

# City of Bloomington Common Council

## Legislative Packet

**Wednesday, 3 April 2019**

## **Regular Session**

Legislation and background material regarding Resolution 19-06, please consult the [27 March 2019 Legislative Packet](#).

Legislation and background material regarding Appropriations Ordinance 19-02 and Ordinance 19-09 is contained herein.

*For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

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**City of  
Bloomington  
Indiana**



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**To: Council Members**  
**From: Council Office**  
**Re: Weekly Packet**  
**Date: 29 March 2019**

### LEGISLATIVE PACKET CONTENTS

#### REGULAR SESSION WEDNESDAY, 03 APRIL 2019

- Memo from Council Office
- Agenda
- Letter to IDEM
- Appropriation Ordinance 19-04 – Authorizing Expenditure of Reverted Funds
  - o Memo from Jeff Underwood, City Controller
  - o 2018 Reversion Spending Detail Exhibit (itemizing appropriations by Fund, Department, and Category)  
*Contact: Jeff Underwood, Controller; 812.349.3416, [underwoj@bloomington.in.gov](mailto:underwoj@bloomington.in.gov)*
- Ordinance 19-09 – Regulating Motorized Scooters and Shared-Use Scooters
  - o Memo to Council from Mike Rouker, City Attorney  
*Contact: Mike Rouker, City Attorney, 812-349-3426; [roukerm@bloomington.in.gov](mailto:roukerm@bloomington.in.gov)*
- Minutes

#### **MEETING ON WEDNESDAY, 03 APRIL 2019, AT-A-GLANCE**

##### **REGULAR SESSION**

###### *Council Reports:*

- Letter to IDEM urging soil testing in the Waterman Neighborhood

###### *First Reading:*

- Appropriation Ordinance 19-02 To Specially Appropriate from the General Fund, Parks General Fund, Local Road & Street Fund, Motor Vehicle Highway Fund, Risk Management Fund, and Housing Development Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2018 for Unmet Needs in 2019)
- Ordinance 19-09 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re Amending Chapter 15.04 (Definitions), 15. 56 (Bicycles, Skateboards, and Other Foot-Propelled Vehicles), 15.60 (Miscellaneous Traffic Rules), 15.64 (Traffic Violations Schedule) and Adding a New Chapter 15.58 (Motorized Scooters and Shared Use Motorized Scooters) to Provide for Regulations Governing Motorized Scooters, Shared-Used Motorized Scooters, and Shared-Use Motorized Scooter Operations

###### *Second Reading and Resolutions:*

- Resolution 19-06 Approving the Issuance of Tax Increment Revenue Bonds of the City of Bloomington Redevelopment District to Finance the Costs of Acquisition and Construction of the 4<sup>th</sup> Street Parking Garage in the Bloomington Consolidated Economic Development Area and Costs

Incurred in Connection with the Issuance of Such Bonds.

*For Legislation and background material, please see the Legislative Packet issued in interest of the [27 March 2019 Council meeting](#).*

### **Preliminary Matters – Reminders, Etc.**

- In response to concerns expressed by residents of the Waterman neighborhood, the Council will consider sending a letter to IDEM requesting comprehensive soil sampling in the neighborhood. The draft letter is included in this packet.
- Council Work Session on Friday, 05 April 2019, Council Library

### **Regular Session (Second Readings and Resolutions) - Summary**

#### **Item 1:**

#### **Appropriation Ordinance 19-02 – Appropriating from Various Funds a Portion of Reversions in 2018 to Address Unmet Needs in 2019**

The first item to be introduced for First Reading next Wednesday is **Appropriation Ordinance 19-02**. It appropriates an additional ~\$2.016 million of funds reverted at the end of 2018 to seven funds (which are set forth and detailed further on in this summary).

According to the Memo from Jeffrey Underwood, Controller, the appropriation of \$2,015,724 is about 42% of the \$4,743,695 which reverted to eight funds<sup>1</sup> at the end of 2018. As the Memo, explains, the Mayor initiated this program at the beginning of the term in order to encourage “department heads to be good stewards of City’s funds and to strive to find innovative ways to become efficient as possible in utilizing these funds. It was also his goal to share savings with the Departments on an equal basis” with the appropriation of the remainder going towards the broader needs of the City.

This will be the fourth year that the Administration and Council have appropriated monies that reverted at the end of the previous year for use in the following year. In 2016, ~ \$2.79 million of funds that reverted at the end of 2015 were used primarily for Capital Outlays [Cat 4] (where ~\$2.6 million went largely toward replacement of aging vehicles) and Other Services and Charges [Cat 3] (where ~\$190,000 went toward training & education. In 2017, ~\$2.7 million of funds reverted at the end of 2016 were used again primarily for Capital Outlays [Cat 4] (where ~ \$1.78 million went largely toward capital/vehicle replacement) and for Other Services and Charges [Cat 3] (where ~ \$885,000 went toward training, outside services, and program support for grants and outreach efforts. And, in 2018, ~ \$2.083 million of funds reverted at the end of 2017 were used again primarily for Capital Outlays (where ~ \$1.04 million went largely

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<sup>1</sup> Reversions at the end of 2018 went back into these eight funds: General Fund, Parks General Fund, Motor Vehicle Highway Fund, Local Road & Street Fund, Risk Management Fund, Parking Facilities Fund, Parking Meter Fund, and Vehicle Replacement Fund.

toward capital replacements<sup>2</sup> and improvements) and again for Other Services and Charges [Cat 3] (where ~\$897,000 went largely toward training and consultants).

**Proposed Appropriations (per Reversion Spending Detail Exhibit)**

This year, the Controller has provided a Reversion Spending Detail Exhibit (attached) which itemizes appropriations by Fund, Department, and Category. Rather than summarize it here, please note that, while the emphasis is on Other Services and Charges [Cat 3] and Capital Outlays [Cat 4], more this year is being appropriated to the Category 3 than Category 4. Please refer to the exhibit for the particulars.

Here’s a breakdown of appropriations by Fund, Amount, and Budget Category:

**Appropriations by:**

<b><u>Fund</u></b>	<b><u>Appropriation</u></b>	<b><u>By Category</u></b>
<b>General Fund (#101)</b>	\$1,135,156	Cat 1: \$43,261 <sup>3</sup> Cat 2: \$139,310 <sup>4</sup> Cat 3: \$674,085 <sup>5</sup> Cat 4: \$278,500 <sup>6</sup>
<b>Parks General Fund (#200)</b>		
Parks and Recreation Department	\$22,400	Cat 2: \$3,000 Cat 4: \$19,400
<b>Motor Vehicle Highway Fund (#451)</b>		
Street Department	\$192,886	Cat 4: \$192,886
<b>Local Road &amp; Street Fund (#450)</b>		
Public Works	\$267,182	Cat 3: \$ 85,000 Cat 4: \$182,182
<b>Vehicle Replacement Fund (#610)</b>		
Controller	\$45,000	Cat 4: \$45,000

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<sup>2</sup> This includes vehicle replacement.

<sup>3</sup> Category 1 – includes the following requests: ACC (\$6,831), CFR (\$9,430), ESD (\$5,000), ITS (\$12,000), and OOTM (\$12,000).

<sup>4</sup> Category 2 – includes the following requests: Controller (\$5,500), CFR (\$10,810), ESD (\$2,000), Fire (\$90,000), Legal (\$100), OOTM (\$22,500), and P&T (\$8,400).

<sup>5</sup> Category 3 – includes the following requests: Clerk (\$14,333), Council (\$6,304), Controller (\$75,500), CFR (\$29,050), ESD (\$5,986), PW-Facilities (\$24,000), Fire (\$47,000), HAND (\$25,000); HR (\$59,500), ITS (\$66,412), OOTM (\$27,500), P&T (\$253,500) & PW (\$40,000).

<sup>6</sup> Category 4 – includes the following requests: PW-Facilities (\$159,500) & Police (\$119,000).

**Risk Management Fund (#800)**

\$3,100  
Cat 2: \$1,100  
Cat 3: \$2,000

**Housing Development Fund**  
HAND Department

\$350,000  
Cat 3: \$350,000

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**Total:** \$2,015,724 \$2,015,724\*

**\* Total by Category:**

<b>Category 1</b>	Personnel	\$ 43,261
<b>Category 2</b>	Supplies	\$ 143,410
<b>Category 3</b>	Other Services and Charges	\$1,111,085
<b>Category 4</b>	Capital	\$ 717,968

**Total Appropriation and Effect on Fund Balances**

According to the Underwood memo, \$4,743,695 reverted at the end of 2018 to eight funds.<sup>7</sup> This ordinance appropriates \$2,015,724 to six of those eight funds<sup>8</sup> along with the Housing Development Fund. After this appropriation, about \$2,727,971 of those reverted funds will remain in the balance of the respective funds.

As a gauge of suitable reserves, the Memo cites the recommendation of Government Finance Officers Association (GFOA) that “general purpose governments ... maintain unrestricted budgetary fund balance in the general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures.” According to the Memo, after this appropriation, there will be reserves amounting to four months of said revenue/expenditures.

By way of illustration, the Memo includes the year-end balances for the following funds (to which the Council Office added the columns regarding this ordinance’s appropriations and the theoretical calculation of how this appropriation would have reduced those end-of-the-year balances).

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<sup>7</sup> These eight funds include the: General Fund, Parks General Fund, Motor Vehicle Highway Fund, Local Road & Street Fund, Risk Management Fund, Parking Facilities Fund, Parking Meter Fund, and Vehicle Replacement Fund.

<sup>8</sup> Those two funds not subject to this ordinance are the Parking Meter Fund and Parking Facilities Fund.

<b><u>Appropriations by Fund</u></b> <b><u>Fund</u></b>	<b><u>Balance at</u></b> <b><u>End of</u></b> <b><u>2018</u></b>	<b><u>Appro-</u></b> <b><u>priation</u></b>	<b><u>Reduction</u></b> <b><u>as Applied</u></b> <b><u>to End-of-</u></b> <b><u>Year</u></b> <b><u>Balance</u></b> <sup>9</sup>
<b>General Fund (#101)</b>	\$15,475,486	\$1,135,156	\$14,340,330
<b>Rainy Day Fund</b>	\$4,760,551	\$0	\$4,760,551
<b>Parks General Fund (#200)</b>			
Parks and Recreation Department	\$1,322,579	\$22,400	\$1,300,179
<b>Local Road &amp; Street Fund (#450)</b>	\$978,511	\$267,182	\$711,329
Public Works			
<b>Parking Meter Fund (#455)</b>			
Police Department	\$3,000,059	\$0	\$3,000,059
<b>Parking Facilities Fund (#452)</b>			
Public Works	\$1,509,844	\$0	\$1,509,844
<b>Motor Vehicle and Highway Fund (#451)</b>			
Public Works Department	\$2,064,150	\$192,886	\$1,871,264
<b>Vehicle Replacement Fund (#610)</b>			
Controller	\$604,616	\$45,000	\$559,616
<b>Risk Management (#800)</b>			
Legal	\$183,599	\$3,100	\$180,499
<b>Total:</b>	<b>\$29,899,395</b>	<b>\$1,665,724<sup>10</sup></b>	<b>\$28,233,671</b>

<sup>9</sup> Note: This figure is a theoretical one: Fund balances change as revenues are received and expenditures are made.  
<sup>10</sup> This figure is less than the \$2.015 million appropriated by this ordinance because it does not include the \$350,000 appropriated to the Housing Development Fund.

## **Note on the Council Oversight Ordinance (Ord 18-10) Adopted Last December and How it May Apply to this Legislation**

As you recall, at the end of last year, after many meetings with the Administration, the Council adopted Ord 18-10, which provided additional Council oversight of certain fiscal actions by the City. That ordinance sets forth new procedures (briefly described below) which have not been done before and may have relevance to the appropriation ordinance being considered this legislative cycle.

Ord 18-10 applied to a set of Funds<sup>11</sup> and to fiscal actions with a monetary threshold of at least \$100,000. Within those parameters, the ordinance required:

- Council approval of intra-category transfers<sup>12</sup> (meeting this monetary threshold), unless excepted by the ordinance;
- Submission to, and approval by, the Common Council of Capital Plans for the year.
  - Please note that these capital plans must conform to the appropriations for that year and that may be achieved with the adoption of the annual appropriation ordinance or an additional appropriation ordinance; and
- Approval by the Council of expenditures (meeting the above monetary threshold) in the year they are made where these expenditures had not been previously identified and approved by the Council.
  - *Please note that expenditures that are presented in sufficient detail in an additional appropriation ordinance are deemed approved by the Council;*<sup>13</sup>

The latter provision (in italics) is relevant to any additional appropriation and may apply to approvals embedded in this ordinance. Here are some of the appropriations that, on their face, meet the \$100,000 threshold where Council approval would constitute approval of the subsequent expenditure:

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<sup>11</sup> City's General Fund (0101) and Parks General Fund (1301); (Vehicle) Repair and Replacement (0104); Non-Reverting (0113); Local Road and Street (0706); Motor Vehicle Highway (0708); Communications Center [Telecom] (1146); Continuing Education (1151); Parking Meter (2141); Cumulative Capital Improvement [Cig Tax] (2379); Cumulative Capital Development (2391); Transportation [Alternative Transportation] (6301); Sanitation (6401); Dispatch Training (9501); Parking Facilities ((9502); Investment Incentive (9503); Electronic Map Generation (9504); PS LIT Fund (9505); Housing Trust [Housing Development Fund] (9506)/Ord 17-03); Enhanced Access (F410) (9507); and Jack Hopkins Social Services (F270/Ord 17-42).

<sup>12</sup> Under State law and regulations, transfers between funds and from one of the four budget categories to another already require Council approval. Intra-category transfers are transfers within the four budget categories in one Fund.

<sup>13</sup> Ord 18-10 Section 3, BMC 2.26.210 (Identifying Certain Expenditures of at least \$100,000 and Council Review of Certain Expenditures Not Previously Identified Prior to Payment), Part (b), which includes this text:

“In addition, expenditures that are presented in sufficient detail and are, in whole or in part, authorized with the adoption of another appropriation ordinance, shall be deemed previously identified and exempt from Council review under this section.”

General Fund

Public Works – Facilities

Category 4: Replace HVAC in Showers - \$100,000

Planning and Transportation

Category 3: Schmidt Development Services - \$125,000

Local Road and Street Fund

Public Works

Category 4: Single Axle Dump Truck, Pick up - \$182,182

Motor Vehicle Highway Fund

Public Works – Street Department

Category 4: Two Pickup Trucks; 1 ton pickup - \$188,818

Housing and Neighborhood Development

HAND

Category 3: Union at Crescent and other affordable housing projects - \$350,000

**Item 2:**

**Ordinance 19-09: Regulating Motorized Scooters, Shared-Use Motorized Scooters, and Shared-Use Motorized Scooter Operators.**

Currently, the operation of scooters is governed by an interim operating agreement between the City and scooter companies. By their terms, the agreements will be obviated upon the adoption of an ordinance governing scooter use and scooter companies. Ordinance 19-09 is intended to be such a governing document.

Ordinance 19-09 governs both the operation of motorized scooters and the operation of motorized scooter companies. The ordinance outlines requirements for licensing of scooter companies, parking of scooters, scooter operation and use, equipment and safety, data collection, public outreach, affordability, and enforcement. The Memo from Mike Rouker, City Attorney, provides a detailed treatment of all the changes outlined in the ordinance. The following is by way of brief overview. Know that in drafting this ordinance, the Administration worked closely with scooter companies and issued three surveys in the interest of securing public input on the matter.<sup>14</sup> Know also the Councilmember Volan served on the committee working on the development of this ordinance.

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<sup>14</sup> The Administration issued a survey on the Polco website (public engagement website), issued a survey for residents, and issued a survey for I.U. students.



**Licensing** – The ordinance requires that shared-use motorized scooter operators (the scooter companies) obtain a license from the Board of Public Works. To obtain a license, an applicant must present the Board with multiple pieces of information. The ordinance provides that in making the decision whether to issue the license, the Board shall take into consideration the extent to which the company’s current or previous operations have complied with law. The term of the license runs for one year.

A license may be revoked if the scooter company: 1) violates the City ordinance; 2) violates any additional requirements imposed by the Board of Public Works; and 3) violates any federal, state, or local law or regulation. Any person aggrieved by a decision of the Board of Public Works in denying or revoking a license may appeal that adverse decision to the Monroe County Circuit Court no later than 30 days after the Board’s findings.

**Cap on Number of Scooters** – In issuing a license, the Board will cap the number of scooters the company is eligible to deploy. When a license is up for renewal, the Board may increase or decrease that maximum.

**Scooter Operation & Parking** – While much of the ordinance attaches to the requirements of the scooter companies, provisions regarding scooter operation and parking apply to *all* persons operating a scooter in the right of way, whether the motorized scooter is a shared-use scooter or not.

***Scooter Operation.*** When operating in the public right of way, a rider must:

- Yield the right-of-way to any pedestrian.
- When passing a pedestrian, must pass at, at-least- 3-feet or dismount.
- Dismount when passing a pedestrian with a visual impairment.
- Must use an audible signal when passing a pedestrian.
- Avoid moving into the path of pedestrian or vehicle so as to create a hazard.
- Not operate the scooter at a speed faster than pedestrian-speed when entering a crosswalk, or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to create a hazard.
- Not operate a scooter while controlling an animal.
- Not operate a scooter within an area of special event.
- Dismount on any sidewalks or crosswalks in a dismount zone.
- For shared-use scooters only: Operators must be at least 18 years old.
- For shared-use scooters only: No double riding.

***Scooter Parking.*** When operating in the public right of way, a motorized scooter operator:

- May park at any bike rack.
- May park in a painted box designated for scooters.
- May park on the sidewalk if:

- parked in an upright position.
- parked so as to leave a clear, straight path at least 54 inches wide.
- parked not to obstruct a number of different facilities (parking space, loading zone, public transit infrastructure, parking meter, fire hydrant, driveway, entrance/exit, utility pole, etc.).
- parked so as to not impede ADA accessibility
- Dismount Zones<sup>15</sup>
  - May not park on sidewalks on either side of the street within the dismount zone.
  - May park at a bike rack within a dismount zone, even where the bike rack is located on the sidewalk.
- May not park on unimproved surfaces.
- May not park within the boundaries of a permitted special event.
- Unless designated by a painted box, may not park on the street or in alleys.
- May not park on public property unless granted permission by the entity that has jurisdiction over that property.

#### Additional parking requirements

- Scooter companies must require scooter users to take a picture depicting the location of their parked scooter at the end of their ride.
- The City may move a scooter parked in an illegal location to a legal location.

As indicated by City Attorney Rouker, legislation pending in the Indiana General Assembly may preempt some the proposed ordinance's parking requirements.

### **Shared-Use Motorized Scooters: Equipment, Safety, and Hours of Deployment**

***Speed:*** Scooters must be equipped so that they cannot exceed 15 MPH. (The Board of Public Works may attach additional speed restrictions.)

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<sup>15</sup> Those zones are the same as those for bicycles as required by Ordinance 17-23 and codified at BMC 15.56.020

- Fourth Street from Indiana Avenue to Grant Street
- Kirkwood Avenue from Indiana Avenue to Morton Street.
- Sixth Street from Walnut Street to Morton Street.
- Walnut Street from Fourth Street to Seventh Street.
- College Avenue from Fourth Street to Seventh Street.

***Equipment:***

- Must be compliant with applicable industry standards.
- Each scooter must be assigned a unique ID number.
- Each scooter must conspicuously display certain information, such as operating requirements, telephone number of company, and encouragement to use helmets.
- Must be equipped with bell or horn.
- Must be equipped with front and rear lights and adequate brakes
- Must be capable of being locked down.
- Must be maintained in reasonably clean and proper working condition.

***Hours of Deployment:***

- May not be made available for rent between the hours of 10:01 PM and 5:59 AM.

**Shared-Use Motorized Scooters: Lock Down** – If a scooter is reported to be unsafe or inoperable, the ordinance requires the scooter company to:

- Immediately lock down the scooter pending an investigation.
- Remove the scooter from the right-of-way within 2 hours.
- Any scooter that is not so removed, may be impounded.

**Shared-Use Motorized Scooters: Data Sharing** – The ordinance attaches a number of monthly reporting requirements to scooter companies. Those requirements include, but are not limited to, data related to scooter trips (start/end time; distance; trajectory, cost, etc.). The ordinance also requires that scooter companies report collision and accident data. The ordinance further provides that all information provided by the scooter company shall be anonymized and that the City may publish monthly reports so that this information is available for public review.

**Public Outreach** – The ordinance attaches outreach and educational requirements to companies operating shared-use motorized scooter businesses. Those requirements include:

- Provide information to users about Bloomington’s regulations and best practices.
- Develop a webpage re: Bloomington regulations and best practices.
- Engage in on-the-ground safety campaigns, 2x/annum.
- Make helmets available at a “local” location (City Attorney Rouker advises that the Board of Public Works would determine what suffices for “local.”)

**Affordability and Accessibility** – The ordinance requires that scooter companies must provide a 50% discount to any member of the public who can demonstrate participation in any federal, state, or local assistance program. The ordinance also provides that the Board of Public Works may attach additional affordability or accessibility requirements. (Some communities require that shared-use scooters be distributed equally in the right-of-way into low-income areas).

**Removal and Impoundment** – A shared-use scooter that poses a hazard to public health and safety may be removed and impounded by the City and the City may dispose of any scooter impounded and stored for more than 180 days. Removal, impoundment, and storage are violations of the BMC and come with a \$100 fee, \$10/day for storage, and \$150 for disposal.

**Fines for Motorized Scooter Users** – Violation of the rules associated with the operation and parking of motorized scooters carries the same penalty as that for bicycles:

- \$20 for illegal scooter use.
- \$30 (escalating to \$60) for illegal scooter parking.

**Fines for Motorized Scooter Companies**

- Up to \$2,500/violation (the statutory maximum).
- Removal, impoundment, storage, and disposal fees as above.

**Appeal** – A scooter company whose application for a scooter license has been denied, or whose license has been revoked, may appeal the decision of the Board of Public Works to the Monroe County Circuit court within 30 days of the findings.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL  
REGULAR SESSION  
6:30 P.M., WEDNESDAY, 03 APRIL 2019  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** 06 February 2019 – Regular Session

**IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)

**1. Councilmembers**

\*Letter to IDEM

**2. The Mayor and City Offices**

**3. Council Committees**

**4. Public\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Resolution 19-06 Approving the Issuance of Tax Increment Revenue Bonds of the City of Bloomington Redevelopment District to Finance the Costs of Acquisition and Construction of the 4<sup>th</sup> Street Parking Garage in the Bloomington Consolidated Economic Development Area and Costs Incurred in Connection with the Issuance of Such Bonds

Committee Recommendation: Do Pass 3 – 2 – 3

**VII. LEGISLATION FOR FIRST READING**

1. Appropriations Ordinance 19-02 To Specially Appropriate from the General Fund, Parks General Fund, Local Road & Street Fund, Motor Vehicle Highway Fund, Risk Management Fund, Housing Development 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 2018 for Unmet Needs in 2019)

2. Ordinance 19-09 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Amending Chapter 15.04 (Definitions), 15.56 (Bicycles, Skateboards, and Other Foot-Propelled Vehicles), 15.60 (Miscellaneous Traffic Rules), 15.64 (Traffic Violations Schedule) and Adding a New Chapter 15.58 (Motorized Scooters and Shared Use Motorized Scooters) to Provide for Regulations Governing Motorized Scooters, Shared-Use Motorized Scooters, and Shared-Use Motorized Scooter Operators

**VIII. ADDITIONAL PUBLIC COMMENT\*** (A maximum of twenty-five minutes is set aside for this section.)

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak. *Auxiliary aids are available upon request with adequate notice. Please call (812) 349 – 3409 or e-mail [council@bloomington.in.gov](mailto:council@bloomington.in.gov).*

03 April 2019

Mr. Alan Minne, Environmental Manager  
Industrial Waste Compliance Section  
Compliance Branch  
Office of Land Quality  
100 N. Senate Avenue  
Indianapolis, IN 46204

Mr. Minne:

We write to urge the Indiana Department of Environmental Management, Office of Land Quality to conduct a comprehensive soil evaluation in a Bloomington neighborhood whose soil quality may have been compromised by a nearby scrap metal and auto salvage operation. Specifically, we request that IDEM conduct soil testing in the Waterman neighborhood, a neighborhood located south of J.B. Salvage, 1803 W. Fountain Drive, Bloomington, Indiana 47404. See attached map.

Recent industrial storm water testing at J.B. Salvage, inspections conducted by IDEM's Office of Land Quality – Industrial Waste Section, as well as soil collected by residents and analyzed by the Center for Urban Health at IUPUI, suggest that the industrial activities of the salvage yard might be having an adverse effect on surrounding properties. We would like to know definitively if these concerns are borne out.

Specifically, environmental testing in this area has revealed the following:

- Storm water Testing: In July 2018, IDEM conducted an inspection of the salvage yard and found that the pollutant parameters for storm water were above the EPA Industrial Storm Water Run-off benchmarks. Specifically, benchmarks were exceeded for aluminum, copper, iron, lead, oil & grease, among others. While benchmarks individually may not trigger remediation, it is unclear what synergistic effect these above-benchmark-level chemicals have in combination.
- Land Quality Testing: In response to the July inspection, IDEM referred the matter to you at the Office of Land Quality. Your November 2018 report found violations of oil, waste tire management, and air. Pursuant to IDEM's January 2019 letter, we understand that these particular land quality violations have been remedied. Nevertheless, as you are aware, in response to both the industrial storm water and land quality violations, IDEM is shifting J.B. Salvage's permit from the more permissive generalized permit to a more rigorous individual permit.

- Soil Testing: Concerned with these results, and the specter of soil contamination due to run off and other industrial activities, neighbors independently worked with Professor Gabriel Filippelli, Director of the Center for Urban Health at IUPUI to test the soil for heavy metals. The soil was sampled at a number of sites in the neighborhood. Those soil samples revealed high levels of heavy metals in some areas. Particularly worrisome are the levels of arsenic and chromium found at some sites: some sites tested as high as 126 ppm for chromium and as high as 166 ppm for arsenic. As you are aware, the average U.S. soils tests at 37 ppm for chromium and 5.2 ppm for arsenic (2017 USGS). Please find Professor Filippelli's report attached.

Concerns associated with environmental contamination in low-income areas are not unique to Bloomington, and concerns associated with this particular site are not new. According to documents retrieved from IDEM's Virtual File Cabinet (VFC), concerns associated with this site date to 1998, with previous violations found in 2011. However, concerns about the environmental health of this area and its residents very likely precede VFC documents, as previous to J.B. Salvage, the site was occupied by an auto parts company in the 1960s. We understand that this site may also have functioned as a landfill at one point and that a salvage yard was located on land just southeast of J.B. Salvage in the 1940s and 1950s.

While we understand that IDEM is not required to conduct soil testing of this site at this juncture, we hope that IDEM will nonetheless engage in comprehensive soil testing in the interest of helping this low-income neighborhood develop a more complete picture of the safety of their soil. This is a neighborhood that includes many families with young children where many residents grow their own food. This heightens the urgency to ensure the soil in this area is safe. Given the current and previous uses of the site, a comprehensive sampling would include the following: 1) a metals analysis; 2) VOCs; 3) SVOCs; 4) PCBs; 5) BTEX (includes gasoline-related chemicals such as benzene, toluene, ethylbenzene, and xylene); 6) GROs (gasoline-range organics); and 7) DROs (diesel-range organics).

We appreciate the IDEM Office of Land Quality's mission to ensure proper use of land to protect land for future generations. As local officials charged with protecting the health, welfare, and safety of our residents, we urge the State's assistance in helping this neighborhood obtain a more complete picture of the soil in which they are growing their food and in which their children are playing.

Thank you for your attention to this matter.

Sincerely,

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Dave Rollo, President  
District IV Representative

---

Dorothy Granger, Vice President  
District II Representative

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Steve Volan, Parliamentarian  
District VI Representative

---

Susan Sandberg  
At-Large Representative

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Jim Sims  
At-Large Representative

---

Andy Ruff  
At-Large Representative

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Chris Sturbaum  
District I Representative

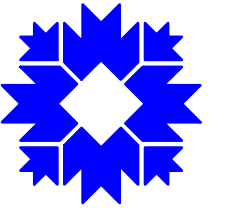
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Allison Chopra  
District III Representative

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Isabel Piedmont-Smith  
District V Representative



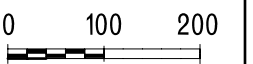
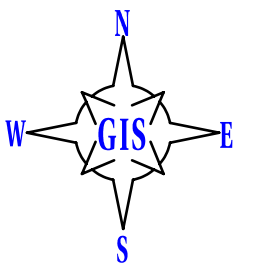


City of  
Bloomington

Waterman  
Neighborhood

TmnbrB

Jul 8, 2016

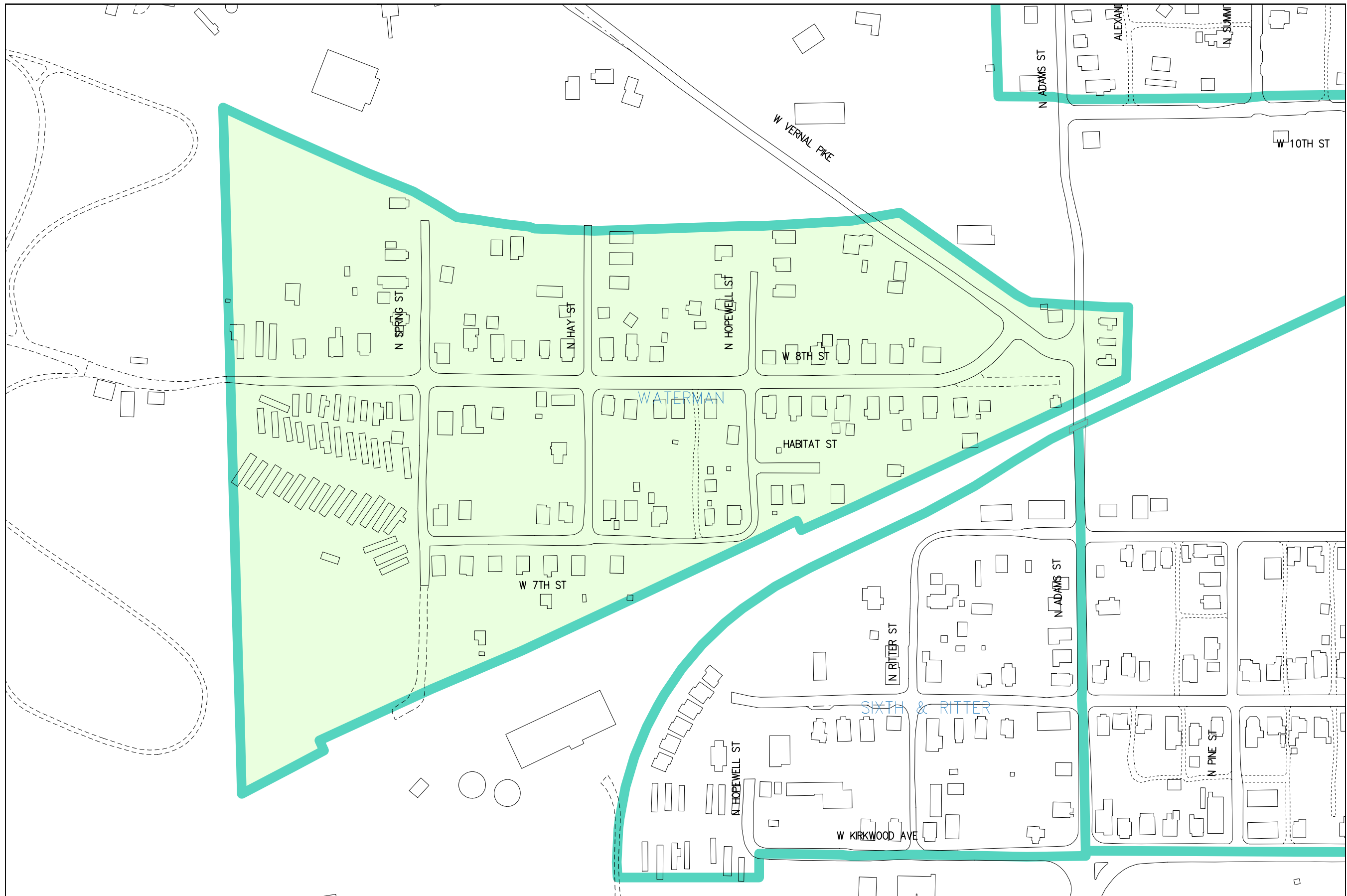


Neighborhood  
Association Map



Neighborhood Boundary

This map was produced by  
the City of Bloomington GIS  
for use as map information  
only. Map is NOT warranted.



## Results of Waterman Neighborhood soil analyzed by IUPUI

Bloomington Soils	Soil metal concentration (parts per million)					
	Chromium	Nickel	Copper	Zinc	Arsenic	Lead
Behind 420 Hopewell (1)	80	42	196	744	11	210
Hopewell Culvert (2)	66	52	132	577	5	196
430 Hopewell across tracks (3)	126	40	218	804	9	250
Hay St - side street (4)	70	30	109	307	166	114
Hay St. Salvage side (5)	78	44	94	191	71	111
Spring Street JB side (7)	111	45	216	694	11	273
Dandelion Culvert (8)	42	21	34	110	8	43
Dandelion Rivulet (10)	54	34	32	95	6	41
W. 8th St. house rivulet (11)	66	55	63	277	12	85
421 Hopewell (12)	66	36	29	130	8	53
Avalon Garden (13)	46	27	24	77	6	46
Average Soil (USGS, 2017)	37	13	17	48	5.2	16

All samples were dried, sieved to 0.16 mm, and analyzed by Olympus handheld XRF in Soil Mode and calibrated to NIST Standards

**APPROPRIATION ORDINANCE 19-02**

**TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, PARKS GENERAL FUND,  
LOCAL ROAD & STREET FUND, MOTOR VEHICLE HIGHWAY FUND, RISK  
MANAGEMENT FUND, HOUSING DEVELOPMENT 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 2018 for Unmet Needs in 2019)**

- WHEREAS, the following departments request the appropriation of funds reverted to the General Fund at the end of 2018 for use in 2019; and
- WHEREAS, Animal Care & Control desires to increase its budget Classification 1 – Personnel, for temporary employees during the summer; and
- WHEREAS, the City Clerk desires to increase its budget in Classification 3 – Services and Charges, to provide for reconfiguration of the Clerk/Council office; and
- WHEREAS, the Council Office desires to increase its budget in Classification 3 – Services and Charges, in order to provide for additional funds for Clerk/Council reconfiguration and training; and
- WHEREAS, the Controller’s Office desires to increase its budget in Classification 2 – Supplies, Classification 3 – Services and Charges, and Classification 4 – Capital Outlays, for the replacement of scanners and software and retaining a Generally Accepted Accounting Principles (GAAP) consultant; and
- WHEREAS, the Community & Family Resources Department desires to increase its budget in Classification 1 – Personnel, Classification 2 – Supplies, and Classification 3 – Services and Charges, in order to provide them with three Interns, additional supplies, a laptop, education and training for City employees, printing needs, and grants; and
- WHEREAS, the Office of Economic and Sustainable Development desires to increase its budget in Classification 1 – Personnel, Classification 2 – Supplies, and Classification 3 – Services and Charges, in order to provide insurance for the Value Chain Coordinator, television for the ESD conference room, training, sustainability position search, sponsorships, and licensing; and
- WHEREAS, the Legal Department desires to increase its budget in Classification 2 – Supplies, for a portable display; and
- WHEREAS, the Office of the Mayor desires to increase its budget in Classification 1 – Personnel, Classification 2 – Supplies, and Classification 3 – Services and Charges for temporary employees, office supplies, furniture, a laptop, communications and visualization software, equipment, and consultants; and
- WHEREAS, the Public Works Facilities Department desires to increase its budget in – Classification 3 – Services and Charges, and Classification 4 – Capital Outlays, in order to provide for engineering and bid documents, capital needs for the Showers Complex, staff, demolition of batting cages, and sound equipment for Switchyard Park; and
- WHEREAS, the Fire Department desires to increase its budget in Classification 2 – Supplies, and Classification 3 – Services and Charges, in order to provide replacement of radios, purchases of fans and bail-out gear, training, and additional truck repair; and
- WHEREAS, the Housing & Neighborhood Development Department desires to increase its budget in Classification 3 – Services and Charges, in order to provide for the 2020–2024 Consolidated Plan; and
- WHEREAS, the Human Resources Department desires to increase its budget in Classification 3 – Services and Charges, in order to provide for staff and all City employees, project management, benefit administration, and advertising services; and

- WHEREAS, the Information Technology Department desires to increase its budget in Classification 1 – Personnel, and Classification 3 – Services and Charges, in order to provide for a part-time GIS assistant, additional training, and software; and
- WHEREAS, the Planning & Transportation Department desires to increase its budget in Classification 2 – Supplies, and Classification 3 – Services and Charges, in order to provide for tablets, additional outside services, and training; and
- WHEREAS, the Police Department desires to increase its budget in Classification 4 – Capital Outlays, in order to provide an SUV, a car, and in-car video; and
- WHEREAS, the Public Works Department desires to increase its budget in Classification 3 – Services and Charges, in order to provide for outside services related to engineering services and signals; and
- WHEREAS, in addition, the following departments request additional appropriation of funds reverted at the end of last year back to various other funds; and
- WHEREAS, The Parks Department requests an appropriation from the Parks General Fund to increase its budget in Classification 2 – Supplies, and Classification 3 – Services and Charges, in order to provide for native seeding for the Rail Trail and an outside consultant for trail branding; and
- WHEREAS, the Public Works Street Department requests an additional appropriation from the Local Road & Street Fund to increase its budget in Classification 3 – Service and Charges, and Classification 4 – Capital Outlays, in order to provide for the 10<sup>th</sup> & Union lighting project, a single axle dump truck, and a pickup truck; and
- WHEREAS, the Public Works Street Department requests an additional appropriation from the Motor Vehicle Highway Fund to increase its budget in Classification 4 – Capital Outlays, in order to provide for various trucks and pothole repair equipment; and
- WHEREAS, the Legal Department requests an additional appropriation from the Risk Management Fund to increase its budget in Classification 2 – Supplies, and Classification 3 – Services and Charges, in order to provide for additional noise testing equipment and air testing results; and
- WHEREAS, the Housing and Neighborhood Department requests an additional appropriation from the Housing Development Fund to increase its budget in Classification 3 – Services and Charges, in order to provide for affordable housing; and
- WHEREAS, the Controller’s Office requests an additional appropriation from the Vehicle Replacement Fund to increase its budget in Classification 4 – Capital Outlays, in order to provide for equipment replacement;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. For the expenses of said municipal corporation the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
General Fund – Animal Care & Control	
Classification 1 – Personnel	\$ 6,831
Total General Fund – Animal Care & Control	<u>6,831</u>
 General Fund – City Clerk	
Classification 3 – Services and Charges	\$ 14,333
Total General Fund – City Clerk	<u>14,333</u>

General Fund – City Council		
Classification 3 – Services and Charges	\$	6,304
Total General Fund – City Council		<u>6,304</u>
General Fund – Controller’s Office		
Classification 2 – Supplies	\$	5,500
Classification 3 – Services and Charges		75,500
Total General Fund – Controller’s Office		<u>81,000</u>
General Fund – Community and Family Resources		
Classification 1 – Personnel	\$	9,430
Classification 2 – Supplies		10,810
Classification 3 – Services and Charges		29,050
Total General Fund – Community and Family Resources		<u>49,290</u>
General Fund – Economic & Sustainable Development		
Classification 1 – Personnel	\$	5,000
Classification 2 – Supplies		2,000
Classification 3 – Services and Charges		5,986
Total General Fund – ESD		<u>12,986</u>
General Fund – Public Works – Facilities		
Classification 3 – Services and Charges	\$	24,000
Classification 4 – Capital Outlays		159,500
Total General Fund – Public Works – Facilities		<u>183,500</u>
General Fund – Fire		
Classification 2 – Supplies	\$	90,000
Classification 3 – Services and Charges		47,000
Total General Fund – Fire		<u>137,000</u>
General Fund – Housing & Neighborhood Development		
Classification 3 – Services and Charges	\$	25,000
Total General Fund – HAND		<u>25,000</u>
General Fund – Human Resources		
Classification 3 – Services and Charges	\$	59,500
Total General Fund – Human Resources		<u>59,500</u>
General Fund – Information Technology Services		
Classification 1 – Personnel	\$	12,000
Classification 3 – Services and Charges		66,412
Total General Fund – ITS		<u>78,412</u>
General Fund – Legal		
Classification 2 – Supplies	\$	100
Total General Fund – Legal		<u>100</u>

