

City of Bloomington Common Council

Legislative Packet

Wednesday, 10 December 2014

**Committee of the Whole
immediately followed by a
Special Session**

For legislation and background material regarding:

Ordinance 14-24 and Ordinance 14-25 please consult the
[12 November 2014 Legislative Packet](#)

Ordinance 14-26 please consult the
[03 December 2014 Legislative Packet](#)

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Packet Related Material

Memo
Agenda
Calendar

Notices and Agendas:

- **Council Sidewalk Committee** on Tuesday, December 9, 2014 at Noon in the Council Library
- **Council Special Session** *immediately after* Committee of the Whole on Wednesday, December 10, 2014 in Council Chambers

Committee Reports

- **Request to Amend the Recommendations of the Council Sidewalk Committee Report for 2014**
 - Memo
 - Proposed Amendments to 2014 Recommendations
 - Status of 2014 Recommendations and Proposed Adjustments
 - Aerial Photo of Fairview Sidewalk Project Area (*New Project*)

Contact: Dan Sherman at 349-3409 or shermamd@bloomington.in.gov

Legislation for Discussion at Committee of the Whole and at Special Session Under Second Readings:

- **Ord 14-26** To Amend Title Two of The Bloomington Municipal Code Entitled “Administration and Personnel” (Amending Section 2.08.020 which Sets Forth General Provisions for the Establishment, Membership, and Operation of Boards, Commissions, and Councils, and Amending Section 2.23.090(d) to Bring the Expiration Date of the Commission on Aging in Line with Other Such Local Entities)

Contact: Regina Moore, at 349-3408 or moorer@bloomington.in.gov

Please see the Legislative Packet issued in interest of the [3 December 2014 Regular Session](#) for legislation and supporting information regarding [Ord 14-26](#).

Legislation for Third Reading at Special Session:

- **Ord 14-24** To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Chapter 4.16 (Itinerant Merchants, Solicitors and Peddlers – *deleted and replaced*); Chapter 4.28 (Mobile Vendors - *added*); and Chapter 4.30 (Pushcarts - *added*)
Contact: Patty Mulvihill at 349-3426, mulvihip@bloomington.in.gov
Jason Carnes at 349-3419, carnesj@bloomington.in.gov
- **Ord 14-25** To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)
Contact: Tom Micuda at 349-3423 or micudat@bloomington.in.gov
Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov

Please see the Legislative Packet issued in interest of the [12 November 2014 Regular Session](#) for legislation and supporting information regarding [Ord 14-24](#) and [Ord 14-25](#).

Minutes from Regular Session:

None

Memo

Committee of the Whole and Special Session to Close Out the Year Next Wednesday, December 10th

The Council will hold two meetings and, in all likelihood, close out its business for the year next week. The first meeting is a Committee of the Whole to consider the one ordinance introduced at the last meeting. The legislation and related information for that ordinance can be found online as indicated above. The second meeting is a Special Session to consider two ordinances forwarded from the last meeting, the one ordinance discussed at the Committee of the Whole, and an Interim Report from the Council Sidewalk Committee. The legislation and information for those ordinances can be found online as indicated above and the Interim Report is enclosed with this packet and briefly mentioned below.

2015 Council Sidewalk Committee Request to Amend 2014 Funding Recommendations

In the course of working through its funding recommendations for 2015, the Council Sidewalk Committee reviewed funding for 2014 and learned that some projects did not move forward and that some funds remain unspent. Rather than have the funds revert to the Alternative Transportation Fund at the end of the year, the Committee adopted two motions. The first motion requested that the Council amend the funding recommendations of the 2014 Council Sidewalk Report to shift use of unspent funds to move existing projects forward and to fund design for a new project initially intended to be done in-house. The second motion recommended that the Council respectfully request that the Mayor consider proposing an additional appropriation in 2015 to allow the Committee to make use of the balance of the unspent 2014 allocations in its 2015 recommendations. Please see the enclosed Report and materials for the details.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
COMMITTEE OF THE WHOLE AND SPECIAL SESSION
7:30 P.M., WEDNESDAY, DECEMBER 10, 2014
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

COMMITTEE OF THE WHOLE

Chair: Steve Volan

1. Ordinance 14-26 To Amend Title Two of The Bloomington Municipal Code Entitled “Administration and Personnel” (Amending Section 2.08.020 which Sets Forth General Provisions for the Establishment, Membership, and Operation of Boards, Commissions, and Councils, and Amending Section 2.23.090(d) to Bring the Expiration Date of the Commission on Aging in Line with Other Such Local Entities)

Asked to Attend: Sue Wanzer, Deputy City Clerk

-- immediately followed by --

SPECIAL SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. INTERIM REPORT FROM COUNCIL SIDEWALK COMMITTEE

IV. LEGISLATION FOR THIRD READING

1. Ordinance 14-24 To Amend Title 4 of The Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Chapter 4.16 (Itinerant Merchants, Solicitors and Peddlers – *deleted and replaced*); Chapter 4.28 (Mobile Vendors - *added*); and, Chapter 4.30 (Pushcarts - *added*)

Committee Recommendation on 11/19/14: Do Pass 4 – 1 – 2
Second Reading on 12/03/14

2. Ordinance 14-25 To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

Committee Recommendation on 11/19/14: Do Pass 7 – 0 – 0
Second Reading on 12/03/14

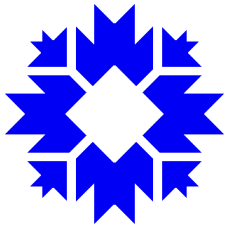
V. LEGISLATION FOR SECOND READING

1. Ordinance 14-26 To Amend Title Two of The Bloomington Municipal Code Entitled “Administration and Personnel” (Amending Section 2.08.020 which Sets Forth General Provisions for the Establishment, Membership, and Operation of Boards, Commissions, and Councils, and Amending Section 2.23.090(d) to Bring the Expiration Date of the Commission on Aging in Line with Other Such Local Entities)

Committee Recommendation: Forthcoming subsequent to Committee discussion
above.

VI. COUNCIL SCHEDULE

VII. ADJOURNMENT



City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 08-12 December 2014

Monday, 08 December

5:15 pm Farmers' Market Advisory Council, Community Room, Near Westside Bloomingfoods -
316 W 6th St
5:30 pm Plan Commission, Chambers

Tuesday, 09 December

12:00 pm Common Council – Sidewalk Committee, Council Library
4:30 pm Commission on Aging, Hooker Room
6:00 pm Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities International – CubAmistad, Dunlap
6:30 pm Sister Cities International – Posoltega, Kelly
7:30 pm Sister Cities International, Kelly

Wednesday, 10 December

2:00 pm Hearing Officer, Kelly
4:30 pm Environmental Resources Advisory Council, Parks
5:00 pm Bloomington Arts Commission, McCloskey
5:30 pm Commission on the Status of Black Males, Hooker Room
7:30 pm Common Council – Committee of the Whole *immediately followed by a*
Special Session, Chambers

Please Note: the Committee of the Whole session scheduled for Wednesday, December 10, 2014 will now be followed by a Special Session.

Thursday, 11 December

12:00 pm Housing Network, McCloskey
4:00 pm Monroe County Solid Waste Management District, Courthouse, Judge Nat U. Hill, III Room
5:00 pm Bloomington Historic Preservation Commission, McCloskey

Friday, 12 December

There are no meetings scheduled for this day.

Posted and Distributed: Wednesday, 05 December 2014



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

NOTICE

THE COUNCIL SIDEWALK COMMITTEE MEETING

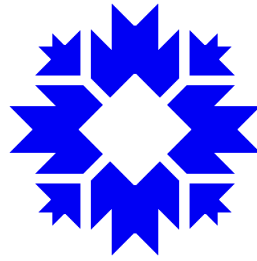
Previously Scheduled for
Thursday, December 11, 2014

HAS BEEN RESCHEDULED TO:

**TUESDAY, DECEMBER 09, 2014
12:00 p.m.
COUNCIL LIBRARY (ROOM#110)
CITY HALL, 401 N. MORTON**

Because a quorum of the Council may be present, this meeting may constitute a meeting of the Council as well as of this Committee under the Indiana Open Door Law.

This statement is provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



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

NOTICE OF SPECIAL SESSION

The Committee of the Whole session
scheduled for
Wednesday, 10 December 2014
will now be *immediately followed by a*
Special Session.

Request from 2015 Council Sidewalk Committee for the Common Council to Amend the 2014 Committee Report

The 2015 Council Sidewalk Committee¹ adopted a motion at its meeting on December 2, 2014 to request that the Council amend the funding recommendations of the 2014 Sidewalk Report by December 10, 2014.² That Report was approved by the Council on January 15, 2014 and recommended allocation of \$298,301.78 of Alternative Transportation Funds in 2014 toward six sidewalk projects and a possible traffic-calming project.³

Since that time, two sidewalk projects were completed in their entirety; phases of two more projects were finished; but, for various reasons, two sidewalk projects and a possible traffic-calming project did not move forward. All told, approximately \$124,104.47 in Council Sidewalk Committee allocations⁴ will be left unspent in 2014 unless further action is taken. The following is a break-down of unspent funds:

Two Projects Completed - Construction of Sidewalks –\$28,762.67 Unspent

- Maxwell Lane from Jordan to Sheridan (north side) – Construction – \$28,762.67 (Unspent funds after construction was completed.)
- Leonard Springs Road from Wal-Mart entrance to Tapp Road (east side) – Construction (Contribution Toward County Project) - \$0 (Unspent)

Phases of Two Projects Finished - Design - \$5,198.80 Unspent

- Kinser Pike from West 17th north to existing sidewalk (east side) - Design - \$5,198.8 (Unspent after design.)
- West 17th Street from Maple to Madison Street (south side) – Design - \$0 (Unspent)

Two Sidewalk Projects Without Progress - \$75,143 (Unspent)

- 7th Street Ramp from SR45/46 Bypass to East 7th Street (west side) – Design and Construction - \$20,000 (unspent)
- Sheffield from Morningside Drive to Providence (west side) – Design and Construction - \$55,143 (unspent)

Possible Traffic-Calming Projects – None Pursued - \$15,000 (Unspent)

- Possible Traffic-Calming Projects – including one by Fairview School - \$15,000 (unspent)

¹ The 2015 Sidewalk Committee is comprised of the same members as the 2014 Committee: Councilmembers Granger, Rollo, Spechler, and Sturbaum (Chairperson).

² Action on this date will provide time for funds to be encumbered this year for use in 2015.

³ Please see the 2014 Council Sidewalk Report online at: <http://bloomington.in.gov/media/media/application/pdf/17923.pdf>

⁴ The Committee recommended allocation of \$298,301.78 of the \$300,000 budgeted for 2014. The \$124,104.47 in unspent funds is based upon the *allocated* and not the *budgeted* amount.

For a more detailed view of the recommended, actual, and proposed adjustment in allocations for each project, please see the attached Status of 2014 Council Sidewalk Committee Recommendations and Recommended Adjustments (December 2014).

Rather than have this money revert to the Alternative Transportation Fund at the end of the year, the Committee recommends that approximately \$69,530 be reallocated to move each unfinished project on the 2014 funding list forward. Please note that this does not include any traffic-calming projects because none were pursued this year. These next steps typically involve appraisals and designs (some of which were initially to be done in-house).

In addition, the Committee agreed with staff that \$26,320 be used for the design of a currently unfunded project that appears on the Committee's List of Prioritized Projects. It is a sidewalk/storm water project on Fairview near Dodds. (See Map of the Fairview area [attached] and the Evaluation Sheet in last year's Report.⁵)

Lastly, the Committee recommends that the Council respectfully request that the Mayor consider offering an additional appropriation in 2015 of unspent 2014 funds. This would amount to about \$55,000 and be available for allocation by the Committee next year. The motion was proposed after the Chair informed the Committee that the Mayor was favorably inclined to offer such legislation in 2015. Approval of the Report would formalize that request.

Attachments:

- Proposed Amendment to 2014 Council Sidewalk Committee Funding Recommendations;
- Status of 2014 Council Sidewalk Committee Recommendations and Recommended Adjustments (December 2014); and
- Map of Fairview Project Area

⁵ See Footnote 3.

PROPOSED AMENDMENT TO COUNCIL SIDEWALK COMMITTEE FORMAL RECOMMENDATIONS FOR 2014 - FUNDS AVAILABLE: \$300,000

- **Alternative Transportation Fund (ATF)** Use the \$300,000 of Alternative Transportation Funds appropriated in 2014 for sidewalk and traffic-calming projects.
- **CBU Assistance with Storm Water Component of Council Sidewalk Projects** While no longer setting aside funds for the storm water component of Council sidewalk projects, CBU continues to look at proposed projects and see whether it can provide some in-kind contributions.
- *Note: The Committee is also recommending that the Council Respectfully Request that the Mayor Consider an Additional Appropriation Equaling Unspent 2014 Funds in 2015. That amount would be between \$54,575 (if using total recommended funding of \$298,301.48) and \$56,273 (if using total appropriation of \$300,000)*

CHART OF 2014 COUNCIL SIDEWALK COMMITTEE RECOMMENDATIONS (WITH AMENDMENTS INDICATED IN SHADED COLUMNS AND ROWS):

	<u>ATF (as approved)</u>	<u>ATF (as amended)</u>	<u>CBU</u>	<u>OTHER FUNDS</u>
Kinser Pike – Design of Sidewalk	\$38,068.8	\$32,870	\$0	\$0
North of 17 th Street to Apartments (East Side) - <i>Change: Design was under-budget; add \$11,100 for appraisal work.</i>		\$11,100		
West 17th – Design of a Sidewalk (\$46,060.30) and Appraisal Work (\$12,750)	\$58,810.3	\$58,810.30	*	\$0
Maple to Madison (South Side) * CBU will explore contribution to storm water component ~ \$59,000 <i>Change: Design was done at budget amount; add design for 4 parcels west of Maple</i>		\$13,300		
7th and SR 45/46 Bypass - Construction of Steps and Ramp	\$20,000	\$0	\$0	\$0
Tunnel to 7 th Street (steps) and SR 45/46 Sidepath to 7 th Street (Ramp) (All on West Side of By Pass) <i>Change: Contract for design rather than have it done in-house.</i>		\$10,800		\$0
Leonard Springs Pedestrian Project	\$15,000	\$15,000	\$0	**
Wal-Mart Entrance south to Tapp Road (East Side) - ** <i>Contribution to now-completed County project.</i>				
Sheffield – Construction of Missing Sidewalk Segments	\$55,143	\$0	\$0	\$0
Morningside to Providence (West Side) - <i>Change: Contract for design rather than have it done in-house.</i>		\$8,010		
Maxwell Lane – Construction of a Sidewalk	\$96,279.38	\$67,517.01	\$0	\$0
Jordan to Sheridan (North Side) – <i>Change: Completed under-budget.</i>				
(New) Fairview – Design of Sidewalk – Allen to Wylie (east side)	\$0	\$26,320.00		***
*** <i>Anticipate other funds will complete project.</i>				
Traffic Calming—Set Aside	\$15,000	\$0	\$0	\$0
GRAND TOTAL	\$298,301.48	\$243,727.31	\$0	\$0

Status of 2014 Council Sidewalk Committee Recommendations and Recommended Adjustments (December 2014)

Project		ATF Allocation	Actual Contract	December Adjustment	2015 + Needs
<u>Kinser Pike - Sidewalk</u>					
17th to Apartments (east side)	Design	\$ 38,068.80	\$ 32,870.00		
	Appraisal			\$ 11,100.00	
	Acquisition of Right of Way				~ \$ 25,000.00
	Construction				~ \$ 129,851.00
<u>W 17th St - Sidewalk</u>					
Maple to Madison	Design	\$ 58,810.30	\$ 58,810.30		
	Right of Way				???
	Construction				~ \$ 460,000.00
Jackson Street Addition	Design				
	Construction				???
West 17th Addition (4 parcels West of Maple)	Design			\$ 13,300.00	\$ 32,950.00
<u>7th - Ramp</u>					
7th and SR 45/46 - west side	Design			\$ 10,800.00	
	Construction	\$ 20,000.00	\$ -		\$ 20,000.00
<u>Leonard Springs - Sidewalk (County)</u>					
Tapp to Wal-Mart (east side)	Construction - contribution to County	\$ 15,000.00	\$ 15,000.00		
<u>Sheffield - Sidewalk</u>					
Morningside to Providence (west side)	Design			\$ 8,010.00	
	Construction	\$ 55,143.00			\$ 55,000.00
<u>Maxwell - Sidewalk</u>					
Jordan to Sheridan (north side)	Construction	\$ 96,279.68	\$ 67,517.01		
<u>Traffic Calming</u>					
No Project		\$ 15,000.00	\$ -		\$ 15,000.00
<u>Fairview - Stormwater/Sidewalk</u>					
Allen to Wylie (east side)	Design	\$ -	\$ -	\$ 26,320.00	
	Materials				~ \$ 30,000.00 (HAND)
		Total	\$ 298,301.78	\$ 174,197.31	
			Remaining \$ w/o 2014 Adjustments	\$ 124,104.47	\$ 69,530.00
			Remaining \$ w/ 2014 Adjustments	\$	\$ 54,574.47

