

In the Council Chambers of the Municipal Building held on Wednesday, April 15, 1992, with Council Vice-President Kiesling presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 15, 1992

Roll Call: Hopkins, Swain, Miller, Fernandez, Kiesling, Cole, Sherman.
Absent: Service, White.

ROLL CALL

Kiesling gave the agenda summation.

AGENDA SUMMATION

The minutes of April 1, 1992 were approved by a voice vote with several small corrections by Kiesling.

APPROVAL OF
MINUTES

Hopkins commented on the very disruptive effects of the volcano in Nicaragua. He then gave the dates of the various Plan Commission meetings dealing with the rezoning issues. The dates are as follows:

MESSAGES FROM
COUNCILMEMBERS

April 20 Regular Plan Commission
April 21 Growth Policy Plan BHS-S at 6:00 P.M.
April 27 SE section of city
April 30 W section of city } Council Chambers 7 P.M.
May 7 NE section of city }

Sherman wished everyone a Happy Easter and Passover.
Kiesling announced that this was the Week of the Young Child, the Public Health Nursing Association will have an Open House from 3-6 on April 16, the Citizens Information Committee met and Kiesling had reports dealing with EPA and IDEM stream/spring tests near the "Bermuda Triangle", Enhance 911 is finally on line for our community, and there will be a public hearing on the Solid Waste Plan

Mayor Allison presented an proclamation to Jackie Yenna of the White River Labor Council honoring workers injured or killed in the workplace.
Steve Sharp updated the council on Enhance 911 and Little 500 preparations noting that the city would be slightly reimbursed for some of the BPD expenses by the university, probably about \$2600 minimum and he thanked everyone for working together to make this as efficient as possible.
Tom Klein said that we were one of three cities to receive the Governor's Award for Excellence in Recycling and he gave a few details regarding the upcoming Earth Day and Goodwill curbside collections in our neighborhoods.
Lee Huss, City Landscaper, reported on the Tree Fund which has over \$6,000 at the current time, a display that shows various aspects of Urban Forestry, a DNR grant that will help fund Arbor Day this year and Arbor Day activities.

MESSAGE FROM THE
MAYOR
MESSAGES FROM
CITY DEPARTMENTS

A 20 minutes report regarding Right to Life was given by various persons. Speaking was Paul Konstanski, John Sheehan presented a resolution protesting an abortion clinic in Bloomington, Mary Jo Brough, and Richard Katz then urged people to consider individual freedoms and rights.

PUBLIC COMMENT

It was moved, seconded and approved by a voice vote that the following appointments be made:

APPOINTMENTS TO
BOARDS AND
COMMISSIONS

Human Rights Mary Ellis
 George Foster
Traffic Commission William Somer
 Phillip Chamberlain
 Paul Palmer

It was moved and seconded that Ordinance 92-9 be introduced and read by title only. Clerk Williams read the ordinance by title only.
It was moved and seconded that Ordinance 92-9 be adopted. The synopsis and

LEGISLATION FOR
SECOND READING
ORD. 92-9

committee recommendation of 6-0-1 was given.

Doris Sims explained the request and the changes that have occurred in the job description over the years.

The ordinance received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Ordinance 92-6 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 92-6

It was moved and seconded that Ordinance 92-6 be adopted. The synopsis and committee recommendation of 3-2-2 was given.

Ted Rhinehart presented a summary of the ordinance, noting that for almost a year a committee has been working on this request from neighborhood groups and the worsening problem of commuter parking on streets. The recommendation coming out of the master plan was some type of neighborhood permit similar to other university communities. This is Phase I of an overall plan, 21 blocks south of campus in Elm Heights with a good mix of single and multifamily structures. This was a consensus process with long debate and many issues to consider. This plan would be put in place and evaluated down the road in a year or so to determine if we want to expand it, contract it, or leave alone. There are conflicting philosophies, one that the streets are public streets and any one should be allowed to park there, second, neighborhoods should be retained as neighborhoods and not be subject to hundreds of commuter parkers coming in everyday. Visitor permits were discussed at length, \$10 fees would recover the cost of start up operations, proof of residency, Class D violations and escalating fine schedules in detail. We never were able to come to an agreement over the visitor permits, it was discussed continuously and changes can still be considered. The expansion of the phase was also very much discussed and there has been concern about the areas outside the boundaries. We have tried to coordinate with the university's task force recommendations. Regarding penalties; last week it was discussed to have a tighter penalty for someone who abuses the system as opposed to someone who parks there occasionally as opposed to someone who gives the decal to someone illegally. Also some discussion took place about using the fines for public improvement and if there are excess revenues it would be good to encourage cycling or transit, but he stressed that the cost of the program should be covered and this will not be a cheap program to administer. Enforcement and clerical, signage and decals, printing and postage for about \$50-60,000 on an annual basis are some of the costs. The fine structure was also discussed, whether to have a straight fine or an escalating fine structure as we have now as well as escalation of fines based on number of violations and there were too many legal questions/problems with that process.

Fernandez asked Rhinehart to clarify the cost question. Rhinehart said they have a quote from Hall signs for a 21 block area and signs alone would be about \$4500 and if we expanded it would be more. Fernandez asked if the \$50-60,000 was just for the pilot area and does it include the start up costs. That is the cost of an officers's salary, clerical, postage, applications and ongoing costs, fuel and sign replacement etc. depending on how aggressive we want to be on enforcement. We might find when we expand it that we need two people walking the beat, rather than just one.

Swain asked about the fine escalation schedule problem and Rhinehart said the current system is based on non-payment, not escalating fine for 1st, 2nd or 3rd offense. Swain thought we had the same problem now, since we don't really know who is parking the car, the ticket is simply issued to the car. Rhinehart then explained the resident private parking permit.

George Smerk, IU Director of Transportation, said that the university is in the process of buying 3 additional shuttle buses to run from the White Lot to Union and back every 10 minutes, 7th Street will be closed, a Task Force will exist to attempt to change the car culture of our society, encourage carpools, the central campus will be strictly pedestrian with enforcement at each end of 7th St. and he described their new ticket writing machinery, everyone could use their ID card on any bus that operates in Bloomington, IU or Bloomington Transit and this would be a major step to encourage people to ride buses.

Cole urged the use of smaller buses. Miller thanked Smerk for addressing the problem and Smerk said he started on the issue in 1966 and all these questions have come up before including some of the solutions offered tonight.

Kent McDaniel from Bloomington Transit said the board has also talked about some of these issues and said they would cooperate with the university as much as possible. Bloomington is to be the recipient of a federal grant along with 14 other cities for about 7 million, with 60% federal grant, 40% local match to purchase fare boxes, radios, 4 new buses and construction of a new maintenance facility, perhaps a joint facility with IU and if that doesn't happen, everything will just be scaled back.

Fernandez asked about ridership on the northern routes. McDaniel did not know and would let John know.

Mayor Allison said the transit arrangement with Colonial Crest apartment complex has been quite successful and letters have been sent to other complexes. She said there will never be enough parking spaces and this is where mass transit really works. We have been slow in reacting to this problem compared to other communities, for the system is not really working for anyone. This needs to be a coordinated job with the university.

Ken Bardonner, an Elm Heights homeowner, wondered if spaces would actually go to waste, and the question of service vehicles should be set apart as well as commercial vehicles. He submitted Tom Blumenthal's letter to the council.

Ben Garland, Optometry student said the White Lot/Bus Pass system will not work and noted that optometry students need to carry specialized materials that won't fit into a bookbag and a survey of students said they needed 25 permits to accommodate them. Sherman urged them to pursue the use of the lot on the north side of Atwater by the school.

John Burnham said this program will pit neighbor against neighbor and noted that a lot of this area is under consideration for downzoning according to the current master plan recommendation.

Richard Katz said service vehicles and property owners (landlords) also need to be considered when they attempt to access their own properties.

John Logsdon, IU Biology student urged the council not to pass the ordinance. Barbara Wolf, Elm Heights resident and Task Force member read a lengthy statement about traffic, congestion and safety problems created by commuter traffic circling the streets looking for parking and urged the council to pass the ordinance. She also addressed car trash, deteriorating curbs and sidewalks and unsightliness as well as damage to property and lawns. The ordinance is not anti-student for students live in the area and are suffering the same problems. There are places for commuters to park, the rub is that those lots are not as convenient as parkers would like them to be. There are too many cars for too many spaces and heavily populated residential areas.

Tonia Matthews, an Elm Heights resident also urged support of the ordinance and said that shuttle buses alone are not enough and that people who are

complaining do not live in the area.

Charles Wiand asked how this is related to the rezoning process and said he would like to hear a discussion regarding that aspect of it.

Martha Street was against the ordinance, she owns 3 units and provides off street parking for her tenants and she needs a place to park when she is working at her units. She also suggested that when people who live there are at work, they don't need parking spaces.

Pete Dunn suggested that everyone remember why a lot of us are here. It is because of the university and he urged the council to have some pity for the students. The university owns Atwater property, let them use it for parking. Pam Elsley, Student Government Greek Senator Representative said that there are 8 houses with approximately 100 persons in each house and the parking that is provided for each house is very sparse and they depend on the streets for overflow and this is a matter of parking near where they live.

Jeff Leising, Off Campus Student Union wondered if we are looking for the right solution. There is still no proposal for where people are supposed to park. He asked that the ordinance be tabled at this time for this will just cause a problem and trouble somewhere else and suggested less drastic solutions and referred to the resolution asking for a few weeks to work out the problems.

Andrea Bean, new OCSU president, said she would be here this summer, still has problems with the permit parking process and thought it should be part of the solution, not the entire solution and it should be a coordinated effort with all parties affected by it.

Mayor Allison said that our transit has been considering using the Bryan Park east lot as a Park n Ride lot.

David Holmke, a Bryan Park resident said he didn't want a lot in his back yard, asked why/if there has been any increase of the city enforcement in that area.

Jim McNamara, former Deputy Clerk and North Fess St resident and leading authority on parking tickets and appeals asked that the ordinance not be tabled but killed permanently. He said he found the visitor permits for students language offensive suggesting cheating on the part of students, he thought zones are unfair whether it is the downtown or a neighborhood, he thought it wrong for the city to impose a "quality of life" standard for everyone and a policy that imposes a suburban quality of life to neighborhoods adjacent to a campus with 35,000 students living there. That is what a student neighborhood is, one that is adjacent to the campus. Any public relations plan will be difficult because of the mobile/transient nature of Bloomington in general and 2 signs are not enough and when folks see a space they go for it. Hundreds of tickets will be written to people who do not even know they are breaking the law and we will generate a degree of animosity that will be directed toward the city and the abuse that will be heaped upon the City Clerk, well...it will be a mini city court. This ordinance has an elitist spirit to it and this is contrary to the overriding principle of the master plan being that of community character and public streets belong to the people and special groups do not have special rights to special spaces. He concluded by saying this is a very bad piece of legislation.

Richard Katz said again, that the streets belong to the public, officers on bicycles might be able to control speeders in these neighborhood areas and once everyone finds out that patrols are in place, things will slow down.

Sherman said this is not a parking problem it's a transportation problem. We need to change transportation styles are to the benefit of Bloomington: incentives as well as disincentives will be necessary. We should try to make it tougher and more costly to use cars and make it easier to use other modes of transportation. And using the money from fines for the positive things and

this could be linked to transportation rather than parking.

He suggested that the decals pay for the administration and cost and the rest of the revenue be used for positive incentives to get people to use alternatives.

He said he looked forward to the university's proposals for a shuttle service, for a combined bus program with faculty/student IDs, have campus/bus service and high schools using parking meters in lots to discourage students from driving to school, employers giving people incentives for not driving to work. He too did not like turning public ways into private parking and if this is the only thing we are doing, then he would vote against this ordinance.

Regarding an earlier comment about rezoning and parking, Sherman said there is a tie-in and in an ideal community students would live as close to campus as possible.

Fernandez introduced Amendment A that would expand the boundaries of Phase I east to include Jordan and Highland from Hunter and Maxwell and Jordan from Atwater to Maxwell. The motion was seconded.

Rhineheart said we have time to react administratively if the council wishes to expand the area and delay the decision this evening and we have until August to get ready for the program.

Cole asked how often the areas would be patrolled.

Jack Davis, Parking Enforcement Manager, said that the current 21 block area takes about 2 hours to make a round depending on how many tickets are issued. He urged that Phase I be a reasonable size so that all the bugs can be worked out and feed back from area residents has been favorable in terms of the current enforcement levels. Cole and Davis both emphasized that a permit does not give anyone a reserved spot.

Miller asked when we might request that this whole item be tabled. Kiesling said anytime you want to do it and to be sure that if people want to table it and if the motion is made and seconded and then it will not be discussed any further and it will be voted upon, if the vote passes that is the end of the discussion until we take it off the table and if it doesn't pass we continue on with the amendment or whatever else is appropriate to do. Miller then went on to discuss implementation timetables and if it was tabled until May 27 that would allow 11 weeks to implement it and work through some problems. Kiesling then suggested that we continue on with a discussion of the amendments so that people know what they are.

Hopkins said he fully appreciated Millers right to move to table the ordinance, but there has been a lot of early discussion about tabling there and has also been a lot of discussion of amendments that take care of some of the problems some of the councilmembers have and he hated to see them move to a tabling procedure before the amendments are discussed and there would not be an adequate airing of the issue, but agreed that Miller certainly had a right to do so.

Swain thought the council/people should hear the amendments.

Fernandez said we should be talking about amendment "A" which is on the table at this time.

Miller asked about the table request, Sherman said it was not seconded and the council went back to what was on the table and the motion on the table has to be discussed. Fernandez said she could make a motion after this amendment vote.

The amendment "A" received a roll call vote of Ayes:7, Nays:0.

Fernandez said it has been hurried and we have tried to come up with amendments that targeted the concerns raised by the council last week and felt that he was doing someone else job to try and fix this ordinance which he

doesn't support and the remaining amendments deal with the SF and MF distinction, visitor permits and general language that this is a test program so that there is something to measure the objectives and success of the program, as well as fines and violations schedules flat fines versus escalating fine and creating a separate fund for alternative development activities.

Sherman thought we should discuss this and a delay will only get us off track and between committee and council hearings allow time to think about the issues and make the necessary adjustments and a delay won't necessarily make it much better.

Hopkins thought the amendments took care of the questions raised at committee and thought it should be heard and hopefully made more acceptable to everyone involved.

Cole reminded everyone that this is a pilot program and we will be reviewing and making changes as it goes along.

It was moved and seconded that Amendment "B" be introduced dealing with eligibility for visitor permits for MF as well as SF (one for both types of housing, not the two for SF as in the original ordinance).

Sherman thought the original version was not casting aspersions on the students about cheating, but a way to balance SF with MF. If it is changed so that each multiple gets one visitor each then SF should be allowed to have as many decals as we do with multiples. He thought it should read "as many permits as there are cars and one visitor permit per regular permit. (this is very faint on the tape)

Fernandez suggested amending the amendment striking the two permits language at the end of the first sentence and it then provides the one permit/vehicle. Sherman seconded.

Hopkins had a problem with leaving off the "up to two vehicles" because there is then no limit to the number of permits that could be obtained. Sherman said that was right and there is no limit to MF. He asked if we don't restrict the number for MF why do it for SF.

Jeff Leising agreed with the amendment proposals, that these are positive steps and they remove some of the objections that were discriminatory.

John Burnham asked how the parking will be improved since we are now saying that for every household there can be an unlimited number of permits given. If there is the potential for 1500 permits for 300 parking spots, "it don't work", so it now become legal to fight for the parking spots and nothing is changed and occupants are now assessed. Sherman said those same number of cars are fighting for the same spaces, only they are fighting with additional people who don't live there.

Rhinehart reviewed the household/parking numbers: 274 SF homes, 54 MF structures for a total of 231 units with a ballpark estimate of about 750 vehicles. These people are already there. We can't get around the point, that everyone who buys a sticker and might wants to park on the street might happen rather than park in their own driveway or garage. None of this is a perfect solution, but an attempt to solve a problem, and eligibility seemed to change each time the committee met.

Burnham said that he provides parking for his tenant but he is not required to provide parking for his tenant's visitors. This ordinance would allow him to purchase the visitor permits if he wanted to. The ground rules are changing all the time regarding criteria.

Pete Dunn thought it should go back to committee and find out how many real spaces, cars, etc are out there. "You are creating a complete madhouse", he said.

Tim Sutherland thought the distinction between visitors and residential permits

should be eliminated and they could be used for or by anyone. Lower the numbers and eliminate the distinction between the two groups. Richard Katz raised the question of rooming houses.

Hopkins moved that the entire sentence dealing with permits shall be issued to residents...etc Sherman seconded the amendment to the amendment (The amendment reads as follows: Amendment B amendment: Up to 2 permits be eliminated in the second line and in the fourth line, permits will be issued to the residents of single households detached dwellings and multiple household dwellings on a first come first serve basis shall also be deleted. Sherman said the discussions suggests that we are adding cars, those cars are already there and we are simply eliminating cars of people who don't live there.

The amendment to the amendment received a roll call vote of Ayes: 7, Nays:0.

Amendment "B" as amended received a roll call vote of Ayes:7, Nays:0.

Fernandez said that it is 10:55 P.M., there are 3 more amendments and there is a lot more work to be done here. He suggested that the ordinance be tabled until the next meeting and hopefully a new amended proposal can be developed so that we know what we are dealing with.

The ordinance was tabled until May 6, 1992 by a roll call vote of Ayes:6, Nays:1 (Cole).

It was moved and seconded that the following ordinances be introduced and read by title only by the Clerk for first reading before the Bloomington Common Council. Clerk Williams read the ordinances by title only. Ordinance 92-5 To Amend Title 16 of the BMC Entitled "Housing Inspections" re: Section PMC 302.4.3 (Openable Windows). Appropriation Ordinance 92-2 To Specially Appropriate from the Fire Capital and Affordable Housing Funds Expenditures Not Otherwise Appropriated.

LEGISLATION FOR FIRST READING

Louise Elder discussed freedom of choice for everyone. Antonia Matthews agreed with the previous speaker and said that the people who are anti-abortion are making the trouble. Mike Price agreed with Matthews and said Planned Parenthood has legal rights to do what they are doing. George Lee was against the clinic, and said he was radically pro-life. Wayne Worrall said that abortion is about taking a life. John Burnham asked about down zoning and asked when it would come to the council and hoped it hasn't been prejudged. Paul Konstanski again pointed out that if a clinic opens, there will be a tremendous pressure in the community and would it not be better to stop it now. Keep it out of our town, people can go elsewhere and he urged the council to pass the resolution against the clinic. Tim Sutherland urged the council to pass a resolution in support of the clinic. Richard Katz, making his 4th appearance at the podium this evening, talked about parking and the need to coordinate and the big picture.

PUBLIC COMMENT

The meeting was adjourned at 11:20 P.M.

ADJOURNMENT

APPROVE;

ATTEST;

Pam Service, President Patricia Williams, CLERK
Bloomington Common Council City of Bloomington