General Fund – Office of the Mayor		
Classification 1 – Personnel	\$	10,000
Classification 2 – Supplies		22,500
Classification 3 – Services and Charges		27,500
Total General Fund – Office of the Mayor		<u>60,000</u>
General Fund – Planning & Transportation		
Classification 2 – Supplies	\$	8,400
Classification 3 – Services and Charges		253,500
Total General Fund – Planning & Transportation		<u>261,900</u>
General Fund – Police		
Classification 4 – Capital Outlays	\$	119,000
Total General Fund – Police		<u>119,000</u>
General Fund – Public Works		
Classification 3 – Services and Charges	\$	40,000
Total General Fund – Public Works		<u>40,000</u>
<b>Grand Total General Fund (Fund #101)</b>	<b>\$</b>	<b>1,135,156</b>
<b>Parks General Fund</b>		
Classification 2 – Supplies	\$	3,000
Classification 3 – Services and Charges		19,400
Total Parks General Fund – Parks		<u>22,400</u>
<b>Grand Total Parks General Fund (Fund # 200)</b>	<b>\$</b>	<b>22,400</b>
<b>Motor Vehicle Highway Fund – Street</b>		
Classification 4 – Capital Outlays	\$	192,886
Total Motor Vehicle Highway Fund – Street		<u>192,886</u>
<b>Grand Total Motor Vehicle Highway Fund (Fund #451)</b>	<b>\$</b>	<b>192,886</b>
<b>Local Road &amp; Street – Public Works</b>		
Classification 3 – Services and Charges	\$	85,000
Classification 4 – Capital Outlays		182,182
Total Local Road & Street Fund – Public Works		<u>267,182</u>
<b>Grand Total Local Road &amp; Street Fund (Fund #450)</b>	<b>\$</b>	<b>267,182</b>
<b>Vehicle Replacement Fund – Controller</b>		
Classification 4 – Capital Outlays	\$	45,000
Total Vehicle Replacement Fund – Controller		<u>45,000</u>
<b>Grand Total Vehicle Replacement Fund (Fund #610)</b>	<b>\$</b>	<b>45,000</b>

**Risk Management Fund**

Classification 2 – Supplies	\$	1,100
Classification 3 – Services and Charges		2,000
Total Risk Management – Legal		<u>3,100</u>

**Grand Total Risk Management Fund (Fund # 800)** \$ **3,100**

**Housing Development Fund – Housing and Neighborhood Dept**

Classification 3 – Services and Charges	\$	350,000
Total Housing Development Fund – HAND		<u>350,000</u>

**Grand Total Housing Development Fund (Fund #905)** \$ **350,000**

**Grand Total All Funds** \$ **2,015,724**

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

**SYNOPSIS**

This ordinance appropriates an additional \$2,015,724 of funds from the General Fund, Parks General Fund, Local Road and Street Fund, Motor Vehicle Highway Fund, Risk Management Fund, Housing Development Fund and the Vehicle Replacement Fund. This amount is a portion of the \$2,841,148 reverted to various City funds at the end of last year and will be used for temporary labor, supplies training, outside services, grants, equipment, and capital replacements.



JOHN HAMILTON  
MAYOR

CITY OF BLOOMINGTON

401 N Morton St  
Post Office Box 100  
Bloomington IN 47402

JEFFREY H. UNDERWOOD  
CONTROLLER

CONTROLLER'S OFFICE

p 812.349.3416  
f 812.349.3456  
controller@bloomington.in.gov

## Memorandum

**To:** Council Members  
**From:** John Hamilton, Mayor & Jeffrey Underwood, Controller  
**Date:** March 26, 2019  
**Re:** Appropriation Ordinance 19-02

---

Appropriation Ordinance 19-02 represents our request to appropriate a portion of the 2018 year-end budget reversions.

By the end of 2018, departments reverted a total of \$4,743,695 in eight (8) funds (General Fund, Parks General Fund, Motor Vehicle Highway, Local Road & Streets, Risk Management, Parking Facilities, Parking Meter, and Vehicle Replacement).

As the Mayor has discussed on several occasions, it is his goal for Department Heads to be good stewards of the City's funds and to strive to find innovative ways to become as efficient as possible in utilizing these funds. It was also his goal to share savings with the Departments on an equal basis. This proposed ordinance reflects those goals. Departments, including the Council and Clerks office, were presented with their share of savings and asked to prepare a plan for the use of those funds.

Attached is an exhibit that provides greater detail for this request.

### **Conclusion:**

The total amount of these requests is \$2,015,724 from a total reversion in these funds of \$4,743,695. This leaves reversions of \$2,727,971 that will remain in the cash reserves.

The Government Finance Officers Association (GFOA) recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted budgetary fund balances in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures.

After this appropriation of these reversions, we will continue to maintain reserves equal to four months of general fund operating expenditures. Following is an exhibit showing our year end cash balances.



City of Bloomington	
2018 ending Cash Balances	
General	\$15,475,486
Rainy Day Fund	\$ 4,760,551
Parks & Rec General	\$ 1,322,579
Local Road And Street	\$ 978,511
Motor Vehicle Highway	\$ 2,064,150
Parking Facilities	\$ 1,509,844
Parking Meter	\$ 3,000,059
Vehicle Replacement	\$ 604,616
Risk Management	\$ 183,599
Total	<u>\$29,899,395</u>

Thank you for the consideration of this request.

**City of Bloomington**  
**2018 Reversion Spending Detail Exhibit**

**Animal Care & Control**

Category 1 – Personal Services - \$6,831

- Temporary help for the summer

**City Clerk**

Category 3 – Supplies - \$14,333

- Office Remodeling Study

**Council Office**

Category 3 – Supplies - \$6,304

- Training - \$4,000
- Office Remodeling Study - \$2,304

**Controller's Office**

Category 2 – Supplies - \$5,500

- Replacement scanners for Office (7) and Adobe Pro (2)

Category 3 – Services and Charges - \$75,500

- GAAP Accounting Consultant

**Community & Family Resources Department**

Category 1 – Personal Services - \$9,430

- 3 Interns

Category 2 – Supplies - \$10,810

- Office Supplies - \$2,500 Laptop Replace
- Year 2 of Organizational Assessments - \$8,310

Category 3 - Services and Charges - \$29,050

- Graph design, social cities, ADA Coordinator - \$4,050
- Consultant Our Table Our Talk, Diversity Advisory Team, Mission Statement– \$15,000
- Travel expenses for graphic design training, ADA and Sociable Cities Conference -\$2,000
- Printing youth teens and their caregivers guide - \$3,000
- Grants for Black Graduate Student Association, Latino & Hispanic Month Awards, Bloomington United, Dementia Friendly, Bloomington Refugee Support Network - \$5,000

**Office of Economic and Sustainable Development**

Category 1 – Personal Services & Category - \$5,000

- Value Chain Coordinator Benefits (Health & Life Insurance)

Category 2 – Supplies - \$2,000

- New Monitor for ESD Conference Room - \$1,000
- Art Supplies - \$1,000

Category 3 – Services and Charges - \$5,986

- Conference Fees – Additional - \$236
- Grant Writer (Consulting) – \$1,500
- Sustainability Position Search Costs – \$750
- Ad Hoc Additional Sponsorships – \$1,500
- Local Intel Year 2 Licensing – \$2,000

## **Public Works Facilities Department**

### Category 3 – Services and Charges - \$24,000

- Engineering and bid docs preparation for Shower - \$10,000
- Winslow Sports Complex Batting Cage Demo - \$14,000

### Category 4 – Capital Outlays - \$159,500

- Replace HVAC in Shower - \$100,000
- Heated pressure washer on a trailer - \$15,000
- Vertical Personnel Lift - \$12,500
- Sound equipment for Switchyard Parks stage - \$32,000

## **Fire Department**

### Category 2 – Supplies - \$90,000

- Replacement of radios, purchase fans, and bail-out gear

### Category 3 – Services and Charges - \$47,000

- Target solutions annual training program - \$15,000
- Additional Truck Repair - \$32,000

## **Housing & Neighborhood Development Department**

### Category 3 – Services and Charges - \$25,000

- Development of 2020-2024 Consolidated Plan

## **Human Resources Department**

### Category 3 – Services and Charges - \$59,500

- HR Staff Training - \$1,500
- Diversity and inclusion training for all city employees - \$10,000
- HR Strategic plan consulting and project management of the year two of organizational assessments- \$25,000
- NWS Benefit Administration with 3<sup>rd</sup> party vendors - \$15,000
- Advertising for Traffic and Transportation Engineer search and travel costs for Candidates during onsite interviews - \$8,000

## **Information Technology Department**

### Category 1 – Personal Services & Category - \$12,000

- GIS Part Time Assistance

### Category 3 – Services and Charges - \$66,412

- NWS Training/Configuration - \$9,000
- Adding imagery to the Geodatabase - \$2,800
- Building an ArcGIS Composite Locator - \$1,400
- Facility Viewer ArcGIS Web Map and Apps Design - \$7,500
- ArcGIS Web Map and Apps Design - \$5,000
- Community Development - \$2,212
- Spillman Geovalidation Data Conversion and Testing - \$15,000
- Windows Server Datacenter Licenses - \$23,500

## **Legal**

### Category 2 – Supplies - \$100

- Portable Display for Events

## **Office of the Mayor**

### Category 1 – Personal Services - \$10,000

- Temporary staff

### Category 2 – Supplies - \$22,500

- Miscellaneous Office Supplies - \$250
- Cubicles Office Furniture - \$10,000
- Conversion from Computer Desktop to Laptop - \$2,000
- Communications LTE Booster and Soundboard - \$1,750
- Adobe Pro - \$500
- Innovation Data Visualization Platform - \$7,000
- Pop-up Tent - \$1,000

### Category 3 – Services and Charges - \$27,500

- Graphic Design Consultant - \$10,000
- Project Management Consultant - \$7,500
- Consultant for Innovation Design-Thinking - \$10,000

## **Planning & Transportation Department**

### Category 2 – Supplies - \$8,400

- Rugged Tablets (3)

### Category 3 – Services and Charges - \$253,500

- Clarion & Associates UDO contract extension, new map will include the 4 new zoning districts identified in the UDO - \$32,500
- Schmidt Development Services Architectural Review contract renewal - \$50,000
- Schmidt Development Services - \$125,000
- Pedestrian Bridge Inspection - \$40,000
- Postcard Mailing for new zoning map, estimated cost - \$6,000

## **Police Department**

### Category 4 –Capital Outlays - \$119,000

- SUV, Fusion - \$59,000
- In-Car Video - \$60,000

## **Public Works Department**

### Category 3 – Services and Charges - \$40,000

- Engineering services for design of 14<sup>th</sup> and Walnut Signal

## **Parks Department for the Parks General Fund (#200)**

### Category 2 – Supplies - \$3,000

- Native Seed for 9.5 Acres of Rail Trail

### Category 3 – Services and Charges – \$19,400

- Trail Branding & Logo Consultant Sers. (Rail. Jackson Creek & Clear Creek Trails) - \$19,400

**Public Works Department for the Local Road & Street Fund (#450)**

Category 3 – Services and Charges - \$85,000

- 10<sup>th</sup> and Union Street Lighting Project

Category 4 – Capital Outlay - \$182,182

- Single axle dump truck, pickup

**Street Department for the Motor Vehicle Highway Fund (#451)**

Category 4 – Capital Outlays - \$192,886

- 2 Pickup trucks, 1 ton pickup - \$188,818
- Infrared heater for permanent pothole repair - \$4,068

**Risk Management (#800) Fund for Legal Department**

Category 2 – Supplies - \$1,100

- New decibel meter - \$100
- Noise device testing - \$1,000

Category 3 – Services and Charges - \$2,000

- Air testing at shooting range

**Housing Development Fund (#905) for HAND**

Category 3 – Services and Charges - \$350,000

- Union at Crescent, other affordable housing opportunities

**Vehicle Replacement Fund (#610) for Controller**

Category 4 – Capital Outlays - \$45,000

- Construction Trailer Purchase for Cascaded Golf Course Maintenance Office - \$25,000
- Scissor Lift - \$20,000

**ORDINANCE 19-09**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED “VEHICLES AND TRAFFIC”**

- **Re Amending Chapter 15.04 (Definitions), 15.56 (Bicycles, Skateboards, and Other Foot-Propelled Vehicles), 15.60 (Miscellaneous Traffic Rules), 15.64 (Traffic Violations Schedule) and Adding a New Chapter 15.58 (Motorized Scooters and Shared Use Motorized Scooters) to Provide for Regulations Governing Motorized Scooters, Shared-Use Motorized Scooters, and Shared-Use Motorized Scooter Operators**

WHEREAS, during September 2019, with little or no notice, shared-use motorized scooters (or e-scooters) arrived in Bloomington; and

WHEREAS, during the weeks following their arrival, the City of Bloomington (hereafter “the City”) negotiated interim operating agreements governing shared-use motorized scooters until such time as the Common Council passed an ordinance regulating shared-use motorized scooters; and

WHEREAS, Ordinance 19-09 is now ready for the Council’s consideration and will supersede the interim operating agreements as a more permanent measure governing shared-use motorized scooters; and

WHEREAS, the City has a fundamental responsibility to ensure safe passage in the public right-of-way in order to protect and promote health, safety, and welfare; and

WHEREAS, the City is charged with managing commerce that takes place in the public right-of-way; and

WHEREAS, it is necessary to ensure that shared-use motorized scooters are operated in a manner that is safe for all riders, pedestrians, and drivers; and

WHEREAS, it is necessary to ensure that shared-use motorized scooters are parked in a manner that does not clutter the public right-of-way or obstruct access for pedestrians, cars, bicycles, or buses; and

WHEREAS, the City wants to encourage, foster, and provide for new and innovative transportation options for Bloomington residents and visitors; and

WHEREAS, shared-use motorized scooters provide a transportation alternative to private, single-occupant vehicles and therefore have the potential to relieve traffic congestion, reduce carbon emission, and improve air quality; and

WHEREAS, effective and responsible regulation of shared-use motorized scooters helps to ensure that these new transportation options improve mobility for the Bloomington community while also incentivizing responsible behavior, creating local jobs, and compelling accountability;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION 1: Chapter 15.04 of the Bloomington Municipal Code shall be amended by adding new Sections 15.04.055, 15.04.056, and 15.04.145, whose titles shall be incorporated into the table of contents for the Chapter and whose content shall read as follows:

**15.04.055 Dismount zone.**

“Dismount zone” means those sidewalks and crosswalks where motorized scooters, shared-use motorized scooters, coasters, or bicycles may not be ridden and where users must (i) dismount and walk their devices, (ii) operate their devices in a bicycle lane, or (iii) operate their devices in the roadway. Dismount zones are located within the crosswalks and on the sidewalks on either side of the street along the following streets:

Fourth Street from Indiana Avenue to Grant Street

Kirkwood Avenue from Indiana Avenue to Morton Street.

Sixth Street from Walnut Street to Morton Street.

Walnut Street from Fourth Street to Seventh Street.

College Avenue from Fourth Street to Seventh Street

**15.04.056 Motorized scooter.**

“Motorized scooter” means a conveyance or device propelled by a motor, not having a seat or saddle for the use of the rider, with two or more wheels in contact with the ground, and with a floorboard for the user to stand upon. The term does not include the following:

- (a) A device used to aid a person with a disability, including but not limited to a motorized wheelchair.
- (b) A bicycle, whether said bicycle is motorized or not.
- (c) A coaster, as defined in Section 15.04.053.

**15.04.145 Shared-use motorized scooter.**

“Shared-use motorized scooter” means a conveyance or device propelled by a motor, not having a seat or saddle for the use of the rider, with two or more wheels in contact with the ground, with a floorboard for the user to stand upon, and that is held out for rent, lease, or otherwise made available for use by members of the public. The term does not include the following:

- (a) A device used to aid a person with a disability, including but not limited to a motorized wheelchair.
- (b) A bicycle, whether said bicycle is motorized or not.
- (c) A coaster, as defined in Section 15.04.053.

SECTION 2. Chapter 15.04 of the Bloomington Municipal Code shall be amended such that existing Sections 15.04.055 (“Multiuse path”) and 15.04.056 (“Multiuse trail”) are renumbered to Section 15.04.057 (“Multiuse path”) and Section 15.04.058 (“Multiuse trail”). The table of contents for this Chapter shall reflect the same.

SECTION 3. A new chapter, Chapter 15.58 “Motorized Scooters and Shared-Use Motorized Scooters,” shall be added to Bloomington Municipal Code and shall be added to the table of contents for Title 15. The new chapter shall read as follows:

**Chapter 15.58**  
**MOTORIZED SCOOTERS AND SHARED-USE MOTORIZED SCOOTERS**

**Sections:**

**15.58.010 – Definitions.**

**15.58.020 – Scope.**

**15.58.030 – Applicability of state laws.**

**15.58.040 – License**

**15.58.050 – Parking.**

**15.58.060 – Motorized scooter use.**

**15.58.070 – Age.**

**15.58.080 – Single rider permitted.**

**15.58.090 – Shared-use motorized scooter equipment, safety, condition, appearance, and hours of deployment.**

**15.58.100 – Lock down and removal from the public right-of-way.**

**15.58.110 – Data sharing.**

**15.58.120 – Public outreach.**

**15.58.130 – Affordability and accessibility.**

**15.58.140 – Removal, impoundment, storage, and disposal.**

**15.58.150 – License revocation.**

**15.58.160 - Violations and penalty.**

**15.58.010 – Definitions.**

The following definitions shall apply throughout this Chapter.

“Shared-Use Motorized Scooter Operator” means an individual or entity that leases, rents, or otherwise makes available shared-use motorized scooters, whether or not for profit. The term does not include individual, private owners of motorized scooters who are not engaged in the business or renting, leasing, or otherwise making motorized scooters available to members of the public at large.

**15.58.020 – Scope.**

Shared-use motorized scooter operators shall comply with this Chapter. Except where indicated herein, this Chapter does not govern the private use of motorized scooters by individual motorized scooter owners who do not qualify as shared-use motorized scooter operators.

**15.58.030 – Applicability of state laws.**

Every person who operates a motorized scooter, whether said motorized scooter is a shared-use motorized scooter or not, upon any street, road, trail, path, or sidewalk shall be subject to state law concerning motorized scooters. Every person who operates a motorized scooter shall also be subject to all City ordinances except where the nature of motorized scooters renders said ordinances inapplicable to motorized scooter users.



**15.58.040 – License.**

- (a) It shall be unlawful to operate as a shared-use motorized scooter operator without first obtaining a license from the Board of Public Works.
- (b) Each shared-use motorized scooter operator shall pay license fees as established by the Board of Public Works. License fees may be updated from time-to-time by the Board of Public Works in order to properly reflect the City's expenses associated with allowing shared-use motorized scooters in the public right-of-way.
- (c) Licenses shall expire one year after issuance. In order to continue operating, a shared-use motorized scooter operator shall apply for a new license at least thirty (30) days prior to the expiration of its existing license. The Board of Public Works shall establish fees for renewal licenses, which may or may not be the same as the fees set forth for first-time licensees.
- (d) An application for a shared-use motorized scooter license shall be made on a form provided by the Board of Public Works, shall be signed by an authorized representative of the shared-use motorized scooter operator, and shall include, at a minimum, the following information:
  - (1) The maximum number of shared-use motorized scooters the shared-use motorized scooter operator may deploy within the corporate boundaries of the City during the applicable license term;
  - (2) A description of all shared-use motorized scooters that will be deployed, including the model, manufacturer, and color of each shared-use motorized scooter;
  - (3) Color photographs depicting the shared-use motorized scooter(s);
  - (4) A schedule of rates and charges that the applicant will charge to users;
  - (5) Detailed staffing and operational plans, including information regarding (i) local staffing and (ii) contractors the shared-use motorized scooter operator will utilize to perform services related to its shared-use motorized scooters;
  - (6) A GPS or GIS-based map depicting the proposed service area of the shared-use motorized scooters;
  - (7) A 24-hour customer service telephone number through which users and members of the public may contact the shared-use motorized scooter operator and that will be displayed on each shared-use motorized scooter;
  - (8) The shared-use motorized scooter operator's public outreach content, as required by Subsection 15.58.120(f);
  - (9) A signed agreement indemnifying the City on a form provided by the Board of Public Works;
  - (10) Proof of all insurance required by the Board of Public Works, including, if required, a bond;
  - (11) A signed agreement stating that during a special event the City may prohibit scooters from being located in or operated in those areas designated for the special event; and

(12) Any other information deemed necessary by the Board of Public Works.

- (e) Upon receipt of a completed license application and any required supporting documentation, the Board of Public Works shall either issue or deny the application for a license during a public meeting. In making this determination, the Board of Public Works shall, among other factors, consider the extent to which the applicant's prior or ongoing operations have complied with the law.
- (f) A shared-use motorized scooter operator that has obtained a license shall be permitted to deploy, at a maximum, the number of shared-use motorized scooters authorized by the Board of Public Works. During license renewal, the Board of Public Works may increase or decrease the number of scooters a shared-use motorized scooter operator is permitted to deploy.
- (g) Any shared-use motorized scooter operator that operates without first having obtained a license or violates any provision of this Section shall be subject to the penalties set forth in Section 1.01.130. In addition, any shared-use motorized scooter operator that violates any provision in this Chapter or any other condition imposed by the Board of Public Works may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.
- (h) If the Board of Public Works denies an application submitted by a shared-use motorized scooter operator, the Board shall issue written findings indicating the reasons for said denial. Any shared-use motorized scooter operator that has had its application denied may appeal said denial to the Monroe County Circuit Court, provided that any such appeal is filed with the Court within thirty days of the Board issuing its written findings.

**15.58.050 – Parking.**

- (a) Except as indicated herein, this Section applies to any motorized scooter, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Motorized scooters may be parked at any bike rack located in the public right-of-way.
- (c) Motorized scooters may be parked on the street within painted boxes that are specifically designated for scooters.
- (d) Motorized scooter parking is permitted on sidewalks with the following limitations.
  - (1) Motorized scooters shall be parked in an upright position.
  - (2) Motorized scooters shall be parked so as to leave a clear straight pathway at least fifty-four (54) inches wide.
  - (3) Motorized scooters shall not be parked so as to obstruct:
    - (A) Any parking space, including any parking access aisle;
    - (B) Any loading zone;
    - (C) Any curb ramp;
    - (D) Any public transportation infrastructure including, but not limited to, bus shelters, bus stop signs, or passenger waiting areas;
    - (E) Any driveway;
    - (F) Any entrance or exit from any building;
    - (G) Any fire hydrant, emergency call box, or other emergency facility;
    - (H) Any parking meter;

- (I) Any utility pole or utility box;
- (J) Any street furniture or newsrack; or
- (K) Any commercial window display.

(4) Motorized scooters shall not be parked so as to impede accessibility under the Americans with Disabilities Act (ADA), so as to impede access to accessible parking zones, or so as to impede access to parking spaces designated for persons with disabilities.

(5) Motorized scooters shall not be parked on sidewalks on either side of the street within the dismount zone. However, motorized scooters may be parked at bike racks within the dismount zone, regardless of whether or not the bike rack is on the sidewalk.

(e) Motorized scooters shall not be parked on unimproved surfaces.

(f) No person shall park a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.

(g) Except within painted boxes that are specifically designated for scooter parking, motorized scooters shall not be parked upon any street or alley.

(h) Except as permitted by subsections 15.58.050 (b), (c), and (d), motorized scooters shall not be parked upon any public property. At its sole discretion, the Board of Public Works may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated City property over which the Board of Public Works exercises jurisdiction. At its sole discretion, the Board of Park Commissioners may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated City property over which the Board of Park Commissioners exercises jurisdiction. At its sole discretion, the Redevelopment Commission may grant shared-use motorized scooter operators permission to park shared-use motorized scooters upon designated property over which the Redevelopment Commission exercises jurisdiction.

(i) In order to verify compliance with the requirements of this Section, shared-use motorized scooter operators shall require shared-use motorized scooter users to take a photograph demonstrating the location of their parked scooter at the conclusion of their rental.

(j) The City may move any shared-use motorized scooter that is parked in violation of this Section to a location where the scooter may be lawfully parked. If the City opts to move an illegally parked shared-use motorized scooter to a legal parking position, the City may nonetheless assess any applicable fines in accordance with this Chapter.

(k) A violation of this Section shall be a Class D Traffic Violation which bears a penalty listed in Section 15.64.010(d). In addition, any shared-use motorized scooter parked in violation of this section and located so as to pose a hazard to public health and safety may be immediately removed and impounded by the City in accordance with Section 15.58.140. In accordance with Section 15.58.140, removal, impoundment, storage and/or disposal of a shared-use motorized scooter shall be a Class E Traffic Violation and shall subject the responsible shared-use motorized scooter operator to the penalty listed in Section 15.64.010(e).

**15.58.060 – Motorized scooter use.**

- (a) This Section applies to any motorized scooter use, whether or not the motorized scooter is a shared-use motorized scooter.
- (b) Every person who operates a motorized scooter on public property shall comply with the following provisions:
  - (1) A person operating a motorized scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall yield the right-of-way to any pedestrian.
  - (2) A person who is operating a motorized scooter and who is passing a pedestrian traveling on the same facility shall pass the pedestrian at a distance of at least three feet. If the person operating the motorized scooter is unable to pass the pedestrian at a distance of at least three feet, then the person operating the motorized scooter shall stop, dismount, or exit the facility.
  - (3) A person operating a motorized scooter upon a sidewalk, multiuse path, multiuse trail, or within a crosswalk, before overtaking a person with a visual impairment who is carrying a white cane or who is guided by a service animal, shall dismount and pass on foot, if necessary to avoid startling, inconveniencing or colliding with the person.
  - (4) A person operating a motorized scooter shall give an audible signal before overtaking and passing any pedestrian while traveling in the same direction and on the same facility as the pedestrian. The audible signal may be given by voice or by bell or other warning device capable of giving an audible signal and shall be given at such a distance and in such a manner as to not startle the person or persons being passed.
  - (5) A person operating a motorized scooter on a sidewalk, multiuse path, multiuse trail, or within a crosswalk shall not suddenly move into the path of a pedestrian, vehicle, or similar device so as to constitute an immediate hazard.
  - (6) No person shall operate a motorized scooter on a sidewalk, multiuse path, or multiuse trail at a speed greater than ordinary pedestrian activity when approaching or entering a crosswalk, or approaching or crossing a driveway or alley if a vehicle is approaching the crosswalk or driveway close enough to constitute a potential hazard.
  - (7) No person shall operate a motorized scooter while controlling an animal, whether such control is by hand, by leash, or by any alternative medium.
  - (8) No person shall operate a shared-use motorized scooter within the designated boundaries of a special event for which a special event permit has been obtained.
  - (9) Operating a motorized scooter on the sidewalks and within the crosswalks in any dismount zone is prohibited. Persons operating motorized scooters in these areas shall dismount.
- (c) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h).

**15.58.070 – Age.**

- (a) No person under the age of 18 shall be permitted to rent or operate a shared-use motorized scooter.
- (b) A violation of this Section shall be a Class G Traffic Violation and shall subject the individual or entity that permitted a person under the age of 18 to rent or operate a shared-use motorized scooter to the penalty listed in Section 15.64.010(h).

**15.58.080 – Single rider permitted.**

- (a) It is a violation of this Chapter for more than one person to be upon a shared-use motorized scooter at any time.
- (b) A violation of this Section shall be a Class G Traffic Violation which bears a penalty listed in Section 15.64.010(h). This penalty shall be assessed against each individual who is violating this section.

**15.58.090 – Shared-use motorized scooter equipment, safety, condition, appearance, and hours of deployment.**

- (a) All shared-use motorized scooters shall be compliant with all applicable American National Standards Institute (ANSI), ASTM International, and Consumer Product Safety Commission standards. If additional organizations similar to those listed in this subsection establish standards applicable to shared-use motorized scooters, the Board of Public Works may require that all shared-use motorized scooters comply with said additional standards.
- (b) All shared-use motorized scooters shall be equipped so as to operate at a speed no greater than fifteen (15) miles per hour.
- (c) All shared-use motorized scooters shall be assigned a unique identification number. The unique identification number must be visible to the user and to nearby pedestrians and must also identify the shared-use motorized scooter operator.
- (d) All shared-use motorized scooter operators shall display the following items conspicuously on each shared-use motorized scooter:
  - (1) The required 24-hour telephone number at which members of the public may contact the shared-use motorized scooter operator;
  - (2) The shared-use motorized scooter operator's website;
  - (3) Mobile application information of the shared-use motorized scooter operator;
  - (4) That users are encouraged to wear helmets;
  - (5) That users are required to obey all traffic laws;
  - (6) That users shall yield to pedestrians in the right-of-way; and
  - (7) That users must follow proper parking procedures.
- (e) All shared-use motorized scooters shall be equipped with a bell, horn, or other lawful signaling device.

- (f) All shared-use motorized scooters shall be equipped with the following:
- (1) A lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front;
  - (2) A lamp on the rear exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear or a red reflector visible from a distance of at least five hundred (500) feet to the rear; and
  - (3) A brake enabling a person who operates a shared-use motorized scooter to make the braked wheels skid on dry, level, clean pavement.
- (g) All shared-use motorized scooters shall be capable of being remotely locked down by the shared-use motorized scooter operator upon any report that the shared-use motorized scooter is not operating properly, pending a proper evaluation of the scooter.
- (h) All shared-use motorized scooters shall be maintained in a reasonably clean condition and proper working condition.
- (i) Shared-use motorized scooters shall not be made available for use by the public between the hours of 10:01 P.M. and 5:59 A.M. However, a shared-use motorized scooter ride that is initiated prior to 10:01 P.M. may be continued until it is completed, even if said ride is not completed until after 10:01 P.M. At the conclusion of any such ride, the shared-use motorized scooter that was utilized shall not again be made available for use by the public before 6:00 A.M.
- (j) All shared-use motorized scooters must meet any and all additional standards required by the Board of Public Works.
- (k) Any shared-use motorized scooter operator that deploys a scooter in violation of this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.100 – Lock down and removal from the public right-of-way.**

- (a) Any shared-use motorized scooter that is reported to a shared-use motorized scooter operator as unsafe to operate or as inoperable shall be immediately and remotely locked down by the shared-use motorized scooter operator, pending a proper evaluation of the scooter.
- (b) Any shared-use motorized scooter that is reported as unsafe to operate or inoperable shall be removed from the public right-of-way by the shared-use motorized scooter operator within two (2) hours of the shared-use motorized scooter operator's receiving notice of the defect or inoperability.
- (c) Any shared-use motorized scooter that is not removed from the public right-of-way by the shared-use motorized scooter operator as required by this Chapter may be removed and impounded in accordance with Section 15.58.140 and penalties may be assessed to the shared-use motorized scooter operator in accordance therewith.
- (d) In addition, any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code and may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.110 – Data sharing.**

(a) Shared-use motorized scooter operators shall provide the City with anonymized real-time data in accordance with this subsection.

(1) Shared-use motorized scooter operators shall provide the City with Application Programming Interface (API) access to real-time information on their entire Bloomington fleet that comports with the General Bikeshare Feed Specification (GBFS) and Mobility Data Specification (MDS) standards, or any broadly adopted similar standards that are developed subsequent to the adoption of this subsection.

(2) Shared-use motorized scooter operators shall further provide the City with any additional real-time information that may be required by the Board of Public Works.

(3) All information provided by shared-use motorized scooter operators pursuant to this subsection may be displayed by the City and may be published by the City so that it is available to the public.

(b) Shared-use motorized scooter operators shall also provide the City with anonymized monthly reports in compliance with this subsection.

(1) Each monthly report shall contain anonymized data for each recorded shared-use motorized scooter trip, including, at a minimum:

- (A) An identification number identifying which shared-use motorized scooter was utilized for each trip;
- (B) Trip duration;
- (C) Trip distance;
- (D) Trip start date and start time;
- (E) Trip end date and end time;
- (F) Trip start location;
- (G) Trip end location; and
- (H) The actual cost of the trip charged to the user in cents.

(2) Each monthly report shall contain an anonymized record of shared-use motorized scooter collisions and accidents. Said report shall:

- (A) Identify the shared-use motorized scooter involved by identification number;
- (B) State the date and time of the collision or accident; and
- (C) State the location of the collision or accident;

(3) Each monthly report shall contain a record of any shared-use motorized scooter moved or removed by the shared-use motorized scooter operator due to unauthorized parking.

(4) Each monthly report shall contain any such other information as may be required by the Board of Public Works.

(5) The monthly reports submitted pursuant to this section may be published by the City so that they are available for the public to review.

- (c) Shared-use motorized scooters operators shall distribute to their users customer surveys regarding customer service and program evaluation, as may be required from time to time by the Board of Public Works.
- (d) Any and all information provided by a shared-use motorized scooter operator pursuant to this Section shall be anonymized so that individual shared-use motorized scooter users cannot be identified. Shared-use motorized scooter operators shall not share any personally identifiable information with the City or with an entity that is associated with the City.
- (e) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.120 – Public outreach.**

- (a) Each shared-use motorized scooter operator shall comply with the public outreach requirements of this Section.
- (b) Prior to any person's first use of a shared-use motorized scooter, a shared-use motorized scooter operator shall provide notice to each user through a Bloomington-specific mobile application regarding:
  - (1) The City's local regulations governing legal shared-use motorized scooter use;
  - (2) The City's local regulations governing legal shared-use motorized scooter parking; and
  - (3) Best practices concerning safe and courteous shared-use motorized scooter use.
- (c) Each shared-use motorized scooter operator shall develop a Bloomington-specific page on its website. Said page shall include, at a minimum, the following:
  - (1) The City's local regulations governing legal shared-use motorized scooter use;
  - (2) The City's local regulations governing legal shared-use motorized scooter parking;
  - (3) The City's affordability and accessibility requirements; and
  - (4) Best practices concerning safe and courteous shared-use motorized scooter use.
- (d) Two times per year, each shared-use motorized scooter operator shall engage in a week-long on-the-ground safety campaign designed to target areas of peak shared-use motorized scooter usage. The safety campaign described herein shall include, at a minimum, education on the following:
  - (1) The City's local regulations governing legal shared-use motorized scooter use;
  - (2) The City's local regulations governing legal shared-use motorized scooter parking;
  - (3) The City's affordability and accessibility requirements; and



- (4) Best practices concerning safe and courteous shared-use motorized scooter use.
- (e) Year-round, shared-use motorized scooter operators shall make available, at no charge and at a local location, helmets that may be procured by shared-use motorized scooter users.
- (f) Each shared-use motorized scooter operator shall submit the content in its mobile application, the details of its on-the-ground safety campaign, the content of its Bloomington-specific webpage, and the details of its helmet distribution plan as part of the license application that is submitted to the Board of Public Works. The Board of Public Works shall review and then either approve or require revision of said submission.
- (g) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.130 – Affordability and accessibility.**

- (a) Shared-use motorized scooter operators shall provide a fifty percent (50%) price discount to members of the public who can demonstrate participation in any local, state, or federally-administered assistance program including, but not limited to, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or the Supplemental Nutrition Assistance Program (SNAP). The fifty percent (50%) discount required by this Section shall be applied to any and all fees and rates imposed by a shared-use motorized scooter operator including, but not limited to, any unlocking charge or per-minute usage fee.
- (b) As a condition of obtaining the license required in Section 15.58.040 and with the goal of making shared-use motorized scooters a mobility option for all Bloomington residents, the Board of Public Works may impose additional affordability and/or accessibility requirements on shared-use motorized scooter operators.
- (c) Any shared-use motorized scooter operator that fails to comply with this Section shall be subject to the penalties set forth in Section 1.01.130. In addition, any shared-use motorized scooter operator that violates this Section may be penalized with the revocation of the shared-use motorized scooter operator's license in accordance with Section 15.58.150.

**15.58.140 – Removal, impoundment, storage, and disposal.**

- (a) Any shared-use motorized scooter that poses a hazard to public health and safety may be immediately removed and impounded by the City. The City may dispose of any shared-use motorized scooter that has been impounded and stored by the City for a period of one-hundred eighty (180) or more days. Removal, impoundment, storage and disposal of a shared-use motorized scooter shall be a Class E Traffic Violation and shall subject the responsible shared-use motorized scooter operator to the penalty listed in Section 15.64.010(e).
- (b) A shared-use motorized scooter operator may seek to recover any costs for removal, impoundment, storage, and/or disposal assessed by the City from the private individual or entity responsible for causing the hazard to public health and safety.

### **15.58.150 – License revocation.**

The Board of Public Works may revoke a shared-use motorized scooter operator’s license at any time if it finds that one of the following conditions exists:

- (a) The shared-use motorized scooter operator has failed to comply with the requirements of this Chapter, including, but not limited to, requirements regarding parking, age of users, scooter condition, scooter equipment, scooter appearance, maintenance, lock-down, removal, data reporting, public outreach, or affordability and accessibility.
- (b) The shared-use motorized scooter operator has failed to comply with other reasonable requirements imposed by the Board of Public Works.
- (c) The shared-use motorized scooter operator has violated any federal, state, or local law or regulation.
- (d) Before the Board of Public Works revokes a shared-use motorized scooter operator's license under this Section, it shall conduct a hearing to consider the evidence supporting said revocation. Following the hearing, the Board shall issue written findings of fact. The Board's decision may be appealed to the Monroe County Circuit Court, provided that any such appeal is filed with the Court within thirty days of the Board issuing its written findings of fact.

### **15.58.160 - Violations and penalty.**

- (a) Unless a provision refers to another penalty, a violation of any provision of this chapter by an individual using a motorized scooter, whether such scooter is a shared-use motorized scooter or not, shall be a Class G Traffic Violation and is subject to the penalty listed in 15.64.010(h). Except for those violations which, by their very nature, can occur more than once in one day, each day that a violation continues shall constitute a separate violation.
- (b) Unless a provision refers to another penalty, a violation of any provision of this chapter by a shared-use motorized scooter operator shall be subject to the penalties set forth in Section 1.01.130 of the Municipal Code. In addition, any shared-use motorized scooter operator who violates this chapter may be penalized with the revocation of the shared-use motorized scooter operator’s license in accordance with Section 15.58.150.

SECTION 4. Subsection 15.56.080(a) of the Bloomington Municipal Code is amended to add the words “or motorized scooters” at the end of the subsection, such that the subsection shall read as follows:

“Bicycle lanes are established for the purpose of providing a separate traffic lane on designated city streets for the preferential use of persons riding bicycles or motorized scooters.”

SECTION 5. Subsection 15.60.090(a)(4) of the Bloomington Municipal Code is amended by replacing the words “or motor-assisted scooter” with “, motorized scooter or shared-use motorized scooter” such that the entire provision shall read as follows:

“(4) A person operating a motorcycle, moped, motor-driven cycle, motorized scooter or shared-use motorized scooter.”

SECTION 6. Subsection 15.64.010(d) of the Bloomington Municipal Code is amended to add the following:

Fine:	<p>Until December 31, 2018: \$20.00, \$40.00 (depending upon when paid)</p> <p>On and After January 1, 2019: \$30.00, \$60.00, depending on when paid</p>	
Covers:	15.58.050	Motorized scooter parking

SECTION 7. Subsection 15.64.010(e) entitled “Class E Traffic Violations” (Shared-use motorized scooter, impoundment and storage) is added to the Bloomington Municipal Code, and shall read as follows:

(e) Class E Traffic Violations (Shared-use motorized scooter, impoundment and storage)

Fine:	\$100.00, plus \$10.00 per day storage, plus \$150.00 for disposal	
Covers:	15.58.140	Shared-use motorized scooter, impoundment and storage

(1) A person may appeal the issuance of a traffic violation citation and corresponding fine provided the appeal is filed with the city clerk's office within fourteen calendar days immediately following the issuance date of the traffic violation citation.

(A) The city clerk, or his or her designee(s), shall hear all appeals of Class E traffic violation citations.

(B) The following persons shall have the authority to declare any traffic violation citation valid, null and void, or to reduce the fine imposed upon the showing of extenuating circumstances: the City Clerk, or his or her designee; the Parking Enforcement Manager, or his or her designee; or, the Parking Services Director, or his or her designee. The City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees may reduce a fine to a warning or void a citation in circumstances in which the recipient of the citation does not appeal the citation within the requisite fourteen-day period and where the recipient of such citation can demonstrate extenuating circumstances.

(C) If the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees, declare a traffic violation citation to be null and void, then the traffic violation citation shall be dismissed from further prosecution.

(D) If the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees, declare a traffic violation citation to be valid, then the traffic violation citation shall be due and payable as

determined by the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees.

(E) The decision of the City Clerk, the Parking Enforcement Manager, or the Parking Services Director, or their respective designees, is final, subject to judicial determination if requested and is requested in a manner consistent with Indiana law.

SECTION 8. Subsection 15.64.010(h) of the Bloomington Municipal Code shall be amended by deleting the title “(Bicycle safety violations)” and replacing it with “(Bicycle and motorized scooter safety violations)” to add the following:

Fine:	\$20.00	
Covers:	15.58.060	Motorized scooter use
	15.58.070	Shared-use motorized scooter, age
	15.58.080	Shared-use motorized scooter, single rider

SECTION 9. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 10. This ordinance shall be in full force and effect beginning July 1, 2019.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

## SYNOPSIS

Ordinance 19-09 establishes regulations governing motorized scooters and entities that rent motorized scooters to the public. The ordinance requires safe scooter use by setting a top permitted scooter speed of fifteen miles per hour, prohibiting double-riding, establishing eighteen as the minimum age to rent a scooter, and mandating that scooters be maintained in a safe condition. Ordinance 19-09 clarifies that motorized scooters, like bicycles, may be used on sidewalks except in dismount zones. In most places, motorized scooter parking is permitted on sidewalks, provided that the scooter does not restrict minimum straight clear passage to less than 54 inches and does not otherwise block a facility. However, motorized scooter parking is prohibited on sidewalks within dismount zones; instead, parking is limited in these areas to painted boxes and bike racks. The ordinance establishes penalties for violations by motorized scooter users and entities that rent scooters to the public, up to and including impoundment and disposal of scooters.



## MEMORANDUM

### CITY OF BLOOMINGTON LEGAL DEPARTMENT

**TO:** Common Council  
**FROM:** Michael Rouker, City Attorney  
**RE:** Motorized Scooter Ordinance  
**DATE:** March 25, 2019

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#### INTRODUCTION

During September 2019, with little or no notice, Bird and Lime shared-use motorized scooters were dropped off in Bloomington and became a brand new mobility option for the City. Spin scooters has now entered the mix, and more companies are likely to follow. Ordinance 19-09 establishes a regulatory framework for these shared-use mobility options. Bloomington is far from the only City working to develop regulations that govern motorized scooters. In Indiana alone, Indianapolis, Lafayette, and South Bend are developing their own regulatory structures, as are other, similar prominent cities throughout the country. In November, the City negotiated interim operating agreements with Lime and Bird as a stop-gap measure while Ordinance 19-09 was prepared. If the Common Council opts to pass Ordinance 19-09, the interim operating agreements will, by their terms, be obsolete. As shared-use motorized scooters remain a very new mobility option, the City anticipates that it will continue to learn more about the challenges they pose and intends to be nimble when developing appropriate scooter policies.

#### SCOPE

Ordinance 19-09 regulates “motorized scooters,” “shared-use motorized scooters,” and “shared-use motorized scooter operators.” The term “motorized scooter” covers all e-scooters, whether privately owned or owned by an entity that rents e-scooters to the public. “Shared-use motorized scooters” are those scooters owned by entities in the business of leasing them to the public for profit. “Shared-use motorized scooter operator” is the term used for those businesses that hold out shared-use motorized scooters for rent.

#### SUBSTANTIVE TERMS

Ordinance 19-09 adds and amends multiple sections of Title 15 and creates a regulatory structure governing motorized scooters and shared-use motorized scooter companies.

##### Licensing

By law, shared-use motorized scooter operators cannot conduct their business within the public right-of-way without obtaining permission from the City. Ordinance 19-09

requires scooter companies to obtain a license from the Board of Public Works in order to operate their business in the public right-of-way. Licenses must be renewed annually and may be revoked by the Board if an operator violates the terms of the ordinance or any other federal, state, or local law. In order to obtain a license, scooter companies must submit an application that contains the information detailed in proposed Section 15.58.040(d). Every license application will be discussed and then approved or denied during a public meeting.

Ordinance 19-09 commands the Board of Public Works to establish the cost of a license and to determine how many scooters a shared-use motorized scooter operator may deploy upon obtaining a license. One of the advantages of allowing the Board to establish licensing fees is that the Board is well-situated to adjust fees if the City's expenses associated with regulating scooters are out of line with the fees being paid by scooter companies. Similarly, the Board is able to regulate the quantity of scooters in the right-of-way and should be well situated to adjust the number of scooters based on the City's experience.

### *Motorized Scooter Parking*

Ordinance 19-09 sets clear rules governing shared-use motorized scooter parking. There are two sets of rules—the rules that apply in the dismount zone and the rules that apply in all other parts of the City. As a reminder the dismount zone (which was established as part of the Council's bike legislation) is as follows:

- Fourth Street - from Indiana to Grant
- Kirkwood – from Indiana to Morton
- Sixth Street – from Walnut to Morton
- Walnut Street – from Fourth to Seventh
- College Avenue – from Fourth to Seventh

Within dismount zones, scooter parking is restricted to (1) painted boxes or (2) bike racks. Staff has been working to identify parking spaces within the dismount zone that may be optimal to convert to painted boxes. Because scooters (as well as bicycles and coasters) are prohibited to be ridden on sidewalks within the dismount zones, painted boxes send an appropriate message that scooters should remain parked and be operated exclusively on the streets in these areas. They also present a unique opportunity for public art.

In all areas other than the dismount zone, shared-use motorized scooters may be parked on sidewalks or at bike racks as long as they comply with the following rules:

- Scooters must be parked upright
- Scooters may not be parked to restrict the minimum clear straight pathway to less than 54 inches
- Scooters may not be parked so as to impede ADA access

- Scooters may not be parked so as to obstruct any of the items identified within 15.58.050(d)(3)

It is also important to note that staff is monitoring legislation that may pre-empt some of these parking restrictions, and particularly those restrictions applicable within the dismount zone.

### Motorized Scooter Use

Ordinance 19-09 also regulates motorized scooter use, and particularly their use upon sidewalks. These regulations should be familiar, as they track the regulations the Council carefully enacted for bicyclists. These are:

- Yield the right-of-way to pedestrians
- Pass a pedestrian traveling on the same sidewalk or path at a distance of at least three feet
- Dismount when passing a person with a visual impairment
- Give an audible signal before passing a pedestrian traveling in the same direction as the scooter
- Scooters may not be operated within dismount zones
- Scooters are prohibited from being used or parked on streets where a special event is being held

Staff felt that a couple of provisions were important enough that they are given their own sections. First, shared-use motorized scooters may only be operated by persons who are at least 18 years old. Second, double riding is prohibited.

Scooters are permitted upon all sidewalks and trails outside of the dismount zone and are permitted upon roadways under state law.

### Equipment and Safety

Ordinance 19-09 requires shared-use motorized scooters to be governed so that they operate at a speed no greater than 15 miles per hour. Shared-use scooters are required to have certain information displayed on the scooters themselves, which information is detailed in Section 15.58.090(d). In addition, all shared-use scooters must be equipped with an audible signaling device, appropriate lights, and proper breaks.

Ordinance 19-09 further requires that shared-use scooters be capable of being immediately and remotely locked down by a scooter company upon any report that the scooter is defective. Upon any report of a physical defect in a scooter, a scooter company must collect the scooter within two hours and then may only re-deploy the scooter after a proper evaluation. Finally, Ordinance 19-09 restricts the hours that scooters may be operated so that they may not be held out for rent between the hours of 10:01 PM and 5:59 AM.



### Data

Ordinance 19-09 requires that scooter companies share real-time data with the City and also that they provide monthly reports to the City. Real-time data is required to be reported in Mobility Data Specification (MDS) format, which is a nationally utilized open-source format for reporting real-time information on scooters, including location, condition, and use.

Ordinance 19-09 also requires that scooter companies send monthly reports to the City that include data on each scooter trip taken, scooter collisions and accidents, and unauthorized parking.

All information shared with the City by scooter companies must be anonymized, and under no circumstance may a scooter company share any personally identifiable information with the City. However, with regard to the data required by this ordinance, the City has the sole discretion to determine whether or not to share that data with the public at large.

### Public Outreach

Ordinance 19-09 also obligates scooter companies to engage in certain public outreach programs. In its current form, the ordinance imposes four requirements: (1) that the company provide a Bloomington-specific notice to users through its mobile application regarding local regulations and best practices; (2) that scooter companies develop a Bloomington specific webpage detailing local scooter regulations and best practices; (3) that scooter companies engage in on-the-ground safety campaigns at least twice per year; and (4) that scooter companies make available, at no expense and at a local location, helmets that may be procured by their users.

Scooter companies must submit the details of these public outreach programs as part of their license application, and the program may be approved or rejected by the Board of Public Works.

### Affordability and Accessibility

Section 15.58.130 of Ordinance 19-09 requires shared-use motorized scooter companies to provide a 50% price discount to any members of the public who can demonstrate participation in any federal, state, or local assistance program. The 50% discount must be applied to any and all charges associated with renting a shared-use motorized scooter. In addition, Ordinance 19-09 authorizes the Board of Public Works to impose additional affordability or accessibility requirements at its discretion.

### Enforcement

There are three general enforcement mechanisms present in Ordinance 19-09: fines directed at users, fines directed at scooter companies, and impoundment. The fines

directed at scooter users are identical to the fines in place for bicyclists who violate any of the provisions of Title 15, whether the violation is related to use or to parking. For illegal scooter use, the fine is \$20. For illegal scooter parking, the fine is either \$30 or \$60, depending upon when it is paid.

With the exception of illegal parking, other fines directed at scooter companies are more substantial and instead reference the general penalty provision of the City Code, which authorizes fines up to \$2,500 per violation (the statutory maximum). Impoundment fees are set at \$100 for impoundment, \$10 per day of storage, and \$150 if disposal is necessary. The City is permitted to immediately move or impound any scooter that is improperly parked or poses any public hazard. In addition, the City reserves the right to revoke a shared-use motorized scooter company's license if it violates the terms of the ordinance.

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 6, 2019 at 6:33pm, Council President Dave Rollo presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
February 6, 2019

Members present: Ruff, Sturbaum, Piedmont-Smith, Granger, Volan, Sandberg, Sims, Rollo  
Members absent: Chopra

ROLL CALL [6:33pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:33pm]

Councilmember Isabel Piedmont-Smith moved and it was seconded to approve the minutes of January 9, 2019 as amended. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:37pm]

Councilmember Susan Sandberg spoke about the Thrive by Five Campaign organized by the Community Foundation, which supported early childhood education.

REPORTS

- COUNCIL MEMBERS [6:38pm]

Councilmember Jim Sims reported on a recent discussion that he participated in regarding a state hate crime bill. He said the talk was available via Facebook Live and encouraged people to watch.

Piedmont-Smith read an excerpt from Shirley Chisholm, the first black candidate for a major party's nomination for President and the first black woman elected to Congress. She spoke about problems related to poverty and racial equity that still existed.

Councilmember Dorothy Granger voiced her support for the Indiana University Women's Basketball team.

Mayor John Hamilton gave an overview of the capital replacements completed by the city over the last three years. He discussed investments in vehicles, replacement of equipment, and various structures. He shared data on investments in the Fire, Police, Public Works, Parks and Recreation, and Utilities Departments. He said about \$39 million had been invested in the city's basic infrastructure in the last three years. He displayed a list of other recent and ongoing capital projects. He emphasized the importance of keeping up with capital replacements to delivering the city's services to the public.

- The MAYOR AND CITY OFFICES [6:47pm]

Georg'ann Cattelona, Commission on the Status of Children and Youth, provided the commission's annual report to the Council. She said the commission was lucky to have such dedicated commissioners. She discussed the recent activities and efforts of the commission.

There were no reports from council committees.

- COUNCIL COMMITTEES

Bruce Anderson was disappointed that the meeting was being held without all councilmembers present. He discussed his concerns related to taxation and other various topics.

- PUBLIC [7:10pm]

Garrett Middleton spoke about an alley behind his home and concerns related to construction work being completed nearby.

Granger moved and it was seconded to appoint Landry Culp to the Commission on the Status of Women. The motion was approved by voice vote.

Sims moved and it was seconded to reappoint Sue Sgambelluri and David Walter to the Redevelopment Commission. The motion was approved by voice vote.

Sims moved and it was seconded to appoint Ron Smith to the Commission on Aging. The motion was approved by voice vote.

Sims moved and it was seconded to appoint Jenny Southern and Ernesto Casteneda to the Historic Preservation Commission. The motion was approved by voice vote.

There was no legislation for second reading.

Volan moved and it was seconded that Appropriation Ordinance 19-01 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Volan moved and it was seconded that Ordinance 19-02 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Volan moved and it was seconded that Ordinance 19-05 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Volan moved and it was seconded that Ordinance 19-06 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

## LEGISLATION FOR SECOND READING AND RESOLUTIONS

## LEGISLATION FOR FIRST READING

Appropriation Ordinance 19-01  
To Specially Appropriate from the Food and Beverage Tax Fund Expenditures Related to the Convention Center Expansion (Appropriating Funds from the Food and Beverage Tax Fund)

Ordinance 19-02 To Amend Title 10 Of the Bloomington Municipal Code Entitled "Wastewater" (Stormwater Rate Adjustment)

Ordinance 19-05 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (A Substantial Rewriting of Title 10 Following a Review Conducted in Concert with the Environmental Protection Agency)

Ordinance 19-06 Amending Title 15 of the Bloomington Municipal Code – Re: Reducing Fees for Law Enforcement Recordings and Bringing Said Fees into Compliance with State Law

Beth Rosenbarger, Planning Services Manager, discussed Chapter 4 of the proposed Transportation Plan (Plan). She stated the chapter did not include an exhaustive list of all the transportation projects in the city. She said the project recommendations were based on input from elected officials, staff, community stakeholders, and the public. She said the projects were also based on survey map responses, analysis of the existing network, analysis of crash data, and relevant recommendations from past studies. She discussed the two sections of the chapter, which included 4.1 New Roadway Connection and 4.2 Multimodal Projects. She explained that planning for new roadway connections meant not only thinking about roads the city might build, but also planning for roads that private developers might be required to build as part of a project. She listed the types of multimodal projects that the Plan addressed.

Piedmont-Smith asked if the hospital site redevelopment would include new street connections.

Rosenbarger said there was a new north-south connection and a new east-west connection included in the Plan.

Sturbaum asked if there was a new planned connection that would go through Building Trades Park.

Rosenbarger said no. She said the connection would connect to the southern end of Maple Street and angle over to Fairview Street without going through the park.

Piedmont-Smith asked if the multi-use path on South High Street between Winslow Road and Arden Drive could extend further north.

Rosenbarger said that the bicycle facilities network map included in Figure 19 did recommend an extension of the path to the north. She suspected it stopped at Arden Drive as a short term goal, since there was an east-west travel option at that point.

Piedmont-Smith asked if it was a problem that the project map and the bicycle facilities network map did not match.

Rosenbarger said no. She stated that every facility in the proposed bicycle facility network represented projects that could be pursued. She said the project map listed projects that would likely be pursued within five to ten years.

Piedmont-Smith asked if the project map included shorter-term goals.

Rosenbarger thought that was the case.

Sturbaum asked if the Plan included a process similar to the previous neighborhood transportation safety program to help direct how streets converted to greenways. He said he was interested in ensuring that affected residents were able to have input on projects in their neighborhoods.

Rosenbarger said Sturbaum's question implicated two parts of the Plan. She said there were recommendations in the next chapter regarding the future of the neighborhood traffic calming and safety program. She said there was no specific process spelled out for designing and implementing a neighborhood greenway, because greenways were context-specific. She said greenways would typically include traffic calming and would incorporate public feedback. She said staff was also interested in discussing the neighborhood traffic calming program further.

CONTINUATION OF  
CONSIDERATION OF  
RESOLUTION 19-01- TO ADOPT  
THE CITY'S TRANSPORTATION  
PLAN AS AN AMENDMENT TO  
THE CITY'S COMPREHENSIVE  
PLAN [7:28pm]

Chapter 4: Recommended Projects  
(and Portions of the Appendices  
where Applicable)

Council questions:

Sturbaum thought the Plan should include a clearly-defined process to guarantee public participation. He asked if such a process was already included in the Plan or whether that was something that could be addressed by an amendment.

Rosenbarger said there was no specific process for neighborhood greenway projects, but there was a process for traffic calming projects.

Rollo asked if it was premature to include the extension of Hunter Avenue in the Plan when other opportunities for future development in the area might include such an extension.

Rosenbarger said that including the extension in the Plan provided transparency to property owners and developers. She said that if the city thought the connection was a good idea, it should be included in the Plan.

Rollo asked if future development would have to accommodate the planned street type of a general urban street.

Rosenbarger thought the requirements for a developer would depend on the type of development taking place. She thought certain types of developments would have to leave enough space for the connection.

Rollo asked if that could mean leaving room for a 90-foot right-of-way.

Rosenbarger said yes.

Sturbaum asked whether Maple Street should still be assigned the street typology of neighborhood connector.

Rosenbarger said staff would be supportive of reexamining the neighborhood connector typology when it was applied to narrow neighborhood streets.

Sturbaum asked about the process of transitioning streets. He asked what kind of assurance the public had that the city would not change things on the street without public input.

Rosenbarger said there was no intent to widen those streets. She said if there were modifications, the project would always include public outreach.

Volan said that it seemed possible to extend Hunter Avenue without having to move any existing structures. He asked if the extension was included in the Plan for that reason.

Rosenbarger said the connection made sense for a number of reasons, including the fact that there were not a lot of buildings located on the back of the lots.

Piedmont-Smith asked whether a new connection between Basswood Drive and Liberty Drive would be an Indiana Department of Transportation (INDOT) project.

Rosenbarger thought the city could still propose the project, even if INDOT would need to approve and support it.

Piedmont-Smith asked if the city would be in charge of the project if it found funding for it.

Neil Kopper, Interim Engineer, said it was likely that the project could be contracted through INDOT. He said it was important to list any connection the city wanted to have so that when INDOT did work in the area, it would know what the community wanted. He said INDOT would not consider those connections if they were not listed in a local plan.

Rollo asked if it made sense for the proposed extension of Hunter Avenue to have the general urban street typology when the existing Hunter Avenue was a neighborhood greenway.

Rosenbarger said the typology of the extension was important to indicate what the city wanted from the built environment in the event that the area was redeveloped. She said there was no intent to change the existing Hunter Avenue. She said there were ways to keep the existing Hunter Avenue a calm street, but she also noted that the general urban street typology did not have to mean that a street was unfriendly to bicyclists and pedestrians.

Rollo said that Sare Road would likely see an increase in traffic due to the development of I-69. He noted that the Plan did not address that, and asked if it should, or if a study of the area should be conducted.

Rosenbarger said she was not familiar with the traffic volumes on Sare Road but noted that the city's Comprehensive Plan generally called for not widening roads. She said the Comprehensive Plan called for building additional capacity on a road for walking, bicycling, and transit.

Rollo asked if it made sense to widen Sare Road since its street typology was suburban connector, which called for four travel lanes and a center turn lane.

Rosenbarger acknowledged there were suburban connector streets in the city that could not meet the typology definition in the Plan.

Rollo asked if increased traffic could pose issues for safety, pedestrian usage, and emergency vehicles.

Rosenbarger said those were issues the city would continue to monitor on an ongoing basis.

Volan asked if the city had been conducting traffic counts and wondered if the data could be made public.

Kopper said the city had been conducting counts and efforts were underway to upload that information online.

Eoban Binder did not think some of the proposed street connections would support a grid pattern. He wondered why some of the streets were not straight.

Public comment:

Daniel Bingham wondered if the transportation plan was ambitious enough. He thought emissions needed to be cut to avoid further climate change. He said switching to electric cars was not the answer.

Chris Donohue suggested some additional extensions within the city.

Marc Cornett encouraged the city to focus on projects closer to the center of the city and commented on the size of city blocks.

Jim Rosenbarger thought the greenways would be extremely popular with residents and would encourage bicycling and walking.

Jessica Griffin echoed Cornett's comments and called for listing specific sizes for city blocks.

Rollo noted that some planned extensions were not straight due to the local topography. He thought it was better to utilize land within the urban boundaries rather than encourage sprawl. He said many of the planned connections were in the southwestern part of the city, where there was space to add more density.

Council comment:

Volan explained the difficulty in changing parts of the city that were developed before they became part of the city. He said the city would need to get creative in order to encourage property owners to think differently about development and vehicle dependency. He stated there were a lot of details and recommendations in the Plan and it would take some time to analyze them all.

Chapter 4: Recommended Projects (and Portions of the Appendices where Applicable) (*cont'd*)

Piedmont-Smith thought the chapter needed some work. She wanted to make clear that the projects were dependent on funding and would all involve public input. She appreciated Bingham's comments but wanted to know what an ideal transportation plan would look like if the city wanted to reduce its carbon footprint.

Rollo still did not see the logic in a neighborhood greenway abutting a general urban corridor, as was proposed for Hunter Avenue. He said he would be far more comfortable if it were an extension of a neighborhood greenway.

Rosenbarger presented Chapter 5 of the Plan. She said that Chapter 5 outlined additional steps for recommendations made earlier in the Plan. She described what steps the Plan included, as well as applicable policy recommendations.

Chapter 5: Next Steps for Key Recommendations (and Portions of the appendices where Applicable)

Rosenbarger presented Chapter 6 of the Plan, which provided a conclusion and noted some guiding principles from the comprehensive plan.

Chapter 6: Conclusion (and Portions of the Appendices where Applicable)

Volan asked if the Plan made recommendations to amend more than just Title 20 of the city code.

Council questions:

Rosenbarger said that was correct.

Volan asked why the range for block sizes went up to 550 feet.

Rosenbarger said it was intended to allow for flexibility in redevelopment projects, but she understood that it might need to be more specific.

Volan asked if staff would support an amendment to narrow or lower the range.

Rosenbarger thought that would be fine.

Jim Rosenbarger opposed redesigning Kirkwood Avenue.

Public comment:

Ryan Maloney spoke about making it easier for buses to operate in the city.

Daniel Bingham said the Plan should include a goal of reduced emissions.

Marc Cornett discussed the public parking lot across the street from the 4<sup>th</sup> Street garage. He wondered if the Plan contemplated undoing past mistakes.

Chris Donahue thought the City should prioritize building out the under served areas of the City.

Volan said the downtown area would not have room to expand if the city was not willing to allow more height. He suggested that the city encourage other areas to develop like downtown. He said the Council would likely take longer to consider the Plan than originally intended because the changes it needed were more profound than expected. He encouraged the public to submit amendments.

Council comment:



Chapter 5 & Chapter 6 (cont'd)

Sturbaum encouraged interested members of the public to submit amendments to their respective representatives. He hoped that the Plan would not be changed to limit public input on projects.

Rollo explained that the Council needed more time to consider and amend the Plan. He discussed the procedures the Council would use to provide more time. He expressed his gratitude to those who had commented on the Plan and to staff for their work over many months. He explained the motions that the Council would consider next.

Volan moved and it was seconded that the Council suspend the rules to consider motions affecting the schedule of deliberations on Resolution 19-01.

Motion to suspend the rules

The motion to suspend the rules received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on motion to suspend the rules [9:04pm]

Volan moved and it was seconded that the Council cancel its previously approved schedule and that the President confer with the Council on future deliberations of the Transportation Plan and make an announcement by the end of February with the deadlines for amendments and date(s) for one or more meetings of a Special Session to be held later that spring.

Motion to reschedule future consideration of Resolution 19-01

Rollo moved and it was seconded to allow for public comment.

Motion to allow public comment

The motion to allow public comment received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on motion to allow public comment [9:06pm]

Volan said that council leadership had discussed prolonging the process for reviewing the Plan. He discussed potential schedule changes. He suggested that amendments could be due April 24<sup>th</sup> and the next meeting would be May 8<sup>th</sup>.

Council comment:

Piedmont-Smith asked what the staff thought of Volan's suggested schedule.

Rosenbarger said that schedule seemed good, but was concerned about the amount of time in between the amendment deadline and the next meeting.

Volan said the amount of time between the amendment deadline and the next meeting was the same time as before.

Rosenbarger said staff did not always receive the amendments on the due date.

Volan asked Sherman if that was a legitimate concern.

Sherman said it was a concern, but thought the Council could figure out how the process would work in the coming weeks.

Volan suggested that the Council bump up the amendment deadline so staff could see what was being proposed.

Terri Porter, Director of Planning and Transportation, said the April 24<sup>th</sup> deadline was okay but she was wondering if amendments could be submitted to the department on a rolling basis.

Volan expected that councilmembers would send amendments to staff as they were completed.

Sandberg preferred to go with the draft motion that did not yet set a deadline so that everyone had more time to assess what needed to be done.

Rollo advised not setting a date, even though he thought Volan's proposal was feasible. He thought there was a lot yet to be determined, like staff's workload.

Motion to reschedule future consideration of Resolution 19-01 (cont'd)

Volan said the last practical date to consider amendments and address them at a meeting would be May 8<sup>th</sup>. He thought that delaying the process beyond that date would force the Council to rush its deliberations or to delay consideration of the Plan until after the Council's summer recess.

Marc Cornett thought it would be helpful if some of the Plan's inconsistencies could be handled before the next meeting.

Public comment:

Eoban Binder encouraged the Council to set a date.

Jim Rosenbarger said he would like the Council to set dates for amendments and the next meeting.

Piedmont-Smith moved and it was seconded that the Council cancel its previously-approved schedule and that a new schedule be adopted with the deadline for amendments set for April 24, 2019 and the date of the first meeting to continue deliberations of the Transportation Plan on May 8, 2019.

Motion to amend motion to reschedule future consideration of Resolution 19-01

Granger said she wanted to allow for a little time before the Council set a date.

Council comment:

Volan pointed out that the Council could always change its schedule again if the dates set did not work for everyone.

Sandberg thought there was urgency but also did not want an arbitrary date to stand in the way of doing a good job.

Piedmont-Smith said the proposed dates were not arbitrary, but would instead ensure that work would be completed before the Council went on recess.

Sturbaum supported not setting a date.

Ruff asked Sherman if he saw any significant downside procedurally to the deadline proposed.

Sherman said he thought the Council had just started the discussion of what made sense. He thought the original motion gave the Council time to come up with a workable schedule that would be known by the end of February.

The motion to amend the motion to reschedule future consideration of Resolution 19-01 received a roll call vote of Ayes: 2 (Piedmont-Smith, Volan), Nays: 6, Abstain: 0. FAILED.

Vote on motion to amend motion to reschedule future consideration of Resolution 19-01 [9:29pm]

The motion to reschedule future consideration of Resolution 19-01 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on motion to reschedule future consideration of Resolution 19-01 [9:29pm]

Sandberg moved and it was seconded that the Council table Resolution 19-01.

Motion to table Resolution 19-01

The motion received a roll call vote of Ayes: 7, Nays: 1 (Volan), Abstain: 0.

Vote on motion to table Resolution 19-01 [9:30pm]

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Piedmont-Smith moved and it was seconded to cancel the Internal Work Session scheduled for Friday, February 8, 2019. The motion was approved by voice vote.

COUNCIL SCHEDULE [8:00pm]

The meeting was adjourned at 9:33pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dave Rollo, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval