In the Council Chambers of the Showers City Hall on Wednesday, October 3, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

ROLL CALL: Mayer, Neher, Rollo, Ruff, Spechler, Sturbaum, Volan, Granger
Absent: Sandberg

AGENDA SUMMATION
Council President Mayer gave the Agenda Summation

APPROVAL OF MINUTES
Minutes for July 18, 2012 and August 1, 2012 regular session meetings were approved by a voice vote

REPORTS:
COUNCILMEMBERS
Dorothy Granger noted that the Democratic Women's Caucus breakfast for Friday, October 5th would include a tribute to Sophia Travis, former County Council member, member of several boards and commissions, and candidate for election this year. She invited citizens to come.

Chris Sturbaum noted that there was a Presidential debate later in the evening and said that this would show leadership differences for the future of the country.

Steve Volan made a presentation based on an article from *The Economist* magazine which concluded that the West had reached the phenomenon of "peak car." He said the number of miles driven per vehicle had plateaued and begun to decrease. He noted that there were fewer younger people driving in 2010 than in 1983, and urged citizens to read the article. He said it should inform city decision making about the allocation of transportation resources in the city.

Tim Mayer sadly noted the untimely passing of Sophia Travis. He also mentioned that Warren Henegar was also an elected official who had recently died. He noted his gratitude for their service to the community. He said that John Cameron was awarded an Excellence in Entrepreneurship Award by Ivy Tech, indicating it was the first award given by the Bill and Gayle Cook Center for Entrepreneurship. He said that Mr. Cameron is the physicist who was instrumental in the conversion of the IU Cyclotron to a Proton Therapy Center.

MAYOR and CITY OFFICES

- Switchyard Master Plan

Mick Renneisen said that the Switchyard Park Master Plan was completed. He said that the plan included an extensive process that included much public input. He introduced Kevin Osborne from Rendell Ernstberger and Associates who gave an overview of the project. He said that the inventory, analysis, design workshop and master planning were processes in which citizens were involved. He displayed maps of the proposal which included park features, future utilities needs of the park and surrounding areas, green features of the park area, potential catalyst projects for redevelopment in the area of the park, gateways, and what uses the areas around the park might be stimulated through the use of the park. He concluded with implementation strategies.
Neher applauded the transparency and participatory nature of the process. He inquired about areas that would have been integrated into the park areas that were not owned by the city at this time. He noted a parcel near Walnut Street and one near Rogers Street.

Rollo said the plan was impressive. He asked about the acreage for garden plots and native plants. He also asked about the maintenance for areas which required mowing. Osborne said the garden area was about an acre. He added that native plants were a key part of the removal of invasive species and replacing them with native plants. He said the mowing was yet to be determined. Rollo said he was impressed with urban parks that had diversity and teaching areas.

Spechler inquired about Osborne's statement regarding the reduction of the flood plain, and wondered how it could be done. Osborne said that a topographic survey using more precise and detailed flow rates sanctioned by the DNR resulted in a more detailed and refined flood plain limitation. Spechler asked if the DNR approved the latest changes. Osborne said they would, and that it could take up to a year for FEMA and DNR to approve the map change.

Mick Renneisen said that the project was a multiple phase project with a lot of assembled funding sources that the department was just beginning to process. He said one of the preliminary steps to construction would be the *Letter of Map Revision* submittal. He said parallel work could be done at the same time.

Renneisen said that the plans would match the abilities to fund various stages of the project; much like how the B-Line project was done. He said that he hoped the council and community would understand that this was a project that would take time, but would create further momentum as it developed. He said the transformation of the entire area of the community may take a decade. He thanked the council members, public and consultants for their time, energy, enthusiasm and acceptance of the process and the consensus based plan. He also noted that the actual name of the park had not yet been determined, and it could actually end up being the city's "Central Park."

Mayer thanked Renneisen and Osborne, and noted the importance of the work of the investigation and documentation of the vegetation in the area. He also noted that at the southern end of the area, there was a portion of land that was still owned by CSX who were still doing environmental remediation. Mayer noted that sometime in the future it might become part of the park.

Volan thanked Renneisen and Osborne for their presentation and asked about the potential development in the Walnut and Grimes area. He specifically asked where the idea for the architecture of the building in their illustrations came from. Osborne said his firm worked with redevelopment, planning and implementation specialists Eden Collaborative and greenstreet, ltd. Volan said that this was exactly the kind of development he wanted to see in all parts of the city.

COUNCIL COMMITTEES
There were no reports from committees at this meeting.

PUBLIC INPUT
Mayer asked for comments from the public.

Jennifer Mickel said she was shocked and horrified at the illustrations that Volan liked, and said it reminded her of Ft. Lauderdale with its plain tenement stacked housing. She said it was Brookline sprawl from Boston and did not want that kind of housing in Bloomington. She said Bloomington did not want to be stacked and packed.

Glen Carter spoke of the decentralization of the poor from the downtown area with the alarming recent trend policing them away from public spaces. He said his heart came from his own experiences with homelessness poverty. He said it was fashionable to complain about the homeless and their use of public space. He said the trend now was to sweep these people away from city parks and the library because they were unsightly to the public. He noted that the problems of many homeless people were actually addictions and mental illness, but said they had no place to go, and that arrests were not a solution to homelessness. He said public fights, drug use, public intoxication, or harassment of passers-by should not be tolerated. Carter said he was speaking to prompt a public discussion of what Bloomington might do to about the problem. He said the GPP was good for the well-to-do and students in the downtown, but the poor were being pushed further and further from the core of the city.

BOARD AND COMMISSION APPOINTMENTS
It was moved and seconded that Jennifer Smallwood be appointed to the Commission for Children and Youth. The appointment was approved by a voice vote.

LEGISLATION FOR SECOND READING
Ordinance 12-22 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"- Re: Stop and Yield intersections, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking, and the Traffic Violation Schedule

It was moved and seconded that Ordinance 12-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-1.
It was moved and seconded that Ordinance 12-22 be adopted.

Susie Johnson, Director of Public Works, explained the ordinance section by section.

Amendment #1 to Ordinance 12-22
This amendment is sponsored by Councilmember Rollo. It follows up on a recommendation in the Council Sidewalk Committee Report for 2012, which called for a portion of the 900 block of Mitchell Street (from Maxwell Lane to Southdowns Drive) be set aside for a walkway (via lane markings). Because the road is narrow, the recommendation was conditioned on the removal of parking from this block. Although staff recommended this change to the Traffic Commission at its March, 2012 meeting, the Commission did not approve it. In accordance with long-standing practice, matters like this one where staff and the Commission

disagree, are generally brought forward as an amendment to the next traffic ordinance. Please note that residents and owners of property on this block as well as the affected Neighborhood Association were notified of this proposal and the opportunity to comment before and at the meeting on October 3rd.

It was moved and seconded that Amendment #1 to Ordinance 12-22 be adopted.

Rollo said this amendment would remove parking from both sides of the 900 block of South Mitchell to accommodate a pedestrian lane. He said this action was considered by the Sidewalk Committee in the past year. It was considered a problem area where a sidewalk would be the best option, but the queue of projects was long.

Rollo reported that the street had room for two traffic lanes and a pathway but nothing more. He noted that the residences had driveways that accommodated parking.

Dan Sherman, Council Attorney/Administrator, was assisting Rollo with visuals and noted that the road was narrow and ranged from 26 feet to 23 feet in width and had no current parking restrictions. He noted travel lines of 9 feet in each direction would leave only 5 feet for a pedestrian lane and parking.

Rollo said he had emailed the neighborhood for feedback and noted the responses had been all positive save one which objected because of lack of visitor parking. He noted that skirts of the driveways could be widened to accommodate off street parking, but the driveway would be limited to the width of the garage door. One neighbor had only a one car garage, and not able to take advantage of that provision.

Rollo described the sidewalks, road improvements, walking paths and bike and auto traffic patterns in the area to provide a background for this request. He said that pedestrians in this block had no place to walk except in the street where they were in the same path as traveling cars, parked cars, and bicyclists. He showed pictures of the area just south of the Maxwell/Mitchell intersection to illustrate the problem.
Rollo said that the proposal in this amendment was the best option until a sidewalk could be built. He added that the cost of the lane would be about $1000.

Ruff asked about staff support of the proposal. Sherman said the report from the Sidewalk Committee recommended this pedestrian lane if the decision was made to remove parking. He said based upon that, the engineering staff that liaisons with the Traffic Commission presented the proposal to the commission. The Traffic Commission did not approve the proposal. Rollo said there was little detail associated with the denial of that proposal.

Spechler asked if part of the roadway would be taken for the walkway.
Sherman said 5 feet of the east side of the street would be marked and signed for the walking lane. Spechler asked if there would be a barrier to prevent people from parking over the walking lane. Sherman said there would be pavement markings only. Rollo said 'no parking' signs would be installed. For clarification, Mayer noted that the walkway would be indicated by a line painted on the street.

Volan asked if there had been consideration of making the street one way with parking on one side and a pedestrian lane on the other side. Rollo said it wasn't considered practical, and would be a profound change for the residents.

Granger asked about traffic studies for the area. Rollo said there was a study done in connection with a 'peninsula' installed for help in traffic calming at the end of the block a couple of years before.

Neher asked if parking on one side with a pedestrian lane on the other side was considered. Rollo said that the city owned enough right-of-way to widen the street, but he pointed out that there was already excessive speed. He added there was not enough room for two travel lanes and a walking path. He said he observed that students parked on the street and walked to campus.

Volan asked about the nearest parking zone. Sherman said it was north of Maxwell Lane. Volan asked for specifics on the width of the street, and the minimum traffic lane width. Sherman said parking lanes were 7 feet wide; traffic lanes were 9 feet wide. Rollo said the street was in violation of these widths as parking was permitted on both sides of the street. Volan asked if this street was a candidate for the Neighborhood Transportation Safety Program. Rollo said he chose to take this issue to the Sidewalk Committee because it needed a sidewalk. There was some discussion about a portion of Maxwell Lane at the northern end of Mitchell that had room for the cars that were parking on Mitchell at the time of this discussion. Mayer noted that the house in question could not widen the driveway due to code issues as mentioned above.

Ruff asked about support by staff and opposition by the Traffic Commission. Sherman said that he had attended the commission meeting at which one resident spoke about his opposition to the proposal and Sherman said he had also contacted the council with his desire for an off street sidewalk. Sherman said the meeting was also

attended by people who approved the proposal, and some concerns about the speed of the cars turning south at the intersection of Mitchell and Maxwell. He noted that there were also some concerns about extending the Neighborhood parking zone to the south to include this area. Sherman said that all these led the commission to oppose action at that time.

Sherman said that he sent, at Rollo's request, twenty four letters to property owners and residents along the street. He noted that six returned responses were in the packet.

Ruff noted that the Traffic Commission actually concluded that there was no particular solution that was best at the time of the proposal, but that the engineering staff supported Rollo's proposal.

Mayer called for public comment on the item.

Ron Evans noted his address as 923 S. Mitchell Street for the past seven years, and noted that there were issues with pedestrian use of this street as about one foot non paved area existed between the paved area and a ditch. He said daylight hours were manageable with caution, but nighttime walking was dangerous because of traffic turning south on Mitchell. He added that rain or snow made this area very risky for a pedestrian. He said Rollo's analysis was a good one for this point in time, and that the pedestrian lane with no parking was needed now. Evans said that his earlier concerns about speed and traffic on this street had been dismissed, but he was in favor of this plan.

Michael Evans of the same address said she was strongly in favor of this proposal and noted that because of the neighborhood zone immediately to the north of this block daytime parking from non-residents had increased in this area. She asked that the council approve this proposal.

Sam Erotas, tenant of 1514 East Maxwell Lane, said that four students lived in the house and each had a car, but the house had only a single lane driveway. He noted that the pull-off in front of the house was a bus pull-off. He alluded to previous talk of students walking to IU from that area and said that was actually his roommates and him. He said he was not opposed to the proposal of a sidewalk, but worried where he would park if parking were not allowed on Mitchell Street. He was also concerned about guest parking. He also suggested having parking on only one side of Mitchell Street.

Paul Digiulio, tenant of 1514 East Maxwell Lane, said that he and his roommates want to make the street safer, but that they depend on the parking there. He said there were really only a couple of cars, and there was room for parking on one side of the street.

Council comments:
Rollo asked Sherman to elaborate on the parking situation for the residence 1514 East Maxwell Lane as he had spoken to the owner of the home. Sherman noted that there was a bus stop on Maxwell, but not a bus zone that would prohibit parking. He said three cars could park could park there, and the fourth car for that home could park in the driveway of the home.

Sturbaum asked if the home was authorized to have four unrelated adults living there. Sherman verified that it was.

Spechler said this was a temporary and inexpensive solution, but hoped that there could be a barrier between the walkway and the driving area.

Mayer asked Sherman about his calculations regarding the space for three cars on Maxwell Lane. Sherman said he used the GIS map and noted the space measured 80 feet and the average car was 16 feet. Mayer noted that his calculations were based on fact.

Granger said her questions had not been adequately answered. She said many streets in that area had the exac same issue and that the council should examine that bigger picture of the whole area before individual actions were taken for one portion.

Sturbaum said he echoed the concern about limited resources to address these problems all over the city, and that many sidewalks were needed. He said that this was not a costly solution and could lead the way for other areas.

Rollo said he traveled this way often. He noted the SoMax neighborhood had many people associated with the university and walk the route because sidewalks from there lead to this area. He said that neighborhood association felt strongly that this was a dangerous situation. He noted that this situation was urgent. He said the parking situation

was not a problem for residents at this point, and urged council to read emails that were sent by neighbors who supported this proposal or a true sidewalk.

Neher said he truly hoped that 'temporary' really meant temporary and that there would be a second step to this area.

Volan noted his call for a more comprehensive look at a recent traffic issue in Prospect Hill as being relevant again with this proposal. He said that no one disputed that the street needed attention, but asked if the priority was cost savings, traffic flow, pedestrian safety, or the ability to park on the street; he noted the complexity of the issue. He said that parked cars provide value in slowing traffic. Volan proposed changing this block of Mitchell to a one way street, giving up one lane of traffic, and thus cueing pedestrians as to the direction of motorists. He also advocated the extension of the adjacent Neighborhood Parking Zone to this area.

Ruff said he agreed that parked cars worked to slow traffic in some areas, but said this was a different situation with an intersection, hill and curving streets. He said he agreed with Granger that it would be good to address the issues comprehensively. He said that by doing this it would be a small step in making the community more pedestrian friendly, but added that it wasn't perfect but worthy of support.

Mayer said this was a difficult decision. He said that traffic may travel faster if there are no cars parked to act to calm traffic. He said that a neighboring street, Sheridan, with parking on one side and a pedestrian walkway delineated on the other side, had a lot of speeding traffic, despite the measures outlined.

Vote on Amendment #1
Amendment #1 to Ordinance 12-22 received a roll call vote of Ayes: 5 (Neher, Sturbaum, Ruff, Rollo, Spechler), Nays: 1 (Volan), Abstain: 2 (Granger, Mayer)

Vote on Ordinance 12-22 as amended.
Mayer asked if there were questions or public comments on the ordinance as amended. There were none of either.

There were no council comments on the ordinance as amended.

Ordinance 12-22 as amended by Amendment #1 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Granger).

Ordinance 12-23 To Amend Title 6 (Health and Sanitation), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) of the Bloomington Municipal Code - Re: Adjusting Fees and Fines Found in Chapter 6.06 (Refuse and Weeds), Chapter 15.48 (Removal and Impoundment of Vehicles), Section 15.60.080 (Services and Fees), and Section 17.08.050 (Fees) and Making Other Related Changes to those Provisions

It was moved and seconded that Ordinance 12-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0.
It was moved and seconded that Ordinance 12-23 be adopted.

Patty Mulvihill, Assistant City Attorney, highlighted fees that would become graduated as well as raised. She outlined the rationale and need for these changes.

There were no questions from council members on this ordinance, and there were no comments from the public, either.

Council comments:
Volan noted that he had floated the idea of a $500 fine for a third violation of Title 6. He said upon further investigation and talk about it with constituents and the administration, he didn't see the need for it and so did not form an amendment for this ordinance. He said the more important aspect of Title 6 is being repaired with this ordinance. He said that the motion to divide the question last week was an innocuous one and was simply to make a statement that omnibus ordinances, especially on code titles that were unrelated, were cumbersome to deal with and caused long meetings. He stated his preference for quarterly updates on code issues. He said the omnibus ordinances were disrespectful to the public and against the council's efforts to optimize the difficult path between due and full consideration of an issue and trying to try to keep council meetings to a reasonable length. He said these ordinances were translucent at best. He said that the city budget was not considered in an omnibus ordinance. He added that he blamed the council for shrugging off the issue, and said that public deliberations suffer on all the issues included in such an ordinance.

Volan asked that the administration break up such ordinances into two or three smaller ordinances because they would little extra effort, would provide transparency and would allow a council member to vote on the issues individually rather than all together.

Rollo noted that there was difficulty in considering an ordinance with unrelated topics. He said a disagreement with one point was difficult when considering voting against the entire ordinance. He said for the public to understand a council members vote on an issue was the reason he supported dividing the question in the committee meeting.

Rollo said he admired the staff for their work on this, that they were creating a safer Indiana, and that they we looking out for the general welfare of the public.

Spechler said he agreed with the idea that unrelated matters should be separated. He said the ordinance reflected the work of Housing and Neighborhood Development Department in dealing with changing neighborhoods in the downtown. He said education was needed as well as enforcement and that the ordinance strengthened both.

Mayer thanked staff for their efforts.

Ordinance 12-23 received a roll call vote of Ayes: 8, Nays: 0.

LEGISLATION FOR FIRST READING
Ordinance 12-24 To Amend the Bloomington Zoning Maps for Six Parcels in the Old Northeast Neighborhood from Institutional (IN) to Residential Multifamily (RM) (Four Parcels), Commercial General (CG) (One Parcel) and Commercial Downtown (CD) (One Parcel) - Re: 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, 514 N. Fess Avenue, 403 E. 6th Street, and 613 E. 12th Street (The City of Bloomington, Petitioner)

COUNCIL SCHEDULE
MOTION: It was moved and seconded to hold a Special (not previously scheduled) Internal Work Session on Thursday, October 11, 2012 at noon to hear the Deer Task Force Report.
ACTION: The motion was approved by a voice vote.

MOTION: It was moved and seconded to move the Internal Work Session scheduled for noon on October 15, 2012 to noon on October 22, 2012.
ACTION: The motion was approved by a voice vote.

PUBLIC INPUT
There were no comments from the public at this time.

ADJOURNMENT
The meeting was adjourned at 9:42 pm.

APPROVE: /s/ Timothy Mayer, PRESIDENT, Bloomington Common Council Timothy Mayer
ATTEST: /s/ Regina Moore, CLERK, City of Bloomington Regina Moore