City of Bloomington
Common Council

Legislative Packet

Wednesday, 01 April 2015

Special Session

immediately followed by a

Committee of the Whole

For legislation and background material regarding Ordinance 15-04, and Ordinance 15-08 please consult the 25 March 2015 Legislative Packet.

All other material contained herein.

Office of the Common Council
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City of Bloomington Indiana

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To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **March 27, 2015**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None

Second Readings and Resolutions for Special Session on Wednesday, April 1st:

- **Ord 15-06** To Amend Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)
  Contact:
  - *Tom Micuda at 349-3423 or micudat@bloomington.in.gov*
  - *Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov*

  Please see the Weekly Legislative Packet prepared for the March 25th Regular Session for the legislation, associated materials, and summary

- **Res 15-03** To Endorse a Food Charter to Help Guide Community Decisions about Policies and Programs that Affect the Local Food System
  - Food Charter and Glossary
  - Memo from Michael Simmons, Chair, Food Policy Council (January 2015)
  - Letters of Support from: the Bloomington Commission on Sustainability, Bloomington Environmental Commission; Citizens Advisory Committee of the Monroe County Solid Waste Management District: Local Growers Guild; South Central Community Action Program (SCCAP): Bloomington Community Orchard; Center for Sustainable Living; and the Healthful Food for All Fund

  Contact: Dave Rollo at 812-349-3409 or rollod@bloomington.in.gov
  Andy Ruff at 812-349-3409 or ruffa@bloomington.in.gov

<u>Legislation for Discussion at the Committee of the Whole to be Held Immediately After the Special Session</u>:

- **<u>Ord 15-04</u>** To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: Re: Creating Three Classifications of "Potentially Dangerous" Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of "Habitual Offender," and Other Various Organizational and Housekeeping Changes.
  Contact: Laurie Ringquist 349-3470 or ringquil@bloomington.in.gov
  Patty Mulvihill 349-3426 or mulvihip@bloomington.in.gov

- **<u>Ord 15-08</u>** To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations
  - Am 01 (Sturbaum, Sponsor) – Angle Parking for 10th and College Improvements along College Avenue
    - Photos of the streetscape and building;
    - Site Plan for angle parking;
    - Application for Tree Permit; and
    - Email from Dave Williams with Conditions for Granting Permit

  Contact: Tom Micuda, 812- 349-3423, micudat@bloomington.in.gov
  Patty Mulvihill, 812-349-3426, mulvihip@bloomington.in.gov

- **<u>Ord 15-09</u>** To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" and to Make Other Changes Related to Metered Parking - Re: Shortening the Hours of Enforcement of On-Street and Surface Lot Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare "Parking Holidays," Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage), and Adding On-Street Metered Spaces along Washington Street from 2nd to 3rd Street *(Revised Prior to Introduction on March 25th)*
  - Memo to Council *(Revised)*
    Contact: Darryl Neher 269-2727 or neherd@bloomington.in.gov

- **<u>Ord 15-10</u>** To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles And Traffic) of the Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission) *(Revised Prior to Introduction on March 25th)*
    - Memo to Council *(Same as in Last Packet)*
      Contact: Councilmember Volan at 812-349-3409 or volans@bloomington.in.gov
      Dan Sherman at 812-349-3409 or shermand@bloomington.in.gov

<u>Memo</u>

Two Meetings on Wednesday, April 1st

Two Items Ready for Action at a Special Session and Four Items Ready for Discussion at the Committee of the Whole Immediately Following It

There is a Special Session immediately followed by a Committee of the Whole next Wednesday. The agenda for the Special Session includes an ordinance and resolution ready for final action. The ordinance can be found online as indicated above and the resolution can be found in this packet along with associated material and is summarized below. The agenda for the Committee of the Whole includes four ordinances ready for discussion. All four would amend the municipal code.

Revisions and Amendments

Please note that, although all of legislation for discussion at the Committee of the Whole was distributed in last week's packet, two ordinances were revised after the packet went out. Those revised ordinances – <u>Ord 15-09</u> (Amending Title 15 and sponsored by Cm. Neher) and <u>Ord 15-10</u> (Amending Title 15 and sponsored by Cm. Volan) – are included in this packet.

Please also note that there is at least one amendment to <u>Ord 15-08</u> (Routine Amendments to Title 15 – Vehicles and Traffic). It is sponsored by Cm. Sturbaum and would authorize angle parking along the west side of College

next to the Tenth and College building. That amendment is included in this packet.

Please note that the installation of angle parking would involve the removal or relocation of street trees and, pursuant to BMC 12.24.070 (Tree Work Permits), materials regarding this amendment include a completed application for a Tree Work Permit. That provision also provides that the Council approval of the ordinance as amended is deemed an automatic approval of the permit (which, upon passage, should be forwarded to the Parks and Recreation department). In addition, the provision also requires that the impact of your action on trees should "be made in accord with the policies and principles of urban forest management set forth in this chapter or as otherwise adopted by the board." There is an email in the packet that Dave Williams sent to the owner and sets forth recommendations for compliance with those policies and principles. That email recommends:

- the relocation of six street trees on the same property;
- the removal of six street trees too large for the street grates and an offer to help the owner find another appropriate location for them; and
- replacement of six trees with specified species (Princeton Select Gingkos) and tree grates.

Second Readings and Resolutions at Special Session

Item Two – Res 15-09 Endorsing the Bloomington Food Policy Council Food Charter

The second item for consideration at the Special Session is Res 15-09. It is sponsored by Councilmember Rollo and Ruff and endorses a statement of principles for the community food system embodied in a Food Charter which is proposed by the Bloomington Food Policy Council (BFPC). Operating in the United States since 1987, local food policy councils have brought together persons and organizations interested in the "community food security movement, which links anti-hunger, sustainable agriculture, nutrition, and other groups … (and) encourages examining these issues together." [1] As stated in the memo from, Michael Simmons,[2] local efforts in

[1] Food Policy Councils: Practice and Possibility, Sarah Marie Borron, Bill Emerson National Hunger Fellow Congressional Hunger Center Hunger-Free Community Report, Eugene, Oregon, February 12, 2003

[2] Michael Simmons was Chair of the BFPC up until February 2015 and formerly worked as a Program Specialist in the Parks and Recreation Department where, in that capacity, he joined the early discussions on these issues.

this regard grew out of discussions that began ten years ago about "how best to make our local food system more environmentally safe, socially just, and economically sound." That led to the establishment of the BFPC, which is now a 501(c)(3) organization that "exists to develop and support policies that increase and preserve access to sustainably produced, locally grown, healthful food for all residents in Monroe and surrounding counties."

Food policy councils have been part of government agencies or incorporated as non-profits and typically take on these issues by gathering information, educating themselves and the community, collaborating with other groups on initiatives, and advocating various public policies.[3] Food charters combine all these activities and have been adopted in many communities and various cities, states and provinces in the US, Canada, and UK, among other places.[4]

This Food Charter was the result of community discussions, research, and consensus-building and "provides a vision and a set of values and principles that serve to guide decisions in the community about policies and programs that affect the food system." Once understood and embraced by the community, it should "serve as a basis for the construction of a detailed Food Action Plan that will contain specific objectives together with timelines for their implementation."

Food Charter as a Community Statement

The Food Charter is a statement of "the communities of the Bloomington and Monroe County, Indiana." Upon passage of the resolution, the City, as a governmental entity representing many citizens within the local food system, would be endorsing the principles and goals set forth in the Food Charter (which would be attached to, and made a part of, this resolution). Please note that the Food Charter was vetted by City staff and, as indicated in the resolution, is supported by various boards, commissions, and organizations.

Statement of Principles

As the memo summarizes, the first part of the Food Charter "sets forth the basic principles recognizing:

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[3] Id. Pg 6-7

[4] Food Charter, Discussion Paper, North Bay Parry Sound District Health Unit, Prepared by: Dillon Consulting Limited
http://myhealthunit.ca/en/resources/Food_Charter_Discussion_Paper_FINAL_Revised_March_13_2014.pdf

- food security as a human right;
- the importance of holistic thinking about the food system;
- the necessity for sustainability in all the processes comprising that system;
- the imperative for food literacy for all residents; and
- the essential part played by food in the local economy.

A Note on Food Security as a Human Right[5]

The concept of food security [6] and the view of it as a human right is part of a larger conversation that may not be familiar to you. While the US government spends billions each year to reduce food insecurity, it has not taken the steps, recommended by some, to recognize the food security as a human right. Advocates of food-as-a-right approach, with its focus on a framework for respecting, protecting, and fulfilling a "right," assert that it is more empowering and effective than the food-as-a-need approach, which focuses on a passive recipient of service. The City took a similar position in regard to health care in 2006, when it stated that "heath care was a basic human right." [7] Needless to say, these are statements of aspiration that do not create legal recourse if they are not met.

General Strategies

The second part of the Food Charter states that "in order to promote food security, the communities Bloomington and Monroe County will partner with the Bloomington Food Policy Council, and others to achieve (a set of thirteen) goals. These goals, in brief, are to:

- Champion the right of all residents to food security;
- Regard sustainability as essential to all aspects of food security planning;
- Protect local agricultural land;
- Help make farming a viable vocational option in various ways;

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[5] This paragraph was largely informed by A Rights-Based Approach to Food Insecurity in the United States, Mariana Chilton, PhD, MPH, and Donald Rose, PhD, MPH

[6] The glossary accompanying the Food Charter borrows from the United Nations Food and Agriculture (FAO) to define "food security" as "exist(ing) when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life."

[7] Res 06-16 *Supporting State and Federal Legislation Enacting Universal Publicly-Paid Health Insurance*, last Whereas clause.

- Promote access to local seeds, transplants, and nursery stock free of genetic modification;
- Encourage gardens of all sorts and orchards to increase food self-reliance and enhance the development of community;
- Promote the utilization of local and regional foods;
- Consider food as an essential component of the planning process;
- Improve the agricultural food economy by encouraging the development of local food processing and distribution facilities;
- Support home composting and plan for community-wide composting to increase soil fertility and reduce negative impacts on the environment;
- Help improve food literacy for students in the primary and secondary schools and for the adult population by taking various steps; and
- Help create a vibrant and effective food democracy that makes everyone a stakeholder in assuring food security for all.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
SPECIAL SESSION IMMEDIATELY FOLLOWED BY A
COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, APRIL 01, 2015
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

SPECIAL SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. REPORTS

IV. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 15-06 - To Amend Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

   Committee Recommendation: None (*Not heard by Committee)*

2. Resolution 15-09 - To Endorse a Food Charter to Help Guide Community Decisions about Policies and Programs that Affect the Local Food System

   Committee Recommendation: None (*Not heard by Committee)*

V. COUNCIL SCHEDULE

VI. ADJOURNMENT

to be followed immediately by a

COMMITTEE OF THE WHOLE

Chair: Susan Sandberg

1. Ordinance 15-04 - To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: Making Various Housekeeping Changes, Creating Three Classifications of "Potentially Dangerous" Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of "Habitual Offender," and Other Changes

   Asked to Attend: Laurie Ringquist, Director of Animal Care and Control

2. Ordinance 15-08 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"- Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations

   Asked to Attend: Tom Micuda, Director of Planning and Transportation

3. Ordinance 15-09 – To Amend Title 15 Of The Bloomington Municipal Code Entitled "Vehicles And Traffic" And To Make Other Changes Related To Metered Parking - Re: Shortening the Hours of Enforcement of On-Street Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare "Parking Holidays," and Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage)

   Sponsor: Councilmember Neher

4. Ordinance 15-10 - To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles and Traffic) of the Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)

   Sponsor: Councilmember Volan

Posted & Distributed: 27 March 2015

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 30 March – 03 April 2015

Monday, 30 March

There are no meetings scheduled today.

Tuesday, 31 March

There are no meetings scheduled today.

Wednesday, 01 April

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
6:30 pm Arts Alliance of Greater Bloomington, Hooker Room
7:30 pm Common Council – Special Session *followed by a* Committee of the Whole, Chambers

Thursday, 02 April

4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 03 April

City Holiday – City Offices Closed

Posted and Distributed: Friday, 27 March 2015

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RESOLUTION 15-09

TO ENDORSE A FOOD CHARTER
TO HELP GUIDE COMMUNITY DECISIONS ABOUT
POLICIES AND PROGRAMS THAT AFFECT THE LOCAL FOOD SYSTEM

WHEREAS, for about ten years, individuals and groups in the community have met to discuss how best to make our local food system more environmentally safe, socially just, and economically sound; and

WHEREAS, those discussions led to the formation of the Bloomington Food Policy Council (BFPC), which was incorporated as a 501(c)(3) non-profit organization in 2011 and "exists to develop and support policies that increase and preserve access to sustainably produced, locally grown, healthful food for all residents in Monroe and surrounding counties"; and

WHEREAS, in pursuit of this mission and after many hours of discussion within the Bloomington and Monroe County communities, research, and consensus-building, the BFPC has developed and is offering a Food Charter for endorsement by members of the community; and

WHEREAS, while non-binding, this Food Charter is community statement that provides a vision and a set of values and principles that help guide decisions in the community about policies and programs that affect the food system; and

WHEREAS, the Food Charter has been presented to and is supported by the Bloomington Commission on Sustainability, Bloomington Environmental Commission, Citizens Advisory Committee of the Monroe County Solid Waste Management District, Local Growers Guild, South Central Community Action Program (SCCAP), Bloomington Community Orchard, Center for Sustainable Living, and the Healthful Food for All Fund;

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

Section 1. As a governmental entity representing many citizens within the local food system, the City of Bloomington endorses the principles and goals set forth in the Food Charter, which is attached to, and made a part of, this resolution.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

_____
DAVE ROLLO, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Rollo and Ruff and endorses the principles and goals set forth in a Food Charter which will help guide community decisions about policies and programs that affect the local food system. The Food Charter is the result of efforts of the Bloomington Food Policy Council to work with various groups and individuals for many years in order to make our local food system more environmentally safe, socially just, and economically sound. While non-binding, this Food Charter is community statement that provides a vision and a set of values and principles that help guide decisions in the community about policies and programs that affect the food system

BLOOMINGTON FOOD POLICY COUNCIL
FOOD CHARTER

The communities of Bloomington and Monroe County, Indiana, recognize that:

- Food security is a basic human right which contributes directly to the health and well-being of residents;
- Assuring food security for all residents requires holistic thinking about the food system and the enactment of policies that reflect a systems approach to the problem;
- Creating a well-functioning food system requires the active collaboration of local government with residents, community organizations, businesses, schools, and state and federal government agencies;
- Sustainable methods of production, processing, distribution, consumption, and waste recovery in the food system contribute to the health of the environment.
- The sustainable production, abundance, and ready availability of local food will tend to increase food security while decreasing negative impacts on the environment;
- Food literacy for all residents is a prerequisite for an effective, just, and sustainable food system;
- Food is an important part of the local economy

Therefore, to promote food security, the communities of Bloomington and Monroe County, Indiana, will:

- Partner with the Bloomington Food Policy Council, other community organizations, residents, businesses, schools, and government agencies to achieve these goals:
- Champion the right of all residents to adequate amounts of safe, nutritious, accessible, and affordable food without the need to resort to emergency food providers;
- Regard sustainability as essential to all aspects of food security planning;
- Protect local agricultural land, particularly in periurban areas, and support both rural and urban agriculture, including animal husbandry;
- Help make farming a viable vocational option by honoring farmers, providing opportunities for agricultural education, and removing barriers to land acquisition by new farmers.
- Assure access to local seeds, transplants, and nursery stock free of genetic modification by encouraging the development of seedbanks, greenhouses, and plant nurseries.
- Encourage community gardens, home gardens, rooftop gardens, orchards, and edible landscaping to increase food self-reliance and enhance the development of community;
- Promote farmers' markets, farm stands, and the utilization of local and regional foods by groceries, restaurants, and institutions;
- Consider food as an essential component of the planning process when determining land-use and transportation policies in order to assure adequate access to healthful food and to increase neighborhood access points for local food;
- Facilitate improvement of the agricultural food economy by encouraging the development of local food processing and distribution facilities;
- Support home composting while planning for large-scale food waste recovery and the recycling of organic materials through community-wide composting to increase soil fertility and reduce negative impacts on the environment;
- Advocate for the access of all students in grades K-12 to education about the food system;
- Foster a cultural environment that empowers residents to become food literate through participation in educational programs about growing and preparing food, nutrition, food safety, food economy, and the operation of the food system;
- Welcome the interest and participation of all residents in creating a vibrant and effective food democracy that makes everyone a stakeholder in assuring food security for all.

BLOOMINGTON FOOD POLICY COUNCIL
FOOD CHARTER GLOSSARY

Food democracy – A society that empowers its citizens to take an active role in assuring the existence of food security, food literacy, and an efficient, sustainable, and just food system.

Food literacy – To be food literate is to have a basic understanding of the food system and the integrated processes that comprise it and to be able to understand how food choices affect that system as well as personal health, the environment, the economy, and the community.

Food policy – A plan or course of action taken by a government or an organization relating to the food system or any of its component processes.

Food security – According to the Food and Agriculture Organization (FAO) of the United Nations, "food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life."

Food system – The food system is a series of interlocking processes that combine production, processing, distribution, consumption, and waste recovery. Working together, these processes comprise the complex process through which a population is fed. The food system is the process that food undergoes to reach our plates.

Periurban areas – The land immediately surrounding cities and towns, the preservation of which for potential agricultural uses is essential to the development of a sustainable local food system.

To: Common Council, City of Bloomington, Indiana

The Bloomington Food Policy Council Food Charter submitted for your consideration represents the culmination of hundreds of hours of research and community discussions going back to 2005 that explored how best to make our local food system more environmentally safe, socially just, and economically sound. Out of that research and those discussions came both the formation of the Bloomington Food Policy Council, Inc. (a grassroots not-for-profit organization incorporated in 2011) and the drafting of the Food Charter soon thereafter. The Bloomington Food Policy Council [BFPC] exists to develop and support policies that increase and preserve access to sustainably produced, locally grown, healthful food for all residents in Monroe and surrounding counties. As a part of that mission, BFPC convened a group of residents of Bloomington and Monroe County interested in the food system and guided them through an affinity mapping exercise in order to identify those processes comprising the food system most important to its structure and function and to solicit suggestions on how to make those processes and the system as a whole more sustainable. Based on the results of the affinity mapping exercise, other community discussions, and research conducted by members of the BFPC working groups and steering committee, we drafted the Food Charter, submitted it to a number of relevant organizations for review, and approved it for submission to the Common Council as stipulated in the BFPC strategic plan.

The Food Charter provides a vision and a set of values and principles that serve to guide decisions in the community about policies and programs that affect the food system. It is a roadmap to a food secure future for Bloomington and Monroe County and can serve as a basis for the construction of a detailed Food Action Plan that will contain specific objectives together with timelines for their implementation. The adoption of the Food Charter is an important first step in reforming our local food system because it demonstrates to the community that local government is aware of the importance of the food system for the health of our residents, our environment, and our society. Many studies of the effectiveness of food policy councils in this country, in Canada, and in the U. K. have found that the support and leadership of local governments are crucial to the success of food system initiatives promoted by food policy councils. At the founding of the BFPC, community members expressed the wish that the council adopt a collaborative working relationship with local government, and that wish has informed our strategic planning process and all of our activities in the community. The adoption of the Food Charter by the Common Council will prove the wisdom and the efficacy of that decision. The language of collaboration and common cause contained in the charter issues an invitation for everyone to work together toward the creation of a sustainable, innovative food system that nourishes our whole community.

The first section of the Food Charter sets forth the basic principles, recognizing food security as a human right, the importance of holistic thinking about the food system, the necessity for sustainability in all the processes comprising that system, the imperative for food literacy for all

residents, and the essential part played by food in the local economy. The second section provides general strategies for the realization of these principles:

- Encouraging collaboration in the implementation of the principles and strategies of the Food Charter emphasizes that the health of the food system is a community concern that requires the participation of all residents as well as the active cooperation of businesses, governmental agencies, and non-governmental organizations.
- Supporting the right of all residents to a safe, nutritionally adequate, accessible, and affordable daily ration of food obtained through sources other than emergency food suppliers emphasizes that food is a basic human right and that the ability to assure access to such food for one's family is integral to human dignity.
- Because food security is a perennial concern, sustainability is essential in all processes comprising the food system in order to provide a continuous supply of food to an expanding population without creating incremental environmental degradation.
- Producing food close to home contributes both to environmental sustainability through the reduction of that portion of food's carbon footprint derived from transportation and to a substantial reduction in nutritional degradation of food harvested long before consumption. Therefore, the preservation and utilization of growing spaces within and immediately around cities is of the utmost importance.
- Assuring that farming becomes a viable, honorable, and fulfilling career choice for future generations is essential to providing food security for our residents. In order to encourage new farmers, we must provide access to land and to educational opportunities that will enable them to care for and utilize that land efficiently and profitably while enhancing the structure and fertility of the soil.
- Having ready local sources of safe and appropriate seeds and plant materials encourages local horticulture. Greenhouses, plant nurseries, and seedbanks make these essential components of horticulture available while providing business opportunities and creating jobs.
- In World War II, over 40% of the produce consumed in this country was produced in home gardens and community gardens. Increasing access to growing spaces in the city and to the knowledge necessary to utilize them will help to secure our food supply and enhance our ability to be more self-reliant in trying times.
- The ability to purchase food directly from farmers at farmers' markets or farm stands puts us directly in contact with those who produce a portion of our food as well as giving us access to fresh, locally farmed produce and meat. The ability to purchase those same items in grocery stores and restaurants makes them more widely available to the population and expands markets for farmers. Expansion of these opportunities contributes to the health and viability of the local food system.
- It is imperative that planning decisions related to land use and to transportation are informed by the effects of those decisions on access to healthful food in the city as a whole and in the neighborhoods in particular through the elimination of food deserts.

- The development of facilities for the processing and distribution of locally and regionally produced food will improve the local food economy by creating jobs, by making possible increased participation by small producers, and by increasing access to local food.
- How to deal with the food waste stream is one of the most problematic and neglected aspects of the food system. Supporting home composting through education and advocacy while investigating the implementation of large-scale food waste recovery and community-wide composting can reduce the contribution of food waste to landfills as well as improving soil structure and nutrition through the incorporation of compost.
- A food literate population is essential to the creation and maintenance of an efficient and sustainable food system. Education about the food system and the ways in which our choices affect it should begin in the schools and continue through lifelong learning so that food literacy becomes the cultural norm for our community.
- A vibrant and effective food democracy welcomes and encourages everyone to take an active and informed role in securing our food supply. We are all stakeholders in the food system and should accept the responsibility of doing our part to make it work.

While not sufficient in itself, the Food Charter offers a firm foundation on which together we may build a sustainable food system to provide a food secure future that is socially equitable, environmentally sound, and economically viable.

Respectfully submitted,

H. Michael Simmons, Chair
Bloomington Food Policy Council

21 January 2015

COMMISSION ON SUSTAINABILITY

City of Bloomington Commission on Sustainability
Support letter for the Bloomington Food Charter
Adopted April 9, 2013

The City of Bloomington Bloomington Commission on Sustainability recognizes that continual availability of adequate nutritious food for everyone is a critical feature of a sustainable community. We applaud the Food Charter proposed by the Bloomington Food Policy Council, which recognizes the many considerations that must be given to food, including the side-effects of its production, transport, and disposal, to provide that availability in an environmentally sound and sustainable way.

Therefore, be it resolved that the City of Bloomington Commission on Sustainability urges the Bloomington Common Council and the Monroe County Board of Commissioners to adopt the food charter proposed by the Bloomington Food Policy Council.

Respectfully,

Jeff Jewel, Co-Chair

3/16/15
Date

Jana McGee, Co-Chair

3/17/15
Date

City of Bloomington
Environmental Commission

19 March 2015

To the members of the Bloomington Common Council:

The Bloomington Environmental Commission recognizes that continual availability of adequate nutritious food for everyone is a critical feature of a sustainable community. We applaud the Food Charter proposed by the Bloomington Food Policy Council (BFPC), which recognizes the many considerations that must be given to food, including the side-effects of its production, transport, and disposal, to provide that availability in an environmentally sound and sustainable way.

The City of Bloomington Environmental Commission, therefore, urges the Bloomington Common Council and the Monroe County Board of Commissioners to adopt the food charter proposed by the BFPC.

Sincerely,
Bloomington Environmental Commission

Dedaimia Whitney, Chairperson
Andrew Carty, Vice Chairperson
Chaim Julian, Secretary/Treasure
Carrie Albright
Dave Debikey
Sean Gorman
Diane Jung
Kriste Lindberg
Mike Litwin
David Parkhurst
Linda Thompson, Senior Environmental Planner

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www.bloomington.in.gov
e-mail: environment@bloomington.in.gov

November 29, 2012

To: Bloomington Food Policy Council

From: Citizens Advisory Committee
Monroe County Solid Waste District

Dear BFPC Members,

This letter from the Citizens Advisory Committee which advises the Monroe County Solid Waste District Board of Directors is a letter of endorsement of the proposed Bloomington Food Policy Council's Food Charter. On September 27, 2012, the Citizen's Advisory Committee heard a presentation on the Food Charter from your steering committee chair Michael Simmons. Members of the committee recognized that there are many areas of our community that the food charter addresses and as a council specifically concerned with the efficient use of resources and management of solid waste streams, the committee's endorsement is specifically tied to the following charter point:

- Sustainable methods of production, processing, distribution, consumption, and waste recovery in the food system contribute to the health of the environment.

The Citizens Advisory Committee is comprised of concerned citizens and community leaders who are dedicated to ensuring that all recyclable materials and environmentally harmful materials are managed in an environmentally safe, socially responsible, and economically responsible manner. We as a citizen's council are encouraged by what we have read in the food charter as we collectively move our community toward more sustainable practices with regard to food security and management of food waste.
Thank you for this important work and we hope you will accept our committee's endorsement as you move forward toward city and county adoption of the charter.

Sincerely,

Steve Akers
Chair, Citizens Advisory Committee
Monroe County Solid Waste District

BFPC ADMIN <bfpc@bloomingtonfpc.org>

LGG supports BFPC Food Charter

M. Hutchison <meganlhutchison@gmail.com> Thu, Nov 29, 2012 at 6:00 PM
To: BFPC ADMIN <bfpc@bloomingtonfpc.org>

The Local Growers' Guild has agreed to sign on as a supporter of the BFPC Food Charter.

Thanks!

Megan Hutchison
Manager, Local Growers' Guild
www.localgrowers.org

GROWING OPPORTUNITIES

Producing quality food and jobs for our community

November 5, 2014

Michael Simmons, Chair
Bloomington Food Policy Council
PO Box 7452
Bloomington, IN 47404-7542

Dear Michael,

It is with great pleasure that the South Central Community Action Program (SCCAP) endorses the Bloomington Food Policy Council's Food Charter, which entails a collaborative effort across multiple organizations to develop a vision for a better food system in Bloomington and Monroe County.

SCCAP's mission is to provide opportunities for low-income citizens to move toward personal and economic independence. Food insecurity is a problem faced by many of our clients. We applaud the Charter's goals in ensuring access to nutritious foods for all members of our community, regardless of economic status.

SCCAP's new program, Growing Opportunities, will hopefully help in the community's effort to meet some of its stated goals. Growing Opportunities will help low-income people with disabilities and other employment barriers to improve their job skills. Clients will be able to practice their job skills in a fully functional business—an urban farm growing food year-round in greenhouses. We hope our urban farm will act as an example to others who want to grow their own food.

Again, we are pleased to endorse the Food Charter. Should you have any questions, or need any further information, please do not hesitate to contact us.

Sincerely,

Nicole Wooten

Todd Lare

Nicole Wooten
Growing Opportunities Manager
Nicole@insccap.org

Todd Lare
SCCAP Executive Director
Todd@insccap.org

SCCAP

Main Office
1500 W. 15th Street,
Bloomington, IN 47404
(812) 339-3447

the BLOOMINGTON COMMUNITY ORCHARD

March 15, 2015

Dear Members of the City Council,

I am writing on behalf of the Board of Directors of the Bloomington Community Orchard (BCO) in support of the Bloomington Food Policy Council's Food Charter. We have reviewed the charter and find it to be well-articulated, highly aligned with our values, and very supportive of the work we do in Bloomington. Our organization is devoted to growing fruit for the community and growing our orcharding skills through educational opportunities. Our Mission is To Dream, Build, and Share an Orchard Community--and our Vision, To inspire communities to cultivate thriving systems of sharing and growing fruit. We are particularly encouraged by the charter's emphases on:

- Food security
- Collaboration of residents and organizations to create a well-functioning local food system
- Sustainable methods of food production
- Food literacy

For these reasons, the Bloomington Community Orchard wholeheartedly endorses the Bloomington Food Policy Council's Food Charter and urges your support of it as well. We are grateful to BFPC for their hard work in preparing the charter over the past few years and look forward to future opportunities to partner in pursuit of our common goals.

Yours in making a fruitful future for all,

Amy

Amy Roche
Chair, Board of Directors
Bloomington Community Orchard

GetInvolved@BloomingtonCommunityOrchard.org
2120 S Highland Ave Bloomington, IN 47401
www. BloomingtonCommunityOrchard.org

Center for Sustainable Living *Bloomington, Indiana*

To the Bloomington City Council, 24 March, 2015

We, the Board of Directors of The Center for Sustainable Living, enthusiastically and whole-heartedly endorse this Bloomington Food Charter, as authored by the Bloomington Food Policy Council. The mission, vision, and values of the CSL are repeatedly reflected in the recognitions and recommendations outlined in the Bloomington Food Charter and, as such, will receive our full and public support, as these values continue to be promoted and as these recommendations evolve in their implementation.

The Center for Sustainable Living has already played a role in embodying and implementing many of the recommendations outlined in the Bloomington Food Charter:

Through our support of the Winter Farmers Market.
"Promote farmers' markets, farm stands, and the utilization of local and regional foods by groceries, restaurants, and institutions;"

Through our educational programming on organic food gardening.
"Encourage community gardens, home gardens, rooftop gardens, orchards, and edible landscaping to increase food self-reliance and enhance the development of community;"

And through programming to support access to organic seeds, plants, and habitat maintenance.
"Assure access to local seeds, transplants, and nursery stock free of genetic modification by encouraging the development of seedbanks, greenhouses, and plant nurseries."

Further, we have great affinity for the Food Charter's stated goals of enhancing waste recovery and promoting sustainability in policy development around food security:
"Support home composting while planning for large-scale food waste recovery and the recycling of organic materials through community-wide composting to increase soil fertility and reduce negative impacts on the environment;" and "Regard sustainability as essential to all aspects of food security planning;"

We thank you for entertaining these considerations, dear to us, and we hope that you vote to support the Bloomington Food Charter.

Cordially,

Rhonda K. Baird

On behalf of the
Board of Directors – The Center for Sustainable Living

Rhonda Baird, President
Ryan Conway, Secretary
Chandra Romel, Treasurer
Joe Davis, Member
Andrea Avena Koenigsberger, Member
Bill Land, Member
Lucille Bertuccio, Member

To: Bloomington City Council
From: Janice Lilly, Director, Healthful Food for All Fund, Center for Sustainable Living
Subject: Bloomington Food Policy Council Food Charter

Food has become a major media topic! From an increasing interest in cooking, growing and eating healthful and delicious foods, to questions about GMOs, to the devastating drought in California, to issues about the sustainability of the ways we grow and transport foods, to local issues of hunger and growing and selling local foods.

Who should be concerned about these issues and many more around food? Anyone who eats! We all readily acknowledge that food and water are our most basic physical needs for life. It is so important we find ways that all members of our community have access to these basic needs. The Bloomington Food Policy Council is working to facilitate this happening for our local community.

An important first step in this process is to pass the BFPC Food Charter. Numerous major cities have passed food charters and are working diligently to ensure the safety and availability of food in their communities. Making a public statement that Bloomington also will make this a vital part of our ongoing development is important. This says to candidates for city council and for mayor, this is an important part of your job if you are elected. It also says to community organizations working with food that we recognize the importance of your work. It says to all citizens we want to see that everyone in our community has the access to healthful, sustainably produced food.

Bloomington already has an amazing food community – from having farmers' markets 51 weeks of the year to having creative and vibrant organizations like Mother Hubbard's Cupboard, the Community Kitchen and Hoosier Hills Food Bank. But those of us working with these organizations know all to well that there are still too many of our citizens who do not have adequate access to healthful food. We also know that if there are major disruptions in the national or international food supply from climate change or from lack of fuel to transport food, many more of our citizens will not have adequate food.

Passing the Bloomington Food Policy Council Food Charter makes a statement that you acknowledge the importance of these issues and that you support the efforts in our community to deal with these issues and to provide food security for our future.

*** Amendment Form ***

Ordinance #: **Ord 15-08**

Amendment #: Am 01

Submitted By: Councilmember Sturbaum, District 1

Date: March 27, 2015

Proposed Amendment:

1. Ord 15-08 shall be amended by inserting a new Section 2, which reads as follows, and re-numbering subsequent sections.

SECTION 2. Section 15.32.030 Schedule L (Angle Parking) shall be amended to add the following:

ANGLE PARKING

Street	From	To	Side of Street
College Avenue	Tenth Street	1st Alley North of College Avenue	West

Synopsis

This amendment is sponsored by Cm. Sturbaum and would authorize angle parking along North College north of 10th Street. The angle parking is associated with changes in the streetscape for the Tenth and College building. Please note that, in accordance with BMC 12.24.070 – Tree Work Permits), passage of the ordinance with this amendment will have the effect of approving a Tree Work Permit, which includes certain conditions and is available in the Council Office.

4/1/15 Committee Action: Pending
4/8/15 Regular Session Action: Pending

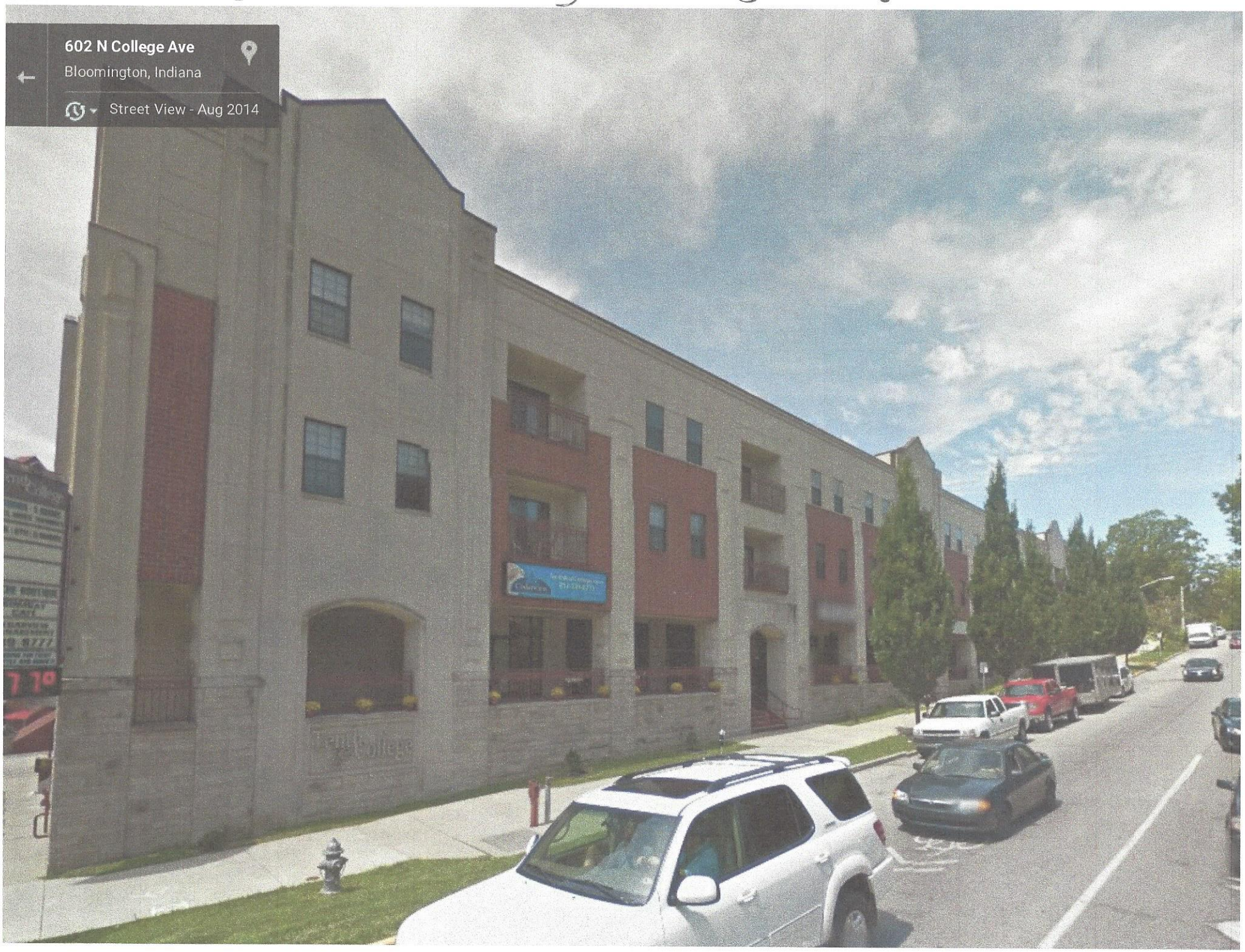
(March 27, 2015)

Tenth & College

Existing Parking Configuration

Tenth & College

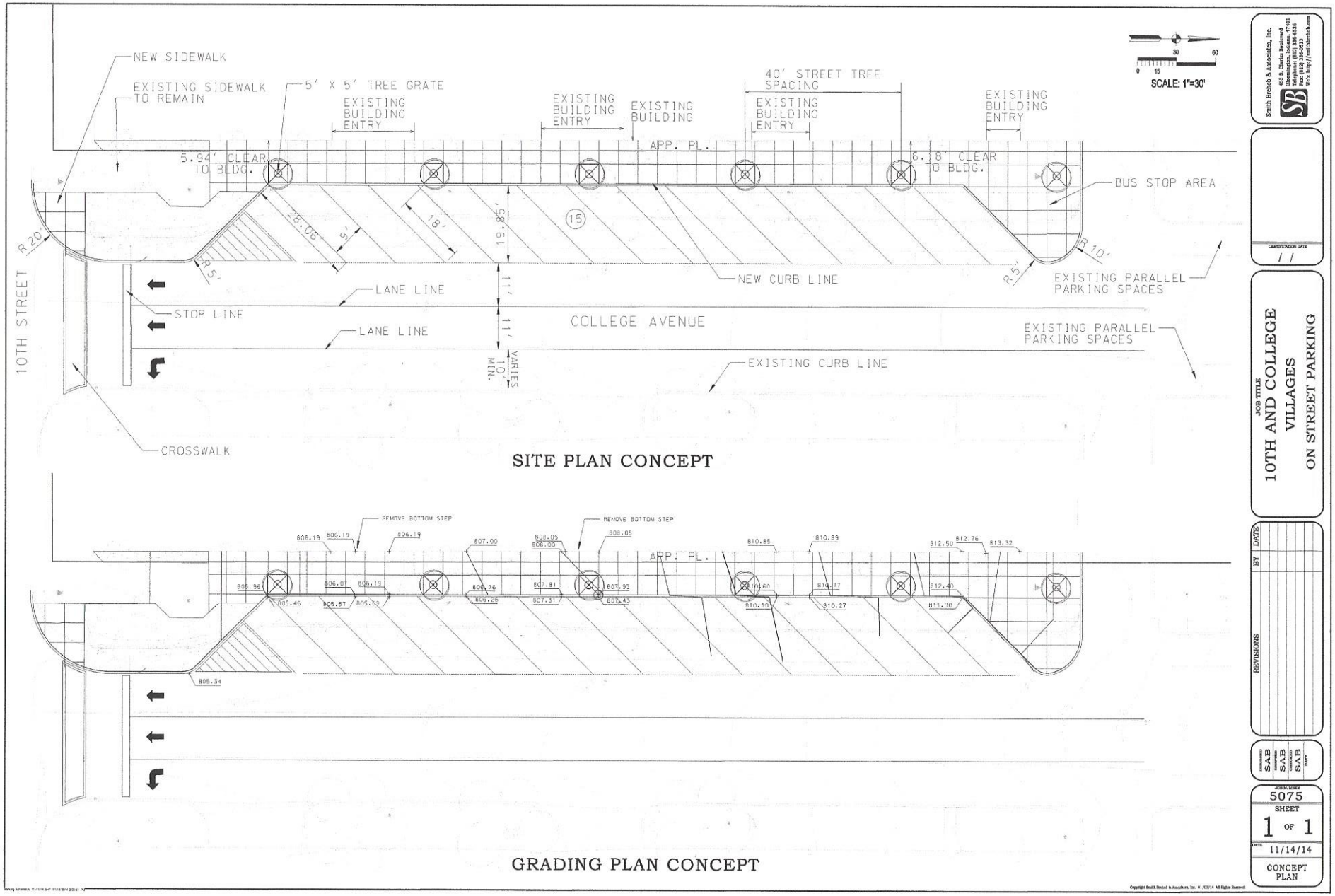
Existing Parking Configuration



Tenth & College
APARTMENTS
812.339.8777
The Village
Morton Mansions
Horizons
Morton Grad
Studio 531
Cedarview
Studios - 5 Bdrms | CAMPUSWIDE | TenthAndCollege.com
WILD ORCHID
AERIAL FITNESS & DANCE

Proposed Facade Improvements

Proposed Angled Parking Configuration
Tenth & College



City of Bloomington
Parks & Recreation
401 N. Morton St., Ste. 250

APPLICATION FOR TREE WORK PERMIT

Phone (812) 349-3716
Fax (812) 349-3705
E-mail hussl@bloomington.in.gov

Site (if address is unknown, fill in (A) and (B))

1. Address 601 N College Avenue ZIP Code 47404
(A) N, S, E, or W side of College (B) feet N, S, E, or W from intersection of Tenth
2. Subdivision Hunters Addition Lot Number 21-24
3. Applicant ERL-4, LLC. 601 N College Ave, Suite 1A
Name Street Address
Bloomington IN 47404 812-339-8777
City State ZIP Phone E-mail

Contractor name and phone number Gilliatte General Contractors / 317-638-3355
Plans by (name and phone number) Studio Three Design / 317-595-1000
Proposed work: plant • prune • remove • apply chemical • work with 15 feet of • otherwise affect (explain):
Trees to be transplanted in another area in the City.

Number of trees affected 6 Size of each tree (DBH) 7"
Width of tree lawn 5' x 5' grate Species of each tree English Oak Columnar Trees
Circle all present within 15': overhead wires • underground wires • gas • water • fire plug • sewer • street light • traffic sign/light
Explain exactly what you wish to do and why (attach additional plans if necessary):
Change parking configuration to angled parking (currently parallel) Existing trees will have to be removed in order to change parking configuration - to large to be re-installed will replace w/ 6 new trees - Ginkos or other approved species

***Work to begin:** 4-19-15 ***Work to end:** 7-31-15 ***Permit valid only during this period unless extended by Department.**

The applicant named above shall fully complete and sign this form. Unless otherwise approved by the Bloomington Parks and Recreation Department, this application must be submitted at least 7 days prior to date work is to begin. The permit is not valid until signed by the Department. Please keep a copy of the signed permit for your records. The applicant or his agent is solely responsible for providing notice as required by state law to all underground utilities before commencing an excavation.

By signing below I affirm that the information provided above is true. I agree to abide by any and all conditions imposed below. I agree to indemnify and hold harmless the City, the Board, and the officers, agents and employees of the City and the Board from any and all claims, demands, damages, costs, expenses or other liability arising out of the reckless or negligent act or omission or any willful misconduct on the part of the applicant or any contractors retained by the applicant for work under this permit. If I disagree with the denial of this permit or any conditions imposed, I may appeal in writing within 10 days to the Board of Park Commissioners.

Signed Elliot R. Feis Date 3/26/15

DO NOT WRITE BELOW

Date received: _____ Findings if different than information: _____

Conditions for approval or reasons for rejection:

☐ ANSI A300 - Standards for Pruning, Guying, Fertilizing, Spraying and Lightning Protection of Shade Trees
☐ ANSI Z133.1 - Safety Requirements for Tree Care and Removing Trees and Cutting Brush
☐ ANSI Z60.1 - American Standard for Nursery Stock

☐ Approved ☐ Rejected

Signature _____ Date _____
Bloomington Parks & Recreation Department

Replacement Tree Recommendation

10th and College Proposal

17 messages

Dave Williams <williamd@bloomington.in.gov> Mon, Feb 2, 2015 at 8:47 AM
To: kristie@tenthandcollege.com
Cc: Lee Huss <hussl@bloomington.in.gov>, Patricia Mulvihill <mulvihip@bloomington.in.gov>, Tom Micuda <micudat@bloomington.in.gov>

Ms. Charles:

I have reviewed the email you sent to Lee Huss on Monday, January 26, 2015, with representatives from the Planning & Transportation Department and the Legal Department. Hopefully this email will provide you with the information you and Mr. Lewis need to proceed with your plans.

It is the City's understanding that Councilman Sturbaum has advised Mr. Lewis that he will sponsor and author an ordinance which will change the current parking situation in front of Mr. Lewis's building at 10th & College from parallel parking to angled parking. However, as of the date of this email, City staff has not been advised of any set dates upon which the Common Council will consider this ordinance.

City staff has received a site plan of the proposed angled parking arrangement. This site plan has allowed staff to understand which of the City's street trees are being proposed for removal and where replacement trees will need to be located.

As you can see from the attached site plan the City estimates that six (6) City street trees will need to be removed in order to facilitate Mr. Lewis' request. These street trees are all 7" English Oak Columnar trees and have a present day value of $500.00 each. If the removal of these trees is done properly, and City staff can provide assistance in order to ensure the removal is done properly, the City believes it is possible to save these trees and have them relocated to another location in the City. Staff with the City's Park's Department has contacted a local landscaping company and determined that transplanting these six (6) trees is possible, but it will cost approximately $3,760.00.

Unfortunately these six (6) street trees cannot be removed and then used as part of the reconfigured site plan for the angled parking. These six (6) trees will not survive being placed in a 5" x 5" tree grate, as required with the proposed angled parking. The six (6) trees require a more generous tree plot then will be possible with the proposed angled parking. The City can work with Mr. Lewis in determining another appropriate location for these trees.

The reconfigured parking will require the new replacement trees to be located in a new and different area. Each tree will need to be surrounded by a City tree grate. Descriptions of the required grates are as follows: Chelsea Tree Grate, Model EJIW 8583, with EJIW #8583 Chelsea frame (four piece). The local supplier of these grates is HD Supply Waterworks, which is located on Liberty Drive. Each grate should cost approximately $1,783.70 based on a quantity of six.

The City recommends planting Princeton Select Gingkos as part of the revised site plan and angled parking installation. The estimated cost of each of these recommended trees, being contractually planted, is $250.00 each, for a total of $1,500.00.

Before any City street trees can be removed three things must occur.

First, Mr. Lewis must file for a Tree Work Permit. The applications for this permit can be obtained from either the Parks & Recreation Department or the Department of Public Works. If you or Mr. Lewis has questions on the application process Lee Huss with the City's Parks & Recreation Department can provide assistance.

Second, the City must actually issue Mr. Lewis a permit. As this tree removal is in conjunction with an action being considered by the Common Council, the Common Council can issue the Permit if it approves the changes to the parking scheme.

Third, the Common Council must approve the change from parallel parking to angled parking.

Best regards,

Dave Williams
Operations Director
Bloomington Parks and Recreation

ORDINANCE 15-09

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" AND TO MAKE OTHER CHANGES RELATED TO METERED PARKING
Re: Shortening the Hours of Enforcement of On-Street Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare "Parking Holidays," and Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage)

WHEREAS, on March 22, 2013, the City adopted Ordinance 13-03, a measure that made numerous changes to parking policy in the Downtown, including the authorization of expanded use of on-street parking meters; and

WHEREAS, Ordinance 13-03 also required that the City analyze the results of these policy changes in a follow-up study to be completed no later than 15 months after the installation of Downtown parking meters; and

WHEREAS, the Downtown parking meters were installed in August 2013; and

WHEREAS, the Downtown parking follow-up study was completed in November 2014; and

WHEREAS, in response to the study, the City wishes to shorten the hours of enforcement of on-street meters, eliminate the convenience fee associated with credit card use at City meters, and to authorize the Mayor to implement "parking holidays" as appropriate; and

WHEREAS, the City also wishes to extend the hours of enforcement for Lot 9 (Fourth Street Garage) to better provide for the community's parking needs.

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

SECTION 1. Section 15.40.020(b) of the Bloomington Municipal Code, regarding the applicable times and charges for on-street metered parking shall be deleted and replaced with the following:

> The charge for the use of each on-street metered parking space shall be one dollar per hour between the hours of nine a.m. and nine p.m. every day, except Sundays and City holidays. Additionally, the Mayor may suspend enforcement of parking meters during the holiday season, in the event of inclement weather, or under other circumstances the mayor deems appropriate and reasonable.

SECTION 2. Section 15.40.020 Schedule W, “Hourly Parking” shall be amended by deleting the current table and replacing it with the following:

Municipal Lot	Parking charge per hour	Applicable times for parking charges
Lot 1		
4th and Dunn	$1.00	8:00 a.m. — 5:00 p.m. Monday through Friday
Lot 2*		
Walnut Street Garage		Monday through Friday 6:00 a.m. — 6:00 p.m.
	$0	• For first three consecutive hours
	$0.50	• Beyond first three consecutive hours
	$0.50	6:01 p.m. — 5:59 a.m.
		Saturday and Sunday
		6:00 a.m. — Noon
	$0	• For first three consecutive hours
	$0.50	• Beyond first three consecutive hours
	$0.50	12:01 p.m. — 5:59 a.m.
Lot 3*		
(4th & Washington)		8:00 a.m. — 5:00 p.m. Monday through Friday
	$0	• For first three consecutive hours
	$0.50	• Beyond first three consecutive hours
Lot 5*		
(6th and Lincoln)		8:00 a.m. — 5:00 p.m. Monday through Friday
	$0	• For first three consecutive hours
	$0.50	• Beyond first three consecutive hours
Lot 6*		
3rd St./BPD lot		8:00 a.m. — 5:00 p.m. Monday through Friday
	$0	• For first three consecutive hours
	$0.50	• Beyond first three consecutive hours
Lot 7		
Morton Street Garage	$0.50	24 hours per day 7 days per week
Lot 9		
Fourth Street Garage		7:00 a.m. — 6:00 p.m. Monday through Friday
	$0	• For first three consecutive hours
	$0.50	• Beyond first three consecutive hours

SECTION 3. The convenience fee attached to the use of credit cards at any parking meter as defined by 15.04.080 is hereby eliminated.

SECTION 4. 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 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and publication in accordance with State law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

_____
DAVE ROLLO, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Neher and makes a number of changes to the City's parking policies. These changes include: shortening the hours of enforcement of on-street parking meters; authorizing the Mayor to declare "parking holidays" wherein enforcement of parking meters is suspended; eliminating the convenience fee associated with the use of credit cards at parking meters; and, extending the hours of enforcement at Lot 9 (4th Street Garage). In the interest of making parking meter charges easier to understand, the ordinance also makes a housekeeping change by stating parking meter charges as a rate "per hour," rather than a rate per fifteen minutes or thirty minutes, as previously codified.

Note: This ordinance was revised after its issuance in the Legislative Packet, but before First Reading to: 1) render the existing Bloomington Municipal Code language regarding parking rates clearer, by stating parking meter charges as a rate "per hour;" 2) delete the previous section of the ordinance establishing metered parking on Washington from 2nd to 3rd Street; and, 3) remove provisions establishing the hours of enforcement at surface lots from 9:00am-9:00pm.

MEMORANDUM

CITY OF BLOOMINGTON
Office of the Common Council

To: **Councilmembers**
From: **Darryl Neher, Councilmember, District V**
Date: **20 March 2015 (REVISED: 24 March 2015)**
Re: **Ordinance 15-09: *To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Shortening Hours of On-Street Meter Enforcement, Eliminating the Credit Card Convenience Fee, Authorizing the Mayor to Declare "Parking Holidays," and Other Various Parking Policy Changes*)**

Ordinance 15-09 makes a number changes to the City's Downtown parking policy, most notably, policy regarding on-street meters. Recall that the expanded use of on-street meters was authorized by Ordinance 13-03. Because this was a new policy initiative, Ordinance 13-03 required the City to generate an analysis of the new parking meter program no later than 15 months after the installation of the meters. In response to the parking data, constituent and stakeholder feedback, and emerging parking needs, I propose Ordinance 15-09. This ordinance makes the following policy changes to our Downtown parking program. The proposal:

- Shortens the hours of enforcement of on-street parking meters *from* 8:00 a.m. – 10:00 p.m. *to* 9:00 a.m. - 9:00 p.m.;
- Eliminates the $0.30 credit card convenience fee;
- Authorizes the Mayor to declare certain days or periods of time "parking holidays;"
- Lengthens the hours of enforcement for the 4th Street Garage *from* 8:00 a.m. – 5:00 p.m. *to* 7:00 a.m.-6:00 p.m.; and
- Makes a minor housekeeping change, by stating parking meter charges as a rate "per hour," rather than a rate per 15 minutes or thirty minutes, as previously codified.

Hours of Enforcement: 9:00 a.m.-9:00 p.m.

Currently, on-street meters are enforced from 8:00 a.m. to 10:00 p.m. Data indicates that the peak usage tends to occur between 11:00 a.m. and 2:00 p.m. and between 5:00 p.m. and 8:00 p.m. As the intent of the meters is to manage parking, not to raise revenue, I propose shortening the hours of enforcement for on-street meters to 9:00 a.m.-9:00 p.m. A later start time will better accommodate residents visiting the downtown for breakfast, early appointments, errands, visits to governmental offices, etc. An earlier end time will better accommodate and incentivize residents visiting the downtown for arts, entertainment, and the downtown's vibrant nightlife.

- **Fiscal Impact**: Controlling just for the elimination of enforcement from 8:00 a.m.-9:00 a.m. and enforcement from 9:00 p.m.-10:00 p.m., the total fiscal impact of eliminating those time periods is approximately $175,000.

Elimination of Credit Card Convenience Fee

At present, a $0.30 convenience fee is attached to each credit card transaction at a parking meter. The convenience fee unduly burdens patrons paying by credit card and may discourage the use of meters by some.

- **Fiscal Impact:** Eliminating this fee for users will have a fiscal impact of approximately $150,000-$155,000. If this fee is eliminated on the user end, it will be paid by the City from the Parking Meter Fund established by Bloomington Municipal Code §15.40.015. Pursuant to local Code, money in this fund may be expended only upon a specific appropriation by the Common Council.

Parking Holidays

At present, on-street meters are not enforced on Sundays or on City Holidays. From time to time, the Mayor has declared that the meters will not be enforced during certain periods, such as between 25-28 December and 1-4 January. To balance the periods of supply and demand during holidays, I propose a flexible approach wherein the Mayor may suspend enforcement of parking meters "during the holiday season, in the event of inclement weather, or under other circumstances the Mayor deems appropriate and reasonable."

- **Fiscal Impact**: Not yet calculated.

Extended Hours of Enforcement – 4th Street Garage

Currently, the parking meters in the 4th Street Garage are enforced from 8:00 a.m. to 5:00 p.m., with the first three hours of parking provided free of charge. In practice, the City has observed that some parkers are arriving at 7:55 a.m. in an effort to subvert enforcement and secure an extra hour of parking. Similarly, parkers are waiting until just moments after the gates open at 5:00 p.m. to avoid paying for parking. These practices put added pressure on this highly-used garage. To deter this behavior, the Administration has requested that the hours of enforcement for the 4th Street Garage be extended by one hour on each end, such that the garage is enforced from 7:00 a.m. to 6:00 p.m. I support this recommendation, provided that the first three hours of parking in this garage continue to be free. For that reason, I am including the extended hours of enforcement in Ordinance 15-09.

- **Fiscal Impact:** Not yet calculated.

Clarifying Parking Meter Rates

Currently, the Bloomington Municipal Code states parking meter rates in a patchwork, less-than-clear fashion: on-street metered parking is stated as "twenty-five cents per fifteen minutes" and surface and garage rates are stated in a cost per "thirty minutes." The City Clerk pointed out these rates would be clearer if simply stated as a rate per hour. I agree and have made those minor revisions here. City Legal has indicated that they do not have an opinion on this change.

I respectfully request your support of Ordinance 15-09.

Note: This memo was revised after its issuance in the Legislative Packet to track a revised Ord 15-09, to be presented to Council at First reading. The ordinance was revised to: 1) render the existing Bloomington Municipal Code language regarding parking rates clearer, by stating parking meter charges as a rate "per hour;" 2) delete the previous section of the ordinance establishing metered parking on Washington from 2nd to 3rd Street; and, 3) remove provisions establishing the hours of enforcement at surface lots from 9:00am-9:00pm.

ORDINANCE 15-10

TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 15 (VEHICLES AND TRAFFIC) OF THE BLOOMINGTON MUNICIPAL CODE (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)

WHEREAS, the first-come, first-serve basis of previous parking policy prioritized convenience over need, enabling downtown employees and residents, who should be parking off-street in long-term parking, to park for free in more valuable on-street parking meant for shoppers, patrons and visitors; and

WHEREAS, in March of 2013, the City adopted Ordinance 13-03: *To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes* which, after implementation and minor amendments:

- broadened the definition of parking meters to authorize new technology;
- replaced a limited parking zone covering most of the downtown with a Parking Meter Zone;
- set the rate for parking meters and times those rates would be enforced;
- created a new part-time, non-reserved permit for use in the City's garages (to appeal to downtown employees);
- provided for the continued use of certain parking permits (i.e. construction/contractor and delivery vehicles) in the Downtown Parking Meter Zone and, in some cases, under revised procedures; and
- integrated overlapping Parking Zones; and

WHEREAS, parking management and policy are, after a 2013 Administration's reorganization, of interest to at least six departments (Clerk, Controller, Economic & Sustainable Development, Planning & Transportation, Police, Public Works); and

WHEREAS, the primary objective of an overall system of parking management, including spaces on streets, in garages and in lots, should be to employ all tools necessary to optimize access to the city's center for the broadest and most diverse set of users, and neither to raise city revenue nor to lower it arbitrarily; and

WHEREAS, Ordinance 13-03 also called for a study of the changes to be completed within fifteen months after the meters had been installed, and the Administration's report of the study was received in late October 2014; and

WHEREAS, the Administration has occasionally been arbitrary in its rationale for various aspects of parking management since Ordinance 13-03, such as:

- arguing in 2013 for the implementation of meters as a method of increasing revenue;
- recommending, in the 2014 report, measures of reducing enforcement for the sake of foregoing revenue;
- supporting other measures for the sake of simplifying management, rather than to pursue public policy needs or to otherwise optimize access to downtown; and

WHEREAS, the vendor contracted by the Administration to provide mobile parking management services, ParkMobile, offers services that transcend those provided by physical parking meters, such as:

- allowing a motorist with any cellular phone to call a toll-free number to pay for parking, without need of a "smart" phone;
- allowing a motorist to pay for parking without needing to remain next to his or her car;
- allowing a motorist to continue paying for parking without needing to return to the car;
- allowing a motorist parking on the street to "pay as you go" as if parked in a garage, eliminating worry over being ticketed for an elapsed meter -- a mode that can and should be implemented as soon as possible;

- enabling one person to remotely pay for another person's parking;
- enabling incentive programs to target the needs of specific constituencies who could not otherwise be served by physical meters;
- enabling reservation of certain spaces without need for orange cones and special signs; and
- enabling users to reduce the convenience fees for these services to the same or less than the convenience fee for using a credit card at a physical meter; and

WHEREAS, this ordinance presents changes to Title 15 proposed by Councilmember Volan which would more closely hew to a parking management philosophy that optimizes access to the downtown, including to:

- set a maximum charge for on-street metered parking, so as to allow reduction of the charge on blocks where usage is low;
- provide for free parking in the Morton St. garage commensurate with free parking offered in the other two garages;
- take advantage of ParkMobile's capacities to establish a parking meter fee discount program for merchants to pass on to their customers;
- use ParkMobile to establish a waiver program for not-for-profit organizations to incentivize people to continue volunteering downtown;
- establish a Parking Commission to administer the waiver program, and oversee both programs, and which could eventually be called on to act as an oversight body for other parking-related policy;

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

SECTION 1. Chapter 2.12 entitled “Boards, Commissions, and Councils” shall be amended by inserting Section 2.12.110, entitled “Parking Commission” with the title appearing in the Table of Contents for the chapter and the text reading as follows:

2.12.110 Parking Commission

(a) Policy – Purpose. The Parking Commission shall oversee the parking meter fee bulk discount (Section 15.40.023) and non-profit fee waiver (Section 15.40.024) programs.

(b) Composition – Appointments. The Parking Commission shall be composed of seven voting members. These voting members shall be composed of four members appointed by the Mayor and three members appointed by the Common Council.

(c) Qualifications of Voting Membership. At least one member appointed by the Mayor and one member appointed by the Common Council shall be a merchant owning and operating a business located at an address within Schedule U – On-Street Metered Parking, with a preference given to merchants affiliated with and recommended by Downtown Bloomington Inc. At least one member appointed by the Mayor and one member appointed by the Common Council shall be on the board or an employee of a non-profit organization operating by lease or other contract at an address within Schedule U – On-Street Metered Parking. One member appointed by the Mayor shall be a resident living at an address within Schedule U – On-Street Metered Parking. One member appointed by the Common Council shall be from among its membership. One member appointed by the Mayor shall be from within the Transportation and Traffic Services Division of the Planning and Transportation Department.

(e) Terms. The initial terms of two mayoral and one council citizen appointments shall expire on January 31, 2016. The terms of the remaining initial citizen appointments shall be for two years and expire on January 31, 2017. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31st. The terms for the one mayor and one council non-citizen appointments shall be for one year and expire on January 31st.

(g) Powers and Duties. The commission's powers and duties include, but are not limited to:

(1) establishing policies and procedures and overseeing the operation of the parking discount and waiver credits programs as set forth in BMC Section 15.40.023 (On-Street Parking Meter Fees - Bulk Discount) and 15.40.024 (On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations).

(2) submitting an annual report of its activities and programs to the Mayor and Council by June of each year.

(h) Staff. The Commission shall be staffed by the Transportation and Traffic Services Division of the Planning and Transportation Department.

SECTION 2. Section 15.40.010, regarding the location of metered parking, part (15), regarding on-street parking, shall be amended to temporarily delete Schedule U “On-Street Parking” *(which will be modified and reinserted into BMC Section 15.40.020 by Section 4 of this ordinance)* and shall read as follows:

(15) The location of on-street metered parking spaces shall be as set forth in the first three columns of Schedule U “On-Street Metered Parking” unless the area is otherwise identified in Schedule M "No Parking Zones," Schedule O "Loading Zones," Schedule P "Bus Zones" and Schedule R "Official Vehicle Zones."

SECTION 3. Section 15.40.020, entitled “Applicable times and charges,” part (b) shall be deleted and replaced with the following”

(b) The maximum charge for use of each on-street metered parking space shall be one-dollar per hour. The actual charge and the hours and days of enforcement shall be as set forth in Schedule U (On-Street Metered Parking). Additionally, the Mayor may suspend enforcement of parking meters during the holiday season, in the event of inclement weather, or under other circumstances the mayor deems appropriate and reasonable.

SECTION 4. Section 15.40.020, entitled “Applicable times and charges,” shall be further amended by inserting Schedule U “On-Street Metered Parking” immediately after Section 15.40.020(d) and said Schedule shall be amended to appear as follows:

SCHEDULE U

On-Street Metered Parking

Street	Block	Side of Street	Time and Fee
Ashlynn Park Drive	700 North	East/West	1
College Avenue	400 South	East	2
College Avenue	300 South	East	2
College Avenue	200 South	East	2
College Avenue	100 South	East/West	1
College Avenue	100 North	East/West	1
College Avenue	200 North	East/West	1
College Avenue	300 North	East/West	1
College Avenue	400 North	West	1
College Avenue	500 North	West	1
College Avenue	600 North	East/West	1
Dunn Street	200 South	East	1
Dunn Street	100 South	East	1
Dunn Street	100 North	East	1
Dunn Street	200 North	East	1
Eighth Street	400 West	North/South	2
Eighth Street	200 West	North/South	1
Eighth Street	100 West	North/South	1
Eleventh Street	400 West	North	2
Eleventh Street	300 West	North	2

Eleventh Street	200 West	North	1
Fourth Street	400 West	North/South	2
Fourth Street	300 West	North/South	2
Fourth Street	200 West	North/South	1
Fourth Street	100 West	North/South	1
Fourth Street	100 East	North/South	1
Fourth Street	200 East	North/South	1
Fourth Street	300 East	North/South	1
Fourth Street	400 East	North/South	1
Fourth Street	500 East	North/South	1
Grant Street	200 South	West	2
Grant Street	100 South	West	1
Grant Street	100 North	West	1
Grant Street	200 North	West	1
Indiana Avenue	200 South	West	1
Indiana Avenue	100 South	West	1
Kirkwood Avenue	400 West	North/South	2
Kirkwood Avenue	300 West	North/South	2
Kirkwood Avenue	200 West	North/South	1
Kirkwood Avenue	100 West	North/South	1
Kirkwood Avenue	100 East	North/South	1
Kirkwood Avenue	200 East	North/South	1
Kirkwood Avenue	300 East	North/South	1
Kirkwood Avenue	400 East	North/South	1
Kirkwood Avenue	500 East	North/South	1
Lincoln Street	200 South	East/West	2
Lincoln Street	100 South	East/West	1
Lincoln Street	100 North	East/West	1
Lincoln Street	200 North	East/West	1
Madison Street	200 South	East/West	2
Madison Street	100 South	East/West	2
Madison Street	100 North	East/West	2
Madison Street	200 North	East/West	2
Morton Street	100 North	East/West	1
Morton Street	200 North	East/West	1
Morton Street	300 North	East/West	1
Morton Street	400 North	East	1
Morton Street	500 North	East/West	1
Morton Street	600 North	East/West	1
Morton Street	700 North	East/West	1
Morton Street	800 North	East/West	1
Ninth Street	200 West	South	1
Ninth Street	100 East	North	1
Seventh Street	400 West	North/South	2
Seventh Street	300 West	North/South	2

Seventh Street	200 West	North	1
Seventh Street	100 West	North/South	1
Seventh Street	100 East	North/South	1
Seventh Street	200 East	North/South	1
Seventh Street	300 East	North/South	1
Seventh Street	400 East	North/South	1
Sixth Street	400 West	North/South	2
Sixth Street	300 West	North/South	2
Sixth Street	200 West	North/South	1
Sixth Street	100 West	North/South	1
Sixth Street	100 East	North/South	1
Sixth Street	200 East	North/South	1
Sixth Street	300 East	North/South	1
Sixth Street	400 East	North/South	1
Sixth Street	500 East	North/South	1
Twelfth Street	300 West	North/South	1
Walnut Street	400 South	West	2
Walnut Street	300 South	West	2
Walnut Street	200 South	West	2
Walnut Street	100 South	East/West	1
Walnut Street	100 North	East/West	1
Walnut Street	200 North	East/West	1
Walnut Street	300 North	West	1
Walnut Street	400 North	West	2
Walnut Street	500 North	West	2
Walnut Street	600 North	West	2
Washington Street	300 South	West	2
Washington Street	200 South	West	2
Washington Street	100 South	East	1
Washington Street	100 North	East/West	1
Washington Street	200 North	East/West	1

Legend:

(1) One dollar per hour between the hours of nine a.m. and nine p.m. every day except Sundays and city holidays.

(2) Fifty cents per hour between the hours of nine a.m. and nine p.m. every day except Sundays and city holidays.

SECTION 5. Section 15.40.020, entitled “Applicable times and charges,” Schedule W, entitled “Hourly parking,” shall be amended in the following manner. The provision regarding “Lot 7 – Morton Street Garage” shall be amended to provide for free parking for the first three consecutive hours and, to that effect, the provision shall be deleted and replaced with the following:

SCHEDULE W
HOURLY PARKING

Municipal Lot	Parking charge per 30 minutes	Applicable times for parking charges
Lot 7*		
Morton Street Garage		24 hours per day 7 days per week
	$0	• For the first three consecutive hours
	$0.25	• Beyond the first three consecutive hours

SECTION 6. Section 15.40.020, entitled "Applicable times and charges," Schedule W, entitled "Hourly parking," shall be further amended as follows. The notation indicated by an asterisk shall be amended to reflect the addition of "Lot 7 – Morton Street Garage" and, to that effect, shall be deleted and replaced with the following:

*No vehicle may park for a free, three-hour period of time in more than one of the aforementioned lots (Lots 2, 3, 5, 6, 7, or 9) more than one time per calendar day.

SECTION 7. Chapter 15.40 entitled "Municipal Parking Lots, Garages and On-street Metered Parking" shall be further amended by inserting Section 15.40.022 entitled "On-street metered parking – In general" with the heading appearing in the Table of Contents for the chapter and the text reading as follows:

15.40.022 On-Street Metered Parking – In General

(a) The city through its board of public works may contract with one or more agents to administer on its behalf and at its direction the provisions of this chapter relating to on-street parking meters.

(b) The agent(s) may arrange for the payment for use of a metered parking space by motorists and take an agreed-upon charge before crediting the balance with the City for deposit in the special parking meter fund.

(c) Fees, in an aggregate amount not to exceed $100,000 in any calendar year, may be discounted or waived prior to receipt of funds in accordance with Section 15.40.023 (On-Street Parking Meter Fees - Bulk Discount) and Section 15.40.024 (On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations). These discount and waiver programs shall be operated under the direction of the Parking Commission established by BMC 2.12.110 (Parking Commission).

SECTION 8. Chapter 15.40 entitled "Municipal Parking Lots, Garages and On-street Metered Parking" shall be further amended by inserting Section 15.40.023 entitled "On-street Parking Meter Fees – Bulk Discount" with the heading appearing in the Table of Contents for the chapter and the text reading as follows:

15.40.023 On-Street Parking Meter Fees - Bulk Discount

(a) No more than $50,000 of the amount set forth in Section 15.40.022(c) shall be made available for a bulk-discount program.
(b) The bulk discount shall apply to the fee, but not any additional administrative charge imposed by the parking agent (pursuant to Section 15.40.022[b]) and be equal to fifteen-percent of the fee for use of an on-street metered space.
(c) Any retail establishment or restaurant occupying and doing business at an address within Schedule U (On-Street Metered Parking) may, upon determination of eligibility and on a first-come-first-serve basis, purchase up to 10,000 hours per year in discount credits through the City's parking agent (pursuant to Section 15.40.022[b]). With this discount in place, one hundred hours of parking at the maximum rate of one dollar ($1.00) per hour would cost eighty-five dollars ($85.00). For purposes of this section, the

terms “retail establishment” and “restaurant” include any business required to obtain a Registered Retail Merchant Certificate from the State of Indiana that also demonstrates that at least half of the revenue generated at that location is subject to the Indiana sales tax.

(d) Eligibility. These discounts are intended for retail establishments and restaurants to offer customers in order to encourage their patronage by mitigating the cost and perceived inconvenience of metered parking. City policy is to encourage persons with long-term parking needs in the downtown to use off-street facilities or to reduce the use of motor vehicles. For that reason, the employer, employees, and paid contractors of a business, and the vehicles they use, are not eligible for waivers issued to that business. For that reason, as well, vehicles registered to residents at addresses within Schedule U shall be presumed to be ineligible for waivers but such presumption may be overcome by evidence provided by the user of the vehicle.

(e) Policies and Procedures. Staff under direction of the Commission is authorized to develop policies and practices that are necessary to operate this program in an efficient manner that is consistent with overall City policies. This includes the development of applications, memoranda of agreements, and other forms to assist the City obtain information and enter into understandings with businesses regarding use of these discounts. These forms may require these businesses to identify certain categories of persons (e.g. employees) and the license plates of vehicles they use on a regular basis.

(f) Misuse of Discounts. The Commission shall periodically review records of parking usage and may, after notice and a hearing, suspend or terminate credits for a business with evidence of a pattern of misuse of the discounts. The Commission may, after notice and a hearing, determine that a discount has been used improperly in regard to a particular vehicle and deem the vehicle ineligible for discounts.

SECTION 9. Chapter 15.40 entitled “Municipal Parking Lots, Garages and On-street Metered Parking” shall be further amended by inserting Section 15.40.024 entitled “On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations” with the heading appearing in the index for the chapter and the text reading as follows:

Section 15.40.024 - On-Street Parking Meter Fees – Waiver for Certain Non-profit Organizations

(a) No more than $50,000 of the amount set forth in Section 15.40.022(c) shall be made available for a non-profit parking fee waiver program.

(b) The non-profit parking waiver shall apply to the entire fee, but not to any additional administrative charge imposed by the parking agent (pursuant to Section 15.40.022[b]).

(c) Upon approval of the Commission, eligible 501(c) (3) non-profit organizations operating by lease or other contract at an address within Schedule U (On-Street Metered Parking) may obtain fee waiver credit in an amount not to exceed $10,000 per year.

(d) Volunteers and Clients. The fee waivers are provided in order to protect applicants from loss of volunteer services or client access to services due to the cost and perceived inconvenience of on-street metered parking. It is intended for vehicles under control of persons in the course of volunteering for, or obtaining services as a client at, the aforementioned non-profit organizations. City policy is to encourage persons with long-term parking needs in the downtown to use off-street facilities or to reduce the use of motor vehicles. For that reason, vehicles used by the employer, employees, paid contractors, and residents of the aforementioned organization are not eligible for use of a fee waiver even if acting in a volunteer or client capacity at the time the waiver is applied. For purposes of this section, the term “client” means a person who receives services of an organization, but is not a paying customer or patron of the organization.

(e) Misuse of Waivers. The Commission shall periodically review records of parking usage and may, after notice and a hearing, suspend or terminate credits for a non-profit organization with evidence of a pattern of misuse. The Commission may, after notice and a hearing, determine that the waiver has been misused in regard to a particular vehicle and deem the vehicle ineligible for waivers but such presumption may be overcome by evidence provided by the user of the vehicle.

(f) Policies and Procedures. Staff under direction of the Commission is authorized to develop policies and practices that are necessary to operate this program in an efficient manner that is consistent with overall City policies. This includes the development of applications, memoranda of agreements, and other forms to assist the City to obtain information and enter into understandings with businesses regarding use of these waivers. These forms may require these organizations to identify certain categories of persons (e.g. employees) and the license plates of vehicles they use on a regular basis.

(g) Allocation of Waivers. The Commission and its staff shall develop an allocation procedure based upon the following guidelines:

(1) Applicants may apply on a periodic basis as determined by the Commission and may be an entire organization or an affected program within the organization.

(2) The applicant must demonstrate that its mission and activities either:

(i) support and enhance the Bloomington Entertainment and Arts District (BEAD); or

(ii) substantially match the criteria for funding under the Jack Hopkins Social Services Funding Program;

(2) The applicant must detail and explain the need for waivers in terms of the number of volunteers and clients, the name of the program, and the number, location, blocks of time, and days of week associated with the use of the waivers;

(3) The applicant must demonstrate knowledge and appropriate use of opportunities to reduce the need for on-street parking in the downtown;

(4) The use of the waiver shall not significantly reduce on-street parking for customers of neighboring businesses and adversely affect their operations; and

(5) The granting of waivers will not result in a high risk of misuse.

(h) Waiver credits will be available in periods of no less than three months and no more than 12 months.

SECTION 10. Given the additional methods for using the city's parking system that ParkMobile offers, and its current underutilization by the parking public, the Administration shall:

(a) arrange with ParkMobile to change its method of accepting payment through its mobile application, from advance specification of the length of time desired, to "pay-as-you-go" metering, in which the app charges for parking on street in much the same way parking is charged for in a gated garage;

(b) assign new ParkMobile zone numbers to each of the several surface lots, place ParkMobile stickers on each meter in said lots, and instruct parking enforcement officers to accept use of ParkMobile as payment in those lots.

SECTION 11. Unless a report stating good cause to defer the changes prescribed by this ordinance is filed with the Council within the foregoing time period, these steps shall be taken within 120 days of adoption of this ordinance.

SECTION 12. 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 13. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor and publication in accordance with State law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

_____
DAVE ROLLO, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2015.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan and amends Title 15 of the Bloomington Municipal Code (Vehicles and Traffic) after evaluation of expansion of the downtown metered parking established with the adoption of Ordinance 13-03 in March of 2013. It would: improve parking management in the downtown by imposing a maximum charge for on-street metered parking; set forth actual times and fees in an amended Schedule U; provide a period of free parking in all garages; and, establish a fee discount and waiver program to be overseen by a new Parking Commission.

Note: This ordinance was revised after it was distributed in the Weekly Legislative Packet and before it was introduced. The revisions added new Sections 10 and 11 regarding implementation of certain ParkMobile services and making ParkMobile services known at the City's surface lots.

MEMORANDUM

CITY OF BLOOMINGTON
Office of the Common Council

To: Councilmembers
From: Steve Volan, Councilmember, District VI
Date: 20 March 2015
Re: ***Ord 15-10*** ***To Amend Title 2 (Administration and Personnel) and Title 15 (Vehicles And Traffic) of the Bloomington Municipal Code (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)***

INTRODUCTION: Regulation, Not Revenue, Must Be the Main Concern of Public Parking

In their unsigned October 2014 report on the first year since meters were reintroduced to downtown, staff members made several recommendations to the Council for adjustment of the system for the overall management of downtown parking. Among their recommendations was a statement that the Kruzan Administration believes the "primary purpose of meters is to manage parking, not raise revenue."

This statement is at once gratifying and overdue. Mayor Kruzan admitted, during his presentation two years ago, that revenue was a, if not the most, significant reason for the change. Until now, this stance validated a significant objection made by opponents of meters, namely that charging for parking was simply and primarily a method of raising revenue for the city, rather than to create turnover and discourage employees, residents and other long-term motorists from parking on the street. The stance also detracted from the many other appropriate and successful administrative changes implemented by the Mayor in 2013 to better manage the city's public parking supply.

Many of staff's other recommendations are valuable, and have found their way into this ordinance and Ord. 15-09 (sponsored by CM Neher). Yet in some respects, the Administration recommends reducing enforcement -- hours of operation, prices per hour -- for the sake of foregoing revenue. The primary purpose of parking management should not be to lower city revenue any more than it should be to raise it; the mission should be to employ the tools necessary to optimize access to the city's center for the broadest and most diverse set of users.

Thus, some of the Administration's recommendations would under-regulate aspects of the system even as others would continue to over-regulate. This is because staff's other frequently-stated goal is to avoid complexity of administration. The least complex solution indeed would have been to not put the meters in in the first place, but that was no solution. The first-come first-serve basis of previous parking policy prioritized convenience over need. While Council appreciates staff's concern that managing parking not be overly complex, managing for fairness and a diversity of users should take priority over "simplicity" of management.

COMPONENTS OF THE ORDINANCE

In the spirit of managing parking equitably, this ordinance proposes the following:

A. Making parking 50 cents/hr on the periphery of the meter zone (Secs. 3, 4 and 5).

The Administration proposed in the October memo reducing price to 50 cents an hour all summer long. But the monthly data provided as part of their report suggests a subtler action.

First 12 Months of Parking Usage, by Month of Year

Mo	*Use (000s of space-hours)*
2013	
Sep	176
Oct	199
Nov	161
Dec	146
Jan	141
Feb	172
Mar	188
Apr	208
May	196
Jun	177
Jul	177
Aug	208
2014	

The summer months show no slowdown in usage whatsoever; June and July were busier than November and February. The two slowest months were in fact December and January, which correspond not only with winter break at IU but with the mayor's making Saturday parking free during the 2013 holiday season.

Instead, this ordinance proposes making parking on the periphery of the meter zone, which is greatly underutilized, half-price year-round. Donald Shoup's studies show that when parking is underutilized, it's overpriced. The 27 out of 90 blocks proposed for price reduction collectively accounted for only 11% of all space-hours. These blocks are clearly overpriced. At 50 cents,

they'll be priced the same as garages, with marginally easier access but without protection from precipitation. The easiest way to describe the blocks being lowered are: all metered blocks west of Morton, south of 4th, and on Walnut north of 8th. Almost all are being used at 20% of available hours or less, compared to a system-wide average of 40%. Each group of blocks corresponds roughly with one of the city's three garages.

This proposal would reduce revenue by about $135,000 (half the amount collected all year on those 27 blocks), while more appropriately regulating blocks of varying value to parkers. In contrast, the Administration's proposal would reduce parking revenue by about $300,000 (half the amount collected in the summer months).

This ordinance adds meters to the 300 block of S. Washington St., as does Ord 15-09. Because that block is surrounded by low-usage meter blocks, its price would also be set by this ordinance to 50 cents an hour.

B. Free hours in the Morton St. garage; the question of how many free hours (Sec. 6).

The Administration recommends going to 1 hour free in all lots and garages. CM Neher's ordinance proposes to retain the three hours free at the two garages. The Administration's approach is better policy in theory, but the three hours free is popular in many quarters and provides a buffer for price-sensitive users of downtown.

Meanwhile, the Morton St. garage has no free hours. (In 2013, there was an extra gate and some extra complexity that caused Public Works not to offer free hours there, conditions which no longer apply.) This ordinance simply proposes adding the Morton garage to the other two, allowing three free hours there as well. It would make the system more legible to motorists. More importantly, it would provide equity where there was little reason to not provide it; businesses and offices in or near the Morton St. garage should not go any longer without being treated equally.

However, I tend to agree with the Administration that three hours free is too many. Eventually city policy should reduce the amount of this free parking given out indiscriminately to whoever gets there first, regardless of their ability to pay for the convenience. My initial proposal was to split the difference: offer two hours free in all three garages, instead of three hours in two garages, so as to not increase the number of free garage hours. With Administration support, I would be ready to propose an amendment to reduce free parking to two hours across the board, as long as it includes the Morton St. garage..

C. Waive up to $100,000 for two incentive programs (Sec. 7).

This ordinance proposes two programs that would waive up to $50,000 in parking fees each. These are not cash programs; they alleviate select meter fees before they're collected. See Items D and E.

D. Discount program for merchants (Sec. 8).

The discount program is meant to raise awareness among retail businesses and their patrons of the many methods of using the downtown parking system. For merchants within the meter zone who collect sales tax, this ordinance proposes offering a 15% discount for purchasing parking for their customers in bulk. Employees and paid contractors of these merchants would be ineligible for these discounts, since the proper place for them to park is off-street to maximize parking for customers. (Anyone who receives a W-2 or 1099 form from the business would be ineligible.)

The merchant would have to buy at least 100 hours of parking to be eligible for the discount. These would be issued in the form of coupons, much like the city already sells from the Morton Street garage in quantities of 1 and 2 hours. Instead of feeding the coupons into a pay machine in the garage, the user would type the number (or photograph the QR code) into ParkMobile. A customer who initiates a parking session with the app instead of a meter would then be able to lower the cost of that session by the amount granted by the merchant's coupon.

The Administration wisely chose ParkMobile as their mobile parking management vendor, but has underestimated their ability to provide service to Bloomingtonians. Merchants could either receive coupons with codes for use with the ParkMobile app, or could directly manage parking for customers without the app through ParkMobile's website. In either case, the merchant would set up an "electronic wallet" with ParkMobile, who would then issue coupons with codes. A merchant's account would be debited only when a customer redeems a coupon -- unlike the coupons issued in the Morton Street garage, coupons issued by ParkMobile would not be the same as cash and would not represent an expense to the merchant if lost or stolen.

Businesses already pay for their customers' parking in Bloomington. The staff of Royale Hair Parlor on the north side of the Square regularly pays for its customers' meters -- and tickets! -- as a matter of course. The County even issues 12-hour coupons to people on jury duty. This is not a new method of parking management for the city.

E. Waiver program for not-for-profit (NFP) organizations (Sec. 9).

The waiver program is for NFPs, to reincentivize volunteerism in the meter zone. The entirety of the city's fee for street parking would be waived, but the NFP would still have to pay the ParkMobile fee (30-40 cents per transaction depending on the level of service they choose); the program thus isn't totally free, just very heavily discounted. Because ParkMobile registers the parker's plate number, usage can be tracked for those who would abuse it: paid employees or contractors, for example, or downtown residents who are friends of the NFP.

Unlike with the discount program, organizations would have to apply for these waivers, justifying their need for their request and the existence of sufficient internal controls to reassure the city that the waivers are well-granted. Those arts organizations that promote and enhance the Bloomington Entertainment and Arts District (BEAD) are eligible to apply. The standards for which social service organizations could apply and why would be along the lines of those for applicants to the city's Jack Hopkins Social Service fund. In short, organizations doing the type of good works the city actively promotes, that depend on or operate in the downtown.

F. Parking commission (Secs. 1 and 2).

Both programs would be overseen by a new Parking Commission, a 7-member board made up of 2 merchants in the zone, 2 NFP representatives in the zone, 1 resident in the zone, 1 staff member from Planning & Transportation, and 1 Councilmember. (The Council would appoint one merchant, one NFP representative, and a Councilmember; the Mayor would appoint the rest.)

The Commission would review applications for the waiver program, which will, again, use largely the same criteria and methods as the Jack Hopkins Fund. The Commission would also review usage in both the discount and waiver programs. The Commission would meet as it deems appropriate (although with the amount of information to be understood, my recommendation is that it meet monthly), and determine its own rules for handling these affairs. Because parking is no longer overseen by a single department, but by no fewer than five (Controller, Economic & Sustainable Development, Planning & Transportation, Police, Public Works), and by the elected offices of Mayor and Clerk, a Parking Commission establishes the beginning of centralized oversight of parking management concerns, and concentrates them in a commission led by citizens.

G. On the use of ParkMobile

The app currently works like a meter: one must guess how much time one needs. ParkMobile's app is capable of being set to pay-as-you-go mode, where one simply tells it to start charging for parking, then tells it to stop when leaving. The parker incurs a single transaction fee (instead of multiple ones for topping up with a credit card or the app). This mode effectively makes street spaces the equivalent of garage spaces, with the added convenience.

While code is not required to make this change happen, this ordinance strongly endorses the Administration's stated intention to change the mode setting of the app -- a free modification which ParkMobile representatives say can be done on a Sunday -- and their stated intention to promote it along with the other conveniences of the city's parking management system.

This ordinance conflicts with 15-09 only in that it does not call for the elimination of the credit-card fee at meters, which if left intact would cause more users to adopt ParkMobile. The transaction fee for PM can be lowered to be equal to the meter fee for frequent users (more than 10 parking sessions a month). Without retaining the credit-card fee, which was another appropriate initial implementation of meter policy by the Administration, paying by app would not fare as well in comparison.

This ordinance also calls for wider adoption of the app, which offers greater convenience and services than meters, while saving on maintenance and upkeep of that physical equipment. Some cities around the world don't even have meters; they've handle all their parking through cellphones even before they were "smart" and had "apps". (ParkMobile's system doesn't require the app: one can pay to park by calling an 800 number from a "dumb" phone as long as

one has set up an account in advance with a license plate and phone number through the PM website.) Eventually Bloomington will not need meters to regulate parking.

CONCLUSION

The Administration's recommendations would give back almost $900,000 of the $2.4 million collected from meters in the first year, for reasons that are not always related to equitable regulation. Ordinances 15-09 and 15-10 together would forego less than half that revenue; if the Administration wishes to forego that much more, it should only do so in a way that more equitably regulates usage. If additional staff hours or hires are necessary to do so, this ordinance more than covers that cost compared to the Administration's recommendations.

A final note: If Ordinance 15-09 does not pass, 15-10 will also change hours of enforcement to 9 am to 9 pm.

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