In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 31, 2017 at 6:33pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 31, 2017

Roll Call: Sturbaum, Ruff, Granger (left at approx. 7:45pm), Sandberg, Mayer, Piedmont-Smith, Volan, Rollo
Members Absent: Chopra

ROLL CALL
[6:33pm]

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION
[6:34pm]

REPORTS

- COUNCIL MEMBERS
  [6:38pm]

Councilmember Chris Sturbaum reported that the U.S. President was dangerously crazy.

Councilmember Dave Rollo agreed with Sturbaum. He commented on ecological impacts to the Great Barrier reef and more generally on the risks and impacts on climate change. He noted the current administration had rejected and overturned policies of the previous administration regarding carbon policies. He said local communities and cities could still act and he was glad to hear Mayor Hamilton was committed to action on climate change. He listed other communities also committed to action.

Councilmember Steve Volan remarked that the city's bicentennial was approaching and encouraged those interested in helping with plans for the various events to get involved and come to the meetings of the bicentennial committee.

Councilmember Tim Mayer wished Volan a happy birthday and said his 55th wedding anniversary was the next day.

- The MAYOR AND CITY OFFICES
  [6:42pm]

Brian Payne, Assistant Director of Small Business Development, introduced himself to the Council and spoke about his background.

- PUBLIC
  [6:45pm]

Sandberg called for public comment.

Linda Ebright, Susan and Brian Yeley, and Keenan Gill spoke about recent issues they had experienced with deer near their neighborhood.

APPOINTMENTS TO BOARDS AND COMMISSIONS
[6:59pm]

Sturbaum moved and it was seconded to reappoint Duncan Campbell and Derek Richey and to appoint Deborah Hutton to the Historic Preservation Commission. The motion was approved by voice vote.

Councilmember Dorothy Granger moved and it was seconded to appoint Zaira Hernandez to the Commission on the Status of Women. The motion was approved by voice vote.

Mayer moved and it was seconded that Ordinance 17-23 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Stephen Lucas read the legislation by title and synopsis, giving the committee Do Pass recommendation of 3-3-3.

Mayer moved and it was seconded that Ordinance 17-23 be adopted.

Andrew Cibor, Transportation and Traffic Engineer, introduced himself and reviewed the reasons why the administration proposed the ordinance. He noted there would be a brief presentation to highlight some of the key points in the ordinance and to follow up on unanswered questions from the previous meeting. He recognized there might be a need to continue the discussion on some of the points, which might involve a postponement of final action on the ordinance. He turned the presentation over to Neil Kopper.

Neil Kopper, Project Engineer, introduced himself and summarized some of the noteworthy portions of the ordinance discussed at the previous council meeting. He explained that the change related to allowing bicycles on sidewalks under certain conditions was proposed because staff felt that there were conditions where it would be reasonable, or even safer, to ride a bicycle on a sidewalk instead of the road. He pointed to a few portions of the Journey to Platinum Report prepared by the Bloomington Platinum Bicycle Task Force that called for changes included in the proposed ordinance. He provided additional information for a number of unanswered questions from the previous meeting, including: when children were allowed to ride on sidewalks; regulations of coasters, electric coasters and segways; provisions related to vulnerable road users; design guidance for bicycles on sidewalks from the American Association of State Highway and Transportation Officials (AASHTO); and annual crash data. Kopper displayed a slide that compared Bloomington's regulations to other similar cities regarding various restrictions that a city could place on bicycles. He noted he did not know of any regulations of bicycles on sidewalks by Indiana University. He discussed the widths of various sidewalks and paths in the city, as well as the enforcement and fines for both the existing regulations and the proposed changes.

Beth Rosenbarger, Bicycle and Pedestrian Coordinator, introduced herself. She spoke about how the city would attempt to educate the public on the changes being proposed. These efforts would include press releases, various outreach events throughout the year, information included on a widely-distributed bicycle map, information on the city website and on social media, and coordination with IU and other city departments. She explained the proposed changes were not meant as a replacement for better bicycle infrastructure, but as a way to promote equity and as a tool to legalize safe behavior.

Rollo asked how many bicyclists were ticketed by Bloomington police for riding on the sidewalks.

Kopper said the regulation was rarely enforced, and said he would suspect that very few if any cyclists received tickets for riding on the sidewalk.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 17-23 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Adding Active Transportation Facility Definition Amending Bicycle Operation Parameters; Deleting Prohibition of Coasters, Skateboards and Roller Skates on Streets and Replacing It with Regulation of Coasters; Deleting Bicycle License Requirements, Bicycle License Issuance, Bicycle License Records, and Prohibition of License Decal Removal; Amending Bicycle Rentals; Deleting Bicycle Paths Established and Replacing It with Bicycle Lanes Established; Deleting Right-of-Way of Bicycle Riders on Bicycle Lanes and Replacing It with Use of Bicycle Lanes; Adding Penalties for Violations to Bicycle Parking; Amending Violation and Penalties for Bicycles, Skateboards and Other Foot-Propelled Vehicles from a Class E to a Class G Violation; Adding a Vulnerable Road Users Section and Opening Vehicle Doors Section to the Miscellaneous Traffic Rules; Amending the Class C, D, and G Traffic Violation Sections; and, Deleting the Class E and F Traffic Violation Sections.

Council Questions:

Ordinance 17-23 (*cont'd*)

Rollo asked whether the change was really about sanctioning the behavior of riding on sidewalks.

Rosenbarger said yes. She voiced concerns that the lack of enforcement of the existing regulations might lead to arbitrariness.

Kopper added that the city would also like to promote and provide education on riding safely on the sidewalks, which it could not do if the practice was banned.

Rollo asked if the city was bypassing the addition of bicycle infrastructure by allowing people to ride on sidewalks.

Kopper said that was not the intent. He noted that, even if bicycles were allowed on sidewalks, the city would not consider that as sufficiently completing the bicycle network.

Rollo asked whether there was any concern about pedestrians and bicyclists sharing narrow sidewalks.

Kopper said that type of interaction was already happening and said the proposal included attempts to regulate that interaction.

Rosenbarger said the main concern was about encouraging people to behave reasonably.

Sturbaum asked whether the police would enforce the proposed regulations, given that there was minimal enforcement of the existing regulations.

Kopper said it was unlikely that the regulations would be proactively enforced but said the regulations also existed to provide legal protection to people behaving reasonably.

Sturbaum clarified how fault would be determined under the proposed regulations and asked whether it was still the administration's position that the proposed ordinance would not increase the number of bicyclists on sidewalks.

Kopper and Cibor explained how fault and fines would be handled under each set of regulations.

Sturbaum asked whether the AASHTO guidelines provided any support for the proposed changes.

Cibor said AASHTO noted concerns that should be taken into consideration when structuring policy.

Volan asked what guidance was provided by the Congress for the New Urbanism (CNU) and the Institute of Transportation Engineers (ITE), or other similar organizations, as far as bicycles on sidewalks.

Cibor noted that those types of organizations provided design guidance while also raising similar considerations as the AASHTO guidelines.

Volan asked whether more bicycle-focused organizations offered any guidance.

Cibor said he did not know of any.

Volan asked how a prohibition against intimidation would be enforced.

Rosenbarger explained that an officer would likely need to witness the act before enforcement could occur.

Councilmember Isabel Piedmont-Smith asked for clarification on the definitions for sidewalks and side paths and on how those definitions might be written.

Kopper explained where those definitions came from and how they could be amended.

Piedmont-Smith asked whether there had been any follow-up discussions with the police department regarding enforcement.

Barbara McKinney, Human Rights Director/Attorney, relayed that the police department had no issues with the proposed ordinance.

Ordinance 17-23 (*cont'd*)

Piedmont-Smith asked how changes would be enforced.

McKinney said the proposed regulations might be enforced as often as the existing regulations, with an emphasis more on education.

Rosenbarger added additional information about a Civil Streets Program grant that was used for targeted enforcement.

Piedmont-Smith clarified that the Journey to Platinum Bicycle Report did not call for bicycles to be allowed on sidewalks.

Kopper said that was correct.

Piedmont-Smith and Kopper clarified some points of information on the crash history report displayed during the presentation.

Mayer asked for clarification on how the proposed changes would affect interactions on narrow sidewalks.

Kopper explained how the cyclist would be required to behave when interacting with a pedestrian on a sidewalk.

Cibor added that such regulations would apply on sidewalks but also on trails.

Ruff asked if Bloomington was an outlier compared to similar peer cities in regards to regulating bicycles on sidewalks.

Kopper said yes, based on his research.

Sandberg shared portions of an article that appeared in the newspaper and asked whether staff was familiar with some of the materials mentioned in the article.

Kopper was not familiar with the particular article, but acknowledged many publications warned about the dangers associated with riding a bicycle on a sidewalk.

Sandberg asked about changes staff might be willing to make to the ordinance.

Kopper explained staff was open to changes to make sure the ordinance worked for Bloomington, and touched on some possible considerations.

Public Comment:

Mark Stosberg spoke in favor of allowing bicycles to ride on sidewalks.

David Sabbagh spoke against the ordinance.

Jim Blickensdorf spoke in favor of the ordinance.

Paul Rousseau spoke in favor of the ordinance.

Lauren Pottan encouraged the development of bicycle infrastructure.

Council Comment:

The Council had a brief discussion of the most appropriate time to introduce a motion to postpone the ordinance.

Motion to postpone Ordinance 17-23 to the meeting of August 9, 2017

Volan moved and it was seconded to postpone Ordinance 17-23 to the meeting of August 9, 2017.

Rollo said he could see arguments on both sides of the issue, but he remained opposed at that time. He saw too many narrow sidewalks to allow bicycles on every sidewalk, but he also saw alternatives for expanding access to certain sidewalks. He saw a need to distinguish between sidewalks and side paths.

Motion to postpone Ordinance 17-23 (*cont'd*)

Volan noted he had considered escalating fines for violations and said he might explore that in the future. He touched on a few options for signage options. He noted that narrow sidewalks were also those likely to be farther from the center of town and also less traversed by pedestrians. He recognized there were concerns that needed to be addressed and agreed the ordinance should be postponed to allow for more work.

Piedmont-Smith listed portions of the ordinance she favored but explained she was undecided about the provision allowing bicycles on sidewalks. She voiced concerns about enforcement of the proposed ordinance, as the existing regulations were rarely enforced themselves. She was hesitant to pass legislation that was unlikely to be enforced. She noted additional options for signage that could be placed directly on the sidewalk. She wanted to hear from more people, both pedestrians and bicyclists, to get additional feedback, so she supported postponement.

Sturbaum noted that most comparable cities restricted bicyclists in the downtown area and he took exception to the all or nothing approach of the proposed ordinance. He thought it might make sense to allow bicyclists in some areas, but not everywhere. He was concerned about the message it would send to riders if cyclists were allowed on all sidewalks, as riding on sidewalks could be dangerous under certain circumstances. He thought a more balanced approach similar to other comparable cities would be appropriate.

Ruff said he would like additional time to consider some of the issues raised, such as the language dealing with shouting or startling riders and issues surrounding transportation equity. He thought a postponement would allow for more time to develop public buy-in.

Vote on motion to postpone Ordinance 17-23 [8:37pm]

The motion to postpone Ordinance 17-23 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Ordinance 17-24 – To Amend Title 15 of the Bloomington Municipal Code (BMC) Entitled "Vehicles and Traffic" – Re: Deleting BMC Chapter 15.36 (Resident-Only Parking Permits)

Mayer moved and it was seconded that Ordinance 17-24 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read Ordinance 17-24 by title and synopsis, giving the committee Do Pass recommendation of 0-7-1.

Mayer moved and it was seconded that Ordinance 17-24 be adopted.

Andrew Cibor, Transportation and Traffic Engineer, spoke about the origin of the resident-only parking permits and the reasons for the proposed changes. He also noted staff was requesting postponement of the ordinance in order to receive additional feedback from the Council regarding potential amendments to the ordinance. He reminded the Council of the requirements an applicant must have met to be eligible for the permit. He detailed concerns staff had about complying with the U.S. Access Board Accessibility guidelines, which were included in a 2011 Accessibility Guideline Resolution by the Board of Public Works and in the 2014 ADA Transition Plan update by the Common Council. He listed a number of questions staff wanted to have the Council address as a way to provide feedback on the ordinance.

Council Questions:

Piedmont-Smith asked if a parking space could be both a private space as well as ADA compliant.

Cibor thought that was a possibility.

Ordinance 17-24 (*cont'd*)

Sturbaum asked Cibor to read additional portions of the original ordinance that created the resident-only parking permits.

Cibor read the relevant portions of the enacting legislation.

Sturbaum asked whether the goal of promoting single household neighborhoods was still important to the City.

Cibor said it was.

Sturbaum clarified when the ADA regulations applied to commercial parking and residential parking.

Cibor explained the ADA requirements as well as the U.S. Access Board Accessibility guidelines.

Mayer asked whether the term "resident" included both owner and tenant.

Cibor said that it did.

Mayer asked if staff had considered raising the cost for the permits.

Cibor said that staff would like to reexamine the fee structure if the permits were retained.

Volan asked if the administration would like to postpone the decision on the ordinance.

Cibor said staff would like additional time to continue working on the issue.

Public Comment:

Jim Blickensdorf spoke about amendments to the ordinance he thought the Council should consider.

Additional Council Questions:

Piedmont-Smith asked if there were any single-family dwellings adjacent to metered parking spaces.

Volan said yes and noted those areas.

Motion to postpone Ordinance 17-23 to the meeting of August 9, 2017

Volan moved and it was seconded to postpone Ordinance 17-24 to the meeting of August 9, 2017.

Sturbaum suggested that supporting the ability of people to age in place should be a consideration when thinking about the purpose and use of the resident-only permits.

Rollo thanked Jim Blickensdorf for his comments and said he looked forward to input on the issue from the Parking Commission. He said he saw the utility in keeping the permits but also thought they should be used sparingly. He supported postponing the ordinance.

Volan echoed some of Blickensdorf's concerns but also noted that the resident-only permits had allowed the city to solve some intractable problems. He noted that postponement would allow the newly-created Parking Commission to examine the issue and listed a few other parking-related questions that might need to be considered. He suggested a few possible changes to the ordinance and encouraged postponing the ordinance.

Piedmont-Smith listed portions of the permit program she wanted to keep, such as the requirement that the permits be for single-family dwellings. She recognized some of the concerns voiced by staff and agreed that the city should not substitute public space for private space when private space was available. She said the city should be in compliance with ADA rules and said she would like to see if there was a way to meet those rules while still maintaining the permit program in some way. She looked forward to continued discussions with staff.

Mayer recommended that staff consider the impacts of Airbnb and those using that service.

Sturbaum noted the Council did not want the program to be abused, but also wanted a tool to help solve those intractable problems.

Sandberg said she could appreciate the challenges that caregivers faced and thought a case-by-case approach was best when considering the requests for such permits. She supported postponement.

Motion to postpone Ordinance 17-24 (*cont'd*)

The motion to postpone Ordinance 17-23 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on motion to postpone Ordinance 17-24 [9:13pm]

Mayer moved and it was seconded that Appropriation Ordinance 17-02 be introduced and read by title and synopsis only. Deputy Clerk Lucas read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING
Appropriation Ordinance 17-02 – To Specially Appropriate from the General Fund, Parks General Fund, Motor Vehicle Highway Fund, Parking Facilities Fund, Parking Meter Fund, and Vehicle Replacement Fund Expenditures not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2016 for Unmet Needs in 2017)

Mayer moved and it was seconded that Ordinance 17-26 be introduced and read by title and synopsis only. Deputy Clerk Lucas read the legislation by title and synopsis.

Ordinance 17-26 – To Amend Ordinance 16-17 Which Established an Economic Development Target Area (EDTA), by Extending the Expiration Date an Additional Five Years – Re: Property Located at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washington Street and Identified by the Monroe County Parcel ID Numbers 015-35020-00, 015-35010-00, 015-10000-00, 015-33130-00 (H.M. Mac Development, LLC, Petitioner)

Mayer moved and it was seconded that Ordinance 17-27 be introduced and read by title and synopsis only. Deputy Clerk Lucas read the legislation by title and synopsis.

To Designate an Economic Development Target Area (EDTA) – Re: Property Located at N. Kinser Pike and Identified by the Monroe County Parcel ID Number 53-05-28-300-170.000-005 (015-38250) (Naples, LLC, Petitioner)

Sandberg spoke about possible topics for an upcoming internal work session.

COUNCIL SCHEDULE [9:18pm]

Mayer moved and it was seconded as follows:

Motion on PS-LIT Committee

"In January of 2017, the City Council appointed four of its members to serve on the Public Safety Local Income Tax Committee (Committee) for this year. Those persons are: Susan Sandberg (At-Large, President), Dorothy Granger (District II, Vice President), Allison Chopra (District III), and Isabel Piedmont-Smith (District V).

In furtherance of the Committee, I move that the City Council authorize the Council President and Council Office staff to work with members of the Monroe County Local Income Tax (MC LIT) Council to convene the Committee in order to review and make recommendations regarding applications for funding under IC 6 -3.6-6-8(c). In addition, the Council understands that the Committee may, in the course of its deliberations, consider and make recommendations regarding related adjustments of the Expenditure Tax Rates under IC 36-3.6-6. As provided for in 2016, the Council President is authorized to take such steps as are necessary to effectuate this motion and meet statutory obligations."

The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Motion on PS-LIT Committee [9:22pm]

The meeting was adjourned at 9:22pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 14 day of June, 2017.

APPROVE:

Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington