

# City of Bloomington Common Council

## Legislative Packet

*Meetings for the week of 26-30 October 2020*

### Monday, 26 October 2020

*Jack Hopkins Social Services Funding Committee  
6:00 PM*

### Wednesday, 28 October 2020

*Utilities and Sanitation Committee at 5:30 PM  
Transportation Committee at 6:30 PM  
Public Safety Committee at 8:00 PM*

### Friday, 30 October 2020

*Council Work Session  
12:00 PM*

#### Contained Herein:

- A potential Amendment for Ordinance 20-21
- A potential Amendment for Ordinance 20-18
- Background Materials for Ordinance 20-20

The 21 October 2020 Legislative Packet Contains Legislation and Background Materials for:

- Ordinance 20-18
- Ordinance 20-20
- Ordinance 20-26
- Ordinance 20-27

The 07 October 2020 Legislative Packet Contains Legislation and Background Materials for:

- Ordinance 20-21

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

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL**

**UTILITIES AND SANITATION COMMITTEE**

**WEDNESDAY, 28 OCTOBER 2020  
5:30 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/99005703385?pwd=SG4raWZZSkN1cDNxL1B0S0NJNkdmUT09>

**Chair: Dave Rollo**

1. [Ordinance 20-26](#) - An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters

Asked to attend:      Vic Kelson, Director of Utilities

2. [Ordinance 20-27](#) - To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater"

Asked to attend:      Vic Kelson, Director of Utilities

**Statement on public meetings during public health emergency:**

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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.

(Continued on next page)

Posted: 23 October 2020

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL**

**TRANSPORTATION COMMITTEE**

**WEDNESDAY, 28 OCTOBER 2020  
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/99005703385?pwd=SG4raWZZSkN1cDNxL1B0S0NJNkdmUT09>

**Chair: Kate Rosenbarger**

1. [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

2. [Ordinance 20-18](#) - To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” Re: Amending Chapters 15.12.010 (Stop Intersections) to add several stop signs; 15.12.030 (Pedestrian Hybrid Beacon Signals) to add a hybrid beacon signal; 15.32.080 (No Parking Zones) to add several no parking zones; 15.32.100 (Loading Zones) to delete several loading zones; 15.32.100 (Loading Zones) to add a loading zone; 15.37.020 (Applicability) to delete several streets from Zone 8; and 15.37.050 (Fees) to add provision about the timing of permit sales

Asked to Attend:      Amir Farshchi, Long Range Planner

*Statement on public meetings during public health emergency:*

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(Continued on next page)

Posted: 23 October 2020

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL**

**PUBLIC SAFETY COMMITTEE**

**WEDNESDAY, 28 OCTOBER 2020  
8:00 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/99005703385?pwd=SG4raWZZSkN1cDNxL1B0S0NJNkdmUT09>

**Chair: Jim Sims**

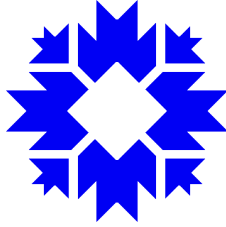
1. [Ordinance 20-20](#) – To Amend Title 2 (“Administration and Personnel”) of the Bloomington Municipal Code (To Establish a Community Advisory on Public Safety Commission)

**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** ***Allocation Hearing***

**Monday, 26 October 2020**  
**6:00pm**

*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/96673050413?pwd=bkZYU1Fla1dGOFBrQ3Y5VkpKWxNNUT09>*

*Statement on public meetings during public health emergency*

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

Posted: Thursday, 22 October 2020

# NOTICE OF PUBLIC MEETINGS

The City of Bloomington Planning and Transportation Department will host a series of public meetings on Tuesday October 27<sup>th</sup> and Thursday October 29<sup>th</sup>, 2020. The purpose of the first meeting is to present information related to the Zoning Map Public Outreach Draft. The purpose of the second meeting is to solicit feedback from the public related to the Draft. Some of these meetings may be attended by a quorum of members of various City boards, commissions, including the Plan Commission, the Board of Zoning Appeals or the Common Council. Representatives of these bodies may be present at one or both of these meetings. As such, these meetings may constitute meetings of these bodies. This notice is being posted in accordance with Indiana Code § 5-14-1.5-5 to inform the public that these meetings will occur and are open for the public to attend, observe, and record the meetings.

## Meeting 1:

Date and Time: Tuesday, October 27, 2020 at 5:30 PM

Zoom Meeting:

<https://bloomington.zoom.us/j/96582256220?pwd=elFNUSsrb3pBSFZRT1JFcjJ2eU5jZz09>

## Meeting 2:

Date and Time: Thursday, October 29, 2020 at 5:30 PM

Zoom Meeting:

<https://bloomington.zoom.us/j/98981907903?pwd=WG9KQUJlRmpBOVRyY21LTG04bTZMZz09>

**Dated this 23rd day of October 2020.**

**City of Bloomington, Indiana**



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

# **NOTICE**

**Wednesday, 28 October 2020**

## **Committee Meetings**

***Utilities and Sanitation at 5:30 pm***

***Transportation at 6:30 pm***

***Public Safety at 8:00 pm***

Per [Executive Orders](#) issued by the Governor, these meetings will be conducted electronically. The public may access the meetings at the following link:

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**Posted: Friday, 23 October 2020**



City of Bloomington  
Office of the Common Council

# NOTICE

## COMMON COUNCIL WORK SESSION

**Friday, 30 October 2020**

**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/97600989807?pwd=V1VCaGdRRURmcnVCejlZTGorZDJmZz09>*

*Statement on public meetings during public health emergency*

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**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 20-21  
**Amendment #:** Am 01  
**Submitted By:** Cm. Piedmont-Smith and Cm. Rosenbarger  
**Date:** 28 October 2020  
**Proposed Amendment:**

1. Ord 20-21, Section 1, shall be amended to revise the proposed 12.08.110 as follows (additions are shown in **Bold**, deletions are shown in ~~strikeout~~):

12.08.110 Obstructing sidewalk–Walkaround Requirements.

If it is necessary to obstruct or block a sidewalk for a period **or periods totaling in excess of** twenty-four hours **or more**, then the party who has applied for the right of way use permit shall provide a walkaround for such area. **The transportation or traffic engineer, or their designees, may also require walkarounds for shorter time periods to facilitate access in high-use pedestrian areas or other contexts.**

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. **Within the downtown overlay, a walkaround 8 feet in width should be provided when possible.** 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~~**their** 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 walkaround shall remain unobstructed at all times unless otherwise approved by the transportation and traffic engineer, or their designees.**

The proposed alternative path must be approved by the transportation and traffic engineer, or ~~his or her~~**their** 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.

## **Synopsis**

This amendment is sponsored by Councilmembers Rosenbarger and Piedmont-Smith and changes language regarding walkarounds when sidewalks are obstructed. The purpose of the amendment is to decrease sidewalk obstructions and thus allow safer passage of pedestrians in construction zones. The amendment also urges broader walkarounds in busy downtown areas to ensure sufficient space for pedestrians with mobility issues. Finally, the amendment removes binary gender pronouns in the portion of text that is cited.

<b>Committee Action (10/28/2020):</b>	Pending
<b>Regular Session Action (11/04/2020):</b>	Pending

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 20-18  
**Amendment #:** Am 01  
**Submitted By:** Cm. Volan (at request of Planning and Transportation Department)  
**Date:** 28 October 2020  
**Proposed Amendment:**

1. Ord 20-18 shall be amended by inserting a new Section 7 and renumbering subsequent sections accordingly. The new Section 7 shall read as follows:

SECTION 7. Section 15.37.020, entitled “Applicability” of Residential Neighborhood Parking Permits, shall be amended by adding the sentence “Any street address within a zone boundary, as delineated by streets, shall be considered within a designated zone” so that the first paragraph of the section shall read:

The following zones are designated as residential neighborhood permit parking zones.  
Any street address within a zone boundary, as delineated by streets, shall be considered within a designated zone.

**Synopsis**

This amendment is sponsored by Councilmember Volan. It was prepared at the request of the Administration to clarify the boundaries of a residential neighborhood parking zone and eligibility of permits.

**Committee Action (10/28/2020):** Pending  
**Regular Session Action:** Pending

October 16, 2020

Dear City Council Members and Mayor John Hamilton,

The Bloomington Homeless Coalition strongly agrees with the need for a city commission focused on meeting the various safety needs of the city's marginalized constituents, including but not limited to individuals experiencing homelessness. Our organization is trying to meet these needs, but the support and coordination of a city commission and city council consideration of commission recommendations would, we believe, help move our solutions further, faster. In this letter we want to share with you just a few of the examples of the kinds of needs we are seeing and the partial solutions that we are providing, to give you a sense of the need and to assure you that the idea of safety is complex and needs some attention.

Our members, who are all homeless or previously-homeless individuals, often have immediate, acute needs that are related to safety. We have a rapid response team in place to meet these needs through a network of community volunteer time and donations; this team is built on trusting relationships between our members and the first line of responders. For example, the team mobilizes warm clothing and blankets on cold nights, provides mediation for interpersonal arguments, and counsels members on how to get their own needs for time and space as much as possible (for example, how to set and enforce interpersonal boundaries). We help create a plan of action to keep our members safe in the face of diverse and fluctuating challenges.

We also collaborate with another local group to provide weekly medical assistance time. This generally entails giving advice on bigger medical issues (e.g., when to see a doctor or go to the ER) and treatment for small things such as wound care and insect bites. The local group we coordinate with is creating personal individual first aid/insect bite kits and passing those out to our members as supplies are acquired. We also provide transportation to the hospital or other medical appointments as well as companionship in waiting rooms, as this environment is sometimes unfamiliar and uncomfortable for some of our members. We have also needed to advocate for our members when calling 911 in true emergencies, as dispatchers and EMS are sometimes slow to respond to the needs of the homeless. As observers, we ensure that they are being treated equally as their housed, more financially advantaged neighbors. We also ensure that they receive equitable treatment at the ER, which unfortunately is a persistent problem with IU Health staff.

Our last example is helping to deescalate situations during which our members feel fear because law enforcement is nearby. We act as a communication bridge in these situations, trying to understand what is happening (why law enforcement is present) and explain to our members whether there is in fact a real threat being posed to them. One recent specific example of this is when several (more than ten) IUPD armed (but not uniformed or labeled) cadets were riding bikes through Switchyard Park at night. Our members did not know who they were, but knew they were armed. When our rapid response team arrived, we assessed the situation and defused our members' fears.

We appreciate that multiple members of City Council have met with us and heard some of our members' concerns already, and we strongly support the creation of the CAPS Commission so that we can all continue coordinating our efforts to keep all people in Bloomington safe. Please feel free to reach out to us at the email address below if you have any follow-up questions for us or our members.

Sincerely,

Janna Arthur  
Marc Teller

Bloomington Homeless Coalition Board Members  
btownhc@yahoo.com

## Frequently Asked Questions

Council Sponsors of Ord. 20-20: Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger

1. If the Board of Public Safety oversees public safety issues in Bloomington, how will the CAPS Commission work with the BPS?

The CAPS Commission will be independent of the Board of Public Safety (BPS) because it has an entirely different focus. According to Indiana code, the Board of Public Safety members are appointed by the Mayor and "**serve at the pleasure of the mayor.**" According to Bloomington Municipal code 2.17.030, "the board of public safety shall have control and oversee the police and fire department of the city pursuant to statute, and shall have the authority to allow and approve claims."

The CAPS Commission will **not** be providing oversight of the BPD. The CAPS Commission will recommend new ways in which our community can provide and improve public safety. If any of these methods involve changes in how the police department is run or structured, and if the mayor's administration and the City Council accept these recommended methods, the executive and legislative branches will work with the BPD, the BPS, and any other statutory body required to be consulted in order to implement such changes.

2. The city and various local leaders have been working with the Divided Community Project to develop a Task Force on the Future of Policing. Why do we need both entities?

The focus of the two groups is complementary but not duplicative. The CAPS Commission is focused on what public safety means to the community at large. Results of the research are still to be determined. We do not want to presuppose what the outcomes or recommendations will be. Based upon the DRAFT proposal provided by the Divided Communities local leadership, the Future of Policing Task Force will, at least in the short term, be focused on improving the police force. It is hoped that the two groups will share information and, as appropriate, collaborate.

The sponsors' goal in forming the CAPS commission is to hear from a variety of underrepresented and underserved communities in Bloomington, including Black, Indigenous and People of Color (BIPOC) but also including other demographic groups such as people who have experienced (or are experiencing) homelessness, domestic violence, and/or addiction. The Task Force on the Future of Policing is part of the mayor's Plan to Advance Racial Equity and seems to have race as a focal point.

3. How would the CAPS Commission work with emergency dispatch? With city, county, and other local law enforcement (including IU Health Bloomington Hospital security)?

The CAPS Commission might use emergency dispatch data or data from various law enforcement organizations as it gathers information. Until all data gathering and analysis has been completed, it is impossible to state what other interactions or impact the CAPS Commission might have on these organizations. Joint meetings or working groups with members of CAPS and other related organizations can be used to implement goals adopted by the City Council and the mayor's administration. The focus of the CAPS Commission will, however, be the City of Bloomington and not the greater area of Monroe County.

4. A public-private partnership has recently launched the Stride Center where individuals with mental health problems and/or addictions can be connected to social service support. How will the CAPS Commission and the Stride Center work together?

The Stride Center is an excellent addition to the services available in Bloomington. However, as it currently exists, the only way to enter the Stride Center is through local law enforcement intervention. The CAPS Commission is hoping to determine how intervention by the police department can be prevented, i.e. how our community can provide services in order to minimize unnecessary police intervention. This will serve not only the community members but also the police as it will reduce their workload.

5. Where did the idea for the CAPS Commission come from?

The proposal evolved from concerns expressed by members of the public at two City Council Public Safety Committee meetings who advocated for the study and consideration of policing alternatives and a broader review of public safety that goes beyond policing. The initial draft of the proposal was written by Cathi Crabtree and Molly Stewart. A petition regarding policing and public safety, received by the city council from a group of 152 residents during the budget process, also advocated for a group like the CAPS Commission. Specifically, it called for the creation of "a committee composed of community members from a wide variety of identities to provide input and gather information from vulnerable people who have lived experience in order to learn more from them about what creates a safe community." The intent of the ordinance's sponsors is to use the council's legislative authority to simply create a structure for such study and community input, in line with what many community members have advocated for in recent months.

6. Are you trying to create a program like CAHOOTS in Eugene, Oregon?

The sponsors of Ordinance 20-20 have not decided on the best ways to improve public safety in Bloomington. The purpose of the CAPS Commission is to give input into this matter, and to recommend tools to improve public safety for all in our community, especially the most vulnerable. Commission members may look at the CAHOOTS program in Eugene, Oregon, but we are not setting their agenda.

According to their website, “CAHOOTS (Crisis Assistance Helping Out On The Streets) provides mobile crisis intervention 24/7 in the Eugene-Springfield Metro area. CAHOOTS is dispatched through the Eugene police-fire-ambulance communications center, and within the Springfield urban growth boundary, dispatched through the Springfield non-emergency number. Each team consists of a medic (either a nurse or an EMT) & a crisis worker (who has at least several years experience in the mental health field).” CAHOOTS has operated as a non-profit agency for 31 years with financial support from the Eugene and Springfield governments. In 2019, 17% of 911 calls in Eugene were diverted from police to CAHOOTS.

7. Are you trying to create an emergency helpline that does not connect with the police? If so, how is this related to BLM B-Town’s “Make the Right Call” campaign?

As stated for Question 5, the sponsors of Ord. 20-20 do not know what recommendations the CAPS Commission will come up with. However, section (i) of the ordinance specifies that in researching evidence-based approaches to public safety, the Commission will explore the possibility of an alternate crisis response phone number. Whether or not the commission ultimately recommends this approach is not predetermined. They may research an alternative help line and recommend this to city government, but they may not. We thank BLM B-Town for their leadership with the “Make the Right Call” campaign and agree that calling the police does not always lead to the best solutions to community problems.

8. What is the educational role of the CAPS Commission?

The educational component of the CAPS Commission is anticipated to be two-fold. First, the Commission will provide annual reports to the City Council and Mayor, and these reports will be presented in a public meeting and made available to the public. Second, we expect CAPS to facilitate community conversations regarding perceptions of public safety and how these may differ depending on demographic factors. The Commission will promote a broader view of public safety through education and outreach programs, whose format will be decided by the Commission.

9. How will members of the commission be appointed?

Individuals interested in serving on the commission will go through the same process as for any other city commission, with an application through OnBoard, and considering the demographic groups we are targeting, the sponsors plan to work with the City Clerk to see if hard copy paper applications can also be accepted. As is stated in the ordinance, applications from Black/African American residents, Latinx residents, those experiencing mental health challenges, those with physical disabilities, those who express non-binary gender identity or are non-cisgender, those experiencing or having experienced homelessness, those experiencing or having experienced drug addiction, those



experiencing or having experienced domestic violence, and those with a record of previous incarceration will be particularly encouraged to apply. The sponsors of Ord. 20-20 and the residents who brought the proposal forward intend to reach out to organizations that work with underrepresented groups and collaborate with them to urge people who don't normally have a seat at the table to apply.

According to the City Council's normal process, applications will be reviewed by the relevant standing committee, in this case the Public Safety Committee, who will then conduct interviews and select those to recommend for appointment by the City Council as a whole.

10. Is this a case of white people telling BIPOC what to do?

No. This proposal is coming from council members who would like to create a venue for people to be heard, and for themselves, as council members, to be better informed. The legislation does not dictate what the CAPS Commission should ultimately recommend to the city government to improve public safety. The legislation creates a mechanism whereby city government can hear from individuals who, due to their demographic characteristics, generally don't have a seat at the tables of power and who are particularly vulnerable in today's society due to bigotry of various kinds. While BIPOC did not play a direct role in writing the legislation to bring to council, the initial proposal was informed by outreach to many community groups and individuals, including BIPOC. That said, the ordinance sponsors have heard the criticism that BIPOC could have been more centrally included in drafting the legislation, and we take that criticism to heart.

We would also like to emphasize that this proposed legislation acts as a starting point to the public engagement process. The Public Safety Standing Committee is holding its first public meeting to discuss the proposal on October 28. We hope to hear from community members at that time and are open to amending our legislation through further discussion..