In the Council Chambers of the Showers City Hall on Wednesday, October 29, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
October 29, 2014

Roll Call: Rollo, Ruff, Granger, Sturbaum, Neher, Spechler, Volan, Mayer
Absent: Sandberg

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

REPORTS

- COUNCIL MEMBERS

Andy Ruff reported that while in Lafayette, he wanted to hike a nature preserve so he searched online and found the Indiana Nature Preserve site which lead him to a map of various areas. The ones he was searching reported to be closed in November for a deer cull. He also reported that the Nature Conservancy and other land management organizations reported using lethal methods since it was the only effective way to manage deer herds in an open system like Griffy.

Dorothy Granger reported that she was a new member of the Monroe County Youth Council Advisory Board, and said she looked forward to working with them.

Dave Rollo responded to a letter in the Herald Times which asked about the possibility of fencing the Griffy Nature Preserve. He said the Deer Task Force actually seriously considered that, and noted that the expense would be about 1 million dollars and would still have to be managed. Rollo said the idea was rejected in order to keep it an open system.

He went on to describe the research that said there were no effective non-lethal methods. He followed up by saying that in terms of urban deer, one should keep an open mind because more data was needed, and it was unclear as whether urban deer constituted an open system.

Steve Volan announced that the next Tuesday was Election Day, and reminded everyone to vote. He said a constituent emailed him to say there were trees marked with orange tags in University Courts area, as if they would be removed. Volan believed it was because of the move of houses on E. 8th St. He said he would follow up with staff to determine if they were city or university managed.

Marty Spechler noted that early voting was available and it made voting very easy and convenient. He talked about why voting was important, and it was not just high school civics.

Spechler reminded all that with Halloween coming up, vandalism on Halloween was still vandalism and still illegal, and should be reported. He asked that parents be vigilant.

Darryl Neher said he had lots of candy for Halloween, and invited everyone to come Trick or Treat at his house on Dunn St. He also reminded the public that trick or treating hours were Friday night from 5:30 to 8:30.

There were no reports from the Mayor and City offices.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Steve Wagshell said he would like to live in a safe, civil, and humane city. He disagreed with portions of the Deer Task Force Report, and

- PUBLIC

Public Comment *(cont'd)*

asked that they support a new ordinance that would delay the deer cull. Sandra Shapsay asked that the Council think differently about the deer cull, and whether there actually was an overabundance of deer. She said more attention needed to be paid to HSUS report which she called incredibly significant. She said the wildlife biologists from HSUS were unable to detect deer or signs of deer at Griffy, and suggested that a deer count was necessary in order to have a responsible deer management program. She encouraged the Council to partner with HSUS.

Marc Haggerty said no one from the Council or the Deer Task Force was willing to go to Lake Griffy to see what he had seen—that it's an IU deer problem, an IU Golf Course deer problem. He said there weren't any deer at Griffy, but rather on the IU property.

Laramie Wilson from the South Griffy neighborhood read several comments all opposing the deer kill that her group Stop the Griffy Deer Kill, collected while tabling at Farmers' Market.

Hattie Clark spoke on her own behalf as well as her husband Peter Jacobi and said that killing rarely helped any problem, and usually made the problem worse. She added that the other options discussed had been shown to be successful, and therefore should be used in Bloomington.

Julie Gray said that killing the deer was not the only option, and referred to the ample evidence of non-lethal options. In addition she said it had not been determined that there was even a problem of deer overpopulation.

Maria Katrien Heslin said this was a huge opportunity to work with the HSUS and IDNR to implement a non-lethal approach at Griffy and in the neighborhoods. She requested the council pass legislation that would outlaw bow hunting in city limits, and legislation that would call for a delay of any kind of lethal means at Griffy for at least two years.

David Slibaum commented on the area's winter shelter for the homeless population. He said without a place to stay overnight, those people undermined the operations of businesses that were opened at night. He asked that when shelters were opened, that people who needed them would use them. He suggested the new bus station be used for women and children to get out of the cold, and use the old bus station for veterans and men.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards or Commissions at this meeting.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 14-23 To Amend Title 17 of the Bloomington Municipal Code Entitled, "Construction Regulations" Re: Repealing and Replacing Chapter 17.16, "Unsafe Building Law"

It was moved and seconded that Ordinance 14-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded that Ordinance 14-23 be adopted.

Patty Mulvihill, City Attorney, presented the reason for the changes proposed. She said it was to bring the current city unsafe building law into compliance with state statute. The new law would model the state law. She said that three things needed to happen in order to enact this: passage by council, signature of the mayor, and approval by the State Fire Commission, which she reported should not be problematic since they looked upon this favorably.

Council Questions
Sturbaum asked if the Board of Public Works would be involved in overseeing orders as it was now, Mulvihill said yes, that wasn't a change.

Ordinance 14-23 (cont'd)

Council Comments:
Spechler said the general purpose of this was the prompt sealing of vacant buildings which could pose a danger. He added that the ordinance would enforce this in a fair and prompt manner.

Granger said inspection staff and their work were integral to keeping housing stock safe, and thanked Mulvihill for her work.

Volan said he was surprised to hear that the existence of our property maintenance code and inspection for rentals kept the city's housing out of the 'unsafe' category more than in other cities around the state. He said that having an inspection program and process, and the existence of the property maintenance code which didn't necessarily exist in other communities was the reason and for that he thanked the staff.

Ordinance 14-23 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded that Ordinance 14-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Ordinance 14-22 be adopted.

Ordinance 14-22 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" Re: Stop and Signalized Intersections, One Way Streets, Restricted Turns on Red Light, Parking on Unimproved Surfaces, Angle Parking, No Parking, Bus Zones, and Appeals of Parking Violations

Amendment #1 – This amendment is sponsored by Councilmember Volan and corrects a drafting error in the proposed ordinance. Specifically, it removes proposed No Parking Zones which were mistakenly included as a result of confusion with streets included in Neighborhood Parking Zone 11.

Volan explained that information was erroneously included in the ordinance and needed to be removed. He said this amendment struck the unintended addition of that language.

Micuda said this was a scrivener's error on the part of staff. He offered to answer any questions.

There were no council questions or public comments.

Council Comments:
Volan said this error was brought to his attention by a neighbor in the area, and that showed that people should speak up if they found issues that needed to be changed.

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

Amendment #2 – Sponsored by Councilmember Neher and proposes deletion of Section 5 which proposed a no right turn on red restriction for eastbound traffic on Grimes Lane turning southbound at the South Walnut Street intersection. Further study on the cost and feasibility of alternative options as well as the effect on intersection performance is still needed before the proposed option can be considered by the Common Council.

Neher explained that the amendment was needed to take out this section of the ordinance so that further study could be done.

Micuda said he had studied the turning movements and accident data from this intersection. He said there was nothing that indicated that this issue needed to be dealt with immediately, and would like to take it under advisement, He said that the Bicycle and Pedestrian Safety Commission had wanted "no turn on red" on many downtown intersections and that may be part of the further study and consideration for this and other downtown intersections. He said he thought it would be more productive to discuss "right-turn-on-red" in a very general discussion rather than just this one isolated situation.

Council Questions:

Volan asked if there was advice for businesses with parking lots that were at these corners to prevent cut through traffic. Micuda noted that there were accidents in the parking lot in question, and that a more narrow access point on Walnut and fewer access points to the parking lot could be a starting point.

Ordinance 14-22 Amendment #2 *(cont'd)*

Volan asked if the recommendation to narrow access points would alleviate accidents. Micuda said the parking lot configuration, access points and number of vehicles all contributed to accidents in the parking lot.

Spechler asked if the streets and lanes could be studied and maybe divided between those going ahead and left, and those turning right. Micuda said it was in the top 50 list in Crash Data Reports. He said more observation was needed and that he also was not a fan of dedicated lanes for turning movements, but that would be explored.

Public Comment:
Dave Slibaum recommended that a decision be delayed until the city had a traffic engineer. He also supported having dedicated lanes for turning to prevent congestions.

Council Comments:
Volan made reference to white or male privilege, and compared it to automotive privilege, which he said was the belief that people with engines that can go faster than humans should have priority on public roads. He said he thought that was the issue with this intersection.

Spechler said one of his constituents suggested a right turn only on a green arrow, which could benefit pedestrians. He said he supported this amendment, and added that pedestrian safety was most important and more important than motorists' convenience.

Neher thanked Micuda for his work on this.

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

Ordinance 14-22 as amended

Micuda addressed questions on three parts of the proposal that were not addressed by the amendments.

The first question concerned sections 1 and 2 of the ordinance which would reverse stop conditions on Gentry and Kirkwood. He said the traffic pattern changed with the completion of the Hyatt Hotel and he wondered if there were now safety issues with Gentry and Kirkwood. In his observations of the intersection during peak travel times (around 5 pm) he looked for pedestrians in conflict while crossing streets, and looked for back up activity that might cause the intersection to be blocked. He said pedestrian activity was low (7 crossings in 45 minutes) with no problems, and therefore concluded that at this particular point, there was no need for a dedicated crosswalk.

He said he also observed whether traffic blocked the intersection, causing a backup, and therefore hazards. He saw the intersection blocked 7 times in 45 minutes, which he reported was not a high number. He said there was no stacking problem, and therefore would not recommend any changes. He will continue to monitor this though in the future.

Micuda said the second part in sections 8 and 9 dealt with parking on 5th St. from Overhill to the dead end on 5th St. in the Green Acres neighborhood. He said parking was never regulated by ordinance, therefore there were no parking restrictions. He said this situation was taken to the Traffic Commission because the lack of parking regulations allowed cars to park on both sides of the street which caused problems for sanitation trucks being able to get through the street. The recommendation from the Traffic Commission was to limit parking to one side of the street.

Micuda said the third part was a question from Volan about 4th St. and Washington St. Micuda said it had been codified as a bus zone, and it was proposed to remove the bus zone and replace it with meters since this was in the meter zone. He said this would create 16 new spaces.

Council Questions: Ordinance 14-22 as amended *(cont'd)*

Rollo asked about the entrance at the Hyatt. He said the entrance on 5th St. made sense, but asked if signage stating "do not block intersection" could help make a difference. Micuda said it was a good suggestion and would turn this over to a staff person to explore regulatory signage if the drive was blocked on a regular basis.

Mayer asked about placing an extra line on the street with the sign mentioned above, and asked that the suggestion be put into the mix.

Ruff wanted to know if there were other instances of parallel one way streets going in the same direction. Micuda apologized, said that he was aware of this question, but failed to research it.

Volan asked if there had been a count of pedestrians on the B-Line at the same time the traffic was monitored. Micuda said he would have needed help, and he was there alone, so couldn't count pedestrians and vehicles, but said he believed there were more crossings at the B-Line.

Rollo, asked whether pedestrians crossing the street in the middle of the block presented a hazard. Micuda said that would be a good study for a Friday/Saturday at check-in time at the hotel. He said he would continue to monitor.

There was no public comment

Council Comments:
Volan said he sympathized with Micuda for the new responsibilities of transportation added to his plate.

He also mentioned that there was a concept of too much signage in new urbanism. He said it wasn't all bad, if it didn't encourage the motorist to go fast. He said also there were strategies other than signs such as color of pavement or height of curbs. Volan concluded by saying he was happy the city was actively looking at this intersection and needed to reduce 'motorist privilege' here.

Ordinance 14-22 as amended received a roll call vote of Ayes: 8, Nays: 0

There was no public comment at this portion of the meeting. PUBLIC COMMENT

It was moved and seconded that the Internal Work Session scheduled for Friday, October 31, 2014 be cancelled, and authorize the council president to schedule another meeting if necessary. The motion was approved by a voice vote. COUNCIL SCHEDULE
It was moved and seconded that the Committee of the Whole Session scheduled for Wednesday, November 5, 2014 be canceled. The motion was approved by a voice vote.

The meeting was adjourned at 9:09 pm. ADJOURNMENT

APPROVE: ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington