



City of Bloomington Common Council

Legislative Packet

Regular Session

23 March 2011

*Please consult the [Legislative Packet](#) issued in interest of the
09 March 2011 Committee of the Whole Session for legislation and background
material.*

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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Final Action:

- **Ord 11-02** An Ordinance Amending Ordinance 10-18 Authorizing the City of Bloomington, Indiana to Issue Its Economic Development Revenue Bonds, Series 2011 (Bloomington Dyslexia Center, LLC Project) in the Principal Amount Not in Excess of One Million Five Hundred Thousand Dollars (\$1,500,000), and Approving and Authorizing Other Actions in Respect Thereto
Contact: Adam Wason at 349-3418 or wasona@bloomington.in.gov

Please see the following Council Legislative Packets for the relevant legislation, materials and summary for the following meetings:

- [2 March 2011](#) Regular Session (first reading of Ord 11-02)
 - [17 November 2010](#) Regular Session and Committee of the Whole (first reading and discussion of previous legislation)
- **Res 11-06** Authorizing a Grant Under the Bloomington Investment Incentive Fund - Re: \$25,000 to Bloomington Playwrights Project for Capital Improvements at 107 West 9th Street
 - Am 01 (Corrects a grammatical error; Piedmont-Smith, Sponsor)*Contact: Adam Wason at 349-3418 or wasona@bloomington.in.gov
Miah Michaelson at 349-3418 or michaelm@bloomington.in.gov*

Please see the [9 March 2011](#) Council Legislative Packets for the relevant legislation, materials and summary.

Legislation and Background Material for First Reading:

- **Ord 11-03** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” (Two Signalized Intersections and Certain Items Deferred from Ord 10-15)

- Memo to the Council from Susie Johnson, Director of Public Works; Maps; Materials Relating to Signal at 19th and Dunn including a High-Intensity Activated Cross Walk (HAWK) sheet, a drawing of improvements associated with the Park and Ride facility, and traffic counts; Am 01 (Proposing a 4-Way Stop at 4th and Maple); Memo from Sponsor – Sturbaum; Map of Intersection; Excerpt of Minutes from January 26th Traffic Commission Meeting; Emails

Contact:

Susie Johnson at 349-3411 or johnsons@bloomington.in.gov

Am 01 – Chris Sturbaum at 349-3409 or sturbauc@bloomington.in.gov

- **Ord 11-04** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: The Repeal and Reenactment of Section 2.12.020 Entitled “The Bloomington Arts Commission”
 - Memo to the Council from Miah Michaelson, Assistant Director for the Arts, Economic and Sustainable Development Department; Annotated Changes*Contact: Miah Michaelson at 349-3418 or michaelm@bloomington.in.gov*

Minutes from Regular and Special Sessions:

- February 23, 2011 (Special “Listening” Session)

Memo

Reminder: Internal Work Session on Friday at noon in the McCloskey Room

**Two Items Ready for Second Reading and Two Items Ready for First Reading
at the Regular Session on Wednesday, March 23rd**

There are two items – Ord 11- 02 (Authorizing Tax Exempt Bonds for Pinnacle School) and Res 11- 06 (Approving a \$25,000 BIIF grant for the Bloomington Playwrights Project) – ready for second reading. Please note that there is an amendment to Res 11-06 that corrects a grammatical error, which can be found in this packet. The rest of the information and materials relating to those items can be found

online as previously indicated. There are also two ordinances ready to be introduced that evening. They can be found in this packet and are summarized herein.

First Readings

Item One – Ord 11-03 – Amending Title 15 (Vehicles and Traffic)

Ord 11-03 amends Title 15 (Vehicles and Traffic). All of the sections of this ordinance, except section 1, which codifies two signalized intersections, are ones that were deferred last November, reviewed during Staff-Council Internal Work Sessions in December and January, and deemed ready for submission in the next traffic ordinance.

Proposed Amendment (Am 01)

Please note that Councilmember Sturbaum is proposing an amendment to the ordinance that would convert the 2-way stop at the intersection of Fourth and Maple to a 4-way stop. Residents of the Prospect Hill Neighborhood took this proposal to the Traffic Commission on January 26th, which rejected it by a vote of 7 – 1. (See minutes in the packet materials).

In his memo to the Council, Sturbaum relays these points made by the residents: cars tend to speed because there is no stop between Rogers and Fairview; line-of-sight for northbound motorists looking east is hindered; the intersection is the only one on the way to Fairview Elementary School without a stop, crossing-guard, or traffic calming device, and also serves as a bus stop; the Council already decided to install a stop at Howe and Maple without the recommendation of the Traffic Commission; and, a car hit a house here in the last few years.

The minutes from the January 26th Traffic Commission meeting divided the discussion into four parts:

- Installation of the 4-way stop;
- Marking parking spaces;
- Lowering the speed limit to 25 mph; and
- Resident comments (8).

Staff recommended against the installation of a 4-Way Stop after conducting a traffic analysis, which did not produce the “warrants” for the stop under the Manual of Uniform Traffic Control Devices. According to that analysis:

the 85th percentile speed was at 30 mph; one accident was recorded in the last three years; and “there is not a significant line of sight issue.”

Staff did not recommend the marking of parking spaces because this was done only in the downtown where there is a “high turn over of vehicles” and must be redone frequently because the paint fades.

Staff did not recommend the installation of a crosswalk because it was at an intersection where east-west motorists were not otherwise directed to stop.

Staff mentioned that the City had recently received a grant to upgrade its signage and was going to use that occasion to lower the speed limit to 25 mph on local streets like this one. Therefore, the Commission did not need to make its recommendation here.

Along with Councilmember Sturbaum, there were eight speakers, who spoke on the need for a 4-way stop. One was George Bull, whose house was hit by a car.

Summary of Sections

The following tables and paragraphs draw upon a memo to the Council provided by Susie Johnson, Director of Public Works, and previously distributed Council Office memos.

New Section – Two Signals

**SIGNALIZED INTERSECTIONS
SCHEDULE D
(SECTION 15.12.030 (SIGNALIZED INTERSECTIONS)
(Section 1 of the Ordinance)
(New Items Not Previously Considered by the Council)**

BMC 15.12.030 includes Schedule D, which sets forth the signalized intersections within the corporate limits of the City.

Change: Section 1 codifies two signals.

- The first signal is at Dunn and 19th Street. IU Transit received a grant through the Metropolitan Planning Organization (MPO) for improvements to its Park and Ride facilities next to the IU Memorial Stadium. Along with shelters, bathrooms and sidewalks, the grant will pay for a signal at the intersection of 19th and Dunn to help the many residents who live west of the stadium get to and from this area. Given the high pedestrian volume, but relatively low vehicular volume on the approach to Dunn (please see traffic counts), the proposal is to install a High-Intensity Activated Cross-Walk (HAWK) signal here and have everything in place by August.

- The second signal is at Patterson Drive and Fairview Street, which also serves as an ingress/egress for Cook Pharmica. It has been in place for a few years and should have been included in this schedule. The design and funding for this signal, along with other road and site improvements, were discussed and approved by the Council with the adoption of Res 08-12 and Res 09-07. The project was paid for with monies in the Bloomington Industrial Development Advisory Fund (BIDAC) which receives its monies from the Community Revitalization Enhancement District (CREED).

Remaining Sections – All Deferred from Ord 10-15

**NO PARKING ZONES
SCHEDULE M
(SECTION 15.32.060 PARKING OF EQUIPMENT OR MACHINERY)
(Section 2 of the Ordinance)
(Deferred from Ord 10-15 – Section 8)**

ACTION AND RATIONALE:

BMC 15.32 (Parking of Equipment or Machinery) currently prohibits equipment or machinery from parking or being permitted to stand on the street without obtaining a permit from the Police Department. Under this code provision the Chief of Police may issue permits for such parking at a designated site for a limited period of time to persons who show a reasonable necessity for using the right-of-way temporarily while engaged in construction. It also allows service trucks to park on the streets while the operators are engaged in repair or service work when there is no suitable off-street parking. The violation is a Class C Infraction - \$50.

Change: Section 2 converts the permit to an approval (which is less formal and can be done over the telephone) and shifts the approval from the Chief of Police to the Department of Public Works. It also allows for such parking without prior approval in the event of an emergency. The rest of the provision remains unchanged.

Rationale: This change reflects current practice.

**LIMITED PARKING ZONES
SCHEDULE N
(SECTION 15.32.090 LIMITED PARKING ZONES)
(Part [f] – Special Event Parking)
(Section 3 of the Ordinance)
(Deferred from Ord 10-15 - Sections 11- 13)**

ACTION AND RATIONALE:

BMC 15.32.090 (f) authorizes permits for “Special Event Parking” so vehicles (e.g. buses) associated with a special event may park nearby the event. Applications must be made at least 7 days in advance of the event. Permits must specify the day(s) and space(s) covered by the permit. Notice of the permit must be posted at least 24 hours before the permit goes into effect. The fee is \$10 per vehicle space per day. Currently, these special permits may only be used on 2-hour parking spaces on College and Walnut between 2nd and 10th Street and on Kirkwood between Indiana and Morton.

Change: Section 3 would allow these permits outside of the current area and beyond 2-hour parking spaces.

Rationale: Past experience has shown that the vehicles need to park outside the area and in the 15 or 30 minute spaces.

PARKING CONTROLS
(CHAPTER 15.32)
(SECTION 15.32.170 PARKING PROHIBITED FACING TRAFFIC)
(SECTION 15.32.175 PARALLEL AND ANGLE PARKING)
(Sections 4 and 5 of the Ordinance)
(Deferred from Ord 10-15 - Sections 21-22)

ACTION AND RATIONALE:

BMC 15.32.170 is currently entitled “Parking prohibited facing traffic” and establishes the rules regarding orientation of the vehicle when parked on the street. These rules include a prohibition against parking with the car facing traffic as well as rules for parallel and angle parking.

Change: Sections 4 and 5 divide the language into two provisions. BMC 15.32.170 addresses the prohibition against parking with car facing traffic and a new section, BMC 15.32.175, addresses parallel and angle parking.

Rationale: This change will help those who use the code know these provisions exist and where to find them.

RESIDENTIAL NEIGHBORHOOD PERMIT PARKING
(CHAPTER 15.37)
(SECTION 15.37.060 – EXPIRATION OF PERMITS)
(Section 6 of the Ordinance)
(Deferred from Ord 10-15 - Sections 29)

ACTION AND RATIONALE:

BMC 15.37.060 “Expiration of permits” sets August 15th as the expiration date for the permits.

Change: Section 6 adds a sentence making the permits invalid if the permit holder moves from the residence for which the permit was issued.

Rationale: This makes clear that permit holders who move in the course of the year cannot use the permit to park at their former residences. Please note that, during that time, permit holders who move to another property within a residential parking zoned area of the City may apply for a change of residency for the permit (BMC 15.37.110).

CHAPTER 15.48
REMOVAL AND IMPOUNDMENT OF VEHICLES
(SECTION 15.48.020 – REMOVAL AND IMPOUNDMENT PROCEDURE)
(Section 7 of the Ordinance)
(Deferred from Ord 10-15 - Section 42)

ACTION and RATIONALE

BMC 15.48.020 “Removal and impoundment procedure,” part (a), provides for a police officer to have a vehicle towed in the event the vehicle becomes a public nuisance under BMC 15.48.010 (General Provisions). It currently allows for the release of the vehicle at the time of removal, if the owner or operator of the vehicle executes a written promise to appear in court. Section 7 of the ordinance allows for release of the vehicle at the scene if the owner or last operator merely provides their name and address. Once the vehicle is impounded, part (b) of that code section currently allows for the vehicle’s release without the paying of the towing and storage charges upon order of the police department or judge, or upon the owner’s written promise to appear in court. Section 7 modifies that latter condition so that the vehicle may be released without payment once the owner or last operator provides the relevant names and addresses.

Rationale. This comports with a new practice on part of the City. Rather than enforce the towing fees on behalf of the towing companies, the City now leaves the collection up to companies.

CHAPTER 15.56
BICYCLES, SKATEBOARDS AND OTHER FOOT-PROPELLED VEHICLES
(SECTION 15.56.080 – BICYCLE PATHS)
(SECTION 15.56.085 – RIGHT-OF-WAY OF BICYCLE RIDERS –
FORMERLY 15.56.090)
(SECTION 15.56.090 – BICYCLE PARKING)
(SECTION 15.56.095 – ABANDONED BICYCLES)
(Sections 8 – 11 of the Ordinance)
(Deferred from Ord 10-15 - Section 43–46)

ACTION and RATIONALE

BMC 15.56.080 “Bicycle paths established” currently defines bicycle paths and establishes five of them within the City. Bicycle paths are “on a strip four feet wide, ...separated from the automobile traffic by a solid lane marking strip, ... (and) designated by signs and/or appropriate markings.” They include the: 1) East side bicycle path; 2) 10th Street; 3) Path running between Nota and Maxwell Lane; 4) Path running between Maxwell Lane and Binford Middle School; and 5) Path running between Wexley Road and Winslow Sports Complex.

Change: Section 8 takes the path between Nota and Maxwell Lane off of the list. *Note: This change keeps this path as a pedestrian way and would allow bicyclists to use this route as long as they dismounted and walked their bikes along this easement.*

Rationale: The Nota/Maxwell route is in a “walk” easement established in a deed created in the 1970s, which precludes the riding of a bicycle.

Change: Section 9 renumbers and renames BMC 15.56.090 “Right-of-Way of Bicycle Riders” as BMC 15.56.085 and inserts two new sections.

Change: Section 10 inserts a new BMC 15.56.090, which is entitled “Bicycle Parking” and prohibits persons from parking a bike:

1) in a manner that hinders pedestrian traffic or damages public property; or 2) in a space intended for use by a motor vehicle, unless the City has authorized the placement of a bike rack in the space. It then sets up a procedure for the installation of bike racks within the City’s right-of-way. Persons may apply for the installation of bike racks through the Engineering Department at no cost. The department will then submit the application to the Board of Public Works and establish specifications for their location, construction and maintenance. Bicycles that violate this provision or are abandoned may be removed and impounded by the City, which is not responsible for damage done to the locks during the impoundment.

Rationale: This is another effort to encourage and accommodate the increase in use of bicycles in the City.

Change: Section 11 inserts a new BMC 15.56.095, entitled “Abandoned bicycles,” which prohibits the abandonment of bicycles on any public way. Bicycles are deemed abandoned if they:

1) are incapable of being operated at that time; 2) have not been moved for at least two weeks; or 3) bear other indicia of being abandoned. The Parking Enforcement Manager or designee may place a notice on the bicycle in the event they believe it to be abandoned. The notice must indicate that the bicycle appears abandoned, provide a phone number, and state that the City intends to impound it after a certain date if not informed otherwise by the bicycle owner. If the bike is not relocated or claimed within 7 days of the placing of notice on the bicycle, the City may remove and impound it. Owners may reclaim their bicycles after paying a fee of \$30 and bicycles which are unclaimed after one year may be disposed of in accordance with State law.

Rationale: The increase in abandoned bicycles led to establishing procedures for dealing with them.

CHAPTER 15.60
MISCELLANEOUS TRAFFIC RULES
(SECTION 15.60.020 DRIVING OR PARKING IN PARK, PICNIC GROUND
OR GOLF COURSE)
&
CHAPTER 15.64
TRAFFIC VIOLATION SCHEDULE
(SECTION 15.64.010[d] – Class D Violations)
(Sections 12-14 of this Ordinance)
(Deferred from Ord 10-15 - Sections 47-49)

ACTION AND RATIONALE

Currently, BMC 15.60.020 prohibits the *operation* of motor vehicles on any part of a public park, picnic ground, golf course, or other public property not designated and intended to be used by motor vehicles. However, the Code is silent when it comes to *parking* motor vehicles in these areas. The violation of this provision is a Class C Violation, subject to a \$50 fine.

Change: This change makes it clear that neither driving nor parking a motor vehicle on public property not intended for such is prohibited. Like other most other parking violations, violation of this new prohibition is a Class D Traffic Violation, subject to a \$20 fine if paid within seven calendar days or a \$40 fine if paid after the seven-day period. (See BMC 15.64.010[d]).

Rationale: Both driving and parking in these areas should be prohibited and the fine for parking should be consistent with other parking violations.

CHAPTER 15.60
MISCELLANEOUS TRAFFIC RULES
SECTION 15.60.050 PEDESTRIANS (CROSSWALKS)
(Section 15 of the Ordinance)
(Deferred from Ord 10-15 – Section 50)

LOCATION

ACTION and RATIONALE

2000 South Liberty Drive

This section adds this mid-block pedestrian crossing at the request of IVY Tech Community College. The cross walk on South Liberty is located between Constitution Ave. and W. SR 45 and is the 25th one listed in this section of the code.

CHAPTER 15.64
TRAFFIC VIOLATION SCHEDULE
(SECTION 15.64.010[d] – CLASS D VIOLATIONS – MOST PARKING VIOLATIONS)
(SECTION 15.64.010[h] – CLASS C VIOLATIONS –BICYCLE SAFETY VIOLATIONS)
(Sections 16 & 17 of this Ordinance)
(Deferred from Ord 10-15 - Sections 51-52)

ACTION and RATIONALE

Change: Section 16 corrects a scrivener’s error in the Class D traffic violation for “Parking on a Sidewalk.” The citation is changed from “15.64.040” to the correct citation, “15.60.040.”

Change: Section 17 corrects an oversight by adding “Operating a bicycle on a sidewalk” (15.56.020(a)) to the Class G Schedule of violations. While the text of 15.56.020(a) makes it clear that violation of the section is a Class G violation, the violation was not included in the schedule itself. The fine for this violation is \$10.

(For reference, 15.56.020(a) provides: “No person shall operate a two-wheeled bicycle on a sidewalk if the wheel diameter of the bicycle exceeds fourteen inches. All persons riding bicycles on sidewalks permitted by this section shall yield to pedestrians. Such restrictions do not apply to officers of the Bloomington police department who are in the act of performing their duties. A violation of this provision shall be a Class G Traffic Violation, which bears a penalty listed in Section 15.64.010(h).”)

Item Two – Ord 11-04 – Repealing and Reenacting BMC Section 2.12.020 Regarding the Renamed “Bloomington Arts Commission”

Ord 11-04 repeals and re-enacts the enabling legislation for what is currently called the “Bloomington Community Arts Commission.” According to the memo from Miah Michaelson, Assistant Director for the Arts in the City’s Economic and Sustainable Development Department, the change is the result of a comprehensive strategic planning process begun by the Commission last June. The following paragraphs briefly summarize the changes.

Policy and Purpose

The current provision combines the purpose and duties of the Commission and, in sum, calls upon it to stimulate and encourage an appreciation of and participation in the arts, to foster an environment conducive to the enjoyment of the arts, to work with persons and groups to pursue these ends, and to “administer ...civic properties ...assigned for the fine arts.” The new provisions separate the policy and purpose from the duties of the Commission. The proposed policies and purpose emphasize the connection this Administration has made between arts, community well-being and government. In that regard, it recognizes that arts are important to the community’s culture and economy and that the City is responsible for fostering participation in the arts. It goes on to say that “artists, works of art, and artistic institutions contribute to the quality of life and general welfare” of the community and that conservation and development of these resources are “essential to the social, educational, and economic growth of the city.”

Name Change

The name will change from “Bloomington Community Arts Commission” to “City of Bloomington Arts Commission.”

Membership and Appointments

The Commission currently has nine members with three appointed by the Mayor, three by the Council, two by the beleaguered Bloomington Area Arts Commission (BAAC - from their membership), and one by the Chamber of Commerce. Ord 11-04 proposes expanding the membership from nine to 11 members in order to increase the Commission’s capacity to “develop and implement programming.” Please note that, when discussed at the Staff-Council Internal Work Session, much

of the conversation dealt with the possible role of “advisory” members who could help with the work of a board or commission and be ready to step up as a voting member when the time arose.

The ordinance also proposes bringing all the appointments under the Mayor and Council to “keep the Commission flexible and less susceptible to organizational instability” (given the history of vacancies from the BAAC). The memo notes that the Chamber supports this change.

Membership Qualifications

Unlike the existing provisions, the ordinance introduces qualifications for the Commission members, which begins with “a demonstrated commitment to the arts.” Then the ordinance gives a first priority to “a broad representation of professional artists from a variety of disciplines” followed by representation by arts administrators and arts consumers and from the education and business communities.

Terms

After an initial set of staggered terms, the ordinance sets forth three-year terms that expire, like most of our other commissions, at the end of January. In order to assure stability, no more than five members’ terms will expire in the same year. It also offers something new, in that members who have served two complete three-year terms, may not be reappointed until one year after the expiration of the second term.

Powers and Duties

Lastly, the ordinance sets forth the powers and duties of the Commission. Its primary duty is to develop a Public Arts Plan “which is a list of potential Public Art Projects to be coordinated by the Arts Commission and produced as a collaborative effort by the City and/or other civic entities.” This is consistent with the operation of other municipal arts commission, “supports the current Percent for the Arts ordinance and gives the (Commission) flexibility to delve into other projects ...as it sees fit based upon available resources.” Along with developing and administering other arts programs, the Commission is also responsible for informing city officials about current arts issues and offering policy recommendations and advice. It also is empowered to establish rules and procedures and conduct activities that further the Commission’s purposes.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, MARCH 23, 2011
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: February 23, 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

1. Ordinance 11-02 An Ordinance Amending Ordinance 10-18 Authorizing the City of Bloomington, Indiana to Issue Its Economic Development Revenue Bonds, Series 2011 (Bloomington Dyslexia Center, LLC Project) in the Principal Amount Not in Excess of One Million Five Hundred Thousand Dollars (\$1,500,000), and Approving and Authorizing Other Actions in Respect Thereto

Committee Recommendation: Do Pass 9 – 0 – 0

2. Resolution 11-06 Authorizing a Grant Under the Bloomington Investment Incentive Fund - Re: \$25,000 to Bloomington Playwrights Project for Capital Improvements at 107 West 9th Street

Committee Recommendation: Do Pass 9 – 0 – 0
Amendment 01: Anticipated

VII. LEGISLATION FOR FIRST READING

1. Ordinance 11-03 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” (Two Signalized Intersections and Certain Items Deferred from Ord 10-15)

2. Ordinance 11-04 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: The Repeal and Reenactment of Section 2.12.020 entitled “The Bloomington Arts Commission”

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 21-25 March 2011

Monday, 21 March 2011

12:00 noon Bloomington Entertainment and Arts District Advisory Committee, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room
7:00 pm Arts Alliance of Greater Bloomington, McCloskey

Tuesday, 22 March 2011

4:00 pm Board of Public Safety, McCloskey
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W Grimes Lane
5:30 pm ArtsWork Indiana, McCloskey

Wednesday, 23 March 2011

9:30 am Tree Commission, Hooker Room
10:00 am Metropolitan Planning Organization Technical Advisory Committee, McCloskey
4:00 pm Dr. Martin Luther King, Jr. Birthday Commission, McCloskey
6:30 pm Metropolitan Planning Organization Citizens Advisory Committee, McCloskey
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 24 March 2011

12:00 noon Monroe County Suicide Prevention Coalition, McCloskey
12:00 noon Platinum Biking Task Force, Hooker Room
7:00 pm Environmental Commission, McCloskey

Friday, 25 March 2011

12:00 noon Common Council Internal Work Session, McCloskey

Posted and Distributed: Friday, 18 March 2011

ORDINANCE 11-03

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “VEHICLES AND TRAFFIC”
(Two Signalized Intersections and Certain Items Deferred from Ord 10-15)**

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 15.12.030 Signalized intersections shall be amended to add the following:

SIGNALIZED INTERSECTIONS

Cross Street	Cross Street	Flasher Hours and Days	Preferentiality
Dunn Street	19 th Street		
Patterson Drive	Fairview Street		

SECTION 2. Section 15.32.060 Parking of equipment or machinery shall be amended by deleting the existing section and replacing it with the following:

- (a) No equipment or machinery, whether self-propelled or towed, shall be parked or permitted to stand on a street without prior approval from the Department of Public Works. Prior approval is not necessary in the event of an emergency.
- (b) Service trucks may be parked on the streets while the operators are engaged in the repair or service of utilities if no suitable off-street parking is available.
- (c) Violation and Penalty. Any violation of this section is a Class C violation and subject to the penalty listed in Section 15.64.010(c).

SECTION 3. Section 15.32.090 Limited Parking Zones, subsection (f) “Special Events Parking Permits,” shall be amended by deleting this subsection as it appears and replacing it with the following:

Special Events Parking Permits. Upon approval of application, the Department of Public Works may issue a special events parking permit which temporarily exempts for specified time periods certain vehicles and uses from the parking control listed elsewhere in this section.

- (1) Applications for such permits shall be submitted to the Department of Public Works at least seven days prior to the time that reserved parking spaces are needed.
- (2) The special events parking permits are valid only for the specific parking spaces and the specific dates designated on an approved application.
- (3) The Department of Public Works shall post notice of the parking space reservation at least twenty-four hours in advance of the time the reservation shall become effective.
- (4) Permitted uses for a special events parking permit shall include, but are not limited to, buses transporting guests to and from lodging establishments, and buses and other vehicles used in association with the production or presentation of performances at entertainment venues.
- (5) A special events parking permit issued under the authority of this section shall exempt permit holders from prohibitions listed in Bloomington Municipal Code Sections 15.32.070 and 15.48.010.
- (6) The fee for a special events parking permit shall be ten dollars per vehicle per day or ten dollars per vehicle parking space per day if the vehicle is to occupy more than one parking space.

SECTION 4. Section 15.32.170 Parking prohibited facing traffic shall be amended by deleting it and replacing it with a part of the former provision so that it now reads:

15.32.170 Parking prohibited facing traffic. No person shall stand or park a vehicle on the street or roadway other than in the direction of lawful traffic movement.

SECTION 5. CHAPTER 15.32 PARKING CONTROLS shall be amended by adding “Section 15.32.175 Parallel and angle parking” to the table of contents of Chapter 15.32 and by adding the following new section:

15.32.175 Parallel and angle parking. Where parallel parking is required, vehicles shall park with the curbside wheels of the vehicle parallel with and within one foot of the curb or within the marked space. Where angled parking is required, vehicles shall be parked with the front wheel nearer the curb touching or within one foot of the curb or within the marked space.

SECTION 6. Section 15.37.060 Expiration of permits shall be amended to add the following at the end of the provision:

Permits issued under this chapter shall be invalid if the permit holder moves from the residence address contained in the application for a residential neighborhood parking permit.

SECTION 7. Section 15.48.020 Removal and impoundment procedure shall be amended by deleting this section as it appears and replacing it with the following:

(a) Any officer of the Bloomington Police Department discovering a public nuisance as described in Section 15.48.010 shall cause the vehicle to be removed by an authorized towing service. If the vehicle owner or last operator appears at the site of the violation before the vehicle is removed and provides to the towing service the vehicle owner’s and last operator’s names and addresses, if different, then the vehicle shall be released.

(b) Impounded vehicles shall be released without payment of the towing and storage charges upon: provision to the towing service of names and addresses of the vehicle owner and last operator, if different; order of the Bloomington Police Department; or order by the judge of a court of competent jurisdiction.

SECTION 8. Section 15.56.080 Bicycle paths established shall be amended by deleting subsection (3) and renumbering the remaining subsections.

SECTION 9. CHAPTER 15.56 BICYCLES, SKATEBOARDS AND OTHER FOOT-PROPELLED VEHICLES shall be amended by renumbering section “15.56.090 Right-of-way of bicycle riders” as “15.56.085 Right-of-way of bicycle riders” and inserting the new section title in the table of contents of Chapter 15.56.

SECTION 10. CHAPTER 15.56 BICYCLES, SKATEBOARDS AND OTHER FOOT-PROPELLED VEHICLES shall be amended by adding the section title, “15.56.090 Bicycle parking” to the table of contents of Chapter 15.56 and by adding the following new section:

15.56.090 Bicycle parking

(a) No person shall park a bicycle:

- (1) in a manner as to hinder or obstruct pedestrian traffic or to damage public property in any manner; or
- (2) in any space designed and intended for use by motor vehicles unless such area shall be specifically allocated to bicycle parking by placement of a bicycle rack.

(b) Bicycle racks may be installed in the public rights-of-way upon application for a no-charge permit from the office of the city engineer and approval of the board of public works. All bicycle racks constructed pursuant to

this section shall be located, constructed and maintained in accordance with the specifications of the city engineer who shall be responsible for keeping sufficient records of permits and specifications.

(c) Any bicycle parked in violation of this chapter or abandoned pursuant to section 15.56.095 is subject to impoundment. It is lawful for the city to remove locking devices in order to impound a bicycle. The City shall not be responsible for damage done to locks during impoundment.

SECTION 11. Chapter 15.56 BICYCLES, SKATEBOARDS AND OTHER FOOT-PROPELLED VEHICLES shall be amended by adding the section title, “15.56.095 Abandoned bicycles” to the table of contents of Chapter 15.56 and by adding the following new section:

15.56.095 Abandoned bicycles.

(a) Abandoned bicycles:

(1) No person shall abandon any bicycle on any public way within the city. A bicycle shall be deemed abandoned if it: (i) is in such a state of disrepair as to be incapable of being operated in its present condition, (ii) has not been moved for at least two weeks; or (iii) bears physical indicia of having been abandoned.

(2) Any bicycle deemed abandoned pursuant to subsection (1) of this section may have a notice affixed to it which informs the bicycle’s owner that the bicycle appears to be abandoned. The manager of parking enforcement or designee is authorized to affix such notices upon bicycles. This notice shall indicate: (i) a telephone number for the owner to call to inform the department of parking enforcement that the bicycle is not abandoned; and (ii) the date after which the bicycle may be removed if it is not claimed by its owner. A bicycle shall not be deemed to be abandoned if the owner of the bicycle, within seven days of the affixing of a notice of abandonment, notifies the department of parking enforcement that the bicycle is not abandoned.

(3) If a bicycle is not relocated or claimed by its owner within seven days of the affixing of a notice of abandonment, that bicycle may be removed and impounded by the department of parking enforcement.

(b) Reclaiming impounded bicycle:

Impounded bicycles may be reclaimed by the owner of the bicycle. A fee of \$30.00 shall be paid before the bicycle is released to the owner.

(c) An impounded bicycle shall be subject to disposal in accordance with state law if the bicycle has remained unclaimed for at least one year.

SECTION 12. Chapter 15.60 MISCELLANEOUS TRAFFIC RULES shall be amended by renaming section number 15.60.020 in the table of contents for this Chapter so that it reads as follows:

15.60.020 Driving or parking in park, picnic ground or golf course

SECTION 13. Section 15.60.020 Driving or parking in park, picnic ground or golf course shall be amended by deleting this section and replacing it with the following:

15.60.020 Driving or parking in park, picnic ground or golf course. No person shall operate or park a motor vehicle, motorcycle or motorized bicycle across any part of a public park, picnic ground, golf course, or other public property not designed and intended to be used by motor vehicles. Any driving violation under this section is a Class C Traffic Violation and subject to the penalty listed in Section 15.64.010(c). Any parking violation under this section is a Class D Traffic Violation and subject to the penalty listed in Section 15.64.010(d).

SECTION 14. Section 15.64.010 Violations and penalties, subsection (d) “Class D Traffic Violations (most parking violations)” shall be amended by adding the following to the list of violations:

15.60.020 Parking illegally in park, picnic ground, or golf course

SECTION 15. Section 15.60.050 entitled Pedestrians shall be amended to add the following:

(25) 2000 South Liberty Drive

SECTION 16. Section 15.64.010 Violations and penalties, subsection (d) “Class D Traffic Violations (most parking violations)” shall be amended by deleting the reference to 15.64.040 (and the accompanying description) from the list of violations and replacing it with the following:

15.60.040 Parking on sidewalk

SECTION 17. Section 15.64.010 Violations and penalties, subsection (h) “Class G. Traffic Violations (Bicycle safety violations)” shall be amended by adding the following to the list of violations:

15.56.020(a) Operating bicycle on sidewalk

SECTION 18. 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 19. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, the approval of the Mayor and any promulgation as required by law.

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 signalized intersections, equipment/machinery parking, limited parking zones, parking controls, permits, impounded vehicles, bicycles, pedestrian crosswalks, and violations and penalties.

To: City Council Members
From: Susie Johnson
Subject: Ordinance 11-03
Date: March 2, 2011
CC: Maria Heslin

This Ordinance makes certain changes in Title 15 of Bloomington Municipal Code entitled "Vehicles and Traffic" including, but not limited to signalized intersections, parking changes, limited parking zones, bicycle paths, mid-block pedestrian crossings, and various code citation corrections.

Section 1

This section provides for the addition of a pedestrian actuated traffic signal at the intersection of 19th Street and Dunn Street and codifies the signal at Fairview and Patterson Drive.

Indiana University Transit, through our Metropolitan Planning Organization (MPO) received a grant for improvements to the Park and Ride Facility located adjacent to Memorial Stadium. These improvements include shelters and bathroom facilities for transit riders, sidewalks and signalization improvements to the intersection of 19th Street and Dunn Street. Traffic counts were conducted in the fall of 2010, and pedestrian warrants were met toward the installation of a traffic signal. At the same time vehicular volumes were not significant enough (on approach street/drive) to meet the signal warrant.

A H.A.W.K. (**H**igh-Intensity **A**ctivated **C**ross-**W**alk) was deemed to be a more appropriate signal to address the need as met by the pedestrian warrants. Attached to this memo is an informational page better describing how a H.A.W.K. signal functions, as well as traffic data for this intersection. Indiana University would like to solicit bids for this project and begin construction in late April, with a construction completion in August of 2011. (see attached drawing)

This section also provides for the addition of a traffic signal at the intersection of Patterson Drive and Fairview Street. As part of several area improvements this request allows for improved ingress and egress for travelers desiring to enter or cross Patterson Drive from Fairview Street and the drive entrance for Cook Pharmica. This request was previously discussed by the City Council in 2009 as a funding request for improvements that utilized **C**ommunity **R**evitalization **E**nhancem**E**nt **D**istrict (C.R.E.E.D.) and was approved as Resolution 09-07. These improvements also included improvements to Rogers Street (Patterson Drive to Hillside Drive), a multi-use pathway along the west side of Rogers Street, a public road extension to Hillside Drive into the commercial development, stream restoration through IDNR, and bridge improvements to the access roadway leading from Hillside Drive to Cook Pharmica.

Section 2

This section changes who regulates the use of the street right of way from the Police Department to Public Works. An example of right of way use might be placing a dumpster on the street during construction.

Section 3

The current code specifies certain parking spaces that can be used for visiting tour buses and the like. This has not worked very well and Parking Enforcement needs flexibility to allow these buses to park where it makes the most sense at the time. This section also exempts holders of the Special Event Permit from the oversized restrictions in 2-hour parking zones.

Section 4 & 5

The current code regulates the orientation of a vehicle; both which direction it can face and how close to the curb it should be. Section 4 & 5 separate these two regulations into two separate sections making it easier for people to find in the code.

Section 6

This section makes a Neighborhood Zone permit invalid if the holder of the permit moves. As a note: if someone moves from one location to another location inside a zone they need only provide Parking Enforcement with the new address to keep their permit valid.

Section 7

This section changes who is responsible for collecting fees associated with towing of a vehicle from the City to the tow company by requiring the owner or last operator of a vehicle to provide the tow company with the names and addresses of said owner or operator.

Section 8

This section stipulates the path between Nota Drive and Maxwell Lane is a walking path and not a bicycle path as per the recorded deed.

Section 9

Simply re-numbers the code.

Section 10

This section establishes rules about the placement of bicycle racks and bicycle parking and allows the City to remove abandoned bicycles. In short it says bikes cannot obstruct pedestrians or damage public property; and cannot park in a space dedicated for a motor vehicle. It also says bike racks can be installed in the ROW under a no-charge permit from Engineering. This no-charge permit will ensure racks are installed properly.

Section 11

This section defines an abandoned bicycle and outlines the procedure by which said bicycle is to be removed, impounded and ultimately disposed of.

Section 12, 13 and 14

These sections make it more clear that driving AND parking in a park picnic ground or golf course is prohibited except for designated parking spaces.

Section 15

This section adds a mid-block crosswalk at 2000 S. Liberty Drive to accommodate the student crossing between the two IVY Tech facilities on either side of Liberty Drive.

Section 16

This corrects a typo in the code; instead of 15.64.04 it should be 15.60.040

Section 17

This corrects an over site. The riding of a bicycle on the sidewalk is a violation of the code by the violation did not appear in the schedule. This simply adds it to the appropriate schedule.

Section 18

This is the severable clause.

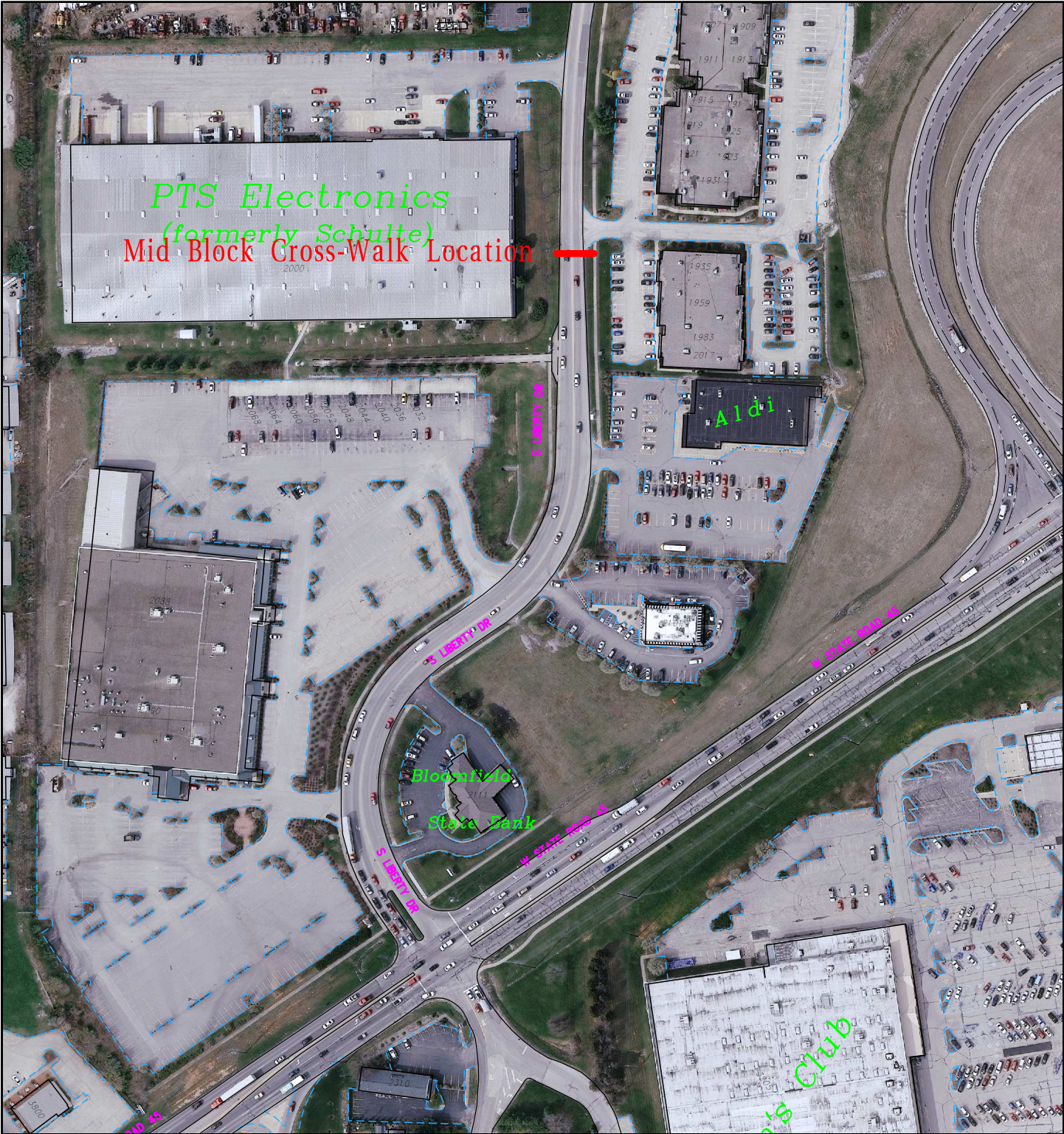
Ord 11-03

**To Amend Title 15 of the Bloomington Municipal
Code Entitled “Vehicles and Traffic”
(Two Signalized Intersections and
Certain Items Deferred from Ord 10-15)**

Maps

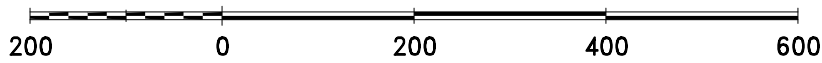
Patterson and Fairview – Signal

Liberty Drive - Crosswalk

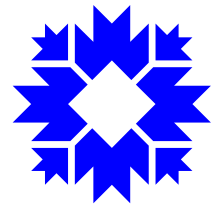


Liberty Drive Mid Block Cross-Walk Location Map

By: wykoffj
16 Mar 11



City of Bloomington
Engineering



Scale: 1" = 200'

For reference only; map information NOT warranted.

Ord 11-03

**To Amend Title 15 of the Bloomington Municipal
Code Entitled “Vehicles and Traffic”
(Two Signalized Intersections and
Certain Items Deferred from Ord 10-15)**

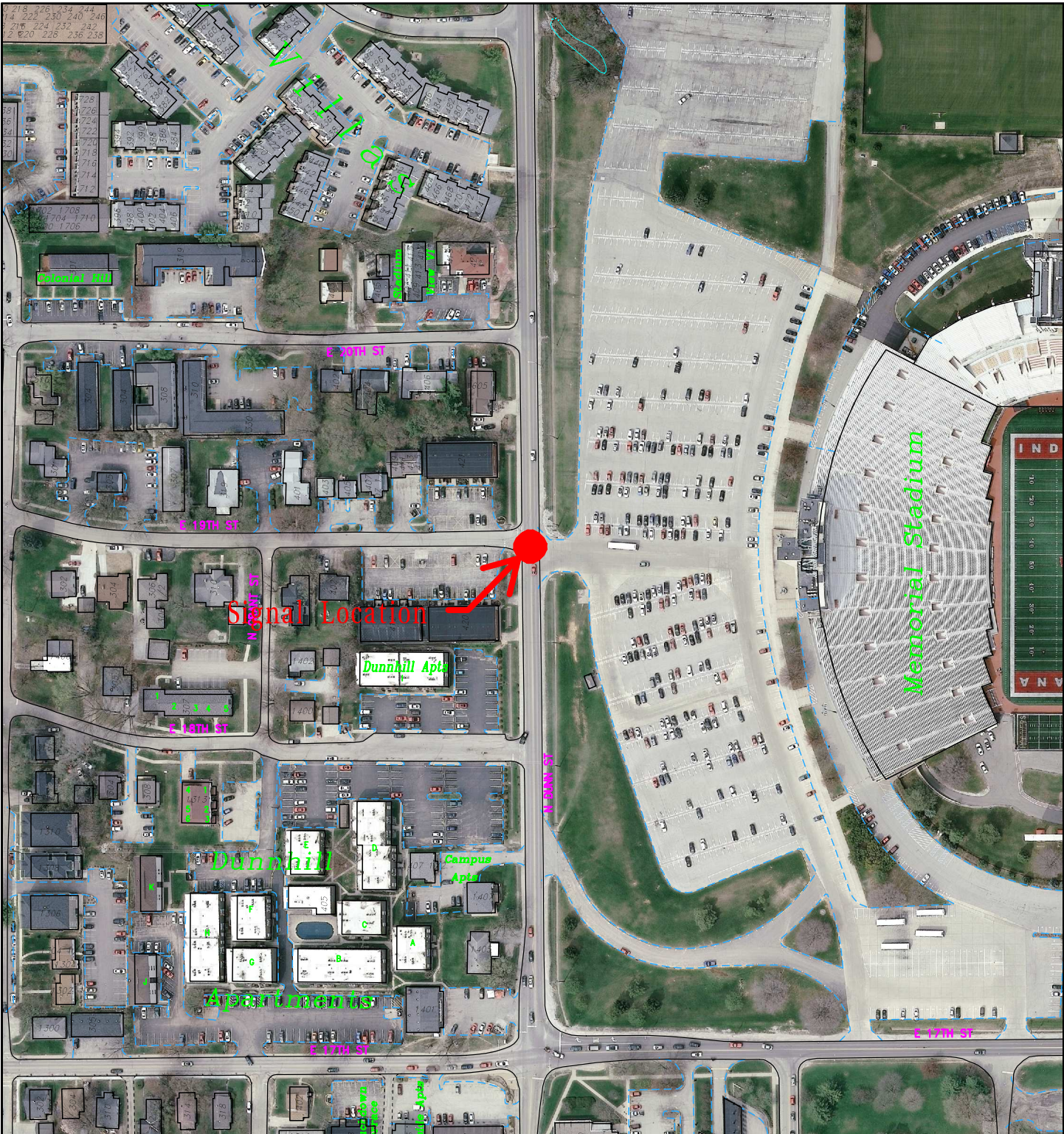
19th and Dunn – Map and Materials

Map of Intersection

High Intensity Activated Crosswalk (HAWK) Sheet

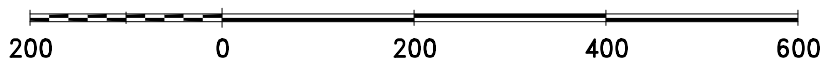
Improvements to Park and Ride Facility/Area

Traffic Counts

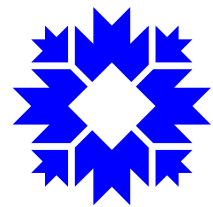


19th Street and Dunn Street Signalization (HAWK Signal)

By: wykoffj
16 Mar 11



City of Bloomington
Engineering



Scale: 1" = 200'

For reference only; map information NOT warranted.

How does a HAWK signal work?

“HAWK” stands for **H**igh-intensity **A**ctivated cross-**W**alk. It is a new kind of signal designed to help pedestrians cross busy streets.

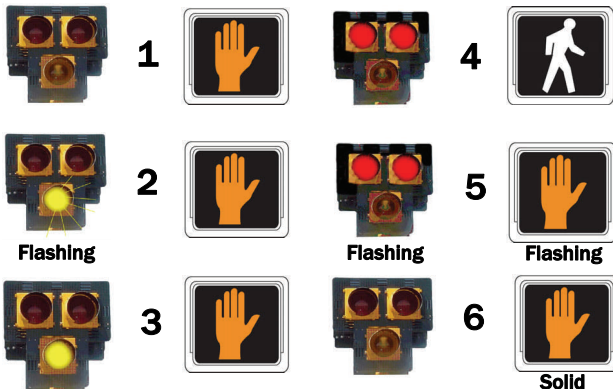
While different in appearance to the driver, to the pedestrian this signal works the same as any button-activated traffic signal in the District. It stops traffic with a red signal allowing pedestrians to cross safely.

How to use as a Pedestrian:

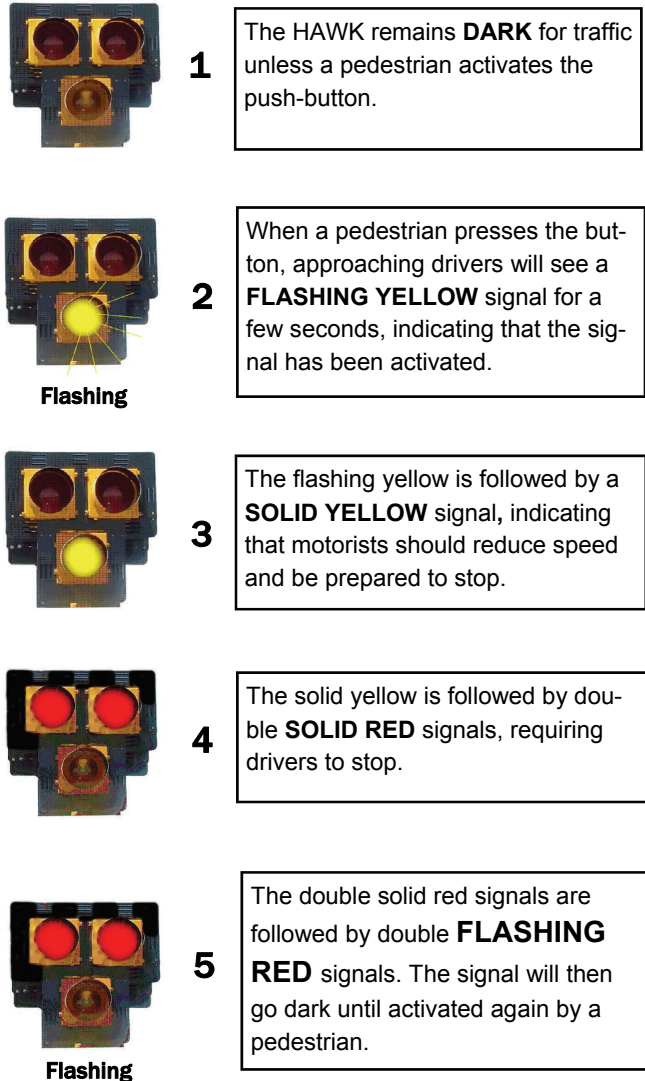
Using a HAWK signal as a pedestrian is easy. Simply push the button and wait for the WALK signal to appear. It may take up to one minute for the signal to change, depending on the time of day. Be sure traffic has stopped before you enter the crosswalk.

The FLASHING DON'T WALK signal will appear as you finish your crossing. Countdown numbers will show how much time remains to cross the street.

HAWK - Pedestrian signal sequence:



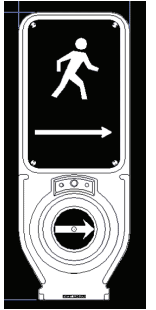
HAWK - Motorist signal sequence:



During the double **FLASHING RED** signal indication, drivers are required to come to a full **STOP**, but may proceed when pedestrians have cleared the crosswalk and it is safe to proceed.

Accessibility for Disabled Pedestrians

The new HAWK signal features Accessible Pedestrian Signal equipment that provides disabled pedestrians with information about when the WALK signal is on. An audible message and vibrating arrow button will announce when the WALK signal is on.



Side Street Traffic

Unlike a standard traffic signal, intersections with HAWK signals do not have any traffic signals facing the side street approaches. Any side street that is controlled by a stop sign will continue to be controlled by a stop sign when a HAWK signal is in place.



HAWK Signals in DC

The District Department of Transportation (DDOT) received permission from the Federal Highway Administration (FHWA) in April 2009 to experiment with HAWK signals. This type of signal has been safely and successfully tested in Tucson, AZ and several other cities in the US since 2004. Alexandria, VA installed a HAWK signal in 2008.

The HAWK signal installed at Georgia Ave. and Hemlock St. NW is a pilot location and DDOT will gather data on its operation and report to FHWA.

Pedestrian Safety

DDOT places a high priority on pedestrian safety and is focusing efforts on unsignalized crosswalks on high traffic streets. Often these crossings do not meet engineering standards for installation of a conventional traffic signal so DDOT may use other treatments instead.

While various treatments exist for these unsignalized crossings, there is growing concern that more should be done – especially on streets with heavy, high-speed traffic.

The District, like most states, requires motorists to stop and give the right of way to pedestrians legally within crosswalks. However, DDOT research has shown that on busy, high traffic streets, only about 1 in 4 drivers is willing to stop for pedestrians in the crosswalk. The HAWK signal has been found to significantly increase motorist awareness and produce as much as a 97% motorist compliance rate.

Resident Questions & Concerns

If you have any questions about the HAWK signal or any traffic control device in the District, please contact the

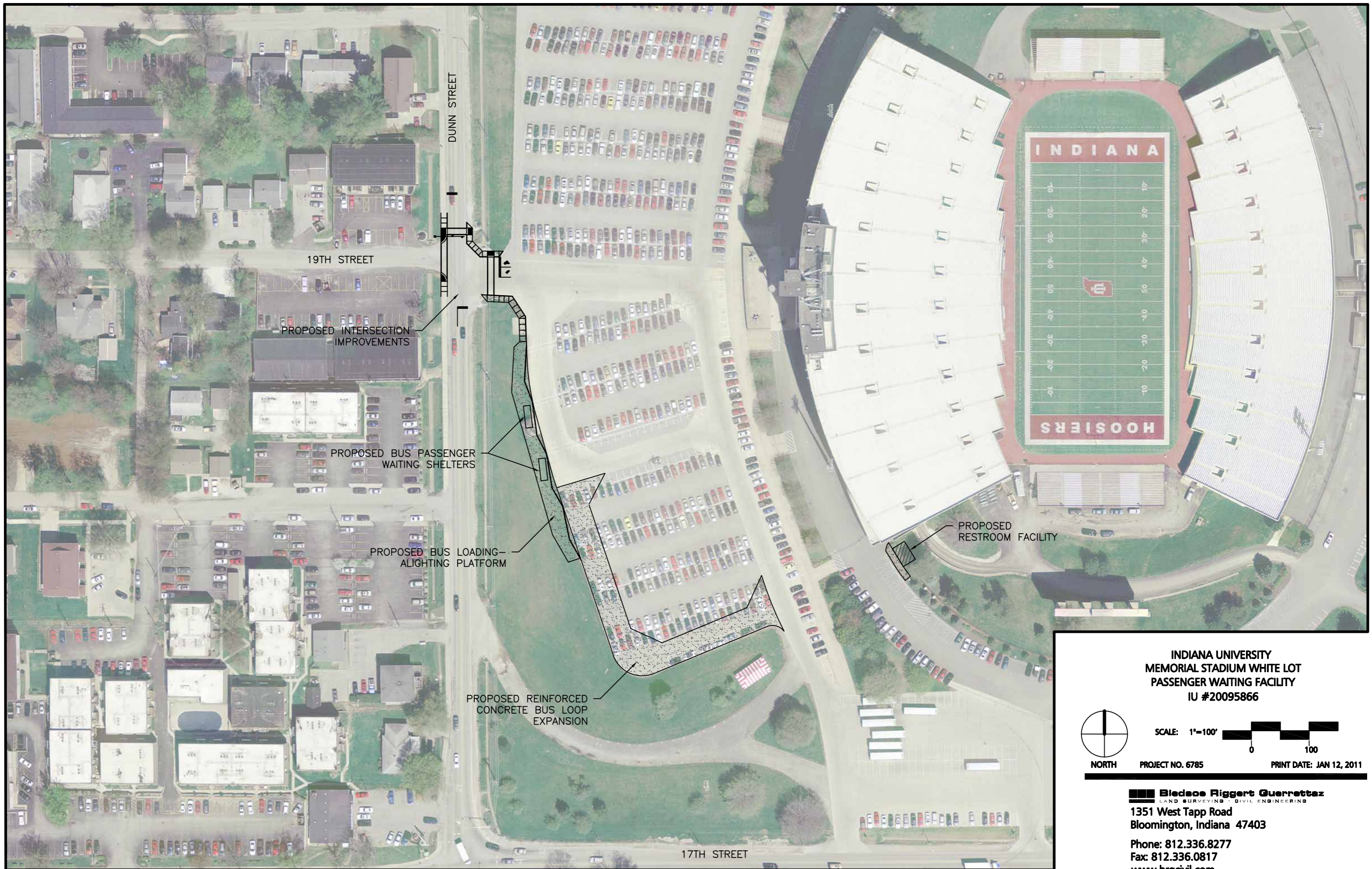
District Department of Transportation at 202-673-6813 or visit our website at www.ddot.dc.gov.



HAWK (High-Intensity Activated crossWalk) Pedestrian Signal Guide



What You Need to Know



19TH STREET

DUNN STREET

PROPOSED INTERSECTION IMPROVEMENTS

PROPOSED BUS PASSENGER WAITING SHELTERS

PROPOSED BUS LOADING-ALIGHTING PLATFORM

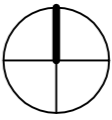
PROPOSED REINFORCED CONCRETE BUS LOOP EXPANSION

PROPOSED RESTROOM FACILITY

17TH STREET

INDIANA

HOOSIERS



NORTH

SCALE: 1"=100'



PROJECT NO. 6785

PRINT DATE: JAN 12, 2011

**INDIANA UNIVERSITY
MEMORIAL STADIUM WHITE LOT
PASSENGER WAITING FACILITY
IU #20095866**

Bledsoe Riggert Guerrettez
LAND SURVEYING · CIVIL ENGINEERING
1351 West Tapp Road
Bloomington, Indiana 47403
Phone: 812.336.8277
Fax: 812.336.0817
www.brgcivil.com

City of Bloomington

Engineering Department
Bloomington, IN 47404

Study Name : E. 19th St. and N. Dunn St.
Study Date : 10/27/10
Page No. : 1

Signal Warrants - Summary

Major Street Approaches

Northbound: N. Dunn St.

Number of Lanes: 2
Approach Speed: 38
Total Approach Volume: 3,992

Southbound: N. Dunn St.

Number of Lanes: 2
Approach Speed: 35
Total Approach Volume: 3,824

Minor Street Approaches

Eastbound: E. 19th St.

Number of Lanes: 2

Total Approach Volume: 347

Westbound: Stadium Gate 8

Number of Lanes: 2

Total Approach Volume: 1,854

Warrant Summary (Urban values apply.)

Warrant 1 - Eight Hour Vehicular Volumes Not Satisfied

Warrant 1A - Minimum Vehicular VolumeNot Satisfied

Required volumes reached for 0 hours, 8 are needed

Warrant 1B - Interruption of Continuous TrafficNot Satisfied

Required volumes reached for 0 hours, 8 are needed

Warrant 1 A&B - Combination of WarrantsNot Satisfied

Required volumes reached for 0 hours, 8 are needed

Warrant 2 - Four Hour Volumes Not Satisfied

Number of hours (0) volumes exceed minimum < minimum required (4).

Warrant 3 - Peak Hour Not Satisfied

Warrant 3A - Peak Hour VolumesNot Satisfied

Volumes do not exceed minimums for any hour.

Warrant 3B - Peak Hour DelayNot Satisfied

Total approach volumes and delays on minor street do not exceed minimums for any hour.

Warrant 4 - Pedestrian Volumes Satisfied

Required 4 Hr pedestrian volume reached for 3 hour(s) and the single hour volume for 2 hour(s)

Warrant 5 - School Crossing Not Satisfied

Number of gaps > .0 seconds (0) exceeds the number of minutes in the crossing period (0).

Warrant 6 - Coordinated Signal System Not Satisfied

No adjacent coordinated signals are present

Warrant 7 - Crash Experience Satisfied

Number of accidents (5) is more than minimum (5) and volume requirements are met.

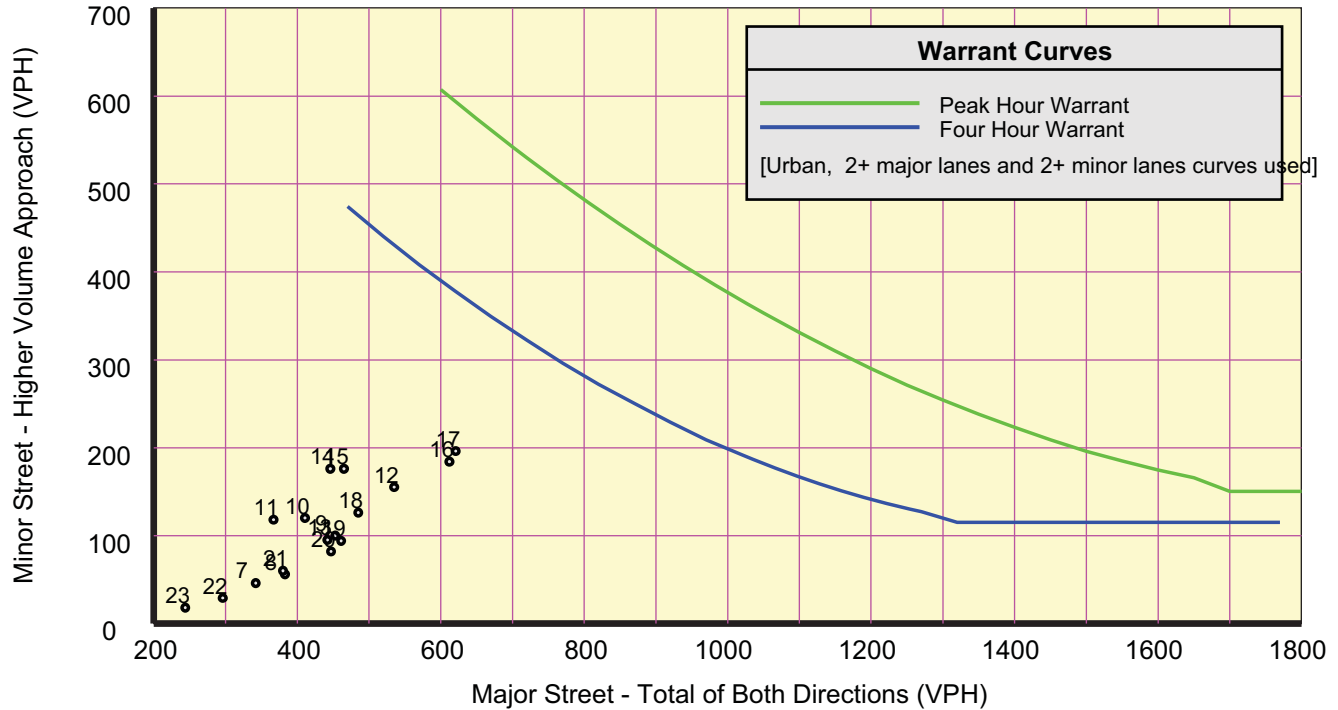
Warrant 8 - Roadway Network Not Satisfied

Major Route conditions not met. No volume requirement met.

City of Bloomington
 Engineering Department
 Bloomington, IN 47404

Study Name : E. 19th St. and N. Dunn St.
 Study Date : 10/27/10
 Page No. : 2

Signal Warrants - Summary



Analysis of 8-Hour Volume Warrants:

Hour Begin	Major Total	Higher Minor Vol	Dir	War-1A			War-1B			War-1A&B		
				Major Crit	Minor Crit	Meets?	Major Crit	Minor Crit	Meets?	Major Crit	Minor Crit	Meets?
00:00	116	14	EB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
01:00	92	7	EB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
02:00	46	2	EB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
03:00	23	2	EB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
04:00	16	2	EB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
05:00	32	2	EB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
06:00	101	6	EB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
07:00	342	46	WB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
08:00	383	56	WB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
09:00	453	100	WB	600-No	200-No	---	900-No	100-Yes	Minor	720-No	160-No	---
10:00	411	120	WB	600-No	200-No	---	900-No	100-Yes	Minor	720-No	160-No	---
11:00	367	118	WB	600-No	200-No	---	900-No	100-Yes	Minor	720-No	160-No	---
12:00	535	155	WB	600-No	200-No	---	900-No	100-Yes	Minor	720-No	160-No	---
13:00	442	95	WB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
14:00	446	176	WB	600-No	200-No	---	900-No	100-Yes	Minor	720-No	160-Yes	Minor
15:00	465	176	WB	600-No	200-No	---	900-No	100-Yes	Minor	720-No	160-Yes	Minor
16:00	612	184	WB	600-Yes	200-No	Major	900-No	100-Yes	Minor	720-No	160-Yes	Minor
17:00	621	196	WB	600-Yes	200-No	Major	900-No	100-Yes	Minor	720-No	160-Yes	Minor
18:00	485	126	WB	600-No	200-No	---	900-No	100-Yes	Minor	720-No	160-No	---
19:00	461	94	WB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
20:00	447	82	WB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
21:00	380	60	WB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
22:00	296	29	WB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---
23:00	244	18	WB	600-No	200-No	---	900-No	100-No	---	720-No	160-No	---

Ord 11-03

**To Amend Title 15 of the Bloomington Municipal
Code Entitled “Vehicles and Traffic”
(Two Signalized Intersections and
Certain Items Deferred from Ord 10-15)**

**Am 01 – 4-Way Stop at 4th and Maple
(Sturbaum, Sponsor)**

Am 01

Memo from Councilmember Sturbaum

Map of Area

Excerpts from Traffic Commission Meeting

Communications from Constituents



Memorandum

To: Members of the City of Bloomington Common Council
From: Chris Sturbaum, Council Member, District 1
Re: Am 01 to Ord 11-03 – Proposing a 4-Way Stop at 4th and Maple
Date: March 17, 2011

My neighbors on 4th Street and in the rest of the neighborhood are in support of this stop sign and testified recently at the Traffic Commission about issues of traffic speed and safety. This idea was supported unanimously by the Prospect Hill Traffic Committee as part of our neighborhood's comprehensive traffic plan.

Arguments in favor include that there is no stopping of traffic between Rogers and Rose Hill Cemetery and that cars do speed on 4th. There is also a limited sight line for cars going north on Maple pulling out into 4th Street when cars are coming downhill going east, especially if there are parked cars at the intersection.

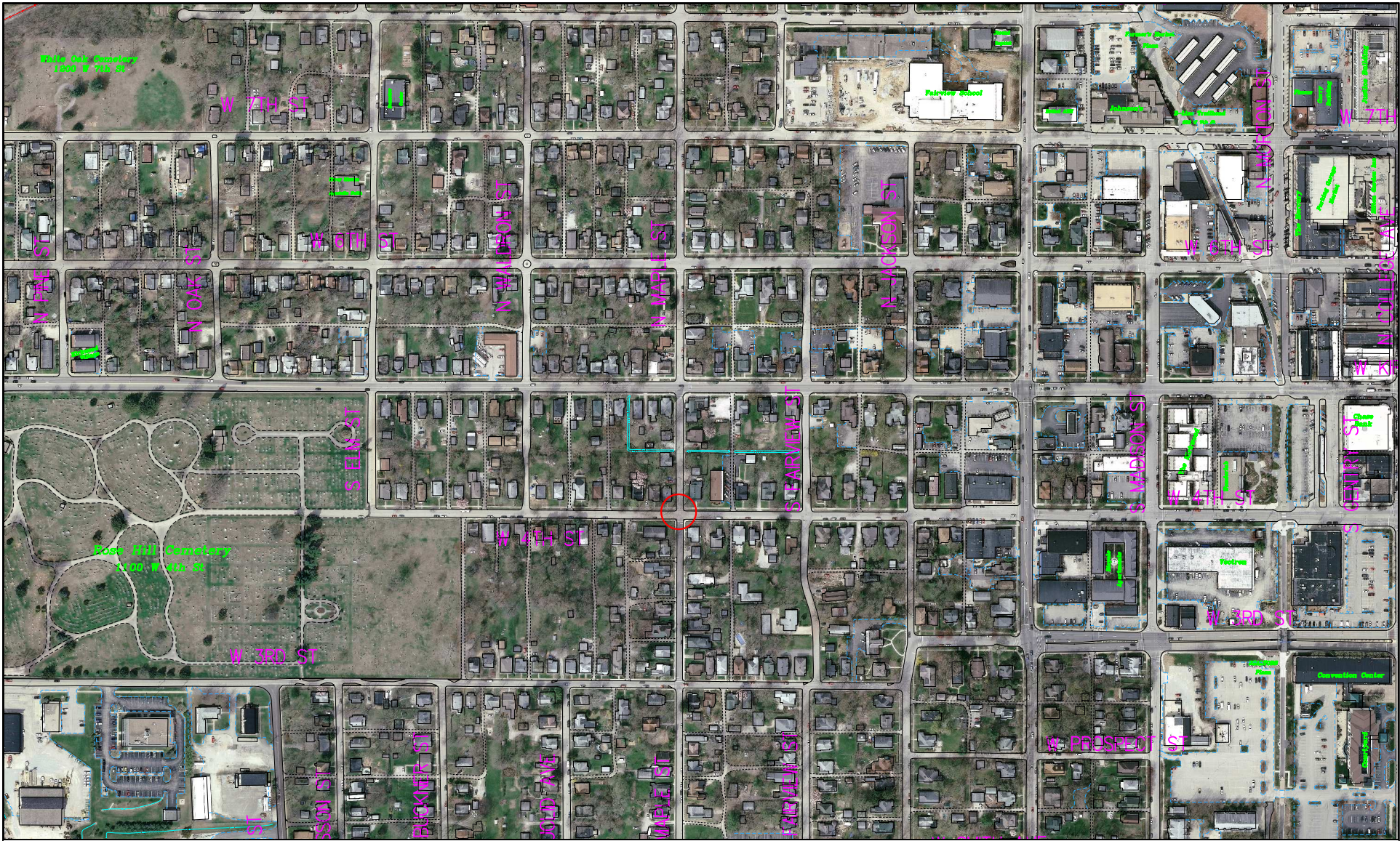
Maple Street is also a pedestrian pathway to Fairview School and there are stop signs at Maple and Howe and Maple and 3rd, a crossing guard at Maple and West Kirkwood (5th), and traffic calming on 6th and 7th all the way to the school. 4th Street is the missing intersection which has no four-way stop. Crosswalks will not be painted there as a matter of city policy unless there is a multi-way stop installed and the crosswalks at this intersection were another safety request by our Prospect Hill Traffic Committee.

This intersection is also the site of a school bus stop where students wait in the early morning for transport to middle school and high school. They also are let off the bus at school's end at this same site but east west traffic does not currently have to stop or even slow down at this intersection.

One of the houses just off this intersection was hit by a speeding car a little over three years ago and neighbors report unnecessary speeding on this street.

Fairview School requested stop signs near the school for the same pedestrian safety and speeding issues and the Howe and Maple stop sign was approved by the City Council without support from the Traffic Commission just a few years ago. This is an important safety issue to my neighbors on 4th Street and in the broader neighborhood as well.

While warrants admittedly are not met, the safety improvement by the placement of this stop sign is a real and an important change for the public safety of citizens with no significant downside and at little cost to the city. Please support this sincere request from my neighborhood.



Ord11-03 - Am 01 - 4-Way Stop at 4th and Maple

By: shermand
 17 Mar 11
 File: LL4tmap3



For reference only; map information NOT warranted.



City of Bloomington
 Clerk & Council



Scale: 1" = 400'

**BLOOMINGTON TRAFFIC COMMISSION
MINUTES OF THE MEETING
JANUARY 26, 2011**

I. ROLL CALL

Members Present: Mike Avila, Jim Batcho, Derek Neff, Sara Ryterband, Adrian Reid, Jeff Weber

Members Absent: None

Staff Present: Denise Dean

II. APPROVAL OF MINUTES

Weber made the motion to approve the minutes of the August 25, 2010 and September 22, 2010 meetings. Neff seconded the motion. The motion carried with a vote of 6-0-0.

III. REPORTS AND ANNOUNCEMENTS

Reid reported that Justin Wykoff would not be there tonight, therefore, Reid would be running the meeting. Also, the audio visual was out in the Council Chambers so staff would be using an overhead projector.

IV. OLD BUSINESS

There was none at this time.

V. NEW BUSINESS

A. Prospect Hill Neighborhood Traffic Request(s)

4th Street & Maple Street Multi-way Stop Request: Reid stated the Engineering Department had conducted a traffic analysis for the intersection of 4th & Maple. There is not a significant line of sight issue, the traffic counts were low with an 85th percentile speed around 30 MPH and there had been one accident in the past three years (analysis and warrants available in the Engineering Department). The warrants were not met; therefore, the staff recommendation is not in favor of the multi-way stop request.

Marked Parking Spaces: Reid stated the marked parking spaces are normally done in an area with a high turn over of vehicles. The City has mostly done these types of spaces in the Downtown area. The markings do not last and have to be redone frequently, especially during the winter months when the Street Department uses salt on the streets. The staff recommendation is not in favor of the marked parking spaces.

Crosswalks on 4th Street: Reid stated the City abides per MUTCD guidelines which does not encourage the installation of marked crosswalks at an intersection where there is not a stop control. Maple Street currently stops for 4th Street and there are marked crosswalks. Ryterband questioned as to why there is a marked crosswalk on Kirkwood Avenue at Maple Street where there is not a stop control. Neff stated this crosswalk is treated as a mid-block crossing and when school is in session there is a

crossing guard. Ryterband asked about the crosswalks around IU. Neff stated these are also considered mid-block crosswalks and are codified in the Bloomington Municipal Code. The staff recommendation is not in favor of the marked crosswalks.

Speed limit reduced to 25 MPH: Reid stated the City is currently discussing changing the speed limit on certain City streets (i.e. designated local streets) to 25 MPH city wide. Ryterband asked why only “locally” designated streets were being looked at. Reid stated these are normally lower volume streets that would not necessarily require an Engineering study to be conducted. The staff recommendation is in support of the request to lower the speed limit to 25 MPH.

Ryterband asked if the volume and speed counts could have been affected by the bad weather. Reid stated the City had a small window in which to do the traffic counts but they had been put out after the roads had been cleared. Weber asked what the time table was for the implementation of the city wide 25 MPH change if approved. Reid stated the City Traffic Department has to have all City signs changed out to a new reflective material and they could make the change with this project. The City has received a \$100,000 grant through MPO to help with the change out. Neff stated the City has until 2015 to have all new signs installed.

Chris Sturbaum: He is a resident in the neighborhood. He would like to thank the City for their support of the neighborhood’s request for the lower speed limit. The request for the multi-way stop at 4th & Maple is the most important. He understands the warrants are not met but they have had other stops signs installed without such warrants. There are no stop signs currently on 4th Street from the Rosehill Cemetery to Rogers Street. Sturbaum stated that as part of the 3rd Street Traffic Calming project residents on 4th Street were concerned about the traffic diverting to their street. The stop sign and marked crosswalks would calm traffic and be safe for children who walk to Fairview School. Sturbaum stated the neighborhood made the request about marking the parking spaces because these markings seemed to slow down traffic on 5th Street when they were installed.

George Bull – 806 W. 4th Street: He lives on the corner and his house was hit by a car prior to the three year accident limit. There is not a stop sign from Rosehill to Rogers Street. The neighborhood gets several cut through traffic from 3rd Street, 2nd Street and 5th Street. The stop sign at 4th & Maple would help the children who get on and off the school bus. The bus stop is at this intersection. Bull stated he felt the traffic counts were not accurate since the counters went down after the snow and when it first started to melt.

Karen Knight – W. 3rd Street resident: She is in support of the West 3rd Street Traffic Calming projects and feels the counts that were presented in the packet were not accurate. She had counts from July 2010 that were higher than what was recently presented. Avila asked where the counts were conducted that Knight had. She stated they were on 4th Street from

Rogers Street to Jackson Street. Avila stated that stretch is more a commercial area and thinks that is why the counts were higher.

Ken Farrell – 815 W. 4th Street: He strongly supports a multi-way stop at 4th & Maple for the same reasons Mr. Bull does. He also feels the counts were lower due to the snow on the road. Farrell questioned on why some streets had traffic calming (i.e. Covenanter Drive) and others did not. Reid stated for a neighborhood to apply for traffic calming, they need to go through the Neighborhood Traffic Safety Program (NTSP). The traffic calming on Covenanter Drive and 6th Street was done prior to this program.

Rachel Guglielmo – 620 W. 4th Street: She has three children and is concerned about the speed of vehicles. Even though the 85th percentile speed is 30 MPH what about those cars that go over that. She can't understand why the Commission would oppose the multi-way stop request.

Richard Lewis – 720 W. 3rd Street: He is in favor of reducing the speed limit to 25 MPH. There are no stop signs on 4th Street for a long stretch. The neighborhood gets a lot of cut through traffic from Kirkwood. Lewis stated that there is a visibility issue on Maple Street as you are looking to the west. You have to pull out onto 4th Street before you can see if there are any cars or bicyclists coming. The crosswalks and multi-way stop would help this problem.

Patrick Murray – 525 W. 3rd Street: He is in favor of the multi-way stop request. This is a safe route to school path to Fairview School as well as the area being a bus stop for Jr. High & High School students. He likes the lowering of the speed limit to 25 MPH.

David Walter – 6th & Ritter: He does not live in the neighborhood but has lived in the area for 29 years. He agrees with the residents that the multiway stop would be a benefit.

Weber stated that stop signs are not to be installed for traffic calming. He feels there is a problem at the intersection but would like to possibly look at other ideas to slow down traffic. Weber stated he feels the intersection of 4th & Maple is similar to the intersections on West 6th Street where there are traffic calming circles installed.

Weber made the motion to recommend the denial of the request for marked parking spaces on West 4th Street as well as the request for marked crosswalks on 4th Street at Maple Street. Neff seconded the motion. The motion carried with a vote of 5-1-0 (Ryterband opposed).

Neff made the motion to recommend the denial of the request for a multiway stop at 4th Street and Maple Street. Weber seconded the motion. The motion carried with a vote of 5-1-0 (Ryterband opposed).

The request for the lower speed limit did not require a vote since the City is currently looking at implementing a City wide proposal on certain City streets, of which this stretch of 4th Street would be included.

... The rest of the minutes relate to other matters and have been deleted...

**Constituent Communications –
Re: Am 01 to Ord 11-03 (4-Way Stop at 4th and Maple)**

From: "Kristin Schroeder" <kschroeder@oliverwinery.com>
Date: March 17, 2011 1:50:39 PM EDT
To: <council@bloomington.in.gov>
Cc: <sturbauc@bloomington.in.gov>

Subject: Stop sign at 4th and Maple

To Whom It May Concern:

I would like to voice my opinion in favor of a stop sign and crosswalk at the corner of 4th and Maple in Prospect Hill. We live three houses from this intersection and have seen far too many accidents here; one being a car driving up onto the porch of our neighbor's house on 4th while they were in the front living room! With no other stop signs on 4th, drivers go entirely too fast. We have a four year old that will be attending Fairview next year. A crosswalk in addition to a stop sign seems like an obvious choice, especially with the cross walk at Kirkwood and Maple, the school route would be safer one. Please vote in favor of a stop sign and cross walk at 4th and Maple. Thank you for your attention.

Sincerely,

Kristin Schroeder
Office Manager
Oliver Winery
kschroeder@oliverwinery.com
PH 812.876.5800
FX 812.876.9309
www.oliverwinery.com

(Sent to Council Office and Councilmember Sturbaum and previously forwarded to council members.)

ORDINANCE 11-04

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL” -**

**Re: The Repeal and Reenactment of Section 2.12.020 entitled
“The Bloomington Arts Commission”**

WHEREAS, the Bloomington Community Arts Commission was established in 1983 by the Common Council Ordinance 83-06 §2 in June, 1983; and,

WHEREAS, the original purpose of the Bloomington Community Arts Commission was to provide a means for the City of Bloomington to stimulate and encourage community appreciation for and participation in the arts; and,

WHEREAS, the City recognizes that the arts are an important part of the culture, are integral to the economy of a community, and that conservation and development of the City’s artistic resources is essential to the social, educational, and economic growth, the quality of life and the general welfare of the citizens of Bloomington; and,

WHEREAS, the Bloomington Community Arts Commission in its 2010 strategic planning process recommended that its enabling legislation, found in BMC Section 2.12.020, be revised to better reflect the Commission’s purpose and duties and the vital economic role the arts play in Bloomington; and,

WHEREAS, such role and purpose of the Commission can only be achieved by providing a broader, knowledgeable, and more diverse membership, as well as by expanding the Commission’s capacity to develop and implement programming through an increase in its membership from 9 to 11, and through removal of direct organizational representation by having the Common Council and Mayor appoint its members; and,

WHEREAS, the role and refocused purpose of the Commission are reflected in a name change from the “Bloomington Community Arts Commission” to the “Bloomington Arts Commission;” and,

WHEREAS, the Bloomington Arts Commission should: focus on helping to develop Public Art Projects in collaboration with the City and civic entities; develop and administer programs; inform the Common Council, boards and commissions and the City Administration on current arts issues; provide policy recommendations; and, adopt administrative rules and regulations that support conducting the Commission’s business with this new purpose in mind;

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

SECTION 1. Bloomington Municipal Code Chapter 2.12, entitled “Boards, Commissions and Councils” shall be amended by repealing Section 2.12.020, entitled “Bloomington community arts commission,” reenacting Section 2.12.020 with the title of “Bloomington Arts Commission,” and reflecting the new section title in the Table of Contents for Chapter 2.12.

SECTION 2. The reenacted Section 2.12.020 shall read as follows:

2.12.020 The Bloomington Arts Commission

Public Policy and Purpose. The City of Bloomington recognizes that the arts are an important part of the culture and economy of the community, and that the City has a responsibility to foster an environment conducive to the community’s participation in the arts. The conservation and development of the City’s artistic resources are essential to the social, educational, and economic growth of the City. Artists, works of art, and artistic institutions contribute to the quality of life and the general welfare of the citizens of Bloomington.

(a) Definitions. As used in this section unless the context clearly requires otherwise:

- (1) "Commission" means the Bloomington Arts Commission as created in this section.
- (2) "Public Art Project" means an original work of high quality art of any medium, which is created by an artist or artists, which belongs and is accessible to the public.

(b) Appointments. The Bloomington Arts Commission shall consist of eleven members. Six members shall be appointed by the Mayor and five by the Common Council.

(c) Qualifications. All members of the Commission shall have a demonstrated commitment to the arts. To the extent possible, priority shall be given first to ensuring a broad representation of professional artists from the disciplines of the visual, performing and literary arts and then to arts administrators and arts consumers and to representatives from the education and business communities.

(d) Terms. Members shall serve terms of three years. Members having served two consecutive three-year terms may not be reappointed until one year has passed from the end of the second term. Terms shall be staggered, with four members' first term ending within one year; three members' first term ending within two years, and four members' first term ending within three years after their initial appointment, so that no more than five members will leave the commission at the end of each term, which will be the 31st day of January.

(e) Powers and Duties. The Commission's powers and duties include, but are not limited to, the following:

- (1) Develop and present to the City a Public Art Plan, which is a list of potential Public Art Projects to be coordinated by the Arts Commission and produced as a collaborative effort by the City and/or other civic entities;
- (2) Develop and administer programs to achieve the Arts Commission's purpose;
- (3) Inform the Common Council, City Administration, and City boards and commissions on current arts issues, and offer policy recommendations and advice; and,
- (4) Adopt administrative rules and regulations, adopt procedures, conduct activities and form committees, necessary to conduct the Commission's business.

SECTION 3. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City 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

This ordinance repeals and reenacts Bloomington Municipal Code 2.12.020 to rename “Bloomington Community Arts Commission” as the “Bloomington Arts Commission,” revise its membership, and update its goals and focus in order to affirm and continue the City’s policy of promoting arts as a part of both the community’s culture and economic vitality.



MEMORANDUM

To: Members of the City of Bloomington Common Council
CC: **Margie Rice, Inge Van der Cruysse, Dan Sherman, Regina Moore**
From: Miah Michaelson
Date: February 11, 2011
RE: Revisions to (2.12.020) Bloomington Community Arts Commission enabling ordinance

This purpose of this memo is to summarize revisions to the enabling ordinance for the Bloomington Community Arts Commission (2.12.020).

BACKGROUND

In 1983, the Bloomington Community Arts Commission was established to provide a means for the City of Bloomington to stimulate and encourage community appreciation for and participation in the arts. In June of 2010 as part of a comprehensive strategic planning process, the Arts Commission formed a subcommittee to review the current enabling ordinance and developed the following revisions.

SUMMARY OF MAJOR CHANGES

The Arts Commission is seeking revisions in several key areas as outlined below.

PUBLIC POLICY AND PURPOSE

In an effort to capture and Bloomington's unique relationship between the arts, community well-being and government, the Arts Commission recommends revising its purpose to read as follows:

The City of Bloomington recognizes that the arts are an important part of the culture and economy of the community, and that the City has a responsibility to foster an environment conducive to the community's participation in the arts. The conservation and development of the city's artistic resources are essential to the social, educational, and economic growth of the city. Artists, works of art, and artistic institutions contribute to the quality of life and the general welfare of the citizens of Bloomington.

NAME CHANGE

The Arts Commission proposes dropping the "Community" in its name to simply "Arts Commission", to be referenced as the "City of Bloomington Arts Commission."

MEMBERSHIP AND APPOINTMENTS

The Arts Commission recommends increasing membership from nine to 11 members, allowing for broader representation as well as expansion of the capacity to develop and implement programming.

Additionally, the Arts Commission requests that all direct organizational representation be removed (currently both the Chamber of Commerce and the BAAC make appointments); instead the Mayor would appoint six members and the Common Council appoint the remaining five. Removing direct organizational representation keeps the Arts Commission flexible and less susceptible to organizational instability (the BAAC's two appointments remain vacant.) The Chamber of Commerce has been contacted and is supportive of this change.

MEMBERSHIP QUALIFICATIONS

Also included in the proposed revision is the following clause to ensure that knowledgeable and diverse representation remains a priority for Arts Commission membership:

“All members of the Commission shall have a demonstrated commitment to the arts. To the extent possible, priority should be given to ensuring a broad representation of professional artists from the disciplines of the visual, performing and literary arts, to arts administrators and arts consumers and to representatives from the education and business communities..”

TERMS

Members shall serve terms of three years. Members having served two consecutive three-year terms may not be reappointed until one year has passed from the end of the second term. Terms shall be staggered, with four members' first term ending within one year; three members' first term ending within two years, and four members' first term ending within three years after their initial appointment, so that no more than five members will leave the commission at the end of each term, which will be the 31st day of January.

POWERS AND DUTIES

The general powers and duties of the Arts Commission are as follows:

- (a) Develop and present to the City a Public Art Plan, which is a list of potential Public Art Projects to be coordinated by the Arts Commission and produced as a collaborative effort by the City and/or other civic entities.
- (b) Develop and administer programs to achieve the Arts Commission's purpose.
- (c) Inform the Common Council, City Administration, and City boards and commissions on current arts issues, and offer policy recommendations and advice; and,
- (d) Adopt administrative rules and regulations, adopt procedures, conduct activities and form committees, necessary to conduct the Commission's business.

“Public Art Project” is defined as an original work of high quality art of any medium, created by an artist or artists, which belongs and is accessible to the public.

Mandating the development of a Public Art Plan as its sole specific responsibility is consistent with the role of similar municipal arts commissions around the country, supports the current Percentage for the Arts ordinance and gives the Arts Commission flexibility to delve into other projects and initiatives as it sees fit based on available resources.

CHANGE IN LANGUAGE

Current Text

2.12.020 - Bloomington community arts commission.

(1)

Appointments. The Bloomington community arts commission shall consist of nine members. Three shall be appointed by the mayor, three by the common council, two by the Bloomington area arts council from its membership, and one by the greater Bloomington chamber of commerce.

(2)

Purpose and Duties. The purpose and duties of the Bloomington community arts commission shall be to stimulate and encourage an appreciation of and participation in the fine arts by citizens of all ages in Bloomington and the surrounding area; to sponsor and develop artistic activities and educational programs, and in all other feasible ways foster an environment conducive to enjoyment of the fine arts; to cooperate with various bodies, groups and individuals interested in achieving the same ends in the area of the fine arts; and to administer the operation of any civic properties in Bloomington assigned for the fine arts.

(Ord. 97-11 § 1, 1997; Ord. 83-6 § 2 (part), 1983).

New Proposed Text with Changes: strikethroughs for what has been dropped, and bold for what has been newly added

2.12.020 - The Bloomington ~~community~~ **Arts** ~~e~~**Commission.**

Public Policy and Purpose. The City of Bloomington recognizes that the arts are an important part of the culture and economy of the community, and that the City has a responsibility to foster an environment conducive to the community's participation in the arts. The conservation and development of the City's artistic resources are essential to the social, educational, and economic growth of the City. Artists, works of art, and artistic institutions contribute to the quality of life and the general welfare of the citizens of Bloomington.

(1) **Definitions. As used in this ordinance unless the context clearly requires otherwise:**

(a) **“Commission” means the Bloomington Arts Commission as created in this ordinance.**

(b) Public Art Project” means an original work of high quality art of any medium, which is created by an artist or artists, which belongs and is accessible to the public

- (2) Appointments. The Bloomington ~~community a~~Arts Ceommission shall consist of ~~nine~~ **eleven** members. ~~Three~~ **Six** members shall be appointed by the ~~m~~Mayor, ~~three~~ **and five** by the eCommon eCouncil, ~~two by the Bloomington area arts council from its membership, and one by the greater Bloomington chamber of commerce.~~
- (3) **Qualifications. All members of the Commission shall have a demonstrated commitment to the arts. To the extent possible, priority shall be given to ensuring a broad representation of professional artists from the disciplines of the visual, performing and literary arts, to arts administration and arts consumers, and to representatives from the education and business communities.**
- (4) **Terms. Members shall shall serve terms of three years. Members having served two consecutive three-year terms may not be reappointed until one year has passed from the end of the second term. Terms shall be staggered, with four members’ first term ending within one year; three members’ first term ending within two years, and four members’ first term ending within three years after their initial appointment, so that no more than five members will leave the commission at the end of each term, which will be the 31st day of January.**
- (5) ~~Purpose~~ **Powers and Duties. The Commission’s powers** ~~The purpose and duties of the Bloomington community arts commission shall be~~ **include, but are not limited to the following:**
- a. **Develop and present to the City a Public Art Plan, which is a list of potential Public Art Projects to be coordinated by the Arts Commission and produced as a collaborative effort by the City and/or other civic entities.**
 - b. **Develop and administer programs to achieve the Arts Commission’s purpose.**
 - c. **Inform the Common Council, City Administration, and City boards and commissions on current arts issues, and offer policy recommendations and advice; and,**
 - d. **Adopt administrative rules and regulations, adopt procedures, conduct activities and form committees, necessary to conduct the Commission’s business.**

~~to stimulate and encourage an appreciation of and participation in the fine arts by citizens of all ages in Bloomington and the surrounding area; to sponsor and~~

~~develop artistic activities and educational programs, and in all other feasible ways foster an environment conducive to enjoyment of the fine arts; to cooperate with various bodies, groups and individuals interested in achieving the same ends in the area of the fine arts; and to administer the operation of any civic properties in Bloomington assigned for the fine arts.~~

(Ord. 97-11 § 1, 1997; Ord. 83-6 § 2 (part), 1983).

In the Council Chambers of the Showers City Hall on Wednesday, February 23, 2011 at 7:55 pm (after the scheduled Committee of the Whole meeting) with Council President Susan Sandberg presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
February 23, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Wisler
Absent: Volan
Also Attending: County Commissioner Iris Kiesling.

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

Council Attorney/Administrator Sherman read rules of the meeting looking to have a council member adopt the rules as a motion for proceeding with the Special Session.

HEARING ON THE EFFECT OF
THE PROPOSED REDUCTION IN
FEDERAL SPENDING ON LOAL
SOCIAL SERVICES

The Council has convened this session to hear from the public about proposed federal cuts to social services programs currently before the U.S. Congress offered in HRI, and the advocacy role the council might take in regard to these actions.

The council will hear from the Mayor and then from directors of three local agencies directly affected by the impending reductions in federal spending. These directors will limit their remarks to no more than seven minutes a piece.

The council will set aside no more than 20 minutes for members or the Council and Monroe County Commissioners to ask questions of these directors.

Members of the public may speak once for no more than 3 minutes per person. Those wishing to speak are asked to line up at one of the two podia, sign-in when at the podium, state their name and city or county of residence, and then address the Council in the issue.

Written comments may be placed in the box by the podium to the audiences' right or given to the City Clerk who is seated by the podium to the audience's left.

The Council will alternate hearing from speakers at one podia and the other, and the President is charged with assuring that speakers follow the rules and with keeping in order in the Chambers.

The Council desires to limit this Special Session to no more than three hours. IN order to keep within that time frame, the President may indicate the last speaker in each line to be heard toward the end of the meeting.

The Council will consider a motion to direct the President to write a letter on behalf of the Council to federal officials regarding these proposed reductions in federal spending. Before sending the letter out, the President will circulate it among Council members for their suggestions. Council members will then briefly discuss and vote on the motion without further public comment.

- Rules

It was moved and seconded that the rules read above be adopted for this Special Session.

The motion was approved by a voice vote.

It was moved and seconded that the minutes from this meeting, the DVD records and any written statements submitted to the council be forwarded to the Representative Todd Young for his consideration. The motion was approved by a voice vote.

Sandberg called on Mayor Kruzan to begin the testimony portion of the meeting.

- Testimony

Mayor Kruzan thanked the council for convening the listening session, and said that people voted for better government, not crueler government. He said they voted to send Americans back to work, not to cut the very funding that would help accomplish that goal. Kruzan said that social service and non-profit agencies were economic developers that empowered people to achieve their potential and the more we empowered people to increase their earnings, the more our tax base would grow and the more our entire community would prosper.

He said making an investment that returned huge dividends was a fiscally responsible concept. He said that failure to adequately fund human infrastructure was a moral failure which would exacerbate this nation's economic woes. He added that we had a common responsibility to stop these cuts and said 'thank you' to those who worked every day to improve the human condition. Finally Kruzan said it was important for him, and all elected officials present at the meeting, to know that there were many people in government and politics who stood with them.

Penny Caudill, Administrator Monroe County Health Department, said that at the Futures Clinic 85% of the clients were at 100% or below the poverty level. She said less than 1% were in the full pay category and that the vast majority of patients were uninsured. She said that in Indiana, the loss of Title X funds meant over 7500 people would no longer have access to affordable preventive care and birth control. She said this could force the closure of 45 valuable health clinics, put 200 people out of work, and that without this access to low cost or free birth control and counseling pregnancy-related costs could increase by \$37,000,000.

Caudill added that expected impact from the loss of Title X funds would be an increase in sexually transmitted diseases, complications of untreated infections, an increase in cancer, increase in unplanned pregnancies, possible miscarriages, and a lack of early prenatal care which would result in low birth weight babies. She said Title X funds were vital and their loss would cost the nation and communities more in the long run.

Todd Lare, Executive Director of the South Central Community Action Program, said that while the political decisions guiding this issue were being made in Washington, the real impact of these short sighted, uninformed and unwise decisions would be felt in every community across the country. Lare emphasized that the president's proposal would cut the Community Service Block Grants by 50% and reallocate the remaining 50% of CSBG funding nationally to a competitive process. He said essentially that would mean that many agencies could be assured of NO Community Service Block Grant monies, creating great pockets of disparity in funding, largely affecting rural areas. He added this would make it nearly impossible to fund any programming on a year to year basis.

He requested letters be sent to President Obama, Congressman Young, Senators Lugar and Coats supporting CSBG services and the restoration of Head Start funding. He advocated calls to the White House and active, loud and unconditional support from elected leaders, business leaders, and faith leaders. He urged people to write letters to the editor and do anything else which might help. He also mentioned the Facebook site at *Save Community Action* in the Causes section.

Lisa Abbott, Director of the Housing and Neighborhood Development Department, described the proposed cuts and what they actually meant in relation to dollars. She said that the city anticipated a 66% reduction in the amount that would be available to assist social services. She said that last fiscal year, the social service funding alone from CDBG helped to provide services to over 8500 people representing the neediest people in our community and who need these services to survive. Abbott said a reduction in Physical Improvements funding would affect the owner-occupied housing program. She said this would mean that fewer people, who are the very lowest on the income scale, would be able to have emergency repairs done to their homes, ultimately affecting the habitability of their home.

Abbott said that the other program which would lose funds was the Housing Counseling Program which offers default counseling, reverse mortgage counseling, pre-purchase, homeless and rental counseling.

She said last year this program served over 500 households with 50% of them in default. She said cuts to the Pre-Purchase Program (which sponsors the Home Buyer's Club to help people learn about the home buying process to avoid a lot of what has created the problems) would reduce services that could be provided and the number of people who could be served. Abbott summarized by saying the cuts would hurt the city's ability to help people as they funded the agencies that serve the people. She said that this funding was part of the agencies' CDBG allocations and part of their operating budget. She said that the agencies would be scrambling to fill that void.

After a few questions from the Council, Sandberg reminded the audience that they each had three minutes to speak.

Meri Reinhold, Executive Director with Monroe County United Ministries said that whatever level of cuts occurred would have a very serious impact on the services provided by her agency. She said the biggest source of funds had to do with the Child Care Development Block Grant both through vouchers and a contract that with the State of Indiana. She said this program kept parents working and attending school and therefore increased their potential for greater earnings in the future. She said it also enabled their children to attend a high quality program that provided them the best opportunities for growth and development of their potential.

Cecelia Peacock, Monroe County resident and single mother of two Head Start Children as well as a fourth grader in town said the Head Start program had been unbelievable for her. She said she used entitlement programs like food stamps and CASY (*note: Childcare Voucher System Program*), but said she was happy to say she was off both of those, due in large part to the Head Start program, which afforded her children an educational and interactive environment that she could never afford otherwise.

Bobby Summers Executive Director of Martha's House said that the waiting list for those needing emergency shelter was longer than the limited resources the shelter received. She said the three percent of our gross national product that was spent on the most vulnerable people was where this proposed legislation was to cut. She said it would unfairly compromise their life style, while preserving the needs of the wealthiest of this country.

Scott Alber, volunteer at St. Vincent de Paul, said that preserving this funding actually would help in the long run since it would offer leverage and was better government. He said cutting funds to programs like SCCAP put more of a strain on St. Vincent de Paul and other religious organizations. He suggested that tax cuts for the top earners had little negative effect on them. He added that since most of that money was saved or not spent it did not benefit the economy, while money from unemployment and programs like SCCAP was money that would go directly into the economy, returning \$1.75 for every dollar spent.

Jamie Andree, managing attorney of Indiana Legal Service said the agency was in the business of "homelessness prevention" through the defense of foreclosure, eviction and collection cases that may take the money for an un-owed debt that a low income household would need to pay rent or utilities. She added that 2 staff attorneys who work with foreclosure and homelessness and who were funded through AmeriCorps would be part of the cuts.

Marc Haggerty, Bloomington said he tried to look at this in context, and that for the last ten years, this country's surplus had been eroded by the

funding of 2 wars. He referred to the great wealth of Wall Street and said this had become class warfare. He expressed concern that Rep. Todd Young would support this cut in social service spending, yet would not propose a cut in his or his staff's salary or their health benefits.

Tawana King, member of the Circles Initiative, said this program that was funded through SCCAP enabled her to receive her Associates Degree. She also said that with the funding proposed to be cut she was able to get assistance through MCUM and food stamps. She said these cuts were not deserved.

Kay Goodman, Circles participant said that Circles would be the first program to go when the cuts were enacted. She explained that Circles, a program that ends the cycle of poverty through the intentional development of networking, training and support is in 57 communities in the United States. She said she has grown and learned how to work her way out poverty with the help of Circles.

Linda Patton, resident and Circles member, said she had a packet of letters from Circles volunteers to present to the Council. She read one of the letters from a volunteer that talked about the educational and nurturing work that volunteers perform with the children of Circles participants, and how much would be lost for kids if the funding was eliminated.

Sheri Benham, Executive Director of Stepping Stones, which provides transitional housing and services to youth aged 16-21 said the agency definitely empowered the residents, and a loss of funding would mean fewer services as described by the next speakers.

Bethany Smith, a resident of Stepping Stones, said the experience had changed her life by allowing her to leave a home of abuse and drugs, find a job and receive the support she needed.

Lauren Hall, independent living coach at Stepping Stones, said she couldn't imagine the horrible effect on the youth of the community if the proposed federal funds were cut.

Benham concluded by saying this would be a step backward. In the five years Stepping Stones had been in existence, the agency was able to expand services and build stability. She said the loss of funding would mean a reduction in staff and services – something she said the community would need to figure out together.

Marianne Aurich, Monroe County resident, said she drafted a letter which she sent to every politician from the President on down. She said this was very easy to do by going to that person's website and clicking on the contact information. She said the letter she sent detailed the types of things that people in need of assistance go through, such as trying to sleep when it is so cold that there is frost on the inside of the windows, finding safe child care on minimum wage, or attempting to keep up after losing a job or being severely injured along with all of the other experiences. She said we pride ourselves on our religious and moral ethics and we tell other countries to take care of the same kinds of things. She questioned how we dared to do that.

Kay Bull said the Republican Party hated Bloomington because there was too much solidarity in this community, too many people who would stand up and say things. She said if Mitch Daniels could fly over Bloomington and just burn it down, he would.

Gracia Valliant, long time resident of Bloomington, said the magnitude of these proposed cuts was almost more than she could wrap her head around. She said her concern about the cuts in CDBG money was what others had expressed. She mentioned families who were working or were in school and could not afford childcare without the CDBG money, therefore they would be on the dole again. She said it couldn't be good economic and fiscal responsibility to blatantly cut without really considering what worked and what didn't work.

Shawna Meyer-Niederman, Bloomington resident, said that at the Crestmont Boys and Girls Club, 52% of the families had an annual income of less than \$5,000 and 80% percent of the members were from single female head of household families. She said that without a doubt The Crestmont Club served the community's highest concentration of the impoverished children that lived within this community.

Colleen Moore, Monroe County resident, said that the Circles program had changed her life. She said that living in poverty made it very hard to find encouragement, especially in her own group. She said that her Circles Allies gave her the encouragement, strength and motivation to attend IVY Tech.

Beth Krouse, Executive Director of Big Brothers/Big Sisters of South Central Indiana, said the loss of CSBG funds would require a cut in staff which would mean providing fewer "bigs" for their children. She said one program that would be eliminated completely would be the grant for mentoring children of prisoners, which she said provided outreach to children who had incarcerated adults, guardians or significant others.

Jennifer Head, a Head Start mother, said the program helped with early detection of learning and physical disabilities along with support services. She said the children in Head Start also received academic assistance to help them achieve on par with their peers when they entered kindergarten, without which early elementary teachers would have to provide extra assistance to help remediate these children to grade level.

William Vance Jr, President of the Monroe Branch of the NAACP, said his organization was in opposition to the cuts in CSBG funds. He noted the negative impact it would have on the poor.

Toby Strout, Executive Director of Middle Way House, said the impacts of budget cuts could be devastating to her agency which had struggled mightily to ensure that thousands upon thousands of women and children could be alive today who might not otherwise have been. She said they moved from danger to safety and many, many hundreds of them had moved from dependency to self determination. She also said with these budget cuts that women and children would die because places like Middle Way House would not exist, and some of those who survived would face futures of poverty and homelessness because opportunities would be taken away.

Strout said she didn't believe that the last election was about cutting programs and services, but a desire to change the unemployment situation. She said the answer was an investment in programs represented at this meeting, entrepreneurship, clean energy, and things that would provide jobs for the future.

Kristofer Bowman, said that Head Start was a big help in early childhood development, and not only head Start, but other vital programs would be taken from those in need with the proposed budget cuts.

Carrie Felton, Circles member, reminded the Council that if support was taken from those in need, it would not empower them; rather it would make them feel powerless.

David Keppel, chair of the *Task Force on A Just Peace*, Unitarian Universalist Church of Bloomington, said there was an extraordinary need and extraordinary efforts to deal with that extraordinary need. He said tax cuts for the wealthy had left the United States more unequal than it had been at anytime since before the Great Depression in 1929. He said we recovered from the Great Depression not by giving further tax cuts to the wealthy, but on the contrary, through programs to improve the lives of all Americans.

Erin Cooperman, representing AmeriCorps, talked about how the proposed cuts could create a reduction in local services sponsored by AmeriCorps including health and nutrition counseling which could reduce obesity and therefore would end up saving money.

Jada Barbry, Bloomington said that not only does Head Start provide amazing educational help for children aged zero to three along with preparation for kindergarten, it also had a supportive learning environment as well as support for adult learning programs and information on how those families could get assistance.

Marsha McCarty, Catholic Charities said just because her agency was not funded by funds proposed in the cuts, did not mean her agency wouldn't be affected. She said there would be a ripple effect because as other agencies were cut, it would mean more demand for her agency's services.

Julio Alonso, Director, Hoosier Hills Food Bank said the proposed budget cuts would create a larger unquantifiable result as people already on the margins would lose assistance for anything from heating to childcare. He said if food and fuel prices continued to increase the way they were expected to, the pantries and kitchens served by the Food Bank would see an increase in clients.

He said he agreed for the need to get the federal budget under control, but the true explosion in federal spending had been largely from fighting two wars for nearly ten years. He said that abruptly ending the wars would be precipitous and even maybe disastrous, but the war on poverty deserved equal consideration. He continued by saying that the war on poverty was a war we were losing.

Shirley Stumpner, Director of South Central Community Action Head Start, provided statistics about the program. She said families served were at or below 100% of the poverty level, which meant that a family of two had an income of under \$14,710 and a family of four had an income of under \$22,350.

She said also that 10% of the children served were homeless, 16% had special needs and 90% of the children in the program would receive necessary medical screenings before they left the program.

Kathy Byers, Director of the Undergraduate Social Work Program, said despite what some might think, the social service agencies in this community had never had any 'fluff' in their budgets and certainly had none now. She said what was being done right now was that, at the time of our greatest need, when people were suffering because of the economic crisis that was created by Wall Street and the housing industry et cetera, people who were not a part of creating those crises were being asked to pay the price.

Helen Kane, Monroe County resident, said she wrote to the President to say that if the budget cuts for CAP and Block Grants were passed, many programs would cease to exist immediately. In fact she said, the Circles program would close on March 4th and the local food bank, which was already having trouble keeping up with the many new poor would have to cut back. She concluded by saying if these cuts became part of the budget she could not in good conscious vote for him for a second term.

Nick Romy, Bloomington resident, said he knew the difference between right and wrong and the proposed budget cuts were wrong. He asked that Bloomington citizens in need not be reduced to a dollar amount and innocent people not pay for others' mistakes.

Angela Bowman, Head Start parent, said that it was really shocking to think about the future of this country and the detrimental effect these budget cuts would have on people in all classes especially the lower classes. She said that when she wrote her letter to Congress she couldn't help but mention the direct connection between the lack of education, poverty and crime. She said that it was so sad for this country to think that cutting educational opportunities for children could actually be a solution for a temporary problem.

Vickie Pierce, Director of Community Kitchen, said her agency had seen significant increases in need in the last couple of years, much like that of other agencies serving that population. She said the Kitchen set a record in 2009 and then again in 2010 serving over 211,000 meals, 60% which were served to children. She said there was a trickle down effect in the loss of funds that the budget cuts would bring. She explained that if the Food Bank had less funding, then her agency would receive less food which meant she would have to buy more food which meant there was less money for food and salaries, which ultimately meant a reduction of services.

Tim Felton said the fact that people were speaking out was a positive sign, and then he asked Congressman Todd Young's representative to ask the Congressman why would he turn his back on all of these people?

Christine Combs said that those helped by the social services budget were truly in need, with some making only \$8,000 a year. She said the Circles program was a model program because it empowered its participants.

Megan Hutchison said that research from social justice groups designed to reduce incarceration found that reduced incarceration was the result of early childhood development programs. Therefore, she said, programs such as Head Start were critical in helping children achieve better academically, become successful adults and stay out of the criminal justice system. She said that for the federal government to cut these programs would have not only a short term effect but a long term effect that would cost us in the future.

Seeing that no other citizens wished to speak, Sandberg declared the testimony had ended.

It was moved and seconded that the Council President Sandberg prepare a letter to be sent to Federal officials regarding the effect of the proposed reductions on local services. Prior to distributing the letter she will consult with Council members, the Mayor and City Clerk regarding the manner and contents of this communication.

MOTION: That Council President Sandberg prepare a letter to be sent to Federal officials regarding the effect of the proposed reductions on local services.

The motion was approved by a roll call vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 10:17 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval