

**City of Bloomington
Common Council**

LEGISLATIVE PACKET

Meetings for the Week of 21-25 September 2020

Monday, 21 September 2020

*Sustainable Development Committee
7:00 PM*

Wednesday, 23 September 2020

*Special Session
6:30 PM*

Friday, 25 September 2020

*Council Work Session
12:00 PM*

- Legislation and background materials contained herein:
 - Resolution 20-15
 - Resolution 20-16

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency
For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



Legislative Packet Memo – from Council Office

Materials pertaining to the week of September 21 - 25

AGENDAS & NOTICES FOR MEETINGS OF SEPT 21 – 25

- Sustainable Development Committee Meeting – Notice (posted September 17, 2020); Agenda forthcoming
 - Monday, September 21, 2020 at 7:00 pm, accessible via:
<https://bloomington.zoom.us/j/97438535689?pwd=c2ZXbkIvQ1M0cUhQQlNjckZvZlJPQT09>
- Common Council Special Session – Notice and Agenda
 - Wednesday, September 23, 2020 at 6:30 pm, accessible via:
<https://bloomington.zoom.us/j/93257168204?pwd=UkI3dXIBREZYbVJ0ankvek9NWDJUQT09>
- Common Council Work Session – Notice
 - Friday, September 25, 2020 at 12:00 pm, accessible via:
<https://bloomington.zoom.us/j/92061358088?pwd=dVM1MG1pS0FLZE1KS28xOU9NbkliZz09>

LEGISLATION FOR SECOND READINGS AND RESOLUTIONS - WEEK OF SEPT 21 - 25

- **Resolution 20-15** – A Resolution Extending the Term of Ordinance 20-11
 - Memo from Staff – Mike Rouker, City Attorney
 - Signed copy of Ordinance 20-11 - An Ordinance Recommending that Portions of the Bloomington Municipal Code be Temporarily Suspended Due to the Ongoing Public Health Emergency
 - Insert with link to [Legislative Packet for the Week of 8-12 June 2020](#), containing supporting documents for Ordinance 20-11

Background on Ordinance 20-11

On June 17, 2020, the Council unanimously passed Ordinance 20-11, which recommended that certain portions of the Bloomington Municipal Code related to sign regulations and seating encroachment regulations be temporarily suspended in response to the ongoing COVID-19 pandemic. The ordinance was an effort to help address the economic fallout felt by Bloomington’s local business community. It helped facilitate the closure of portions of Kirkwood Avenue to vehicular traffic in order to expand seating capacity into the right-of-way so that local businesses could safely service additional patrons.

A detailed explanation of the particular regulations affected can be found in the Council’s [Legislative Packet for the Week of 8-12 June 2020](#).



Term of Ordinance 20-11

The suspensions of regulations detailed in [Ordinance 20-11](#) extend until September 30, 2020. However, [Ordinance 20-11](#) provides that in the event “the declared disaster emergency for COVID-19 continues past September 30, 2020, the City Council, at its discretion, may take up a resolution to request that [the suspended regulations] be waived for a longer period of time.” [Resolution 20-15](#) does just that. The resolution would extend the suspension of the regulations described in [Ordinance 20-11](#) through December 31, 2020. The resolution also states that the Council may, at its discretion, further extend or, in the alternative, earlier terminate the term of [Ordinance 20-11](#) by the passage of another similar resolution.

- **[Resolution 20-16](#)** - Resolution Supporting the Painting of Two Black Lives Matter Street Murals – One on Elm Street and One at a Downtown Location to be Determined
 - Staff Report from Erik Pearson, Program/Facility Coordinator to the Board of Park Commissioners
 - Community Mural Proposal – by Banneker Community Center Advisory Council

[Resolution 20-16](#) endorses the painting of two Black Lives Matter murals in the public right of way – one on Elm Street in front of the Banneker Community Center and one at a downtown Bloomington location to be determined. It also calls on the Board of Public Works to permit the use of the public right of way for this public art installation. While the final approval for this proposal rests with the Board of Public Works, [Resolution 20-16](#) would express the Council’s endorsement and support for the proposal.

Rationale

The City of Bloomington is committed to promoting the health, safety, welfare and inclusiveness of all community residents, as recently expressed through [Resolution 20-06](#). Key to this commitment is an acknowledgment of the City’s responsibility to oppose and aid in eradicating systemic racism, racial bias, and racial animus while holding up values of peace, respect, inclusivity, and equity.

Proposal

The Banneker Community Center Advisory Council (BCCAC) has proposed two street murals that would involve painting the words, “Black Lives Matter” in the public right of way. One mural is proposed for Elm Street in front of the Banneker Community Center and would involve a culturally-textured design. A second mural is proposed for a yet to be determined downtown location and would mirror the traditional “high-traffic” yellow design. The mural on Elm Street would have a planned lifespan of approximately two years. Elm Street is slated to be milled and paved at that time. The lifespan for the downtown location mural would be determined based on the location selected.



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Artists

The Elm Street mural would be designed by three Black or Latinx artists, with each artist having responsibility for one word in the, “BLACK LIVES MATTER” mural. The artists will be paid.

Cost and Funding

The cost for this art installation would be paid by the City with funds from the Black y Brown Arts Festival, which was cancelled due to the COVID-19 pandemic. The City of Bloomington would serve as primary sponsor for the murals, and the City, along with the artists, would be responsible for maintenance of the murals.

Timeline

The BCCAC’s proposal was submitted to the Board of Park Commissioners and approved at its July 28, 2020 meeting. The proposal was then submitted to the Bloomington Arts Commission and endorsed at its August 12, 2020 meeting. The proposal will be heard by the Board of Public works on September 29, 2020.

**NOTICE AND AGENDA
THE BLOOMINGTON COMMON COUNCIL**

**SPECIAL SESSION
WEDNESDAY, 23 SEPTEMBER 2020 AT 6:30 PM**

Per Executive Orders issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/93257168204?pwd=UkI3dXlBREZYbVJ0ankvek9NWDJUQT09>

I. ROLL CALL

II. AGENDA SUMMATION

III. REPORTS

1. The Mayor and City Offices

- Update from ESD Director, Alex Crowley on EDA grant

IV. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

1. Resolution 20-15 - A Resolution Extending the Term of Ordinance 20-11
2. Resolution 20-16 - Supporting the Painting of Two Black Lives Matter Street Murals – One on Elm Street and One at a Downtown Location to be Determined

V. COUNCIL SCHEDULE

VI. ADJOURNMENT

Statement on public meetings during public health emergency:

As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

- allowing members of the Council or its committees to participate in meetings electronically;
- posting notices and agendas for meetings solely by electronic means;
- using electronic meeting platforms to allow for remote public attendance and participation (when possible);
- encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).

Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings during the public health emergency.



**City of Bloomington
Office of the Common Council**

NOTICE

**Monday, 21 September 2020
7:00pm**

Sustainable Development Committee

Per **Executive Orders** issued by the Governor, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/97438535689?pwd=c2ZXbkIvQ1M0cUhQQlNjckZvZlJPQT09>

Statement on public meetings during public health emergency

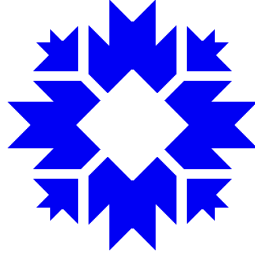
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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Thursday, 17 September 2020



**City of Bloomington
Office of the Common Council**

NOTICE

Wednesday, 23 September 2020 at 6:30 PM

Special Session

***Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:
<https://bloomington.zoom.us/j/93257168204?pwd=UkI3dXIBREZYbVJ0ankvek9NWDJUQT09>***

Statement on public meetings during public health emergency

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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, 18 September 2020



City of Bloomington
Office of the Common Council

NOTICE

COMMON COUNCIL WORK SESSION

Friday, 25 September 2020 at 12:00pm

*Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:
<https://bloomington.zoom.us/j/92061358088?pwd=dVM1MG1pS0FLZE1KS28xOU9NbkliZz09>*

Statement on public meetings during public health emergency

As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

RESOLUTION 20-15

A RESOLUTION EXTENDING THE TERM OF ORDINANCE 20-11

- WHEREAS, on June 17, 2020, the Common Council passed Ordinance 20-11, which took the proactive step of suspending certain portions of the Bloomington Municipal Code during the ongoing public health emergency caused by the COVID-19 virus; and
- WHEREAS, the measures included in Ordinance 20-11 are set to expire on September 30, 2020; and
- WHEREAS, the public health emergency and the COVID-19 pandemic, as well as their impact on Bloomington’s local economy, continue; and
- WHEREAS, Ordinance 20-11, by its own terms, stated that if “the declared disaster emergency for COVID-19 continues past September 30, 2020, the City Council, at its discretion, may take up a resolution to request that [the suspended] formalities be waived for a longer period of time;” and
- WHEREAS, there is presently no sign of the declared emergency ending before September 30, 2020; and
- WHEREAS, the Plan Commission has already taken the proactive step of extending its waiver of certain sign application fees through December 31, 2020; and
- WHEREAS, the City Council therefore wishes to extend the term of the proactive measures it put into place through Ordinance 20-11 to assist the Bloomington business community’s recovery;

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

SECTION 1. The City Council hereby extends the recommended suspension of certain portions of the Bloomington Municipal Code described in Ordinance 20-11 through December 31, 2020.

SECTION 2. The City Council reserves the right to, at its discretion, further extend or, in the alternative, earlier terminate the term of Ordinance 20-11 so that the provisions of Ordinance 20-11 conclude on a date other than December 31, 2020. If the City Council desires to modify the term of Ordinance 20-11, it shall pass another similar resolution altering the term of Ordinance 20-11.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2020.

STEPHEN VOLAN, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2020.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution extends the term of Ordinance 20-11, which is set to expire on September 30, 2020, to December 31, 2020. Ordinance 20-11 waived certain formalities contained in the Bloomington Municipal Code related to signs and seating encroachments. The temporary suspension of these formalities has assisted the local business community as it copes with and recovers from the ongoing COVID-19 pandemic.



MEMORANDUM

CITY OF BLOOMINGTON LEGAL DEPARTMENT

TO: Common Council
FROM: Michael Rouker, City Attorney
RE: Resolution 20-15 – Extending the Term of Ordinance 20-11 to December 31, 2020
DATE: September 14, 2020

Three months ago during June, in response to the economic fallout caused by the COVID-19 pandemic, the local business community requested that the City Council take several proactive and temporary steps to encourage economic survival and recovery for businesses affected by the COVID-19 pandemic. In response, the City Council passed Ordinance 20-11, which: (1) eased sign regulations for downtown businesses, (2) simplified the procedure for obtaining a sign permit, (3) authorized the periodic closure of portions of Kirkwood Avenue to pedestrian traffic, and (4) allowed for expanded merchandizing and seating encroachments for local businesses.

The measures put into place via Ordinance 20-11 are set to expire on September 30, 2020. However, as the COVID-19 pandemic shows no signs of abating, both the local business community and staff believe that the wise and proactive measures taken by the City Council via Ordinance 20-11 should be extended through December 31, 2020. In Ordinance 20-11, the City Council indicated that it could, at its own discretion, extend the term of Ordinance 20-11 by a future resolution in the event that the COVID-19 pandemic was ongoing. Using this mechanism, Resolution 20-15 extends the term of Ordinance 20-11 through December 31, 2020. Staff recommends that the Common Council adopt Resolution 20-15, which will extend through the end of the year those measures first enacted to aid our local businesses in coping with the economic strain occasioned by the COVID-19 pandemic.

ORDINANCE 20-11

AN ORDINANCE RECOMMENDING THAT PORTIONS OF THE BLOOMINGTON MUNICIPAL CODE BE TEMPORARILY SUSPENDED DUE TO THE ONGOING PUBLIC HEALTH EMERGENCY

- WHEREAS, the City of Bloomington, along with the rest of the country, remains in the midst of a public health emergency due to the COVID-19 pandemic; and
- WHEREAS, both state and federal governments have declared a disaster emergency for the COVID-19 pandemic; and
- WHEREAS, on March 16, 2020, Governor Holcomb issued Executive Order 20-04, which ordered food service establishments to close service to in-person patrons; and
- WHEREAS, on March 23, 2020, Governor Holcomb issued Executive Order 20-08, which ordered all non-essential businesses to close; and
- WHEREAS, businesses throughout Bloomington have suffered due to the ongoing pandemic and subsequent economic fallout from required closures; and
- WHEREAS, in accordance with *Ordinance 20-09 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" and to Grant Authority to Act in Accordance with Declared Disaster Emergencies - Re: Amending 2.22.030 Entitled "Employee Policies" and Complying with the State of Indiana's Declaration of Disaster Emergency under I.C. § 10-14-3-12* and the powers it may exercise under Home Rule, the City is taking several proactive measures to assist the Bloomington business community's recovery; and
- WHEREAS, among the measures being taken by the City to address the economic fallout felt by Bloomington's local business community is a plan to request that the Board of Public Works close portions of Kirkwood Avenue to vehicular traffic in order to expand seating capacity into the right-of-way so that local businesses may safely serve additional patrons; and
- WHEREAS, a temporary relaxation of the City's sign regulations and seating encroachment regulations would also assist the local business community with its ongoing recovery; and
- WHEREAS, the City possesses discretion to not enforce portions of its Municipal Code during these extraordinary times and would like to make clear to all affected persons and businesses which local regulations will not be enforced; and
- WHEREAS, for a temporary period of time, as described below, the City will be relaxing and/or waiving certain formalities related to sign regulations in order to facilitate a recovery for the local business community;

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

SECTION 1. Through September 30, 2020, the City of Bloomington Common Council hereby requests that the City exercise its discretion to temporarily waive certain formalities during the ongoing public health emergency with regard to the following sections of Title 20 of the Bloomington Municipal Code and as described below:

Standard	BMC Section / Administrative Change	Requested Temporary Waiver
Temporary Signs: Permits	Staff Adjustment of Permit Application	Simplify the temporary sign permit form by eliminating the site plan attachment requirements.
Temporary Signs: Number	20.04.100(L)(6)(B) i.-iii.	Allow for a maximum of 2 additional temporary signs, for a total of 5 (currently 3 total are allowed)
Temporary Signs: Size	20.04.100(L)(6)(D)	Increase size allowance for each sign by 25%, to twenty total square feet
Temporary Signs: Duration	20.04.100(L)(6)(G)	Suspend the thirty-day limitation period so that temporary signs may be posted continuously until September 30, 2020
Sandwich Board Signs: Number	20.04.100(L)(7)(A)	Allow multiple sandwich board signs to be placed within 6 feet of each other (currently they must be 8 feet apart)
Sandwich Board Signs: Placement	20.04.100(L)(7)(C) i.	Allow sandwich board signs on sidewalks with minimum width of 6 feet (currently 7 feet), but in cases of smaller sidewalks require that sandwich board be placed parallel with building facade to allow maximum passage
Permit Fees – Temporary and Permanent Signs	Fee Schedule 20.06.040(c)(3)	Waive permit application fees for temporary signs (\$75) and permanent signs (\$125)

SECTION 2. Through September 30, 2020, the City of Bloomington Common Council requests that certain sidewalk seating and merchandising encroachment requirements contained in Title 12 of the Bloomington Municipal Code be suspended. This is part of an initiative which, where it may be necessary, is authorized and approved by the Common Council. The initiative would:


- (1) Allow the Kirkwood Community Association to submit a single seating and merchandising encroachment application on behalf of all of the business that will be expanding their seating during the time(s) when the Board of Public Works shuts down Kirkwood Avenue to allow expanded seating for local businesses;
- (2) Suspend fees charged for seating and merchandising encroachments within the right-of-way; and
- (3) Simplify and streamline the application process for Title 12 seating and merchandising encroachments in a manner consistent with the applicable portions of the Memo from the Administration, which is attached and made a part of this ordinance.

SECTION 3. The City Council notes that this ordinance only requests a suspension of the regulations herein described through September 30, 2020 and, further, requests that the Plan Commission be informed of this initiative. In the event, the declared disaster emergency for COVID-19 continues past September 30, 2020, the City Council, at its discretion, may take up a resolution to request that these formalities be waived for a longer period of time. In the event, the declared disaster emergency for the COVID-19 pandemic ends prior to September 30, 2020, the City Council, at its discretion, may take up a resolution to request that formalities regarding Title 12 be waived for a longer period of time. And, again, in the event the declared disaster emergency for the COVID-19 pandemic ends prior to September 30, 2020, this ordinance serves as an invitation for the Plan Commission to take steps to extend these temporary waivers or suspensions involving specified provisions of Title 20 (Unified Development Ordinance) based upon recommendations from the Planning and Transportation Department.

SECTION 4. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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 force and effect from and after its passage by the Common Council and approval of the Mayor.


PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17 day of June, 2020.


STEPHEN VOLAN, President
Bloomington Common Council

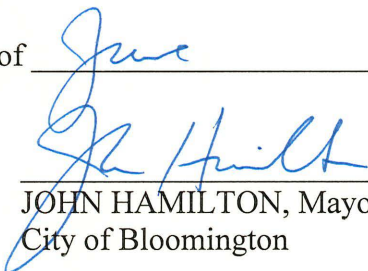
ATTEST:


~~NICOLE BOLDEN, Clerk~~ Nico Sigler, Deputy Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19 day of June, 2020.


~~NICOLE BOLDEN, Clerk~~ Nico Sigler
City of Bloomington

SIGNED and APPROVED by me upon this 23rd day of June, 2020.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is a request from the Common Council to waive certain formalities contained in the Bloomington Municipal Code related to signs and sidewalk seating and merchandising encroachments. The ordinance allows temporary suspension of these formalities in order to assist the local business community with its recovery following ordered closures due to the COVID-19 pandemic. These temporary measures will last until September 30, 2020, but may be extended, as needed, beyond that date.

Note: This ordinance was revised after it was distributed in the weekly Council Legislative Packet and before it was introduced at the Special Session on Wednesday, June 10, 2020. The revisions added sidewalk merchandising to Section 2 and the Synopsis.

Distributed to Clerk, Controller, Council Attorney, Legal, and Mayor.

**INSERT FOR RESOLUTION 20-15 – A RESOLUTION EXTENDING THE TERM OF
ORDINANCE 20-11**

**LINK TO THE COUNCIL’S LEGISLATIVE PACKET
FOR THE WEEK OF 8-12 JUNE 2020:**

https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=5902

WHICH CONTAINS THE FOLLOWING MATERIALS:

**ORDINANCE 20-11 – AN ORDINANCE RECOMMENDING THAT PORTIONS OF
THE BLOOMINGTON MUNICIPAL CODE BE TEMPORARILY SUSPENDED DUE
TO THE ONGOING PUBLIC HEALTH EMERGENCY**

- Memo to Council, from Mike Rouker, City Attorney [Attachment to the Ordinance]
- Temporary Waivers to BMC 20.04.100 (Signs) - highlighted
- Temporary Waivers to BMC 12.06 (Sidewalk Seating and Merchandizing Encroachments) – highlighted (Rough – see staff for precise changes)

RESOLUTION 20-16

SUPPORTING THE PAINTING OF TWO BLACK LIVES MATTER STREET MURALS - ONE ON ELM STREET AND ONE AT A DOWNTOWN LOCATION TO BE DETERMINED

WHEREAS, the City of Bloomington previously expressed in Resolution 20-06, adopted on May 6, 2020, its commitment to promoting the health, safety, welfare and inclusiveness of all community residents, and acknowledged its responsibility to oppose, and aid in eradicating, systemic racism, racial bias and racial animus; and

WHEREAS, over the last several months, prompted by the killings of George Floyd in Minneapolis, Breonna Taylor in Louisville and Daniel Prude in Rochester, and by the cumulative effects of so many others before them, our country has been in turmoil, reeling from the horror of yet more of our Black and Brown family members, friends and citizens being killed brutally and unnecessarily while in government custody; and

WHEREAS, our community is far from immune to racial inequality and strife, and residents and others have been making their voices heard and demonstrating their pain and frustration at the continuing scourge of racism nationally and in our own community by marching in our streets and calling for all of us to do more; and

WHEREAS, governments may and regularly do engage in official government speech on important matters, and the City recognizes its obligation to condemn racism and inequality, and to stand in solidarity with organizations and individuals who share those sentiments; and

WHEREAS, the members of the Banneker Community Center Advisory Council have proposed two street murals that would involve the painting of the words “Black Lives Matter” on the public right of way with one mural on Elm Street in Bloomington and another at a downtown Bloomington location to be determined, and the Board of Parks Commissioners endorsed the concept at their July 28, 2020 meeting, and the Bloomington Arts Commission endorsed it at their August 12, 2020 meeting; and

WHEREAS, the City has funds available from the Black Y Brown Arts Festival, which was canceled due to the COVID pandemic, to pay an artist to complete the mural; and

WHEREAS, the City of Bloomington wants to reiterate its position in Resolution 20-06 that the City condemns all forms of bigotry, racism and hatred; and proudly stands for individual dignity, and against all those who would seek to propagate hate, fear and intimidation, or incite fear and violence targeting any human being; and

WHEREAS, the Council wholeheartedly endorses this use of public art to express its stated position and especially to support and honor a movement fighting to bring justice and equality to Black and Brown members of our community and beyond;

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

The City of Bloomington endorses the painting of two Black Lives Matter murals - one on Elm Street in front of the Banneker Center, or at such other nearby location as the City and the Banneker Community Center Advisory Council agree is appropriate, and one at a downtown location to be determined, and supports the City’s use of existing funds to pay the artist hired to design and paint the mural. Further, the Council calls on the Board of Public Works to permit

this use of a public right of way and join in this public display of support for our Black and Brown residents who have been fighting for justice and equality for far too long.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2020.

STEPHEN VOLAN, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2020.

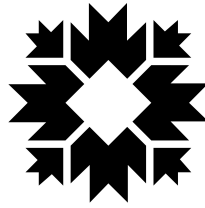
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution endorses the painting of two Black Lives Matter murals in the public right of way - one on Elm Street in Bloomington and one at a downtown Bloomington location to be determined and calls on the Board of Public Works to permit this use of a public right of way for public art that supports the cause of anti-racism and promotes justice and equality for our Black and Brown residents and visitors.



CITY OF BLOOMINGTON
Parks and Recreation

STAFF REPORT

Agenda Item: C-13
Date: 7/23/2020

Administrator
Review\Approval
PM

TO: Board of Park Commissioners
FROM: Erik Pearson-Program/Facility Coordinator
DATE: July 28th, 2020
SUBJECT: Banneker Community Center Advisory Council Recommendation

Recommendation

Staff recommends review and support the recommendation from the Banneker Community Center Advisory Council (BCCAC) to pursue street murals on Elm Street and in the downtown area.

Background

BCCAC members Nichelle Whitney and Jaquita Roberts recommended to Erik Pearson that a mural containing the words Black Lives Matter be painted on Elm Street between 7th and 8th street in front of the Banneker Community Center gymnasium. Further discussions took place between the Office of the Mayor, Community and Family Resources, Economic and Sustainable Development, and Public Works of which support for the murals was unanimous. On July 15th, in a special session, the BCCAC voted to recommend two murals be implemented by the City of Bloomington Parks and Recreation Department. In addition, the BCCAC recommends the Elm Street mural be designed by local Black artists and community members be invited to participate in the painting.

BCCAC recommends the City of Bloomington Parks and Recreation Department facilitate the street mural projects in purpose, funding, and continue to develop conversations and seek actionable steps through the Racial Justice Task Force that focus on equity and investment in Black and Brown businesses and neighborhoods. Funding will be allocated from City of Bloomington Economic and Sustainable Development’s arts area including funds allocated towards the 2020 Black y Brown Arts Festival.

Additional Details

- The street mural along Elm Street is recommended to have a lifespan of approximately two years
 - Elm Street is slated to be milled and paved at that time
 - Artists will be responsible for maintenance of the mural
 - In 2021 at the Black y Brown Arts Festival artists will be invited to join a rededication

ceremony wherein the mural will be touched up

- Next Steps:
 - Upon support of recommendation by Board of Parks Commissioners, the recommendation will go before the Board of Public Works
 - Selection of second mural site
 - Assistant Director for the Arts-Sean Starowitz will collect submissions from local Black artists who will provide examples of previous works
 - Three artists will be selected and will represent one word each
 - Artists will be paid
 - Purchasing of the outdoor and high traffic paint

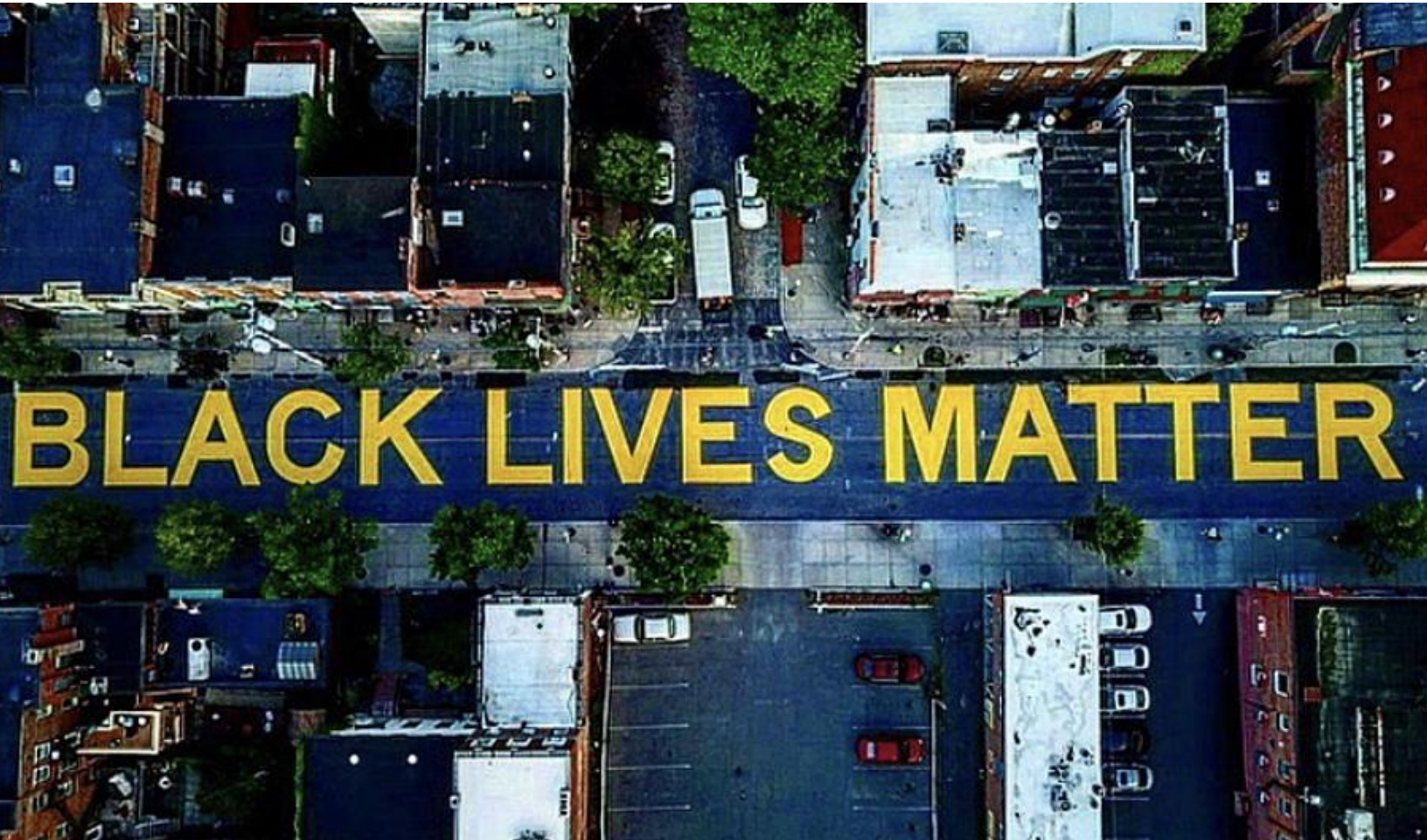
RESPECTFULLY SUBMITTED,



Erik Pearson, Program/Facility Coordinator

JULY 2020

Submitted for consideration



Credit: Chris Famelette

COMMUNITY MURAL PROPOSAL

Recommendation for construction of two
Black Lives Matter murals in Bloomington, Indiana

Proposed by: Banneker Community Center Advisory Council

THE PROPOSED PROJECT

Banneker Community Center Advisory Council (BCCAC) members Nichelle Whitney and JaQuita Roberts suggested to Erik Pearson that a street mural stating **Black Lives Matter** be erected on Elm Street in front of the Banneker Community Center.

Construction of each mural is both political and communal. Politically it reflects the responsibility that this community holds in disrupting racism and creating a quality of place that is inclusive and equitable for all people but particularly groups that have been systemically oppressed. It is an act of good communal faith, and shows the City's commitment to embrace the depth of culture and resilience for Black people.

*"Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek."
-Barack Obama*

On July 15th the BCCAC convened a special session to discuss the project and vote on two key measures. Majority votes favored:

1. Banneker Community Center Advisory Council supports the Black Lives Matter street murals at Elm Street and in the downtown area, with the Elm street mural to be completed first.
2. For the Elm Street mural, BCCAC prefers a more unique artistic mural with images within letters, etc.



**BLACK
LIVES
MATTER**

THE OBJECTIVE

The group recommended that two murals be created with consideration to Elm Street and downtown Bloomington. The Elm Street mural will have a culturally-textured design, while the downtown location will mirror the traditional "high traffic" yellow design. Members request the City of Bloomington needs to take onus of funding to show the BIPOC community its commitment to equity and justice.

The Elm Street mural would be a community engagement initiative with respect to COVID19 safety precautions. The mural would be designed by a Black or Latinx artist and would have cultural artistic consideration.



CENTRAL RECOMMENDATION

A street mural with the statement Black Lives Matter be created along Elm Street in front of the Banneker Community Center.

REQUESTS

- City of Bloomington shall serve as primary sponsor for each mural including mural maintenance.
- If the murals are vandalized, it is the responsibility of the City and artists to repair within a timely manner.

TIMELINE

- Official proposal submitted to Parks and Recreation Board on July 28 2020.

RISKS

- Resistance from community leading to additional acts of hate and intolerance

BCCAC STATEMENT

In a special meeting on July 15, 2020, the Banneker Community Center Advisory Council voted to recommend the creation of two Black Lives Matter murals in Bloomington, Indiana, the first of which will be located on Elm Street. We recognize this effort as both political and communal, and as a Council, we commit to holding ourselves, our community, and our leaders accountable for addressing racial and social inequity in Bloomington. A firm commitment to the Black Lives Matter mural is an outward expression and recognition of one of the largest civil rights movements in US history, but we know that this act of good faith cannot stand alone. We implore City leaders to establish points of accountability that citizens can/should expect to hold. We call for the Racial Justice Task Force to review policies and programs, statements of no tolerance for hate, and strategic allocation of resources into Black and Brown businesses and neighborhoods. ***This statement reflects the opinion of the Banneker Community Center Advisory Council only and does not necessarily represent the view of the City of Bloomington. The Banneker Community Center Advisory Council is composed of residents who serve as volunteers to inform and advise their fellow residents, City staff and elected officials. This statement is for informational purposes only.***



BANNEKER COMMUNITY CENTER ADVISORY COUNCIL

- Heather Addison
- Richelle Brown
- Autumn Brunelle
- Martha Chamberlain
- Seth Debro
- Victoria Englert
- Amy Oakley
- Joy Roberts
- Itia Saahir
- Muhammed Saahir
- Stacy Sedory
- Mathew Shockney
- Nichelle Whitney