

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, July 31, 2019 at 6:33pm, Council Vice-President Dorothy Granger presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 31, 2019

Members present: Ruff, Chopra (left at 10:41pm), Piedmont-Smith, Granger, Volan, Sims, Sturbaum, Sandberg
Members absent: Rollo

ROLL CALL [6:33pm]

Council Vice-President Dorothy Granger summarized the agenda.

AGENDA SUMMATION [6:33pm]

Granger moved and it was seconded to approve the minutes of June 12, 2019. The motion was approved by voice vote.

APPROVAL OF MINUTES

Councilmember Andy Ruff introduced Blake Albertson and his father, as well as Adam Pucket who was not present. Ruff congratulated Albertson and Pucket on their recent National Collegiate Bass Fishing tournament. Ruff then read a proclamation honoring Albertson and Pucket.

REPORTS

- COUNCIL MEMBERS

Shelly Albertson spoke about her son Blake.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES

There were no council committee reports.

- COUNCIL COMMITTEES

Cynthia Bretheim spoke about housing availability.

- PUBLIC COMMENT

Peter Kaczmarczyk stated his interest in Bloomington erecting a monument commemorating Captain Kathryn Janeway, the first female captain on Star Trek, who was from Bloomington, Indiana.

Greg Alexander spoke about the need for sidewalks.

Kaleb Crein spoke about the need to maintain sidewalks so people with disabilities could efficiently maneuver around town.

Randy Paul voiced his concerns about the Bloomington farmers market.

Lee Jones, the Vice President of the Board of Commissioners, voiced her concerns with the lack of funding for the upcoming convention center. Jones said a public work session with the county and city council would be in the best interest of the city.

There were no appointments to Boards and Commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:22pm]

Councilmember Steve Volan moved and it was seconded that Ordinance 19-09 be read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis giving the committee do-pass recommendation of Ayes: 3, Nays: 0, Abstain: 6.

Volan moved and it was seconded that Ordinance 19-09 be adopted.

Michael Rouker, City Attorney, said there would not be another presentation of the legislation from the administration because one had been done in the past and there was not any new information.

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

Councilmember Isabel Piedmont-Smith moved and it was seconded that the Council suspend the rules to reconsider Amendment 07a to Ordinance 19-09. The motion to suspend the rules received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 0.

Vote on suspension of the rules to reconsider Amendment 07a to Ordinance 19-09 [7:27pm]

Amendment 07a to Ordinance 19-09 Synopsis: This amendment is sponsored by Councilmember Piedmont-Smith and prohibits motorized scooter parking on any public sidewalk. This amendment is made in the interest of maximizing sidewalk accessibility. Notably, motorized scooters may be parked proximate to sidewalks at designated painted boxes on the street.

Amendment 07a to Ordinance 19-09

Piedmont-Smith elaborated that due to the state law on proximate parking and the feedback from the Mayor’s office that reevaluating this amendment was in the best interest of the city. There was extensive council discussion.

Piedmont-Smith moved and it was seconded that Amendment 07a to Ordinance 19-09 be repealed.

Piedmont-Smith moved to remove Amendment 07a until later in the evening.

Piedmont-Smith moved and it was seconded that Amendment 15a to Ordinance 19-09 be adopted.

Amendment 15a to Ordinance 19-09

Amendment 15a to Ordinance 19-09 Synopsis: This amendment is sponsored by Councilmember Piedmont-Smith and seeks to further ensure ADA access to public sidewalks by specifically calling out pedestrian crosswalk buttons as an item in the public right of way that shall not be blocked and by clarifying that the mandatory 54-inch clearance that must be maintained on sidewalks is measured from the widest part of the scooter and does not include the width of the curb. Further, the amendment requires operators of shared-use motorized scooters identify scooter parking scofflaws and inflict increasingly severe disciplinary actions against them, in an effort to change their behavior and keep the right of way clear for all sidewalk users.

Piedmont-Smith presented the amendment to the council. There was extensive council discussion.

Ordinance 19-09 (cont'd)

The motion to adopt Amendment 15a to Ordinance 19-09 received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 0.

Vote to adopt Amendment 15a to Ordinance 19-09 [9:20pm]

Volan moved and it was seconded that Amendment 18 to Ordinance 19-09 be adopted.

Amendment 18 to Ordinance 19-09

Amendment 18 to Ordinance 19-09 Synopsis: This amendment is sponsored by Cm. Volan and would allow parking on unimproved surfaces as long as no more than two are placed parallel to the street and touching a city traffic or parking sign.

Volan presented the amendment to the council. There was extensive council discussion. Volan moved to withdraw Amendment 18.

Motion to withdraw Amendment 18 [9:19pm]

Piedmont-Smith moved and it was seconded that Amendment 19 to Ordinance 19-09 be adopted.

Amendment 19 to Ordinance 19-09

Amendment 19 to Ordinance 19-09 Synopsis: This amendment suspends implementation of e-scooter parking restrictions contemplated for the dismount zone (specifically the requirement that shared-use motorized scooters be parked only within painted boxes or at bike racks) and instead directs the City of Bloomington Parking Commission and Bicycle and Pedestrian Safety Commission to study the issue of shared-use motorized scooter parking. Specifically, the Commissions are directed to review parking in downtown Bloomington and also in any neighborhoods that have received a substantial number of documented scooter complaints. The Commissions are to prepare and forward a report on shared-use motorized scooter parking to the Council.

Piedmont-Smith presented the amendment to the council. There was extensive council discussion.

Councilmember Chris Sturbaum moved and it was seconded to delete item 1 of Amendment 19. There was extensive council discussion.

The motion to delete Item 1 of Amendment 19 received a roll call vote of Ayes: 2 (Sturbaum, Ruff), Nays: 4, Abstain: 2 (Piedmont-Smith, Sims). FAILED

Vote to amend Amendment 19 to Ordinance 19-09 [9:56pm]

The motion to adopt Amendment 19 to Ordinance 19-09 received a roll call vote of Ayes: 5, Nays: 2 (Ruff, Chopra), Abstain: 1 (Piedmont-Smith).

Vote to adopt Amendment 19 to Ordinance 19-09 [9:57pm]

Piedmont-Smith moved and it was seconded that Amendment 13a to Ordinance 19-09 be adopted.

Amendment 13a to Ordinance 19-09

Amendment 13a to Ordinance 19-09 Synopsis: This amendment is sponsored by Councilmember Piedmont-Smith and would require all persons operating a scooter on a sidewalk to dismount when passing any pedestrian and would require persons operating a scooter on a multiuse path, multiuse trail, or within a crosswalk to dismount before overtaking a person with a visual impairment.

Piedmont-Smith presented the amendment to the council. There was council discussion.

The motion to adopt Amendment 13a to Ordinance 19-09 received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 0.

Vote to adopt Amendment 13a to Ordinance 19-09 [10:12pm]

Piedmont-Smith moved and it was seconded that Amendment 16 to Ordinance 19-09 be adopted.

Amendment 16 to Ordinance 19-09

Amendment 16 to Ordinance 19-09 Synopsis: This amendment is sponsored by Councilmember Piedmont-Smith at the request of advocates from the accessibility community. The amendment makes clear that the Americans with Disabilities Act (ADA) is one of the federal laws whose violation would trigger revocation of a shared-use motorized scooter operator's license.

Piedmont-Smith presented the amendment to the council. There was brief council discussion. Rouker stated the administration's agreement.

The motion to adopt Amendment 16 to Ordinance 19-09 received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 0.

Vote to adopt Amendment 16 to Ordinance 19-09 [10:14pm]

Volan moved and it was seconded that Amendment 18a to Ordinance 19-09 be adopted.

Amendment 18a to Ordinance 19-09

Amendment 18a to Ordinance 19-09 Synopsis: This amendment is sponsored by Cm. Volan and would allow parking on unimproved surfaces as long as no more than two are placed parallel to the street and touching a city traffic or parking sign.

Volan presented the amendment to the council. There was council discussion.

The motion to adopt Amendment 18a to Ordinance 19-09 received a roll call vote of Ayes: 6, Nays: 1 (Chopra), Abstain: 1 (Sturbaum).

Vote to adopt Amendment 18a to Ordinance 19-09 [10:17pm]

Piedmont-Smith moved and it was seconded that Amendment 07a to Ordinance 19-09 be adopted.

Amendment 07a to Ordinance 19-09

Piedmont-Smith presented the amendment to the council. There was brief council discussion.

The motion to adopt Amendment 07a to Ordinance 19-09 received a roll call vote of Ayes: 1 (Chopra), Nays: 7 Abstain: 0. FAILED

Vote to adopt Amendment 07a to Ordinance 19-09 [10:20pm]

Piedmont-Smith moved and it was seconded that Amendment 17 to Ordinance 19-09 be adopted.

Amendment 17 to Ordinance 19-09

Amendment 17 to Ordinance 19-09 Synopsis: This amendment is sponsored by Councilmember Piedmont-Smith and shifts the effective date of the ordinance from July 1, 2019 to September 1, 2019.

Piedmont-Smith presented the amendment to the council. There was brief council discussion. Rouker stated the administration's agreement.

The motion to adopt Amendment 17 to Ordinance 19-09 received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 0.

Vote to adopt Amendment 17 to Ordinance 19-09 [10:22pm]

Volan moved and it was seconded to allow council staff to make any scribes corrections to the legislation. The motion was approved by voice vote.

Ordinance 19-09 (cont'd)

Rouker thanked the council for their attention and said it was a good piece of legislation.

Kaleb Crein thanked Piedmont-Smith for reaching out to the disability community as a whole.

Public comment:

Miles Schuck thanked the council for their deliberation.

David VanDeventer said scooters brought value to Bloomington. and that trouble shooting scooters is worth it.

There were several council comments.

Council comment:

The motion to adopt Ordinance 19-09 as amended received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 0.

Vote to adopt Ordinance 19-09 as amended [10:41pm]

Volan moved and it was seconded that Ordinance 19-12 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Volan moved and it was seconded to refer Ordinance 19-12 to the Land Use Committee for discussion on August 7, 2019 and report back to the Council at the Regular Session on September 4, 2019. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Chopra left the meeting at 10:41pm)

Ordinance 19-12 To Amend the City of Bloomington Zoning Maps by Rezoning 3.85 Acres of Property from Commercial Arterial (CA) to Planned Unit Development and to Approve a District Ordinance and Preliminary Plan - Re: 1800 N. Walnut Street (CDG Acquisitions, LLC, Petitioner) [10:43pm]

Volan moved and it was seconded that Ordinance 19-13 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 19-13 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles & Traffic" - Re: Amending 15.32.080 (No Parking Zones)

Volan moved and it was seconded that Ordinance 19-14 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 19-14 To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code - Re: Amending Chapter 2.12.110 (Parking Commission) to Loosen Requirements for Appointments to the Parking Commission

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Volan moved and it was seconded to cancel the Committee of the Whole scheduled for August 7, 2019. The motion was approved by voice vote.

COUNCIL SCHEDULE [10:48pm]

Volan moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [10:49pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this
~~16th~~ day of ~~September~~, 2020.
4th day of March 2020 NB

APPROVE:

ATTEST:



Stephen Volan, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington