



City of Bloomington Common Council

Legislative Packet

Regular Session

17 September 2008

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

812.349.3409

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



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Final Action:

- **Res 08-11** To Authorize Expenditures from the Industrial Development Fund for Attainment of Benchmarks by Cook Pharmica LLC at the Indiana Enterprise Center
- **Res 08-12** To Authorize Expenditures from the Industrial Development Fund for Physical Improvements to Support an Economic Development Project (Cook Pharmica, LLC) at the Indiana Enterprise Center

Please see the [10 September 2008](#) Council Legislative Packet for the summary and materials.

Legislation and Background Material for the Second Legislative Cycle in September:

- **App Ord 08-05** To Specially Appropriate from the Parks Land Acquisition Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for the Purchase of the Cascades Trailer Park and Stone Mill Properties Adjacent to Cascades Park)
 - Memo to Council, Mike Trexler, Controller

Contact: Mike Trexler at 349-3416 or trexlerm@bloomington.in.gov
- **Res 08-13** Approving the Purchase of Cascades Trailer Park and Stone Mill Properties

- Memo from Mick Renneisen, Director of the Parks and Recreation Department; Map of the Acquisition; (Copies of the Appraisals will be available in the Council Office)

Contact: Mick Renneisen at 349-3711 or renneism@bloomington.in.gov

▪ **Ord 08-19** To Amend Title 15 Of The Bloomington Municipal Code Entitled “Vehicles And Traffic”

- Memo to Council from Public Works; Am 01 (Sponsored by Piedmont); Maps forthcoming

Contact: Susie Johnson at 349-3411 or johnsons@bloomington.in.gov (for fees and fines)

Justin Wykoff at 349-3593 or wykoffj@bloomington.in.gov (for traffic controls)

Jacqueline Moore at 349-3426 or moorej@bloomington.in.gov (for legal questions)

Minutes from Regular Session:

- May 7, 2008
- May 21, 2008

Memo

Two Resolutions Ready for Final Action and Two Ordinances Ready to be Introduced at the Regular Session on September 17th

There are two resolutions ready for final action and two ordinances ready to be introduced at the Regular Session next week. The resolutions can be found in the [10 September 2008](#) Council Legislative Packet and the ordinances along with a related resolution can be found in this packet and are summarized herein.

Packet Legislation

**Res 08-13 Authorizing the Purchase of Cascades Trailer Park and Stone Mill Properties on Land Adjacent to Cascades Park and
App Ord 08-05 Appropriating \$514,500 from the Park Acquisition Fund for this Purpose**

During this last legislative cycle in September, the Common Council will be considering a resolution and appropriation ordinance which authorize the purchase of the Cascades Trailer Park and Stone Mill next to Cascades Park. Please note that the resolution is enclosed with this packet - even though it would ordinarily appear in next week's packet - in order to present the proposal in its entirety in one place. This proposal and these pieces of legislation are summarized in the following paragraphs.

The City Administration is requesting that the Common Council authorize the purchase of approximately 6.15 acres of land in two parcels adjacent to Cascades Park for \$514,500.

According to the memo from Mick Renneisen, Director of Parks and Recreation, the City "has been pursuing the possible acquisition of (these parcels) for several years." This might be reflected by the fact that both parcels are zoned "Institutional."

The first parcel – Cascades Trailer Park – consists of 2.24 acres. It has an average appraised value of \$482,500 and is subject to an offer of \$374,000 by the City. This parcel has been used as a trailer park for about forty years and an environmental assessment reveals "no known environmental concerns." Remnant water, sewer, and electric stubs and a brick water distribution shed will remain on the site, but all mobile home frames and one unoccupied mobile home will be removed by the seller.

The second parcel – Tucker Stone Mill – consists of 3.9 acres. It has an average appraised value of \$136,250 and is subject to an offer of \$136,000 by the City. This parcel has been used as a stone mill for about fifty years and a building and old machinery as well as some scrap metal, empty tanks, and debris along the streambed will be removed by the seller. Environmental assessments reveal some "oily residue" that will need to be remediated, but revealed no PCB's. The seller will take the above steps at a cost of about \$75,000.

Mick Renneisen envisions these parcels serving as passive greenspace and offering a possible trail connection between surrounding parks. Maintenance would entail grading and seeding, periodic mowing and removal of trash and invasive trees and shrubs and installing a fence or other means of controlling vehicular access.

On the whole he notes this acquisition would:

- Remove the last commercial business from Lower Cascades Park;

- Protect Cascades Creek;
- Eliminate the possibility of the return of mobile homes to the area;
- Facilitate bike and pedestrian connections to other park facilities; and
- Assure that environmental clean-up and removal of site infrastructure is borne by the seller.

Res 05-16 is coming forward in accordance with I.C. 36-1-10.5-5(1), which requires the fiscal body to adopt a resolution expressing interest in the purchase of this land. The resolution, in particular, finds that the purchase serves a public purpose and authorizes the Parks and Recreation Department to acquire it subject to the availability of funds.

According to this statute, the City must also purchase the land at a price that does not exceed the average of two independent appraisals. Here, the selling price of \$510,000 equals the average of the appraisals for each of the two parcels. Please note that, in accordance with statute, copies of the two appraisals will be available in the Council Office.

App Ord 08-05 appropriates \$514,500 from the Parks Land Acquisition Fund to acquire the previously mentioned parcels. This includes \$510,000 for purchase of the parcels and as much as \$4,500 for closing costs including the survey and title work. The memo from Mike Trexler, Controller, indicates that the offer is contingent upon the “Offer to Purchase Real Estate” dated August 21st, which is explained in Mick Renneisen’s memo and summarized in the foregoing paragraph. Mike estimates that there fund has a balance of \$918,491 today and has no other obligations at this time.

Ord 08-19 Omnibus Amendments to Title 15 (Vehicles and Traffic)

Ord 08-19 is what can be called an omnibus amendment to Title 15 (Vehicles and Traffic). It is over 60 sections long and includes:

- Routine changes in traffic and parking controls forwarded from the Traffic Commission (Please note the amendment from Councilmember Piedmont mentioned in the next section);
- A new Special Event Permit which provides reserved spaces for event-related vehicles in the BEAD;
- Increases in Neighborhood Parking Permit Program fees;
- Increases in rates for parking in City facilities;

- An increase in the Class D Traffic Violation - our most common violation - from an escalating \$15 fine that rises to \$30 if not paid within 7 days, to an escalating \$25 / \$40 fine;
- A reduction of fine for certain offenses; and
- An increase in the number of accessible parking spaces in City lots and garages.

Aside from the next paragraph, which discusses an amendment to the ordinance, the remaining paragraphs draw upon the Memo to the Council from Susie Johnson, Director of Public Works, and summarize the changes in the order they affect Title 15.

**Amendment Sponsored by Councilmember Piedmont –
Proposing 4-Way Stop at the Intersection of Allen, Henderson, and the Bryan
Park Entrance**

There is an amendment in your packet sponsored by Councilmember Piedmont. It proposes a 4-Way Stop at the intersection of Allen & Henderson & the Bryan Park Entrance. This proposal was approved by the Traffic Commission last winter in order to slow the traffic which was, on average, going about twice the legal limit on Henderson (i.e. 38 mph in a 20 mph zone). The Engineering Staff opposed the recommendation because the factors listed in the Uniform Manual on Traffic Safety (*Manual*) for installing the stop sign were not present (e.g. traffic counts) and because the *Manual* counsels against using stop signs to slow traffic. The recommendation is coming forward as an amendment as a result of an understanding reached by the Council Office whereby all recommendations where there is a dispute between the Traffic Commission and Staff will be come forward at the same time as the ordinance but in the form of an amendment.

DEFINITIONS (CHAPTER 15.04)

Sections 1 through 4 of **Ord 08-19** amend the definitions to Title 15 “Vehicles and Traffic.” In brief the amendments:

- Insert the term “parking space” - which means a space for parking a single vehicle as indicated by lines marked on the curb, street, or parking facility, or, in the absence of a marking, any space intended for parking not exceeding 22 feet in length (Section 1);
- Insert the term “Residential Neighborhood Permit” – which means a permit for an eligible resident to park their vehicle within a Residential

Neighborhood Permit Zone under conditions set forth in this title (Section 1);

- Insert the term “Special Event Parking Permit” – which means a permit for busses or other vehicles which transport guests to and from lodging establishments, performers and their equipment to music venues and other related activities (Section 1);
- Change a definition of an abandoned vehicle so that it includes a vehicle that is three or more model years old (*rather than six*), mechanically inoperable and left in a publicly visible location on private property continuously for more than 20 (*rather than 30*) days is considered abandoned (*to match Indiana Code*) (Section 2);
- Change another definition of abandoned vehicle so that it includes a vehicle that has been towed at the request of the BPD and impounded but not reclaimed within 20 (*rather than 15*) days of its removal (Section 3); and
- Redefines “parked” so that it refers to a motor vehicle “remaining stationary” on a “public way... parking area or street” except when “actually engaged in loading or unloading passengers or freight” (*to match Indiana Code*) (Section 4).

STOP, YIELD AND SIGNALIZED INTERSECTIONS (CHAPTER 15.12)

STOP INTERSECTIONS	
LOCATION	ACTION
Hawthorne will Stop for Wylie (Section 5 and 6)	Converts this from a yield to a stop intersection
Susie Street will Stop for Thomson Park Drive (Section 5)	Reflects current signage after City accepted this intersection.

NO PARKING ZONES	
11 th Street from South Adams to North Monroe (North Side) (Section 7 and 8)	Currently parking is prohibited on both sides of 11 th . Change allows parking from Summit to S. Adams. Rationale: this helps residents of Housing Authority.
Lincoln Street from 17 th to 19 th Street (East Side) (Section 7 and 8)	Currently parking is prohibited on both sides of Lincoln. Change allows parking on east side from 72’ to 351’ north of 17 th . Rationale: this was done at property owner request.
19 th Street from Walnut to 150’ east of Washington (North Side) (Section 7)	Currently parking is prohibited on the north side of 19 th . Change would allow parking from on this stretch. Rationale: this is due to the addition to dental office.
Cottage Grove from Monroe to Diamond Street (South Side)	Currently parking is allowed on both sides of Cottage Grove. Change would prohibit parking on the south side. Rationale: this was done at request of neighbors.

Madison Street from 6 th Street to first alley north of 6 th (West Side)	Currently angled parking is allowed on the west side of this stretch of Madison Street. Change prohibits parking during the Tuesday Farmers' Market. Rationale: area is used for the Market at that time.
Roosevelt Street between 4 th and 5 th (Both Sides of the Street)	Currently parking is allowed on both sides of Roosevelt for this block. Change would prohibit parking on either side of this block of Roosevelt. Rationale: to accommodate neighbor request and a sidewalk project.
13 th Street from Fess to 171' East (North Side)	Currently parking is prohibited for 140' east of Fess on north side of the street. Change extends the prohibition for an additional 31'. Rationale: IU requested change to protect a driveway.

LIMITED PARKING ZONES (BMC 15.32.090(f))
Special Events Parking Permits

Section 9 of Ord 08-19 creates a new “Special Events Parking Permit” for the Bloomington Entertainment and Arts District (BEAD). In particular,

- it allows busses conveying guests to and from lodging places and vehicles used to present or produce performances at entertainment venues;
- to be exempt from the 2-hour parking regulation;
- along College and Walnut between 2nd and 10th and Kirkwood between Indiana and Madison Street;
- after the applicant applies to the Board of Public Works (BPW) at least 7 days in advance and pays \$10 per parking space per day; and
- after the BPW approves the application and staff posts notice of the reserved space at least 24 hours in advance of the reservation.

LIMITED PARKING ZONES SCHEDULE N	
College Avenue from 8 th to 9 th (West Side)	This change converts designation of 30-minute parking and 2-hour parking from feet into parking spaces. Rationale: Change also leaves room for an Accessible Parking space at the south end of this block.
Grant Street from 3 rd to 4 th Street (West Side)	Currently there is no limit on parking on this side of the block on South Grant. This change imposes 2-hour, 8 a.m. to 5 p.m. , Mon. through Sat. parking. Rationale: expand downtown parking.
Dunn Street from 3 rd to 4 th (East Side)	This change adds 2-hour, 8 a.m. to 5 p.m. , Mon. through Sat. parking on the east side of this block of South Dunn. Rationale: expand downtown parking.
4 th Street from first alley east of Madison to West of Rogers ((North	2-hour 5 a.m. to 5 p.m. weekday parking is currently allowed from this alley to Madison Street on the north side of 4 th

Side)	Street. This change extends this parking to the first alley west of Rogers Street. Rationale: expand downtown parking and request from business owners.
4 th Street from College to Rogers Street (South Side)	2-hour, 5 a.m. to 5 p.m. weekday parking is currently allowed from College to Madison Street on the south side. Change extends that parking to Rogers Street. Rationale: expand downtown parking and request from business owners.
Madison Street from 4 th to Kirkwood Ave (West Side)	2-hour, 5 a.m. to 5 p.m. weekday parking is currently allowed from 4 th to Kirkwood on the west side of Madison. Change extends that parking to 85' north of 3 rd . Rationale: expand downtown parking.
Morton Street from 7 th to 8 th (East Side)	This side of the block of Morton is currently divided between 2-hour, 5 a.m. to 5 p.m. parking, Mon. through Sat. (north of the alley) and 2-hour, 8 a.m. to 5 p.m. parking Mon. through Friday (south of the alley). This converts the entire side to 2-hour, 8 a.m. to 5 p.m. parking Mon. through Friday. (Note: meters will remain.) Rationale: Change will ease use by visitors to the Farmers Market among other reasons.
Morton Street from 7 th to 8 th (West Side)	This side of Morton is currently divided between 1-hour, 5 a.m. to 5 p.m. parking, Mon. through Sat. (5 spaces south of the entrance to City Hall) and 2-hour, 8 a.m. to 5 p.m. parking Mon. through Friday (remaining spaces). This converts the entire side to 2-hour, 8 a.m. to 5 p.m. parking Mon. through Friday. (Note: meters will remain.) Rationale: Change will ease use by visitors to the Farmers Market among other reasons.
2 nd Street from Fess Avenue to 100' West of Fess. (South Side)	This stretch of Second Street has 15-minute parking 8 a.m. to 5 p.m. except Sunday. The change would remove this regulation and allow neighborhood permit parking during the weekdays. Rationale: Loading zone is no longer needed with the departure of K&S Market.
7 th Street from Morton to Rogers Street (North and South)	This stretch of 7 th has 2-hour, 8 a.m. to 5 p.m. parking except Sunday. The change provides 2-hour, 5 a.m. to 5 p.m. parking on Monday through Friday for the eastern part of this stretch (extending from Morton to Madison on the south and from Morton to the B-Line Trail on the north) and continues the weekday prohibitions on the west. Rationale: perhaps to be consistent with other nearby parking regulations and to provide more room for visitors to the Saturday Farmers' Market?

PARKING CONTROLS (BMC CHAPTER 15.32)

LOADING ZONES (BMC 15.32.100 – Schedule O)

Sections 12-13 make the following changes to loading zones:

- The reference to a specific location along the 200 block of North Madison is deleted; instead, the zone is described as “200 block of North Madison as posted on the east side of the street.” This change adds flexibility so the loading zone can be changed to help with two businesses adjacent to the zone.
- Specific times are now attached to the loading zone located at 429 E. Kirkwood, first space west of Dunn on the north side. Under this ordinance, makes clear the zone is effective from 5am to 5pm, Monday-Saturday. The intent of this change is to free up available evening parking.
- A new zone is added at the 200 block of West Sixth Street, first space east of Morton Street, 5am to 5pm, Monday-Saturday.

BUS ZONES (BMC 15.32.110 – Schedule P)

Section 14 adds a new bus zone on Seventh Street from Walnut to the first space east of Walnut on the north side of the street. This addition provides for greater pedestrian safety by allowing riders exiting the bus to do so at the intersection of Seventh and Walnut where they can cross safely at the traffic signal.

ACCESSIBLE PARKING (BMC 15.32.150 – Schedule S)

Sections 15-16 add a number of additional accessible parking spaces to municipal lots as required by the ADA. Previously, the Code provided for a total of 45 accessible parking spaces in 13 City lots. Under this ordinance the City provides a total of 77 accessible parking spaces in 17 lots.

The ordinance also provides three new accessible parking spaces on City streets:

- one at 100 Block of North College – first space north of Eighth Street on the west side of College Avenue
- one at 100 block of N. Walnut, first space south of Sixth Street on the west side of Walnut; and
- one at 200 block of S. Grant, first space south of Fourth on the west side.

PARKING FACING TRAFFIC – PROHIBITED (BMC 15.32.170)

Section 17 replaces the current provision to make the prohibition against parking facing traffic clearer and to update it to reflect the requirements of the Indiana Code. The intent of this provision is to prevent vehicles from crossing traffic.

RESIDENTIAL NEIGHBORHOOD PERMIT PARKING (BMC CHAPTER 15.37)

Sections 18-26 make a number of changes to the Neighborhood Permit Parking Program.

- (Fees) Parking & Visitor Permits – This ordinance increases the fee for parking and visitor permits in the ten Neighborhood Residential Zones from \$15 to \$25. The last fee adjustment was in 2003. Since that time, the Consumer Price Index indicates at least a 12% price increase for small Midwestern cities.
- (Fees) Replacement Permits – The cost of replacing a permit also increases under this ordinance from \$5 to \$10 in the interest of covering administrative and permit placard/card costs.
- (Fees) All Zones Permits – The cost of an “All Zones Permit” is increased from \$25 to \$50.
- The ordinance also clarifies that repetitive “applicants” for a by-pass must actually purchase a service permit. The intent of this provision is to prevent abuse of the by-pass program.
- Violations – The ordinance also makes changes to make it clear that a violation of this chapter always constitutes a Class D traffic violation. The BMC currently states that a violation “generally” constitutes a Class D traffic violation. Similarly, the ordinance shifts a “plate non-match” violation from a Class F to a Class D violation, thereby shifting the fine for this violation from \$20 to \$15 in the interest of making this violation agree with most other violations.
- The ordinance also allows that the Board of Public Works may sell up to 10 Zone 1 parking permits annually to the staff at Harmony School.

CITY EMPLOYEE PARKING (BMC CHAPTER 15.38)

Sections 27-31 address changes to City Employee Parking. In brief, Ord 08-19 makes the following changes:

- Limits parking in the City Employee Lot (Lot 11) to employees with a full time employee permit; and carries over similar language from the previous BMC that restricts usage of this lot to registered Farmers’ Market vendors during the hours of operation of the Bloomington Farmers’ Market; and allows for use of the Lot for events approved by the Board of Public Works.
- Changes the violation and penalty for parking in Lot 11 from a Class H to a D infraction and a tandem reduction of the penalty from \$50 to \$15 in the interest of making the fine for violating this provision similar to fines of similar offenses.

MUNICIPAL PARKING LOTS, GARAGES AND ON-STREET METERED PARKING (BMC CHAPTER 15.40)

Sections 32-40 address changes to City lots, garages and metered parking. In brief, Ord 08-19 makes the following changes:

- Increases the permit fees for parking in municipal garages (Section 32). Municipal garages include: Lot 2 -- Walnut Center Garage (7th & Walnut); Lot 5 – Sixth and Lincoln; Lot 7 – Register Parking Garage (7th & Morton); and Lot 9 (4th & Walnut) and adds a new parking permit type “24/7 Nonreserved.” These monthly changes are cited in a table in the accompanying *Memo* from the Department of Public Works and are reproduced here:

Permit type	24/7 reserved	12/5 reserved	24/7 nonreserved	12/5 nonreserved
current cost/mo.	\$56.25	\$45.83		\$33.33
proposed cost/mo.	\$69	\$52	\$64	\$38
increase	22.67%	13.46%	new	14.01%

As spelled out in the Department’s Memo, these increased permit fees reflect an increase in the Consumer Price Index (CPI) since the City last adjusted such rates in 2004. From January 2004 to December 2007, the CPI indicates a price increase of 12.2% for small Midwestern cities. The Department writes that,

“[t]he CPI along with our garage expenses, which were \$939,015 in 2007, more than justify the proposed increase.”

Note: In the above table, “24/7 reserved” refers to a space reserved 7 days a way, all hours of the day. “24/7 nonreserved” refers to admission 7 days a week, all hours of the day to non-reserved spaces. “12/5 reserved” refers to a permit for a reserved space to which permittee is granted access Monday-Friday, 6am-6pm. “12/5 nonreserved” refers to admission Monday-Friday, 6am-6p and Saturday and Sunday, 6am-Noon to a nonreserved space.

- Creates a separate table – “Schedule W” – for “Hourly Parking.” Here, hourly parking is just separated out from the garage fee structure, where they were previously combined. All charges and parking times remain the same. (Section 33)
- Increases the fee for cancelling a parking permit lease, obtaining a replacement hang tags and obtaining a replacement garage access card from *five* to *ten* dollars to cover material and administrative costs. (Section 35)
- Clarifies the difference between a “reserved and non-reserved” space (Section 36)
- Adds language that makes clear that the City “neither required to sell permits for periods of less than one month nor to rebate fees paid in advance for periods of less than one month. (Section 39)
- Makes a number of language changes in the interest of clarity throughout.

REMOVAL AND IMPOUNDMENT OF VEHICLES (BMC CHAPTER 15.48)

Sections 41 through 48 of Ord 08-19 amend Chapter 15.48 of the BMC which provides for the removal and impoundment of vehicles. In brief, the amendments:

- remove the word “emergency” wherever it appears in the Chapter to make clear that the removal and impoundment of vehicles does not require an emergency (Section 41 and 42);
- allow towing when the vehicle impedes or poses a hazard for both vehicular *and pedestrian traffic* (Section 43);
- clarifies that towing can be done from leased spaces in all City facilities (*and not just garages*) (Section 44);
- remove an incorrect statutory cite regarding the impoundment of unregistered vehicles (Section 45);

- remove a section that is covered under abandoned vehicles (BMC 15.52) (Section 46);
- remove a section concerning the Farmers' Market when it operated at 6th and Washington (Section 47); and
- authorize towing a vehicle parked in a No Parking zone (Section 48).

ABANDONED VEHICLES (BMC CHAPTER 15.52)

Sections 49 through 55 of Ord 08-19 amend Chapter 15.52 of the BMC which sets forth the procedure for handling abandoned vehicles. In brief, the amendments:

- insert the proper statutory cite for registration of antique vehicles which are excepted from this Chapter (Section 49);
- remove an elaborate procedure for handling vehicles found in the possession of someone other than the registered owner and replace it with a statutory duty to take and store the vehicle in a suitable place (IC 9-22-1-5) (Section 50);
- remove the requirement that the tag on an abandoned vehicle indicate that the owner will lose registration privileges if they fail to pay for costs associated with care of the car because that no longer is provided by statute (Section 51);
- brings the procedure to be followed when a tagged vehicle or parts are not removed within 72 hours in conformance with I.C. 9-22-1-12 (*Note: This entails an officer making a report and taking photographs.*) (Section 52);
- raises the amount a vehicle or parts must be worth below which an officer may dispose of the items (Section 53) and above which he or she must take reasonable steps to determine the owner (Section 54) (*Note: That amount conforms to statute and went from \$100 to \$750*); and
- removes a provision regarding the disposal of abandoned vehicles because it is covered in the definition section (Section 55).

TRAFFIC VIOLATION SCHEDULE (CHAPTER 15.64)

Sections 56 through 60 of the Ord 08-19 amend Chapter 15.64 which sets forth the fines for violations of Title 15. In brief, the amendments:

- raise the escalating fine for the most common violation – the Class D Traffic Violation (which includes overtime parking) – from \$15 to \$25 if paid within 7 days and from \$30 to \$40 if paid later on (Section 56 and 57);
- reduce the Neighborhood Parking Permit violation associated with putting a permit on an ineligible car (what we call a plate non-match) from a Class F

Traffic Violation (\$20) to a Class D Traffic Violation (\$15) (Section 58);
and

- reduce the parking violation associated with illegally parking in an employee lot from a Class H Traffic Violation (\$50) to a Class D Traffic Violation (\$25/\$40) to bring it inline with other downtown parking violations (Section 59 and 60).



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

To: Council Members
From: Council Office
Re: Calendar for the Week of September 15-20, 2008

Monday, September 15, 2008

12:00 pm National Hispanic Heritage Month Kick-Off Reception, Showers Atrium, 401 N. Morton
12:00 pm Bloomington Entertainment & Arts District Advisory Committee, McCloskey
4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Farmers' Market Advisory Council, Showers Building, Room 250
5:30 pm Bicycle & Pedestrian Safety Commission, Hooker Room

Tuesday, September 16, 2008

8:00 am Community Development Block Grant Informational Meeting, McCloskey
4:00 pm Bloomington Community Farmers' Market, Madison St., Between 6th & 7th Streets
4:00 pm Board of Public Safety, McCloskey
4:00 pm Community & Family Resources Commission, Hooker Room
5:30 pm Animal Control Commission, McCloskey
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W. Grimes Lane
5:30 pm Board of Public Works, Council Chambers
6:30 pm Bloomington Conservation Plan Update, Hooker Room

Wednesday, September 17, 2008

9:30 am Tree Commission, Rose Hill Cemetery Office, 930 W. Fourth Street
10:30 am Safe Routes to School Task Force, Hooker Room
7:00 pm Council of Neighborhood Associations, Hooker Room
7:30 pm Common Council Regular Session, Council Chambers

Thursday, September 18, 2008

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N. Summit, Community Room
9:00 am B-Line Weekly Progress Meeting, Council Chambers
4:00 pm Bloomington Digital Underground, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, September 19, 2008

12:00 pm Domestic Violence Taskforce, McCloskey

Saturday, September 20, 2008

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

Posted and Distributed: Friday, September 12, 2008

APPROPRIATION ORDINANCE 08-05

**TO SPECIALLY APPROPRIATE FROM THE PARKS LAND ACQUISITION FUND
EXPENDITURES NOT OTHERWISE APPROPRIATED
(Appropriating Funds for the Purchase of the Cascades Trailer Park and Stone Mill Properties
Adjacent to Cascades Park)**

WHEREAS, the Parks & Recreation Department desires to increase its budget in order to purchase the Cascades Trailer Park and Stone Mill properties;

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

SECTION I. For the expenses of said municipal corporation, the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
Parks Land Acquisition Fund	
Line 54110 – Other Supplies	\$ <u>514,500</u>
Total Parks Land Acquisition Fund	<u>514,500</u>
Grand Total Parks Land Acquisition Fund	<u>514,500</u>
Grand Total All Funds	\$ <u>514,500</u>

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2008.

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 _____, 2008.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2008.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates money from the Parks Land Acquisition Fund for the purchase of the Cascades Trailer Park and Stone Mill properties adjacent to Cascades Park. This amount includes \$510,000 for the land purchase and an amount not to exceed \$4,500 for closing costs including survey and title work.



MARK KRUZAN
MAYOR

CITY OF BLOOMINGTON

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Mike Trexler
CONTROLLER

CONTROLLER'S OFFICE

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Memorandum

To: Council Members
From: Mike Trexler, Controller
Date: September 17, 2008
Re: Appropriation Ordinance 08-05

In Appropriation Ordinance 08-05, we are requesting authorization for an expenditure of \$514,500 from the Park Land Acquisition Fund (a.k.a. the Greenspace Fund) for the purchase of two parcels (\$510,000) and an amount not to exceed \$4,500 for closing costs including survey and title work. The Parks and Recreation Department has accepted offers to purchase the Cascades Trailer Park and Stone Mill properties adjacent to Cascades Park. The closings will occur no later than 30 days after Council approval. The offers are contingent upon satisfaction of the terms and provisions of the City's "Offer to Purchase Real Estate" dated August 21, 2008. Please refer to the memo from Mick Renneisen, dated August 26, 2008, which accompanied Resolution 08-13 "Approving the Purchase of Lower Cascades Trailer Park and Stone Mill Properties."

The balance in the fund today is \$918,491, and there are no other obligations at this time.

Feel free to contact me by email at trexlerm@bloomington.in.gov or by phone at 349-3412 at any time.



RESOLUTION 08-13
APPROVING THE PURCHASE OF CASCADES TRAILER PARK
AND STONE MILL PROPERTIES

WHEREAS, Cascades Park is owned by the City of Bloomington Parks and Recreation Department, and is the City's first and oldest park; and

WHEREAS, Cascades Park is a unique asset to the Bloomington community and serves important recreational, aesthetic and environmental purposes; and

WHEREAS, the Parks Department has identified two parcels of land adjoining Cascades Park that are currently for sale, the acquisition of which would enhance Cascades Park by: adding land for recreational use and greenspace protection; providing protection for Cascades Creek and for the Griffy Lake watershed; and facilitating a connection between Cascades Park and the Griffy Lake Nature Preserve; and

WHEREAS, the proposed acquisition consists of two parcels, the Trailer Park property consisting of approximately 2.25 acres located at the northwest corner of Clubhouse Drive and Old State Road 37 North, and the Stone Mill property consisting of approximately 3.9 acres and located north of and adjacent to the Trailer Park property located on the west side of Old State Road 37; and

WHEREAS, the average of two appraisals for both properties is \$599,250 and the property owners have agreed to sell both parcels for \$510,000; and

WHEREAS, on August 21, 2008, the Board of Park Commissioners approved acquisition of the property described above;

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

1. The acquisition of the above-described properties adjoining or near Cascades Park serves a public purpose and furthers the public welfare by increasing recreational opportunities and greenspace.
2. The City of Bloomington Parks and Recreation Department is authorized to proceed with acquisition of the above-described properties, subject to applicable Indiana law and the availability of funds for the purchases.

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

SUSAN SANDBERG, President
Bloomington Common Council

SIGNED and APPROVED by me upon this ____ day of _____, 2008.

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution approves the purchase of two parcels of land adjacent to Cascades Park.



CITY OF BLOOMINGTON
parks and recreation

MEMORANDUM

TO: Council members
FROM: Mick Renneisen, Administrator
DATE: August 26, 2008
SUBJECT: RECOMMENDATION FOR PURCHASE OF LOWER CASCADES TRAILER PARK AND STONE MILL PROPERTIES

Background

The City of Bloomington Parks and Recreation Department has been pursuing the possible acquisition of the Lower Cascades Trailer Park and Stone Mill properties for several years. The owners, Randy Cassady and Jon Seeber, and their business partner Tim Boeglin, are motivated sellers. The Park Board approved Parks Resolution 08-08 for offers to purchase both sites at their August 21, 2008 meeting. The recommended funding source is the Parks Greenspace Acquisition Fund. The current balance is \$918,491. The combined offers total \$510,000. The offer for the Trailer Park is \$374,000. The average of two appraisals for the Trailer Park is \$482,500. The average of two appraisals for the Stone Mill is \$136,250. The offer for the Stone Mill is \$136,000 with a condition that the seller remove the existing building and infrastructure from the site and remediate an area where petroleum residue was found in excess of residential standards. The estimated cost for infrastructure and remediation of this site, to be borne by the seller, is over \$75,000. The proposed Council cycle for approval is September 17/24 and October 1.

Land Acquisition Summary

Cascades Trailer Park

2.25 Acres

May 2008 Appraisal (Vencel): \$455,000 (income model)

July 2008 Appraisal (Mordoh): \$510,000 (income model)

- Aerial photograph history indicates Mobile Home Park started operation in late 1960's.
- Modified ESA Phase I with sampling July 2008 (Kerr Environmental)
- No known environmental concerns for this site.
- Remnant utility stubs for water, sewer and electric remain on site.
- Water distribution brick shed remains on site.
- Several mobile home steel frames and one unoccupied mobile home remain on site. (Seller will remove as a condition of the offer.)

Tucker Stone Mill

3.9 Acres

January 2002 Appraisal (Mordoh): \$136,500 (3.9 ac. @ \$35,000)

July 2008 Appraisal (Mordoh): \$97,500 (3.9 ac. @ \$25,000)
May 2008 Appraisal (Vencel): \$136,000

- Aerial photograph history indicates mill started operation in late 1950's.
- Phase I ESA performed February 2002 (Bynum Fanyo).
- Modified ESA Phase I with sampling July 2008 (Kerr Environmental)
- Environmental investigations and sampling revealed no PCB's.
- Oily residue on mill machinery contains Total Petroleum Hydrocarbons (TPH) above residential and industrial closure limits.
- One sample from the crushed stone mill floor contained TPH above Residential Closure Limits.
- Remediation removal and disposal will be required for above referenced TPH contamination.
- Dumped scrap metal, empty tanks, and debris along stream bank.
- Demolition and removal of mill building, old machinery (some of which weighs several tons each), overhead derrick and related material may require tools and aerial equipment not available. (Seller will remove building, machinery, derrick and related materials as a condition of the offer.)

Future Uses/Maintenance

- Passive greenspace
- Possible trail connection from Miller Shower Park through Cascades Park to Ferguson Park and Griffy Lake.
- Install vehicle access control
- Invasive tree and shrub removal
- Final grade and seed
- Periodic mowing and trash removal

PROS:

- Would remove the last commercial business from the Lower Cascades Park area.
- Provides protection for Cascades Creek.
- Acquisition would eliminate the possibility of mobile homes reappearing on the site.
- Acquisition would help facilitate a bike/ped connection through Cascades Park and to Griffy Lake Nature Preserve. Sidpath possibility from Cascades Park.

CONS:

- Some environmental clean up of the site. (To be completed by Seller)
- Removal of infrastructure (Stone Mill) is costly. (To be completed by Seller)

Funding: City Land Acquisition/Greenspace fund 207. Current balance is \$918,491.

ORDINANCE 08-19

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

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

WHEREAS, other changes to Title 15 are also necessary at this time;

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

SECTION 1. Chapter 15.04 DEFINITIONS shall be amended to add the following definitions alphabetically, assign the following section numbers, and renumber the remaining sections accordingly:

Section 15.04.090 Parking space. “Parking space” means any space that is designated for the parking of a single vehicle by lines painted or marked on the curb or surface of the street or parking facility or, in the event spaces are not marked, a space intended for parking that shall not exceed twenty-two feet in length.

Section 15.04.140 Residential Neighborhood Permit. “Residential Neighborhood Permit” means a permit that is issued to persons residing in an area with streets or boundaries designated by ordinance of the City Council establishing the area wherein vehicles displaying a valid permit shall be allowed to be parked.

Section 15.04.160 Special Events Parking Permit. “Special Events Parking Permit” means a permit that is issued to reserve parking spaces for busses and other vehicles which are used for purposes including but not limited to the transportation of guests to and from lodging establishments and for the transportation of performers and/or their equipment used in association with the production or presentation of performances at entertainment venues.

SECTION 2. Sub-Section 15.04.020 (5) Abandoned vehicle of Bloomington Municipal Code Chapter 15.04 “Definitions” shall be amended to read as follows:

A vehicle that has been removed by an authorized towing service upon request of a police officer enforcing a statute or ordinance other than Chapter 15.52, if the vehicle once impounded is not claimed or redeemed by the owner or his agent within twenty days of its removal; or

SECTION 3. Sub-Section 15.04.020 (6) Abandoned vehicle of Bloomington Municipal Code Chapter 15.04 “Definitions” shall be amended to read as follows:

A vehicle that is three or more model years old and mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty days.

SECTION 4. Section 15.04.070 Parked of Bloomington Municipal Code Chapter 15.04 “Definitions” shall be amended by deleting the definition and replacing it with the following:

Parked means allowing a motor vehicle to remain stationary on a public way, public parking area or street, whether attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or freight.

SECTION 5. Section 15.12.010 Schedule A of Bloomington Municipal Code Chapter 15.12 “Stop, Yield and Signalized Intersections” shall be amended to add the following:

STOP INTERSECTIONS

Traffic On	Shall Stop for Traffic on
Hawthorne Drive	Wylie Street
Susie Street	Thomson Park Drive

SECTION 6. Section 15.12.020 Schedule C of Bloomington Municipal Code Chapter 15.12 “Stop, Yield and Signalized Intersections” shall be amended to delete the following:

YIELD INTERSECTIONS

Traffic On	Shall Yield to Traffic on
Hawthorne Lane	Wylie Street

SECTION 7. Section 15.32.080 Schedule M of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended to delete the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Eleventh Street	Adams Street	Monroe Street	North	Any Time
Lincoln Street	Seventeenth Street	Nineteenth Street	Both	Any Time
Nineteenth Street	Walnut Street	150’ East of Washington Street	North	Any Time
Thirteenth Street	Fess Avenue	140’ East of Fess Avenue	North	Any Time

SECTION 8. Section 15.32.080 Schedule M of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended by adding the following to Schedule M:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Cottage Grove	Monroe Street	Diamond Street	South	Any Time
Eleventh Street	Summit Street	Monroe Street	North	Any Time
Lincoln Street	Seventeenth Street	Nineteenth Street	West	Any Time
Lincoln Street	Seventeenth Street	72’ North of Seventeenth Street	East	Any Time
Lincoln Street	351’ North of Seventeenth Street	Nineteenth Street	East	Any Time
Madison Street	Sixth Street	1 st Alley North of Sixth Street	West	2:00 p.m. to 7:00 p.m. on Tuesdays from June through September
Roosevelt Street	Fourth Street	Fifth Street	East/West	Any Time
Thirteenth Street	Fess Avenue	171’ East of Fess Avenue	North	Any Time

SECTION 9. Section 15.32.090 Limited Parking Zones of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended by adding the following:

(f) 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 controls listed elsewhere in this section.

- 1) Except as otherwise provided in this subsection, such permits are valid only for parking spaces with a two (2) hour parking time limit on Walnut Street and College Avenue between Second Street and Tenth Street, and on Kirkwood Avenue between Indiana Avenue and Morton Street.
- 2) Applications for such permits shall be submitted to the Department of Public Works at least seven (7) days prior to the time that reserved parking spaces are needed.
3. The Department of Public Works shall post notice of the parking space reservation at least twenty-four (24) hours in advance of the time the reservation shall become effective.
- 4) The Special Events Parking Permit may be issued for specific parking spaces on Walnut Street, College Avenue and Kirkwood Avenue provided that such parking is restricted to those spaces with a time limit equal to and not less than two (2) hours as listed in Schedule N of this section.
- 5) Permitted uses for a Special Events Parking Permit shall include, but are not limited to, busses transporting guests to and from lodging establishments, and busses and other vehicles used in association with the production or presentation of performances at entertainment venues.
- 6) A Special Events Parking Permit issued under the authority of this section shall exempt permit holders from prohibitions listed in Bloomington Municipal Code 15.32.070.
- 7) The fee for a Special Events Parking Permit shall be ten dollars (\$10) per vehicle per day or ten dollars (\$10) per vehicle parking space per day if the vehicle is to occupy more than one parking space.

SECTION 10. Section 15.32.090 Schedule N of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended to delete the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
College Avenue	60' North of Eighth Street	104' North of Eighth Street	West	30 min. (8)
College Avenue	104' North of Eighth Street	65' South of Ninth Street	West	2 Hr. (8)
Fourth Street	College Avenue	Madison Street	South	2 Hr. (8)
Fourth Street	1 st Alley East of Madison Street	Madison Street	North	2 Hr. (8)
Madison Street	Fourth Street	Kirkwood Avenue	West	2 Hr. (8)
Morton Street	Seventh Street	1 st Alley North of Seventh Street	East	2 Hr. (8)
Morton Street	1 st Alley North of Seventh Street	Eighth Street	East	2 Hr. (3)
Morton Street	Entrance to Lot 11 (South of City Hall)	Fifth Space South of entrance to Lot 11 (South of City Hall)	West	1 Hr. (3)
Morton Street	Up to but not including fifth space south of entrance to Lot 11 (South of City Hall)	Seventh Street	West	2 Hr. (8)
Second Street	Fess Avenue	100' W. of Fess	South	15 Min. (2)

		Avenue		
Seventh Street	Madison Street	Morton Street	South	2 Hr. (2)
Seventh Street	Morton Street	Rogers Street	North	2 Hr. (2)

SECTION 11. Section 15.32.090 Schedule N of Bloomington Municipal Code Chapter 15.32 “Parking Controls” shall be amended to add the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
College Avenue	2 nd Space North of Eighth Street	4 th Space North of Eighth Street	West	30 Min. (8)
College Avenue	4 th Space North of Eighth Street	Bus Stop South of Ninth Street	West	2 Hr. (8)
Dunn Street	Third Street	Fourth Street	East	2 Hr. (2)
Fourth Street	College Avenue	Rogers Street	South	2 Hr. (8)
Fourth Street	1 st Alley East of Madison Street	1 st Alley West of Rogers Street	North	2 Hr. (8)
Grant Street	Third Street	Fourth Street	West	2 Hr. (2)
Madison Street	85’ N. of Third Street	Kirkwood Avenue	West	2 Hr. (8)
Morton Street	Seventh Street	Eighth Street	East	2 Hr. (8)
Morton Street	Entrance to Lot 11 (South of City Hall)	Seventh Street	West	2 Hr. (8)
Seventh Street	Madison Street	Rogers Street	South	2 Hr. (2)
Seventh Street	Morton Street	Madison Street	South	2 Hr. (8)
Seventh Street	Morton Street	B-Line Trail	North	2 Hr. (8)
Seventh Street	B-Line Trail	Rogers Street	North	2 Hr. (2)

SECTION 12. Section 15.32.100 Schedule O shall be amended to delete the following:

LOADING ZONES

200 Block of North Madison Street from 142’ to 186’ north of Sixth Street on the east side.
429 E. Kirkwood Avenue, first space west of Dunn Street on the north side.

SECTION 13. Section 15.32.100 Schedule O shall be amended by inserting the following into the Schedule in first numeric, and then alphabetical, order:

LOADING ZONES

200 Block of North Madison Street as posted on the east side of the street.
429 E. Kirkwood, first space west of Dunn Street on the north side from the hours of 5:00 a.m. to 5:00 p.m., Monday through Saturday.
200 Block of West Sixth Street, first space east of Morton Street on the north side from the hours of 5:00 a.m. to 5:00 p.m., Monday through Saturday.

SECTION 14. Section 15.32.110 Schedule P shall be amended to add the following:

BUS ZONES

Street	From	To	Side of Street
Seventh Street	Walnut Street	First space East of Walnut Street	North

SECTION 15. Section 15.32.150 Schedule S shall be amended to delete the following:

Lot 1	
Lot 2	(8 spaces)/Walnut Street Parking Garage
Lot 3	(2 spaces)/4 th Street/Washington Street
Lot 5	(3 spaces)/6 th Street/Lincoln
Lot 6	(2 spaces)/Bloomington Police Department
Lot 7	(10 spaces)/Regester Center Parking Garage
Lot 9	(4 spaces)/4 th Street Parking Garage
Lot 11	(3 spaces)
Lot 12	(3 spaces)
Lot 13	(2 spaces)
Lot 17	(4 spaces)
Lot 18	(1 space)
Lot 19	(3 spaces)

John F. Kennedy Law Enforcement Building – the first space south of the driveway on the west side of Lincoln Street.

SECTION 16. Section 15.32.150 Schedule S shall be amended to add the following:

Lot 1	(3 spaces)/4 th & Dunn
Lot 2	(8 spaces)/Walnut Center Garage (7 th & Walnut)
Lot 3	(4 spaces)/4 th & Washington
Lot 5	(3 spaces)/6 th Street & Lincoln
Lot 6	(2 spaces)/3rd & Washington (BPD)
Lot 7	(11 spaces)/Regester Parking Garage (7 th & Morton)
Lot 9	(8 spaces)/4 th & Walnut Garage
Lot 11	(4 spaces)/City Employee Lot (Green Lot)
Lot 12	(5 spaces)/IU Research Park (Red Lot)
Lot 13	(5 spaces)/CFC (White Lot)
Lot 17	(2 spaces)/Bryan Park on Woodlawn
Lot 18	(3 space)/Bryan Park on Stull
Lot 19	(4 spaces)/Bryan Park at Henderson & Dixie
Lot 20	(3 spaces)/Henderson & Allen
Lot 21	(5 spaces)/Bryan Park Pool Area
Lot 22	(5 spaces)/Southdowns & Woodlawn
Lot 24	(2 spaces)/Miller Showers Park & 17 th

100 Block of North College – first space north of Eighth Street on the west side of College Avenue

100 Block of North Walnut Street - first space south of Sixth Street on the west side of Walnut Street.

200 Block of South Grant Street - first space south of Fourth Street on the west side.

City of Bloomington Police Department - first space south of the driveway on the west side of Lincoln Street.

SECTION 17. Section 15.32.170 Parking prohibited facing traffic shall be amended by deleting the existing section and replacing it with the following:

No person shall stand or park a vehicle on the street or roadway other than in the direction of lawful traffic movement. 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 18. Section 15.37.050 Fees shall be amended by deleting the word “fifteen” and replacing it with “twenty-five”.

SECTION 19. Section 15.37.100 Replacement of Permit shall be amended by deleting the word “five” and replacing it with “ten”.

SECTION 20. Section 15.37.140 Special Exceptions shall be amended by adding the sentence “This is not in lieu of a service permit” before the last sentence.

SECTION 21. Section 15.37.150 Violations shall be amended to delete the word “generally” in the first sentence.

SECTION 22. Section 15.37.150 Violations shall be amended to delete the following:

However, it shall be a Class F violation, as listed in Section 15.64.010, for a person holding a valid residential neighborhood parking permit to use or display the permit on an ineligible motor vehicle. It shall also be a Class F violation for a person holding a valid residential neighborhood parking permit to use or display the permit on an ineligible motor vehicle.

SECTION 23. Section 15.37.170 Zone 1 fraternities and sororities shall be amended by renaming the section, “Zone 1 provisions”.

SECTION 24. Section 15.37.170 Zone 1 provisions shall be amended by naming the existing provision subsection (a) and adding the following subsection:

(b) The board of public works may sell up to ten Zone 1 parking permits annually to the staff of Harmony School.

SECTION 25. Section 15.37.190 All Zone permits shall be amended by deleting the word “twenty-five” and replacing it with “fifty.”

SECTION 26. Chapter 15.37 RESIDENTIAL NEIGHBORHOOD PERMIT PARKING shall be amended by inserting the Section title, “15.37.240 Zone 10 provisions” to the table of contents of Chapter 15.37 and by adding the following new section:

15.37.240 Zone 10 provisions.

The board of public works may sell up to twenty Zone 10 parking permits annually to the staff of Fairview Elementary School to allow parking in the area designated “Fairview School Staff Permit Parking.”

SECTION 27. Section 15.38.020 Restrictions shall be amended by deleting the existing subsection (b) and replacing it with the following:

(b) No person shall park in Lot 11 between five a.m. and five p.m., Monday through Friday without a Green FT Employee permit.

SECTION 28. Section 15.38.020 Restrictions shall be amended by adding the following subsection (c) and renumbering all subsequent subsections accordingly.

(c) During farmers’ market season the following restriction shall apply to parking in Lot 11:

No person shall park between four a.m. to two p.m. on Saturdays with the

following exception: Registered farmers' market vendors with proper authorization from the Parks and Recreation Department, under the direction of said department, and at the times and locations within the lot specified by that department. This prohibition applies to city employees with an otherwise properly authorized and displayed city employee permit.

SECTION 29. Section 15.38.020 Restrictions shall be amended by deleting the existing subsection (a) and replacing it with the following:

(a) No person shall park between five a.m. and five p.m., Monday thorough Friday in any of the spaces described in Schedule T without a properly authorized and displayed City employee permit, unless granted proper authorization by the Department of Public Works.

SECTION 30. Section 15.38.020 Restrictions shall be amended by deleting subsection (f) and renumbering the remaining subsections accordingly.

SECTION 31. Section 15.38.030 Violation and penalty shall be amended by deleting "Class H" and replacing it with "Class D", and by deleting "Section 15.64.010(i)" and replacing it with "Section 15.64.010(d)".

SECTION 32. Section 15.40.020 Applicable times and charges shall be amended by deleting Schedule V and replacing it with the following:

SCHEDULE V – PERMITS				
Municipal Lot	Nonreserved permit per month	Nonreserved permit per month	Reserved space lease per month	Reserved space lease per month
	Admission Monday - Friday 6:00 am - 6:00 pm, Sat. & Sun 6:00 am - Noon	Admission 7 days per week 24 hours per day	Monday through Friday 6:00 a.m. -6:00 p.m.	7 days per week 24 hours per day
Lot 2 Walnut Center Garage (7th & Walnut)	\$ 38.00	\$ 64.00	\$ 52.00	\$ 69.00
Lot 5* (6th and Lincoln)	\$ 38.00		\$ 52.00	\$ 69.00
Lot 7 Regester Parking Garage (7 th and Morton)	\$ 38.00	\$ 64.00	\$ 52.00	\$ 69.00
Lot 9 4th & Walnut Parking Garage	\$ 38.00	\$ 64.00	\$ 52.00	\$ 69.00

*The permit fees for Lot 5 shall become effective January 1, 2009.

SECTION 33. Section 15.40.020 Applicable times and charges shall be amended by renaming the existing Schedule W, “Schedule X – City Hall Visitor Parking” and by inserting a new schedule, titled “Schedule W – Hourly Parking” immediately following Schedule V. The new Schedule W shall read as follows:

SCHEDULE W – HOURLY PARKING

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 1 4th and Dunn	\$0.50	5:00 a.m. — 5:00 p.m. Monday through Friday
Lot 2 Walnut Center Garage (7th & Walnut)	\$0.25	24 hours per day 7 days per week
Lot 3 (4th & Washington)	\$0.25	5:00 a.m. — 5:00 p.m. Monday through Friday
Lot 5 (6th and Lincoln)	\$0.25	5:00 a.m. — 5:00 p.m. Monday through Friday
Lot 6 3rd St./BPD lot	\$0.25	5:00 a.m. — 5:00 p.m. Monday through Friday
Lot 7 Regester Parking Garage (7 th and Morton)	\$0.25	24 hours per day 7 days per week
Lot 9 4th & Walnut Parking Garage	\$0.25	5:00 a.m. — 5:00 p.m. Monday through Friday

SECTION 34. Section 15.40.020 Applicable times and charges shall be amended to add the words “and Schedule W” after “Schedule V” in subsection (a).

SECTION 35. Section 15.40.020 Applicable times and charges, subsection (d) shall be amended by deleting all references to “five dollars” and replacing these references with “ten dollars”.

SECTION 36. Section 15.40.030 Garage and Lot Permits subsection (b) shall be amended by deleting it and replacing it with the following:

(b) Garage and lot permit fees are specified in Schedule V of this chapter. A reserved lease grants parking privileges for a particular parking space in one specific municipal lot or garage. A nonreserved parking lease grants parking privileges for the times specified in Schedule V within a designated area in a specific municipal lot or garage, and that area shall exclude reserved lease spaces and meter only spaces.

SECTION 37. Section 15.40.030 Garage and Lot Permits subsection (c)(1) shall be amended by replacing the word “shall” with the word “may” and by inserting the word “shall” after the word “but”.

SECTION 38. Section 15.40.030 Garage and Lot Permits shall be amended by deleting the existing subsection (i) and renumbering the remaining subsections.

SECTION 39. Section 15.40.030 Garage and Lot Permits shall be amended by adding subsection (j):

(j) The City is neither required to sell permits for periods of less than one month nor to rebate fees paid in advance for periods of less than one month.

SECTION 40. Section 15.40.030 Garage and Lot Permits subsection (i) shall be amended by replacing the word “duplicate” with the word “replacement” and by deleting the phrase “for reserved parking spaces.”

SECTION 41. Chapter 15.48 EMERGENCY REMOVAL AND IMPOUNDMENT OF VEHICLES shall be amended by deleting the word “emergency” wherever it appears in this Chapter *and wherever the title of this Chapter appears in the Bloomington Municipal Code*. In particular,

(a) The Title for Chapter 15.48 shall now read CHAPTER 15.48 REMOVAL AND IMPOUNDMENT OF VEHICLES;

(b) The Table of Contents for Title 15 VEHICLES AND TRAFFIC shall be amended to reflect the foregoing new title;

(c) Section 15.48.020 shall be amended to read Section 15.48.020 Removal and Impoundment Procedure and this new title shall be reflected in the Table of Contents for Chapter 15.48

SECTION 42. Subsection (a) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended to read as follows:

- (a) Vehicles parked in any of the following circumstances are declared public nuisances and shall be subject to removal and impoundment in accordance with this Chapter as, well as any fines set by State law or City ordinance:

SECTION 43. Subsection (a)(1) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended to read as follows:

- (a)(1) Any vehicle located in such a manner as to constitute a hazard or impediment to the free movement of pedestrian or vehicular traffic;

SECTION 44. Subsection (a)(6) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended to read as follows:

- (a)(6) Any vehicle parked in a leased stall in a municipal parking facility without displaying the proper permit for that stall, or any vehicle in violation of Section 15.40.060(j) of this code;

SECTION 45. Subsection (a)(9) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended to read as follows:

- (a)(9) Any vehicle required to be registered under Indiana Code 9-18-2 which does not have the proper registration or license plates attached;

SECTION 46. Subsection (a)(10) of Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended by deleting it in its entirety and renumbering remaining subsections.

SECTION 47. Subsection (a)(12) of Section 15.48.010 General provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended by deleting it in its entirety and renumbering remaining subsections.

SECTION 48. Section 15.48.010 General Provisions of Bloomington Municipal Code Chapter 15.48 ‘Removal and Impoundment of Vehicles’ shall be amended by adding Sub-Section (a)(13) at the end of the section which shall read as follows:

- (a) (13) Any vehicle parked in a space and at a time that parking is prohibited by a posted “No Parking” sign.

SECTION 49. Subsection (a)(5) of Section 15.52.010 Applicability of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by replacing the statutory cite “Indiana Code 9-17-12” with “Indiana Code 9-18-12” so that the subsection now reads:

(a)(5) Registered and licensed under Indiana Code 9-18-12 as an antique vehicle.

SECTION 50. Section 15.52.030 Vehicles in possession of person other than owner of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by deleting Subsections (a) through (d) and replacing them with the following paragraph:

When a police officer discovers a vehicle in the possession of a person other than the owner and the person cannot establish his/her right to the possession of that vehicle, the police officer shall act in accordance with Indiana Code 9-22-1-5.

SECTION 51. Subsection (a)(4) of Section 15.52.040(a)(4) Removal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by deleting the following phrase “, and if not paid the owner’s registration privileges will be suspended on that car” so that it shall read as follows:

(a)(4) That the owner will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or parts.

SECTION 52. Subsection (b) of Section 15.52.040 Removal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be deleted and replaced with the following:

(b) If the tagged vehicle or parts are not removed within the seventy-two hour period, the police officer shall prepare a written abandoned vehicle report in accordance with Indiana Code section 9-22-1-12.

SECTION 53. Subsection (c) of Section 15.52.040 Removal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by:

First, deleting the words “one hundred dollars” in the first sentence and replacing them with the words “seven hundred and fifty dollars”; and

Second, deleting the words “an automobile scrapyard” in the first sentence and replacing them with the words “a storage yard”.

SECTION 54. Subsection (d) Section 15.52.040 Removal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be amended by deleting the words “one hundred dollars” as it appears in the first sentence and replacing them with the words “seven hundred and fifty dollars”.

SECTION 55. Section 15.52.050 Disposal of abandoned vehicles of Bloomington Municipal Code Chapter 15.52 “Abandoned Vehicles” shall be deleted in its entirety and from the table of content for this Chapter.

SECTION 56. Subsection (d) of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64 “Traffic Violation Schedule” shall be amended by deleting “\$15.00” after “Fine:” and replacing it with “\$25.00” and by deleting “\$30.00” in the same line and replacing it with “\$40.00” so that the phrase regarding “Fine” shall read as follows:

Fine: \$25, \$40 (depending upon when paid)

SECTION 57. Subsection (d)(1) of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64 “Traffic Violation Schedule” shall be amended by deleting the word “fifteen” as it appears in the first sentence and replacing it with “twenty-five” and by deleting the word “thirty” as it appears in the second sentence and replacing it with “forty” so that the provision now reads:

(d)(1) The fine for Class D Traffic Violations shall be twenty-five dollars, if paid within seven calendar days. The fine shall automatically increase to forty dollars if not paid within seven calendar days.

SECTION 58. Subsection (d) “Class D Traffic Violations (most parking violations) and Subsection (g) “Class F Traffic Violation” of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64” Traffic Violation Schedule” shall be amended in the following manner:

First, the reference to “15.37.150 – Permit displayed in an ineligible motor vehicle (plate non-match)” shall be deleted from Subsection (d); and

Second, the reference to “15.37.150 – Parking in residential permit area” in Subsection (d) shall be amended to read “15.37.150 – Parking in residential permit area; Permit displayed in an ineligible motor vehicle (plate non-match)”

SECTION 59. Subsection (i) “Class H Violations” of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64”Traffic Violation Schedule” by deleting the following line:

15.38.020 Unauthorized parking in city employee parking lots

SECTION 60. Subsection (d) of Section 15.64.010 Violations and penalties of the Bloomington Municipal Code Chapter 15.64 ”Traffic Violation Schedule” shall be amended by inserting the following in numerical order:

15.38.020 Unauthorized parking in city employee parking lots

SECTION 61. Subsection (a) of Section 15.40.050 City Hall Visitor Parking shall be amended by replacing all references to “Schedule W” with “Schedule X” throughout this subsection.

SECTION 62. Subsection (1) of Section 15.40.060 Violations shall be amended by replacing the reference to “Schedule W” with “Schedule X.”

SECTION 63. 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 64. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor, and publication in accordance with State law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2008.

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 _____, 2008.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2008.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes numerous changes to the Bloomington Municipal Code. This includes stop intersections, yield intersections, no parking zones, limited parking zones, loading zones, bus zones, accessible parking for persons with physical disabilities, parking prohibited facing traffic, special exceptions, residential neighborhood permit parking, restrictions violations and penalty, applicable times and charges, parking leases, city hall visitor parking, general provisions and violations and penalties.

MEMORANDUM

TO: BLOOMINGTON CITY COUNCIL
FROM: DEPARTMENT OF PUBLIC WORKS
RE: ORDINANCE 08-19
CC: DAN SHERMAN, CITY COUNCIL ATTORNEY

This ordinance makes several changes to the Bloomington Municipal Code which includes stop intersections, yield intersections, no parking zones, limited parking zones, loading zones, bus zones, accessible parking for persons with physical disabilities, parking prohibited facing traffic, special exceptions, residential neighborhood permit parking, restrictions violations and penalty, applicable times and charges, parking leases, city hall visitor parking, general provisions, violations and penalties.

Each section is described below following its respective order as depicted in the legal ordinance;

Section One

This section adds definitions for improved clarification of terminology used throughout Title 15. The usage of these terms will be discussed and added under future sections of this ordinance.

Section Two

This section changes wording to include a police officer to tow a vehicle and to modify the timeframe a vehicle needs to be claimed to 20 days instead of 15 to match current Indiana Code.

Section Three

This section changes wording that defines an "abandoned vehicle" to match current Indiana Code. Specifically to change the age of a vehicle from 6 years to 3 years; and the length of time a vehicle is left on the property from 30 days to 20 days.

Section Four

This section changes and clarifies the wording that defines the term "Parked".

Section Five

This section makes changes to Stop Intersections which includes changing an existing yield sign for Hawthorne Drive at Wylie Street to a stop sign; adding a stop sign for the newly accepted Susie Street at Thompson Park Drive.

Section Six

This section officially deletes the yield sign from the Bloomington Municipal Code for Hawthorne Drive at Wylie Street.

Section Seven

This section deletes parts of the Bloomington Municipal Code where no parking was permitted, and will be changed/added in later sections.

Section Eight

This section makes changes to Schedule M 'No Parking Zones' to allow for parking to be added/changed on Cottage Grove from Monroe Street to Diamond Street (For Area Neighbors); Eleventh Street adjacent to the Bloomington Housing Authority (For Housing Authority); Lincoln Street between 17th Street and 19th Street (Property Owner Request); Nineteenth Street between Walnut Street and Washington Street (Dental Office Addition); Twentieth Street from Washington Street to Lincoln Street (Private Development – Planning); Madison Street between 6th Street and 1st Alley to the North (Farmers Market); Roosevelt Street between 4th Street to 5th Street (Neighbor Request/Sidewalk Project); Thirteenth Street between Fess Avenue and driveway to the East (Indiana University Request)

Section Nine

This section was developed to allow for bus and other vehicle parking related to events occurring in the BEAD or for bus parking bringing tourists to the BEAD. This permit allows the venue representative purchase a permit for \$10 per day per space. The permit is only valid in 2 hour parking zones.

Section Ten

This section deletes various sections of the 'Limited Parking' schedule, some of which will be added/changed in the next section.

Section Eleven

This section makes changes to the 'Limited Parking Zones' which includes changes on College Avenue just North of 8th Street (Copper Cup, and ADA needs); Dunn Street between 3rd Street to 4th Street (Addition to Downtown Parking); Fourth Street between College Avenue and Rogers Street (Addition to Downtown Parking and Business Requests); Grant Street between 3rd Street to 4th Street (Addition to Downtown Parking); Madison Street between 3rd Street and Kirkwood Avenue (Addition to Downtown Parking); Morton Street between 7th Street and 8th Street (addition of two hour parking limitation to metered parking); Seventh Street between Morton Street to Rogers Street (allows evening parking for business, and codifies existing angle parking adjacent to B-Line)

Section Twelve

This section deletes existing code references regarding the location of a loading zone on Madison Street so it can be changed to help with two businesses adjacent to it, and deletes a loading zone on Kirkwood Avenue with regard to times so parking can be made available after hours to other users (see next section)

Section Thirteen

This section adds/changes loading zones on Madison Street to assist area businesses; on Kirkwood Avenue to make additional parking available during evening hours; and adds a loading zone in the 200 block of East 6th Street with time limitations to allow for evening parking.

Section Fourteen

This section creates a bus zone on 7th Street to address pedestrian safety for users exiting the bus by allowing them to exit at the intersection of 7th Street and Walnut Streets and providing safe crossing at the traffic signal.

Section Fifteen

This section deletes the existing code references to area municipal parking lots which will be changed to reflect current ADA requirements in the next section as well as providing descriptions along with lot numbers for improved reference.

Section Sixteen

This section includes the necessary changes to meet the required number of parking spaces required by ADA, and also provides for lots to be described in the Bloomington Municipal Code.

Section Seventeen

This section makes changes to prevent vehicles from crossing the flow of traffic to park.

Section Eighteen

This section was developed to increase the fee for parking permits and visitor permits in the ten Neighborhood Residential Zones from \$15 to \$25. These permits are used by residents whose address is within the boundaries of a specific zone. This permit is good for one year, and the last change in price for this permit was in 2003.

Section Nineteen

This section increases the price of a replacement permit from \$5 to \$10 to cover administrative and permit placard/card costs.

Section Twenty

This section prevents a parker from abusing the special exception provision of the code (when someone calls in to request a by-pass), and requires them to actually purchase a service permit for repetitive users.

Section Twenty-one

This section clarifies that violations in this chapter 'always' constitute a class D traffic violation. Currently the code says "generally".

Section Twenty-two

This section deletes the \$20.00 fine for displaying a neighborhood permit on a non-eligible motor vehicle. In another section of this ordinance we are making this offence a class D traffic violation like most all other violations which is \$15 at issuance.

Section Twenty-three

This section renames this ordinance section as Zone 1 provisions.

Section Twenty-four

This section renumbers the provisions for Zone 1 provisions (formerly Fraternities and Sororities) and includes the ability for permit sales to occur to Harmony School.

Section Twenty-five

This section was developed to increase the fee for an all zone permit. These permits are typically used by service providers that do business in the zone. The permit allows them to park any place in any of the neighborhood zones. The permit is good for one year, and the last change in price for this permit was in 1995.

Section Twenty-six

This section was developed to allow teachers of Fairview School to purchase neighborhood zone parking permits and designates a certain portion of W. 7th St. for that purpose.

Section Twenty-seven

This section limits parking in Lot 11 (City Employee Lot) to employees with a full time employee permit.

Section Twenty-eight

This section restricts usage of Lot 11 (City Employee Lot) to registered farmers' market vendors during the hours of operation of the Bloomington Farmer's Market.

Section Twenty-nine

This section allows for usage of Municipal Parking Lots for events approved by the Board of Public Works and under the direction of the Department of Public Works.

Section Thirty

This section deletes subsection (f), which was just revised in (c) and re-alphabetizes accordingly.

Section Thirty-one

This section changes the violation and penalty for parking in Lot 11 from a Class H infraction to a Class D infraction, which translates to a reduction from fifty dollars to fifteen dollars to be consistent with the violations and penalties used for similar offences.

Section Thirty-two

This section was developed to increase the permit fees for parking in our municipal garages and to add a new parking permit type.

permit type	24/7 reserved	12/5 reserved	24/7 nonreserved	12/5 nonreserved
current cost	56.25	45.83		33.33
proposed cost	69	52	64	38
increase	22.67%	13.46%	new	14.01%

The last rate adjustment was in 2004. Since then the Consumer Price Index indicates a 12.2% price increase between January 2004 and December 2007 for small Midwestern cities. The CPI along with our garage expenses, which were \$939,015 in 2007, more than justify the proposed increase.

Section Thirty-three

This section creates a new Schedule 'W' for 'Hourly Parking' detailing parking charges and applicable time for parking charges.

Section Thirty-four

Adds the words "and Schedule 'W'" after Schedule V in the current Bloomington Municipal Code.

Section Thirty-five

This section increases the cost for cancellations, replacement permits, hangtags, access cards from \$5 to \$10 to cover material and administrative costs.

Section Thirty-six

This section clarifies the difference between reserved and non-reserved parking permit privileges.

Section Thirty-seven

This section clarifies the wording for Parking Leases in the Bloomington Municipal Code.

Section Thirty-eight

This section deletes subsection (i) regarding the restrictions of permit holders which will be added with changes in subsequent sections of this ordinance.

Section Thirty-nine

This section adds subsection (j) regarding the ability of the City to sell monthly permits, as well as not refund permit fees paid in advance for periods of less than one month.

Section Forty

This section makes changes to the wording for permitting with regard to changing the word 'replacement' for the word 'duplicate' and renumbering Section 15.40.030 Parking Leases.

Section Forty-one

This section clarifies the chapter to reflect that towing is authorized for reasons other than emergency and cleans up some language.

Section Forty-two

This section revises the current code to remove the word 'emergency' from the paragraph authorizing the towing of vehicles and cleans up some language.

Section Forty-three

This section revises the current code to allow for towing vehicles that pose a hazard to vehicular and pedestrian traffic.

Section Forty-four

This section makes clarifications for parking violations within a municipal parking facility (rather than "the municipal garage").

Section Forty-five

This section removes an inaccurate reference to Indiana Code.

Section Forty-six

This section makes changes to delete a reference that is redundant in the code.

Section Forty-seven

This section deletes a reference to when the Farmer's Market was located in Lot 5 (6th and Lincoln)

Section Forty-eight

This section makes a change to the BMC to authorize the removal of a vehicle parked where parking is prohibited by a no parking sign.

Section Forty-nine

This section makes a change to the Bloomington Municipal Code to reference a current Indiana Code that had changed in the past and no longer applicable.

Section Fifty

This section clarifies existing Bloomington Municipal Code language to that of current Indiana Code with reference to right of possession of a vehicle.

Section Fifty-one

This section deletes the wording in the current municipal code that allows for the suspension of registration privileges which is not allowable under current Indiana Code.

Section Fifty-two

This section makes changes to the existing code to provide clarification and compliance with current Indiana Code.

Fifty-three

This section makes changes to the current municipal code section 15.52.040(c) Removal of Abandoned Vehicles to comply with current Indiana Code which changes the market value below which an officer may dispose of an abandoned vehicle or parts from one-hundred dollars to seven-hundred and fifty dollars, and to replace the word "an automobile scrap yard" with "a storage yard".

Section Fifty-four

This section makes changes to the current municipal code section 15.52.040(d) Removal of Abandoned Vehicles to comply with current Indiana Code for regarding the market value at or above which an officer must make a reasonable effort to ascertain the owner or person who may be in control of the vehicle or parts.

Section Fifty-five

This section deletes a reference to the disposal of abandoned vehicles as it is already covered in Section 15.04.020(5).

Section Fifty-six

This section makes changes to the fine amount for Class D traffic violations. The fine at the time the ticket is issued is increased from fifteen dollars to twenty-five dollars, and the fine increases to forty dollars for any fine not paid within seven calendar days of ticket issuance.

Section Fifty-seven

This section makes changes to correspond with the change in fine amounts for tickets issued for Class D violations at the time of issuance and at the time of escalation seven calendar days later if payment has not been made.

Section Fifty-eight

This section simply moves a violation to the appropriate subsection referring to a permit not matching the vehicle plate it was issued to. This move changes the fine at issuance from \$20 to \$15.

Section Fifty-nine

This section simply moves a violation to the appropriate subsection referring to a violation for parking in the City Employee Parking lots. This move changes the fine at issuance from \$50 to \$15.

Section Sixty

This section makes changes to the violation fee for parking in City Employee Parking Lots to be the same as other violation fees assessed for illegal parking in the downtown area.

If you have any questions regarding this ordinance and its proposed changes please let me know at your earliest convenience and I will be happy to provide you with additional information regarding your questions or concerns.

Ord 08-19
To Amend Title 15 of the
Bloomington Municipal Code
Entitled
“Vehicles And Traffic”

Maps Locating Changes in Parking
and Traffic Controls

(Forthcoming)

***** Amendment Form *****

Ordinance #: 08-19
Amendment #: 01
Submitted By: Councilmember Piedmont, District 5
Date: September 12, 2008

Proposed Amendment:

1. Ord 08-19 shall be amended by inserting Section 61, which shall read as follows:

Section 63. Section 15.12.010 Schedule A of Bloomington Municipal Code Chapter 5.12 “Stop, Yield, and Signalized Intersections” shall be amended by deleting the following stop intersection:

STOP INTERSECTIONS

Traffic On	Shall Stop for Traffic on
Allen Street	Henderson Street

2. Ord 08-19 shall be amended by inserting Section 62, which shall read as follows:

Section 64. Section 15.12.010 Schedule B of Bloomington Municipal Code Chapter 5.12 “Stop, Yield, and Signalized Intersections” shall be amended by adding the following multi-stop intersection:

MULTI-STOP INTERSECTIONS

Henderson and Allen Street	4-Way
----------------------------	-------

3. Ord 08-19 shall be further amended by renumbering the subsequent sections accordingly.

Synopsis

This amendment is sponsored by Councilmember Piedmont. It converts the intersection of Henderson and Allen Street from a 1-Way stop for traffic on Allen to a Multi-Way stop for traffic on Allen, the Bryan Park Entrance, and Henderson. This change was recommended by the Traffic Commission in order to slow traffic on Henderson which, on average, was going almost twice the legal limit of 20 mph. However, it was opposed by staff, which concluded that the traffic counts did not warrant the stop and stop signs should not be used to slow traffic. In an understanding with the Council Office, all such disputed items come forward as an amendment that needs sponsorship a member of the Council.

9/24/08 Committee Action: Pending
10/1/08 Regular Session Action: Pending
September 12, 2008

MINUTES FOR APPROVAL

In the Council Chambers of the Showers City Hall on Wednesday, May 7, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MAY 7, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of December 19, 2007 were approved by a voice vote.

APPROVAL OF MINUTES

Mike Satterfield mentioned that the community lost McDoel Market and Deli a few weeks ago. He said he was a regular deli customer, and while the deli always seemed to do very well, he rarely if ever, saw grocery customers. Satterfield added that there was insufficient community support for this type of venture. He added that if small business owners were expected to take the risk, then there must be support for them. He said that he hoped that in the future, neighborhoods would support small businesses with their purchasing power.

REPORTS:
COUNCILMEMBERS

Chris Sturbaum called attention to the Presidential primary which brought attention to Indiana and in which record numbers of people voted. He said it was exciting that so many people were becoming involved, and it was exciting that the candidates visited Indiana, walked the streets and talked to the community.

Steve Volan said welcome to the third season of the year, summer. He said that winter has been eliminated. He said he agreed with Satterfield about local business, and cutting down vehicle miles driven.

Dave Rollo said today was another record price for oil, the reasons for which have not been made clear by the media. He said eliminating state and federal taxes was a short term fix, not a solution. He said he blamed the media and elected officials who refused to focus on the real issues and solutions. Rollo said since a fundamental tipping point has been reached, oil will never be cheaper, and until the media take this seriously and begin correctly informing people, nothing much will change. He said we need to plan for the inevitability of shortages and high prices.

Brad Wisler congratulated all of the winners from the primary elections. He shared a story from the Indianapolis Star that he called big news and relevant to Bloomington. His reference to the Fair Train that runs every August from Fishers to the Fairgrounds, which reportedly could become a consumer rail line in two to four years, which would be six to eight years ahead of the previous announced schedule. The article went on to say that the project was ahead of schedule because instead of starting with the "Cadillac system" they would begin with the Chevy system". The twenty mile system would begin during the 6:00 to 9:00am and 4:00 to 6:00pm rush hours and would coordinate with the IndyGo bus system. Wisler added that the long term plan was to create several regional routes throughout Indianapolis area. He went on say that the important points here were that by going with a less elaborate model, things could be quicker, and that this was a coordinated and concerted effort by a number of different organizations. He said this could be used as a model for Bloomington to begin its efforts for transportation in and around the city, and that it was time to formalize local efforts through a council committee and collaboration with other local and state organizations.

Isabel Piedmont said she appreciated Satterfield's comments about the closing of McDoel Grocery, and how unfortunate it was to lose another

Council Comments (*cont'd*)

small, local business. She suggested that in the future when small businesses encounter problems they should contact the city's Economic Development Office for resources and assistance. She announced that her constituent meetings would be held at Rachel's Café on the last Saturday of each month.

She said she was excited by the large voter turnout for the primary. As a poll worker, she thanked everyone who participated in the process. Piedmont also announced that the U.S. Green Building Council has an Indiana Chapter with a Bloomington branch opening soon, which she called very exciting.

Susan Sandberg thanked Piedmont for working as an Inspector at the polls on election day, and announced that she too worked as a Judge. She said many thanks to everyone who worked the polls on election day because while it was a long day, it was a very important day. She announced that the coming Saturday the post office would be collecting canned food items for the Hoosier Hills Food Bank. Sandberg added that Sunday was Mothers' Day and reminded everyone to please be kind to their mothers.

Raymond Hess, Transportation Planner, and Steve Cotter, Natural Resources Manager for Parks and Recreation, presented information on Bloomington Bikes Week. He reported that May was National Bike Month, decreed by the League of American Bicyclists. He said during Bloomington Bikes Week there was an event for every type of cyclist, with an emphasis on information and education. He said Ivy Tech Community College was one of the collaborators for educational programming.

Cotter described some of the activities of Bike Week for children. He also said that Revolution Bike and Bean, Bikesmiths, and Bicycle Garage were sponsoring a \$100.00 gift certificated for participants in the Bike-to-Work Day, and that Bloomington Bagel Company and Starbucks on Indiana were also sponsoring participant prizes. He said Bloomington Hospital and Safe Routes to School were also event sponsors.

There was no public comment.

It was moved and seconded that Ashley McDonald be appointed to the Commission on the Status of Women.
The appointment was approved by a voice vote

It was moved and seconded that Ordinance 08-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and second that Ordinance 08-05 be adopted.

President Sandberg announced that there was an amendment to the Ordinance.

It was moved and seconded to adopt Amendment #1.

Sturbaum introduced the amendment that would elevate the Tree Commission's responsibility and allow it to advise the Plan Commission on tree-related matters since the Tree Commission is the first to learn of projects affecting trees. He said this would allow the Plan Commission to benefit from expert advice by the Tree Commission.

MAYOR and CITY OFFICES

PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Ordinance 08-05 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Repealing and Deleting section 2.12.040, Entitled "Tree Commission," and Adding Section 2.20.150, Entitled "Tree Commission"

Amendment #1

The amendment sponsored by Councilmember Sturbaum addresses the concern that the Tree Commission be able to advise the Plan Commission on tree-related matters as they arise. This codifies their advisory capacity to the Plan Commission.

Wisler asked about feedback from the Plan Commission. Sturbaum said it would be an advisory role and would provide additional information. Wisler asked about procedure. Sturbaum said Plan Commission would be advised when information was before the Tree Commission and could then decide if it warranted the expert opinion of the Tree Commission.

Amendment #1 to Ordinance 08-05
(cont'd)

Wisler asked how the procedure might affect projects. Sturbaum said the Tree Commission would probably just integrate their findings into a staff report, and that it probably would not require additional meetings on the part of the Plan Commission.

Volan asked if the Plan Commission would be required to receive a report from the Tree Commission prior to rendering a decision on a plan. Sturbaum said it would not be a requirement, but rather only when it was relevant. Volan asked therefore, if there was a particular need for this amendment or could the Tree Commission make recommendations at a Plan Commission meeting without a codified role requirement. Sturbaum said it ensured involvement early in the process. Volan said the amendment, which he thought was important, was worded too passively, and did not guarantee consultation with the Tree Commission. Sturbaum said this was a good start, and that if it turned out extra language was needed, then it could be added later.

Satterfield questioned which body had the responsibility to initiate the reporting process. Sturbaum said the Tree Commission would be responsible for bringing forward information.

Volan asked Dan Sherman, Council Attorney, what office drafted this amendment, to which Sherman responded that City Legal wrote it, and he has reviewed it.

Volan asked if his concern that the wording was insufficient was understood. Sherman said that wording was consistent with other commissions. He said he did not see it as presenting difficulties with who initiated reporting or request for information. City Planning would help facilitate information flow from the Tree Commission to the Plan Commission by virtue of their project review process which occurred well in advanced of any project.

Sturbaum shared information from Planning Director Tom Micuda, which supported the wording of this amendment.

Rollo thanked Sturbaum for bringing this forward because it codified the role and acknowledged the expertise of the Tree Commission.

Piedmont also thanked Sturbaum and said her experience in the Environmental Commission led her to believe that no additional wording was needed for this amendment.

Volan said that he supported this amendment and that his questioning was motivated by his concern for accurate information and appropriate advice.

Rollo said this interested him because of the lack of information available to the Plan Commission in the past. He added that Codification of these duties would lend more viability to the Tree Commission.

Amendment #1 to Ordinance 08-05 received a roll call vote Ayes: 8, Nays: 0.

Vote on Amendment #1 to Ordinance 08-05

It was moved and seconded that Ordinance 08-05 as amended be adopted.

Ordinance 08-05 as amended

Margie Rice, City Attorney, said on behalf of the administration she urged adoption of the Tree Commission ordinance as amended.

Piedmont asked if this ordinance would change the way funding was allocated for working with city trees. Rice said nothing would change with funding. She did say that one of the important issues of the Tree Commission would be education.

Public Comment:

Tonia Matthew asked if it was accurate that there was money in the tree budget to cut down trees, but not trim them. Sandberg said it would be addressed during next discussion.

Sturbaum said it would be a positive change to have the Tree Commission be a little more involved.

Piedmont said there was some concern in her district that moving responsibilities of the Tree Commission from Public Works to Parks and Recreation would change the perception of Street trees and trees in the public right-of-way. She said she hoped they would continue to be given high priority.

Ordinance 08-05 as amended received a roll call vote of Ayes: 8 Nays 0. Vote on Ordinance 08-05 as amended

It was moved and seconded that Ordinance 08-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0.

Ordinance 08-06 To Amend Title 12 of the Bloomington Municipal Code Entitled "Streets, Sidewalks, and Storm Sewers – Re: Repealing Chapter 24 Entitled "Trees" and Replacing it with Chapter 24 Entitled "Trees and Flora"

It was moved and seconded that Ordinance 08-06 be adopted.

President Sandberg said there was an amendment to the ordinance.

It was moved and seconded that Amendment #1a be adopted.

Sturbaum introduced Amendment #1a. He said the purpose was to fix minor errors, change time limits and add an appeal process.

Amendment #1a to Ordinance 08-06 sponsored by Councilmembers Piedmont and Sturbaum, fixes three scrivener's errors, amends required time limits to be working days rather than calendar days, and adds an appeal process for the City's notice of tree removal. The new appeal process allows a citizen the same appeal process as for the tree permit appeals and notice of violation appeals, both of which involve public hearing. The difference is appeal of the City's notice of tree removal must be made within seven working days, as opposed to ten working days for the other two appeals. This time limit is shorter because an appeal made within seven working days of notice of tree removal will definitely be made before the City takes the tree down, as the City's notice must be made at least ten days before the tree is removed. The placard on the tree will include date of posting, so it is clear when the appeal period begins.

Volan asked Piedmont about the appeals process. Piedmont said this amendment would clarify that the appeal would be heard by a Parks Board Commissioner at a public meeting.

Public Comment:

Tonia Matthew said it was very important for the public to know when a tree was to be removed. She said the notice should be placed not only on a tree, but also should be placed conspicuously in the H-T somewhere other than the small advertising space such as in a government or Out and About section. The notice should give process and timeline for appeal.

She added her earlier comment that she was told there was budgeted money for hiring contractors to cut down trees but not money for trimming. She said she preferred trimming and that every option be explored prior to cutting down trees.

Council Comment:

Sturbaum said he was pleased with this amendment because it was important to have the public process for oversight and input.

Piedmont thanked Sturbaum for introducing this amendment. She also responded to the comment from Matthew about notifying people as to

the appeal process. She said the placard to be placed on trees was to have the contact information.

Amendment #1a to Ordinance 08-06
(cont'd)

Volan said he too supported having information regarding how to appeal placed on the tree placard at the time the removal was planned.

Dan Sherman said he noticed an error in numbering. He said Section 12.24.060 currently read Section 12.24.60 and he requested that it be changed to read .060.

Amendment #1a received a roll call vote Ayes: 8, Nays: 0

Vote on Amendment #1a

It was moved and seconded that Amendment #2 be adopted.

Amendment #2 to Ordinance 08-06.

Piedmont introduced Amendment #2, designed to replace more trees than are removed at or near an original location.

The amendment sponsored by Councilmember Piedmont revives the target of replacing twenty percent more trees than it removes on an annual basis and does so with practices observed by certified Urban Foresters. As the ordinance replaces an entire chapter of the code, this paragraph inserts the current replacement policy into the new chapter.

Wisler asked about the possibility of moving trees.

Mick Renneisen, Director of Parks and Recreation, said moving trees was not a regular practice, but rather more of an extraordinary measure due to the health of tree, the availability of the rental equipment and appropriate plot for relocation.

Lee Huss, Forrester, said cost was based on the size of tree and type of tree for care and maintenance afterwards. His estimate ranged from \$300.00 to thousands of dollars.

Wisler asked about replacement of trees and whether there would be a requirement as to size or type of tree. Piedmont said she did not think that type would be specified, just as long as when a tree was removed, another would replace it close to the original location. The city practice has been to allow the City Forester to decide what tree should be used as a replacement.

Volan asked the origin of the language for this amendment. Piedmont said it was from a portion of the code that was to have been removed.

Sturbaum asked if there was any objection to this language being reinserted.

Margie Rice, City Attorney, said there were no objections. Sturbaum emphasized that this was not a change from current policy and practice.

Volan asked of this was existing policy. Piedmont said yes, but that it was a goal, not mandate, and that some years the goal is exceeded.

Renneisen said the Street Department managed the urban forest, and Lee Huss from Parks and Recreation advised on the trees that need to be removed or pruned and maintained. Some of the funding for managing trees came from the Street Department. Money from Parks and Recreation paid for new plantings, pruning, and some for removal of hazardous trees. He added that the Parks Board was very used to public comment and hearings, and that they were very open to that process.

Volan asked if the first amendment offered was unnecessary in that it specified public hearings for tree removal, which apparently was current practice. Renneisen said the Parks Board already heard appeals, and that the amendment stated the current practice. However, the clarification was that the decision would be made and announced at the meeting rather than just conveying the decision in writing.

Wisler asked why this language was excluded from the original revision or was it just oversight, because, he said, this was a pretty substantial piece to have overlooked in the new language.

Piedmont said it was taken out because it was such an inherent part of the city's everyday practices, just as other practices, polices and procedures are not always codified.

Amendment #2 to Ordinance 08-06
(cont'd)

Rollo asked about the relevant data and records associated with tree replacement. Renneisen said there were annual records of public trees that have been removed and planted.

Sturbaum asked if trees were cut instead of trimmed and whether it was related to funding. Renneisen said that trees were cut only when there was a scientific, educated reason to suggest the tree was near failure. However, pruning was dictated by budget because of the high number of trees in the city and parks which potentially could be pruned.

Piedmont asked about the specific numbers of trees removed and planted, which Renneisen said he would get for the Council.

Wisler asked about tree replacement for parks, especially the trees along Kinser Pike, which block gold balls from leaving the golf course. Renneisen said there had been a loss of pine trees along there due to their shallow root system and high winds. He added that the city was replacing these trees over a period of time.

Public comment:

Tonia Matthew said it was a great idea for the language about replacing trees to be added back to the code, since it was important that this be in print for the community to know that this was official city policy.

Council Comment:

Rollo said while the amendment was laudable, in the coming years he would like to see a tree habitat survey, because things other than trees, such as prairies, also are beneficial. He said he would like to see how much tree cover the city had, and which of those beneficial as habitat.

Amendment #2 received a roll call vote of Ayes: 8 Nays: 0

Vote on Amendment #2

It was moved and seconded that Ordinance 08-06 as amended be adopted.

Discussion of Ordinance 08-06 as amended.

City Attorney Margie Rice said the administration was very comfortable with this ordinance, and the amendment heard tonight struck the right balance between public input and the need for the administration to be able to move swiftly when needed.

She also affirmed that the amendment, which describes tree replacement, was and had been indeed the policy and practice of the city, and that the city was very proud of being a tree city and many accolades received, and as such took great care of its trees.

Sturbaum asked about the appeal process, which Rice said can be printed on the placard placed on trees. She added that the placement of placards on trees would be a new practice and that it had not been done in the past.

Ruff asked if the seven day approval time-line would be problematic for the Parks Board since they had meetings only once a month. Rice said it would not be problematic and that there could be special meeting called as well.

Sturbaum thanked the administration for taking positive criticism and working out the language of the ordinance.

Wisler said this ordinance was much improved from the first time it was read. He said he was happy to support it.

Ordinance 08-06 as amended (*cont'd*)

Volan said he was glad that ordinances were being improved. However, he believed that the city government can not just be transparent, but also must be apparent. He said the placard that would be placed on trees must be very forthcoming about the process, because that was the only way citizens would know the essences of the law.

Piedmont thanked the staff and the Tree Commission for their assistance.

Ruff thanked all for developing a fine process.

Sandberg said she too would support this ordinance. She also thanked the public their comments.

Ordinance 08-06 as amended received a roll call vote of Ayes: 8, Nays: 0

Vote on Ordinance 08-06 as amended

It was moved and seconded to postpone the introduction of Ordinance 08-07, until June 4, 2008 at the request of the administration. The motion received a roll call of Ayes: 7, Nays: 0. (Ruff was out of the room at the time the vote was taken.)

LEGISLATION FOR FIRST READING

Ordinance 08-07
(NOT INTRODUCED)

To Amend Title 4 of the Bloomington Municipal Code Entitled "Business License and Regulations" (To Repeal and Replace Chapter 4.18 Entitled "Pawnbrokers")

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read legislation by title and synopsis.

Ordinance 08-08 Authorizing the City of Bloomington, Indiana to Issue Its "City of Bloomington, Indiana Economic Development Revenue Bonds, Series 2008 (Henderson Court Apartments Project)" and Approving and Authorizing Other Actions in Respect Thereto

Ordinance 08-08

There was no public input.

PUBLIC COMMENT

The meeting was adjourned at 9:25 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, May 21, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 21, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes approved at this session.

APPROVAL OF MINUTES

Councilmember Wisler reported that he spoke to the consultants who were working on the feasibility study on passenger rails throughout Indiana. He said they were doing a thorough job and soliciting input not just from stakeholders, but from the public as well. Wisler added that he and Councilmember Volan attended the Congress for the New Urbanism, and that they would begin a series of brief reports starting at the next Regular Session.

REPORTS:
COUNCILMEMBERS

Councilmember Piedmont said she was pleased with the turnout at the opening of the B-Line Trail.

Councilmember Satterfield recognized the city staff for initiating efforts to help employees carpool.

Councilmember Volan acknowledged that he and Wisler would be presenting information from the Congress of the New Urbanism, and said there was so much they had heard that it had taken them a couple of months to break down all of the information for presentation to the Council.

Councilmember Sandberg announced the 2nd Annual Dancing with the Celebrities to benefit Bloomington charities.

MAYOR and CITY OFFICES

Mayor Kruzan reported that there were more than 200 people in attendance at the B-Line Trail celebration. He thanked the Bloomington Board of Realtors for their \$50,000 donation for construction of the 2nd Street Plaza for the trail. He also thanked Irwin Union Bank who contributed \$7500. toward a public art installation on the trail. Construction on the B-Line will begin later this month. The Mayor also announced the opening of Bryan Park and Mills Pool, along with the opening of Griffey Lake Boathouse for boat rentals. He reminded all to apply for the Citizens Academy sponsored by the HAND Department. He also mentioned that June was Cat Month with special two-for-one cat adoptions at the Shelter, and reminded the public that the Shelter was in need of volunteers.

As a part of his commitment to bring timely information to the Council, the Mayor said he would provide updates and news briefs. To that end, talked about the West 2nd St. resurfacing project. He said that Public Works Director Susie Johnson had approached him with a creative resurfacing plan, and he wanted the public to learn more about it. As a background, the Mayor reminded the Council that the West 3rd St. phase II project from Landmark to Franklin would add sidewalks, bike lanes, upgraded signalizations and intersections, turn lanes and a raised landscaped median, with construction to begin in 2009. Because of that construction and likely delays, he said there would be added use of West 2nd St.

Report on the 2nd St. resurfacing project

Mayor Kruzan said there was already a resurfacing project in place for

2nd St. With the projected increase use of 2nd St. during the 3rd St. construction, Public Works reexamined the existing 2nd St. project and created a proposal by Johnson and Justin Wykoff, Manager of Engineering Services. It proposes a paving and striping plan, signal upgrades and placement of landscaped medians designed to improve traffic flow and maintaining the roadway within the existing shoulder. Kruzan said this creative and progressive approach to resurfacing 2nd street should help with the traffic flow once the 3rd St. construction begins. He added that only currently paved or crushed stone areas will be resurfaced. He added that medians and greenery would be used for safety and beautification purposes, bus pull out lanes and turning lanes would be added and public safety would be enhanced through the installation of intersections and signal upgrades and as lane width is reduced which will slow traffic speed while maintaining traffic flow. Susie Johnson, Director, Public Works and Justin Wykoff, Manger of Engineering Services presented the resurfacing project report. Wykoff said the project would extend from Twin Lakes Park eastward to Walker St. He said throughout the project there were driveways to be considered and shoulder areas that would be upgraded from gravel to asphalt. He said that they looked for areas where additional green space could be added. He noted that lane widths would be reduced to both create additional lanes and reduce speed. He added that there was an area near Landmark where there was space to create a bus pull-off and said turn signals and green space would be added at the Landmark intersection.

Wykoff said the entire project was a creative approach to be as efficient as possible with the area that existed in order to maximize improvements without having to make any more major improvements. Councilmember Satterfield asked how the green space areas would be created. Wykoff said the area could be dug and replaced with clean soil by "pinning" in the area which would not damage the surrounding asphalt.

Councilmember Rollo asked about the potential of bike lanes or sidepaths since 2nd St. was included in the bike and Pedestrian Plan. Wykoff said that wasn't part of this project, since this was just a resurfacing project. However, it would be considered with future construction projects.

Mayor Kruzan added that since this was only a resurfacing project, there would be no right-of-way acquisition at this point. He emphasized that this is not the West 2nd St. improvement and expansion project, but rather just an enhanced paving plan which is being done in anticipation to accommodate the diverted traffic from the West 3rd St. expansion project to West 2nd St.

Councilmember Volan said he was very pleased by this innovative project with the inclusion of green space. He asked if the lane increase would be for through traffic or just turn lanes. Wykoff said it would still be two lanes each way, and that the increase would be in turn lanes. Volan asked if sharrows could be added on 2nd St. as had been done on College and Walnut. Wykoff said all options would be considered. Johnson said she wanted to seek other input before commenting on the efficacy of sharrows.

Councilmember Wisler mentioned that one thing he had learned was how medians and green space would also be used as a bioswail for water treatment, and wondered if that could be incorporated with this project. Johnson said this would be applicable for a new road, since new construction would be required to make that design work, but since this would be just repaving, it wouldn't be included.

Councilmember Sturbaum asked who would be responsible for maintaining the green space. Johnson said Parks and Recreation had agreed to be responsible for the maintenance.

Report on the 2nd St. resurfacing project (*cont'd*)

Councilmember Ruff reported that at their upcoming meeting, the Metropolitan Planning Organization (MPO) planned to adopt the Transportation Improvement Program (TIP), which is a requirement for federal funding.

Councilmember Sandberg reported that Mike Cagle had resigned from the Bloomington Community Arts Commission, and that he served long and well, and would be missed. She urged an interested person to apply for this Commission opening. She deferred to Clerk Moore for additional information. Moore said that on the city web site, under Boards and Commission there was a link for applications that could be submitted electronically.

Andy Davis and Melissa Henige reported on their upcoming bike trip across the country from Bloomington to San Francisco with the goal of documenting what citizens are doing to make their communities or businesses more sustainable. They will be using CATS equipment to record and transmit their findings. The title of their upcoming series will be "Changing Gears". They said they hope their information will be instructive for Bloomington.

Councilmember Rollo suggested that if they traveled through South Dakota they should plan to visit the new wind farm which was proposed to be the largest ever.

Councilmember Volan said he was excited for their trip and to keep up to date with their blog.

Gabe Rivera said all the major issues affecting the world today could be ended by ending drug prohibition which is the root of those issues. He said the country was being run by genocidal manias and the New World Order. He said the end of all oppression could happen in Bloomington by ending the drug war.

There were no appointments to boards or commissions at this meeting.

It was moved and seconded that Ordinance 08-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Ordinance 08-08 be adopted.

Danise Alano, Director of Economic Development, City of Bloomington said this was for the issuance of Economic Development Revenue Bonds for a multi-family affordable housing project. These bonds would not be repaid with taxpayer monies, but would be solely payable by the borrower and would allow the company to acquire the property and rehabilitate it through tax exempt bonds. This was the final step in a process that the Council began last year with the Inducement Resolution for the bonds.

Ordinance 08-08 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 08-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, saying that there was no committee recommendation on this item.

It was moved and seconded that Resolution 08-07 be adopted.

Council Attorney/Administrator said this was a routine measure that occurs when a pension agent leaves. He said that this resolution would appoint Michael Trexler, Controller and Daniel Grundmann, director of Employee Services as Pension Agents for the City. It also appointed

COUNCIL COMMITTEES

- MPO
- BCAC

PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Ordinance 08-08 Ordinance Authorizing the City of Bloomington, Indiana to Issue Its "City of Bloomington, Indiana Economic Development Revenue Bonds, Series 2008 (Henderson Court Apartments Project)" and Approving and Authorizing Other Actions in Respect Thereto

Resolution 08-07 To Authorize Agents to Accept Pension Liability on Behalf of the City of Bloomington

Christa Browning, controller for the transit Corporation as pension Agent for the Transit Account
Councilmember Volan asked who the previous Pension Agents were. Sherman said it was Susan Clark.
Councilmember Piedmont asked if the Transit Controller was always included. Sherman said the City Controller may have acted as Agent. When the Transit corporation asked to have their Controller serve in that function, the City agreed.

Resolution 08-07 (cont'd)

Resolution 08-07 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 08-02 To Specially Appropriate from the General Fund, Parks Land Acquisition Fund, Parks General Fund, and Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund For Housing and Neighborhood Development; Appropriating Funds from the Parks Land Acquisition Fund and Parks General Fund for Parks and Recreation; and Appropriating Funds from the Risk Management Fund for Worker's Compensation)

Appropriation Ordinance 08-02

Ordinance 08-09 To Amend Ordinance 07-18 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees For All the Departments of the City of Bloomington, Monroe County, Indiana, For the Year 2008 – Re: Positions in the Employee Services Department, Public Works Department, Parks and Recreation, and Utilities

Ordinance 08-09

Melissa Henige said she would endorse having the Bike and Pedestrian Commission reviewing the West 2nd St. resurfacing plans for recommendations on bile and side paths.

PUBLIC INPUT

The meeting was adjourned at 8:48 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington