In the Council Chambers of the Showers City Hall on Wednesday, March 20, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MARCH 20, 2013

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Spechler, Volan, Granger, Sturbaum
Absent: none

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

Minutes from Regular Session meetings of February 6, 2013 and March 6, 2013 were approved by a voice vote.

APPROVAL OF MINUTES

Steve Volan offered his sympathy to Dave Rollo on the passing of his mother.

REPORTS

- COUNCIL MEMBERS

Tim Mayer, noting the date, welcomed Spring to Bloomington.

Andy Ruff announced a forum on "The Attack on Public Education and its Effect on the Teaching Profession" held at the Monroe County Public Library on March 23, 2013 at 10:00 am.

Ruff noted that March 19th was the anniversary of the US invasion into Iraq that began on the false pretext that Saddam Hussein was hiding weapons of mass destruction. Ruff related that the council had responded to a community led initiative by passing a resolution asking the US government to not to invade until all diplomatic options had clearly been exhausted and there was better evidence of an actual threat.

He asked people to consider the 200,000 deaths, two-thirds of which were civilians, that occurred as a result of these actions not to mention the ones that resulted from lack of infrastructure and health related problems. He said despite the initial estimate of $50-60 billion dollars, the true cost of the war was estimated by a panel of experts was $1.7 trillion dollars. He added that the long term consequences to Iraq with its loss of infrastructure and the cost of soldiers' complex injuries and mental injuries were staggering. He said we should have learned a hard lesson from this.

Chris Sturbaum said hoped the parking discussion would be civil and sincere.

Susan Sandberg announced a public forum held on "The New Jim Crow" written by Michelle Alexander that was to be held by the Monroe County Chapter of the NAACP on Tuesday, April 2, 2013 at the Second Baptist Church. She said that her interests were in the area of prison reform and that she encouraged people to attend.

Sandberg said her friends in the social service community were sending her information about what the federal government's sequester meant for local agencies that use federal dollars.

There were no reports from the Mayor or other offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

President Neher called for public comment:

- PUBLIC

Chaim Julian, Chairman of Democracy of Monroe County, spoke of education policies made by the Indiana State Legislature. He said that his group and others were sponsoring the forum that Ruff mentioned. He invited the public.

There were no appointments made at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Ordinance 13-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the January 23, 2013 committee recommendation of Do Pass 3-0-6.

It was moved and seconded that Ordinance 13-03 be adopted.

LEGISLATION FOR SECOND READING AND RESOLUTIONS
Ordinance 13-03 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes

It was moved and seconded that public comment be limited to three minutes, that persons who wish to speak line up at the two podia, that they sign in and state their name, and that they hand to the Clerk any written materials for distribution to the council.

MOTION to structure debate

Motion to structure debate *(cont'd)*

Rollo asked that speakers be allowed to speak for five minutes because of the abbreviated agenda of the meeting. It was moved and seconded to amend the motion to allow speakers to have five minutes. The amendment to five minutes was approved by a roll call vote of Ayes: 9, Nays: 0.

The motion as amended was adopted by a roll call vote of Ayes: 9, Nays: 0.

Mayor Mark Kruzan's Statement

Mayor Mark Kruzan said he felt that all involved shared two goals: to have better management of parking with the highest turnover and best use of the limited parking spaces that exist and revenue be secured to be invested in downtown improvements as well as parking infrastructure.

He said this was not the first chapter of management or revenue, and noted that 2007 saw better garage management, segmenting permits, and shared parking. He noted that incrementally, the city had been addressing these issues, and that the implementation of meters was not the first part of the parking management story, but yet another chapter. He added that this was also not the first part of the revenue story, as savings, efficiencies and cuts had already been made with savings of more than $6 million. He showed a slide with savings that the city had managed in its overall effort to reduce costs.

He also noted that the lower revenue numbers reflected the slow erosion of the city's ability to provide services. He said there were challenges with providing infrastructure, capital improvements, social services or downtown services. He added that the city was looking at alternative sources of revenue as well as belt-tightening.

He said that the discussions taking place in the city were as a result of the growing pains of the city, noting that the population was now over 80,000. He noted the 'big city amenities and small town charm' was being threatened by stresses on the city. He noted the UDO of a decade earlier centered on a different discussion of one side of town being threatened by another side, and the issue of sprawl. He said that the emphasis of that UDO was to bring people into the downtown, while at this time the question asked if we had tipped the balance too far in that direction. He noted the demographic shift from the IU campus to the downtown. He noted that the challenges of an old chemical plant across from City Hall, and the other blighted areas that were mitigated by policy changes in the UDO had created new challenges. He predicted that these challenges would be met with new policy that would create more affordable housing and non-student rentals in the downtown area. He said this ebb and flow of the community had led to an incredible increase in parking demand. He outlined the new bedrooms, office space and retail space that had been added since the 2007 Walker Parking Study.

Kruzan said that on the horizon of development in the community were projects that would place more demand on the limited parking space available downtown. He said the purpose of the ordinance in question was to get ahead of the demand of the 1276 new beds/residents/cars coming into the downtown as well as the loss of 'unofficial' spaces owned by IU, businesses, and banks that were used on weekends and evenings, but would be developed soon.

Kruzan said that the City of Bloomington was growing at a rate of about 1% per year, but that even that small amount of population growth resulted in significant change after a few years. He said the city was trying to get ahead of the parking challenge, create turnover, and continue to make the downtown manageable.

He said he needed to do a better job of helping people understand that they were getting their money's worth with taxpayer dollars. He noted a list of investments in the downtown in the last 18 months included maintenance and infrastructure, cleanliness and landscaping, economic and community development, arts and economic vitality and public safety that totaled $22 million dollars. He said the city center would be enhanced by the South Walnut streetscape project and the acquisition of the IU property north of the Showers Complex. He said that the IU land on the open market or 99-year lease would have been used for student apartments and retail centered on the student market. He said he believed that government had a better solution for that land.

Kruzan said that if this ordinance were passed, there were specific plans for the revenue acquired. He showed a list of expenses totaling over $1 million dollars that would enhance parking structures. He outlined security cameras, restriping, painting, cleanliness, safety, gating and lighting. He said the 24/7 staffing of garages was not included in this list, but said that $189,000 annually would cover that expense, if needed.

Mayor Mark Kruzan's Statement (*cont'd*)

Kruzan said that the improvement of the downtown in general was his goal and showed some $8 million dollars in downtown expenses that were projected for 2013. He added that Bloomington was a victim of its own success, bringing in more people in the form of housing, visitors and customers.

Kruzan said the discussion of metering had brought up the topic of free parking in areas of the city. He said this proposal had 179 on-street free spaces, and that the Public Works department had suggested that there be some free spaces in city lots, also. He specifically noted the work and collaboration of Darryl Neher, Susie Johnson, Steve Volan, Andrea Roberts, Dan Sherman and Stacy Jane Rhoads on this issue.

He concluded by saying that the city was sincerely trying to do the best thing for downtown to make sure the city continued to be good stewards of the investments already made by our predecessors and to use revenues raised to enhance the downtown.

It was moved and seconded that Ordinance 13-03 be amended by Amendment #1. Neher framed the Amendment by saying that during the previous six weeks many council members had met with groups, individuals, business owners and stakeholders to craft an alternative proposal to the original one. He said the three primary goals were to: insure that a new proposal would reflect a comprehensive proposal of downtown parking, insure that the city would be able to continue to invest in the downtown, and to insure that concerns of stakeholders and persons who made statements be able to be addressed.

Amendment #1 to Ordinance 13-03
This amendment is sponsored by Councilmembers Neher, Volan, Granger, Mayer, Spechler and Sturbaum. It amends Ordinance 13-03 by making changes to the Bloomington Municipal Code and by outlining policy priorities. The amendment:

- shifts the currently-metered parking spaces in three City parking lots and two garages to free, three-hour parking during the day;
- provides for on-street parking at a rate of $0.25 per fifteen minutes;
- lowers the cost of a non-reserved part-time permit in the City garages from $32.50 to $25.00;
- provides for a tiered parking fine structure for Class D violations wherein the first ticket received within a twelve-month period is $20, escalating to $40; the second ticket received within a twelve-month period is $40, escalating to $80 and all subsequent fines received within twelve-month period are $100;
- requires the City to retain a consultant to conduct a follow-up study of Downtown metering no later than 15 months after the installation of parking meters; and
- adds two "whereas" clauses that express the City's intent to begin measures to improve the cleanliness, lighting and safety of the garages and to explore the viability of a Parking Commission.

Neher said, in the attempt to understand parking issues in other cities, research was done on BEDC benchmarking communities, not just Big Ten communities. He said that in those benchmarking communities, all used paid parking as part of their parking management plan, with only two offering any free parking at all. He said the original proposal fell into the realm of these benchmarking communities. He said the broader discussion included the ability to make a quick stop to make a purchase, some degree of parking equity in having some free spaces in the core of the downtown area rather than just at the fringes of the area, the insurance of garage improvements and a measure of follow-up reporting. He thanked the council members who co-sponsored the amendment and contributed to the discussion.

Neher asked Volan to explain the new measures proposed in the context of an overall parking plan.

Volan noted that the administration's original proposal included 179 free spaces out of over 1200 on-street spaces. He said the amendment increased the free spaces to a minimum of 400 spaces in city parking lots and garages. He said that the language in the amendment was changed to list the parking rate at $0.25 for fifteen minutes rather than an hourly rate, so that it was clear that a person did not need to purchase a full hour of parking. He said the amendment for a downtown part time employee permit for thirty hours of parking per week was changed to $25 from the proposed $32.50.

Neher clarified that the free parking would be limited to a three hour period.

Council Questions:
Rollo asked when the amendment was made public. Neher said it was finalized earlier that day, but he said changes had been discussed for a long time.

Ruff asked how other communities used meters. Neher said that similar cities had meters for decades and others had removed meters in response to community backlash. He said that a similar community had found removing the meters to be a disaster.

Ruff asked if that community could really be compared to Bloomington. Neher explained that removing the meters reduced vehicle turnover.

Sandberg asked about the non-commercial stakeholders that were engaged in the policy process. Neher explained that a number of not-for-profits were engaged, and he added that free parking expanded in the evening to accommodate increased attendance at art events.

Rollo asked about the provision that required the city to repair the garages before accruing revenue. Volan explained that the administration was committed to making necessary improvements. Kruzan added that the administration would begin improvements before the plan was implemented.

Amendment #1 to Ordinance 13-03 *(cont'd)*

Rollo asked if a special appropriation or bond issuance would be required to begin the improvements. Kruzan explained that the administration would be able to use TIF or General Fund revenue to fund the improvements without an additional appropriation.

Volan asked if the existing parking fund could be used to these improvements. Kruzan said that the parking fund was needed to fund parking management operations. Volan asked if the administration would be willing to spend general fund revenue to install improvements until revenue from parking increased. Kruzan said that the administration would be willing to use general fund dollars, but they would prefer to use TIF revenues. He said that TIFs would be experience an increase in revenue in the following year.

Spechler asked if increased parking fines would apply to neighborhood parking fines and the library lot. Susie Johnson, Public Works Director, said that neighborhood parking fines would not increase without evidence of increased pressure on neighborhood parking. She said that gathering this evidence would be included in the follow up study required by the ordinance. She said that the city could not enforce parking restrictions on the library's lot. Neher added that the increased fines were intended to deter illegal parking.

Spechler asked if the administration felt that increased fines would reduce the number tickets issued, or if it would serve only to increase revenue. Neher said that escalating fines were meant to deter repeated illegal parking. Kruzan added that the number of parking fines issued had reduced in the last three years and that repeat offenders were the exception rather than the rule. He said that all parking ticket offenses, including neighborhoods, would be affected by escalating tickets.

Spechler asked if the escalating fines would create additional revenue. Kruzan said that it would be a very small increase in revenue.

PUBLIC COMMENT

Public Comment:

Janis Starcs, owner of Caveat Emptor, spoke against the amendment. He said his customers would be less likely to shop downtown if there were parking meters, and he was concerned that people would shop online instead of downtown.

Buff Brown, Bloomington Transportation Options for People, said the organization supported the amendment and ordinance. He said that free parking did not work because it was taken up immediately in the morning. He said that additional revenue should benefit downtown merchants. He said that traffic would increase as people looked for cheap parking, and he said that on street, metered parking should be increased.

John McGuigan, employee of Caveat Emptor, said that he had an alternative strategy to parking management and 3,800 signatures of individuals against parking meters. He said working with the council was frustrating, and he asked the council to postpone the ordinance for six months in order to solicit the opinions of residents, business owners, and non-profits.

Jim Bradley, O'Child Boutique, said that people with disabilities and families with children could struggle with paying for meters. He said that there was not adequate signage on free parking.

Chris Cockerham, CFC Properties, read a statement from the president of the organization. He said that the community needed to support downtown commerce and parking meters would not do this. He said that it was unfair to ask citizens, businesses, and visitors to bear the burden of covering the parking garages deficit.

Martha Moore, president of Downtown Bloomington Inc., said the organization supported the care of downtown and fiscal responsibility, and they felt the amendment addressed numerous concerns about the policy.

Bill Milroy, treasurer of Old Northeast Neighborhood Association, said that residents in the neighborhood requested more time to review the amendment before the council voted on the amendment.

Jim Shelton, Greater Bloomington Chamber of Commerce, asked the council to postpone the ordinance in order to allow the members of the chamber to explore the changes.

Amendment #1 to Ordinance 13-03 *(cont'd)*

Danna Jackson said that the parking plan was not workable. She said that the whole community should share in the hardship and the gain of any policy. She said that alternative modes of transportation were dwindling in the city.

Sara Laughlin, Director of the Monroe County Public Library, said that local government was fiscally constrained by the state and that there was a parking crisis in the downtown. She said that uncertainty about parking was causing a decrease in patronage of the library facilities. She said that requiring people to pay for parking to visit the library was against their mission of providing free access to information for all Monroe County Citizens. She said the library supported the amendment because it increased the availability of free parking, but she said that parking meters would accelerate the need to construct a second branch of the library where parking could be free.

Allison Chopra, downtown business owner, said that the ordinance would not change people's behavior.

Suzanne Halvorson, founder of By Hand gallery and Yarns Unlimited, spoke against the ordinance and said that this policy would change the charm and unique character of the downtown because small businesses would close.

Liz Irwin, Greater Bloomington Chamber of Commerce, said that the details of the amendment were not made public until that evening. She asked the council to postpone the ordinance in order to create a comprehensive plan that could address the questions and concerns brought forward by the public.

Iris Kiesling, County Commissioner, said that the county had fewer employees in the downtown, but their new health clinic would be opening. She said that a large fines would discourage visitors, and that people doing business with the county would struggle with the meters.

Jean Bridell, owner of Know Yoga Know Peace, said that the garages needed clearer signage, and she asked why the Market Garage did not have free parking. She suggested the city tax alcohol more in order to generate revenue.

Jason Nickey, Landlocked Music, said that the meters needed time limits to increase turnover. He asked for more time to discuss the amendment with his customers, but he felt more comfortable with it than the original proposal.

MOTION TO POSTPONE Amendment #1

It was moved and seconded to postpone action until April 3, 2013. Sherman said this would have the effect of postponing the Ordinance until that time.

Spechler said that he would vote against the motion because he felt the ordinance was a comprehensive solution to the parking problems

Volan said there had been many reasonable objections to the ordinance. He said that extended deliberation would make the ordinance stronger, but he said that it was time to move on and pass the amendment.

Sturbaum said he liked the amendment, and would vote against postponement.

Ruff said that the public had asked for more time to review the amendment, and he felt they deserved it. He said there were many reasonable objections, and he would support postponement.

Rollo said the public had not been given enough time to determine the implications of the amendment.

The motion to postpone Amendment #1 until April received a roll call vote of Ayes: 3 (Ruff, Sandberg, Rollo), Nays: 6 and thus failed.

COUNCIL QUESTIONS

Further Council Questions:
Ruff asked if a different firm would perform the follow up parking study. Kruzan said it would be a different firm in order to avoid a conflict of interest.

Volan asked if parking enforcement would be done on Sundays. Kruzan said that Sundays would not be included.

Council Comment:
Sturbaum said he was glad that the high fines were addressed by the amendment. He said he would support the amendment.

Amendment #1 to Ordinance 13-03 *(cont'd)*

Rollo said he would vote against the amendment because the public did not have time to review the amendment.

Volan said that he did not expect people to be willing to pay for an entire day of metered parking. He said that not all students were wealthy enough to afford metered parking, and he used the example parking Zone 10 was created in order to prevent students that lived at Smallwood from parking in the neighborhood. He encouraged the city to consider dynamic pricing for parking that would be set depending on the time of day and day of the week. He added that he was concerned about people driving in circles searching for free parking. He said he would support the amendment.

Granger said that parking was a universal issue, and she appreciated the community's input in parking regulations. She said that the city would not be able to please everyone, but she hoped that the amendment would serve to support the downtown in the best possible way.

Sandberg said she would not support the amendment because it did not accommodate low income individuals. She said meters would not damage the downtown as a whole, but she said they would change the character of the area as small businesses moved elsewhere.

Ruff said that the amendment softened the negative impacts of the ordinance as a whole, but he said it was not consistent with the reasoning or justification behind the policy. He said he could not support the amendment because the public was not given time to review it.

Spechler said that anyone who could afford a car could afford the meters. He said that there was a vibrant bus system, bicycle amenities, and pedestrian walkways for low income individuals. He said he would support the amendment, and he felt that business owners would see more customers when there was higher parking turnover.

Sandberg said that it was expensive to be poor. She said that many people had to live far away from a bus route and needed a vehicle. She said that the bulk of their income went to being able to live and the extra cost of parking was prohibitive.

Neher said he appreciated Volan's comments. He said the process of designing parking management policy had been going on since 2007.

Volan said that Sandberg had explained the situation of lower income individuals eloquently. He said when free parking needed to be eliminated, he hoped the city would be able to provide discounts for people who needed them.

VOTE ON AMENDMENT #1

Amendment #1 received a roll call vote of Ayes: 6, Nays: 3 (Ruff, Sandberg, Rollo).

Ordinance 13-03 as amended

Council Questions:
Neher asked if the administration supported the ordinance as amended. Kruzan said that they did.

Rollo asked how increased demand for parking would affect garage revenues in the future. Susie Johnson, Public Works Director, said that it could balance out costs and use. Kruzan added that the amendment also eliminated revenue streams from the garages. He said that the balance between on-street parking and garages was delicate.

Rollo asked if residents would be more likely to use parking garages. Kruzan said that parking would reach a critical mass that would require the construction of a new facility, and the city would need the revenue generated by this ordinance in order to construct it.

Spechler asked if people would be more likely to use the garage than the street if they intended to park for the entire day. Johnson said they would be.

Volan asked if there was concern that people would abuse disabled parking. Kruzan said that the administration did not assume that someone with a disability would be unable to pay for parking. He said that there would be more disabled parking spaces available after this ordinance was passed.

Rollo asked about phasing in parking meters. Kruzan said people would park in the cheaper areas, and it would negatively affect businesses within the first

Ordinance 13-03 as amended *(cont'd)*

phase of meters. He said the policy would pit businesses against one another. Spechler asked if free handicap spots would incentivize acquisition of handicap permits. Kruzan said the city could not issue its own disabled parking permits. He said that it would be possible for some people to seek out permits solely to be able to park for free.

PUBLIC COMMENT

Public Comment:
Buff Brown said that the ordinance was very good for Bloomington. He said that increased on-street parking would be beneficial for downtown businesses as more customers were able to park in the area. He said the amendment made the policy even better, but he warned that free parking could damage the effort.

Jim Bradley, O'Child Boutique, said that the amendment softened the blow of meters somewhat. He asked that the council vote against the ordinance because all the issues were not adequately addressed. He said social service agencies and churches would leave the downtown. He said developers needed to put in enough parking for their tenants to avoid congestion in on-street parking.

COUNCIL COMMENT

Council Comment:
Sturbaum said growth patterns and changes in the downtown would take a long time. He said that the city needed people to live downtown in order to maintain the businesses. He said this was a positive step for the downtown.

Spechler said that the majority of people would benefit from the ordinance.

Rollo said that the economic crisis was only beginning and discretionary spending would decrease. He said people needing social services would increase and that the downtown was in a precarious situation. He said that the risk of the meters was borne by low income residents, downtown businesses, and churches.

Volan said that all taxpayers had been asked to subsidize downtown parking, and it was unfair. He said that the meters would prevent the downtown from being a burden on people that did not drive. He said that the plan made parking more consistent, and he expected that a smartphone application would be implemented to make paying for parking easier. He said this policy would set the stage for a greater transportation vision of the community.

Ruff said that the city had always been a champion for the unique character of the downtown. He said he did not expect the economic situation to continue in a positive way, and he felt that the use of cars would decrease in the near future. He said uncertainty in the future made investment in metered parking too risky, and he was concerned about altering the character of the downtown. He said he would not support the ordinance at this time.

Sandberg said she assumed the ordinance would pass, and she said the city would do its best to ensure that the experiment would move in a positive direction. She said that the city was growing and new dynamics in the downtown were starting to form. She said she could not bring herself to support the ordinance.

Mayer said that he had supported using general fund money to support parking garages for his entire tenure on council. He said that the city had agreed to maintain the garages in order to facilitate private investments in the downtown. He said that because of declining revenues, the city no longer had the luxury of paying for garages through the general fund because that money was needed for improvements in other parts of the city.

Sturbaum said that the ordinance anticipated growth in the city.

Volan said that the GPP was currently being revised, and he encouraged people to get involved in the process.

Spechler disagreed with Rollo's statements noted above.

Ordinance 13-03 as amended received a roll call vote of Ayes: 6, Nays: 3 (Ruff, Sandberg, Rollo)

Ordinance 13-08 An Ordinance Concerning the Current Refunding by the City of Bloomington, Indiana of Its Sewage Works Revenue Bonds of 2000, Series A Through C, and Sewage Works Refunding Revenue Bonds of 2003; Authorizing the Issuance of Sewage Works Refunding Revenue Bonds for such Purposes; Providing for the Collection, Segregation and Distribution of the Revenues of the Sewage Works and the Safeguarding of the Interests of the Owners of Said Sewage Works Refunding Revenue Bonds; Other Matters Connected Therewith; and Repealing Ordinances Inconsistent Herewith	LEGISLATION FOR FIRST READING Ordinance 13-08
There was no public comment in this section of the meeting.	PUBLIC COMMENT
Neher reminded the council that there would be a Special Session and Committee of the Whole on Wednesday, March 27, 2013.	COUNCIL SCHEDULE
The meeting was adjourned at 11:40 pm.	ADJOURNMENT

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington