \$25 fee attaches. One point of reference provides for cleaner updating and better interpretive clarity.

**REMOVAL & IMPOUNDMENT OF VEHICLES -- General Provisions
(Section 20-21 of the Ordinance)**

ACTION and RATIONALE

Sections 20 and 21 define the notice requirements for posting “No Parking” signs in regulated and unregulated parking areas. A vehicle parked under these circumstances is declared a public nuisance and subject to removal and impoundment.

-- Unregulated areas: In areas not regulated by the Bloomington Municipal Code, notice of a parking prohibition via a “No Parking” sign shall be posted at least 72 hours before the restriction is effective, with the exception of emergencies.

-- Regulated areas: In parking spaces regulated by the BMC –the limited parking zones of Schedule N, neighborhood parking, handicapped and loading zones -- notice of a parking prohibition via a “No Parking” sign shall be posted at least 24 hours before the restriction, with the exception of emergencies.

Current practice for posting “No Parking” notice is 24 hours in advance by way of police order.

If a vehicle is towed under this Chapter, the owner of the impounded vehicle is responsible for paying any applicable fine.

Item Two - Ord 11-08 – Vacating One Alley and A Segment of Another in the Block North of East Third Street Between Union Street and Rose Avenue (The Trustees of Indiana University, Petitioner)

Ord 11-08 vacates an east/west alley way and a segment of a north/south alley way in the block north of East Third Street between Rose Avenue and Union Street. The petition was brought forward on behalf of the Trustees of Indiana University in order for the university to build a 106 bed Southeast Side Apartments to replace the University West Apartments.

General Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures which are set forth at I.C. 36-7-3-12 et seq. and start with the Petitioner filing a petition with the Council. Under these procedures, the Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing wherein the public may offer the Council its comments and objections (August 3, 2011). Those objections or grounds for

remonstration are generally limited by statute to questions of access, use of public ways, and the orderly development of the area and unit as a whole. (See I.C. 36-7-3-13) Please note that aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the denial of vacation of right-of-way. In the event the ordinance is adopted, the Clerk must then file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Lynne Darland, Zoning and Enforcement Manager, then reviews the request and notifies all the utility services, safety services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria, she prepares a report and an ordinance for the Council Office.

Please note that the Council's action to vacate a right-of-way or an easement must be done in the public interest. It extinguishes the City's interest in the property and generally has the effect of splitting the right-of-way between the adjacent owners.

The following paragraphs summarize the application of the local criteria to this request as presented in reports and background material provided by the Planning Department.

Petition

According to the Staff Report, the letter from Petitioner and other information provided by the Planning Department, the Petitioner wishes to build a 106 bed Southeast Side Apartments to replace the already demolished University West Apartments. An additional four houses along East 3rd will be torn down¹ and replaced with three multi-storied buildings connected by breezeways and meeting LEED Silver standards (see renderings in packet). The project will face 3rd Street with pedestrian access on all sides and the closest vehicular access on the north and the nearest parking on an internal lot running parallel to Union Street.

In support of its request, the Petitioner says the project will be a “constructive re-use of the land and would continue the pattern of redevelopment on the block.” The new apartment will be “compatible with the use on surrounding land” and “provide an attractive replacement to the alley without causing substantial inconvenience to

¹ These houses were not on the City's inventory of historic properties and have “gone through the State's Historic Review Process.” Bloomington Restoration Inc. (BRI) was given the opportunity to move them but found the project unfeasible. Staff indicated that the houses would be demolished prior to final action on this legislation.

nearby residents. Although direct access between Rose Avenue and Union Street would be reduced, we believe any impact would be negligible due to the existence of convenient and safer alternatives...”

Concerns of Surrounding Property Owners. The Staff Report from Darland does not mention any concerns from neighbors. It’s my understanding that the petitioner has contacted the neighborhood associations to the south and east.

Description of Vacated Property. This property includes a 12-foot wide alley right-of-way running east/west on the north side of the 1900 block of East Third Street between Rose Avenue and Union Street and also a segment of the 16-foot alley right-of-way in the same block running north of the aforementioned alley for about 50 feet. Please note that the survey map and the legal description of this right-of-way were provided by the Petitioner and the legal description is also set forth in the ordinance.

Interest of Utilities and Safety Services. I.C. 36-7-3-16 protects utilities which occupy or use all or part of the public way from losing their rights upon the vacation of the right-of-way, unless they choose to waive those rights. The Staff Report and materials indicate that the following responses from utility services within these right-of-ways:

- CBU – other than a request that water and sewer lines be cut and capped at the main, it had no concerns about this vacation;
- AT&T – will be relocating lines and has no objection to the vacation;
- Vectren – has a 4” gas main serving the existing houses and will retire it once requested to do so by the petitioner and has no objection to the vacation;
- Comcast and Duke – have facilities here that would need to be relocated in the event the project moves forward;

Please also note that the Police, Fire and ITS Departments were also contacted and found no problem with the vacation.

Current Status - Access to Property.

The new facility will face East 3rd Street and have sidewalks along 3rd (with a tree plot), Union and Rose that will connect with the various entrances. Vehicular access will be to the north with the nearest parking north and by Union Street. The vacation of the 12-foot alley will remove the sole vehicular access remaining between Union and Rose from 3rd to 7th Street.

Necessity for Growth

Future Status – The Staff Report indicates that “[f]uture vehicular access in this area can still be accommodated through the use of East Third Street, Union Street, and Rose Avenue” and “all public utilities can be adequately served through use of easements.”

Non-City Utilization – The Staff Report indicates that Indiana University² owns property on all sides of the right-of-way.

Compliance with regulations – It should be noted that Indiana University is not subject to our zoning regulations. Perhaps with this in mind, the Staff Report merely says that the vacation “will not create any issues regarding compliance with local regulations.”

Relation to City Plans – The Staff Report indicates that “the proposal is consistent with City plans” and that the Petitioner “has worked diligently and cooperatively with the City to create a plan where students and faculty will have a quiet walking/biking campus...” It further states that “loss of the right-of-way does not conflict with the City’s Thoroughfare Plan or Growth Policies Plan.” In regard to the Growth Policies Plan, working with IU to house 106 students near where they will travel everyday does serve the goals of Compact Urban Form, Mitigating Traffic and Strengthening IU-City Planning Interaction.

Approvals and Recommendation

The Staff Report indicates that the Board of Public Works voted to recommend approval of this action and that the Planning Department supports it as well.

Happy Birthday Nicole Bolden – July 13th

² The Trustees of Indiana University own all but one abutting lot and that lot is owned by the Indiana University Foundation and will soon be conveyed to the petitioner.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, 13 JULY 2011
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: June 22, 2011 (Special Session)

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

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

None

VII. LEGISLATION FOR FIRST READING

1. Ordinance 11-07 To Amend Title 15 of The Bloomington Municipal Code Entitled "Vehicles And Traffic" - Re: Various Changes, Including But Not Limited to, Creating a Schedule for Pedestrian Hybrid Beacon Signals (BMC 15.12.030 – Schedule D[2]), Lowering Speed Limits on Neighborhood Streets from 30 mph to 25 mph (BMC 15.24.020 – Schedule I), and Clarifying the Notice Period Before Cars May be Towed (BMC 15.48.010)
2. Ordinance 11-08 To Vacate a Public Parcel - Re: An East/West Alley Right-of-Way and a Segment of North/South Alley Right-of-Way on the North Side of the 1900 Block of East Third Street Between Rose Avenue and Union Street (The Trustees of Indiana University, Petitioner)

VIII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.);

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



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

To: Council Members
From: Council Office
Re: Calendar for the Week of 11-16 July 2011

Monday, 11 July 2011

4:30 pm Plat Committee, Hooker Room
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Plan Commission, Council Chambers
6:00 pm Joint City of Bloomington-Monroe County Deer Task Force Community Meeting,
University Elementary School, 1111 N. Russell Rd

Tuesday, 12 July 2011

3:00 pm Interlocal Study Group on 3-1-1, Council Chambers
4:00 pm Bloomington Community Farmers' Market, Madison St, Between 6th & 7th St
4:30 pm Commission on Aging, Hooker Room
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W Grimes Lane
5:30 pm Monroe County Council Session, Council Chambers
6:00 pm City of Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities International – Posoltega Committee, Dunlap

Wednesday, 13 July 2011

2:00 pm Hearing Officer, Kelly
4:00 pm Board of Housing Quality Appeals, McCloskey
4:00 pm Commission on the Status of Black Males, Hooker Room
5:30 pm Project School Maintenance of Traffic Meeting, Council Chambers
7:30 pm Common Council Regular Session, Council Chambers

Happy Birthday Nicole Bolden, Office of the City Clerk!

Thursday, 14 July 2011

12:00 noon Housing Network, McCloskey
12:00 noon Bloomington Platinum Biking Task Force, Hooker Room
4:00 pm Bloomington Historic Preservation Commission, McCloskey
4:00 pm Solid Waste Management District, Council Chambers
6:00 pm Joint City of Bloomington-Monroe County Deer Task Force Community Meeting,
Bloomington High School North, 3901 N Kinser Pike
7:00 pm Telecommunications Council, Council Chambers
7:00 pm Food Policy Council, McCloskey

Friday, 15 July 2011

12:00 noon Domestic Violence Taskforce, McCloskey

Saturday, 16 July 2011

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

Posted and Distributed: Friday, 08 July 2011

**SCHEDULE
FOR BUDGET-RELATED HEARINGS AND
OTHER MEETINGS OF THE COMMON COUNCIL
TO BE HELD IN JULY, AUGUST & EARLY SEPTEMBER OF 2011
Departmental Budget Hearings (6:00 pm), Regular and Special Sessions (7:30 pm)
in the City Council Chambers (Room 115)
Showers Center - 401 North Morton Street**

July

Wednesday, July 6, 2011 Presiding: None 7:30 pm
Committee of the Whole - Cancelled

Wednesday, July 13, 2011 Presiding Sandberg 7:30 pm
Common Council Regular Session

Monday, July 18, 2011 Chair: Ruff 6:00 pm
Departmental Hearings

Overview

Compensation and Health Insurance

Office of the Mayor

Human Resources *(Unless otherwise indicated by a parenthesis, the budget materials for the following departmental budgets pertain to appropriations from the General Fund.)*

Legal *(Also includes Risk Management, Human Rights, and Board of Public Safety as programs with the Risk Management program appropriated via the Risk Management Fund.)*

Information and Technology Services

Telecommunications *(Telecommunications Non-Reverting Fund)*

City Council

City Clerk

Controller *(also includes bond and lease funds)*

Tuesday, July 19, 2011 Chair: Satterfield 6:00 pm
Departmental Hearings

Police Department *(also includes Police Education, Dispatch Training, Wireless Emergency funds)*

Police Pension

Fire Department

Fire Pension

Public Transit *(funds are separate from City funds)*

Utilities *(includes the Water, Waste Water, and Stormwater funds)*

Wednesday, July 20, 2011 Chair: Sturbaum 6:00 pm
Departmental Hearings

Planning

Housing and Neighborhood Development

Community and Family Resources

Parks and Recreation *(Parks General Fund)*

Economic and Sustainable Development

Thursday, July 21, 2011 Chair: Volan 6:00 pm
Departmental Hearings

Public Works

Public Works General *(also includes appropriations from the Alternative Transportation, Cumulative Capital Development and Cumulative Capital Improvement Rate funds)*

Sanitation *(also includes Sanitation Fund)*

Facilities

Fleet Maintenance *(Fleet Maintenance Fund)*

Traffic Control *(Local Road and Street and Motor Vehicle funds)*

Street *(Same as above)*

Parking Enforcement *(Alternative Transportation Fund)*

Engineering

Animal Control

Wednesday, July 27, 2011 Chair: Wisler 7:30 pm
Common Council Committee of the Whole

August

Wednesday, August 3, 2011 Presiding: Sandberg 7:30 pm
Common Council Regular Session

(Council August Recess Begins After August 3rd Meeting and Ends September 7, 2011)

September

Wednesday, September 7, 2011 Presiding: Sandberg 7:30 p.m.
Common Council Regular Session

Introduction of Budget and Non-Budget -Related Ordinances
(Immediately Followed By)

Chair: Mayer

Common Council Committee of the Whole

Discussion and Public Hearing on Budget-Related Legislation

Wednesday, September 14, 2011 Presiding: Sandberg 7:30 p.m.
Common Council Special Session

Final Action on Budget-Related Ordinances
(Immediately Followed By)

Chair: Piedmont-Smith

Common Council Committee of the Whole

(Council intends to meet on the remaining Wednesdays in September according to its posted annual schedule.)

These meetings are open for the public to attend, observe and record what transpires.

ORDINANCE 11-07

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “VEHICLES AND TRAFFIC” -**

Re: Various Changes, Including But Not Limited to, Creating a Schedule for Pedestrian Hybrid Beacon Signals (BMC 15.12.030 – Schedule D[2]), Lowering Speed Limits on Neighborhood Streets from 30 mph to 25 mph (BMC 15.24.020 – Schedule I), and Clarifying the Notice Period Before Cars May be Towed (BMC 15.48.010)

WHEREAS, the Traffic Commission has recommended certain changes be made in Title 15 of Bloomington Municipal Code entitled “Vehicles and Traffic”;

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

SECTION 1. Section 15.12.010 Schedule A shall be amended by adding the following:

STOP INTERSECTIONS

Traffic on	Shall Stop for Traffic on
Adams Hill Circle	Adams Street
Andrew Circle (Northbound)	Andrew Circle (East/West)
Andrew Circle	Arbors Lane
Andrew Circle	Moores Pike
Coleman Court	Andrew Circle
Driscoll Street	Dunn Street
Dunn Street	Hillside Avenue
Glandore Drive	Marquis Drive
Habitat Street	Hopewell Street
Isabel Court	Adams Hill Circle
Jalen Court	Adams Hill Circle
Lismore Drive	Marquis Drive
Lismore Drive	Seventeenth Street
Marquis Drive	Crescent Road
Maston Court	Adams Hill Circle
Petal Court	Sunflower Drive
Pine Meadows Drive	Twin Oaks Valley
Quarry Court	Countryside Lane
Sunflower Drive	Countryside Lane
Twin Oaks Ridge	Adams Hill Circle
Wilson Street	Dunn Street
Wilson Street	Palmer Avenue

SECTION 2. Section 15.12.020 Schedule C shall be amended by adding the following:

YIELD INTERSECTIONS

Traffic on	Shall Yield to Traffic on
Adams Street	Roundabout
Bricklin Court	Atlee Street
Tapp Road	Roundabout
Wyndam Court	Atlee Street

SECTION 3. Section 15.12.030 Signalized intersections shall be amended by deleting the introductory paragraph and replacing it with the following:

a). The intersections described in Schedule D(1), attached hereto and made a part hereof, are designated signalized intersections. When appropriate traffic control signals are installed at each intersection, the operator of a vehicle entering the intersections shall obey the signal displayed as the driver approaches the intersections except when directed by an officer to do otherwise. The city engineer shall determine which intersections shall operate during certain times with flashing signals, which days and hours such intersections shall flash, and the preferentiality of such intersections (i.e. which streets/direction shall flash red and which yellow). The operator of a vehicle entering an intersection controlled by a flashing signal shall obey the signal displayed as the driver approaches the intersection.

b). The intersections described in Schedule D(2), attached hereto and made a part hereof, are designated pedestrian hybrid beacon signal intersections. When appropriate traffic control signals are installed at such an intersection, the operator of a vehicle entering the intersection shall obey the signal displayed as the driver approaches the intersection except when directed by an officer to do otherwise. The operator of a vehicle entering an intersection and facing a pedestrian hybrid beacon on which no indication is displayed may proceed without stopping. The operator of a vehicle entering an intersection and facing a pedestrian hybrid beacon on which a yellow lens with an arrow illuminated with rapid intermittent flashes is displayed may turn only after yielding to oncoming traffic. The city engineer shall determine which intersections shall operate during certain times with flashing signals, which days and hours such intersections shall flash, and the preferentiality of such intersections (i.e. which streets/direction shall flash red and which yellow).

SECTION 4. Section 15.12.030 Schedule D shall be amended by renaming the existing Schedule D to D(1) and adding a new Schedule D(2) entitled “Pedestrian Hybrid Beacon Signals”

SECTION 5. Section 15.12.030 Schedule D(1) shall be amended to delete the following:

SIGNALIZED INTERSECTIONS

Cross Street	Cross Street	Flasher Hours and Days	Preferentiality
Dunn Street	19th Street		

SECTION 6. Section 15.12.030 Schedule D(1) shall be amended to add the following:

SIGNALIZED INTERSECTIONS

Cross Street	Cross Street	Flasher Hours and Days	Preferentiality
Atwater Avenue	Henderson Street		
Third Street	Kimble Drive	22:00–6:00 7 days	Third Street
Third Street	Cory Lane	22:00–6:00 7 days	Third Street

SECTION 7. Section 15.12.030 Schedule D(2) shall be amended to add the following:

PEDESTRIAN HYBRID BEACON SIGNALS

Cross Street	Cross Street	Flasher Hours and Days	Preferentiality
Country Club Drive	B-Line Trail		

Dunn Street

Nineteenth Street

SECTION 8. Section 15.16.010 Schedule E shall be amended by deleting the following:

ONE-WAY STREETS

Street	From	To	Direction of Travel
Smith Avenue	Washington Street	Lincoln Street	East

SECTION 9. Section 15.24.010 State speed laws applicable shall be amended by deleting the word “state” from the title of this section so that the section title now reads Speed Laws Applicable, and the new section title shall be reflected in the Table of Contents for this chapter.

SECTION 10. Section 15.24.010 Speed Laws Applicable shall be amended by deleting the existing section and replacing it with the following:

In accordance with I.C. 9-21-5-6, the speed of vehicles traveling on streets within the City shall not exceed 25 miles per hour except for street segments set forth in Schedule I and Schedule J of this chapter. When appropriate signs are erected these speed limits are the maximum speeds that a vehicle may be driven, and no person may drive a vehicle at a speed greater than that posted.

SECTION 11. Section 15.24.020 Increased or decreased state speed limits shall be amended by deleting the word “state” from the title of this section so that the section title now reads Increased or decreased speed limits, and the new section title shall be reflected in the Table of Contents for this chapter.

SECTION 12. Section 15.24.020 Increased or decreased speed limits shall be amended by deleting the introductory paragraph in its entirety and replacing it with the following:

15.24.020 Increased or decreased speed limits

When appropriate signs are erected that these speed limits are the maximum speeds that a vehicle may be driven, no person shall drive a vehicle at a speed greater than that posted.

SECTION 13. Schedule I shall be amended by deleting the existing schedule and replacing it with the following:

INCREASED OR DECREASED SPEED LIMITS

Street	From	To	Posted Speed
Adams Street	775’ South of Millennium Park Drive	Patterson Drive	30 MPH
Adams Street	Patterson Drive	Adams Street	30 MPH
Arlington Road	Monroe Street	West to Corporate Limits	40 MPH
Bloomfield Road	State Road 37	Adams Street	40 MPH
College Avenue	Dodds Street	Second Street	30 MPH
College Avenue	Seventh Street	45/46 Bypass	30 MPH
College Mall Road	SR 46	Moore’s Pike	30 MPH
Country Club Drive	Rockport Road	Walnut Street	30 MPH
Curry Pike	Bloomfield Road	North to Corporate Limits	35 MPH
Dunn Street	Seventeenth Street	45/46 Bypass	35 MPH
Eleventh Street	Walnut Street	Vernal Pike	30 MPH
Fee Lane	Seventeenth Street	45/46 Bypass	35 MPH
First Street	Rogers Street	Walker Street	20 MPH

Fullerton Pike	SR 37	1,160' East of SR 37	30 MPH
Gordon Pike	Walnut Street	600' West of Walnut Street	30 MPH
Henderson Street	First Street	Atwater Avenue	30 MPH
Henderson Street	South Drive	Heather Drive	30 MPH
High Street	450' North of Wimbleton Lane	Covenanter Drive	30 MPH
Hillside Drive	Woodlawn Avenue	High Street	30 MPH
Indiana Avenue	Atwater Avenue	Seventeenth Street	30 MPH
Jordan Avenue	Atwater Avenue	Seventeenth Street	30 MPH
Kinser Pike	Seventeenth Street	SR 37	30 MPH
Kirkwood Avenue	Adams Street	Walnut Street	30 MPH
Leonard Springs Road	Fullerton Pike	SR 45	30 MPH
Madison Street	Eleventh Street	Seventeenth Street	30 MPH
Moore's Pike	High Street	SR 446	30 MPH
Morningside Drive	Third Street	Concord Drive	20 MPH
Patterson Drive	Allen Street	Second Street	40 MPH
Patterson Drive	Allen Street	Walnut Street	30 MPH
Patterson Drive	Third Street	Second Street	30 MPH
Rhorer Road	Walnut Street	550' East of Walnut Street	30 MPH
Rockport Road	Rogers Street	300' South of Tapp Road	30 MPH
Rogers Road	High Street	1,100' East of Forrester Street	30 MPH
Rogers Street	Country Club Drive	Eleventh Street	30 MPH
Sare Road	Moores Pike	Rhorer Road	30 MPH
Second Street	Patterson Drive	Walnut Street	30 MPH
Seventeenth Street	Monroe Street	Jackson Street	35 MPH
Seventeenth Street	Jackson Street	45/46 Bypass	30 MPH
Seventeenth Street	300' West of Lindbergh Drive	300' East of Lindbergh Drive	20 MPH
Seventeenth Street	300' West of Lindbergh Drive	Crescent Road	30 MPH
Seventeenth Street	300' East of Lindbergh Drive	Monroe Street	30 MPH
Smith Road	SR 45	Moores Pike	30 MPH
Tapp Road	SR 37	800' West of Adams Street	30 MPH
Tapp Road	800' East of Adams Street	Rockport Road	30 MPH
Tenth Street	Morton Street	45/46 Bypass	30 MPH
Third Street	Dunn Street	Rogers Street	30 MPH
Third Street	Franklin Road/Wynnedale Drive	Patterson Drive	30 MPH
Third Street	High Street	College Mall Road	30 MPH
Union Street	Third Street	Law Lane	30 MPH
Vernal Pike	Adams Street	SR 37	30 MPH

Walnut Street	45/46 Bypass	Blue Ridge Drive	40 MPH
Walnut Street	Blue Ridge Drive	North to Corporate Limits	45 MPH
Walnut Street	Pinewood Drive	Second Street	30 MPH
Walnut Street	Pinewood Drive	Rhorer Road/Gordon Pike	40 MPH
Walnut Street	Seventh Street	45/46 Bypass	30 MPH
Weimer Road	Tapp Road	353' South of Sudbury Drive	30 MPH
Winslow Road	Walnut Street	High Street	30 MPH

SECTION 14. Section 15.32.080 Schedule M shall be amended to add the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restriction
Cory Lane	Third Street	660' South of Third Street	East/West	Any Time
Dunn Street	Grimes Lane	Hillside Drive	West	Any Time
Glandore Drive	Marquis Drive	End of Street	West	Any Time
Lismore Drive	Seventeenth Street	Marquis Drive	West	Any Time
Marquis Drive	Crescent Road	End of Street	South	Any Time
Petal Court	Sunflower Drive	End of Cul-de-Sac	North/South	Any Time
Seventh Street	Oak Street	103' East of Oak Street	North	Any Time
Seventh Street	187' East of Oak Street	Elm Street	North	Any Time
Seventh Street	114' East of Elm Street	307' East of Elm Street	North	Any Time
Seventh Street	Waldron Street	112' East of Waldron Street	North	Any Time
Seventh Street	173' East of Waldron Street	324' East of Waldron Street	North	Any Time
Seventh Street	90' East of Oak Street	243' East of Oak Street	South	Any Time
Seventh Street	Elm Street	125' East of Elm Street	South	Any Time
Seventh Street	292' East of Elm Street	Waldron Street	South	Any Time
Seventh Street	74' East of Waldron Street	200' East of Waldron Street	South	Any Time
Seventh Street	254' East of Waldron Street	Maple Street	South	Any Time
Sunflower Drive	Countryside Lane	End of Cul-de-Sac	West	Any Time

SECTION 15. Section 15.32.090 Schedule N shall be amended to delete the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Kirkwood Avenue	1 st & 2 nd Spaces East of the Alley between Lincoln Street and Grant Street		South	15 Min.(3)

Kirkwood Avenue	113' E. of Lincoln Street	69' E. of Lincoln Street	North	30 Min.
Kirkwood Avenue	139' W. of Grant Street	Grant Street	North	1 Hr.
Kirkwood Avenue	143' W. of Indiana Avenue	Dunn Street	South	1 Hr. (3)
Morton Street	Seventh Street	Sixth Street	West	2 Hr. (8)
Rogers Street	200' N. of Patterson Drive	50' N. of Dixie Street	East	2 Hr. (4)

SECTION 16. Section 15.32.090 Schedule N shall be amended to add the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Kirkwood Avenue	1 st & 2 nd Spaces East of the Alley between Lincoln Street and Grant Street		South	2 Hr. (3)
Kirkwood Avenue	113' E. of Lincoln Street	69' E. of Lincoln Street	North	30 Min. (3)
Kirkwood Avenue	139' W. of Grant Street	Grant Street	North	1 Hr. (3)
Kirkwood Avenue	143' W. of Indiana Avenue	Dunn Street	South	2 Hr. (3)
Union Street	Seventh Street	Tenth Street	West	2 Hr. (3)

SECTION 17. Section 15.32.110 Schedule P shall be amended to delete the following:

BUS ZONES

Street	From	To	Side of Street	Time of Restriction
Blair Avenue	1 space 70 E. of 14 th Street	The 1 st alley north of Fourth Street	South	All Time

SECTION 18. Section 15.32.110 Schedule P shall be amended to add the following:

BUS ZONES

Street	From	To	Side of Street	Time of Restriction
Third Street	Wynnedale Drive	85' East of Wynnedale Drive	South	All Time
Third Street	Johnson Avenue	85' East of Johnson Avenue	South	All Time
Third Street	Cory Lane	85' East of Cory Lane	South	All Time
Third Street	Landmark Avenue	85' East of Landmark Avenue	South	All Time

SECTION 19. Section 15.32.120 Schedule R shall be amended to delete the following:

OFFICIAL VEHICLE ZONES

Street	From	To	Side of Street
Morton Street	Fifth Space south of the entrance to Lot 11 (south side of City Hall, 401 N. Morton		West

Street)

SECTION 20. Section 15.37.050 Fees shall be amended by deleting this section as it appears and replacing it with the following:

15.37.050 Fees. All parking permits and visitor permits issued under this chapter, except those issued under 15.37.190 and 15.37.210, shall cost twenty-five dollars per permit.

SECTION 21. Section 15.37.200 Zone 7 fraternities and sororities shall be amended by deleting the last sentence so that the section now reads:

15.37.200 Zone 7 fraternities and sororities. The board of public works may provide up to one hundred zone 7 parking permits annually to residents of fraternity and sorority houses on 7th Street and Woodlawn Avenue.

SECTION 22. Section 15.37.220 Collins Center residents shall be amended by deleting the last sentence so that the section now reads:

15.37.220 Collins Center residents. The board of public works may provide up to one hundred zone 7 parking permits annually to residents of the Collins Center dormitory.

SECTION 23. Section 15.48.010 General provisions subsection (a)(14) shall be amended by deleting this subsection as it appears and replacing it with the following:

(14) Any vehicle parked in an unregulated parking location at a time that parking is prohibited by a posted “No Parking” sign. Notice shall be posted at least 72 hours before this parking restriction becomes effective, except when an emergency requires immediate action.

SECTION 24. Section 15.48.010 General provisions subsection (a) shall be amended to add the following subsection:

(15) Any vehicle parked in a regulated parking space at a time that parking is prohibited by a posted “No Parking” sign. Notice shall be posted at least 24 hours before the parking restriction becomes effective at any regulated parking space in the public right of way, except when an emergency requires immediate action.

SECTION 25. 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 26. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and the approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2011.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana,
upon this _____ day of _____, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2011.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to the Bloomington Municipal Code. This includes stop intersections, yield intersections, signalized intersections, one-way streets, increased or decreased speed limits, no parking zones, limited parking zones, bus zones, official vehicle zones, fees, zone 7 fraternities and sororities parking permits, Collins Center resident parking permits and general provisions.

To: Common Council
From : Susie Johnson
Re: Ordinance 11-07
Date: July 7, 2011

The following outlines the specific changes proposed to Title 15 of the Municipal Code.

Section 1: This section adds stop conditions at certain intersections to the code where those conditions exist yet have not been codified. The streets listed have been accepted into the City network resulting in the need to codify the traffic controls.

Section 2: This section adds yield conditions at certain intersections to the code where those conditions exist yet have not been codified. The streets listed have been accepted into the City network resulting in the need to codify the traffic controls.

Sections 3, 4, 5 & 7: These sections together add a schedule to the code for pedestrian beacons; moves the pedestrian beacon at Dunn & 19th Street from the traffic signal schedule to the newly created beacon schedule; and adds a new pedestrian beacon to Country Club Drive at the B-Line Trail.

Section 6: This section adds signalized intersection to the code where this summer we will create this condition as part of approved plans:

Atwater & Henderson
Third & Kimble
Third & Cory

Section 8: This section converts Smith Avenue between Washington and Lincoln into a 2-way street. The Traffic Commission, Parks and Recreation and the Project School all support this change.

Section 9, 10, 11, 12 & 13: Sets the speed limit on all neighborhood City streets at 25 MPH and leaves collector and arterial streets at the existing speed limits. This will take effect as the speed limit signs are changed. As a note, over the next 12 to 24 months the City plans to conduct analysis on the collectors and arterials for possible speed limit reductions.

Section 14: This section adds certain No Parking Zones to the code where those conditions exist yet have not been codified. Council should note; on 7th St. the Near Westside Neighborhood Association and the Traffic Commission recommend the use of staggered parking to slow traffic. This has resulted in moving No Parking back and forth across 7th St as indicated in the proposed ordinance. The other street segments listed have been accepted into the City network resulting in the need to codify the posted parking conditions.

Section 15 & 16: Modify the Limited Parking Zone Schedule by:

Changing spaces on Kirkwood from 15 minute to 2 hour, and 1 hour to 2 hour. These changes match the parking spaces in the area. A pharmacy used to be located in the adjacent building and found the shorter parking restrictions helpful for quick pickup of items. This also adds the spaces to the proper schedule. The 30 minute space and 1 hour Grant St. space kept same time restriction, but were added to designate the proper legend for enforcement.

Adds a 2 hour time restriction on Union St. between Seventh Street and Tenth Street. IU made this request as the area is currently unregulated and is used for long-term car storage.

Deletes a space on Morton Street from the 2-hour schedule. Several years ago we approved changing this space to a 15-minute space and at that time we failed to remove it from the 2-hour schedule. This space is adjacent to First Financial/Irwin Union/Hays Market.

Eliminates a section of South Rogers Street from the limited parking section. Years ago, when RCA was booming, it was necessary to restrict parking in this area. Now this restriction is simply a burden for the neighbors.

Section 17 & 18: These sections correct an error in the code by deleting a bus zone where one does not exist and adds five new bus stops on W. 3rd that are being built as part of the W. 3rd St. improvements which are currently underway.

Section 19: Removes one parking space from the Official Vehicle Zone schedule.

The Hoosier Hills Food Bank had used this parking space during the Summer Farmer's Market. They no longer need the space, and this makes the space available to the general public.

Section 20: Corrects some fuzziness in the code by more clearly stating that the only permit holders eligible for a Visitor Permit are residents.

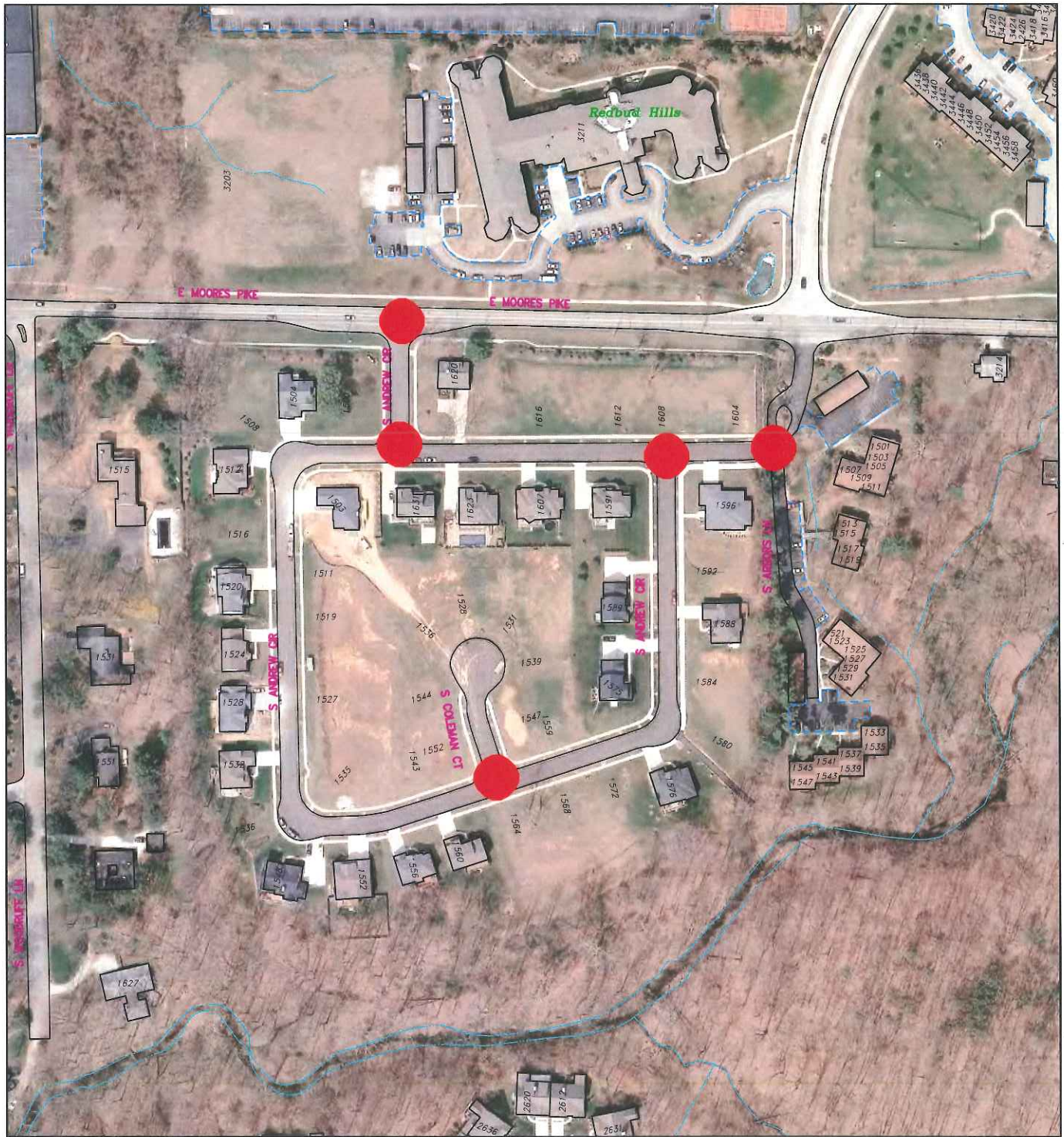
Section 21 & 22: Corrects a conflict in the code. Sections 15.37.200 & 220 set out the parameters by which fraternities, sororities and Collins Center may acquire Neighborhood Parking Permits. For some reason, the price of those permits was included in the *issuance* guidelines. Last year when we increased fees for Neighborhood Parking Permits, we updated the schedule but failed to notice the fee was also mentioned in the issuance guidelines. By eliminating the price in this section it allows the schedule to function as the only reference to the price and eliminates an untended conflict and future mishaps.

Section 23: Requires “No Parking” signs be posted 72 hours prior to the no parking restriction becomes effective in an area that does not have regulated parking

Section 24: Requires “No Parking” signs be posted 24 hours prior to the no parking restriction becomes effective in an area with regulated parking.

Section 25: Severability clause

Section 26: Effective date



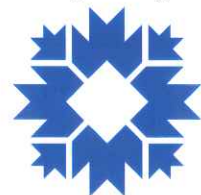
Map 1
 Section 1 – Schedule A
 Stop Intersections

By: wykoffj
 6 Jul 11



For reference only; map information NOT warranted.

City of Bloomington
 Engineering



Scale: 1" = 200'



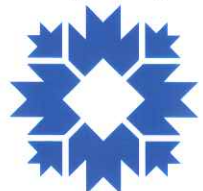


Map 2
Section 1 – Schedule A
Stop Intersections

By: wykoffj
6 Jul 11

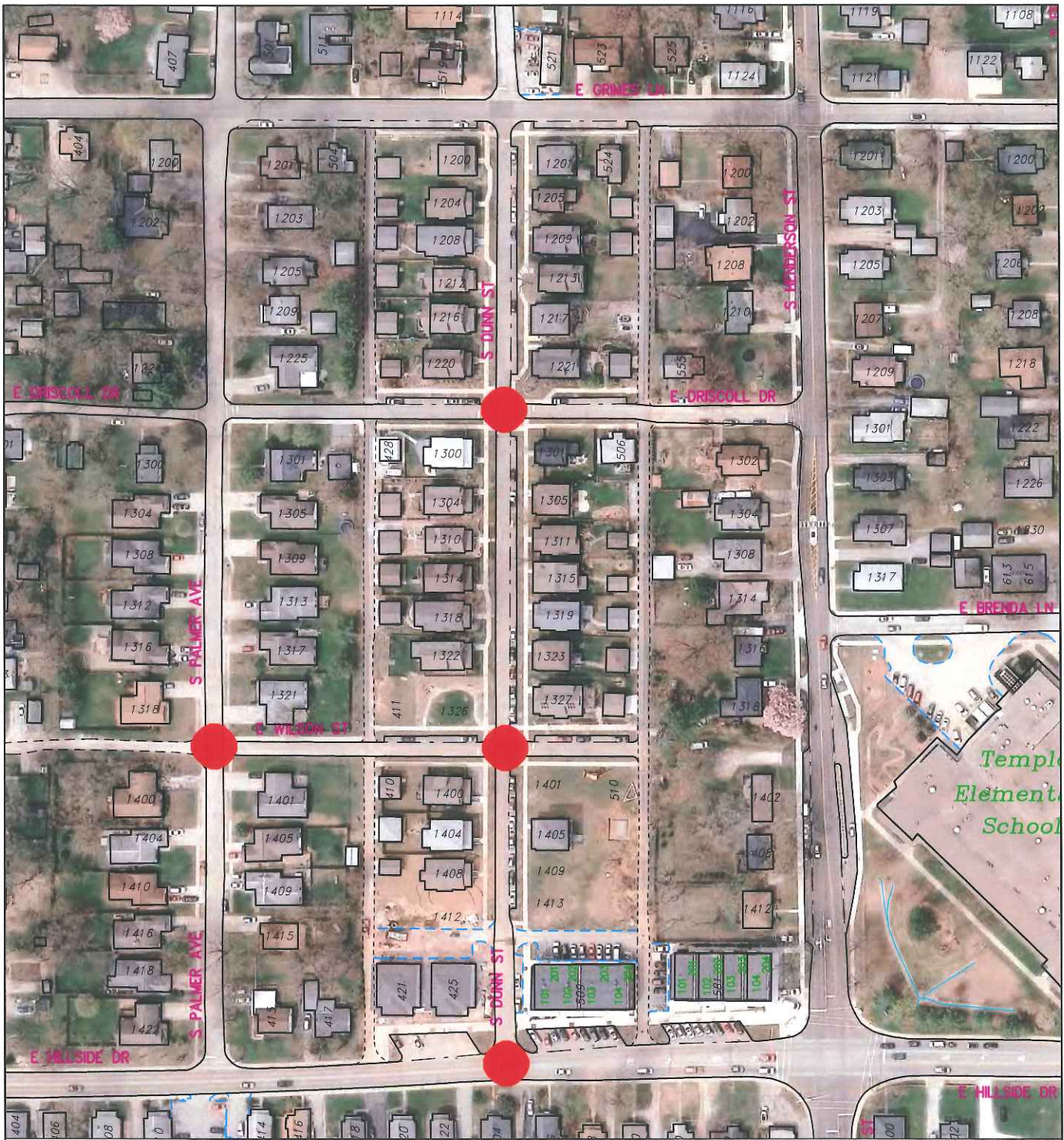


City of Bloomington
Engineering



Scale: 1" = 400'

For reference only; map information NOT warranted.



Map 3
 Section 1 – Schedule A
 Stop Intersections

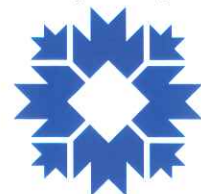
By: wykoffj
 6 Jul 11



For reference only; map information NOT warranted.



City of Bloomington
 Engineering



Scale: 1" = 150'



Map 4
 Section 1 – Schedule A
 Stop Intersections

By: wykoffj
 6 Jul 11



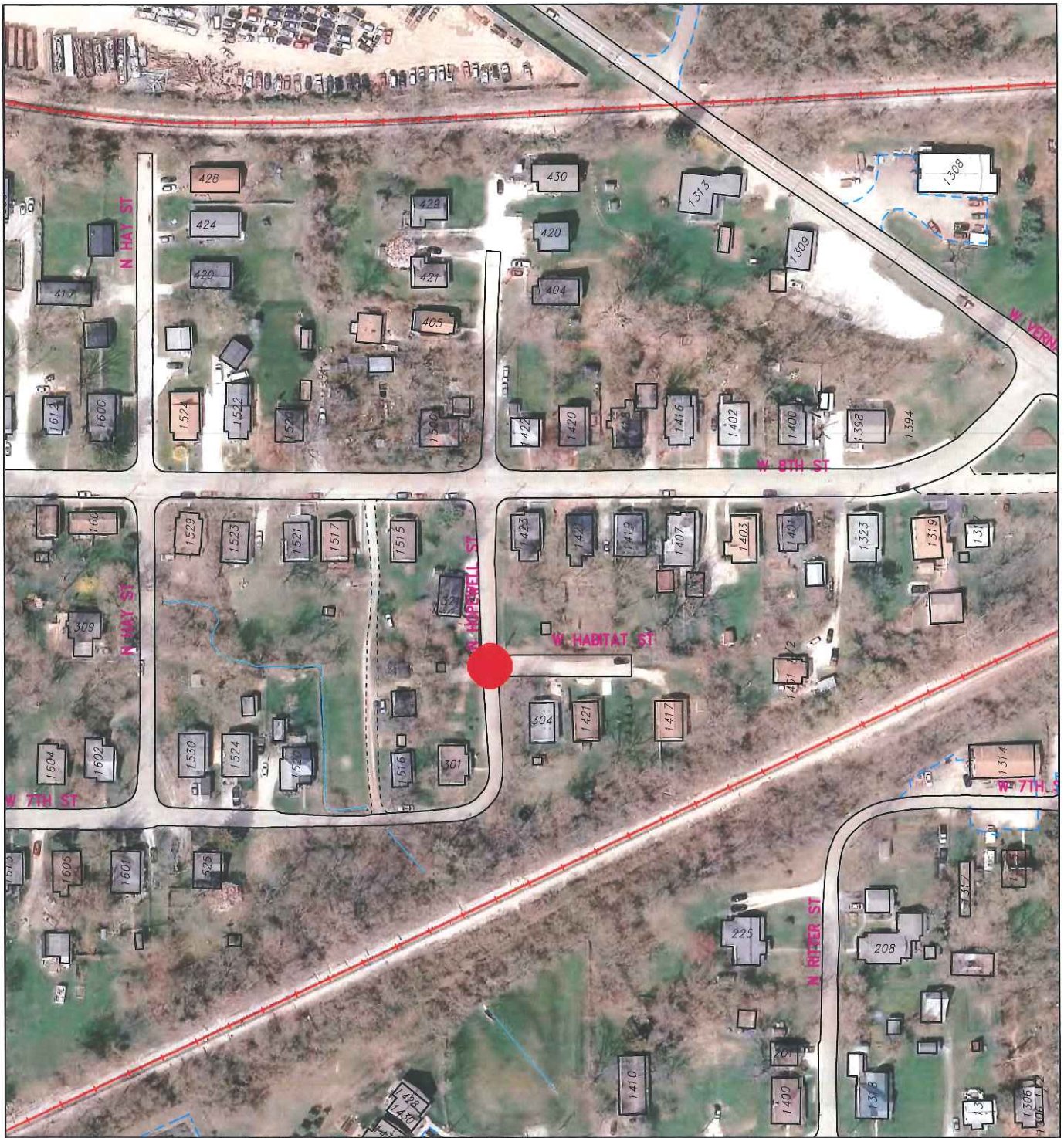
For reference only; map information NOT warranted.



City of Bloomington
 Engineering

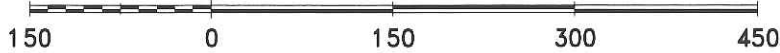


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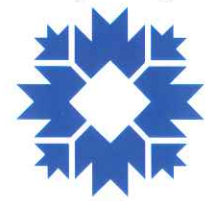


Map 5
 Section 1 – Schedule A
 Stop Intersections

By: wykoffj
 6 Jul 11

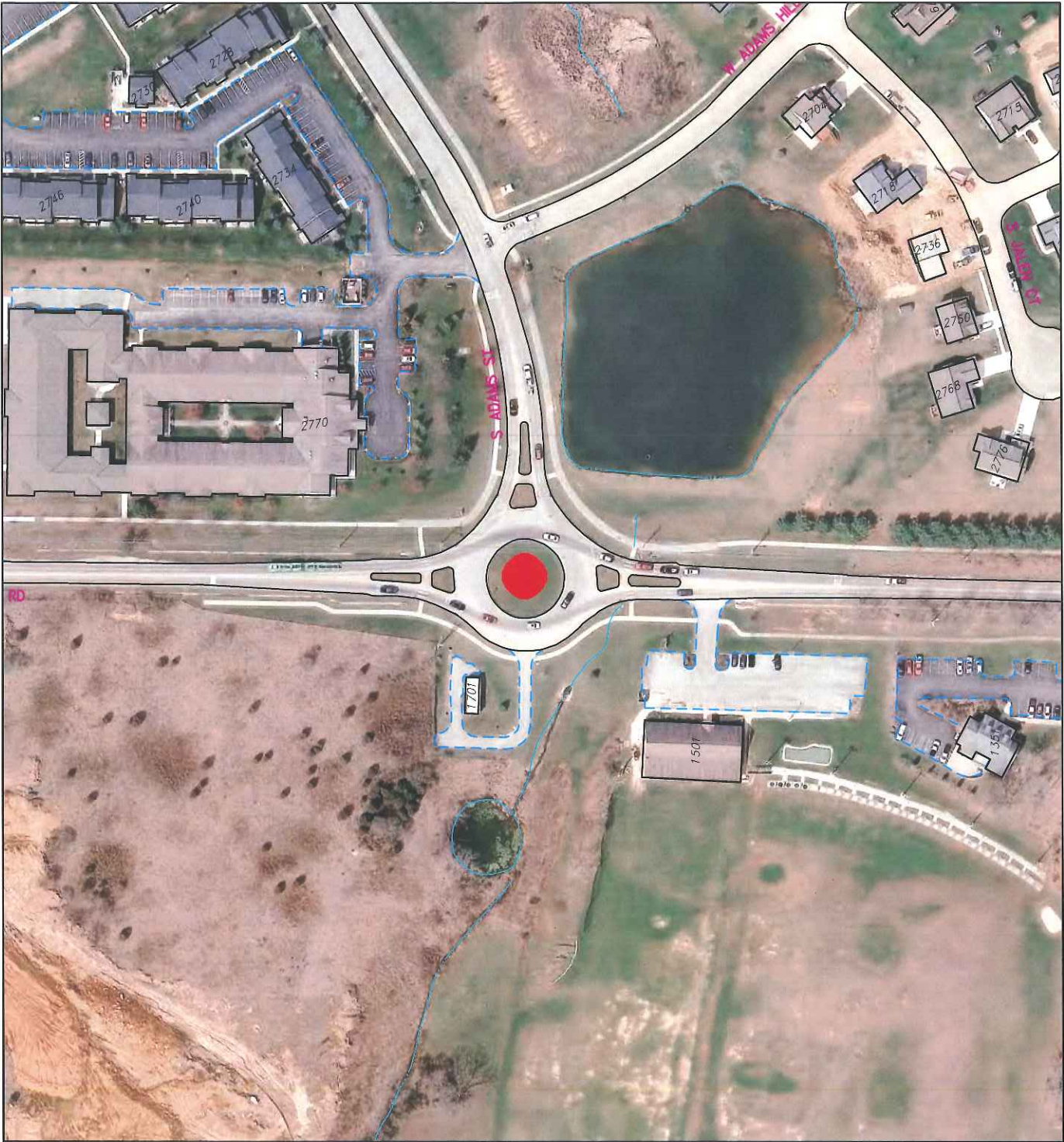


City of Bloomington
 Engineering



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For reference only; map information NOT warranted.

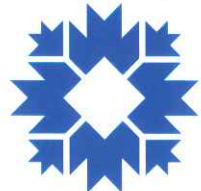


Map 6
Section 2 – Schedule C
Yield Intersections

By: wykoffj
6 Jul 11

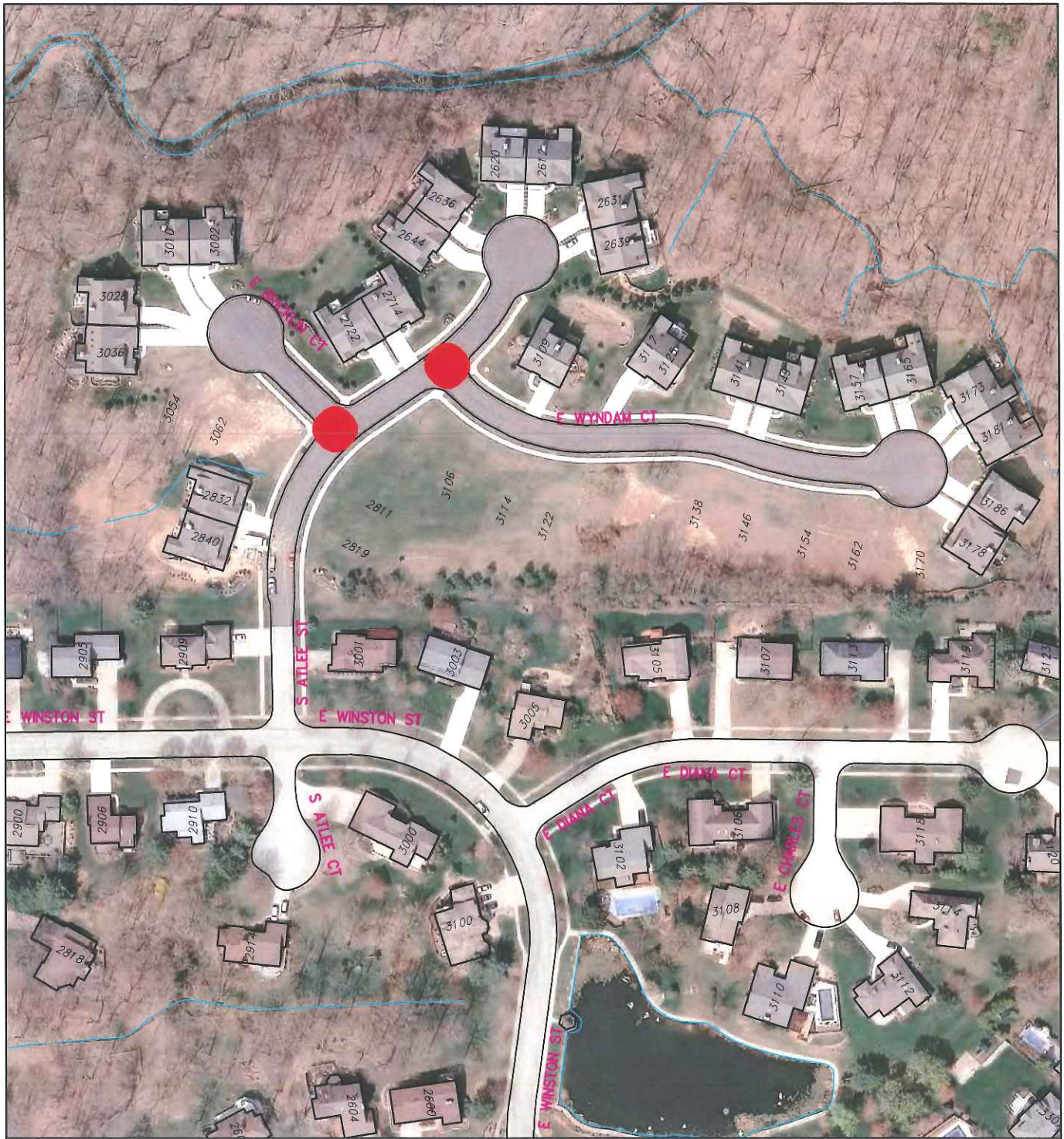


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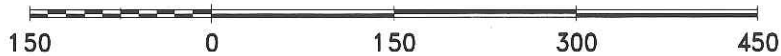
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For reference only; map information NOT warranted.



Map 7
 Section 2 – Schedule C
 Yield Intersections

By: wykoffj
 6 Jul 11



City of Bloomington
 Engineering



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For reference only; map information NOT warranted.



Map 8
 Section 6 – Schedule D(1)
 Signalized Intersections

By: wykoffj
 6 Jul 11



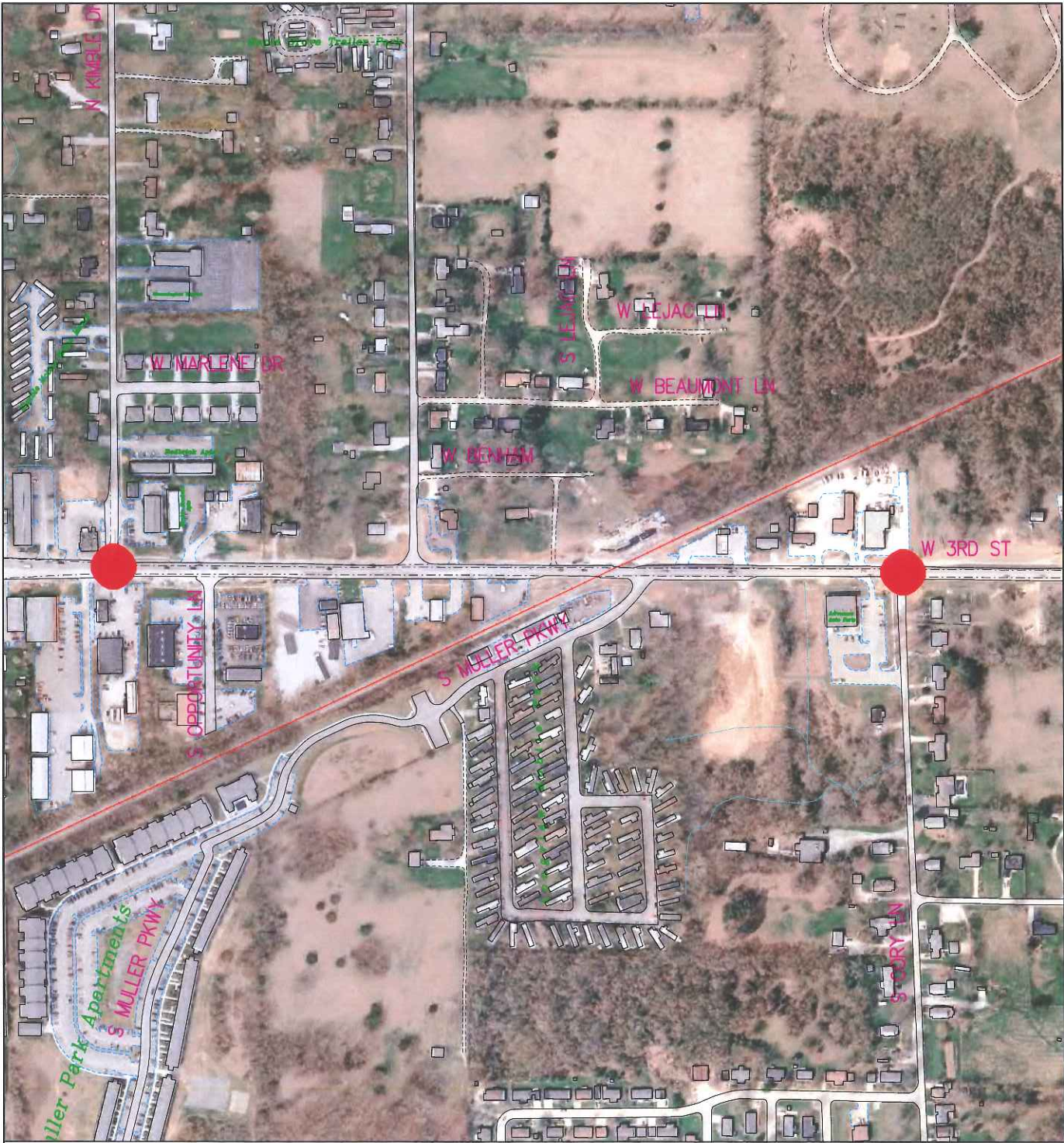
For reference only; map information NOT warranted.

City of Bloomington
 Engineering



Scale: 1" = 150'





Map 9
 Section 6 – Schedule D(1)
 Signalized Intersections

By: wykoffj
 6 Jul 11

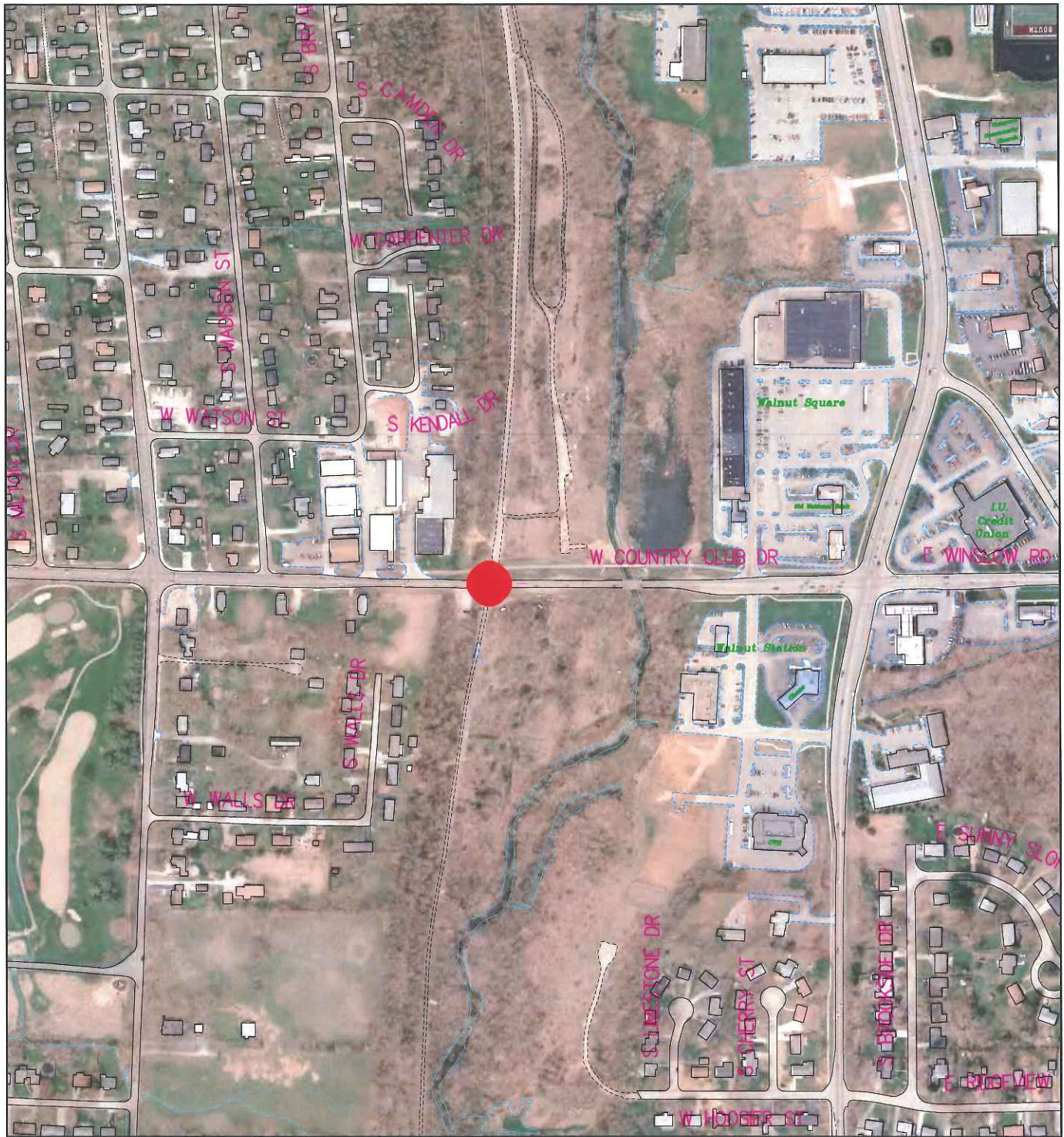


City of Bloomington
 Engineering



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For reference only; map information NOT warranted.

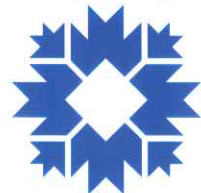


Map 10
 Section 7 – Schedule D(2)
 Pedestrian Hybrid Beacon Signals

By: wykoffj
 6 Jul 11

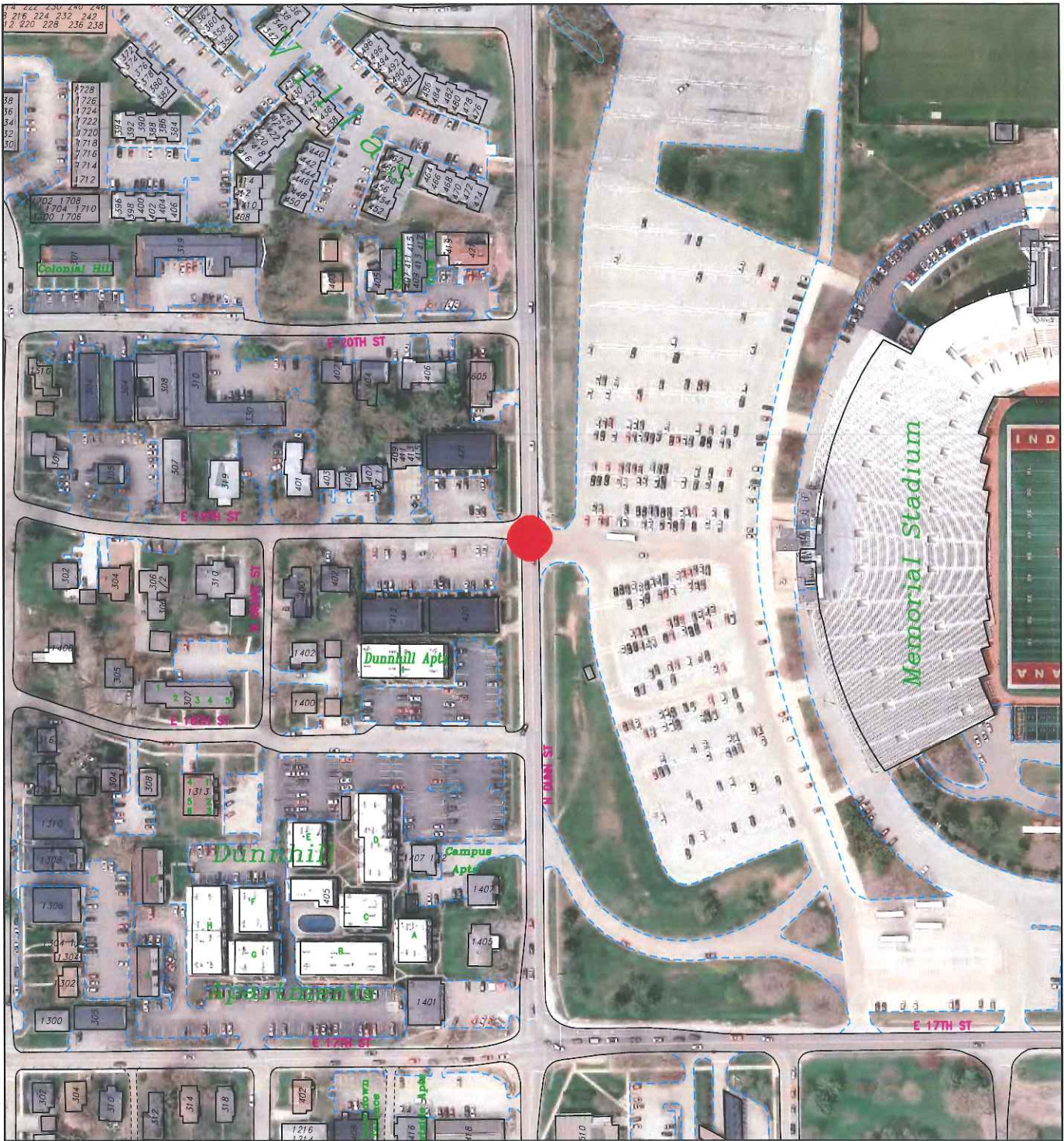


City of Bloomington
 Engineering



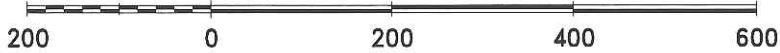
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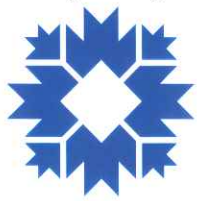


Map 11
 Section 7 – Schedule D(2)
 Pedestrian Hybrid Beacon Signals

By: wykoffj
 6 Jul 11

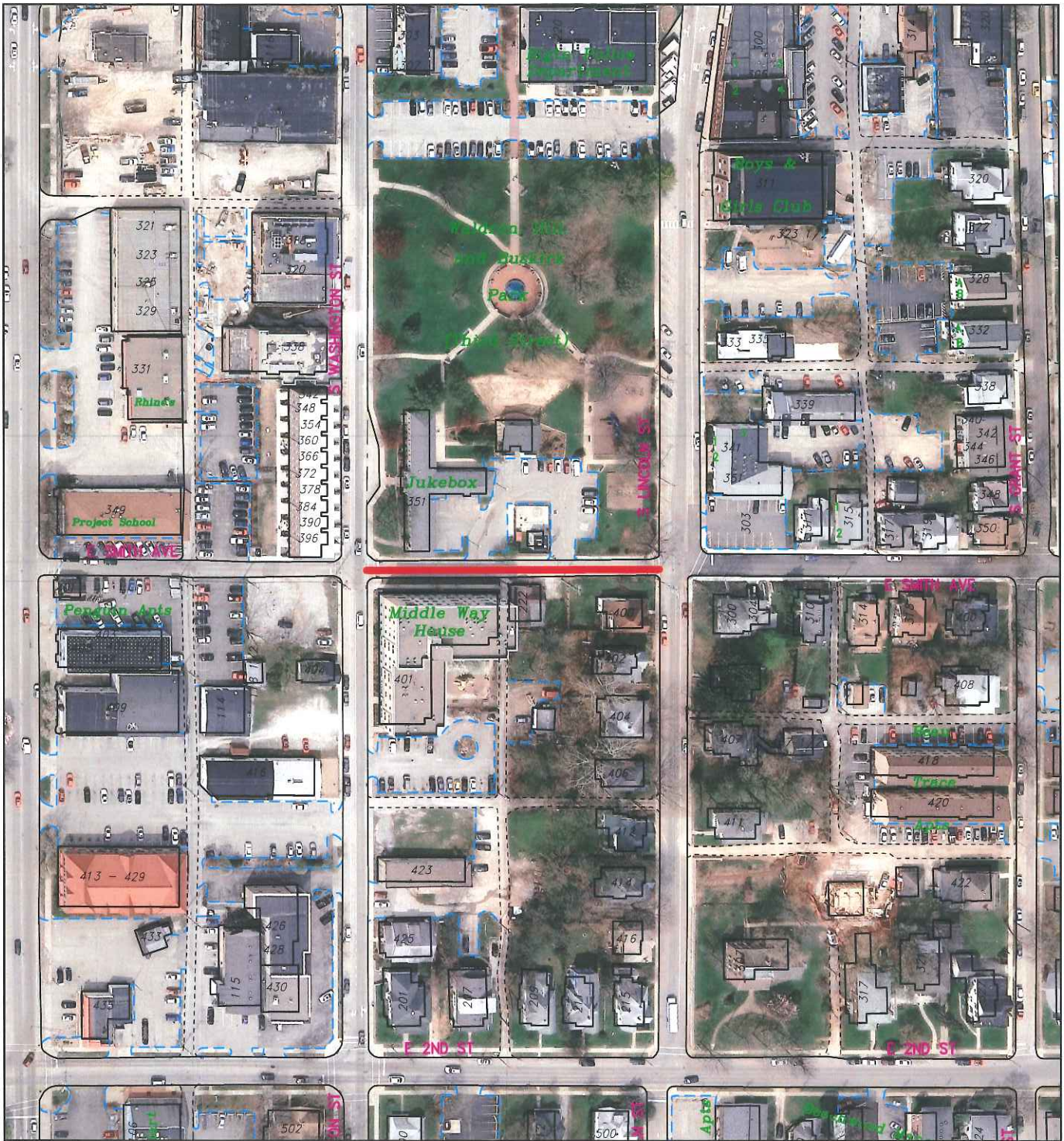


City of Bloomington
 Engineering



Scale: 1" = 200'

For reference only; map information NOT warranted.



Map 11A
 Section 8 – Schedule E
 One-Way Streets

By: wykoffj
 8 Jul 11



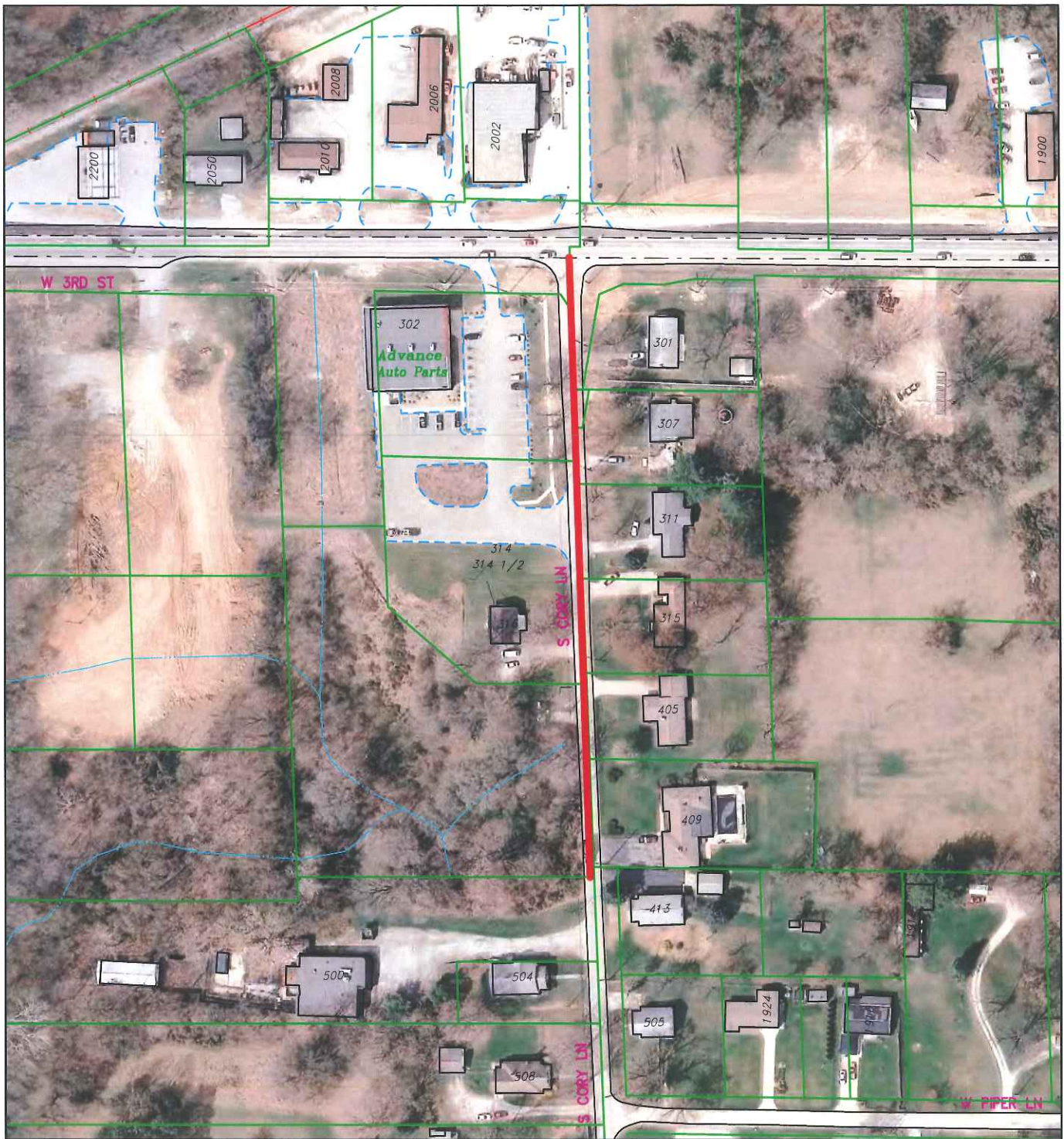
For reference only; map information NOT warranted.

City of Bloomington
 Engineering



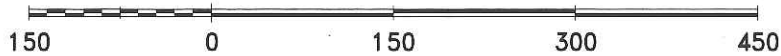
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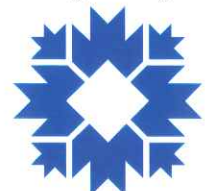


Map 12
 Section 14 – Schedule M
 No Parking Zones

By: wykoffj
 6 Jul 11

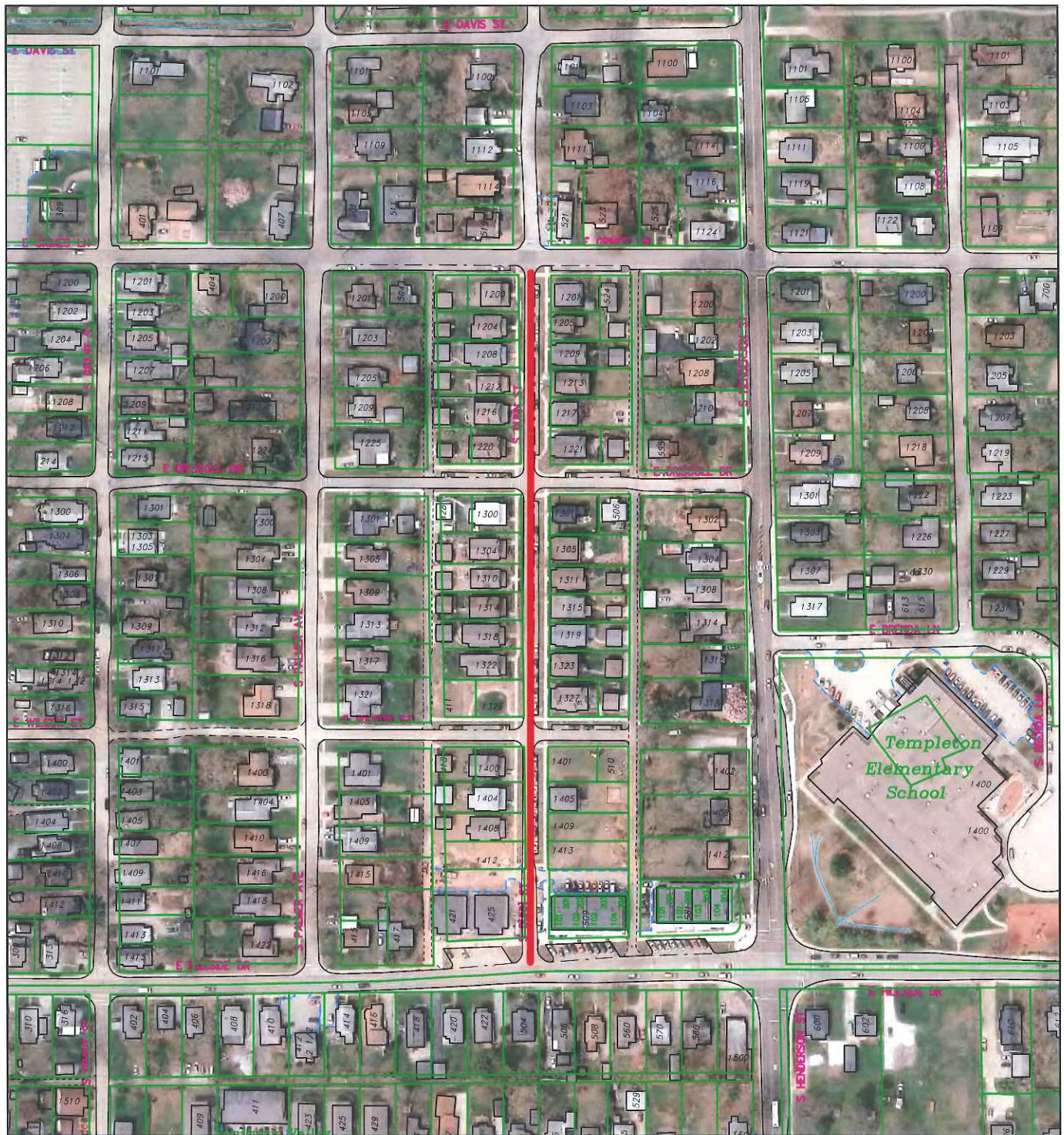


City of Bloomington
 Engineering



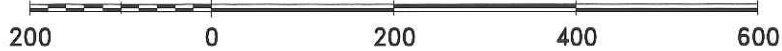
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For reference only; map information NOT warranted.



Map 13
 Section 14 – Schedule M
 No Parking Zones

By: wykoffj
 6 Jul 11



City of Bloomington
 Engineering



Scale: 1" = 200'

For reference only; map information NOT warranted.



Map 14
Section 14 – Schedule M
No Parking Zones

By: wykoffj
6 Jul 11



For reference only; map information NOT warranted.



City of Bloomington
Engineering

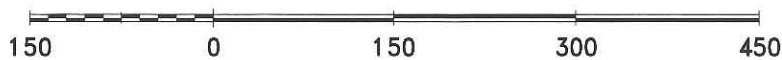


Scale: 1" = 200'



Map 15
 Section 14 – Schedule M
 No Parking Zones

By: wykoffj
 6 Jul 11

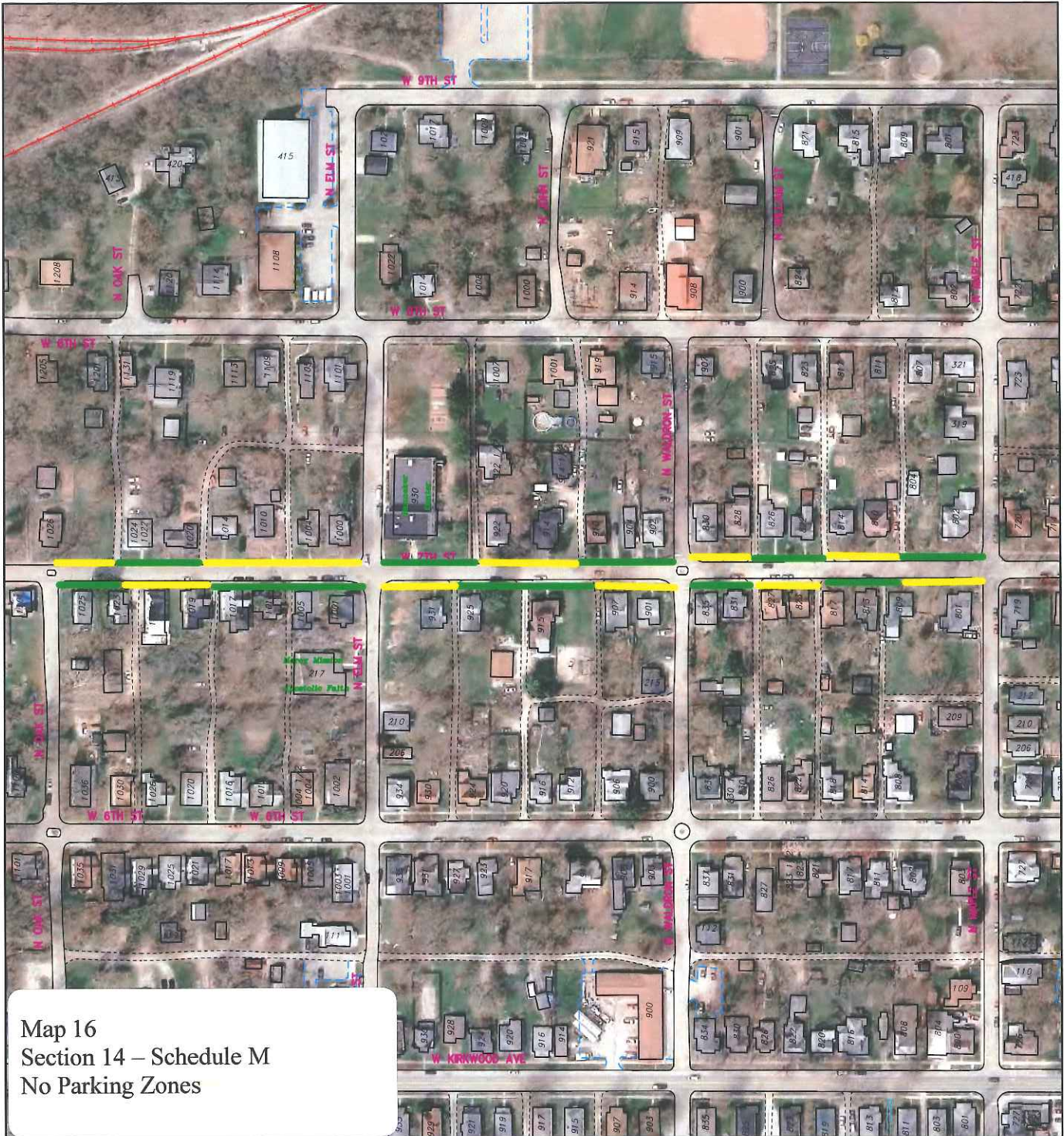


City of Bloomington
 Engineering



Scale: 1" = 150'

For reference only; map information NOT warranted.



Map 16
 Section 14 – Schedule M
 No Parking Zones

West 7th Street Parking Changes
 Oak Street to Maple Street
 Green = Proposed Parking Location
 Yellow = Proposed No Parking Location

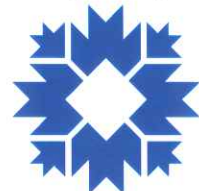
By: wykoffj
 19 Apr 11



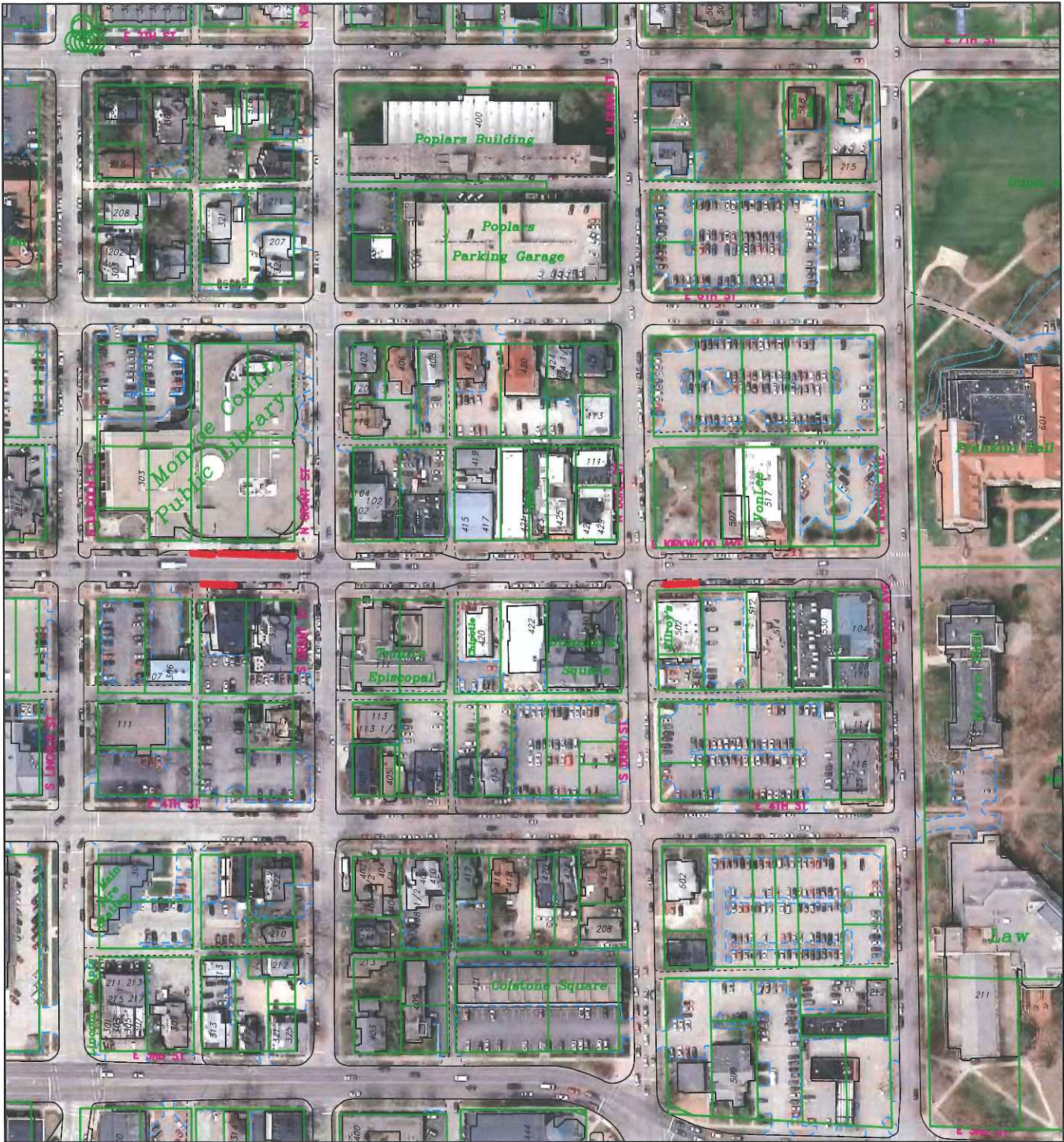
For reference only; map information NOT warranted.



City of Bloomington
 Engineering



Scale: 1" = 200'



Map 17
Section 16 – Schedule N
Limited Parking Zones

By: wykoffj
6 Jul 11

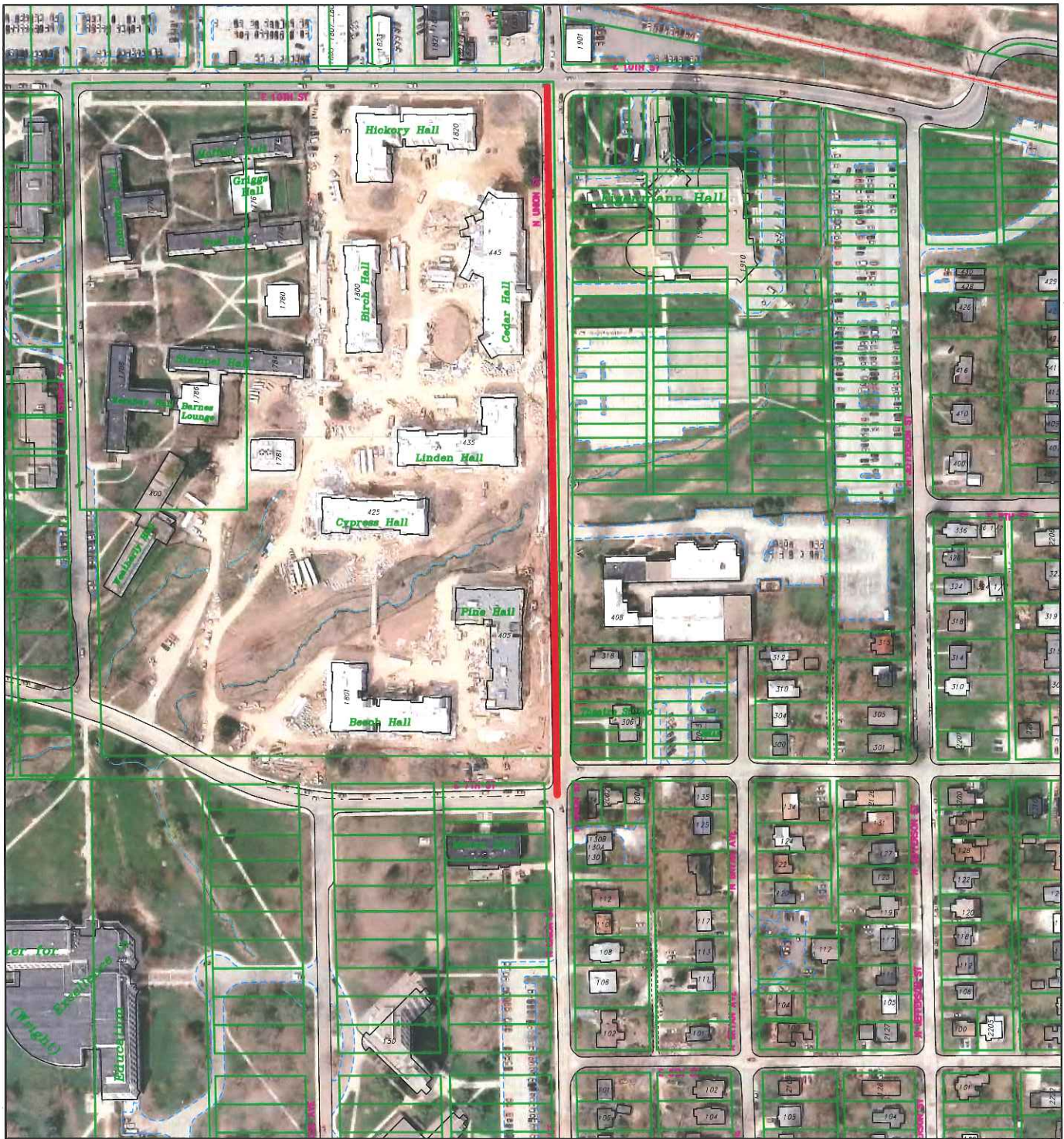


City of Bloomington
Engineering



Scale: 1" = 200'

For reference only; map information NOT warranted.



Map 18
 Section 16 – Schedule N
 Limited Parking Zones

By: wykoffj
 6 Jul 11



City of Bloomington
 Engineering



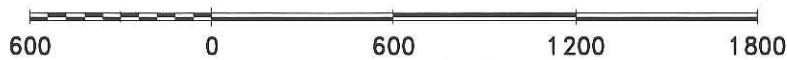
Scale: 1" = 250'

For reference only; map information NOT warranted.



Map 19
 Section 18 – Schedule P
 Bus Zones

By: wykoffj
 6 Jul 11



City of Bloomington
 Engineering



Scale: 1" = 600'

For reference only; map information NOT warranted.

ORDINANCE 11-08

TO VACATE TWO PUBLIC PARCELS -

Re: An East/West Alley Right-of-Way and a Segment of North/South Alley Right-of-Way on the North Side of the 1900 Block of East Third Street Between Rose Avenue and Union Street (The Trustees of Indiana University, Petitioner)

- WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and
- WHEREAS, the petitioners, (The Trustees of Indiana University) have filed a petition to vacate two parcels of City property more particularly described below;
- WHEREAS, pursuant to I.C. 36-7-3-16, various utilities have submitted letters to the Common Council, which are available in the Council Office, indicating whether or not they are occupying or using any part of these public ways, waive rights to use those facilities, and consent to this vacation;

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

SECTION 1. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. This property includes a 12-foot wide alley right-of-way running east/west on the north side of the 1900 block of East Third Street between Rose Avenue and Union Street and also a segment of the 16-foot alley right-of-way in the same block running north of the aforementioned alley for about 50 feet. These vacated right-of-ways are more particularly described as follows:

East-West alley beginning at the Northwest corner of Lot 54 of Wylie Heights Addition to the City of Bloomington, Indiana, thence North 12 feet to the Southwest corner of Lot 53 of said addition, thence East 376 feet to the Southeast corner of Lot 4 of Wylie's Subdivision, thence South 12 feet to the Northeast corner of Lot 3 of Wylie's Subdivision, thence West 376 feet to the Point of Beginning.

North-South alley beginning at the Southeast corner of Lot 53 of Wylie Heights Addition to the City of Bloomington, Indiana, thence North 50 feet to the Northeast corner of said Lot 53, thence East 16 feet to the Northwest corner of Lot 4 of Wylie's Subdivision, thence South 50 feet to the Southwest corner of said Lot 4, thence West 16 feet to the Point of Beginning.

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.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2011.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2011.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

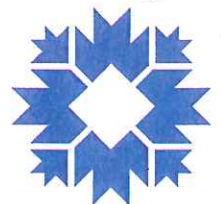
The petitioner, The Trustees of Indiana University, requests vacation of two segments of alley right-of-way bounded by East Third Street, East Fourth Street, Rose Avenue, and Union Street. This ordinance is scheduled for introduction at the Regular Session on July 13th, discussion at the Committee of the Whole on July 27th, and second reading on at the Regular Session on August 3rd, 2011. The opportunity for public comment on this ordinance on August 3rd shall serve as the public hearing required under I.C. 36-7-12-3.



By: darlandl
7 Jun 11

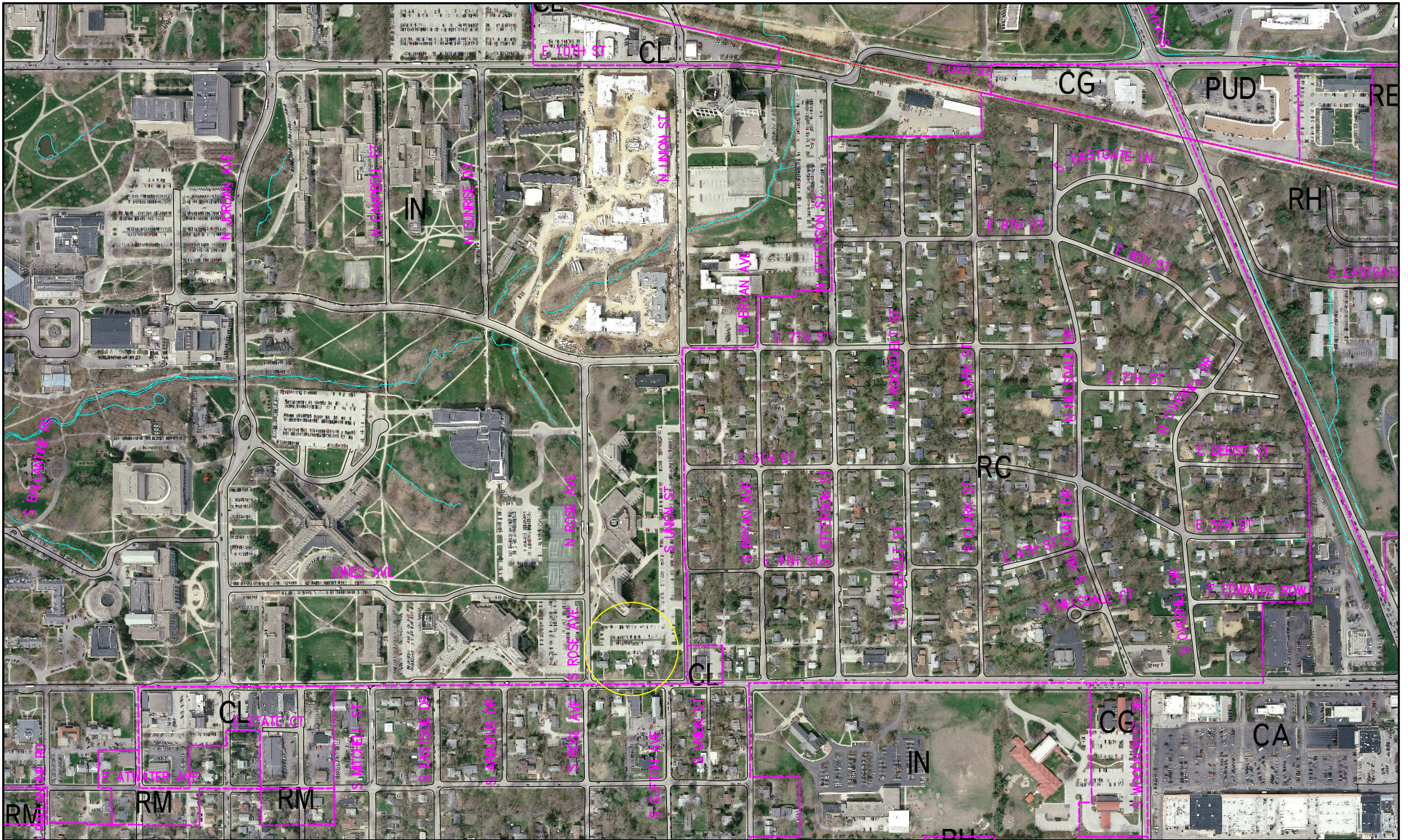


City of Bloomington
Planning



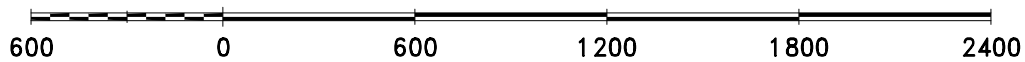
Scale: 1" = 200'

For reference only; map information NOT warranted.



Ord 11-08 – Surrounding Streets and Zoning

By: shermand
 7 Jul 11
 File: LLVRW-UR2



For reference only; map information NOT warranted.



City of Bloomington
 Clerk & Council



Scale: 1" = 600'



**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: June 2011
TO: City of Bloomington Common Council Members
FROM: Lynne Darland, Zoning & Enforcement Manager
SUBJECT: Request for vacation of alley rights-of-way
PETITIONERS: The Trustees of Indiana University

LOCATION: The locations of these two rights-of-way are north of East Third Street between Rose Avenue and Union Street. The first segment runs east/west and measures 12 feet by 376 feet. The second segment runs north/south and measures 16 feet by 50 feet and stubs into the first segment.

BACKGROUND: The purpose of this vacation request is to allow Indiana University to construct a new apartment building on their campus. The proposed 106 bed Southeast Side Apartments will front on East Third Street. This building replaces the already demolished University West Apartments and will be constructed to LEED Silver standards. This project is a part of Indiana University's master plan to construct and renovate housing stock on their campus over time. In order to construct this apartment building, four houses facing East Third Street will be demolished. These houses are addressed as 1903, 1913, 1921, and 1923 East Third Street. None of these houses is listed in the *City of Bloomington Interim Report: Indiana Historic Sites and Structures Inventory*. The proposed demolition of these houses has gone through the State's Historic Review Process, and it was determined that there were no historic preservation issues.

Access to the property will not change significantly. The apartment building will front on Third Street, but not be accessed via this street. Access will be behind the apartment building where parking is currently located near Wilkie Quad. Both Fire and Police have reported that they will still be able to serve the area.

UTILITY INTRESTS: The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way:

- The City of Bloomington Public Works Department
- The City of Bloomington Utilities Department
- The City of Bloomington Information & Technology Services Department (ITS)
- AT&T
- Duke Energy
- Comcast Communications
- City of Bloomington Police Department
- City of Bloomington Fire Department
- Vectren

The request for vacation was heard by the Board of Public Works (BPW) on June 21st of this year. The BPW voted to recommend vacation of the right-of-way. CBU has requested that the private and public

water and sanitary sewer lines be cut and capped at the mains. CBU has no concerns with the vacation request. AT&T Midwest is in the process of removing their lines in the rights-of-way and has no objections to the vacation request. Vectren has a gas main within this right-of-way that serves the four houses slated for demolition. Once Vectren receives a request from IU to remove the gas main, Vectren will have no objections to the vacation. Comcast and Duke Energy have lines in the rights-of-way. Both companies plan to relocate the lines to accommodate the construction plans and have no objections to the vacation. City Police, Fire, and ITS had no objections to vacating this right-of-way.

CRITERIA: The criteria utilized to review a public ROW or easement vacation request are as follows:

1. Current Status - Access to Property.

The proposed apartment building will front on East Third Street. No access points will be created onto East Third Street. Access will be from Rose Avenue and Union Street with the majority of the parking coming off of Union Street. Sidewalks on East Third Street will have a street tree plot. Sidewalks will also be upgraded on Rose Avenue and Union Street. When the new apartment building is complete, access to and around the building and grounds will be easily attainable. As previously stated, both the Fire and Police Departments find that they can adequately serve the proposed building and adjoining uses without use of these rights-of-way.

2. Necessity for Growth of the City:

Future Status: Future vehicular access in this area can still be accommodated through the use of East Third Street, Union Street, and Rose Avenue. All public utilities can adequately be served through use of easements.

Proposed Private Ownership Utilization: The only interested party to these rights-of-way is Indiana University. Indiana University owns the property on both sides of these alley rights-of-way.

Compliance with Regulations: The vacation of these alley rights-of-way will not create any issues regarding compliance with local regulations.

Relation to Plans: This proposal is consistent with City Plans. Indiana University has worked diligently and cooperatively with the City to create a plan where the students and faculty will have a quiet walking/biking campus while discouraging the use of motor vehicles. Loss of these rights-of-way does not conflict with the City's Thoroughfare Plan or Growth Policies Plan.

RECOMMENDATION: Both staff and the Board of Public Works have recommended that the City vacate the street right-of-way in question.



City of Bloomington
Office of the Common Council
Petition for Vacation of Public Right-of-Way

Ordinance: Ord 11-08
Hearings:
Council Chambers **Regular Session: First Reading** July 13, 2011
401 North Morton Street **Committee of the Whole: Discussion** July 27, 2011
7:30 p.m. **Regular Session: Public Hearing/ Final Action** August 3, 2011

Address of Property 1900 Block of East Third Street – North Side
First east/west alley north of East Third Street between Rose Avenue and
Description of Proposed Union Street and a 50-foot segment of north/south alley just north of said
Vacation: east/west alley.

Name of Petitioner The Trustees of Indiana University
Address 900 East 7th Street, Room M-005
Bloomington, IN
Phone 812-855-3765

Consultant Lynn H. Coyne
Address 501 North Morton Street, Suite 204
Bloomington, IN 47402
Phone 812-855-4100

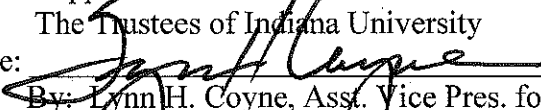
Abutting Property Petitioner (Lots 1 & 3 in Wylie's Subdivision and Lots 54, 55 & 56 in
Owners: Wylie Heights Addition) and
Indiana University Foundation, P.O. Box 500, Bloomington, IN 47402
(Lot 2 in Wylie's Subdivision)

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners are to be coordinated with the City Clerk and should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will provide a list of and work with the City Clerk to notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will work with the City Clerk to publish a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: 
By: Lynn H. Coyne, Asst. Vice Pres. for Real Estate

Date: 7-8-2011



INDIANA UNIVERSITY

REAL ESTATE DEPARTMENT
Bloomington

May 10, 2011

Via Hand Delivery

City of Bloomington Planning Department
Attn: Ms. Lynne Darland
City Hall – Room 160
401 North Morton St.
Bloomington, IN 47404

RE: Request for Pre-Petition Review for Proposed Alley Vacation in Wylie Heights Addition and Wylie's Subdivision, Bloomington, Indiana

Dear Ms. Darland:

Enclosed for the Planning Department's pre-petition review is information with respect to a requested vacation of public rights-of-way located between East 3rd Street and East 4th Street, and between Rose Avenue and Union Street in Bloomington, Indiana. This submission includes the following:

- Item 1. A memorandum explaining the proposed utilization of the right-of-way that also addresses the criteria established by the City of Bloomington for evaluating vacation requests;
- Item 2. Legal descriptions of the rights-of-way;
- Item 3. A site plan and drawings showing the right-of-way for which vacation is requested and the adjoining properties; and
- Item 4. The names and addresses of owners of all property abutting the proposed vacations.

We request your review of this material in preparation for our petition to the Common Council of the City of Bloomington to vacate the rights-of-way in question.

Thank you for your consideration.

Sincerely,



Lynn H. Coyne
Assistant Vice President – Real Estate
Association Counsel

Item 1. Explanation for Requested Right-of-Way Vacation

The Trustees of Indiana University intend to submit to the Common Council of the City of Bloomington a request to vacate the following two sections of public alleys as follows:

- I. The East-West public alley located between East 3rd Street and East 4th Street, bounded by Rose Avenue on the west and by Union Street on the east, and measuring 12' x 376'; and
- II. The remaining 16' x 50' stub of a partially vacated North-South public alley located between Rose Avenue and Union Street and bounded on the west by Lot 53 of Wylie Heights Addition; on the east by Lot 4 of Wylie's Subdivision; on the north by the south boundary of the former North-South alley vacated pursuant to Alley Vacation #6029 (8/23/1963); and on the south by the north right-of-way line of the East-West alley first described above.

At one time, these alleys served a traditional residential block. After the block was redeveloped in 1965 with the construction of the Willkie Quadrangle, the need for the alleys was reduced. Only four houses are served now, all of which are owned by the Petitioner except Lot 2 in Wylie's Subdivision, which Petitioner is in the process of acquiring from the Indiana University Foundation.

The Petitioner proposes these vacations in order to complete its redevelopment with the construction of new housing to serve the needs of its students. The properties are currently served by existing improvements. The vacations would provide optimal use of the limited space available while still allowing service and traffic circulation.

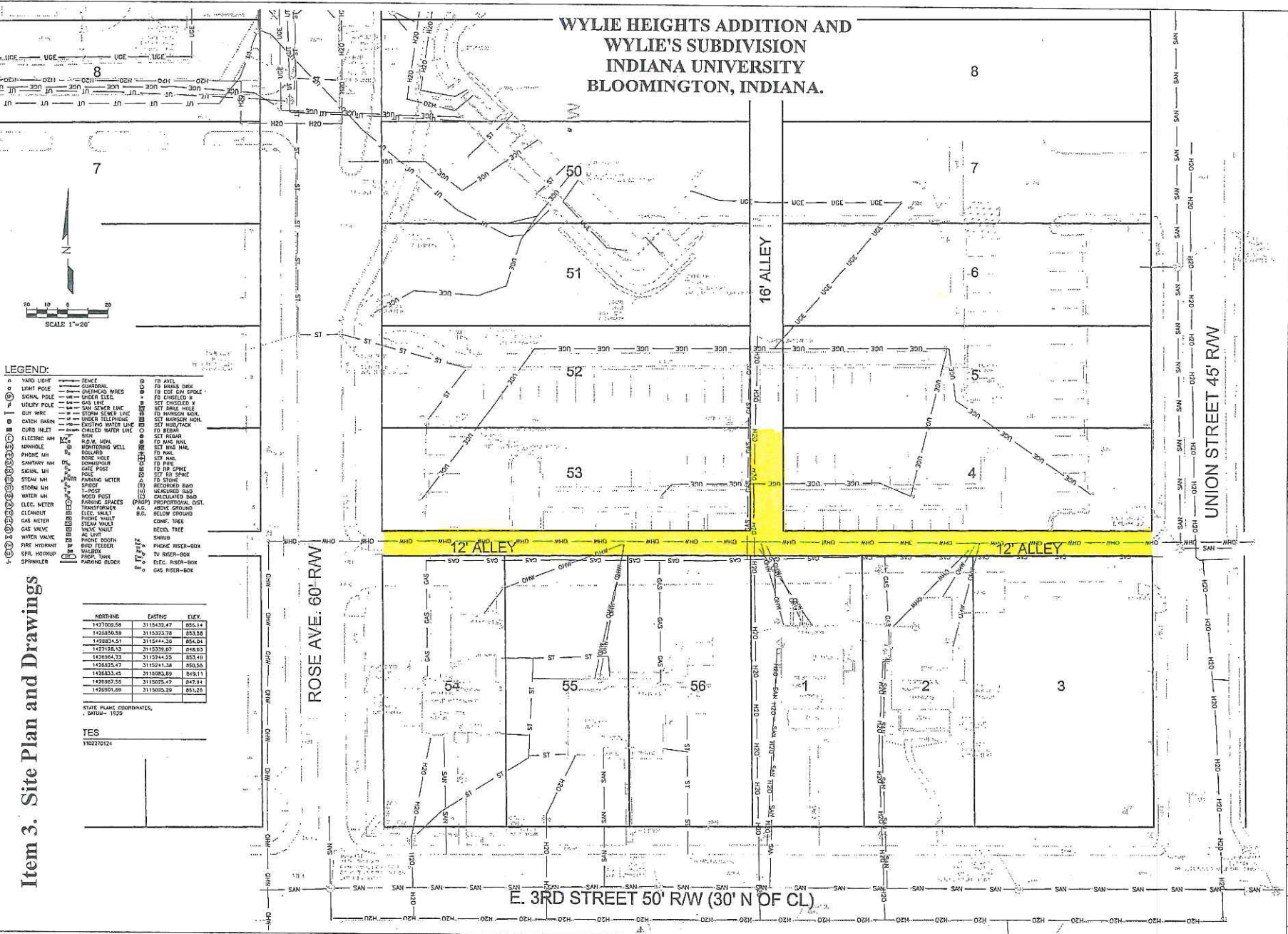
The Petitioner believes that the proposal is compatible with the use of the surrounding land. Vacation of the right-of-way for development of a new building by the University would be a constructive re-use of the land and would continue the pattern of redevelopment of this block. Indiana University will provide an attractive replacement to the alley without causing substantial inconvenience to nearby residents. Although direct access between Rose Avenue and Union Street would be reduced, we believe any impact would be negligible due to the existence of convenient and safer alternatives to the use of these rights-of-way.

Item 2. Legal Description of the Right-of-Way

- I. The first East-West alley north of East 3rd Street beginning at the Northwest corner of Lot 54 of Wylie Heights Addition to the City of Bloomington, Indiana, thence North 12 feet to the Southwest corner of Lot 53 of said addition, thence East 376 feet to the Southeast corner of Lot 4 of Wylie's Subdivision, thence South 12 feet to the Northeast corner of Lot 3 of Wylie's Subdivision, thence West 376 feet to the Point of Beginning.

- II. North-South alley between Rose and Union Streets beginning at the Southeast corner of Lot 53 of Wylie Heights Addition to the City of Bloomington, Indiana, thence North 50 feet to the Northeast corner of said Lot 53, thence East 16 feet to the Northwest corner of Lot 4 of Wylie's Subdivision, thence South 50 feet to the Southwest corner of said Lot 4, thence West 16 feet to the Point of Beginning.

Item 3. Site Plan and Drawings



LEGEND:

- YARD LIGHT
- LIGHT POLE
- SIGNAL POLE
- UTILITY POLE
- GUY WIRE
- CATCH BASIN
- ELECTRIC MH
- PHONE MH
- STORM MH
- WATER MH
- ELEC. METER
- CLEANOUT
- GAS METER
- GAS VALVE
- WATER VALVE
- FIRE HYDRANT
- SFA, HOORON
- SPRINKLER
- FENCE
- GUARDRAIL
- OVERHEAD WIRE
- UNDER ELEC.
- GAS LINE
- SAN SEWER LINE
- STORM SEWER LINE
- UNDER TELEPHONE
- DRYING WATER LINE
- CHILLED WATER LINE
- SEWER
- R.O.W. SIGN
- BOILER ROOM
- BOILER
- BOILER HOLE
- DOMESTIC
- GATE POST
- POLE
- PARKING METER
- SPROUT
- T-POST
- WOOD POST
- TRANSFORMER
- ELEC. VALVE
- PHONIC VALVE
- STEAM VALVE
- VALVE ASSET
- AC UNIT
- PHONE BOOTH
- BRG TELEGR
- VALVE
- PROP. TANK
- PARKING BLOCK
- TO AXEL
- TO BRICKS DRIV
- TO CSE SW SPIKE
- TO CHIEFLD X
- TO CHIEFLD X
- SET BRICK HOLE
- TO HANSON MON.
- SET HANSON MON.
- SET HANSON MON.
- SET HANSON MON.
- TO REAR
- SET REAR
- TO RANG RAIL
- SET RANG RAIL
- TO RAIL
- TO RAIL
- TO RAIL
- TO RAIL
- TO RAIL
- TO STORE
- RECORDED BLDG
- MEASURED BLDG
- PROPORTIONAL DGT.
- ASIDE GROUND
- B.L. BELOW GROUND
- CONF. TREE
- DECK TREE
- SHUB
- PHONE RISER-BOX
- TV RISER-BOX
- ASIDE GROUND
- ELEC. RISER-BOX
- GAS RISER-BOX

NORTHING	EASTING	ELEV.
1427029.56	3115432.47	855.14
1428035.58	3115323.78	855.28
1428934.51	3115444.20	854.04
1427126.12	3115339.67	848.63
1428961.73	3115214.02	853.41
1428243.47	3115241.38	853.58
1428433.45	3115084.89	849.11
1428397.55	3115025.42	842.94
1428201.69	3114925.29	835.25

STATE PLANE COORDINATES,
DATUM - 1929

TIES
110227024

WYLIE HEIGHTS ADDITION AND WYLIE'S SUBDIVISION INDIANA UNIVERSITY BLOOMINGTON, INDIANA.

UNION STREET 45' RW

ROSE AVE. 60' RW

E. 3RD STREET 50' R/W (30' N OF CL)

NO.	DESCRIPTION
1	
2	
3	
4	
5	
6	
7	
8	

Blodons Riggatt Guerretz
1551 West Top Road
Bloomington, Indiana 47403
F411238-0017

NEW APARTMENTS E. 3RD ST.
BLOOMINGTON, IN
FOR
INDIANA UNIVERSITY

DESIGNED BY: E.S. & W
DRAWN BY: D.K.
CHECKED BY: B.E.
DATE: APR. 11, 1981

DEED PLOT

1 OF 1

PLOT NO. 7109

Item 4. List of Names and Addresses of all Abutting Owners to the Right-of-Way

1. The Trustees of Indiana University

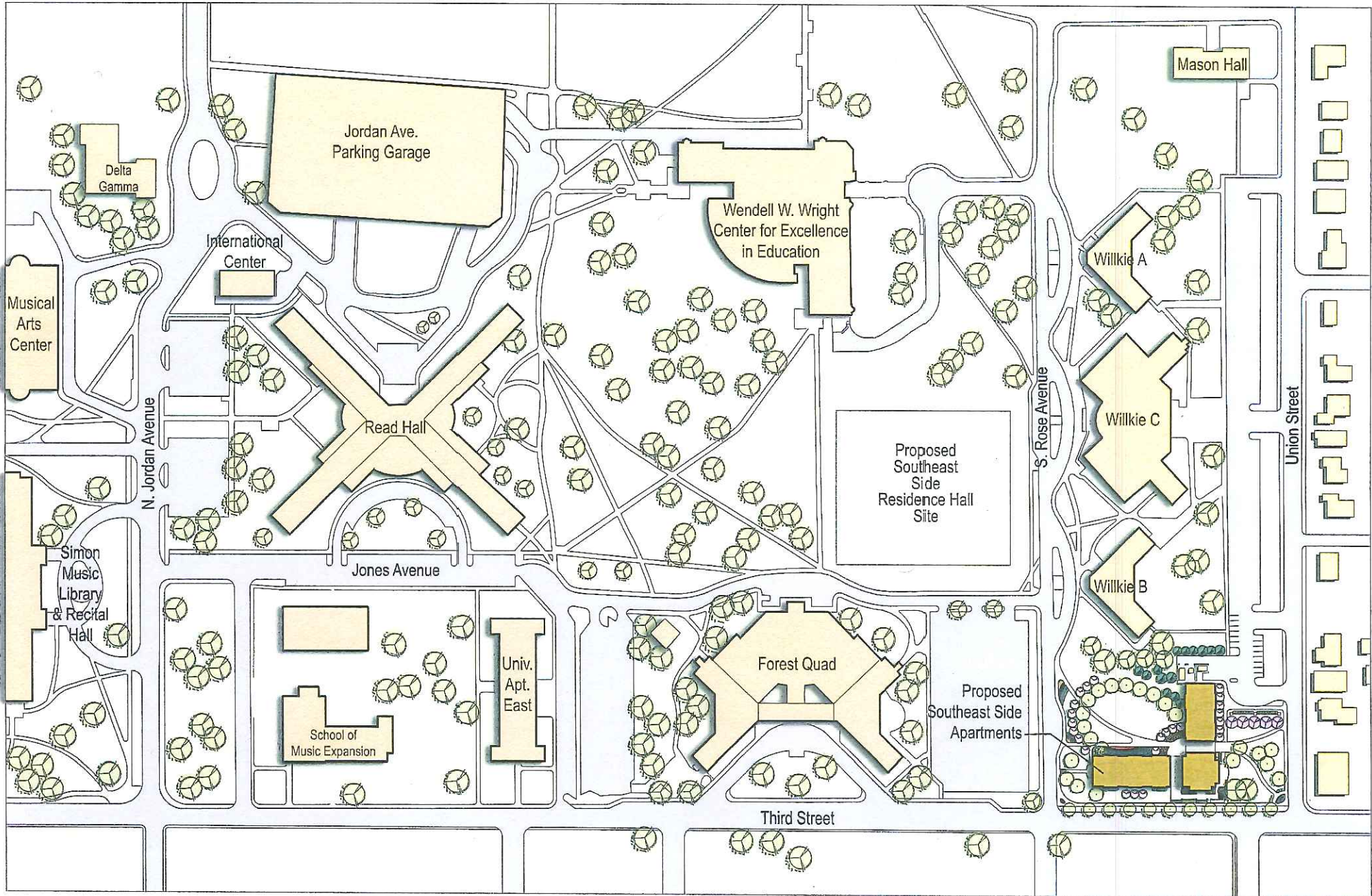
Attn: Indiana University Real Estate Department
530 East Kirkwood Drive, Suite 204
Bloomington, IN 47408

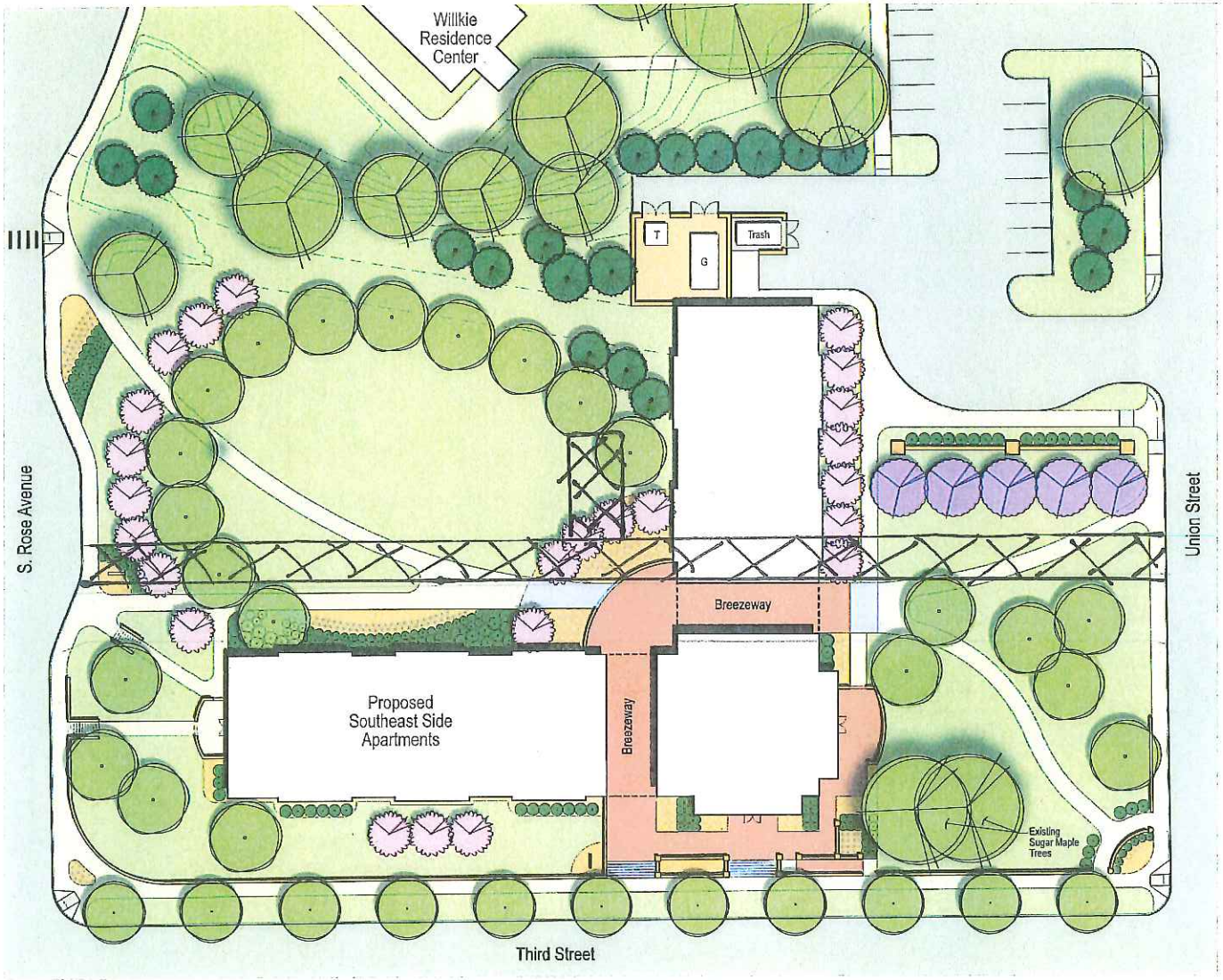
Ownership: Lots 1 and 3 in Wylie's Subdivision
Lots 54, 55, and 56 in Wylie Heights Addition

2. Indiana University Foundation

PO Box 500
Bloomington, IN 47402

Ownership: Lot 2 in Wylie's Subdivision





approximate
location of
right-of-way



SOUTHEAST CORNER RENDERING



CSO Architects
ARCHITECTURE • INTERIOR DESIGN

8831 Keystone Crossing - Indianapolis, IN 46240
Main 317.818.7800 • Fax 317.574.0957 • csoinc.net

IUB - SOUTHEAST SIDE APARTMENTS 11020



INDIANA UNIVERSITY

JUNE 1, 2011

ORDINANCE 11-08
TO VACATE TWO PUBLIC PARCELS –

**Re: An East/West Alley Right-of-Way and a Segment of North/South
Alley Right-of-Way on the North Side of the 1900 Block of East Third
Street Between Rose Avenue and Union Street
(The Trustees of Indiana University, Petitioner)**

Responses from Utilities and Safety Services
(Available in the Council Office)

I.C. 36-7-3-16 (b) provides that utilities that are occupying and using all or part of the right-of-way for the location and operation of their facilities at the time the vacation proceedings are instituted may continue to do so after the vacation of right-of-way, unless they waive their rights by filing written consent in those proceedings.

Safety Services Interest in the Alley Ways

Police Department *“See(s) no problem with th(is) vacation of right-of-way.”*
Fire Department *“Has no objections to vacating the(se) alleys.”*

Utility Interests in the Alley Ways

Vectren *Has a 4” cast-iron main in the alley serving the four houses (that are to be demolished) which can be retired by the utility upon request of the petitioner.*

Duke *Plans to relocate existing facilities and bury them in connection with the new building, but would want their rights preserved if the project does not go forward.*

Comcast *Has facilities in the easement that require routine maintenance and wants the petitioner to provide new easements and bear the costs of any relocation.*

City of
Bloomington
Utilities Dept
AT&T *Identified an abandoned private water line and water and sanitary sewer services to the four houses on East Third Street which it wants cut and capped at the mains.*
Has existing facilities in the right-of-way, is in the process of moving them, and indicates that the vacation will have no effect on their services.

ITS Department
and Bloomington
Digital
Underground *“Have no development plans for fiber optics in this area (and) are OK with the vacation request.”*



5/31/2011



5/31/2011



6/15/2011



In the Council Chambers of the Showers City Hall on Wednesday, June 22, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
June 22, 2011

Roll Call: Mayer, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: Piedmont-Smith

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of June 1, 2011 were approved by a voice vote.

APPROVAL OF MINUTES

Danise Alano Martin, Director of the Department of Economic Development and Sustainability presented the report to the council. In introducing the report, Alano Martin reviewed the state requirements for tax abatements, explained the process and noted that the 2010 Guidelines that were adopted by the council created new general standards for the City's program.

REPORTS FROM THE MAYOR
AND CITY OFFICES

Annual Tax Abatement Report

Alano Martin proceeded to review each abatement, noting the intent of the project, specifics of timeline, investment and employment, and gave a recommendation as to compliance based on the CF1 forms filed with the Clerk's office. She reported that two abatements had now expired, and one approved abatement that was incomplete. She asked that the council not take action on the Woolery Ventures LLC abatement at this time in order to give the Economic Development Commission, the Economic and Sustainable Development Department and principals of Woolery Ventures LLC a chance to discuss the status of the abatement and a possible amendment to the original approval.

Alano Martin noted the few CF1s that had not been received. She also highlighted economic impacts as gathered from all the abatements with relation to investments, creation of jobs, and increase in assessed value of properties.

Volan asked about differences in some numbers on some of the abatement reports, to which Alano Martin noted that some projects added to public infrastructure, specifically sidewalks, and that would not be reflected in the assessment. He asked for more information on the Kirkwood abatement.

Volan asked if the abatement was for a ten year period from the start of the project or the approval of the abatement. Alano Martin explained that this was being discussed with the county in regards to the Woolery Project. She added that was the reason that she suggested a fresh start with this project.

Satterfield, the council member serving on the city Economic Development Commission, asked if the representative of Woolery Properties would like to make a statement or answer questions.

Randy Cassidy, representing Woolery Ventures, said that conversations with the EDC and Council were needed to bring forth a project with updated details.

Satterfield noted that Alano Martin had asked for a recommendation of substantial compliance in good faith. Alano Martin agreed, and said that since no abatement had been applied to the property, no impact to taxes received, nothing would happen to this abatement. She added that if Woolery came to the EDC to discuss the project a course of action and plans would be developed from there.

Rollo asked about the estimated new employment with the Omega building abatement, and asked about the two commercial areas in the building. He asked about anticipating more at the time. He asked Alano Martin to explain this. She said that the petitioner estimated the employment, and it was possible that they only included a property maintenance person, and did not estimate the employment

Rollo also asked about the IMA east facility, noting that their employment and community work were more than anticipated at the presentation of the tax abatement. He asked if the community service was specific to the employees working at this site. Alano Martin said it was both from that site and from IMA in general. She said that their employees provide assistance to Volunteers in Medicine and also sit on numerous boards.

Rollo asked Alano Martin to comment on the facility's proximity to assisted living facilities, and parts of the community that wouldn't be served unless people traveled across town. He asked if that were proven to be the case with this facility. She noted that that was the case.

Ruff noted that several affordable housing abatements were about to end, and asked Alano Martin what happened with affordability after the abatements expired. She said it depended on the property itself, noting that some might have restrictions on the years of affordability past the abatement period. He said he'd like to have affordability or covenantal restriction information in future reports. Alano Martin said that if it were part of the approval it could be reported.

Sandberg asked about Metropolitan Printing noting the difficulty for them. She asked if any follow-up would be done with them since they were in year 10 of a ten year tax abatement. She was concerned about their viability in the market. Alano Martin said that her office was in touch with many of the businesses. She said that a phase-in of taxes helped in most cases. Sandberg said she would like to see more about the post-abatement stability of businesses incorporated into the report in the future.

Volan asked how mixed-use projects were categorized. Alano Martin said that mixed-use included projects that had both a residential and retail component. Volan asked if acreage information on the properties was available. Alano Martin said that this was not information required or supplied on the CF1 forms.

Rollo noted the 45 day window in which the council needed to review and act on the tax abatements. He asked Alano Martin if it was her opinion that even though the project was not in compliance it was worthy of not being rescinded. Alano Martin said that in the project in question they had not filed a CF1, and therefore there technically was no abatement. She said that there were not time constraints with this as with the others who's CF1s needed to be reviewed.

There was no public comment on the tax abatement report.

Volan asked for clarification on the motion. Dan Sherman, Council Attorney/Administrator noted that the council had several motions that they might consider. He said one would approve the report as amended by staff. He said that the council might want to inquire into the abatements where CF1s were not submitted, in which case there might need to be more deliberation.

Sandberg noted that several amendments had been spelled out for council to consider, and she asked Sherman to enumerate the appropriate motion to use in this case.

Volan said he needed to ask a question before making a motion. Sandberg entertained his question.

Annual Tax Abatement Report (cont'd)

Volan asked that, since the Woolery project had not started and had received no tax abatement benefits, how the report being accepted as it was presented would need to be modified. He asked why it needed to be taken out of the report since they were not technically out of compliance.

Sherman noted that the Woolery project was out of compliance because they had not commenced construction within the year after the abatement was granted. Volan argued that no tax abatement benefits had been received. Sherman said that commencing construction was a factor independent of the receipt of the abatement of taxes. He said that was the benefit of including the amendment of the report, and not finding the company was not in compliance.

Satterfield asked Sherman to clarify the acceptance of the report as it was presented at this meeting versus the report as amended by staff. Sherman said that the packet report recommended termination of the tax abatement for Woolery, and if it was approved without amendment he would have to suggest a second motion resulting from finding Woolery in non-compliance. This motion would call for a hearing to examine the issue, and require the council to then approve a resolution terminating the abatement. He said the two courses were to terminate the abatement, or to wait and see what developed from the EDC discussions with Woolery.

It was moved and seconded that the council accept the Tax Abatement summary as amended by staff at this meeting.

Motion to accept the tax abatement report received a roll call vote of Ayes: 8, Nays: 0.

Sandberg polled the council to judge attendance at the Internal Work Session scheduled for Friday, June 24, 2011. Three members said they intended to attend.

COUNCIL SCHEDULE

The meeting was adjourned at 8:43 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington