

# City of Bloomington Common Council

## LEGISLATIVE PACKET

*Meetings for the week of 05-09 October 2020*

### Wednesday, 07 October 2020

*Regular Session*

*6:30 PM, immediately followed by  
Transportation Committee\**

### Friday, 09 October 2020

*Council Work Session*

*12:00 PM*

### Friday, 09 October 2020

*Jack Hopkins Social Services Funding Committee*

*5:00 PM*

**Legislation and background material contained herein:**

- [Resolution 20-14](#)
- [Ordinance 20-17](#)
- [Ordinance 20-21](#)

*\*Please see the notes on the [Agenda](#) about this week's Standing Committee and about 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 October 5 – October 9

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### AGENDAS & NOTICES FOR MEETINGS OF OCTOBER 5 – 9

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- Common Council Regular Session immediately followed by Transportation Committee\* – Notice and Agenda
  - Wednesday, October 7, 2020 at 6:30 pm, accessible via:  
<https://bloomington.zoom.us/j/95200592291?pwd=NUlpRnp3SjYwSnVJUysrNlAvODRGUT09>
- Common Council Work Session – Notice
  - Friday, October 9, 2020 at 12 noon, accessible via:  
<https://bloomington.zoom.us/j/91615763314?pwd=VTdZZUxWM3BmWVRhZE5FTW95RXUxQT09>
- Jack Hopkins Social Services Funding Committee Meeting - Notice
  - Friday, October 9, 2020 at 5:00 pm, accessible via:  
<https://bloomington.zoom.us/j/93142505491?pwd=aFdnRHlJN3pXR0tBOUhhazBYSzlhQT09>

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### MINUTES FOR APPROVAL AT REGULAR SESSION – OCTOBER 7

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- April 6, 2011 | October 5, 2011 | October 19, 2011 | November 2, 2011  
November 30, 2011 | December 7, 2011 | December 21, 2011

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### LEGISLATION AND MATERIALS FOR SECOND READINGS AND RESOLUTIONS - WEEK OF OCTOBER 5 – 9

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- **Resolution 20-14** – Resolution Proposing an Ordinance Modifying Local Income Tax Allocations in Monroe County and Casting 58.28 Votes in Favor of the Ordinance - Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates Without Changing Other Allocations or the Total Expenditure Tax Rate
  - *In lieu of the typical staff memo, please see the summary below for a description of the legislation.*
  - Worksheet displaying PS LIT Committee recommendations along with distributions from previous years
  - 2021 Central Dispatch Budget Worksheet→ Contact: Stephen Lucas, [lucass@bloomington.in.gov](mailto:lucass@bloomington.in.gov), 812-349-3409

\* Unless a different committee referral is made by the Council at the October 7 Regular Session.



## **LEGISLATION AND MATERIALS FOR FIRST READINGS FOLLOWED BY DISCUSSION AT COMMITTEE MEETING - WEEK OF OCTOBER 5 - 9**

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- **Ordinance 20-17** – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" By Replacing the Neighborhood Traffic Safety Program with the Traffic Calming and Greenways Program
  - Memo to Council – Mallory Rickbeil, Bicycle and Pedestrian Coordinator
  - Proposed Traffic Calming and Greenways Program
  - Ordinance 99-16, which established the Neighborhood Traffic Safety Program
  - Existing Neighborhood Traffic Safety Program Guidelines
    - Contact: Mallory Rickbeil, [rickbeilm@bloomington.in.gov](mailto:rickbeilm@bloomington.in.gov), 812-349-3423
    - Contact: Beth Rosenbarger, [rosenbab@bloomington.in.gov](mailto:rosenbab@bloomington.in.gov), 812-349-3423
  
- **Ordinance 20-21** - To Amend Title 12 ("Streets, Sidewalks and Storm Sewers") and Title 17 ("Construction Regulations") of the Bloomington Municipal Code Re: Deleting Chapter 12.08 (Excavations) and Replacing it with Chapter 12.08 (Use Of the Right Of Way) and Adding a New Chapter 12.10 (Enforcement and Penalties) and Deleting Three Sections of Chapter 12.04 (General Regulations) and Revising One Section of Chapter 17.08 (Administration and Enforcement)
  - Memo to Council – Sara Gomez, Public Improvements Manager & Neil Kopper, Interim Transportation and Traffic Engineer
  - Board of Public Works Resolution 2018-108
  - Right of Way Closure Flow Chart
    - Contact: Sara Gomez, [gomezs@bloomington.in.gov](mailto:gomezs@bloomington.in.gov), 812-349-3423
    - Contact: Neil Kopper, [koppern@bloomington.in.gov](mailto:koppern@bloomington.in.gov), 812-349-3423

## **SUMMARIES OF LEGISLATION**

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- **Resolution 20-14** – Resolution Proposing an Ordinance Modifying Local Income Tax Allocations in Monroe County and Casting 58.28 Votes in Favor of the Ordinance - Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates Without Changing Other Allocations or the Total Expenditure Tax Rate

Res 20-14 proposes an ordinance for adoption by the Monroe County Local Income Tax (MC LIT) Council that would reallocate the tax rate between two components of the Public Safety Local Income Tax in 2021, without changing any other rates and with no net increase to the local income taxes. It would also cast the City's 58.28 of the MC LIT Council's 100 votes in favor of the ordinance.



In particular, the ordinance would decrease the tax rate percentage for the Unified Central Dispatch, otherwise referred to in statute as the Public Safety Answering Point (PSAP), from 0.0645% to 0.0594% and increase the tax rate percentage for general public safety purposes (Public Safety) from 0.01846% to 0.1906%. The total Public Safety Income Tax rate would remain at 0.25% and the Local Income Tax Rate would remain at 1.345%.

On August 4, 2020, the PS LIT Committee made the following recommendations to the members of the Monroe County Local Income Tax Council regarding PS Lit rates and revenues in 2020:

- 1) accept the recommendation of the Policy Board regarding the PSAP tax rate for the operation of the Unified Central Dispatch;
- 2) provide no distributions of Public Safety Income Tax revenues to Qualifying Service Providers who applied under such funding under IC 6-3.6-6-8(c); and
- 3) acknowledge the allocation of the remaining tax rate and revenues by operation of law in accordance with the aforementioned statute.

*Please note that this matter is scheduled for a public hearing at the Special Session on Wednesday, October 7<sup>th</sup>.*

#### Context and History of Public Safety Local Income Tax (PS LIT)

In 2015, the General Assembly consolidated local income taxes and, among other things, enabled localities to impose a new Public Safety Local Income Tax (PS LIT). In 2016, Monroe County authorized a PS LIT with an additional 0.25% in the LIT rate. This additional tax rate was then allocated between a tax rate percentage for Public Safety Answering Point (PSAP) (IC 6-3.6-2-13.5; IC 36-8-16.7-20), which now provides primary funding for the Unified Central Dispatch, along with E911 revenues, and a tax rate percentage for other public safety purposes (General Purpose Public Safety defined in IC 6-3.6-2-14).

In addition, and as a result of a change in state law, the legislation depicted all of the local income taxes and affirmed the rates existing prior to adoption of the ordinances (Res 16-16). Since that time, the PSAP and General Public Purpose Public Safety LIT have continued, with the allocation of rates between them changing from year to year, following the recommendation of the PS LIT Committee and adoption by the MC LIT Council. (Res 18-37, Res 18-16, Res 19-14).



The following table lists the tax rates in effect in 2020 (as depicted in the MC LIT Council September 2019 Ordinance) and highlights the proposed changes for 2021:

Local Income Tax Type		Existing Rate		Proposed Changes in 2020
Property Tax Relief Rate (Indiana Code 6-3.6-5)		0.0518%		No Change
Total Expenditure Rate (Indiana Code 6-3.6-6)		1.1982%		No Change
Components of Total Expenditure Rate	Correctional and rehabilitation Facilities (IC § 6-3.6-6-2.7)		N/A	0.000%
	Public Safety		0.1846%	0.1906%
	Public Safety Answering Point (PSAP)		0.0654%	0.0594%
	Economic Development		0.0000%	No Change
	Certified Shares		0.9482%	No Change
Special Purpose Rate (Juvenile Local Income Tax) (Indiana Code 6-3.6-5)		0.095%		No Change
Total:		1.345%		No Change

Public Safety Local Income Tax – Components and Distribution

For purposes of explaining the changes proposed in Res 20-14, this memo will focus on the Public Safety and PSAP components of the Expenditure Rates set forth in the above table.

Pursuant to Indiana Code (IC 6-3.6-6-8) the revenue associated with these rates are directed in a specified order and manner:

- First, any of the rate dedicated to PSAP is directed exclusively toward this purpose;
- Second, any amounts specified by resolution of the MC LIT Council under Indiana Code § 6-3.6-6-8(c) are directed to Qualifying Service Providers who apply for funds before July 1<sup>st</sup> (There are no funds directed to Qualifying Services Providers for 2021); and
- Third, the remainder of these revenues are directed via the certified distribution to taxing units who are members of the Monroe County Local Income Tax Council as set forth under Indiana Code § 6-3.6-6-8(b).

PS LIT Committee Recommendations

The PS LIT Committee met June 4, June 11, and August 4, and made the following funding recommendations:

1. \$2, 247,490 for Unified Central Dispatch;
2. \$0 for Qualifying Service Providers; and
3. The remainder of the public safety LIT revenue (est. \$7,211,703) to be distributed as certified shares to the four eligible taxing units.



- **Ordinance 20-17** – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" By Replacing the Neighborhood Traffic Safety Program with the Traffic Calming and Greenways Program

Ord 20-17 seeks to replace the existing Neighborhood Traffic Safety Program (NTSP) with a newly-proposed Traffic Calming and Neighborhood Greenways Program. The NTSP was passed by the Common Council in June of 1999. The objectives of the NTSP were to:

1. Improve the neighborhood livability by mitigating the negative impact of vehicular traffic on residential neighborhoods;
2. Promote safe, reasonably convenient, accessible and pleasant conditions for bicyclists, pedestrians, motorists, transit riders and residents on neighborhood streets;
3. Encourage citizen involvement in all phases of Neighborhood Traffic Safety Activities; and
4. Make efficient use of City and citizen resources and energy.

Since the adoption of the NTSP, there have been few successful traffic calming projects, largely due to the cumbersome process set forth in the NTSP. The NTSP requires that 51% of all eligible households sign a petition in favor of a proposed traffic calming installation simply to begin the process. Additionally, the NTSP requires that notice and a confidential mail ballot regarding the project be sent to all properties a) on a proposed project street; and b) on any other street that must use the proposed project street as their primary access. The proposed project is only forwarded to the Common Council for action if 50% of all eligible ballots respond in favor of the project. This requirement is a significant barrier to successful implementation. Finally, it is noteworthy that the NTSP does not have a process that allows City staff to lead and install Traffic Calming or Neighborhood Greenways.

In 2012, the Common Council formed a Special Committee on Street Design to review the NTSP and make recommendations for updates. Key among those recommendations was the need to rewrite the NTSP. The Committee recommended the following considerations for the rewrite: a) shorten the NTSP process to 12 months from application to resolution; b) assign a Planning staff member to be the "Case Manager" for a project and to publish regular updates on it; c) make the Bicycle and Pedestrian Safety Commission review a more significant step in the NTSP process; d) change the standard for driving speed to be the 95<sup>th</sup>, not the 85<sup>th</sup> percentile when considering the redesign of a street, especially one undergoing the NTSP process; e) set up a scoring system for all suggested NTSP projects; f) proactively solicit "alternative solutions" to a given traffic problem from all corners, rather than start with preconceived notions like a traffic island or speed bumps, and integrate this into the NTSP process; and g) put landscaping requirements into the NTSP and attach new calming areas to private property, much like sidewalks are.



The proposed program is the result of the recommendations in the Comprehensive Plan, the Transportation Plan and incorporates the 2012 Common Council Special Committee on Street Design's recommendations to reduce the process to 12 months, make the BPSC review an integral step and create a scoring system for potential projects, among other recommendations.

The guiding principles of the Proposed Traffic Calming and Greenways Program (TCGP) are:

1. Evaluation and prioritization of TCGP installation should be based upon objective, pre-established criteria; be in alignment with the City of Bloomington adopted plans and goals; and be reviewed by a designated City Commission who oversee traffic calming, and/or long range transportation planning;
2. TCGP projects shall enhance pedestrian, bicyclist, and other micro-mobility mode user's access through the neighborhood and preference shall be given to projects that enhance access to transit as well;
3. Traffic calming devices should be planned and designed in keeping with planning and engineering best practices;
4. Reasonable emergency and service vehicle access and circulation should be preserved;
5. City staff shall direct the installation of traffic calming measures in compliance with this policy and as adopted into the BMC;
6. The TCGP is mainly intended for: Shared Street, Neighborhood Residential Street, and Neighborhood Connect Street typologies and, on occasion, may include traffic calming elements as part of a larger infrastructure project;
7. Some motorists may choose to reroute from one street to another as a result of a TCGP project. In some cases, this rerouting may require updates to a project, but the goals of mode shift and improved safety for all road users should generally supersede minor shifts in rerouting. Minor increases in traffic volumes on adjacent streets are anticipated and acceptable levels should be defined on a project-by-project basis;
8. Processes shall provide for reasonable but not onerous resident participation in plan development and evaluation.

The proposed policy provides two distinct processes to follow in order to install traffic calming:

1) A Resident- Led Traffic Calming Process, which functions similarly to a grant cycle. Groups of organized residents can request to add speed cushions and speed humps in order to slow motor vehicle traffic and mitigate speeding (other devices may be considered in some contexts). Projects will be objectively evaluated and ranked based upon the incident of risk-causing factors and prevalence of vulnerable users. The Bicycle and Pedestrian Safety Commission (BPSC) determines the priority of projects and funding based on available resources in that funding cycle.



2) Staff-Led Traffic Calming/Neighborhood Greenway Process, which allows City staff to address situations to improve public safety, especially for vulnerable users. This process allows the City to lead the design, public engagement, and installation of Traffic Calming and Neighborhood Greenways outlined in the Transportation Plan (traffic calming devices are defined by state code and may include speed bumps, curb extension, chicanes, and/or diagonal diverters in addition to design strategies). This program provides the City the tools to implement projects identified in the Transportation Plan and to address public safety risks. Proposed projects will proceed unless 75% of the BPSC appointed members vote to send the project back to City staff for further development.

Key changes:

1. There are two traffic calming project proposal processes – one for residents and one for staff.
  2. The requirements that residents must have signatures of 51% of affected households to apply, and that 50% of all affected households must return the ballots sent with notice of the proposed project to residents following the initial application no longer apply. Instead, residents can submit an application for review with the lesser of 24 signatures from Affected Housing Units or 51% of the Affected Housing Units impacted by the proposed Traffic calming installation.
  3. For Resident-led requests, the BPSC makes the final determination of priority and funding of projects.
  4. For Staff-led Projects, proposals proceed unless 75% of the BPSC appointed members vote to send the project back to City staff for further development.
  5. Projects would no longer be forwarded to Common Council for action.
- **Ordinance 20-21** - To Amend Title 12 (“Streets, Sidewalks and Storm Sewers”) and Title 17 (“Construction Regulations”) of the Bloomington Municipal Code Re: Deleting Chapter 12.08 (Excavations) and Replacing it with Chapter 12.08 (Use Of the Right Of Way) and Adding a New Chapter 12.10 (Enforcement and Penalties) and Deleting Three Sections of Chapter 12.04 (General Regulations) and Revising One Section of Chapter 17.08 (Administration and Enforcement)

Ord 20-21 proposes amendments to both Title 12 and Title 17 of the Bloomington Municipal Code (“BMC”). The bulk of the changes are made in Title 12, with the largest change involving a repeal and replacement of BMC Chapter 12.08.

The existing Chapter 12.08 can be viewed online here:

[https://library.municode.com/in/bloomington/codes/code\\_of\\_ordinances?nodeId=TIT12S TSISTSE\\_CH12.08EX](https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT12S TSISTSE_CH12.08EX).





Other changes involve:

- The consolidation of three existing portions of code dealing with sidewalk obstructions and walkarounds into one code section within the newly-proposed Chapter 12.08;
- The addition of a new Chapter 12.10 entitled “Enforcement and Penalties” to be added to the code to provide and house more efficient and specific enforcement procedures; and
- Deletions within existing sections in Title 12 and Title 17 to effectuate the changes noted above.

The memo provided by Sarah Gomez and Neil Kopper discusses the specific proposed changes to code.

For additional context on the consolidation of existing BMC sections 12.04.110, 12.04.120, and 12.04.130, which all deal with sidewalk obstructions and walkarounds, this packet includes a Board of Public Works Resolution 2018-108 and associated right-of-way use flow chart. These documents clarify when decisions about right-of-way closures should be made by relevant staff members and when such decisions must be made by the Board of Public Works.

**NOTICE AND AGENDA  
THE BLOOMINGTON COMMON COUNCIL**

**REGULAR SESSION  
IMMEDIATELY FOLLOWED BY THE  
TRANSPORTATION COMMITTEE\***

**WEDNESDAY, 07 OCTOBER 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/95200592291?pwd=NUlpRnp3SjYwSnVJUysrNlAvODRGUT09>

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES**

April 6, 2011 (Regular Session)  
October 5, 2011 (Regular Session)  
October 19, 2011 (Regular Session)  
November 2, 2011 (Regular Session)  
November 30, 2011 (Regular Session)  
December 7, 2011 (Regular Session)  
December 21, 2011 (Regular Session)

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

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public\*\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

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

1. Resolution 20-14 - Resolution Proposing an Ordinance Modifying Local Income Tax Allocations in Monroe County and Casting 58.28 Votes In Favor Of the Ordinance - Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates without Changing Other Allocations or the Total Expenditure Tax Rate

Committee recommendation: N/A

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 20-17 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" By Replacing the Neighborhood Traffic and Safety Program with the Traffic Calming and Greenways Program
2. Ordinance 20-21 - To Amend Title 12 ("Streets, Sidewalks and Storm Sewers") and Title 17 ("Construction Regulations") of the Bloomington Municipal Code Re: Deleting Chapter 12.08 (Excavations) and Replacing it with Chapter 12.08 (Use Of the Right Of Way) and Adding a New Chapter 12.10 (Enforcement and Penalties) and Deleting Three Sections of Chapter 12.04 (General Regulations) and Revising One Section of Chapter 17.08 (Administration and Enforcement)

**VIII. ADDITIONAL PUBLIC COMMENT\*\***

*(A maximum of twenty-five minutes is set aside for this section.)*

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

\*A meeting of this Committee is scheduled pursuant to a preliminary referral of anticipated legislation by the Council President. At its October 7, 2020 Regular Session, the Council may confirm this preliminary referral, or refer legislation to a different Council committee, including the Committee of the Whole. Therefore, notice is provided that a committee meeting will occur and will be open for the public to attend, observe, and record what transpires.

\*\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

*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](mailto: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.*

(Continued on next page)

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL**

**TRANSPORTATION COMMITTEE\*  
IMMEDIATELY FOLLOWING THE REGULAR SESSION**

**WEDNESDAY, 07 OCTOBER 2020**

*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/95200592291?pwd=NUlpRnp3SjYwSnVJUysrNlAvODRGUT09>

**Chair: Kate Rosenbarger**

1. Ordinance 20-17 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" By Replacing the Neighborhood Traffic and Safety Program with the Traffic Calming and Greenways Program

Asked to attend: Mallory Rickbeil, Bicycle and Pedestrian Coordinator  
Beth Rosenbarger, Planning Services Manager

2. Ordinance 20-21 - To Amend Title 12 ("Streets, Sidewalks and Storm Sewers") and Title 17 ("Construction Regulations") of the Bloomington Municipal Code Re: Deleting Chapter 12.08 (Excavations) and Replacing it with Chapter 12.08 (Use Of the Right Of Way) and Adding a New Chapter 12.10 (Enforcement and Penalties) and Deleting Three Sections of Chapter 12.04 (General Regulations) and Revising One Section of Chapter 17.08 (Administration and Enforcement)

Asked to attend: Sara Gomez, Public Improvements Manager  
Neil Kopper, Interim Transportation and Traffic Engineer

\*A meeting of the Transportation Committee is scheduled pursuant to a preliminary referral of anticipated legislation by the Council President. At its October 7 Regular Session, the Council may confirm this preliminary referral, or refer legislation to a different Council committee, including the Committee of the Whole. Therefore, notice is provided that a committee meeting will occur and will be open for the public to attend, observe, and record what transpires.

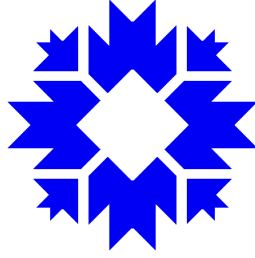
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*Statement on public meetings during public health emergency:*

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

**NOTICE**

**Wednesday, 07 October 2020 at 6:30 PM**

***Regular Session immediately followed by  
Transportation Committee\****

*\*A meeting of the Transportation Committee is scheduled pursuant to a preliminary referral of anticipated legislation by the Council President. At its October 7 Regular Session, the Council may confirm this preliminary referral, or refer legislation to a different Council committee, including the Committee of the Whole. Therefore, notice is provided that a committee meeting will occur and will be open for the public to attend, observe, and record what transpires.*

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*<https://bloomington.zoom.us/j/95200592291?pwd=NUlpRnp3SjYwSnVlUysrNlAvODRGUT09>*

*Statement on public meetings during public health emergency*

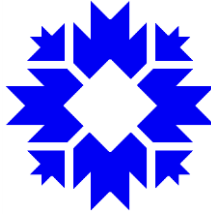
*As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:*

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*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.*

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, 02 October 2020**



City of Bloomington  
Office of the Common Council

# NOTICE

## COMMON COUNCIL WORK SESSION

**Friday, 09 October 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/95200592291?pwd=NUlpRnp3SjYwSnVJUysrNlAvOERGUT09>

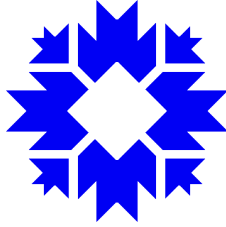
*Statement on public meetings during public health emergency*

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City of Bloomington  
Office of the Common Council

# NOTICE

**Jack Hopkins Social Services Funding Committee**  
**Application Review Meeting**

**Friday, 09 October 2020**  
**5:00pm**

*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/93142505491?pwd=aFdnRHlN3pXR0tBOUhhazBYSzlhQT09>

*Statement on public meetings during public health emergency*

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Posted: Friday, 02 October 2020

**RESOLUTION 20-14**

**RESOLUTION PROPOSING AN ORDINANCE MODIFYING  
LOCAL INCOME TAX ALLOCATIONS IN MONROE COUNTY AND  
CASTING 58.28 VOTES IN FAVOR OF THE ORDINANCE**

- Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP)  
and General Public Safety Purposes Tax Rates  
Without Changing Other Allocations or the Total Expenditure Tax Rate**

WHEREAS, the Monroe County (“County”) Local Income Tax Council previously imposed a County Option Income Tax in the County (under Indiana Code 6-3.5) which, pursuant to Indiana Code 6-3.6, was transformed into a Local Income Tax; and

WHEREAS, pursuant to Indiana Code § 6-3.6-3-1, having previously adopted the County Option Income Tax in the County under Indiana Code 6-3.5-6, the County Local Income Tax Council continues to serve as the adopting body for the Local Income Tax and with the same membership; and

WHEREAS, Indiana Code 6-3.6 permits Local Income Taxes to be imposed for various specified purposes, including one for public safety (“Public Safety Income Tax”) and, pursuant to Indiana Code §6-3.6-6-8, a portion of the Public Safety Income Tax may be used to fund a public safety answering point (“PSAP”) and the remainder may be used for other public safety (General Public Safety) purposes as defined in Indiana Code §6-3.6-2-14; and

WHEREAS, pursuant to Indiana Code § 6-3.6-11-4, the tax revenues for PSAP shall be allocated and distributed to the PSAP before allocation and distribution to any taxing units; and

WHEREAS, in September 2016, after notice and a hearing and in support of public safety for all county residents, the Monroe County Local Income Tax Council adopted an ordinance that increased the local income tax expenditure rate by twenty five hundredths percent (0.25%) (“2016 Increased Expenditure Rate”) from nine thousand four hundred eighty two ten-thousandths percent (0.9482%) (“Previous Expenditure Rate”) to one and one thousand nine hundred eighty two ten-thousandths percent (1.1982%) pursuant to Indiana Code § 6-3.6-6-2; and

WHEREAS, upon adoption of that ordinance, the total Local Income Tax Rate rose to one and three hundred forty five thousandths percent (1.345%), with the 2016 Increased Expenditure Rate allocated to and used for public safety purposes pursuant to Indiana Code § 6-3.6-6-8 (“Public Safety Income Tax”), and the Previous Expenditure Rate remaining allocated to Certified Shares pursuant to Indiana Code § 6-3.6-6-10; and

WHEREAS, the Public Safety Income Tax generated by the aforementioned 2016 Increased Expenditure Rate is composed of two tax rates, one of which directs tax revenues to PSAP and the other of which directs tax revenues to General Public Safety purposes; and

WHEREAS, along with authorizing the 2016 Increased Expenditure rate, the September 2016 ordinance also divided this rate and associated revenue between these two purposes for the fiscal year 2017, and, these rates were subsequently modified by the County Local Income Tax Council for fiscal year 2018, 2019, and 2020, with the adoption of ordinances in October 2017, October 2018, and September 2019; and

WHEREAS, the allocations made by ordinance in September 2016, as modified by the ordinances in October 2017, October 2018, and September 2019 are depicted in the following table and, pursuant to Indiana Code § 6-3.6-6-4, continue in effect until rescinded or modified:



Local Income Tax Type		Existing Rate	
<b>Property Tax Relief Rate (Indiana Code 6-3.6-5)</b>		0.0518%	
<b>Total Expenditure Rate (Indiana Code 6-3.6-6)</b>		1.1982%	
<i>Components of Total Expenditure Rate</i>	Public Safety		0.1846%
	Public Safety Answering Point		0.0654%
	Economic Development		0.0000%
	Certified Shares		0.9482%
<b>Special Purpose Rate (Juvenile Local Income Tax) (Indiana Code 6-3.6-5)</b>		0.095%	
<b>Total:</b>		1.345%	

WHEREAS, in 2018, with enactment of P.L. 184-2018, a Correctional Facility Rate as set forth in IC § 6-3.6-6-2.7, was added as another component of the Total Expenditure Rate, but is not included in the above table because the Monroe County Council, as fiscal body for Monroe County, serves as the adopting body per IC § 6-3.6-3-1 and, it should be noted, has not adopted this rate; and

WHEREAS, Indiana Code § 6-3.6-6-8(c) requires the Monroe County Local Income Tax Council to review, but not necessarily fund, timely applications submitted for a distribution of Public Safety Income Tax revenues from fire departments, volunteer fire departments, and emergency medical services providers that: (1) provide fire protection or emergency medical services within Monroe County and (2) are operated by or serve a political subdivision that is not otherwise entitled to a distribution of Public Safety Income Tax (“Qualifying Service Providers”); and

WHEREAS, pursuant to Indiana Code § 6-3.6-6-8(c), any specified amounts of Public Safety Income Tax revenues directed by resolution of the Monroe County Local Income Tax Council to the aforementioned Qualifying Service Providers shall be distributed before the remainder of public safety revenue is directed by certified distribution to the jurisdictions represented on the Monroe County Local Income Tax Council; and

WHEREAS, from the beginning of June to the beginning of August of this year, representatives from the members of the County Local Income Tax Council convened as the Public Safety Local Income Tax (PS LIT) Committee (of the County Local Income Tax Council) to review PS LIT expenditures and estimated revenues, review applications for funding by Qualifying Service Providers under the above statutory provision, and consider recommendations from the Dispatch Policy Board regarding the 2021 Budget for Unified Central Dispatch (which is primarily funded by the local PSAP); and

WHEREAS, at its meeting on August 4, 2020, the PS LIT Committee made the following recommendations to the County Local Income Tax Council regarding PS LIT rates and revenues in 2020: 1) accept the recommendation of the Policy Board regarding the PSAP tax rate for the operation of the Unified Central Dispatch; 2) provide no distributions of Public Safety Income Tax revenues to aforementioned Qualifying Service Providers who applied under IC 6-3.6-6-8(c) (after considering recommendations of the Monroe County Council, which had been delegated the task of reviewing applications); and, 3) acknowledge the allocation of the remaining tax rate and revenues by operation of law in accordance with the aforementioned statute; and

WHEREAS, the Bloomington Common Council is a member of the County Local Income Tax Council, was represented on the PS LIT Committee, and is adopting this resolution in order to propose to the other members of the County Local Income Tax Council the following ordinance that reflects the recommendations of the PS LIT Committee and, in so doing, also to cast its fifty-eight and twenty-eight hundredths (58.28) votes as a member of the Monroe County Local Income Tax Council in favor of this proposed ordinance; and

WHEREAS, pursuant to Indiana Code § 6-3.6-3-7, before a member of the Monroe County Local Income Tax Council may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and: 1) provide notice to the public with the time and place where the public meeting will be held in accordance with Indiana Code 5-3-1 and include the proposed ordinance or resolution to propose an ordinance in that notice; and 2) provide a copy of that notice to all the taxing units in the county at least ten days in advance of the hearing; and

WHEREAS, the Bloomington Common Council has provided notice in accordance with Indiana Code 5-3-1 and Indiana Code § 6-3.6-3-7.

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

SECTION 1. A need now exists in Monroe County, Indiana, to modify the allocation of the previously imposed expenditure rate under Indiana Code 6-3.6-6. As a member of the Monroe County Local Income Tax Council, the Common Council of the City of Bloomington is adopting this resolution in order to propose the ordinance below to the other members of the Monroe County Local Income Tax Council.

**ORDINANCE OF THE MONROE COUNTY LOCAL INCOME TAX  
COUNCIL MODIFYING LOCAL INCOME TAX  
ALLOCATIONS IN MONROE COUNTY**

- **Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purpose Tax Rates without Changing Other Allocations or the Total Expenditure Tax Rate**

**BE IT ORDAINED BY THE LOCAL INCOME TAX COUNCIL OF MONROE COUNTY, INDIANA, THAT:**

1. A need now exists to modify the allocation of the portion of the Local Income Tax used for public safety purposes (“Public Safety Income Tax”). At present, the Public Safety Income Tax (0.25%) is divided between the Public Safety Answering Point (0.0654%) and General Public Safety (0.1846%).

2. For the avoidance of doubt, no change to the other existing tax rates is intended or authorized by this Ordinance. Those other existing tax rates include: (1) the special purpose tax rate imposed by the Monroe County Council under Indiana Code § 6-3.6-7-16 (“Juvenile Local Income Tax”) (which is currently ninety five one thousandths percent [0.095%]); (2) the property tax rate under Indiana Code 6-3.6-5 (“Property Tax Relief Rate”) (which is currently five hundred eighteen ten thousandths percent [0.0518%]); (3) the tax rate under Indiana Code § 6-3.6-6-10 (Certified Shares) (which is currently nine thousand four hundred and eighty two ten thousandths percent [0.9482%]); and, (4) the total tax rate under Indiana Code 6-3.6-6 (“Expenditure Tax Rate”) (which is currently one and nineteen hundred and eighty-two ten thousandths percent [1.1982%]).

3. In order to support public safety for all county residents, the Monroe County Local Income Tax Council hereby reallocates the Public Safety Income Tax as follows: The Public Safety Answering Point Rate, which is directed to the public safety answering point, shall be decreased from 0.0654% to 0.0594% and the General Public Safety Rate, which shall be used for other public safety purposes under Indiana Code § 6-3.6-6-8, shall be increased from 0.1864% to 0.1906%. The total Public Safety Income Tax shall remain at 0.25% and the total Local Income Tax Rate shall remain at 1.345%.

4. As a result of the actions in this Ordinance, the Public Safety Income Tax will be divided as follows, beginning on January 1, 2021:

<b>Allocation Rate Category</b>	<b>Existing Rate</b>	<b>Proposed Rate</b>
Public Safety Rate (IC 6-3.6-6)	0.1846%	0.1906%
<b>Local Income Tax Type</b>	<b>Existing Rate</b>	<b>Proposed Rate</b>
Public Safety Answering Point Rate	0.0654%	0.0594%

Further, pursuant to Indiana Code § 6-3.6-6-8, the revenue associated with these rates shall be directed in the following manner. First, these revenues will be directed to the PSAP. Second, the remainder of these revenues shall be directed via the certified distribution to taxing units who are members of the Monroe County Local Income Tax Council as set forth under Indiana Code § 6-3.6-6-8(b).

5. For further avoidance of doubt, no other change in the ordinance adopted in September 2016 is intended or authorized. In that regard, the ordinance affirms and clarifies that, pursuant to Indiana Code § 6-3.6-6-4, the Monroe County Local Income Tax Council continues to retain the right to change the allocation of the existing taxes comprised within the expenditure rate on an annual basis. At this time in Monroe County, the components of the expenditure rate that may be affected by this allocation include the PSAP rate, Public Safety rate and Certified Shares rate. Any future change to the allocation of the three applicable local income taxes mentioned above must be done via an ordinance of the Monroe County Local Income Tax Council in a manner and with an effective date as set forth Indiana Code § 6-3.6-3-3, as may be amended by the Indiana General Assembly from time to time. Currently, the effective date for an ordinance changing the allocation of the local income tax adopted after August 31<sup>st</sup> and before November 1<sup>st</sup> of the current year is January 1<sup>st</sup> of the following year.

6. This ordinance shall take effect upon passage and in accordance with Indiana Code 6-3.6-3.

7. The Monroe County Auditor shall, pursuant to Indiana Code § 6-3.6-3-5, record all votes taken on this ordinance and not more than ten (10) days after the vote, send a certified copy of the results to the commissioners of the department of state revenue and department of local government finance in an electronic format approved by the commissioner of the department of local government finance.

8. Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this legislation, to the extent feasible, shall remain in full force and effect.

SECTION 2. BE IT FURTHER RESOLVED that by adopting this resolution, the City of Bloomington Common Council is casting all of its fifty-eight and twenty-eight hundredths (58.28) votes as a member of the Monroe County Local Income Tax Council in favor of the proposed ordinance.

SECTION 3. BE IT FURTHER RESOLVED that a public hearing was held on this resolution and the proposed ordinance at a Regular Session on Wednesday, October 7, 2020. Proper notice of the public hearing was provided in accordance with IC 5-3-1 and IC 6-3.6-3-7.

SECTION 4. This resolution 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.

Duly adopted by the following vote of the members of said Common Council of the City of Bloomington, Monroe County, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

<u>Name</u>	<u>(circle one)</u>			<u>Signature</u>
Stephen Volan, President	Aye	Nay	Abstain	_____
Jim Sims, Vice President	Aye	Nay	Abstain	_____
Isabel Piedmont-Smith, Parliamentarian	Aye	Nay	Abstain	_____
Matt Flaherty	Aye	Nay	Abstain	_____
Dave Rollo	Aye	Nay	Abstain	_____
Kate Rosenbarger	Aye	Nay	Abstain	_____
Susan Sandberg	Aye	Nay	Abstain	_____
Sue Sgambelluri	Aye	Nay	Abstain	_____
Ron Smith	Aye	Nay	Abstain	_____

ATTEST:

<u>Name/Office</u>	<u>Date</u>	<u>Signature</u>
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

Attest: \_\_\_\_\_, Fiscal Officer

SYNOPSIS

Resolution 20-14 proposes an ordinance to the Monroe County Local Income Tax Council that would modify the allocation of tax revenues between two components of the Local Income Tax Expenditure tax rate. This reallocation will affect the public safety answering point (PSAP) and general public safety (Public Safety) rates authorized under Indiana Code § 6-3.6-6-8, without changing other components of the Expenditure Rate or the Expenditure Rate overall. With adoption of the ordinance, the tax rate for the PSAP would decrease to 0.0594% (representing 23.76% of the total), and the tax rate for Public Safety would increase to 0.1906% (representing 76.24% of the total). The reallocation follows the recommendation of the Public Safety Local Income Tax Committee of the County Income Tax Council and would go into effect on January 1, 2021.

**RESOLUTION 20-14**

**RESOLUTION PROPOSING AN ORDINANCE MODIFYING  
LOCAL INCOME TAX ALLOCATIONS IN MONROE COUNTY AND  
CASTING 58.28 VOTES IN FAVOR OF THE ORDINANCE**

- **Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates Without Changing Other Allocations or the Total Expenditure Tax Rate**

**Memo to the Council**

*Please see the portion of the Packet Memo on this item, which serves as the Memo to the Council on this Legislation this week.*

**PS LIT**  
**Distribution for 2017, 2018, 2019, 2020**

														PS LIT Committee Recommendations		
		2017			2018			2019			2020			2021		
		Revenue	Tax Rate	% of Revenue	Revenue	Tax Rate	% of Revenue	July Revised numbers	Tax Rate	% of Revenue	Revenue estimate	Tax Rate	% of revenue	9/15 Revenue estimate	Tax Rate	% of revenue
	Public Safety Revenue (Tax Rate) = Total of 1) + 2) +3)	7,527,404	0.250%	100%	7,848,979	0.250%	100%	8,240,880	0.250%	100%	8,654,679	0.250%	100%	9,459,193	0.250%	100%
PSAP	1) PSAP Revenue (Tax Rate)	2,182,947	0.072%	29.00%	2,875,866	0.092%	36.64%	3,019,458	0.0916%	36.64%	2,263,238	0.065%	26.150%	2,247,490	0.0594%	23.760%
PSAP Unappropriated											826					
GENERAL PURPOSE PUBLIC SAFETY	2) Allocation to Qualified Providers	341,560	0.011%	4.54%	\$ 0	0.00%	0.00%	360,000	0.0109%	4.37%	389,461	0.011%	4.50%	0		0.00%
	3) Public Safety Certified Shares 2	5,002,897	0.166%	66.46%	4,973,113	0.158%	63.36%	4,861,422	0.1475%	58.99%	6,001,154	0.173%	69.34%	7,211,703	0.1906%	76.240%
	Monroe County	2,239,002	44.75%		2,239,953	45.04%		2,247,166	46.22%		2,757,687	45.95%		3,308,689	45.88%	
	City of Bloomington	2,613,515	52.24%		2,583,911	51.96%		2,473,382	50.88%		3,071,734	51.19%		3,696,214	51.25%	
	Town of Ellettsville	149,457	2.99%		148,330	2.98%		140,013	2.88%		170,688	2.84%		205,552	2.85%	
	Town of Stinesville	923	0.02%		919	0.02%		861	0.02%		1,046	0.02%		1,246	0.02%	

PS LIT portion of 2021 Dispatch Budget

Note: these percentages apply to the Public Safety Certified Shares

Central Dispatch Budget				2020	2020	2020	2021	2021	2021	2021	2021
Major Category	Account Number	Minor Category	Amount	Public Safety LIT	E911 Funds Total	Total for Both	Public Safety LIT	E911 Funds Total	Total Proposed	Proposed change to total budget	
										budget	Incr./Decr.
Personnel Services	51110	Salaries and Wages		1,178,756.00	\$338,539.12	\$1,517,295.12	1,049,887.57	720,000.00	\$1,769,887.57	\$252,592.45	increase
	51130	salaries and Wages Overtime		100,000.00	\$97,648.88	\$197,648.88	120,000.00	above is city	120,000.00	-77,648.88	decrease
	51210	FICA		131,193.22	above is city	\$131,193.22	144,576.00	interlocal	144,576.00	13,382.78	increase
	51220	PERF		243,522.05	interlocal	\$243,522.05	268,364.00		\$268,364.00	\$24,841.95	increase
	51230	Health and Life nsurance		485,316.00		\$485,316.00	\$542,412.00		\$542,412.00	\$57,096.00	increase
<b>Total Personnel Services</b>				<b>\$2,138,787.27</b>	<b>\$436,188.00</b>	<b>\$2,574,975.27</b>	<b>\$2,125,239.57</b>	<b>\$720,000.00</b>	<b>\$2,845,239.57</b>	<b>\$270,264.30</b>	<b>increase</b>
Supplies											
	52110	Office Supplies		\$700.00		\$700.00	700.00		\$700.00	\$0.00	
	52210	Institutional Supplies		\$2,000.00		\$2,000.00	3,000.00		\$3,000.00	\$1,000.00	increase
	52310	Building Materials and Supplies		\$1,000.00		\$1,000.00	2,000.00		\$2,000.00	\$1,000.00	increase
	52340	Other Repairs and Maintenance		\$1,000.00		\$1,000.00	1,000.00		\$1,000.00	\$0.00	
	52420	Other Supplies		\$33,000.00		\$33,000.00	33,000.00		\$33,000.00	\$0.00	
<b>Total Supplies</b>				<b>\$37,700.00</b>	<b>\$0.00</b>	<b>\$37,700.00</b>	<b>\$39,700.00</b>	<b>\$0.00</b>	<b>\$39,700.00</b>	<b>\$2,000.00</b>	<b>increase</b>
Other Services and Charges											
	53140	Exterminator Services		\$750.00		\$750.00	550.00		\$550.00	-\$200.00	decrease
	53150	Communications Contract		\$0.00	\$620,000.00	\$620,000.00		575,000.00	\$575,000.00	-\$45,000.00	decrease
	53160	Instruction		\$0.00	\$15,000.00	\$15,000.00		20,000.00	\$20,000.00	\$5,000.00	increase
	53210	Telephone		\$3,500.00		\$3,500.00	\$3,500.00		\$3,500.00	\$0.00	
	53410	Liability/Casualty Premiums		\$11,000.00		\$11,000.00	\$14,000.00		\$14,000.00	\$3,000.00	increase
	53510	Electrical Services		\$40,000.00		\$40,000.00	\$35,000.00		\$35,000.00	-\$5,000.00	decrease
	53530	Water and Sewer		\$1,500.00		\$1,500.00	\$1,500.00		\$1,500.00	\$0.00	
	53610	Building Repairs		\$15,000.00		\$15,000.00	\$20,000.00		\$20,000.00	\$5,000.00	increase
	53630	Machinery and Equipment Repairs		\$6,000.00		\$6,000.00	\$6,000.00		\$6,000.00	\$0.00	
	53650	Other Repairs and Maintenance		\$0.00		\$0.00			\$0.00	\$0.00	increase
	53990	Other Services and Charges		\$3,000.00		\$3,000.00	\$2,000.00		\$2,000.00	-\$1,000.00	increase
<b>Total Other Services and Charges</b>				<b>\$80,750.00</b>	<b>\$635,000.00</b>	<b>\$715,750.00</b>	<b>\$82,550.00</b>	<b>\$595,000.00</b>	<b>\$677,550.00</b>	<b>-\$38,200.00</b>	<b>decrease</b>
City Interlocal	1222.31065.000.0000	City Interlocal			\$436,188.00			\$720,000.00			
					applied in salaries			applied in salaries			
Capital Outlays	54510	Other Capital Outlays		\$6,000.00	\$294,000.00	\$300,000.00		50,000.00	50,000.00	(250,000.00)	decrease
<b>Total Capital Outlays</b>				<b>\$6,000.00</b>	<b>\$294,000.00</b>	<b>\$300,000.00</b>	<b>\$0.00</b>	<b>\$50,000.00</b>	<b>\$50,000.00</b>	<b>-\$250,000.00</b>	<b>decrease</b>
<b>Total Budget</b>				<b>\$2,263,237.27</b>	<b>\$1,365,188.00</b>	<b>\$3,628,425.27</b>	<b>\$2,247,489.57</b>	<b>\$1,365,000.00</b>	<b>\$3,612,489.57</b>	<b>-\$15,935.70</b>	<b>decrease</b>

**ORDINANCE 20-17**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED "VEHICLES AND TRAFFIC"  
Re: Amending Chapter 15.26 Entitled "Neighborhood Traffic Safety Program"  
By Replacing the Neighborhood Traffic Safety Program with  
the Traffic Calming and Greenways Program**

- WHEREAS, on June 2, 1999, the Bloomington Common Council adopted Ordinance 99-16, which established the Neighborhood Traffic Safety Program; and
- WHEREAS, in January 2018, the Bloomington Common Council passed Resolution 18-01, adopting the City's *Comprehensive Plan*; and
- WHEREAS, the *Comprehensive Plan* is the City's long-range vision for the community, one upon which future land use and other policy decisions are predicated; and
- WHEREAS, the *Comprehensive Plan* outlines broad goals, policies, and programs to strengthen the environmental, social, and economic well-being of the community and its residents; and
- WHEREAS, the *Comprehensive Plan* Goal 6.1 states, "Increase Sustainability: Improve the sustainability of the transportation system." (*Comprehensive Plan*, pg. 74); and
- WHEREAS, the *Comprehensive Plan* Goal 6.3 states, "Improve the Bicycle and Pedestrian Network: Maintain, improve, and expand an accessible, safe, and efficient network for pedestrians, and attain platinum status as a Bicycle Friendly Community, as rated by the League of American Bicyclists" (*Comprehensive Plan*, pg.74); and
- WHEREAS, the *Comprehensive Plan* Goal 6.4 states, "Prioritize Non-Automotive Modes: Continue to integrate all modes into the transportation network and to prioritize bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users." (*Comprehensive Plan*, pg.75); and
- WHEREAS, the *Comprehensive Plan* Goal 6.5 states, "Protect Neighborhood Streets: Protect neighborhood streets that support residential character and provide a range of local transportation options" (*Comprehensive Plan*, pg.75); and
- WHEREAS, the *Comprehensive Plan* Policy 6.5.1 states, "Implement traffic calming measures where safety concerns exist to manage motor vehicle traffic on residential streets" (*Comprehensive Plan*, pg. 75); and
- WHEREAS, the *Transportation Plan*, which is part of the *Comprehensive Plan*, recommends to "Update the existing traffic calming policy;" and
- WHEREAS, the *Transportation Plan*, recommends the City design and install Neighborhood Greenways throughout the community to serve a transportation function for people walking and bicycling, and Neighborhood Greenways utilize traffic calming; and
- WHEREAS, the Traffic Commission, Bicycle and Pedestrian Safety Commission, and City staff from the Planning and Transportation Department and the Legal Department recommend certain changes be made in Title 15 of the Bloomington Municipal Code entitled "Vehicles and Traffic,"



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

SECTION 1. Chapter 15.26 of the Bloomington Municipal Code entitled, "Neighborhood Traffic Safety Program," including Section 15.26.020, "Neighborhood traffic safety program," and Section 15.26.030, "Utilization of neighborhood traffic safety program locations," shall be revised by replacing all references to "Neighborhood Traffic Safety Program" to "Traffic Calming and Greenways Program."

SECTION 2. Section 15.26.040 entitled "Traffic calming locations" shall be removed in its entirety.

SECTION 3. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application 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 4. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

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 ordinance replaces the City's existing traffic calming policy (the Neighborhood Traffic Safety Program) with the Traffic Calming and Greenways Program developed by the Planning and Transportation Department. The Traffic Calming and Greenways Program sets the standard for the prioritization and placement of neighborhood traffic calming and related traffic control devices and requires a consistent procedure for resident-led and staff-led processes.

# MEMORANDUM

**To:** City of Bloomington Common Council

**From:** Mallory Rickbeil, Bicycle and Pedestrian Coordinator, Planning and Transportation Department

**Date:** September 29, 2020

**Re:** Updated NTSP Policy Framework

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This memo provides a background on the current Neighborhood Traffic Safety Program (NTSP) (generally referred to as the Traffic-Calming Policy), and it explains a new program—the Traffic Calming and Neighborhood Greenways Program-- to replace the NTSP.

## Neighborhood Traffic Safety Program (NTSP) Background

Bloomington City Council passed the NTSP as part of Chapter 15 Section 26 of the Bloomington Municipal Code (BMC) in June of 1999. In the twenty-one years since its adoption, very few projects have successfully installed traffic calming as a result of following the current program, and the lack of successful projects is not due to a lack of interest. The threshold that 51% of all eligible households vote in favor of the proposed traffic calming installation is a barrier to successful implementation. The current process is time consuming for both residents and City staff.

An updated program is proposed, and the goals of the new program are as follows: to manage a consistent process; to allocate resources in the most objective and efficient manner; and to provide a pathway for a City-led Traffic Calming and Neighborhood Greenway installation. The recently adopted Transportation Plan stresses implementation of a Bicycle Facilities Network, but the current NTSP does not support such implementation of Neighborhood Greenways, a major component of the bicycle network.

## The Updated Policy

The new policy provides two distinct processes to follow in order to install traffic calming; the processes vary according to who is requesting the traffic calming. One process is for resident-led and resident-requested projects, and it functions similar to a grant cycle. The other is a clear process for the City to install traffic calming and Neighborhood Greenways. The two processes are described below and illustrated in the figures that follow:

- **Resident-Led Traffic Calming Process:** this process provides groups of organized residents the ability to request to add speed cushions and devices, in order to slow motor vehicle traffic and mitigate speed non-compliance, (See Figure 1). The process will run as a yearly grant cycle where projects will be objectively evaluated and ranked based upon the incidence of risk-causing factors and prevalence of vulnerable road users. High-ranking projects can be prioritized and funded based on the resources made available for these projects, and as determined by the Bicycle and Pedestrian Safety Commission. An example of possible ranking criteria is provided (see Figure 3).
- **Staff-Led Traffic Calming/ Neighborhood Greenway Process:** allows city staff to address situations that have potential to cause injury or other relatively minor changes that improve safety, especially for vulnerable users. Additionally, this process allows the City to lead the design, public engagement, and installation of Traffic Calming and Neighborhood Greenways, which are outlined in the Transportation Plan. A clear process allows residents and the City the opportunity to plan, engage, and install Neighborhood Greenways (See Figure 2). There is no current process that allows staff to lead and install Traffic Calming or Neighborhood Greenways.

The proposed program provides the City the tools to implement projects identified in the Transportation Plan, to address conditions which can increase risk, and to provide a functional mechanism for concerned residents to pursue safety improvements.

This updated Traffic Calming and Greenways Program is the result of recommendations from a former Council Committee, as well as recommendations in the Comprehensive Plan and the Transportation Plan. In 2012, the

Council formed a Special Committee on Street Design to review the NTSP and make recommendations for updates. Several key recommendations from the Special Committee are included in the proposed program including: rewrite the NTSP; reduce the process to 12 months; make review by the BPSC an integral step; and create a scoring system for potential projects which resembles the Council Sidewalk Committee's system, among other recommendations. The Comprehensive Plan and the Transportation Plan both call to update the traffic calming policy. Additionally, the Transportation Plan recommends using traffic calming as key elements in Neighborhood Greenways, which are integral to creating a transportation network for people walking and bicycling.

**Commission Reviews:** The Traffic Commission and the Bicycle and Pedestrian Safety Commission support the proposed Traffic Calming and Greenways Program.

Figure 1: A Visual Overview of the Resident-Led Traffic Calming Process

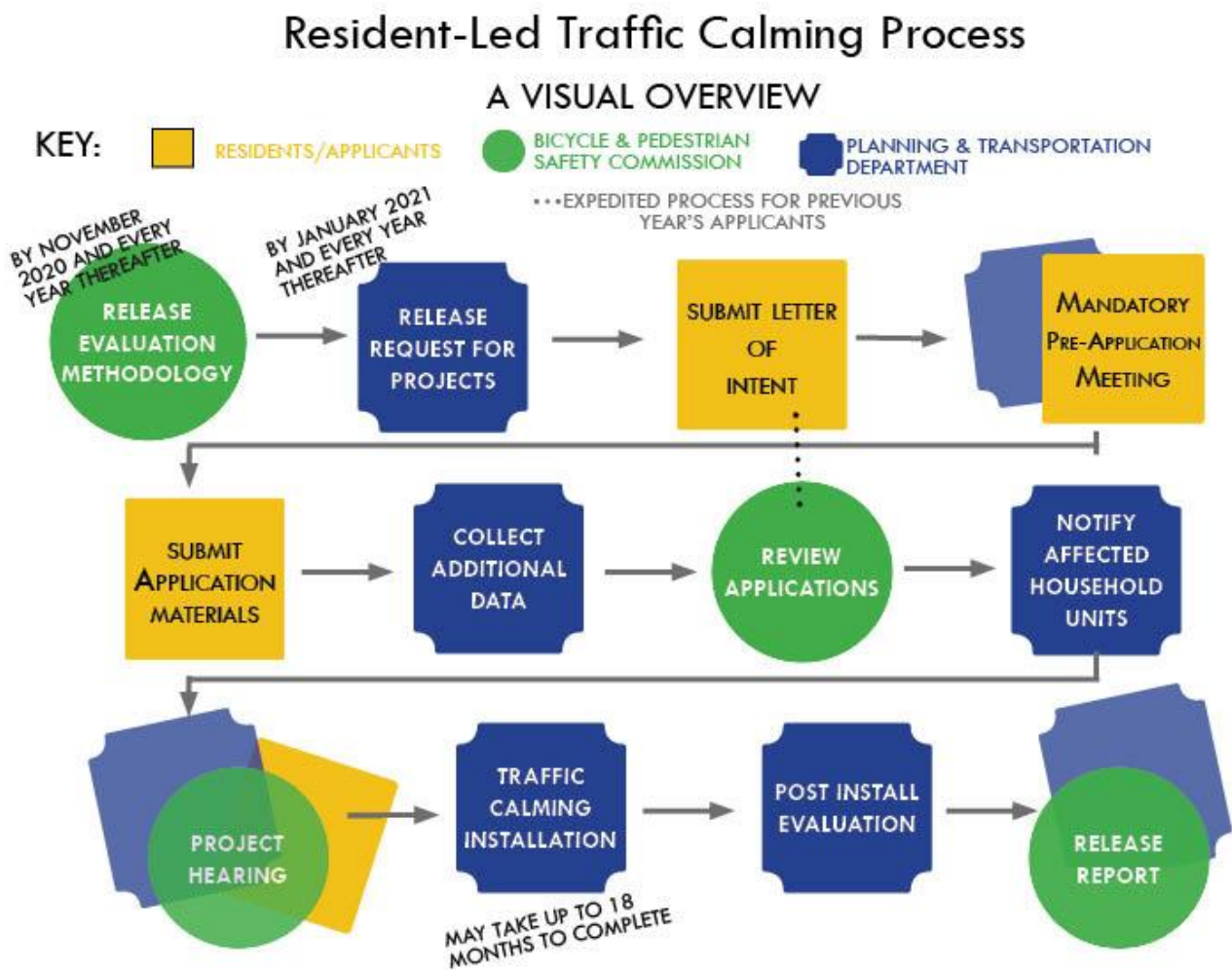


Figure 2: A visual overview of the Staff-Led Neighborhood Greenway Process

# Staff-Led Neighborhood Traffic Calming/Greenway Process

## A VISUAL OVERVIEW

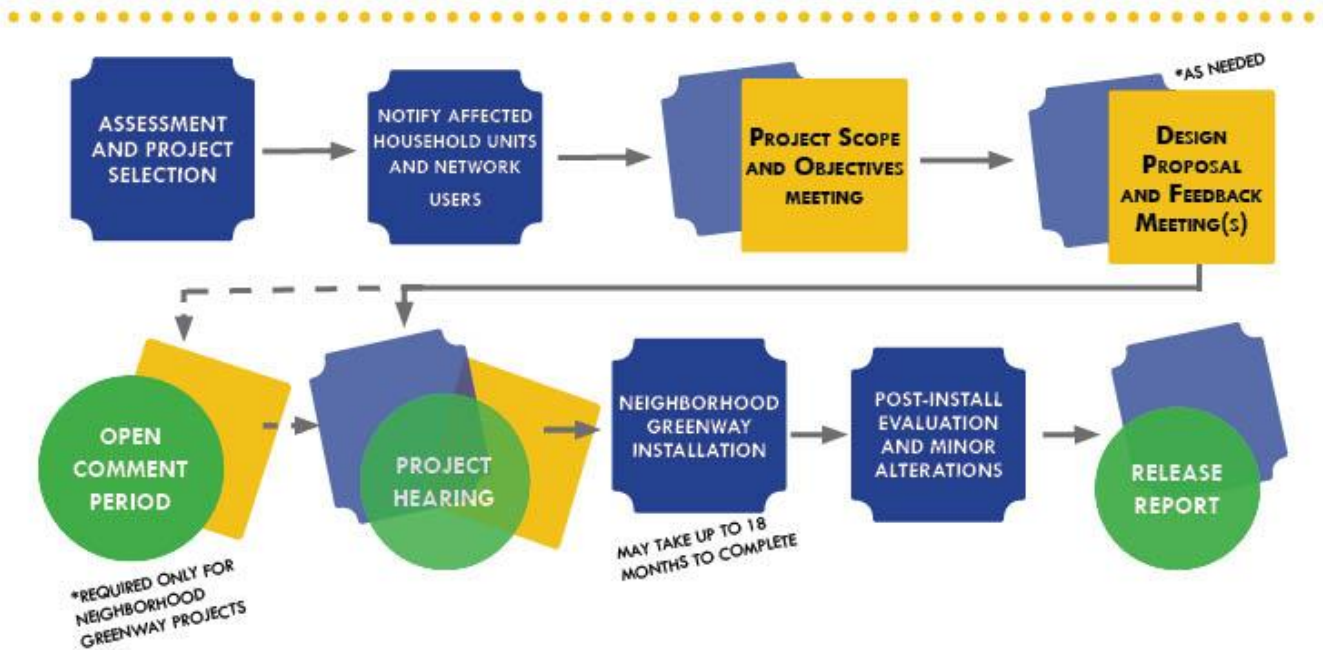


Figure 3: An example Evaluation Methodology Rubric used to rank projects

<b>Performance Objective 1: Areas* that have an increased prevalence of vulnerable users</b>		Example Grading Methodology
1.1	% of households w/ children under the age of 18	1 * % = # of points
1.2	% of households w/ people with disabilities	1 * %= # of points
1.3	% of households with people aged 65+	1 * % = # of points
1.4	% of households with people who are recipients of SNAP benefits	1.3* %= # of points
1.5	Yes/No Community Place Type: Grade School (Public or Private)	10 points
1.6	Yes/ No Community Place Type: Parks	7 points
1.7	Yes/ No Community Place Type: Community Centers/ Food Pantries	7 points
<p>*unless otherwise defined, “area” comprises of the Census Block Group for which data are available. If a project area spans beyond the border of a single Block Group, the represented Block Group percentages shall be averaged with equal weight given to all groups for an aggregate score.</p>		

<b>Performance Objective 2: Areas with an increased incidence of crashes and behaviors which are causal in injury</b>		Example Grading Methodology
2.1	# of fatal or injury causing crashes within the zone (within the past 7 years)	# * 20 = # of points
2.2	# of fatal or injury causing crashes on boundary streets (within the past 7 years)	# * 10 = # of points
2.3	# of MPH above the posted speed limit @ 85 percentile	# = # of points
2.4	# of MPH above the posted speed limit @ 95 percentile	# = # of points
2.5	Vehicle volumes < 400 cars/ day	(x-400) *.05 = # of points
2.6	Residential Density	.01 points for every dwelling unit per km <sup>2</sup>
2.7	% of streets with sidewalks on both sides	%*.10= # of points
2.8	% of streets with sidewalks on one side of the road	% *.25 = # of points
2.9	% of streets with no sidewalks on either side	% * .50 = # of points
Point Total for Performance Objectives 1.1 – 1.7		
Point Total for Performance Objectives 2.1 – 2.9		
<b>Overall Project Total</b>		



# **TRAFFIC CALMING & GREENWAYS PROGRAM**

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## BACKGROUND

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The City of Bloomington (the City) places a high value on livability. Livability, as a concept, has largely been the rationale for public policies which serve to benefit the community. One such policy, Chapter 15.26, added to the City's Code on June 2, 1999, established the Neighborhood Traffic Safety Program (NTSP). The NTSP aimed to increase a neighborhood's livability by enabling groups of organized residents to manage driving behaviors on neighborhood streets through the installation of speed cushions, chicanes, and other traffic calming devices.

The City of Bloomington Traffic Calming and Greenways Program (TCGP) seeks to replace the NTSP program and envisions a process for Bloomington which is:

- Based upon objective, measurable data
- Viewed through the lenses of connectivity and accessibility
- Aligned with the City's Comprehensive Plan and Transportation Plan
- Managed through a consistent process
- Openly shared and transparent to the community

## RATIONALE

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The rationale for replacing the NTSP policy is based on the Bloomington Comprehensive Plan (2018) and the Bloomington Transportation Plan (2019):

- Continue to integrate all modes into the transportation network while prioritizing bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users (*Comprehensive Plan Goal 6.4*)
- Protect neighborhood streets that support residential character and provide a range of local transportation options (*Comprehensive Plan Goal 6.5*)
  - Implement traffic calming measures where safety concerns exist to manage motor vehicle traffic on residential streets (*Comprehensive Plan, Policy 6.5.1*)
  - Balance vehicular circulation needs with the goal of creating walkable and bike-friendly neighborhoods (*Comprehensive Plan, Policy 6.5.2*)
  - Continue to improve connectivity between existing neighborhoods, existing and proposed trails, and destinations such as commercial areas and schools (*Comprehensive Plan, Policy 6.5.3*)
- Ensure an appropriate process to receive traffic calming requests from residents and include steps for the installation of temporary, proactive traffic calming measures as well as the installation of longer-term measures as a result of a reactive process in response to local concerns (*Transportation Plan, p. 51*)
- Encourage resident involvement (*Transportation Plan, p. 64*)



## GUIDING PRINCIPLES

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The following eight guiding principles inform the TCGP:

1. Evaluation and prioritization of TCGP installations should be based upon objective, pre-established criteria; be in alignment with the City of Bloomington adopted plans and goals; and be reviewed by a designated City Commission who oversee traffic calming, and/or long range transportation planning.
2. Traffic Calming and Greenways Program projects shall enhance pedestrian, bicyclist, and other **micromobility** mode user's access through the neighborhood and preference shall be given to projects that enhance access to transit as well.
3. Traffic calming devices should be planned and designed in keeping with planning and engineering best practices.
4. Reasonable emergency and service vehicle access and circulation should be preserved.
5. City staff shall direct the installation of traffic calming measures in compliance with this policy and as adopted into Bloomington Municipal Code.
6. The TCGP is mainly intended for: **Shared Street**, **Neighborhood Residential Street**, and **Neighborhood Connector Street** typologies and, on occasion, may include traffic calming elements as part of a larger infrastructure project.
7. Some motorists may choose to reroute from one neighborhood street to another as a result of an TCGP project. In some cases, this rerouting may require updates to a project, but the goals of mode shift and improved safety for all road users should generally supersede minor shifts in rerouting. Minor increases in traffic volumes on adjacent streets are anticipated and acceptable levels should be defined on a project-by-project basis.
8. Processes shall provide for reasonable but not onerous resident participation in plan development and evaluation.

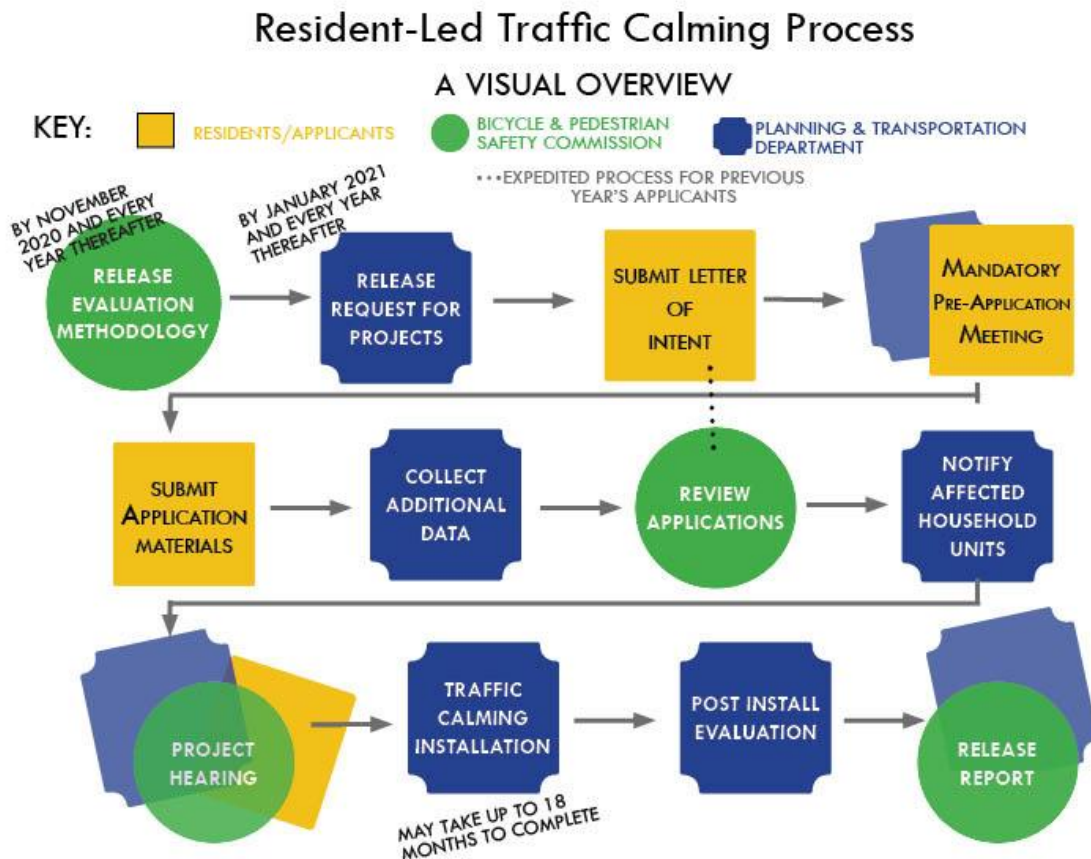
# RESIDENT-LED TRAFFIC CALMING PROCESS

The TCGP provides a mechanism for residents to work with the City to manage traffic in their neighborhoods. The TCGP is intended to provide a simple process for residents to address traffic and speeding concerns on neighborhood streets. The TCGP processes also provide a consistent framework to ensure efficient use of resident and City staff time.

This section describes in detail the steps involved in participating in the Resident-led Traffic Calming process including the City’s request for projects, the application requirements, benchmark data collection, the review and prioritization of high-ranking projects, the installation of traffic calming devices, and an evaluation of the project’s success. The Resident-Led Traffic Calming Process is illustrated below in Figure 1 and in the [Appendix](#).

Traffic Calming devices primarily considered for this program include **speed cushions** and **speed humps**, in some contexts other devices may also be considered.

Figure 1: Visual Overview of the: Resident-led Traffic Calming Process



## **BICYCLE PEDESTRIAN SAFETY COMMISSION RELEASES EVALUATION METHODOLOGY**

The Evaluation Methodology defines the objective criteria used to review project requests. The evaluation methodology is reviewed each year before the start of a new process cycle. By November 30, 2020 and by November 30 of each year thereafter, the Bicycle Pedestrian Safety Commission (BPSC) shall submit revisions of the TCGP Evaluation Methodology to the Planning and Transportation Department as well as a report that includes the following:

- Any changes to the application evaluation methodology from the previous year;
- A status report on the previous years' designed and installed projects; and
- Projects which applied for funding but did not receive funding based on the priority ranking during the previous year's cycle.

## **CITY RELEASES REQUEST FOR PROJECTS**

In January 2021 and every year in January thereafter, the City Planning Department will release a Request for Projects (RFP) for participation in the Traffic Calming and Greenways Program. Each RFP issued shall be dependent upon funding availability, and the amount of available funding may be made known to prospective applicants. Requests for participation will be made through the BPSC and City staff to residents upon the opening of the RFP process.

## **STEP 1: RESIDENTS SUBMIT LETTER OF INTENT**

Residents who wish to engage in the TCGP must submit a Letter of Intent (LOI) to the Planning Department before the end of the posted deadline. Prospective applicants are responsible for checking the TCGP guidelines for additional formatting and submission requirements. The LOI from the interested parties shall include but may not be limited to:

- Contact information for a minimum of two project co-organizers;
- Project organizers must represent two (2) separate dwelling units within the proposed area to be considered.
  - Individuals who reside in the same dwelling shall not be permitted to serve as project co-organizers without the collaboration of a neighbor or resident of a differing dwelling unit.
  - Individuals who reside in different dwelling units of a larger multi-family complex shall be permitted to serve as project co-organizers.
- A general description of the concern;
- A map of the proposed area to be considered;
- Acknowledgement of program policies; and
- Any supplemental information requested by staff.

Previous Applicants: Project co-organizers who have submitted an application for the previous one (1) year program cycle and did not receive funding may reapply with an updated LOI and any supplemental materials requested by City Staff.

Staff Action: When the submission window has closed, City staff shall review each of the LOIs. City staff will notify applicants who have met the requirements to advance to the application process of the Resident-led Traffic Calming Process. In the event that an application does not meet the minimum

requirements to apply, City staff may notify the project co-organizers and allow up to 4 additional business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. LOIs which do not meet the minimum requirements will not progress beyond Step 2 of the Resident-led Traffic Calming Process and shall be notified by City staff.

## **STEP 2: PRE-APPLICATION MEETINGS WITH CITY STAFF AND PROJECT ORGANIZERS**

City staff shall schedule a mandatory meeting with each group of project co-organizers who have advanced to Step 2 of the Resident-led Traffic Calming Process. At the mandatory pre-application meeting staff shall:

- Discuss the application requirements, processes, and deadlines;
- Disseminate preliminary information required in the application;
- Provide a link to the application materials; and
- Answer questions from the project organizers.

## **STEP 3: RESIDENTS SUBMIT APPLICATION MATERIALS**

Project co-organizers will have approximately six to eight weeks to complete and submit their applications. Application materials shall include:

- Three (3) Letters of Support from stakeholders.
  - Must include at least one (1) City Council Representative
  - May include an organization or professional which serves the residents living within the identified area (i.e., neighborhood association, school, neighborhood resource specialist, faith based organization, and/or a non-profit which serves households located within the specified area but may not necessarily be located within the specified zone)
  - Only three letters will be reviewed. Additional letters will not be reviewed with the project application.
- Twenty-four (24) or 51% (whichever is the lesser) signatures from **Affected Housing Units** impacted by the traffic calming installations proposed.
  - Staff shall provide a template document for collecting signatures which must be used for collecting signatures. No other forms will be accepted.
  - Electronic signatures may be used for this purpose if deemed appropriate and with written approval of the City Planning Department Director.
- A finalized map of the proposed project area.
- Additional relevant data requested by City staff

City staff shall send a confirmation email once an application has been received. In the event that an application requires clarification or has proposed a zone which is incompatible with the program, City staff may notify the project organizers and allow up to an additional 4 business days to resubmit with recommended changes dependent upon the quantity and extent of changes needed. Incomplete applications which are submitted with insufficient supporting documents/ materials will not progress beyond Step 3 of the Resident-led Traffic Calming Process and shall be notified by City staff.

#### **STEP 4: CITY STAFF PREPARE RELEVANT DATA**

City staff shall collect preliminary information about current traffic conditions. Relevant data may include crash history, speed counts and volume data, and other relevant facts. City staff shall notify the affected safety and emergency services of the initiative to include but not be limited to: the Bloomington Police Department, Bloomington Fire Department, local ambulance services, and Bloomington Transit.

City staff may collect and summarize preliminary information about existing plans for development, census data, and pedestrian and bicycle network infrastructure near the proposed project.

#### **STEP 5: BPSC REVIEW OF APPLICATIONS**

Upon the receipt of completed applications, the BPSC will review the materials submitted and the preliminary data collected by City staff. The BPSC will validate successful applications, and rank the projects which score highest as determined by the evaluation methodology. All applications will be evaluated using the same criteria.

The evaluation criteria for the Resident-led Traffic Calming Process must account for two main areas of emphasis:

1. Prevalence of vulnerable users (e.g., children, persons with disabilities, older adults, economically disadvantaged households) and community centers.
2. Incidence of crashes and behaviors which are the causal factors for increased injury to vulnerable users (crashes, speeding, volume).

#### **STEP 6: NOTIFICATIONS SENT TO AFFECTED HOUSING UNITS IN HIGH RANKING AREAS**

Notifications will be sent via post to **Affected Housing Units** and electronically to **Network Users** in the areas surrounding projects that are likely to be funded based upon the number of applications and the designated resources for traffic calming.

Information presented in the notification shall include:

- Information related to the location and placement of the proposed traffic calming installations;
- The objectives for the traffic calming;
- Notification of all scheduled meetings associated with the project and prioritization process; and Contact information and project website to direct feedback, ask questions, or present concerns.

#### **STEP 7: PROJECT PRIORITIZATION HEARING**

The BPSC shall host a hearing in which **Affected Housing Units**, **Network Users**, and members of the public may voice their questions, concerns, support, or critique of the Traffic Calming project. Based upon information gleaned at the prioritization hearing, the BPSC may vote to advance fundable projects to the design/ installation phase for those which rank highest unless extenuating circumstances become known which calls into question a project's merit or evidence that an application was not put forth in good faith with the program policies.

## **STEP 8: INSTALLATION**

City staff will proceed with final design and installation. Planning, design, and construction may take up to 18 months depending on the scope of the project. Installations will typically be planned with permanent materials; however, using temporary materials may be appropriate to evaluate design options or to accelerate project timelines.

## **STEP 9A: POST-INSTALLATION EVALUATION** *(TAKES PLACE CONCURRENTLY WITH STEP 9B)*

Up to 18 months after the construction of the Traffic Calming project, the City may conduct a follow-up evaluation. After the installation has been completed, City of Bloomington Planning Department Staff will work to gather data which may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be included.

## **STEP 9B: MAINTENANCE AND MINOR ALTERATIONS** *(TAKES PLACE CONCURRENTLY WITH STEP 9A)*

The City of Bloomington Planning Department is responsible for the construction and the minor alteration of any traffic calming device implemented as part of the Resident-led Traffic Calming Process. Alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered minor alterations. Other changes which could have a more significant impact on a street's operations should follow the Staff-led Traffic Calming/Neighborhood Greenways Process or the Resident-led Traffic Calming Process in subsequent funding cycles.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming installations.

## **OTHER PROCESSES A: INCREASED TRAFFIC CALMING AND MODIFICATIONS**

If residents desire to have their traffic calming modified to include major alterations, a request in writing must be made to City Planning and Transportation staff. Requests for traffic calming tools beyond those typically used for Resident-led projects shall require staff approval in writing. Projects that are able to be supported and prioritized for increased traffic calming will follow the Staff-led Traffic Calming/Neighborhood Greenways Process beginning at [Step Six](#). In some cases, the City may choose to start at an earlier step in the process.

Residents may request to make major modifications to existing traffic-calming on public streets by applying to the Resident-led Traffic-Calming Process. To request major modifications to existing traffic calming, residents shall follow the Resident-Led Process, starting at [Step 1](#) but may not do so within 7 years of the date which the traffic calming installation was approved.

## **OTHER PROCESSES B: REMOVAL PROCESS**

If residents of a neighborhood request to have their traffic calming installations removed, an application shall be submitted with no less than sixty-six (66) percent of the **Affected Housing Units** in support of the removal. Removal of Traffic calming must be based upon the same boundaries as the original project request and may not be divided into smaller portions thereof. Applications for removal and required

signatures shall not be submitted within 7 years of the date which the traffic calming installation was approved. City staff shall provide a template document for collecting signatures which **must** be used for collecting signatures required for traffic calming removal. No other forms will be accepted for this purpose. The City may provide an electronic signature option if deemed appropriate and with written approval of the City Planning Department Director.

City Planning Department staff shall validate completed applications and present it to the Bicycle Pedestrian Safety Commission for approval. Based upon the application materials provided, traffic speed and volume data, and public comment, BPSC shall vote to remove the traffic calming installations (or any portion thereof) unless sixty-six (66%) percent majority of BPSC appointed members vote to deny the removal of the traffic calming installations.

In some extenuating circumstances, the City Engineer may remove a traffic calming installation if they find it poses increased and unnecessary risk to public. In the event of such circumstances, the Engineer must submit a report within 180 days of the removal of a traffic calming device to both the BPSC and City Council explaining the rationale which the removal was deemed necessary.

# STAFF-LED TRAFFIC CALMING/ NEIGHBORHOOD GREENWAY PROCESS:

The Staff-led Traffic Calming/ Neighborhood Greenway Process provides a framework for Planning and Engineering Department staff to identify and implement traffic calming projects, improve safety and/or support pedestrian, bicyclist, or transit initiatives.

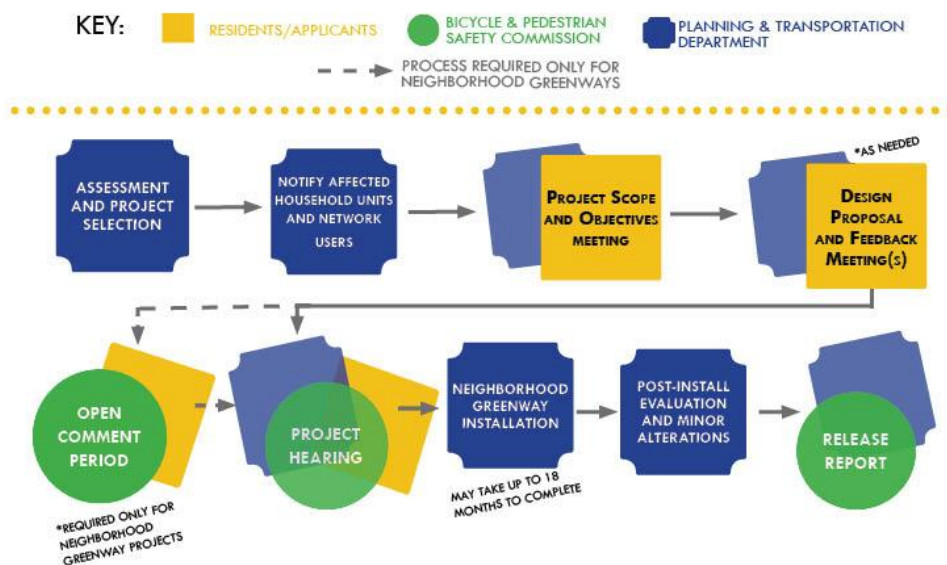
**Traffic Calming**, or devices used for reducing speeds on residential streets are defined by state code and may include: speed bumps, curb extensions, chicanes, and/or diagonal diverters. While the state provides a definition for specific traffic-calming devices which may be used, there are other street design elements (i.e., adding on-street parking, the design of on-street parking, narrowing lanes) which may result in slowing motorized vehicle traffic. These design elements alone do not trigger the Staff-Led Traffic Calming process. However, the design strategies may be included in a traffic-calming project.

A **Neighborhood Greenway** is a street that serves as a shared, slow street with the intention of prioritizing bicycling and improving walking. The Bloomington Transportation Plan identifies certain streets as Neighborhood Greenways. Traffic Calming installations, signs, and pavement markings are often used to create the basic elements of a Neighborhood Greenway-- but are, in and of themselves not Greenways for the purposes of the program until they are identified within the Transportation Plan. To be considered for as a Neighborhood Greenway, a street must be identified as a Neighborhood Greenway in the Bicycle Facilities Network in the Bloomington Transportation Plan.

This section describes in detail the steps involved in the Staff-led Traffic Calming/Neighborhood Greenways Process including the City’s notification to the public, the process for gaining feedback from **Affected Housing Units**, and the installation and evaluation for each Neighborhood Greenway project. The Staff-led Neighborhood Greenway Process is illustrated below in Figure 2 and in [the Appendix](#).

## Staff-Led Neighborhood Traffic Calming/Greenway Process

### A VISUAL OVERVIEW





### **STEP 1: NOTICE MAILING**

City staff shall notify **Affected Housing Units** by a postal mailing and electronically to **Network Users** in advance of any work sessions or meetings which discuss the installation of the Traffic Calming/ Neighborhood Greenway project.

The intent of the notification is to alert residents and stakeholders of the project and provide details of upcoming meetings. Other notifications, such as postings on social media or signs posted in the vicinity of the proposed project, are additional measures which may be used to increase engagement with residents.

### **STEP 2: FIRST MEETING- PROJECT SCOPE AND OBJECTIVES MEETING**

City Planning and Transportation Department Staff shall host a meeting about the proposed project. Staff will seek input from residents, stakeholders, and **Network Users**. Staff will present information including but not limited to the following:

- What is Traffic Calming? What is a Neighborhood Greenway?
- What are the boundaries of this phase of the project?
- How do the Traffic Calming/ Neighborhood Greenways support the City's Comprehensive Plan and Transportation Plan goals for multimodal connectivity?
- What are the funding limitations for this project or phase?

### **STEP 3: SECOND MEETING- FEEDBACK ON PRELIMINARY DESIGN**

City staff will host a second meeting to share the preliminary design and to take input from residents and users.

### **STEP 4: THIRD MEETING (OPTIONAL) DESIGN/BUILD OUT OPTION WORK MEETING**

A third meeting is optional, based on feedback of the preliminary design.

### **STEP 5: OPEN COMMENT PERIOD (NEIGHBORHOOD GREENWAY PROJECTS ONLY)**

Staff-led Neighborhood Greenway plans shall be made available for comment by **Affected Housing Units, Network Users**, and other stakeholders. Comments shall be made on the project website, email, phone, or post mail. Comments housed in social media platforms and listservs will not be considered in the BPSC Discussion/ Review.

The open comment period is expected to last 4 weeks, unless extenuating circumstances require a longer timeframe. When City staff feel confident that a design best suited to the project and location has been achieved, the proposed Staff- Led Neighborhood Greenway installation will proceed forward to the BPSC Discussion and Review Phase.

## **STEP 6: BPSC DISCUSSION/REVIEW**

City staff shall present the project, objectives, baseline data, notes from public meetings, and design concepts to the BPSC for review. By default, projects will proceed, unless a seventy-five percent (75%) of the BPSC appointed members vote to send the project back to the City staff for further refinement.

## **STEP 7: INSTALLATION**

City of Bloomington Planning Department shall install the Traffic Calming or Neighborhood Greenways. The installation is intended to be constructed with permanent materials; however, in some cases, using temporary materials may be appropriate in order to evaluate design techniques or to accelerate project timelines.

## **STEP 8A: EVALUATION** *(HAPPENS CONCURRENTLY WITH STEP 8B)*

Within eighteen months after the construction of a Traffic Calming/ Neighborhood Greenway project is complete, the City may conduct a follow-up evaluation. This evaluation may include traffic counts, speed studies, and crash history. In some instances, evaluations of adjacent and parallel streets will also be beneficial.

## **STEP 8B: MAINTENANCE AND ALTERATIONS** *(HAPPENS CONCURRENTLY WITH STEP 8A)*

The City of Bloomington Planning Department is responsible for the construction and the minor alterations of any traffic calming device implemented as part of the program. These alterations may occur either during the design of the project or after the construction is complete. Changes to signs, markings, or location of traffic calming devices may be considered **minor alterations**.

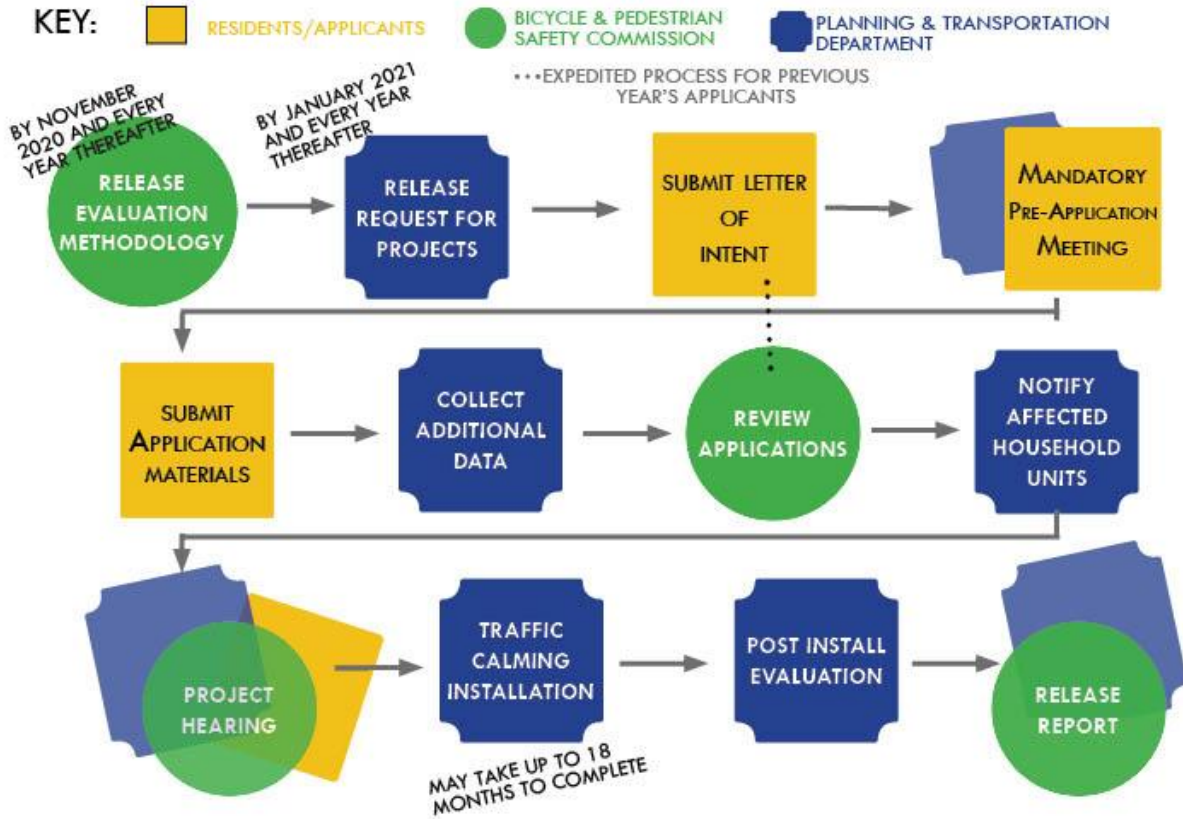
City Staff may request to make **major modifications** to existing traffic calming installations on public streets by following the Staff-led Traffic Calming and Neighborhood Greenways Process, starting at [Step 6](#). In some cases, the City may choose to start at an earlier step in the process.

The Department of Public Works will be responsible for maintenance of completed Traffic Calming/ Neighborhood Greenway installations.

# APPENDIX: VISUAL OVERVIEW OF RESIDENT-LED AND STAFF-LED PROCESSES

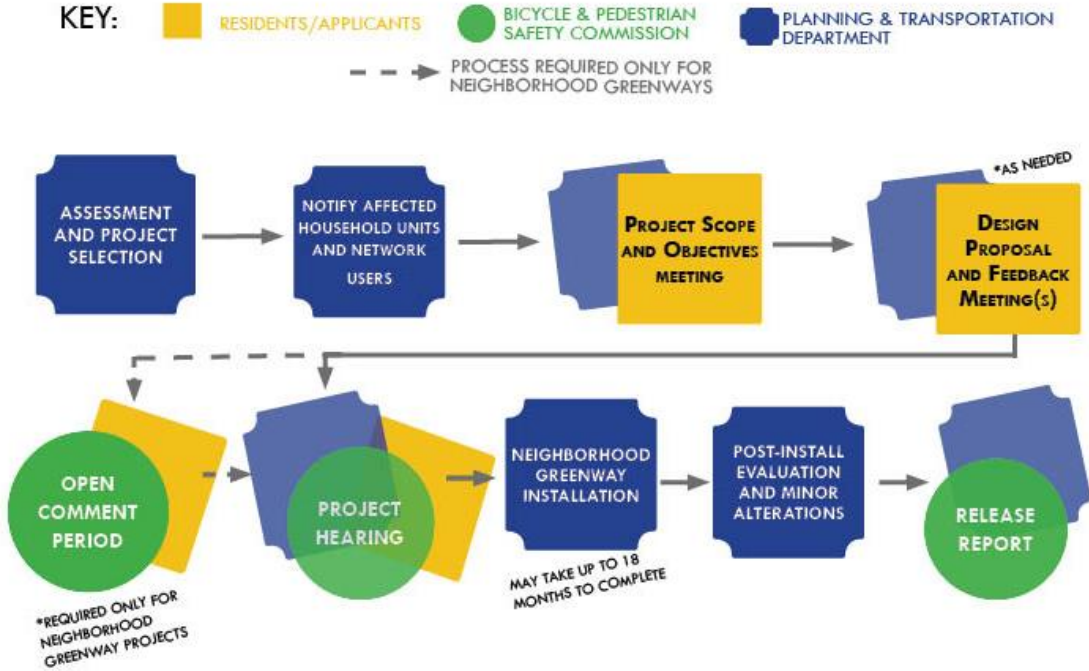
## Resident-Led Traffic Calming Process

### A VISUAL OVERVIEW



# Staff-Led Neighborhood Traffic Calming/Greenway Process

## A VISUAL OVERVIEW



## APPENDIX: DEFINITIONS

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**Affected Housing Units:** residents and property owners of record located within two lots not to exceed 300 feet of streets affected by the proposed traffic calming installation.

**Major alterations:** A change other than a minor alteration.

**Micromobility:** a category of modes of transport that are provided by very light vehicles such as scooters, electric scooters, electric skateboards.

**Minor alterations:** a change which has no appreciable effect on the surface area of the street dedicated to the travel for motor vehicles. Changes to signs, markings, parking policies or location of traffic calming devices may be considered minor alterations. All other changes are considered 'major alterations.'

**Neighborhood Connector Street:** streets which provide connections between the neighborhood residential and general urban or suburban connector streets. They collect traffic from residential neighborhoods and distribute it to the broader street network. Most of the land uses surrounding neighborhood connectors are generally low/medium-density residential with commercial nodes as it connects to the larger street network.

**Neighborhood Residential Street:** streets that provide access to single and multifamily homes and are not intended to be used for regional or cross-town motor vehicle commuting. Neighborhood residential streets have slow speeds and low vehicular volumes with general priority given to pedestrians.

**Neighborhood Greenway:** a low-speed, low-volume shared roadway that creates a high-comfort walking and bicycling environment. Neighborhood Greenways are identified in the Bloomington Transportation Plan.

**Network Users:** People who utilize a street for their primary means of access to pedestrian, bicycle, or transit networks.

**Shared Streets:** Streets designed for pedestrians, bicyclists, transit riders, and motorists to operate in a "shared" space; shared streets utilize design elements such as pavement treatments, planters, roadway widths, parking spaces, and other elements to direct traffic flow and to encourage cooperation among travel modes in typically flush or curbless environments.

**Speed Cushions:** speed humps that include wheel cutouts to allow large vehicles, cyclists, scooters and strollers to pass unaffected, while reducing passenger car speeds.

**Speed Humps:** a ridge set in a road surface, typically at intervals, to control the speed of vehicles.

**Traffic Calming:** methods described within the state code which are used to slow cars on residential streets. Traffic Calming devices may include curb extensions, chicanes, and/or diagonal diverters.

**ORDINANCE 99-16**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
"VEHICLES AND TRAFFIC"  
(Adding Chapter 15.26 Establishing the Neighborhood Traffic Safety Program)**

WHEREAS, the City of Bloomington places a high value on neighborhood livability; and

WHEREAS, neighborhood traffic conditions can have a significant impact on livability; and

WHEREAS, the City of Bloomington is committed to developing an effective approach to managing neighborhood traffic; and

WHEREAS, Indiana Code 9-21-4-3 authorizes local authorities to place and maintain traffic control devices as they determine necessary to carry out local ordinances or to regulate, warn or guide traffic; and

WHEREAS, the City of Bloomington has developed a Neighborhood Traffic Safety Program in order to guide the decision making process for placement of traffic calming and related traffic control devices in neighborhoods;

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

SECTION 1. The Table of Contents for Title 15 shall be amended to add Chapter 15.26 Neighborhood Traffic Safety Program to the list of chapters.

SECTION 2. Title 15 of the Bloomington Municipal Code, entitled "Vehicles and Traffic," shall be amended by adding Chapter 15.26, entitled "Neighborhood Traffic Safety Program," and that chapter shall read as follows:

Chapter 15.26

NEIGHBORHOOD TRAFFIC SAFETY PROGRAM

Sections:

- 15.26.010 Definitions
- 15.26.020 Neighborhood Traffic Safety Program
- 15.26.030 Utilization of Neighborhood Traffic Safety Program Locations

15.26.010 Definitions. When appearing in this chapter the following phrases shall have the following meanings:

"Traffic calming device" has the meaning set forth at Indiana Code 9-21-4-3(a).

15.26.020 Neighborhood Traffic Safety Program. The Neighborhood Traffic Safety Program developed by the City of Bloomington Engineering Department and the Bicycle and Pedestrian Safety Commission shall be incorporated by reference into this chapter and includes any amendments to the program, as approved by the Common Council by ordinance. Pursuant to I.C. 36-1-5-4, two copies of the Neighborhood Traffic Safety Program shall be available in the City Clerk's office for public inspection.

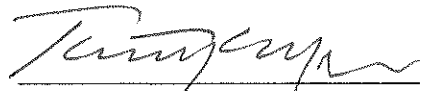
15.26.030 Utilization of Neighborhood Traffic Safety Program. The City of Bloomington shall follow the policies and procedures set forth in the Neighborhood Traffic Safety Program to determine the appropriate location and construction of traffic calming devices and related traffic control devices in neighborhoods.

15.26.040 Traffic Calming Locations. The locations described in Schedule J-1, attached hereto and made a part hereof, shall have devices installed for the purpose of neighborhood traffic calming.

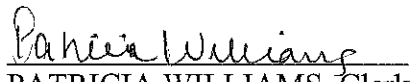
SECTION 3. Severability. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. Enactment. 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.


PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of June, 1999.

  
TIMOTHY MAYER, President  
Bloomington Common Council


ATTEST:

  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of June, 1999.

  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 2nd day of June, 1999.

  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance adopts the Neighborhood Traffic Safety Program developed by the Engineering Department and the Bicycle and Pedestrian Safety Commission, thereby setting out standards for the placement of neighborhood traffic calming and related traffic control devices. The program requires approval of a traffic safety plan by the majority of the neighborhood involved, the Common Council, and the Board of Public Works. The ordinance also establishes a schedule of the types and locations of traffic calming devices on city streets.

Signed copies to:  
BMC File  
Clerk  
CA/CA

Legal - 5  
PED  
Engineering

Public Works  
Engineering  
Bike + Ped Commission

Traffic Program attached to  
Ordinance and also in  
Ordinance 99-16 Back up File

**NEIGHBORHOOD  
TRAFFIC  
SAFETY  
PROGRAM**

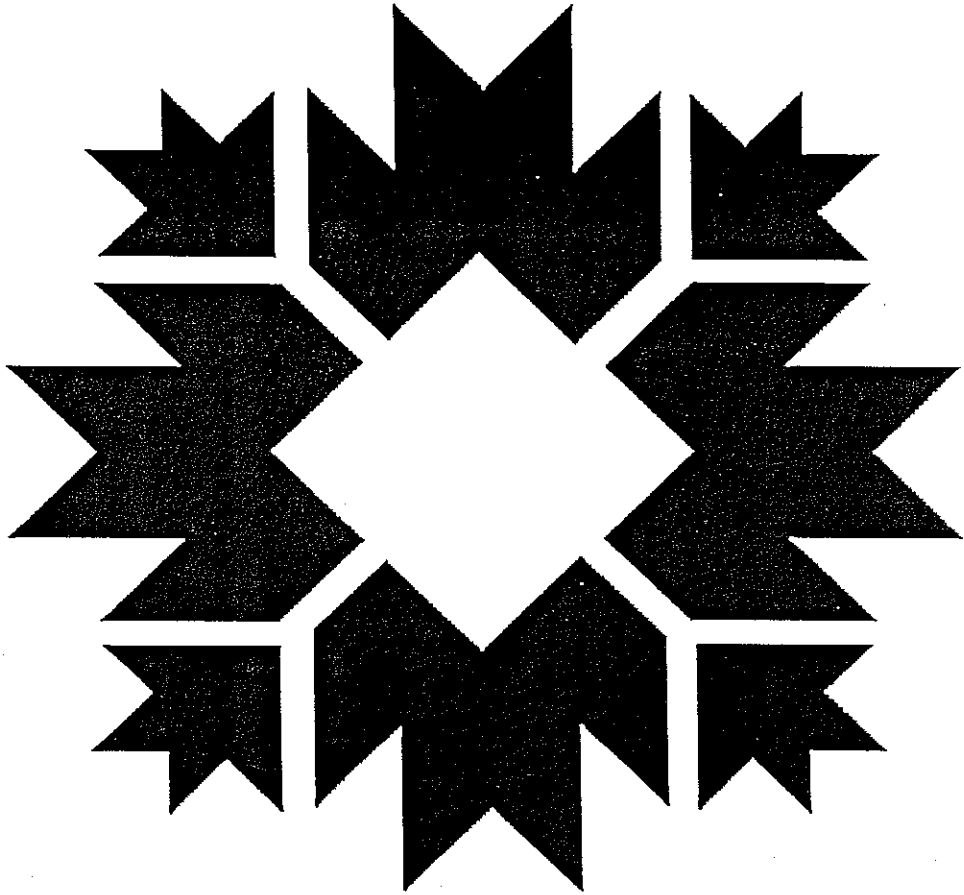




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## **INTRODUCTION:**

The City of Bloomington places a high value on neighborhood livability. Although livability can have several definitions, it can be generally thought of as encompassing the following characteristics:

- The ability of residents to feel safe and secure in their neighborhood.
- The opportunity to interact socially with neighbors without distraction or threats.
- The ability to experience a sense of home and privacy.
- A sense of community and neighborhood identity.
- The ability to conveniently, safely and enjoyably walk, bike and take transit.
- The ability of parents to feel that their children's safety is not at risk by playing in the neighborhood.
- A balanced relationship between multiple uses and needs of a neighborhood.

Neighborhood traffic conditions can have a significant impact on these characteristics.

As population and employment in the City of Bloomington and Monroe County continue to grow, Bloomington streets can be expected to experience increased pressure from traffic. One of several goals of the City of Bloomington is to manage this growth to balance our economic, social and environmental health and to maintain a sustainable City. Quality neighborhoods are the fundamental building blocks of a sustainable city, and to maintain this quality, Bloomington neighborhoods should be protected from the negative impacts of traffic.

Neighborhood groups across Bloomington have become increasingly concerned about the effects of traffic on their streets. Restraining traffic has become a common goal of concerned residents. A vision now being promoted for local streets is that motorists should be guests and behave accordingly. Many City streets used to be multi-purpose places which not only provided physical access but also encouraged social links within a community. Now, the balance has changed so that the main function of many streets has become the accommodation of traffic--some of it unrelated to the residents themselves.

At the same time, traditional Traffic Engineering means of controlling traffic--speed zoning, stop signs, traffic signals--have less and less effect in the management of driver behavior. Police enforcement is and will remain an effective tool to reinforce motorist behavior. However, it is recognized that providing an enforcement level that is effective in modifying driver behavior will require a significant commitment of Police resources.

The City of Bloomington is committed to developing an effective approach to managing neighborhood traffic. Neighborhood involvement will be an important component of this approach.

To maximize neighborhood involvement in improving local traffic conditions, the City of Bloomington Bicycle and Pedestrian Safety Committee (BPSC) with assistance from the Public Works, Engineering and Planning Departments has developed a Neighborhood Traffic Safety Program (NTSP) for Bloomington neighborhoods.

### **Objectives**

The following objectives of the NTSP are derived from existing City policies and the mission of the BPSC:

1. Improve neighborhood livability by mitigating the negative impact of vehicular traffic on residential neighborhoods.

2. Promote safe, reasonably convenient, accessible and pleasant conditions for bicyclists, pedestrians, motorists, transit riders and residents on neighborhood streets.
3. Encourage citizen involvement in all phases of Neighborhood Traffic Safety activities.
4. Make efficient use of City and citizen resources and energy.

## **Policies**

The following policies are established as part of the NTSP:

1. Through traffic should be encouraged to use higher classification arterials, as designated in the *Master Thoroughfare Plan* for the *City of Bloomington Comprehensive Plan*.
2. A combination of education, enforcement and engineering methods should be employed. Traffic calming devices should be planned and designed in keeping with sound engineering and planning practices. The City Engineer shall direct the installation of traffic control devices (signs, signals, and pavement markings) as needed to accomplish the project, in compliance with the Bloomington Municipal Code. (Refer to Appendix C for a detailed description of traffic calming devices.)
3. Application of the NTSP shall be limited to local streets and to those neighborhood collector streets that are primarily residential (at least 75 percent of the properties with frontage on the street must be in residential zoning). Traffic safety projects on neighborhood collector streets shall not divert traffic off the project street through the use of traffic diversion devices. As a result of a project on a neighborhood collector, the amount of traffic increase acceptable on a parallel local service street shall not exceed 150 vehicles per day.
4. Reasonable emergency and service vehicle access and circulation should be preserved.
5. NTSP projects should encourage and enhance pedestrian and bicycle mobility and access within and through the neighborhood and enhance access to transit from the neighborhood. Reasonable automobile access should also be maintained.
6. Some traffic may be rerouted from one local service street to another as a result of an NTSP project. The amount of rerouted traffic that is acceptable should be defined on a project-by-project basis by the BPSC and City Engineering staff.
7. To implement the NTSP, certain procedures shall be followed by the Engineering Department in processing traffic safety requests in accordance with applicable codes and related policies and within the limits of available and budgeted resources. At a minimum, the procedures shall provide for submittal of project proposals, citizen participation in plan development and evaluation; communication of any test results and specific findings to area residents, businesses, emergency services and affected neighborhood organizations before installation of permanent traffic calming devices; and appropriate Common Council review.

## **Procedure/Process**

The NTSP provides a mechanism for groups to work with the City to make decisions about how traffic safety techniques might be used to manage traffic in their neighborhood. This section describes in detail the steps involved in participating in the program from the initial application for involvement, to

developing a traffic safety plan, to installing one or more traffic calming devices, to a follow-up evaluation of the plan's success.

The NTSP process is intended to ensure that all neighborhood stakeholders are provided the opportunity to be involved. This ensures that consideration of traffic problems on the study street do not result in the exacerbation of traffic problems on adjacent neighborhood streets and does not eclipse the needs and quality of the neighborhood as a whole. This includes a consideration of the impacts of traffic diversion onto collector and arterial streets.

#### **Step 1. Apply to Participate**

NTSP projects can be requested by neighborhood associations or groups, Common Council members representing a neighborhood, neighborhood business associations or individuals from the neighborhood. It should be noted that although individuals are eligible to apply they are encouraged to work with or form a neighborhood association. Requests for participation in NTSP will be made through the BPSC (application form will be provided by and returned to City Engineering staff).

The petition from a problem street or area must describe the problem (i.e., speeding, inappropriate cut-through, ignoring stop signs, etc.) and request some infrastructure change to reduce the problem. The specific form of the infrastructure change may not be known at this point. The petition must also include signatures from at least 51% of the affected street or area households or businesses. This must include any other street that must use the problem street as its primary access (for example, a dead end street or cul-de-sac off the problem street). Each household or business is entitled to one signature.

Finally, any Common Council member must sign the petition as a sponsor.

#### **Step 2. Engineering Staff Review and Preliminary Data Collection**

City Engineering staff will collect preliminary information about current conditions. This will include location, description of the problem and may include preliminary collection of traffic accident data, bicycle volume, pedestrian activity, traffic speed and through traffic. The Engineering Department will verify the percentage of households and businesses on the petition and if the percentage is sufficient, they shall notify the affected safety and emergency services of the initiative. The affected safety and emergency services shall include, but not be limited to, the City Police and Fire Departments and the local ambulance service. This information will be relayed to the BPSC for consideration to decide whether the request will be prioritized for inclusion in the NTSP. Requests are also reviewed for possible solutions. If the preliminary review shows that a hazard to the public exists, the City may address the problem separately from the NTSP.

#### **Step 3. BPSC Review of Engineering Studies and Petitions**

The BPSC will review the petition submitted as well as the preliminary data collected by the Engineering Department. At this point, the BPSC will either validate or reject the petition. They will also prioritize the petition with respect to other petitions and available resources within the current funding cycle (detailed in Appendix B). Petition validation is a commitment to try to do something about the problem.

Petitions with the highest priority ranking will continue to the next step.

#### **Step 4. Public Meeting**

The BPSC will send notices to all households and businesses within a defined project area to provide background information about the proposed project. The project area depends on the specific project, but

generally includes all properties on the project street, on cross streets up to the next parallel local street (or up to 300 feet from the project street) and on any other street that must use the project street as its primary access. For neighborhood collector streets, the next parallel local street (if one exists within 500 feet of the problem street) will also be included in the notification area. Representatives of the emergency service providers will also receive notification of the meeting. This notice will include an invitation to participate in a public meeting to help exchange ideas, address concerns and discuss possible traffic safety alternatives.

In addition to considering traffic calming and traffic control devices, plans developed in the NTSP will also consider the positive effects of education and enforcement.

#### **Step 5. Preparation of Alternative Designs and Selection of Proposed Plan**

The Engineering Department and the BPSC will hold an informal work session to prepare alternatives that address the neighborhood problem. The neighborhood is welcome to participate in this workshop to provide input.

The BPSC will assess the problems and needs of the neighborhood and propose solutions based on citizen input and sound engineering principles. Possible solutions and their impacts will be evaluated with consideration given to:

- Estimated costs vs. potential gain
- Effectiveness
- Pedestrian, bicycle and transit access
- Community wide benefit to bicycles and pedestrians
- Overall public safety
- Positive and negative consequences of traffic division
- Emergency and service vehicle access

The BPSC will identify the preferred alternative and City staff shall prepare a ballot for neighborhood approval.

If it is determined from both the public meeting and an informal work session of the BPSC that traffic safety techniques other than traffic calming devices are the preferred alternative, the proposal may not need to proceed through the additional steps as designated in the NTSP. The City Engineering Department will continue to work with the neighborhood on alternative neighborhood traffic safety techniques.

#### **Step 6. Project Ballot**

##### Local Service Streets:

All of the properties on the project street and on any other street that must use the project street as their primary access are sent notification that a proposed alternative has been selected. This notification will consist of a description of the proposal as well as a confidential mail ballot asking if they are in support of the project. Each household and business is entitled to one response.

To forward a project to Common Council for action, a majority of the eligible households and businesses must respond favorably by ballot. If over 50% of all eligible ballots respond in favor of the project, then it will be forwarded to the Common Council. If, however, less than 50% of all eligible ballots respond in favor of the project, but at least 60% of those returned ballots are in favor of the project, then a second

ballot shall be mailed to those addresses that did not respond to the first ballot. Ballots will be tallied for a period of four weeks from the time of distribution; ballots postmarked after the expiration date of the four-week period will not be tallied.

Neighborhood Collector Streets:

All of the properties on the project street, on cross streets up to the next parallel street (or up to 300 feet from the project street) and on any other street that must use the project street as their primary access are sent notification that a proposed alternative has been selected. This notification will consist of a description of the proposal as well as a confidential mail ballot asking if they are in support of the project. Each household and business is entitled to one response.

To forward a project to Common Council for action, a majority of the eligible households and businesses must respond favorably by ballot. If over 50% of all eligible ballots respond in favor of the project, then it will be forwarded to the Common Council. If, however, less than 50% of all eligible ballots respond in favor of the project, but at least 60% of those returned ballots are in favor of the project, then a second ballot shall be mailed to those addresses that did not respond to the first ballot. Ballots will be tallied for a period of four weeks from the time of distribution; ballots postmarked after the expiration date of the four-week period will not be tallied.

**Step 7. Testing and Evaluation of Traffic Calming Device**

A test of the traffic calming plan may occasionally be required to determine its effectiveness. If the Engineering Department and BPSC determine that testing is necessary, temporary traffic calming devices shall be installed for a period of at least one month.

Following the test period, data will be collected to evaluate how well the test device has performed in terms of the previously defined problems and objectives. The evaluation includes the project street and other streets impacted by the project and is based on before-and-after speeds and volumes, impacts on emergency and service vehicles or commercial uses, and other evaluation criteria determined by the BPSC. If the evaluation criteria are not met to the satisfaction of the BPSC and City Engineering staff, the traffic plan may be modified and additional testing conducted. If the test installation does not meet the project objectives, the request will need to go back to Step 5 for additional alternatives and neighborhood ballot.

If the City Engineer finds that an unforeseen hazard exists, the test may at any time be revised or discontinued. City Engineering staff will inform the BPSC and the neighborhood of any actions taken to modify or terminate a test.

When testing of traffic calming or traffic control devices is not possible or necessary, the plan will proceed to Step 8.

**Step 8. Common Council Action**

Based on the project evaluation and a positive ballot, City staff members prepare a report and recommendations for the Bicycle and Pedestrian Safety Commission to forward to the Common Council for action. The report outlines the process followed, includes the project findings, and states the reasons for the recommendations.

If a project does not obtain the required ballot approval, it is not forwarded to the Common Council.

### **Step 9. Board of Public Works**

After the project has been approved by the Common Council, detailed project plans, specifications and estimates will be prepared by City Engineering staff.

Before the project(s) can be constructed by the City's Street Department or let for bidding by construction companies, the project plans and construction fund expenditures must be approved by the Board of Public Works.

If a project is not approved, it will be referred back to the Engineering staff to address the Board's concerns.

### **Step 10. Construct Permanent Traffic Calming Device(s)**

Construction is administered by the City and is generally completed during the following construction season.

### **Step 11. Maintenance**

The City of Bloomington Engineering and Street Departments are responsible for the construction and maintenance of any traffic calming device implemented as part of this program. The Traffic Division is responsible for any traffic signing and pavement marking or delineation. Any trees planted within the right-of-way are the responsibility of the Parks and Recreation Department and any landscaping (not including trees) is the responsibility of the neighborhood association.

### **Step 12. Follow-up Evaluation**

Within six months to one year after construction of an NTSP project, the City may conduct a follow-up evaluation to determine if the project's goals and objectives continue to be met. This evaluation may entail traffic studies of volumes, speeds and accidents as well as public opinion surveys.

**APPENDIX A**

**VISION AND MISSION STATEMENT OF THE CITY OF BLOOMINGTON**

**THE MISSION OF CITY GOVERNMENT**

• **QUALITY DELIVERY OF BASIC SERVICES AND PROGRAMS**

Do well those things that municipal government is uniquely expected and able to do - public safety, streets and roads, parks, etc.

• **CONTINUOUS GOVERNMENT IMPROVEMENT**

Develop and implement the management and information systems that allow the determination and evaluation of the best practices and methods for the delivery of services and programs.

• **PRESERVE AND ENHANCE COMMUNITY CHARACTER**

Maintain, develop and implement policies that foster those aspects of our community spirit and our civic life that, combined, constitute the cherished quality of life that is uniquely Bloomington's.

**A VISION OF COMMUNITY**

- |                                           |                                                                        |
|-------------------------------------------|------------------------------------------------------------------------|
| • A SAFE AND CIVIL CITY                   | NEIGHBORHOODS AS VILLAGES,<br>CONNECTED TO EACH OTHER AND<br>COMMUNITY |
| • A PLACE OF BEAUTY                       |                                                                        |
| • A CAPITAL OF KNOWLEDGE                  | THE FRIENDLIEST TOWN AROUND                                            |
| • A CULTURAL OASIS                        | DIFFERENT FOLKS, DIFFERENT STROKES                                     |
| • BIG CITY ADVANTAGES, SMALL<br>TOWN FEEL |                                                                        |

**CIVIC VALUES**

- |                                        |                                        |
|----------------------------------------|----------------------------------------|
| • ABOVE ALL, NO VIOLENCE               | DISCOURSE SHOULD BE CIVIL              |
| • KIDS FIRST                           | AESTHETICS MATTER                      |
| • COMPASSION FOR CITIZENS IN<br>CRISIS | HEARTS AND SOULS NEED<br>NOURISHED TOO |
| • CHARACTER THROUGH DIVERSITY          |                                        |



**APPENDIX B**

**POINT ASSIGNMENT FOR RANKING NTSP REQUESTS**

		Point assigned
1) Percent of vehicles traveling over the posted speed limit		
low = 33%		1
medium = 33 - 67%		2
high = 68+%		3
A) Cut through traffic versus within (intra?) neighborhood speeding:		
Further study?	Yes/no	
2) Average daily traffic volumes		
Local Service Streets	Neighborhood Collector Streets	
low = 1 - 599	low = 500 - 1,499	1
medium = 600 - 1,499	medium = 1,500 - 3,499	2
high = 1,500+	high = 3,500+	3
3) Number of accidents along proposed calming area in 3 year period		
low = 1 - 2		1
medium = 3 - 4		2
high = 5+		3
	Yes	No
4) Creation of pedestrian and bicycle networks		
school walk route	1	0
school on proposed traffic calming street	1	0
designated bicycle route	1	0
route in or to pedestrian area (e.g., park, shopping, etc.)	1	0
proposed calming street has NO sidewalks	1	0
proposed calming area has NO bike lanes	1	0
within walking distance to transit	1	0
5) Scheduled road construction/reconstruction in proposed calming area	2	0

TOTAL POINTS: \_\_\_\_\_

Priority rank:

Comments and recommendations:

Calculated points are summed and competing projects' point totals are compared. The project with the greater point total moves ahead of those projects with less total points.

## APPENDIX C

### TRAFFIC CALMING DEVICES

Traffic calming relies upon physical changes to streets to slow motor vehicles or to reduce traffic volumes. These changes are designed to affect drivers' perceptions of the street and to influence driver behavior in a manner that is self-enforcing. Unlike traditional methods of traffic management, traffic calming does not rely primarily upon the threat of police enforcement for its effectiveness. Items which may be considered as traffic calming devices and which may be applied in a NTSP project are shown in Table 2.

#### 1. Street and Lane Narrowing

Motorists tend to drive at speeds they consider safe and reasonable and tend to drive more slowly on narrower roads and traffic lanes than wider ones. Reducing road widths by widening boulevards or sidewalks intermittently or introducing medians can reduce traffic speeds. The judicious placement of parking (protected by curbs and made more visible by landscaping) can achieve the same effect. Road narrowing has the added advantage of reducing the expanse of road to be crossed by pedestrians, thus reducing pedestrian crossing time.

Other criteria to be applied and considered prior to street narrowing include:

- **Bicycle Accommodations:** On local streets designated as a bike route or serving a significant volume of bicycle traffic, a sufficiently wide bicycle lane should be provided through the narrowed area. Where traffic and/or bicycle volumes are sufficiently low, exclusive bicycle lanes may not be required.
- **Snow Removal:** The pavement width of streets shall not be narrowed to a point where it becomes an impediment to snow removal.
- **Parking Restrictions:** In most cases on local access streets, street narrowing will require the prohibition of parking at all times along the street curb the full length of the *narrowed section* plus 20 feet.
- **Landscaping:** Median landscaping can be selected by neighborhood associations from an approved landscaping materials list provided by the City. Landscaping will be provided and installed by the City and will be maintained by the neighborhood association or landscape volunteer. If the landscaping is not maintained, the median will be topped with concrete or asphalt pavement.
- **Median Width/Lane Width:** Where medians are used to narrow streets, the medians shall not be constructed at less than four feet in width. Travel lanes shall not be narrowed to a width less than nine feet, exclusive of gutter. Bicycle lanes where required shall be four feet wide exclusive of gutter, unless the gutter is poured integral to the bicycle lane, in which case the bicycle lane will be five feet wide. If parking is allowed, the parking and bicycle lane combination shall be a minimum of 13 feet.

#### 2. Bicycle Lanes

Lane widths available to motorists can be reduced on some streets by the installation of bicycle lanes, either next to the curb (preventing stopping or parking by motor vehicles) or adjacent to parking. The space needed for bicycle lanes introduced on an existing street may reduce the width or number of general traffic lanes or the amount of parking. Bicycle lanes shall be constructed to the standard specifications of the Bloomington Public Works Department

### 3. Raised Street Sections or Speed Humps

Raised street sections or speed humps can reduce vehicle speeds on local streets. The hump is a raised area, no greater than 3 inches high, extending transversely across the street. For local streets, speed humps typically are constructed with a longitudinal length of 12 feet. If speed humps are determined to be appropriate for neighborhood collector streets, they shall be constructed with a longitudinal length of 22 feet. These longer speed humps may also be considered on local service streets that serve as primary emergency response routes.

Other criteria to be applied prior to installation of speed humps include:

- **Signing/Marking:** Speed humps are required to be signed with a combination of signs and pavement marking to warn motorists and bicyclists of their presence.
- **Traffic Safety and Diversion:** Any use of speed humps must take into consideration the impact the installation will have on long-wheel-based vehicles (fire apparatus, ambulances, snow plows and garbage trucks) and the potential to divert traffic to other adjacent streets. Speed humps should only be installed to address documented safety problems or traffic concerns supported by traffic engineering studies.
- **Street Width:** Speed humps should be used on streets with no more than two travel lanes and less than or equal to 40 feet in width. In addition, the pavement should have good surface and drainage qualities.
- **Street Grade:** Speed humps should only be considered on streets with grades of 8% or less approaching the hump.
- **Street Alignment:** Speed humps should not be placed within severe horizontal or vertical curves that might result in substantial horizontal or vertical forces on a vehicle traversing the hump. Humps should be avoided within horizontal curves of less than 300 feet centerline radius and on vertical curves with less than the minimum safe stopping sight distance. If possible, humps should be located on tangent rather than curve sections.
- **Sight Distance:** Speed humps should generally be installed only where the minimum safe stopping sight distance (as defined in AASHTO's *A Policy on Geometric Design of Streets*) can be provided.
- **Traffic Speeds:** Speed humps should generally be installed only on streets where the posted or prima facie speed limit is 30 mph or less. Speed humps should be carefully considered on streets where the 85th percentile speed is in excess of 40 mph.
- **Traffic Volumes:** Speed humps should typically be installed only on streets with 3,000 vehicles per day or less. If considered for streets with higher volume, their use should receive special evaluation.
- **Emergency Vehicle Access:** Speed humps should not be installed on streets that are defined or used as primary emergency vehicle access routes. If humps are considered on these routes, special care must be taken to ensure reasonable access is provided.
- **Transit Routes:** Speed humps should generally not be installed along streets with established transit routes. If humps are installed on transit routes, their design should consider the special operational characteristics of these vehicles.

#### **4. Full or Partial Road Closures (Semi-Diverter/Diverters/Cul-de-sac)**

Roads can be closed to motor vehicles at intersections, preventing through movement and requiring access to be gained from other streets. Closure should be undertaken in such a way as to avoid simple displacement of traffic to adjacent residential streets. It will usually be possible and desirable to retain pedestrian and bicycle access.

- Partial intersection closures can be achieved by narrowing a street to one lane at an intersection and instituting an entry restriction. Another technique is to introduce a “diagonal diverter” or barrier diagonally across an intersection which forces traffic off a favored short-cut. Gaps can be left to allow access by pedestrians and bicyclists.
- Partial Closures: Partial roadway closures at intersections will require consideration of pedestrian and bicycle access and lane width requirements similar to those defined under Street and Lane Narrowing.

#### **5. Chicanes**

Chicanes are a form of curb extension which alternate from one side of the street to the other. The road is in effect narrowed first from one side then the other and finally from the first side again in relatively short succession. Chicanes break up the typically long sight lines along streets and thus combine physical and psychological techniques to reduce speeds.

- Lane Width: Where chicanes are used, the travel lanes shall not be narrowed to a width less than nine feet, exclusive of gutter. Bicycle lanes where required shall be four feet wide exclusive of gutter, unless the gutter is poured integral to the bicycle lane, in which case the bicycle lane will be five feet wide.
- Snow Removal: Chicanes shall be designed to minimize the accumulation of snow piles and trash in the gutter interface between existing curb and gutter and chicane.
- Landscaping: Landscaping will typically consist of grass. Other landscaping may be selected from an approved landscaping list provided by the City. Landscaping may be provided and installed by the City and will be maintained by the Neighborhood Association or landscaping volunteer. Landscaping will not be approved which will obstruct the driver’s vision of approaching traffic, pedestrians or bicyclists.

#### **6. Traffic Circles**

Traffic circles are circles of varying diameter formed by curbs. Motorists must drive around the circle, or in the case of longer vehicles, drivers may drive slowly onto and over a mountable concrete curb forming the circle. Traffic circles reduce motor vehicle speeds through the intersections, depending on current intersection controls in place.

Other criteria to be applied and considered prior to installation include:

- Design Considerations: For each intersection the size of the circle will vary depending on the circumstances for that specific intersection. In general, the size of the circle will be determined by the geometry of the intersection.
- Where intersecting streets differ significantly in width, it may be more appropriate to design an

elongated "circle" using half circles with tangent sections between them. Smaller circles will be constructed on a case-by-case basis. Normally the circle will be located as close to the middle of the intersection as practical. Under special circumstances, such as being on a Fire Department response route, bus route or due to snow removal accommodations, the size and/or location of the circle will be adjusted to more appropriately meet these special circumstances.

- Design Considerations for "T" Intersections: For "T" type intersections, all of the above design considerations apply. In addition, curb extensions (or curb bulbs) may be included along the top of the "T" at the entrance and exit to the intersection.
- Signage: Appropriate signage for traffic circles will be determined by the City Engineer and may vary based on the location of the circle.
- Channelization: Where curbs do not exist on the corner radii, painted barrier lines, defining the corners, should be installed.

Yellow retro-reflective lane line markers shall be placed on top of the circle at its outer edge.

- Parking Removal: Normally, parking will not be prohibited in the vicinity of the circle beyond that which is prohibited by the City of Bloomington, ie, "within the intersection" or "within 20 feet of a crosswalk area". However, where special circumstances dictate, such as where the circle is on a response route for the Fire Department or to accommodate snow removal, or in an area where there is an unusually high use by trucks, additional parking may be prohibited as needed.
- Sign Removal: At intersections where circles are to be installed, any previous right-of-way controls may be removed at the time of circle construction completion. However, where special circumstances dictate, the existing traffic control may remain in place or be otherwise modified at the direction of the City Engineer.
- Landscaping: Landscaping will be selected by the neighborhood association or the City Parks and Recreation Department from an approved landscaping materials list provided by the City. Landscaping will be provided and installed by the City and will be maintained by the neighborhood association. If the landscaping is not maintained, the traffic circle will be topped with concrete or asphalt pavement.

**Volunteer Required:** Plant material will only be installed at traffic circles where a local resident or neighborhood association has volunteered to maintain the plant material. This maintenance will include watering, weeding and litter pick-up, as needed. All volunteers will be provided with information on maintenance of the plant material and common problems.

**Points at which volunteers will be required:** During initial contact, the person or neighborhood association requesting participation in the NTSP will be informed of the need for a volunteer for landscaping. In the notice of the neighborhood meeting, before construction, all residents will be informed of the need for a maintenance volunteer. This will be reiterated at the meeting if no one has volunteered. If no one has volunteered by the time that the circle is constructed, a special letter will be distributed to all residents informing them of the need for a volunteer (Figure 4). A final notice to residents will be included in the cover letter for the "after" survey of the residents.

**Plant Replacement:** Where the Public Works Department has had installed plant material in a traffic circle, the Department will replace any plant material which is damaged by traffic or vandalism or which dies due to planting, for a period of one year after the initial planting. If such damage is a

persistent problem, the Department may decide to cover the circle with a concrete or asphalt topping rather than continue to replace plant materials.

## **Stop Signs**

In some instances stop signs can be used as an effective traffic management and safety device. However, stop signs are not used as a traffic calming device within the NTSP.

Stop signs are used to assign right-of-way at an intersection. They are installed at intersections where an accident problem is identified, where unremovable visibility restrictions exist (such as buildings or topography), and/or where volumes are high enough that the normal right-of-way rule is potentially hazardous.

Stop signs are generally not installed to divert traffic or reduce speeding. Studies from other jurisdictions show that such use of stop signs seldom has the desired effect. In fact, the use of stop signs solely to regulate speed typically causes negative traffic safety impacts (non-compliance with the signs and increased accidents as well as mid-block speeding).

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NEIGHBORHOOD TRAFFIC SAFETY TECHNIQUES								
DEVICES	SAFETY	SPEED REDUCTION	PEDESTRIAN BICYCLISTS ACCESS	TRAFFIC DIVERSION	NOISE	EXHAUST EMISSIONS	EMERGENCY SERVICES	ACCEPTABLE FOR TRAFFIC MANAGEMENT
Police Enforcement	Improvement	Depends on Amount	Possible Improvement	No Effect	No Effect	No Effect	No Effect	Yes
Speed Humps	Unknown	Yes	Mixed Results	Possible	Increase	Small Increase	Possible Problem	Yes
Education	Possible Improvement	Possible	Possible Improvement	N.A.	N.A.	N.A.	No Effect	Yes
Entrance Treatments	Possible Improvement	Unlikely	Possible Improvement	Mixed Results	No Effect	No Effect	Possible Problem	Yes
Curb Extensions	Improve Ped. Crossing	Unlikely	Yes	No Effect	No Effect	No Effect	Possible Problem	Yes
Partial diverters/ Diverters/Cul-de-Sec	Possible Improvement	Possible	Possible	Yes	Possible Reduction	No Effect	Possible Problem	Possible
Chicanes	Possible Improvement	Possible	Possible	Possible	No Effect	Small Increase	Possible Problem	Yes
Traffic Circles	Improved	Yes	Possible	Possible	No Effect	No Effect	Possible Problem	Yes
One-way Streets	Possible Improvement	No	Mixed Results	Possible	No Effect	No Effect	Possible Problem	Yes
Median Barrier	Possible Improvement	No	Mixed Results	Possible	No Effect	No Effect	Possible Problem	Yes
Improve Arterial Streets	Possible Improvement	Unlikely	Possible Improvement	Possible Improvement	Possible Improvement	Possible Decrease	No Effect	Limited
Traffic Control Devices: e.g. Prohibitory Signing	Possible Improvement	Unlikely	Possible Improvement	Yes	Possible Improvement	No Effect	No Effect	Possible

*Appendix D*

**ORDINANCE 20-21**

**TO AMEND TITLE 12 (“STREETS, SIDEWALKS AND STORM SEWERS”) AND  
TITLE 17 (“CONSTRUCTION REGULATIONS”)  
OF THE BLOOMINGTON MUNICIPAL CODE**

**Re: Deleting Chapter 12.08 (Excavations) and Replacing it with Chapter 12.08 (Use of the Right of Way) and Adding a New Chapter 12.10 (Enforcement and Penalties) and Deleting Three Sections of Chapter 12.04 (General Regulations) and Revising One Section of Chapter 17.08 (Administration and Enforcement)**

WHEREAS, Indiana Code § 36-1-3-4(b) provides that the City, within statutory and Constitutional limits, has the power necessary or desirable to conduct its affairs, even if said power is not granted by a specific Indiana Code provision; and

WHEREAS, Indiana Code § 36-1-3-9(a) states that the City has exclusive jurisdiction over the public grounds inside of its corporate boundaries; and

WHEREAS, the City, via Indiana Code § 36-9-6-14 and Bloomington Municipal Code Chapter 12.08 Excavations, is authorized to require a permit before any person or entity performs any work in any rights of way owned by the City; and

WHEREAS, the City desires to adopt standards concerning any closure, impediment, digging, cutting or excavating to any street, right of way, alley or public place in the City, as well as standards concerning investigation, issuing notices and securing remedies for any violation of those standards; and

WHEREAS, the goal of creating a new Chapter 12.08 and Chapter 12.10 is to ensure that the City’s rights of way are utilized in a prudent and safe manner and in a way that does not negatively impact the vibrancy of the City;

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

SECTION 1. Chapter 12.08, of the Bloomington Municipal Code entitled “Excavations,” shall be deleted in its entirety and replaced with a new Chapter 12.08 “Use of Right of Way”. The codifier shall insert the title in the Table of Contents for Title 12 “Streets, Sidewalks and Storm Sewers”. Chapter 12.08 shall read as follows:

CHAPTER 12.08 - USE OF THE RIGHT OF WAY

Sections:

12.08.010 Compliance with Chapter Required

12.08.020 Right of Way Use Permit Required

12.08.030 Application and Permit Fee

12.08.040 Fee Table

12.08.050 Permit Application and Site Plan Required

12.08.060 Bond Required – Amount - Conditions

12.08.070 Bond Amounts

12.08.080 Insurance and Indemnity

12.08.090 Permit Issuance

12.08.100 Traffic Control Devices

12.08.110 Obstructing Sidewalk – Walkaround Requirements

12.08.120 Location of Mains and Pipes – Supervision of Work

12.08.130 Excavation Materials and Backfill

12.08.140 Refilling of Excavations

12.08.150 Protection of Sides of Excavation – Injury to Adjoining Right of Way

12.08.160 Emergencies



#### 12.08.010 Compliance with Chapter Required.

It is unlawful for any person to do, cause or permit to be done any closure, impediment, digging, cutting or excavating to any street, right-of-way, alley or public place, or into or through any pavement thereon, in the city except in accordance with and as provided for in this chapter.

#### 12.08.020 Right of Way Use Permit Required.

Any person closing, prohibiting access to, digging, cutting or excavating on or causing the same to be made in pavements or adjacent to pavements shall apply for a right-of-way use permit as required by this chapter. A person shall not begin the aforementioned activities until a right-of-way use permit has been duly granted as provided in this chapter. The right of way use permit shall be kept on site in paper or digital form and be able to be produced as requested by city staff.

Work done at the direction of the Board of Public Works which includes, but is not limited to, maintenance and improvements to existing infrastructure, shall be exempt from the permitting process, however, shall follow all maintenance of traffic principles outlined within the chapter.

#### 12.08.030 Application and Permit fee.

Any person desiring to close, prohibit access to, or make any opening or excavation contemplated by this chapter is subject to application and permit fees as described:

- (a) The application fee covers the cost of submitting an application for review. The fee does not guarantee the issuance of a permit upon review. The application fee is due upon submittal of the application for review and will not be refunded upon rejection of the application by City staff or cancellation of application by the applicant.
- (b) The permit fee is the cost associated with the issuance of the permit upon approval. The permit fee is due before the permit is issued to the applicant.

The application and permit fees to close, prohibit access to, or make any opening or excavation contemplated by this chapter are specified in Section 12.08.040 (“Fee Table”) of the Bloomington Municipal Code and shall be paid to the city's transportation and traffic engineer, or his or her designees, prior to closing, prohibiting access to, or making an opening or excavation. Application and permit fees may be adjusted or waived at the discretion of the Board of Public Works. The following entities, or their designees, are exempt from having to pay the fee required by this section and by Section 12.08.040 (“Fee Table”):

- (a) City of Bloomington Utilities Department;
- (b) Indiana University;
- (c) Monroe County;
- (d) State of Indiana;
- (e) Not-for-profit agencies with a 501(c)(3) designation; and
- (f) Any utility or entity performing work on a device or appurtenance owned or operated by and at the direction of the city.

12.08.040 Fee Table.

(a) The right of way use and excavation fees shall be as follows:

Application	Fee
Right of Way Use/ Excavation	\$100.00
Use Type	Fee
Street; asphalt or concrete	\$1.00 per square ft of surface disturbance
Pushorbore	\$0.10 per lineal ft
Replacement/Removal of poles	\$35.00 per pole
Residential Driveway installation	\$10.00
Grass, dirt, gravel, landscape area, or other unpaved surface	\$0.10 per square ft
Sidewalk, asphalt or concrete Reconstruction	\$0.10 per Square ft
Sidewalk asphalt or concrete new construction	\$0.05 per Square ft
Storage of Dumpsters or Construction Materials *non-metered location	\$50.00
Lane, Bike Lane, or Sidewalk Closure*	\$100.00 per week
Street Closure*	\$200.00 per week
Re-inspection Fee	\$25.00

\*Each closure type will be charged individually. Each closure type located on a different block will be charged as a separate closure. All items related to the same project can be listed on the same application as to only charge one application fee.

12.08.050 Permit application and site plan required.

Any person desiring to close, prohibit access to, or make any opening or excavation contemplated by this chapter shall file the following with the transportation and traffic engineer, or his or her designees:

- (a) An application for right of way use, which shall contain all information deemed necessary by the transportation and traffic engineer;
- (b) A site plan which may identify the following and/or additional details, at the discretion of the transportation and traffic engineer:
  - (1) The specific location of all utilities already located in the right-of-way;
  - (2) The specific location of all signs already located in the right-of-way;

- (3) The specific location of all structures, either privately or publically owned, already located in the right-of-way;
  - (4) The distance from all streets, alleys, driveways, entrances, intersections, and/or road cuts wherein the excavation will be made and the device or structure being installed as a result of the excavation will be located;
  - (5) The specific location of all proposed utilities. (Prior code § 23-17); and
  - (6) A maintenance of traffic plan that is compliant with the Manual on Uniform Traffic Control Devices (MUTCD).
- (c) A bond in accordance with Section 12.08.060 (“Bond required-Amount-Conditions”); and
  - (d) A certificate of insurance in accordance with Section 12.08.080 (“Insurance and Indemnity”).

12.08.060 Bond required-Amount-Conditions.

At the time of filing the application under the provisions of Section 12.08.030 (“Application and Permit Fee”), the person desiring to close, prohibit access to, or make any opening or excavation shall also file a bond payable to the city with the transportation and traffic engineer, or his or her designees.

The bond shall be in a sum as shown in Section 12.08.070 (“Bond Amounts”) or as designated by the transportation and traffic engineer, or his or her designees. Bond amounts are per permit unless a larger bond is on file in an amount sufficient to encompass multiple active permits.

The transportation and traffic engineer, or his or her designees, may require a bond in an amount not to exceed the total projected cost of the project, plus twenty-five percent, in the event such bond is deemed necessary to ensure performance of the contractor.

Bonds shall be conditioned to hold the city harmless from any loss, cost or damage by reason of such proposed work, and that the same shall be done in all respects in conformity with the requirements of all laws regulating the same.

A single or continuing bond may be required to embrace all work of an applicant for a period of time between the date of the execution of the bond and two years after the date of completion of the project as determined by the transportation and traffic engineer, or his or her designees.

Entities with a bonding agreement approved and filed with the Board of Public Works shall be exempt from this section. The following entities are eligible for this bonding agreement:

- (a) City of Bloomington Utilities Department;
- (b) Indiana University;
- (c) Monroe County Community School Corporation;
- (d) Monroe County;
- (e) State of Indiana;
- (f) Indiana Department of Transportation
- (g) Not-for-profit agencies with a 501(c)(3) designation; and
- (h) Any utility or entity performing work on a device or appurtenance owned or operated by and at the direction of the city.

Contractors hired by these entities are required to have a bond on file with the city unless otherwise approved in the agreement approved and filed with the Board of Public Works.

12.08.070 Bond Amounts.

Permit	Bond Amount (per permit)
Street Cut	\$20,000.00
Pushorbore	\$5,000.00
Placement/Removal of poles	\$5,000.00
Residential Driveway installation	\$5,000.00
Storage of Dumpsters or Construction materials:	\$5,000.00
Sidewalk Replacement	\$5,000.00
Commercial Driveway installation	\$10,000.00
Lane, Bike Lane, or Sidewalk Closure	\$5,000.00
Street Closure	\$5,000.00

12.08.080 Insurance and indemnity.

Each applicant for a permit under this chapter shall provide a certificate of liability insurance to the transportation and traffic engineer, or his or her designees, upon a form approved by the corporation counsel of the city, insuring the applicant, and naming the city as co-insured, against the following liabilities and in the following amounts relative to such activity:

- (a) Personal injury: one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate; and
- (b) Property damage: fifty thousand dollars per occurrence and one hundred thousand dollars in the aggregate.

Each applicant for a permit under this chapter shall provide a document approved by the corporation counsel for the city, in which the applicant agrees to indemnify and forever hold harmless the city for losses and/or expenses arising from the opening and excavating work performed pursuant to a permit issued under this chapter.

12.08.090 Permit issuance.

It shall be the duty of the transportation and traffic engineer, or his or her designees, upon the filing of the application, site plan, approved bond, proof of insurance, and the payment of a fee as required by this chapter, to issue to the petitioner a permit to close, prohibit access to, or make such excavation and do such work, and such permit shall describe the kind and location of the same. Staff may deny permits deemed incomplete or for work not in the public's interest as determined by the transportation and traffic engineer. The permit may also describe any restrictions or special instructions by which the responsible party to the permit must abide.

#### 12.08.100 Traffic Control Devices.

Traffic control plans for all streets, sidewalks, bike lanes or other city right of way within the city shall be made in compliance with the Indiana Manual on Uniform Traffic Control Devices. Other specific safety precautions may be required by the transportation and traffic engineer, or his or her designees. All proper traffic control devices including but not limited to barricades, signage, lights, temporary markings, cones, and other safety precautions shall be maintained by the party to whom the permit was issued under the provisions of this chapter until construction has been inspected and approved by the transportation and traffic engineer, or his or her designees. Deviation from or failure to maintain approved traffic control plans shall be considered a violation of this chapter and shall be subject to penalty as described in chapter 12.10.

#### 12.08.110 Obstructing sidewalk–Walkaround Requirements.

If it is necessary to obstruct or block a sidewalk for a period in excess of twenty-four hours, then the party who has applied for the right of way use permit shall provide a walkaround for such area. Where possible, the walkaround shall parallel the disrupted pedestrian access route on the same side of the street. The walkaround shall consist of a walk not less than five feet wide, be protected by continuous concrete or water filled barricades with impact attenuators at each end for oncoming traffic, and have Public Rights-of-Way Accessibility Guidelines (“PROWAG”) compliant access. All Indiana Manual on Uniform Traffic Control Devices (“IMUTCD”) guidelines must be followed including, but not limited to, advance warning signs. All Occupational Safety and Health Administration (“OSHA”) guidelines must be followed. Other conditions for walkarounds may be required by the transportation and traffic engineer, or his or her designees, including, but not limited to, the following; concrete or water filled barricades on each side, railings 5 feet high on each side, electric lighting at night, overhead protection, rumble strips, changeable message signs, hazard identification beacons, flags, and warning lights. The transportation and traffic engineer may require a pedestrian detour or other accommodations instead of a walkaround if necessary in accordance with IMUTCD or OSHA guidelines.

The proposed alternative path must be approved by the transportation and traffic engineer, or his or her designee. The transportation and traffic engineer or designee shall consider the following factors when reviewing pedestrian walkarounds, detours, or other pedestrian accommodations:

- The City’s Comprehensive Plan and Transportation Plan, that both state the City must “Provide a safe, efficient, accessible, and connected system of transportation that emphasizes public transit, walking, and biking to enhance options to reduce our overall dependence on the automobile.”
- The Transportation Plan's Modal Priorities, which state that in considering tradeoffs between modes, including in the context of construction, pedestrians should receive the greatest priority, as the most vulnerable and most space-efficient road users. Pedestrian priority is followed by bicyclist and transit user priority, followed by single-occupancy vehicle drivers with the lowest priority.
- If a pedestrian detour is used then appropriate advance warning must be provided;
- Pedestrian accommodations should avoid additional street crossings and added travel distance;
- Options for detours, diversions, road narrowing and road closures for automobiles, in order to maintain connectivity for pedestrians;

When feasible, construction site entrances and exits should be located in areas that minimize impacts to walkarounds in order to make walkarounds a feasible option.

When approval for a sidewalk closure is required from the Board of Public Works, the Board may require a pedestrian detour in place of a walkaround based on the context of the construction site and the factors listed above. Deviation from or failure to maintain approved walkaround shall be considered a violation of this chapter and shall be subject to penalty as described in Chapter 12.10.

#### 12.08.120 Location of mains and pipes -- Supervision of work.

It shall be the duty of the responsible party in connection with all work contemplated by this chapter, through its duly authorized agents, to determine the proper location for all utilities including, but not limited to, water, gas, storm and sanitary sewer. It shall also be the duty of the responsible party to coordinate repair and incur expenses if there are damages to existing utilities due to their work. The transportation and traffic engineer or his or her designee may supervise the replacement of the excavation and pavements and see that all work in connection therewith is completed and in compliance with all federal, state, and local safety requirements and specifications required hereunder. The following persons shall be considered responsible parties, in connection with all work contemplated by this chapter:

- (1) The property owner;
- (2) Persons with any possessory interest in the property; and
- (3) Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, took part in the work.

#### 12.08.130 Excavation materials and backfill.

Any responsible party receiving a permit under the provisions of this chapter shall pile any excavation material in a neat pile within the approved right of way use construction area in such a manner as does not present safety or erosion control hazards. All unused backfill shall be hauled away the same day unless approved by the transportation and traffic engineer or his or her designee for later removal.

#### 12.08.140 Refilling of excavations.

After any work requiring excavation has been properly completed, the responsible party to the permit under the provisions of this chapter shall refill that portion of the street, alley, right-of-way, or public place excavated and restore the excavated area in accordance with specifications and standards as set forth by the transportation and traffic engineer. Excavation done on a street that has been paved in the last three years shall require mill and pave of the full traffic lane or lanes as determined by the transportation and traffic engineer.

In the event the responsible party fails to follow the above requirements or the refilling of the excavation fails, the city may refill the excavation, or employ another contractor to do so, at the expense of the responsible party. Such expense may be deducted from the bond required by Section 12.08.060 ("Bond required-Amount-Conditions"). Fines may also be assessed per the fine schedule in Section 12.10.040 ("Penalty") for non-compliance.

In the event a second inspection of the refilled excavation is necessary as a result of noncompliance with any section herein, a re-inspection fee of twenty-five dollars shall be charged by the transportation and traffic engineer, or his or her designees, for each subsequent inspection that occurs.

#### 12.08.150 Protection of sides of excavation-Injury to adjoining right of way.

Any person making excavations or causing the same to be made in pavements or adjacent to pavements, shall so protect the sides of the excavation that the adjoining soil shall not cave in. It is unlawful for any person to excavate so as to undermine or injure any adjoining right of way including, but not limited to, curbs, streets, tree plots and sidewalks.

#### 12.08.160 Emergencies.

A utility described in Section 12.12.010 ("Applicability") may perform a closure of and excavation in the city's right-of-way without having a permit to do so under this chapter in the event an emergency necessitates closure and excavation work. An emergency is defined as a sudden and unexpected event that, if left uncorrected, will cause serious damage to property or jeopardize the safety and health of persons.

Any emergency closure in city right-of-way shall be done in compliance with the Indiana Manual on Uniform Traffic Control Devices temporary traffic control guidelines. Excavations must be repaired to city standard for temporary or final repair as described in City standard drawings.

In the event an emergency occurs, the affected party shall contact staff from the planning and transportation department and/or the public works department to inform them of the excavation work being performed.

When closure and excavation due to an emergency occurs, the contractor conducting such emergency closure and excavation shall have current bonding and insurance on file with the city per requirements in Sections 12.08.060 (“Bond required-Amount-Conditions”) and 12.08.080 (“Insurance and indemnity”). The contractor conducting such emergency closure and excavation shall file an application for a permit no later than seventy-two (72) hours from the commencement of the said emergency work.

SECTION 2. Section 12.04.110 entitled “Obstructing sidewalk – Walkaround to be Provided” shall be deleted in its entirety and all remaining sections shall be renumbered accordingly.

SECTION 3. Section 12.04.120 entitled “Obstructing sidewalk – Walkaround – Approval of transportation and traffic engineer” shall be deleted in its entirety and all remaining sections shall be renumbered accordingly.

SECTION 4. Section 12.04.130 entitled “Obstructing sidewalk – Revocation of permit upon disregard of regulations” shall be deleted in its entirety and all remaining sections shall be renumbered accordingly.

SECTION 5. Section 17.08.050 entitled “Fees” shall be revised to delete Right-of-way borings and Right-of-way cuts.

SECTION 6. A new chapter, Chapter 12.10, entitled “Enforcement and Penalties” shall be adopted. The codifier shall insert the title in the Table of Contents for Title 12 “Streets, Sidewalks and Storm Sewers”. Chapter 12.10 shall read as follows:

#### CHAPTER 12.10 - ENFORCEMENT AND PENALTIES

Sections:

12.10.010 Authority

12.10.020 Penalties and Remedies for Violations

12.10.030 Administration

12.10.040 Penalty

12.10.050 Enforcement Procedures – Notices of Violation

12.10.060 Appeals

12.10.010 - Authority.

All departments, officials and public employees of the city that are vested with the duty or authority to review and/or issue permits shall conform to the provisions of this title of the Bloomington Municipal Code (BMC) and shall issue no permit for any use, excavation, activity or purpose which would be in conflict with the provisions of this title. Any permit issued in conflict with the provisions of this title shall be null and void. The transportation and traffic engineer and his or her designee are designated enforcement officials with full authority to investigate, issue notices of violation, and secure remedies, including but not limited to injunctive relief, for any violation of this title.

12.10.020 - Penalties and remedies for violations.

(a) For the purposes of this chapter, a violation shall be defined as violation of or failure to comply with:

(1) Any provision or requirement of this title; or

(2) The required elements of the submission on the basis of which any permit or approval has been rendered hereunder.

(b) Any violation as defined herein is hereby declared a common and public nuisance, and any person who is a responsible party as defined in Section 12.10.050(a) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

(c) Any violation, as defined in subsection (a) above, shall be subject to the penalties and remedies provided in this chapter, and the city shall have recourse to any remedy available in law or equity.

(d) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this chapter. A violation continues to exist until corrected. Correction includes, but is not limited to:

(1) Cessation of an unlawful practice;

(2) Removal of a building, structure, or other improvement;

(3) Faithful or otherwise-approved restoration or replacement of a building, structure, site, excavation, traffic control devices, walk around, or natural feature;

(4) Any other remedy specified in this title; and/or

(5) Other remedy acceptable to the city.

(e) The city legal department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 12.10.050(d) of this chapter; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this title or any condition, requirement, or commitment established in connection with this title or any development approval hereunder.

(f) In addition to all other penalties and remedies provided for herein, where the violation is removal of one or more trees contrary to Section 20.05.044, EN-07 (“Environmental standards—Tree and forest preservation”), the responsible party shall meet the requirements listed in Section 20.10.020(g).

(g) In addition to all other penalties and remedies provided for herein, where the violation is disturbance of other environmental constraints as outlined Chapter 20.05, EN (“Environmental Standards”), the responsible party shall be required to meet the requirements listed in Section 20.10.020(h).

(h) The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

12.10.030 - Administration.

The transportation and traffic engineer or his or her designee shall maintain a record and tabulation of all complaints and investigations, and the resolutions of those complaints, whether made by citizens or by staff; communicate with citizen complainants about the progress being made in investigating and resolving their complaints; and report to pertinent boards or commissions on an as-needed basis.



12.10.040 - Penalty.

(a) Any violation that is subject to this chapter shall be subject to a civil penalty of not more than two thousand five hundred dollars for each such violation, and not more than seven thousand five hundred dollars for the second and any subsequent violation, in addition to any and all other remedies available to the city, except where a lesser fine is specified herein.

(b)

Right of Way Use Violation	Fine
Right of Way Closure or Excavation without a permit	\$ 500.00 maximum not to exceed allowed under (12.10.040)
Unrepaired damage to right of way following excavation	100.00
Failure to comply with city standards and specifications for right of way repairs	100.00
Right of way use without approved maintenance of traffic plan	500.00
Failure to maintain approved maintenance of traffic plan; including but not limited to maintaining compliant traffic control devices	100.00
Failure to have permit on site	100.00
Failure to reopen right of way per approved dates for right of way use permit	250.00

12.10.050 - Enforcement procedures—Notices of violation.

(a) If the transportation and traffic engineer or his or her designee finds that any violation subject to this chapter is occurring, or has occurred, a notice of violation (NOV) may be issued to the responsible party. Such notices of violation may be further accompanied by additional warnings following the same procedures of this chapter. For purposes of issuing a notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation:

- (1) The property owner;
- (2) Persons with any possessory interest in the property; and
- (3) Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue.

(b) The notice of violation (NOV) shall be in writing and shall be served on all of the responsible parties in one or more of the following manners: delivery in person or by first class mail. The notice of violation shall state:

- (1) The location of the violation;
- (2) The nature of the violation;
- (3) The date the violation was observed;
- (4) The daily fine assessed for the violation;
- (5) Additional remedies the city may seek for violation;
- (6) That the fine is paid to the city of Bloomington;
- (7) That the notice of violation may be appealed to the board of public works; and
- (8) That the fine may be contested in the Monroe County Circuit Courts.

(c) Each item of noncompliance enumerated on the notice of violation shall be considered to be a separate violation, and each day that each such item of noncompliance continues shall be considered to be a separate violation. Fines shall accrue from the date the violation commenced.

(d) In addition to issuing a notice of violation (NOV), the transportation and traffic engineer or his or her designee may utilize and/or seek through legal proceedings one or more of the following remedies:

- (1) Revoke or withhold other approvals, certificates and/or permits relevant to the site on which the violation has occurred or to the parties committing the violation; and/or
- (2) Issue a stop work order; and/or
- (3) Request the county building department to issue a stop work order and request the building official to suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred; and/or
- (4) Draw on a performance or maintenance surety, as necessary, to effect any remedial actions required to abate the violations; and/or
- (5) Revoke the permits, certificates and/or approvals that have been violated; and/or

(6) Any and all penalties and remedies listed in Section 12.10.020 (“Penalties and remedies for violations”).

**12.10.060 - Appeals.**

(a) Intent. The purpose of this section is to outline the procedure employed by the city in order to afford citizens an avenue of appeal when there is some doubt that an administrative official, staff member, administrative board or other body, has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing any part of this title.

(b) Applicability. An administrative appeal may be made by any person aggrieved by an order, requirement, decision, or determination made by an administrative official, staff member, administrative board or other body, charged with the administration or enforcement of any part of this title.

(c) Application. Filing Deadline. An administrative appeal must be filed with the Public Works Department within seven days of the order, requirement, decision, or determination that is being appealed.

(d) Review. At its next regularly scheduled public meeting, the Board of Public Works shall review:

- (1) The written statement and supportive material submitted by the appellant;
- (2) The record of action supplied by the administrative official or body from which the appeal is taken;
- (3) The written and oral testimony of the public;
- (4) The testimony of the appellant; and
- (5) The testimony of the administrative official or body from which the appeal is taken;

(e) Decision. The Board shall issue its decision to uphold or deny the appeal to waive or adjust fines;

(f) Fines levied for violations may be challenged in the Monroe County Circuit Court and must be filed within seven days.

SECTION 7. If any section, sentence, chapter or provision of this ordinance, or the application to any person or circumstances shall be declared invalid, such invalidity shall not affect any other section, sentence, chapter, provision or application 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 8. 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 after any required publication, waiting, and/or notice periods under Indiana law.

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 ordinance updating Title 12 and Title 17 does four (4) things. First, Chapter 12.08, titled “Excavations,” is repealed and replaced with a new Chapter 12.08 titled “Use of the Right of Way”. The purpose behind this change is to ensure that language has been added to each section of this chapter that encompasses excavation in the right of way as well as use of the right of way. Use of the right of way includes storage of equipment or materials and closing a street, sidewalk, bike lane, or other lane of traffic. Second, it deletes three (3) sections of Chapter 12.04 which deal with walkarounds, as that topic is included in the new Chapter 12.08. Third it deletes a portion of section of Chapter 17.08, which includes permit fee provisions, as the deleted items are included in the new Chapter 12.08. Fourth, it establishes a new Chapter of the Bloomington Municipal Code, Chapter 12.10, entitled “Enforcement and Penalties,” which provides more efficient and specific enforcement procedures.

# MEMO:

To: City of Bloomington Common Council  
From: Sara Gomez, Public Improvements Manager  
Neil Kopper, Interim Transportation and Traffic Engineer  
Date: October 7, 2020  
Re: Ordinance 20-21 - Repeal and Replacement of Title 12, Chapter 12.08 “Excavations” with Chapter 12.08 “Use of the Right of Way”; Deleting 3 sections from Chapter 12.04 “General Regulations”; Revising Title 17 to delete a portion of Chapter 17.08 “Administration and Enforcement”; and Adding a New Chapter to Title 12, Chapter 12.10 “Enforcement and Penalties” to the Bloomington Municipal Code

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The attached ordinance is the first proposed update of Title 12 since 2016. It contains changes focused on excavations in and use of the right of way that are recommended by the Planning & Transportation Department with review by the Bicycle and Pedestrian Safety Commission, the Traffic Commission, the Legal Department, and the Board of Public Works.

The ordinance does four key things.

First, Title 12, Chapter 12.08, titled ‘Excavations’ of the Bloomington Municipal Code is proposed to be repealed and replaced with Chapter 12.08 titled ‘Use of the Right of Way’. The purpose behind this change is to ensure that language has been added to each section of this chapter that encompasses excavation in the right of way as well as use of the right of way. Use of the right of way includes storage of equipment or materials and closing a street, sidewalk, bike lane, or other lane of traffic.

Specific proposed changes include:

- Removing permit fees from the fee schedule located in Chapter 17.08.050 and adding a Fee Schedule in Chapter 12.08.040. The new fee schedule includes an application fee, fees for use of the right of way, and updated fees for excavation;
- The ability to adjust or waive application or permit fees at the discretion of the Board of Public Works;
- Additional language requiring a maintenance of traffic plan that is compliant with the Manual on Uniform Traffic Devices (MUTCD)<sup>1</sup>;
- The ability for specific entities to enter into a bonding agreement approved and filed with the Board of Public Works to be exempt from bonding requirements;
- Addition of ‘Bond Amounts’ list for the different types of excavation and use of the right of way;

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<sup>1</sup> We already require this in practice. This provision would codify our current practice of requesting this for street, lane, bike lane, and sidewalk closures.

- ‘Permit Issuance’ section has added language to allow staff to deny permits deemed incomplete or for work not in the public's interest as determined by the transportation and traffic engineer.<sup>2</sup>;
- Removal of 12.08.120, ‘Barricades-Danger Lights’. This section is proposed to be replaced with section 12.08.100, ‘Traffic Control Devices’ which addresses all traffic control devices instead of just barricades and danger lights;
- Change outdated language in section 12.08.080, ‘Location of mains and pipes-Supervision of work’, “...see that all work in connection therewith is made and completed in a workmanlike manner...” to “...see that all work in connection therewith is completed and in compliance with all federal, state, and local safety requirements and specifications...”;
- Remove section ‘Taking up pavement-Piling of material along curb’ and replace with ‘Excavation materials and backfill’. This section update clarifies where and how long materials may be piled in the right of way during an excavation;
- Ability to require a mill and pave of full traffic lane(s) when an excavation is on a street that has been paved in the last three years;
- Added requirement of contractor conducting emergency work to have current bonding and insurance on file with the City;
- Added requirement that emergency closures must follow IMUTCD temporary traffic control guidelines, and excavation repairs, temporary or final, must meet City Standards.

Second, removal of Chapter 12.04, sections 110, 120 and 130.

These sections would be replaced with 12.08.110 ‘Obstructing Sidewalk-Walk around Requirements’. This change is intended to condense the previous three sections into one section and add language that reflects Indiana Manual of Uniform Traffic Control Devices (IMUTCD), Public Rights of Way Accessibility Guidelines (PROWAG) and Occupational Safety and Health Administration (OSHA) guidance.

Third, it removes permit fee provisions from Chapter 17.08 “Administration and Enforcement”, as the deleted items are included in the new Chapter 12.08.

Fourth, a new chapter, Chapter 12.10, entitled “Enforcement and Penalties” is proposed for adoption. This new chapter would replace the current ‘Violations’ section in 12.08. The overall purpose behind this Chapter is to have enforcement procedures in place that are more consistent with enforcement procedures in other chapters of City Code that allow staff to be more efficient and specific when issuing fines.

Specific proposed changes include;

- Ability to have stiffer penalties for more egregious infractions;
- A larger daily fine maximum;
- Specific fines in the violation schedule;
- A clear and specific enforcement procedure;
- Penalty and Appeal rights are explained.

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<sup>2</sup> This language clarifies existing practice. This language will also allow the City’s new permitting system to automatically reject an incomplete permit.

**BOARD OF PUBLIC WORKS  
RESOLUTION 2018-108**

**Approvals for Short-Term Closure of Public Right of Way**

WHEREAS, the City's Board of Public Works ("BPW") has authority, pursuant to Ind. Code Section 36-9-2-5, to establish, vacate, maintain and operate public ways, including air ways over sidewalks; and

WHEREAS, on January 26, 2016, the BPW approved Resolution 2016-07 which authorized City staff to approve right-of-way closures on a limited basis, and now the BPW wishes to provide greater clarity regarding that authority; and

WHEREAS, the BPW hereby revokes Resolution 2016-07 and the BPW authorizes staff to act in accordance with this Resolution 2018-108; and

WHEREAS, the staff from the Public Works Department and the Planning and Transportation Department receive multiple requests each week for the imminent closure of a portion of a sidewalk or travel lane(s) on the City's streets in order to deal with unanticipated issues or problems that need immediate attention or requests that seek some restriction on use of right of way during short-term construction projects; and

WHEREAS, in the interest of fostering the timely abatement of unsafe or undesirable conditions upon the City's right of way and of accommodating short-term improvement projects, the BPW wishes to provide the following limited authority to City staff to deal with and resolve such conditions when they occur;

NOW, THEREFORE, BE IT RESOLVED THAT:

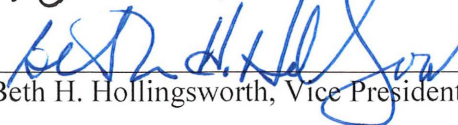
1. The BPW hereby provides the authorization for City staff to effect the closure of a sidewalk, parking lane, travel lane(s) or full closure of a City street(s) for a period of time not to exceed fourteen (14) days, as provided in the Right-of-Way Use Flow Chart.
2. The Right-of-Way Flow Chart is attached hereto and incorporated herein as Attachment A.
3. BPW authorization is required prior to any right-of-way closure that is anticipated to exceed fourteen (14) days.
4. The person or entity requesting staff or BPW approval for any closure is not relieved from compliance with any applicable rule, regulation or permitting requirement.

Resolution 2018-108

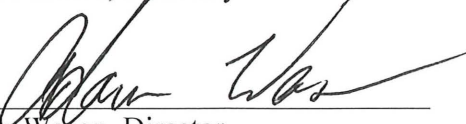
5. The terms of this Resolution shall be in effect upon execution of this Resolution by the members of the BPW.

**CITY OF BLOOMINGTON  
BOARD OF PUBLIC WORKS**

By:   
Kyla Cox Deckard, President

By:   
Beth H. Hollingsworth, Vice President

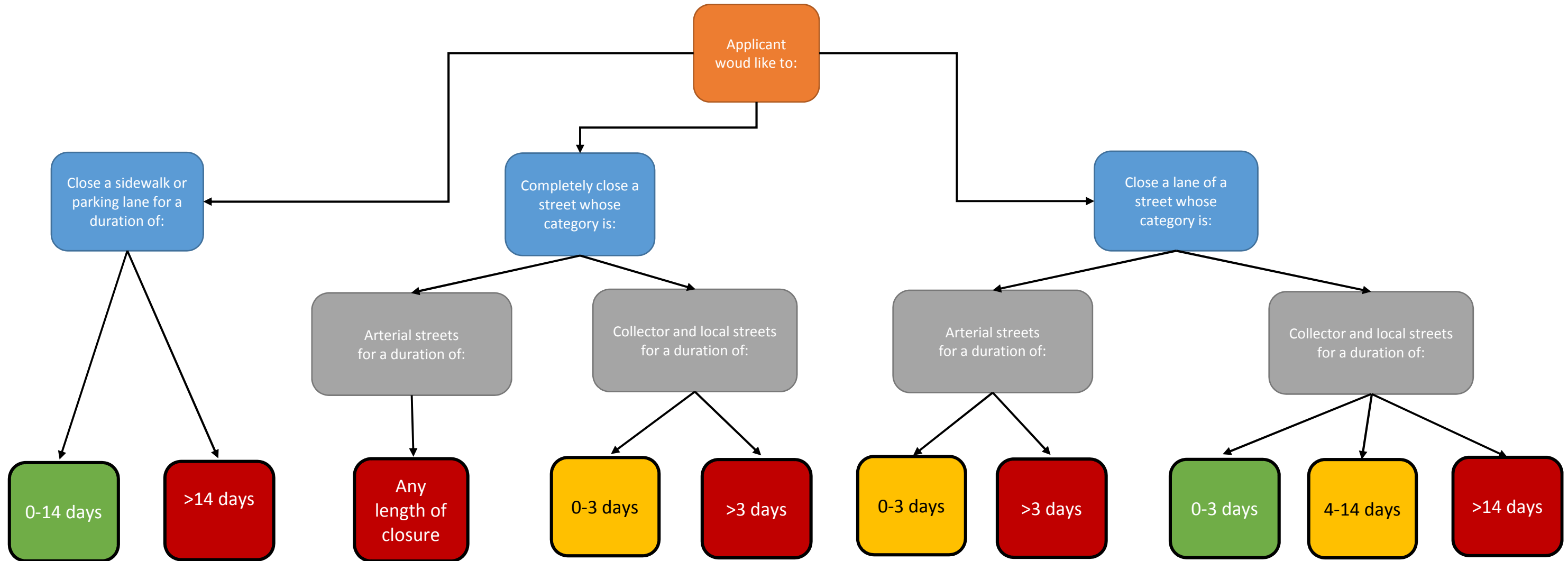
By: \_\_\_\_\_  
Dana Palazzo, Secretary

Attest:   
Adam Wason, Director  
Public Works Department

Attest: \_\_\_\_\_  
Terri Porter, Director  
Planning and Transportation Department



# Right-of-Way Use Flow Chart



Key:

Approval from City Engineer's designee

Must receive approval from Director of Public Works, Director of Planning and Transportation, or City Engineer

Must receive Board of Public Works Approval



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                          ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the April 6, 2011 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF,     I  
hereunto set my signature as Clerk  
of the City of Bloomington on the  
date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date:\_\_\_\_\_

The attached copy of the minutes for the April 6, 2011 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Stephen Volan  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, April 6, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
April 6, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler  
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

It was moved and seconded that the Report from the Mayor be moved to be heard before Reports from Council Members.

REPORTS:

The motion was approved by a roll call vote of Ayes: 8, Nays: 0. (Satterfield had not yet arrived at the meeting.)

There were no appointments to boards or commissions at this meeting.

BOARD AND COMMISSION  
APPOINTMENTS

LEGISLATION FOR SECOND  
READING

It was moved and seconded that Ordinance 11-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do Pass Recommendation of 9-0-0.

It was moved and seconded that Ordinance 11-04 be adopted.

Ordinance 11-04 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: The Repeal and Reenactment of Section 2.12.020 entitled "The Bloomington Arts Commission"

Ordinance 11-04 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 11-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-2.

It was moved and seconded that Resolution 11-05 be adopted.

Resolution 11-05 To Maintain the Status of the Prospect Hill Conservation District as a Conservation District

Resolution 11-05 received a roll call vote of Ayes: 8, Nays: 1 (Wisler).

It was moved and seconded that Ordinance 11-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6-0-3.

It was moved and seconded that Ordinance 11-03 be adopted.

Ordinance 11-03 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Two Signalized Intersections and Certain Items Deferred from Ord 10-15)

It was moved and seconded that Amendment #2 be introduced.

Amendment #2 to Ordinance 11-03 received a roll call vote of Ayes: 9, Nays: 0

Amendment #2

This amendment is sponsored by Councilmember Piedmont-Smith corrects typographical errors in Sections 10 and 15.

It was moved and seconded that Amendment #1 be introduced.

Amendment #1 to Ordinance 11-03 received a roll call vote of Ayes: 8, Nays: 1 (Volan).

Amendment #1

This amendment is sponsored by Councilmember Sturbaum proposes the intersection at Fourth and Maple from a 2-way to a 4-way stop. Please note that this proposal comes forward now because this is the first traffic ordinance after the proposal was considered and rejected by the Traffic Commission.

Ordinance 11-03 as amended by Amendment #1 and #2 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 11-03 as amended

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 11-01 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating a Grant from the Bloomington Bicycle Club to fund the Bicycle Light Campaign)

Appropriation Ordinance 11-01

It was moved and seconded that the Internal Work Session for Friday, April 9, 2011 be cancelled.  
The motion was approved by a voice vote.

COUNCIL SCHEDULE

It was moved and seconded that the Committee of the Whole meeting scheduled for April 13, 2011 be cancelled.  
The motion received was approved by a voice vote.

The meeting was adjourned at 10:35 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

for approval



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                          ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the October 5, 2011 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF,     I  
hereunto set my signature as Clerk  
of the City of Bloomington on the  
date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date:\_\_\_\_\_

The attached copy of the minutes for the October 5, 2011 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Stephen Volan  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, October 5, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
October 5, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler  
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

Minutes for March 9, 2011 (Special Session), September 7, 2011 (Regular Session), September 14, 2011 (Special Session), September 21, 2011 (Regular Session) were approved by a voice vote

APPROVAL OF MINUTES

There were no appointments at this meeting.

BOARD AND COMMISSION  
APPOINTMENTS

LEGISLATION FOR SECOND  
READING

It was moved and seconded that Resolution 11-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Resolution 11-13 be adopted.

Resolution 11-13 Supporting the Establishment of a Monroe County Youth Council

Resolution 11-13 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 11-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Ordinance 11-09 be adopted.

Ordinance 11-09 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2012

Ordinance 11-09 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 11-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-1-0. It was moved and seconded that Ordinance 11-11 be adopted.

Ordinance 11-11 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2012.

Ordinance 11-11 received a roll call vote of Ayes: 8, Nays: 1 (Wisler).

It was moved and seconded that Appropriation Ordinance 11-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Appropriation Ordinance 11-06 be adopted.

Appropriation Ordinance 11-06 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2012

Appropriation Ordinance 11-06 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Appropriation Ordinance 11-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-1-1. It was moved and seconded that Appropriation Ordinance 11-05 be adopted.

Appropriation Ordinance 11-05 An Ordinance for Appropriations and Tax Rates (Establishing 2012 Civil City Budget for the City of Bloomington)

It was moved and seconded that Amendment #1 to Appropriation Ordinance 11-05 be introduced.

Amendment #1 to Appropriation Ordinance 11-05 received a roll call vote of Ayes: 4 (Rollo, Ruff, Volan, Piedmont-Smith), Nays: 5 (Wisler, Sturbaum, Sandberg, Mayer, Satterfield) FAILED.

Amendment #1

This amendment is sponsored by Councilmember Rollo and removes \$285,000 of expenditures from the Cumulative Capital Improvement Rate (CCIR) for 2012 (as found in Form 4A of the ordinance). According to information provided by the City staff, this expenditure was to be used for the City's portion of the costs for construction of the roundabout at Sare & Rogers Road.

Passage of this amendment indicates Council concern that the current proposal is contrary to

- the spirit of the Growth Policies Plan regarding sprawl;
- the Growth Policies Plan directive to reduce vehicle miles traveled;
- the Redefining Prosperity Report recommendation to prepare for declining production and availability of oil (*see attached article*);
- the need for pedestrian accessibility with regard to the:
  - number of traffic crossings;
  - confusion for pedestrians facing vehicles approaching at varying speeds and from varying directions;
  - speed of vehicles in the slip lanes; and
  - future ADA compliance regarding pedestrian signals.

The removal of this expenditure does not reduce revenues. It is offered at this time to encourage the Office of the Mayor to reconceive this project in light of these concerns and overall budget constraints, and propose an additional appropriation in the future when the design better addresses these concerns.

It was moved and seconded that Amendment #1 to Appropriation Ordinance 11-05 be introduced.

Amendment #3 to Appropriation Ordinance 11-05 received a roll call vote of Ayes: 9, Nays: 0.

Amendment #3

This amendment was proposed by Mike Trexler, Controller, after conversations he had with representatives of the Department of Local Government Finance (DLGF) which approves the forms comprising this ordinance. The changes list the amount of expenditures, maximum property tax levy, and maximum tax rate for 2012 rather than refer to forms, found later in the ordinance, that set forth those figures.

Appropriation Ordinance 11-05 as amended by Amendment #3 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Volan)

Appropriation Ordinance 11-05 final vote.

LEGISLATION FOR FIRST READING

Ordinance 11-17 To Rezone a 2.2 Acre Property from Residential Single Family (RS) to a Planned Unit Development to Allow a Cooperative Housing Development to be Constructed. - Re: 415 ½ N. Spring Street (Bloomington Cooperative Plots)

Ordinance 11-17

Ordinance 11-18 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: To Allow Emergency Responders to Operate Various Types of Motor Vehicles on the B-Line, City Parks, and Similar Areas and to Allow Emergency Responders to Operate Off-Road Vehicles on City Streets.

Ordinance 11-18

It was determined that there would be at least three council members present for the proposed Internal Work Session scheduled for Friday, October 7, 2011, and therefore no action was taken to cancel it.

COUNCIL SCHEDULE

PUBLIC INPUT

The meeting was adjourned at 12:02 am on October 6, 2011.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

for approval





**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                          ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the October 19, 2011 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF,     I  
hereunto set my signature as Clerk  
of the City of Bloomington on the  
date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date:\_\_\_\_\_

The attached copy of the minutes for the October 19, 2011 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Stephen Volan  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, October 19, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
October 19, 2011

Roll Call: Mayer, Piedmont-Smith, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler  
Absent: Rollo

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

There were no appointments to boards and commissions at this meeting.

BOARD AND COMMISSION  
APPOINTMENTS

LEGISLATION FOR SECOND  
READING

It was moved and seconded that Resolution 11-14 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded that Resolution 11-14 be adopted.

Resolution 11-14 Authorizing a Loan Under The Bloomington Investment Incentive Fund- Re: \$75,000 to ProWinds, Inc. for Inventory and Improvements at 1400 East Third Street

Resolution 11-14 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 11-18 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-1. It was moved and seconded that Ordinance 11-18 be adopted.

Ordinance 11-18 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: To Allow Emergency Responders to Operate Various Types of Motor Vehicles on the B-Line, City Parks, and Similar Areas and to Allow Emergency Responders to Operate Off-Road Vehicles on City Streets.

Ordinance 11-18 received a roll call vote of Ayes: 7, Nays: 0. (Ruff out of the room).

It was moved and seconded that Ordinance 11-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 6-0-2. It was moved and seconded that Ordinance 11-17 be adopted.

Ordinance 11-17 To Rezone a 2.2 Acre Property from Residential Single Family (RS) to a Planned Unit Development to Allow a Cooperative Housing Development to be Constructed. - Re: 415 ½ N. Spring Street (Bloomington Cooperative Plots)

Ordinance 11-17 received a roll call vote of Ayes: 8, Nays: 0.

Ordinance 11-19 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles & Traffic" – Re: Angle Parking, No Parking, Limited Parking, Loading Zones, Residential Neighborhood Permit Parking, Accessible Parking, Loading Zones and Mid-Block Crosswalks

LEGISLATION FOR FIRST  
READING

The meeting was adjourned at 9:58 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                          ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the November 2, 2011 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF,     I  
hereunto set my signature as Clerk  
of the City of Bloomington on the  
date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date:\_\_\_\_\_

The attached copy of the minutes for the November 2, 2011 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Stephen Volan  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, November 2, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
November 2, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler  
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to approve at this meeting.

APPROVAL OF MINUTES

It was moved and seconded that Terri Guhl be appointed to the Human Rights Commission.

BOARD AND COMMISSION APPOINTMENTS

The appointment was approved by a voice vote.

It was moved and seconded that Ordinance 11-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0.

LEGISLATION FOR SECOND READING

It was moved and seconded that Ordinance 11-19 be adopted.

Ordinance 11-19 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles & Traffic" – Re: Angle Parking, No Parking, Limited Parking, Loading Zones, Residential Neighborhood Permit Parking, Accessible Parking, Loading Zones and Mid-Block Crosswalks

It was moved and seconded that Amendment #1 be adopted.

Amendment #1 This amendment is sponsored by Councilmember Mayer and was submitted at the request of Susie Johnson, Director of Public Works. It removes the proposed angle parking on the eastern half of the north side of Fourth Street between College and Walnut. Ms Johnson made this request to have more time to discuss with the proximate stakeholders how this space might be best utilized.

Amendment #1 received a roll call vote of Ayes: 8, Nays: 0. (Sturbaum was out of the room for this vote.)

Ordinance 11-19 as amended, received a roll call vote of Ayes: 8, Nays: 0. (Sturbaum left the meeting at this point.)

Ordinance 11-19 as amended.

There was no legislation for First Reading at this meeting.

LEGISLATION FOR FIRST READING

It was moved and seconded to reschedule the November 16<sup>th</sup> Regular Session to November 30<sup>th</sup> immediately before the Committee of the Whole meeting scheduled for that night.

COUNCIL SCHEDULE

The motion was approved by a voice vote.

The meeting was adjourned at 9:13 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                          ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the November 30, 2011 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF,     I  
hereunto set my signature as Clerk  
of the City of Bloomington on the  
date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date:\_\_\_\_\_

The attached copy of the minutes for the November 30, 2011 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Stephen Volan  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, November 30, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
November 30, 2011

Roll Call: Piedmont-Smith, Rollo, Ruff, Sandberg, Sturbaum, Volan, Wisler  
Absent: Mayer, Satterfield

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to approve at this meeting.

APPROVAL OF MINUTES

It was moved and seconded that Jim Shackelford and Matt Cruz be appointed to the Traffic Commission.  
The appointment was approved by a voice vote.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Allison Chopra and Jean Kautt be appointed to the Bloomington Urban Enterprise Association.  
The appointment was approved by a voice vote.

LEGISLATION FOR SECOND  
READING

It was moved and seconded that Resolution 11-15 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 4-0-4.  
It was moved and seconded that Resolution 11-15 be adopted.

Resolution 11-15 To Approve the Report of the Bloomington Platinum Biking Task Force, Breaking Away: Journey to Platinum” as an Advisory Document for Achieving a Platinum Designation From the League of American Bicyclists’ Bicycle Friendly Communities Program

Resolution 11-15 received a roll call vote of Ayes: 7, Nays: 0.

LEGISLATION FOR FIRST  
READING

Appropriation Ordinance 11-08 To Specially Appropriate from the General Fund, Motor Vehicle Highway Fund, Parks General Fund, Risk Management Fund, Sanitation Fund, Fleet Maintenance Fund and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds Within the General Fund, Motor Vehicle Highway Fund, Parks General Fund, Risk Management Fund, and Sanitation Fund; Appropriating Additional Funds from the Fleet Maintenance Fund and Rental Inspection Program Fund)

Appropriation Ordinance 11-08

The meeting was adjourned at 10:05 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                          ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the December 7, 2011 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF,     I  
hereunto set my signature as Clerk  
of the City of Bloomington on the  
date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date:\_\_\_\_\_

The attached copy of the minutes for the December 7, 2011 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Stephen Volan  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, December 7, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 7, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler  
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

Minutes for June 29, 2011 were approved by a voice vote

APPROVAL OF MINUTES

It was moved and seconded that Resolution 11-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation for this item.

Resolution 11-17 To Approve the Interlocal Agreement Between Monroe County, The Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2012

It was moved and seconded that Resolution 11-17 be adopted.

Resolution 11-17 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Appropriation Ordinance 11-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 5-0-2.

Appropriation Ordinance 11-08 To Specially Appropriate from the General Fund, Motor Vehicle Highway Fund, Parks General Fund, Risk Management Fund, Sanitation Fund, Fleet Maintenance Fund and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds Within the General Fund, Motor Vehicle Highway Fund, Parks General Fund, Risk Management Fund, and Sanitation Fund; Appropriating Additional Funds from the Fleet Maintenance Fund and Rental Inspection Program Fund)

It was moved and seconded that Appropriation Ordinance 11-08 be adopted.

Appropriation Ordinance 11-08 received a roll call vote of Ayes: 9, Nays: 0.

LEGISLATION FOR FIRST  
READING

Ordinance 11-13 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Wastewater Rate Adjustment)

Ordinance 11-13

Ordinance 11-14 An Ordinance Concerning the Construction of Additions and Improvements to the Sewage Works of the City of Bloomington, Indiana; The Current Refunding by the City of Its Sewage Works Revenue Bonds of 1999, Series A; The Funding of Sewage Works Reserve Funds and Reimbursements to the City; Authorizing the Issuance of Sewage Works Revenue and Refunding Revenue Bonds for Such Purposes; Providing for the Collection, Segregation and Distribution of the Revenues of the Sewage Works and the Safeguarding of the Interests of the Owners of Said Sewage Works Revenue and Refunding Revenue Bonds; Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds; And Repealing Ordinances Inconsistent Herewith

Ordinance 11-14

Ordinance 11-20 To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: To Amend Provisions Regarding the Permitting of Small Flocks of Chickens in Certain Residential Districts

Ordinance 11-20



Ordinance 11-21 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Chapter 2.04 Entitled "Common Council" to Remove Requirement that Legislation be Referred to the Committee of the Whole

Ordinance 11-21

Ordinance 11-22 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Chapter 2.04 Entitled "Common Council" to Establish and Clarify Scheduling Policies for Council Committees

Ordinance 11-22

It was moved and seconded that the adoption of the 2012 schedule be postponed until December 21, 2011.  
The motion was approved by a vote of Ayes: 6, Nays: 1 (Volan), Abstain: 2 (Satterfield, Mayer).

COUNCIL SCHEDULE

The meeting was adjourned at 9:25 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



**City of Bloomington  
Office of the City Clerk**

**CLERK'S CERTIFICATE**

STATE OF INDIANA        )  
                                          ) SS:  
COUNTY OF MONROE     )

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the December 21, 2011 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF,     I  
hereunto set my signature as Clerk  
of the City of Bloomington on the  
date set forth below.

\_\_\_\_\_  
Nicole Bolden  
City Clerk  
City of Bloomington, Indiana

Date:\_\_\_\_\_

The attached copy of the minutes for the December 21, 2011 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the \_\_\_\_\_day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Stephen Volan  
President, Common Council  
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, December 21, 2011 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 21, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Volan, Wisler, Sturbaum  
Absent:

ROLL CALL

Council President Sandberg gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Dan Sherman, Council Administrator/Attorney disclosed a possible Conflict of Interest regarding a sidewalk project that may have gone past his house.

REPORTS:  
SIDEWALK COMMITTEE

It was moved and seconded that this Disclosure be accepted.  
The motion was approved by a voice vote.

Sherman gave the Sidewalk Committee Report which had been revised since its first distribution. He gave the recommendations of the Committee, and noted that the council members who sat on the committee were also present to answer questions.

It was moved and seconded that the Report be accepted.

The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 11-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis.

LEGISLATION FOR SECOND  
READING

Ordinance 11-13 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Wastewater Rate Adjustment)

It was moved and seconded that Ordinance 11-13 be adopted.

Ordinance 11-13 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 11-14 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis.

Ordinance 11-14 An Ordinance Concerning the Construction of Additions and Improvements to the Sewage Works of the City of Bloomington, Indiana; The Current Refunding by the City of Its Sewage Works Revenue Bonds of 1999, Series A; The Funding of Sewage Works Reserve Funds and Reimbursements to the City; Authorizing the Issuance of Sewage Works Revenue and Refunding Revenue Bonds for Such Purposes; Providing for the Collection, Segregation and Distribution of the Revenues of the Sewage Works and the Safeguarding of the Interests of the Owners of Said Sewage Works Revenue and Refunding Revenue Bonds; Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds; And Repealing Ordinances Inconsistent Herewith

It was moved and seconded that Ordinance 11-14 be adopted.

Ordinance 11-14 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 11-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis.

Ordinance 11-20 To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: To Amend Provisions Regarding the Permitting of Small Flocks of Chickens in Certain Residential Districts

It was moved and seconded that Ordinance 11-20 be adopted.

It was moved and seconded to adopt Amendment #2(a).

Amendment #2(a) This amendment is sponsored by Councilmember Piedmont-Smith and removes a provision that prohibits the slaughtering of chickens on the harborage's property. The amendment provides that a person who has obtained a

Amendment #2(a) received a roll call vote of Ayes: 2 (Piedmont-Smith, Sturbaum), Nays: 7 and FAILED.

permit to harbor chickens may slaughter a chicken for the purpose of household consumption when the chicken is no longer able to produce eggs. The amendment also requires that chicken slaughter occur in a humane manner and out of public view.

It was moved and seconded to adopt Amendment #1(a).

Amendment #1(a) received a roll call vote of Ayes: 4 (Rollo, Sturbaum, Volan, Piedmont-Smith). Nays: 5 (Wisler, Ruff, Sandberg, Mayer, Satterfield) and FAILED.

Amendment #1(a) This amendment is sponsored by Councilmember Mayer and would remove a provision that prohibits the slaughtering of chickens on the harborer's property. Chickens have only a few years when they can lay eggs and some harborers may want to kill and eat these chickens to make room for chickens that can lay eggs. It adds that any slaughter of chickens shall be accomplished in a humane and sanitary manner and shall take place out of public view.

It was moved and second to adopt Amendment #01.

Amendment #01 received a roll call vote of Ayes: 8, Nays: 1 (Sturbaum)

Amendment #01 This amendment is sponsored by Councilmember Mayer and would remove a provision that prohibits the slaughtering of chickens on the harborer's property. Chickens have only a few years when they can lay eggs and some harborers may want to kill and eat these chickens to make room for chickens that can lay eggs.

Ordinance 11-14 as amended by Amendment #01 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Mayer, Sturbaum).

Ordinance 11-14 AS AMENDED

It was moved and seconded to withdraw Ordinance 11-21, Ordinance 11-22, and Resolution 11-16 with the consent of co-sponsors.

The motion to accept the withdrawal received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation for First Reading at this meeting.

LEGISLATION FOR FIRST READING

It was moved and seconded to adopt the Annual Council Schedule for 2012.

COUNCIL SCHEDULE

The motion to adopt the schedule received a roll call vote of Ayes: 8, Nays: 0, Abstain 1 (Piedmont-Smith).

The meeting was adjourned at 10:57 pm.  
APPROVE:

ATTEST:

ADJOURNMENT

Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington