COMMON COUNCIL
REGULAR SESSION
May 15, 2013

In the Council Chambers of the Showers City Hall on Wednesday, May 15, 2013 at 7:30 pm with Council Vice President Dorothy Granger presiding over a Regular Session of the Common Council.

ROLL CALL

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

AGENDA SUMMATION

Council Vice President Granger gave the Agenda Summation

APPROVAL OF MINUTES

There were no minutes for approval at this meeting.

REPORTS

- COUNCIL MEMBERS

Andy Ruff reported that he had spoken with Senator Mark Stoops and Representative Matt Pierce about a recent misleading INDOT statement announcing that money had been "found" for the completion of Sections 4, 5 and 6 of I-69. He said that this money was actually taken from the State's General Fund which was intended for education, environmental protection and conservation, and other critical services and programs for needy Hoosiers. Ruff alleged that the approach to funding the I-69 project was irresponsible, and that hundreds of millions of scarce dollars were being mis-allocated to new highway construction and diverted from programs with higher priorities.

Susan Sandberg reported on the Jack Hopkins Social Services Grant Funding Committee. Thirty applications were reviewed this year for a total allocation of $257,500. Sandberg encouraged citizens to watch the CATS recording of the hearing to gain a better appreciation for the valuable work done by local non-profit organizations to serve the needy in our community.

Steve Volan read text from the 26th Amendment to the United States Constitution. He expressed his concern about college age citizens being referred to as "children", an attitude which he believed contributed to IU students' disenfranchisement from local, state and national government.

Dorothy Granger announced that she and County Commissioner Julie Thomas were sponsoring another City/County Residents' Lunch at Rachel's Café on Tuesday, May 21, 2013. She noted that the proposed food and beverage tax would be the topic of discussion this month.

- The MAYOR AND CITY OFFICES

Jason Carnes, Assistant Director of Business Relations in the Sustainable and Economic Development Department, gave a report on the national youth program *Lemonade Day*, taking place in Bloomington on Saturday, May 18, 2013. *Lemonade Day* was a 14-step process that taught children how to start, own and operate a small business by building and running a lemonade stand.

- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

- PUBLIC

Call for public comment:
Pastor Dave Woodcock, Genesis Church and Genesis Shelter, thanked the mayor and city council for their support of the low-barrier Genesis Summer Shelter for homeless adults. He also praised other individuals and organizations for their service to the community on behalf of needy citizens. Rev Woodcock said committed volunteers were vital to running the shelter and emphasized that it was everybody's responsibility to help the homeless.

Kurt Wheeler, Genesis Church, expressed appreciation for the Jack Hopkins Grant funds that were allocated to the Genesis Summer Shelter. He praised the work of the South Central Indiana Housing Network for

PUBLIC COMMENT *(cont'd)*

seeing the long view and identifying the tools that were needed to solve the problem of homelessness. He made the point that cooperation and collaboration worked far better than complaining ever did.

Daniel McMullen thanked Genesis Church for providing the summer shelter that he used for three weeks last year. He also thanked Susan Sandberg for her work on the Jack Hopkins Social Services Grant committee.

Sarah Ryterband announced that The Chili Woman, long time vendor at the Farmers' Market, was chosen for the Green Business People and Planet Award by GreenAmerica.Org. Ryterband also praised all local sustainable businesses for their environmentally-conscious efforts.

Pastor Woodcock returned to the podium and talked about the high attrition rate of the Genesis Shelter volunteers. He admitted that there were a number of "impolite guests" who were hard on the volunteers. Woodcock stated that one of the reasons they opened a low barrier shelter was to bring more awareness to the issue of homelessness.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments made at this meeting.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 13-09 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Amending Schedules A and B of the BMC 15.12.010 to Authorize a Multi-Way Stop at the Intersection of Moores Pike and Olcott Boulevard.

It was moved and seconded that Ordinance 13-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 2-0-7.
It was moved and seconded that Ordinance 13-09 be adopted.

Rollo, sponsor of the amendment, requested that his extensive presentation during the Committee of the Whole on May 8, 2013, be submitted to serve as the presentation of record.
A voice vote was taken approving the request.

Rollo referenced a map of the intersection of Moores Pike and Olcott Blvd and stated the primary reason for installing a multi-way stop there was to improve pedestrian, bicycle and vehicular safety. He also announced that he would be asking for a postponement until more information was forthcoming.

On behalf of the engineering staff, Dan Sherman, Council Attorney / Administrator, read a memo in response to questions that had been submitted by council members. Engineering staff asserted that traffic data did not support the need for a stop sign and cited the fact that there had only been 6 accidents in 3 years at that intersection. One of the accidents was a fatality, the cause of which was a distracted driver, not lack of signage. Staff maintained that more rear-end collisions would likely occur if a stop sign was installed at that location, and that the volume of traffic on Olcott Blvd was not significant enough to justify a multi-way stop.
Engineering staff noted that more than 50 other intersections in need of improvements ranked as a higher priority for MPO funding.

COUNCIL QUESTIONS

Council questions:
Rollo commented that if it was deemed unsafe to install a stop sign, it surely must be unsafe to have pedestrians stepping into a roadway with a "yield to pedestrians" sign. He saw this as a basic conflict that was unresolved by engineering staff's answer.

Volan asked Sherman to speculate about legal ramifications related to making a design change. Sherman stated that he would not second-guess city legal, but he suggested that supporters of the amendment consider allocating resources for the proposed project.

COUNCIL QUESTIONS *(cont'd)*

Sturbaum asked, if this was an engineering question, why city council had the authority to act, and whether it was in agreement with prescribed engineering guidelines or not.
Sherman replied that under statute, stop signs were done by ordinance, which fell in the lap of city council.

Volan asked if they were legally required to follow the guidelines set forth in the federal Manual on Uniform Traffic Control Devices (MUTCD).
Sherman replied that statute dictated that public agencies "shall follow the MUTCD", but that the manual had some room in terms of what it took to make a decision.

Ruff asked what needed to be included in the requisite traffic study per the MUTCD. Sherman read from the manual regarding multi-way stops.

Volan stated that Olcott Blvd users, after stopping, could not see oncoming traffic well enough to ensure safety in crossing. He asserted that was important criteria for consideration of a stop sign.

Sturbaum said that many existing intersections did not meet the MUTCD warrants. He pointed out that sometimes exceptions were made to engineering rules based on observation and experience.
Sherman advised supporters of Ordinance 13-09 to make the best case they could for their decision to withstand legal scrutiny.

Rollo asked about the liability involved in placing a pedestrian walkway in a place with limited line of sight.
Sherman said that the design proposed by engineering staff was calculated to satisfy engineering judgement.

PUBLIC COMMENT

Public comment:
Claire Robertson summarized the grass roots petition that garnered over 300 signatures from residents in neighborhoods along Moores Pike. The petition alleged that the intersection of Moores Pike and Olcott Blvd was dysfunctional and dangerous. The petitioners requested a 3-way stop at the intersection and "stop ahead" signage with flashers, not just a pedestrian crossing with an island.

Ed Robertson referred to the intersection as scary, due to the line of sight issues. He said that the proposal from engineering only considered vehicular traffic, not bicyclists and walkers.

Wendy Woods spoke from her perspective as a walker, jogger, and bicyclist and pointed out the hazardous nature of the intersection for non-vehicular traffic.

Dave Pizzoni acknowledged that there were a lot of passions involved with this issue, as well as facts, and in this case he believed more than just the cold hard engineering facts should be considered.

Mimi Zwieg spoke in favor of a stop sign at that intersection.

COUNCIL COMMENT

Council comments:
Rollo expressed his preference for postponing the vote on the ordinance.

Sturbaum pointed out that he respected the engineering staff's recommendation, but that this was a situation that warranted an exception.

Ruff agreed that the vote should be postponed in order for the council to get more information.

COUNCIL COMMENT *(cont'd)*

Volan spoke in favor of taking action to mitigate the dangers of the Moores Pike and Olcott Blvd intersection beyond the engineering staff's recommendation. He also criticized engineering staff for not being present at this council meeting to answer questions.

Mayer pointed out that the unsigned memo regarding the application of engineering principles to this situation was indeed endorsed by the mayor's office. He favored postponing the vote on the ordinance.

Sandberg said that she supported the motion to postpone the ordinance.

Rollo stated that the council was lacking sufficient data on options that prioritized the safety of pedestrians and cyclists. He also suggested asking the police chief to increase patrols for speeding on Moores Pike. Rollo believed that installation of a pedestrian island without stop signs at that intersection was inviting potential disaster.

Rollo made a motion to postpone the decision on Ordinance 13-09 until the council received adequate information to resolve issues regarding pedestrian connectivity and vehicular conflict at Olcott Blvd and Moores Pike, no later than October 16, 2013. Volan seconded the motion.

Volan proposed allowing public comment on the motion to postpone. Roll call vote of Ayes: 7, Nays: 0

PUBLIC COMMENT

Public comment:
Ed Robertson asked that this issue be reviewed in the context of the broader "Complete Streets" policy.

Claire Robertson asked about putting a stop order on the plan to install a pedestrian island at the intersection. Attorney Sherman said that council could informally ask the administration to delay the installation of the pedestrian crosswalk.

VOTE

The motion to postpone Ordinance 13-09 received a roll call vote of Ayes: 7, Nays: 0

LEGISLATION FOR FIRST READING

There was no legislation to be introduced at this meeting.

PUBLIC COMMENT

There was no public comment in this section of the meeting.

COUNCIL SCHEDULE

Mayer moved that the Council Committee of the Whole not meet on the evening of May 22, 2013. Motion was seconded. The motion received a unanimous voice vote approval.
Mayer motioned that the council hold a special session on May 22, 2013 at 7:30pm. Motion was seconded, and approved by a unanimous voice vote.
Council also approved cancelling the work session scheduled for Monday, May 20, 2013 due to the absence of agenda items.

ADJOURNMENT

The meeting was adjourned at 9:50pm.

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington

Rollo presentation from May 8, 2013 Committee of the Whole to be included in the minutes of May 15, 2013.

Ordinance 13-09 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Amending Schedules A and B of the BMC 15.12.010 to Authorize a Multi-Way Stop at the Intersection of Moores Pike and Olcott Boulevard.

Rollo explained that the three hundred signature petition came from constituents that had brought the petition to the Traffic Commission, but their request was denied. He said that the administration supported the traffic study that indicated that there was no need for a traffic stop in the intersection, but he said that the intersection was hazardous. He said that left bound turns on to Moore Pike would be met with speeding vehicular traffic. He said that the pedestrian walkway was on the north side of the road, away from the residential development on the south side. He said that the road was a major thoroughfare to reach an economic activity center, College Mall, and that Olcott Boulevard was intended to be a bike route in the Bicycle and Pedestrian Traffic Plan.

He said that traffic engineers supported a pedestrian walkway with an island, but his constituents did not believe that this would be an adequate solution to the problem. He said that he agreed that the walkway would fail the test of safety. He said that pedestrian connectivity in the downtown and core neighborhoods were a priority to the council but neighborhoods on the periphery of the city were neglected.

The following two maps were used during Rollo's presentation.

By: kehrberp
16 May 11

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City of Bloomington
Engineering

Scale: 1" = 100'

For reference only; map information NOT warranted.