



City of Bloomington Common Council

Legislative Packet

28 August 2013

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

All relevant legislation and background material contained herein.

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- Notice of Meeting - Council Special Committee on Street Design and Engineering Standards – Wednesday, August 28th at 5:45 p.m. in the Council Library

Legislation for Second Reading:

None

Legislation and Background Material for First Reading at the Regular Session and Discussion at the Committee of the Whole on Wednesday August 28th

- **Ord 13-11** To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses and Regulations” - Re: Chapter 4.04 (Business Licenses Generally - *deleted*); Chapter 4.18 (Pawnbrokers - *revised*); Chapter 4.20 (Secondhand Dealers - *revised*); Chapter 4.22 (Dealers in Valuable Metals - *added*); Chapter 4.24 (Taxicabs - *revised*); Chapter 4.28 (Jitneys - *deleted*); and, Chapter 4.30 (Horse-Drawn Vehicles for Hire - *deleted*)
 - Memo to the Council from Patty Mulvihill, Assistant City Attorney
 - Chapters of the BMC affected by this ordinance with changes highlighted:
 - BMC Chapter 4.04 (Business Licenses Generally) – *Deleted*
 - BMC Chapter 4.18 (Pawnbrokers) – *Revised*
 - BMC Chapter 4.20 (Secondhand Dealers)- *Revised*
 - BMC Chapter 4.22 (Dealers in Valuable Metals – *New*
 - BMC Chapter 4.24 (Taxicabs) – *Revised*
 - BMC Chapter 4.28 (Jitneys) – *Deleted*
 - BMC Chapter 4.30 (Horse Drawn Vehicles for Hire) - *Deleted*
 - *Contact:*
 - *Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov*
 - *Chief Diekhoff at 349-3310 or diekhofm@bloomington.in.gov*

Minutes from Regular Session:

- April 3, 2013
- April 17, 2013
- July 17, 2013

Cancelled Meetings

- *Staff/Council Internal Work Session on Monday has been cancelled*

Memo

One Item Ready to be Introduced at the First Regular Session and Discussed at the First Committee of the Whole after the Summer Recess on Wednesday, August 28th

After concluding four evenings of Departmental Budget Hearings this week, the Council will hold its first Regular Session and Committee of the Whole following its Summer Recess next Wednesday night. There is one ordinance ready to be introduced at the first meeting and discussed at the second. It offers significant changes to Title 4 of the BMC (Business Licenses), can be found in this material, and is summarized herein.

First Readings:

Ord 13-11 – Proposing Substantial Revisions to Title 4 of the BMC (Business Licenses and Regulations)

Ord 13-11 proposes substantial revisions to Title 4 of the BMC entitled “Business Licenses and Regulations.” This summary is informed by the Memo to the Council from Patty Mulvihill, Assistant City Attorney, discussion at a Staff/Council Work Session on August 19th¹, conversations with staff, and my own review of the code and legislation. In her memo, Mulvihill states that the changes were the result of a “comprehensive analysis and review of Title 4” which had seen “very few changes ... in the last twenty years.” One look at the first chapter, however, with its references to

¹ Councilmembers Mayer, Neher and Spechler and the City Clerk heard from Patty Mulvihill, Chief Diekhoff, Adam Wason, Danise Alano-Martin, and Jason Carnes.

pool halls and jitneys, suggests that some of the concepts and concerns in this title go back a hundred years or more.

Overview of Changes Made by the Ordinance

As noted in the following bullet-points, the ordinance deletes three chapters, revises three chapters, adds one chapter, and leaves two chapters unchanged in Title 4. In short:

- Chapter 4.04 - Business Licenses Generally – *is deleted*;
- Chapter 4.16 - Itinerant Merchants, Solicitors and Peddlers – *is unchanged (after revisions made in 2009)*; ²
- Chapter 4.18 - Pawnbrokers – *is revised*;
- Chapter 4.20 - Secondhand Dealers – *is revised*;
- Chapter 4.22 - Valuable Metals – *is added*;
- Chapter 4.24 - Taxicabs – *is revised*;
- Chapter 4.26 - Velocabs – *is unchanged (after being added in 2009)*;
- Chapter 4.28 - Jitneys – *is deleted*; and,
- Chapter 4.30 - Horse-Drawn Vehicles For Hire – *is deleted*.

While the ordinance is long and the changes are extensive, there are a few themes and purposes that run throughout it that can be succinctly summarized. In brief, the ordinance:

- Attempts to deter theft and facilitate the return of stolen property by:
 - Requiring certain dealers in used goods to report articles they receive to an online data base designated by the City;
 - Adding the sale of valuable metals to the business activities regulated by this title;
 - Establishing a 7-day holding period for articles received by these businesses; ³
- Attempts to offset some of the new duties imposed on those aforementioned businesses by eliminating their license fees;
- Makes the penalty amounts and revocation procedures more consistent across business licenses; and
- Deletes or updates antiquated provisions.

² It's my understanding that changes to this chapter to revisit the regulation of food carts may be coming forward in the future.

³ This ordinance decreases the holding period for Pawnbrokers from 10 to seven days, increases the holding period for Secondhand Dealers from 24-hours to seven days, and establishes a holding period for Valuable Metal Dealer of seven days.

New Duty to Enter Information on Online Database

One of the major changes made by this ordinance requires Pawnbrokers, non-exempt Secondhand Dealers, and dealers in Valuable Metals to place information about articles they receive and the persons who provide those articles online within 48 hours after the articles are received. Currently Pawnbrokers must report this information on paper. The online service will be designated by the Bloomington Police Department and must not charge licensees any type of fee. At this point, Mulvihill indicates that the department will probably use a national service known as Leads Online. The key advantage of this system is its easy accessibility by law enforcement agencies around the country and its value in identifying stolen property.

More Consistent Penalty and Revocation Provisions

The ordinance attempts to make the penalty and revocation provision more consistent across the various business licenses. In regard to penalties, the fines follow the following schedule:

- Operating without a license results in a fine that rises from \$240 for the first offense, \$500 for the second offense, and \$1,000 for the third or more offense within a 12-month period; and
- Failing to provide complete reports in a timely manner results in a fine that rises from \$50 for the first offense, \$100 for the second offense, and \$250 for the third or more offense within a 12-month period.

In regard to revocations, the Controller is required to revoke a license after notice to the licensee, hearing in front of the Board of Public Works, and a written order by the Board that typically must find that one or more of the following has occurred:

- the licensee failed to pay the license fee or maintain the requisite bonds;
- the licensee violated any provision of the applicable chapter or any rule or regulation lawfully made under and within the authority of the applicable chapter; or
- any fact or condition exists which, had it existed at the time of the original application for a license, would have been a basis for refusing the license.

Changes Made as a Result of Recent Communications with Businesses

Staff of the Economic and Sustainable Development department wrote a letter to affected businesses on August 19th. Please note that, in response to concerns raised by some businesses, the ordinance was subsequently revised to:

- Remove thrift stores, consignment shops and antique mall (stores) from then Secondhand Dealer regulations;
- Reduce the proposed holding period for newly-acquired secondhand property and valuable metals from 10 to 7 days;
- Increase the time to report the receipt of such property from 24 to 48 hours; and
- Require the licensee to obtain the driver's license number rather than social security number of the person providing the property.

Summary of Changes – By Chapter

Chapter 4.04 - Business Licenses Generally – The ordinance deletes this entire chapter and, in so doing:

- Removes the licensing of many kinds of businesses – pool halls and merry-go-rounds, for example – that are no longer are a concern and have not been licensed for many decades; and
- Shifts the application and penalty provisions to the subsequent chapters covering the various types of business licenses.⁴

- **Chapter 4.16 - Itinerant Merchants, Solicitors and Peddlers** – is unchanged by this ordinance.
- **Chapter 4.18 - Pawnbrokers** – The ordinance revises this chapter and, in so doing:
 - Keeps the current application requirements largely in place aside from requiring the licensee to submit its State license and application⁵ to the Controller. This new requirement is intended to reduce, not add to, the work required of the applicant. Please note that the chapter continues to require licensees to surrender any stolen merchandise when given a receipt;
 - Requires licensees to enter information about all articles received or pawned in the online database mentioned earlier in this memo.
 - Eliminates the license fee to help offset the new reporting requirement;

⁴ The applications continue to be made through the Office of the Controller. While there is an attempt to make the penalty and revocation procedures more uniform throughout the title, Itinerant Merchants, Pawnbrokers, and Velocabs have different provisions than Secondhand Dealers, Dealers in Valuable Metals and Taxicabs. (While not enforced, some consumer protection [i.e. misrepresentations in connection with a sale] and nuisance provisions regarding revocation and/or denial of licenses were not carried over to the various chapters.)

⁵ Pawnbrokers are extensively regulated by State statute. IC 28-7-5 et al

- Makes the penalty and revocation procedures more consistent with other business licenses; and
 - In response to concerns raised by pawnbrokers, requires them to collect a person's driver's license rather than social security number of person providing the property and reduce the holding period from 10 to 7 days.
- **Chapter 4.20 - Secondhand Dealers** – The ordinance revises this chapter, which has not been enforced for many years, and, in so doing:
 - Exempts certain businesses and activities including:
 - Businesses that primarily deal in clothes, cars, books, watercraft or farm equipment or whose transactions with secondhand goods comprise less than 15% of their annual purchases;
 - Estate and garage sales;
 - Sales held by a transient vendor lasting less than 24 hours;
 - Sales by charitable or political organizations; and
 - As a result of responses from businesses, thrift stores, consignment shops, and antiques stores/malls.
 - Requires businesses to enter information about articles and the persons who provided them online within 48 hours⁶ of receiving the item;
 - Eliminates the license fee in order to partially offset this additional duty;
 - Extends the holding period for these articles from 24 hours to seven days (which, after hearing from businesses, was reduced from 10 days); and
 - Makes penalty and revocation procedures more consistent across all business licenses.
 - **Chapter 4.22 - Valuable Metals** – This ordinance adds a new chapter and, in so doing:
 - Defines valuable metals as defined in IC 25-37.5-1-1 as “any product made of metal that readily may be resold ... it includes metal bossies⁷ and small component motor vehicle parts. The term does not include a beverage can”; and
 - Regulates metal dealers similar to pawnshops with similar application procedures, reporting and holding requirements, retention of records requirements, penalty amounts and revocation procedures, and absence of license fees.

⁶ As a result of responses from businesses, the period for reporting this information was extended from 24 to 48 hours.

⁷ “Bossies” are metal carts used to haul produce stored in crates.

- Chapter 4.24 - Taxicabs – The ordinance revises this chapter and, in so doing:
 - Increases the number of passengers allowed in a vehicle from 6 to 8 (to account for larger vehicles);
 - Imposes insurance requirements preferred by the Risk Management Department. This includes providing proof of a commercial general liability policy of no less than \$1 million per occurrence and \$2 million in aggregate, requiring the insurer to notify the City of changes in the policy, and holding the City harmless from claims arising from their businesses activities;
 - Shifts inspection of the vehicles from Bloomington Police Department to an independent entity (at an estimated cost of about \$25 - \$45 per vehicle); and
 - Makes the penalty amounts and revocation procedures more consistent across all of business licenses.

- **Chapter 4.26 - Velocabs** – is unchanged by this ordinance (after being added in 2009).

- **Chapter 4.28 - Jitneys** – The ordinance deletes this chapter, which has not been in force for many years. An example of a jitney service, if it were operating solely within the City, is the airport shuttle services.

- **Chapter 4.30 - Horse-Drawn Vehicles For Hire** – The ordinance deletes this chapter. Please note that use of a horse-drawn vehicle for hire on City streets will still require permission from Board of Public Works which can impose conditions that address any concerns about safety and sanitation arising from their presence on public streets.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, AUGUST 28, 2013
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

REGULAR SESSION

I. ROLL CALL

II. AGENDA SUMMATION

- III. APPROVAL OF MINUTES FOR:**
- | | |
|----------------|-----------------|
| April 3, 2013 | Regular Session |
| April 17, 2013 | Regular Session |
| July 17, 2013 | 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

None

VII. LEGISLATION FOR FIRST READING

1. Ordinance 13-11 To Amend Title 4 of the Bloomington Municipal Code Entitled "Business Licenses and Regulations" - Re: Chapter 4.04 (Business Licenses Generally *deleted*); Chapter 4.18 (Pawnbrokers - *revised*); Chapter 4.20 (Secondhand Dealers - *revised*); Chapter 4.22 (Dealers in Valuable Metals - *added*); Chapter 4.24 (Taxicabs - *revised*); Chapter 4.28 (Jitneys - *deleted*); and, Chapter 4.30 (Horse-Drawn Vehicles for Hire - *deleted*)

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

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

immediately followed by

COMMITTEE OF THE WHOLE

Chair: Andy Ruff

1. Ordinance 13-11 To Amend Title 4 of the Bloomington Municipal Code Entitled "Business Licenses and Regulations" - Re: Chapter 4.04 (Business Licenses Generally - *deleted*); Chapter 4.18 (Pawnbrokers - *revised*); Chapter 4.20 (Secondhand Dealers - *revised*); Chapter 4.22 (Dealers in Valuable Metals - *added*); Chapter 4.24 (Taxicabs - *revised*); Chapter 4.28 (Jitneys - *deleted*); and, Chapter 4.30 (Horse-Drawn Vehicles for Hire - *deleted*)

Asked to Attend: Patty Mulvihill, Assistant City Attorney
Mike Diekhoff, Chief of Police

** 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.*



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

To Council Members
From Council Office
Re Weekly Calendar – 26 – 31 August 2013

Monday, 26 August

4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Utilities Service Board – Utilities, 600 E. Miller Dr.
5:30 pm Bloomington Human Rights Commission, McCloskey

Tuesday, 27 August

4:00 pm Bloomington Community Farmers' Market, between 6th and Madison St
4:00 pm Board of Park Commissioners, Council Chambers
5:30 pm Bloomington Public Transportation Corporation – Public Transportation Center, 130 W. Grimes Ln.
5:30 pm Board of Public Works, Council Chambers

Wednesday, 28 August

10:00 am Metropolitan Planning Organization Technical Advisory Committee, McCloskey
4:00 pm *ImagineBloomington* Steering Committee, Council Chambers
5:30 pm Martin Luther King, Jr. Birthday Commission, Hooker Room
5:30 pm Traffic Commission, Council Chambers
5:45 pm Common Council Special Committee on Street Design and Engineering Standards,
Council Library
6:30 pm Metropolitan Planning Organization Citizens' Advisory Committee, McCloskey
7:30 pm Common Council Regular Session *followed by a* Committee of the Whole, Council Chambers

Thursday, 29 August

10:30 am Address Coordination, McCloskey

Friday, 30 August

No meetings are scheduled for this date.

Saturday, 31 August

8:00 am Bloomington Community Farmers' Market, Showers Common – 401 N. Morton

Posted and Distributed: Friday, 23 August 2013



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

NOTICE

COUNCIL SPECIAL COMMITTEE ON STREET DESIGN AND ENGINEERING STANDARDS

WEDNESDAY, 28 AUGUST 2013

5:45 p.m.

**COUNCIL LIBRARY (#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.

Posted: Friday, 23 August 2013

ORDINANCE 13-11

**TO AMEND TITLE 4 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “BUSINESS LICENSES AND REGULATIONS”**

- Re: Chapter 4.04 (Business Licenses Generally - *deleted*); Chapter 4.18 (Pawnbrokers - *revised*); Chapter 4.20 (Secondhand Dealers - *revised*); Chapter 4.22 (Dealers in Valuable Metals - *added*); Chapter 4.24 (Taxicabs - *revised*); Chapter 4.28 (Jitneys - *deleted*); and, Chapter 4.30 (Horse-Drawn Vehicles for Hire - *deleted*)

WHEREAS, significant chapters of Title 4 of the Bloomington Municipal Code have not been updated in over twenty years, and a review of such has determined that Chapters 4.04, 4.28 and 4.30 are no longer necessary and appropriate; and

WHEREAS, theft and the commission of crime dictate that local law enforcement agencies aggressively search for stolen property in an effort to return property to the victims of those crimes; and

WHEREAS, despite the best efforts of local pawnbrokers, secondhand good dealers, and scrap metal dealers and their dedication to working with local law enforcement agencies to immediately identify stolen property, stolen property is occasionally and unwittingly transferred through these local businesses; and

WHEREAS, because these three types of industries have outgrown the City’s current ability to effectively and efficiently identify criminal activity, an automated system is needed to allow law enforcement officials the opportunity to timely collect and share transaction information more efficiently; and

WHEREAS, this automated system entails the electronic transfer of information regarding a purchase of goods, is necessary and appropriate, and is required by this ordinance; and

WHEREAS, the Chapter regulating taxicabs has not been updated in over thirty years and minor changes are needed to the Chapter’s: insurance requirements, safety inspections, fees, revocation of license procedures;

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

Chapter 4.04 Business Licenses Generally

SECTION 1. Chapter 4.04, entitled Business Licenses Generally, shall be deleted in its entirety.

Chapter 4.18 Pawnbrokers

SECTION 2. Section 4.18.020(a) shall be amended by adding the following language to the end of this subsection: “Applications shall include a copy of the following: completed application for the State’s Pawn broking License submitted to the State’s Department of Financial Institutions; and State Pawn broking License.”

SECTION 3. Section 4.18.030 (License fees) shall be deleted in its entirety, all remaining sections shall be renumbered accordingly, and the table of contents at the beginning of this chapter shall be amended to reflect these changes.

SECTION 4. The newly renumbered Section 4.18.030(a) shall be amended by deleting the phrase “, or to comply with any ruling or requirements lawfully made pursuant to and within the authority of this chapter”.

SECTION 5. The newly renumbered Section 4.18.030(d) shall be amended by deleting the phrase “penalties imposed by Section 1.01.130” and by adding the following language to the end of this subsection:

(1) Operating as a pawnbroker without a license.

First offense	\$240.00
Second offense within any 12-month period	\$500.00
Third offense, or thereafter, within any 12-month period	\$1,000

(2) Failure to provide complete reports to police department in a timely manner.

First offense	\$50.00
Second offense within any 12-month period	\$100.00
Third offense, or thereafter, within any 12-month period	\$250.00

SECTION 6. The newly renumbered Section 4.18.050 (Information for police department) shall be amended by deleting the number “24” and replacing it with “48” as it appears in the first sentence, by deleting the words “social security number” and replacing them with the words “driver’s license number” and by further deleting the sentence “Information shall be collected at least once a week during normal business hours by the police department” and replacing it with the following: “Information shall be electronically transferred, within 48 hours of receiving said article, via a law enforcement website designated as an agent of the City of Bloomington Police Department for the sole purpose of collecting such records. At no time shall the City of Bloomington Police Department designate an agent which shall charge the licensee any type of fee”.

SECTION 7. The newly renumbered Section 4.18.060 (Retention of acquired property) shall be amended by deleting the phrase “ten days” and replacing it with the phrase “seven days” and be further amended by deleting the phrase “card record required by this chapter is collected by the police department” and replacing it with “the property has been acquired by the pawnbroker”.

Chapter 4.20 Secondhand Dealers

SECTION 8. The Section headings under Chapter 4.20, entitled Secondhand Dealers, shall be amended so as to include the following two additional sections: “4.20.060 – Information for police department” and “4.20.070 – Penalty”.

SECTION 9. Section 4.20.010 shall be amended so as to include the following additional language at the end of the section: “No license shall be required if the person or corporation is primarily engaged in the business of buying, selling, trading or otherwise acquiring or purchasing one or more of the following: clothes, cars, books, watercraft, or farm equipment. No license is required for a garage sale, an estate sale, any sale that is held by a transient vendor and lasts no more than twenty-four (24) hours, or any sale held by either a charitable or political organization. No license is required if the person or corporation only occasionally engages in the purchasing of used goods so long as this occasional business does not total more than fifteen (15) percent of the business’s purchases in any one year. No license shall be required if the person or corporation is engaged in the business of operating a thrift store, consignment store, or antique store or mall.”

SECTION 10. Section 4.20.020 (License – Application – Fee – Issuance – Record) shall be amended by deleting the body of the provision and replacing it with the following:

The person or corporation described in Section 4.20.010 shall file a written application for a secondhand dealer’s license with the office of the City Controller. Such license shall require the name of the applicant; if the applicant is a corporation, the name of the officer and their own personal address is required. The place of business of the applicant shall also be stated. Upon completion of the license application, a secondhand dealer’s license shall be issued to the applicant for that calendar year. A record of such license shall be kept in the office of the city controller. No fee shall be required to obtain this license.

SECTION 11. Section 4.20.030 (License – Display) shall be amended so as to delete the phrase “police officer of the city” and replace it with “law enforcement officer”.

SECTION 12. Section 4.20.040 (License to be held twenty-four hours before sale) shall be amended so as to delete the phrase “twenty four hours” and replace it with “seven business days” wherever it appears in the section and the table of contents shall be amended to reflect the change in the title of the section.

SECTION 13. Chapter 4.20 shall be amended to add a new section entitled “4.20.060 – Information for police department” and it shall read as follows: “All licensees under this chapter shall provide information for each article sold or received to the City of Bloomington Police Department within 48 hours of receiving said article. Such information shall include a description of the property, along with serial numbers or identifying marks, if any, and all of the following information on the seller: name, signature, address, date of birth, and government identification number. Information shall be electronically transferred, within 48 hours of receiving said article, via a law enforcement website designated as an agent of the City of Bloomington Police Department for the sole purpose of collecting such records. At no time shall the City of Bloomington Police Department designate an agent which shall charge the licensee any type of fee.”

SECTION 14. Chapter 4.20 shall be amended to add a new section entitled “4.20.070 – Penalty” and it shall read as follows:

“Any person who violates this chapter shall be subject to the following fines:

(A) Operating as a secondhand dealer without a license.

First offense	\$240.00
Second offense within any 12-month period	\$500.00
Third offense, or thereafter, within any 12-month period	\$1,000

(B) Failure to provide complete reports to police department in a timely manner.

First offense	\$50.00
Second offense within any 12-month period	\$100.00
Third offense, or thereafter, within any 12-month period	\$250.00

(C) In addition to the fines above, the Controller may refuse to license, suspend a license, or revoke a license, following a hearing in front of the Board of Public Works, to any business that violates the requirements of this chapter.”

Chapter 4.22 Dealers in Valuable Metals (New)

SECTION 15. A new chapter shall be added to Title 4 entitled “Chapter 4.22 Dealers in Valuable Metals” which shall be listed as such in the Table of Contents for that title and shall read as follows:

“Chapter 4.22 Dealers in Valuable Metals

Sections:

- 4.22.010 – Definitions.**
- 4.22.020 – Application for license.**
- 4.22.040 – Penalties - Revocation of license.**
- 4.22.050 – Books and records.**
- 4.22.060 – Information for police department.**
- 4.22.070 – Retention of acquired property.**

4.22.010 – Definitions.

- (a) “Valuable metal” shall be defined as set forth in IC 25-37.5-1-1.
- (b) “Valuable metal dealer” means any person, partnership, association or corporation engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk cars or trucks. The term does not include a person who purchases a vehicle and obtains title to the vehicle.

4.22.020 – Application for license.

- (a) No person, partnership, association or corporation shall engage or continue in business as a valuable metal dealer except as authorized by this chapter and without first obtaining a license from the City Controller. Application for such license shall be in writing and shall state the full name and place of residence of the applicant, or if the applicant is a partnership, the full name and place of residence of each member thereof, or, if a corporation or association, the full name and place of residence of each officer thereof, together with the place or places where the business is conducted.
- (b) All applicants shall, as a condition for the granting of a license and on a portion of the application provided by the City Controller, agree that in the event the applicant as licensee receives merchandise of any kind which is stolen, he claims no right, title or interest in and to said merchandise, and that upon request by a law enforcement official having probable cause to believe that the merchandise is stolen, he will voluntarily surrender said merchandise to the possession of that law enforcement agency when given a receipt for the same.

4.22.030 – Penalties - Revocation of license.

- (a) Any person, partnership, association, or corporation which violates any provision of this chapter, shall be subject to the following penalties:

- (1) Operating as a valuable metal dealer without a license.

First offense	\$240.00
Second offense within any 12-month period	\$500.00
Third offense, or thereafter, within any 12-month period	\$1,000

- (2) Failure to provide complete reports to police department in a timely manner.

First offense	\$50.00
Second offense within any 12-month period	\$100.00
Third offense, or thereafter, within any 12-month period	\$250.00

- (b) In addition, the Controller’s Office shall, after notice and hearing by the Board of Public Works, revoke, by written order, any license issued hereunder if the Board finds that:

- (1) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required by Indiana Code 25-37.5 as amended, or to comply with any ruling or requirements lawfully made pursuant to and within the authority of this chapter; or

- (2) The licensee has violated any provision of this chapter or any rule or regulation lawfully made under and within the authority of this chapter; or

(3) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have permitted the Controller's Office to refuse originally to issue such license.

4.22.040 – Books and records.

The licensee shall keep records of each valuable metal purchase on the form provided by the Indiana State Police as required by Indiana Code 25-37.5-1-2 as amended. Additionally, each valuable metal dealer shall make and retain a copy of the government issued photographic identification used to identify the person from whom the valuable metal was purchased. All such records shall be maintained by the licensee for two (2) years. All such records shall be made available to any law enforcement officer upon request by said officer during normal business hours.

4.22.050 – Information for police department.

In addition to the records required by this chapter, all licensees under this chapter shall provide information for each article purchased or received to the City of Bloomington Police Department within 48 hours of receiving said article. Such information shall include the name of the person who sold the product to the valuable metal dealer and a description of the articles purchased. Information shall be electronically transferred via a law enforcement website designated as an agent of the City of Bloomington Police Department for the sole purpose of collecting such records. At no time shall the City of Bloomington Police Department designate an agent which shall charge a licensee any type of fee.

4.22.060 – Retention of acquired property.

All property received by a licensee under this article shall be held intact by the licensee for at least seven days after the property has been acquired by the valuable metal dealer.”

Chapter 4.24 Taxicabs

SECTION 16. The section headings at the beginning of Chapter 4.24, entitled Taxicabs” shall be amended so that section 4.24.150 is entitled “Penalties - Revocation of License” instead of “Complaints” and so that sections 4.24.160 and 4.12.170 are deleted in their entirety.

SECTION 17. Section 4.24.010 (Definition) shall be amended by deleting the word “six” and replacing it with the word “eight (8)”.

SECTION 18. Section 4.24.040(d) shall be deleted in its entirety.

SECTION 19. Section 4.24.050 (Business license – Insurance required) shall be deleted in its entirety and replaced with the following:

4.24.050 Business license—Insurance required.

(a) It is unlawful for any person to operate a taxicab within the City of Bloomington unless at the time of such operation the owner has in effect a valid policy of commercial general liability coverage or business auto coverage on the vehicle. Proof of insurance shall be provided by an applicant for a taxicab license at the time of application. Applicant shall also provide the city with a municipal hold-harmless certificate.

(b) The terms of the policy shall provide that the insurance company assumes financial responsibility in an amount not less than one million dollars per occurrence or two million dollars in the aggregate for bodily injuries and personal injuries or property damage caused by the operation of the taxicab, including but not limited to, taxicabs operated by the officers, employees, agents, or lessees of the owner.

(c) A valid certificate of insurance issued by a company providing the required insurance policy shall be available for inspection at the owner’s principal place of business. A certificate of insurance shall provide that the insurer will immediately notify the controller of any cancellation of, or change in, the owner’s insurance policy and that such notice shall be in writing and shall be sent by registered mail at least thirty days before cancellation of the policy. The certificate shall include all of the following:

- (1) The full name of the insurer;
- (2) The name and address of the insured;
- (3) The insurance policy number;
- (4) The type and limits of coverage;
- (5) The specific vehicles insured;
- (6) The effective dates of the insurance policy; and
- (7) The certificate issue date.

(d) Proof of insurance shall include that the City of Bloomington shall be held harmless and included as an additional insured on said insurance.”

SECTION 20. Section 4.24.070(a) shall be amended by deleting the phrase “the chief of police or his designee has made a” and replacing it with “it has undergone an independent”, and be further amended by deleting the period after the word “application” and replacing it with the following: “; a copy of the safety inspection shall be included with the application.”. This section shall be additionally amended by deleting the sentence: “The chief of police shall send a report of the inspection and his recommendation to the controller as soon as the inspection is completed.”

SECTION 21. Section 4.24.070(b) shall be amended by deleting the phrase “been inspected by the chief of police or his designee” and replacing it with “undergone an independent safety inspection”.

SECTION 22. Section 4.24.090(a)(3) shall be amended by adding the word “and” before “state” and by deleting the phrase “and city license plate number”.

SECTION 23. Section 4.24.090(a)(4) shall be amended by deleting the phrase “state requirements” and replacing it with “this Chapter’s requirements”.

SECTION 24. Section 4.24.090(b) shall be amended by adding the phrase “in accordance with Indiana law” after the word “destroyed”.

SECTION 25. Section 4.24.150 (Complaints) shall be deleted in its entirety and replaced with the following:

4.24.150 – Penalties - Revocation of license.

(a) Any person, partnership, association, or corporation which violates any provision of this chapter, shall be subject to the following penalties:

(1) Operating as a valuable metal dealer without a license.

First offense	\$240.00
Second offense within any 12-month period	\$500.00
Third offense, or thereafter, within any 12-month period	\$1,000

(2) Failure to provide complete reports to police department in a timely manner.

First offense	\$50.00
Second offense within any 12-month period	\$100.00
Third offense, or thereafter, within any 12-month period	\$250.00

(b) In addition, the Controller's Office shall, after notice and hearing by the Board of Public Works, revoke, by written order, any license issued hereunder if the Board finds that:

(1) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required by Indiana Code 25-37.5 as amended, or to comply with any ruling or requirements lawfully made pursuant to and within the authority of this chapter; or

(2) The licensee has violated any provision of this chapter or any rule or regulation lawfully made under and within the authority of this chapter; or

(3) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have permitted the Controller's Office to refuse originally to issue such license.

SECTION 26. Section 4.24.160 (Suspension and revocation of license) shall be deleted in its entirety.

SECTION 27. Section 4.24.170 (Penalty) shall be deleted in its entirety.

Chapter 4.28 Jitneys

SECTION 28. Chapter 4.28, entitled Jitneys, shall be deleted in its entirety.

Chapter 4.30 Horse-Drawn Vehicles for Hire

SECTION 29. Chapter 4.30, entitled Horse-Draw Vehicles for Hire, shall be deleted in its entirety.

SECTION 30. 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 31. 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 _____ day of _____, 2013.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance seeks to do four primary things. First, it seeks to delete provisions and regulations of the Title 4 that are no longer necessary; particularly those chapters which require the licensing of the following: carnivals; circuses; merry-go-rounds; museums; shooting galleries; skating rinks; theaters; pool tables; jitneys; and horse-drawn vehicles for hire. Second, it seeks to update the chapter regulating taxicabs, since no update has occurred in the last thirty years, to do the following: increase the number of passengers a taxicab can carry from six to eight; require insurance in accordance with the City's Risk Department's established amounts; require the safety inspections of all taxicabs to be conducted by an independent inspector instead of the City's Police Department; and establish a new procedure for the revocation of a license and new penalty provisions that are in line with other chapters of the City's municipal code. Third, it seeks to amend the chapters regulating pawnshops and secondhand dealers in three keys ways: (1) eliminate the license fee; (2) establish a new procedure for the revocation of a license and new penalty provisions that are in line with other chapters of the City's municipal code; and (3) require all such businesses to electronically transfer information regarding any item they purchased within 48 hours of said purchase via a law enforcement website designated as an agent of the City of Bloomington Police Department. Fourth, it seeks to add a new chapter to the municipal code, Chapter 4.22, entitled Dealers in Valuable Metals. This new chapter will require all dealers in valuable metals to be licensed by the city and will further require said dealers to electronically transfer information regarding any item purchased within 48 hours of the purchase via a law enforcement website designated as an agent of the City of Bloomington Police Department.

MEMO:

To: City of Bloomington Common Council
From: Patty Mulvihill, Assistant City Attorney
Date: August 22, 2013
Re: Amendments to Title 4

Ordinance 13-11 seeks to make substantial changes to Title 4 of the Bloomington Municipal Code. Most of the changes involve deleting regulations from the Code which are not currently enforced nor thought to be needed. A comprehensive analysis and review of Title 4 was undertaken by the City's administration and it was noted that very few changes had been made to the Title in the last twenty years—what was needed in the 1980's does not appear to be needed today. A final note is that no changes are being proposed to Chapter 4.16 (Itinerant Merchants) or Chapter 4.26 (Velocabs) in this proposal.

The following Chapters are being proposed for deletion, in their entirety: (1) Chapter 4.04, entitled Business Licenses Generally; (2) Chapter 4.28, entitled Jitneys; and (3) Chapter 4.30, entitled Horse-Drawn Vehicles for Hire.

Chapter 4.18 regulates the business of pawnbrokers in the City. Six substantive changes are being proposed. First, that all pawnbrokers be required to supply the City with copies of their completed application for the State of Indiana's Pawn Broking License and their actual license. **By accepting a copy of their State application the business owner will not have to complete an additional lengthy application prepared by the City.** Second, the penalty provision for violating this Chapter has been reworked to follow the pattern found in other sections and chapters of the municipal code.

The major change to Chapter 4.18 is that all pawn brokers shall be required to transfer information regarding each article pawned or received electronically to the Police Department via a law enforcement website designated by the City's Police Department. The City expects to designate Leads Online. Leads Online is free to the pawn broker business; the City Police Department pays for the service. The Police Department is requesting this change because of the increase in thefts that they have experienced in the last twenty years. Leads Online is a national database that will allow the Police Department to have access to articles pawned all over the country.

Additionally, because the City's administration is cognizant of the potential for an increased administrative burden upon pawn shops as a result of the Leads Online requirement, the administration has proposed deleting any type of fee requirement associated with the necessary license.

Finally, in light of comments received by the administration from the business community the City has proposed two additional changes. First, instead of requiring the pawn stores to collect a person's social security number, the stores will instead be required to collect a person's driver's license number. Second, instead of requiring the pawn store to hold items purchased for ten days, the store will only be required to hold items purchased for seven days.

Chapter 4.20 regulates the business of secondhand dealers in the City. Five substantive changes are being proposed. First, the proposal specifically exempts the following businesses from regulation: clothes, cars, books, watercraft or farm equipment. Additionally, no license is required for estate or garage sales. And in light of concerns raised by members of the community, the administration is proposing that three other types of businesses be specifically exempted: thrift stores, consignment stores, and antique stores/malls. Second, like the pawnbroker license, the license fee is being proposed for deletion as a way to offset any new administrative burdens. Third, all goods purchased by the business shall now be held for 7 days instead of only 24 hours—this will provide the police department more time to determine if an item purchased by the business was stolen. Fourth, just like the pawn broker chapter, the secondhand dealer businesses will be required to use Leads Online. Fifth, again much like the pawn broker license chapter, the penalty section has been rewritten to conform to other sections of the municipal code.

Chapter 4.22 is a new chapter being proposed. This newly created Chapter will regulate those in the business of dealing in valuable metals. Valuable metals are defined in Indiana Code 25-37.5-1-1 as “any product made of metal that readily may be resold ... it includes metal bossies and small component motor vehicle parts. The term does not include a beverage can.” These businesses will be regulated in the same manner as pawn brokers and secondhand dealers—they will not be required to pay an annual licensing fee, they will have the same type of penalty provisions, and they will be required to utilize Leads Online.

Chapter 4.24 regulates the business of operating taxicabs in the City limits. Four substantive changes are being proposed. First, the ordinance currently does not allow vehicles

who can carry more than 6 passengers to be used as taxicabs. Given the use of minivans and larger SUV's, the ordinance is being amended to increase the passenger load to 8. Second, the insurance requirements for taxicabs have been changed to reflect the standards preferred by the City's Risk Management Division. These changes include a requirement that the business maintain a commercial general liability policy in an amount of no less than \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate and that the City be provided a copy of the relevant policies. Third, instead of the Police Department performing safety inspections of the vehicles, the businesses will be required to obtain their own safety inspections from an independent source instead of from police officers who are not trained mechanics. The City's Economic Development and Sustainability Department has contacted two car repair businesses in Bloomington and learned that the businesses believe they can perform the required safety inspections for between \$20.00 to \$45.00 per vehicle. Finally, the same changes to the penalty provisions made in prior chapters are being proposed to occur in this chapter as well.

The City is in the process of contacting all known businesses that may be impacted by these proposed changes. The contact should occur and have been finalized prior to this ordinance being heard by the Common Council.

Attached to this Memo you will find the proposed Ordinance 13-11. Also included is a version of each Chapter included the Ordinance with notations that fully explain and highlight the changes being proposed.

~~Chapter 4.04 Business Licenses Generally~~ ~~(Deleted by Ord 13-11 – Section 1)~~

Comment [IA1]: The entire chapter is to be deleted.

~~Sections:~~

- ~~4.04.010 Issuance generally Payment of fee Duration Proration.~~
- ~~4.04.020 Display.~~
- ~~4.04.030 Charitable organization excepted.~~
- ~~4.04.060 Carnival.~~
- ~~4.04.070 Circus.~~
- ~~4.04.110 Reserved.~~
- ~~4.04.120 Merry-go-round.~~
- ~~4.04.130 Museum.~~
- ~~4.04.150 Shooting gallery.~~
- ~~4.04.160 Skating rink.~~
- ~~4.04.170 Theater.~~
- ~~4.04.180 Poolroom Billiard room Bowling alley.~~
- ~~4.04.190 General procedure for revocation of license.~~
- ~~4.04.200 General appeal procedure.~~

~~4.04.010 Issuance generally Payment of fee Duration Proration.~~

~~All licenses mentioned that are issued under this chapter or any section thereof shall be issued by the city controller upon application to him and payment to him of the correct license fee. All such licenses shall be issued under this chapter for a period of one year unless otherwise specified and shall expire on the thirty first day of December of the year in which they are issued unless otherwise specifically set forth in each particular license. In the event of an application for a license to go into effect at any time after the first of January of any calendar year, the applicant shall be required to pay for the license a pro rata part for the portion of the year remaining up to the last day of December of that year; provided, however, that no calendar month shall be divided in making such computation and that any portion of a calendar month shall be counted as one month in the computations of time for such remaining portion of the year.~~

~~4.04.020 Display.~~

~~Any person transacting any business or engaging in any activity requiring a license under the provisions of this title shall exhibit the same, whenever requested to do so by any peace officer, patrolmen, inspector, city officer or any patron or prospective patron. Any person exempt from the licensing requirements of this title may apply for an exemption certificate from the city controller's office.~~

~~4.04.030 Charitable organization excepted.~~

~~No license shall be required under this title from any church, school, benevolent or fraternal organization, nor from any committee thereof, for doing any act under this title, where~~

~~the proceeds thereof are to be used exclusively for religious, charitable, educational or scientific purposes.~~

4.04.060 — Carnival.

~~It is unlawful for any person to operate, manage or conduct within the city, for gain or profit, any entertainment or show, whether under tents or otherwise, which is of the class and character known as a carnival, or carnival company without first obtaining a license to do so. The license fee for such carnival shall be five hundred dollars per day.~~

4.04.070 — Circus.

~~It is unlawful for any person to operate, manage or conduct within the city, for gain or profit, any entertainment or show, whether under tents or otherwise, commonly called and known as a circus, for gain or profit, without first obtaining a license to do so. The license fee for such circus shall be one hundred dollars per day.~~

4.04.110 — Reserved.

4.04.120 — Merry-go-round.

~~It is unlawful for any person to operate, manage or conduct any merry-go-round, ocean wave, ferris wheel, roller coaster, switch back, or other similar amusement devices or appliances, for gain or profit, within the city without first obtaining a license to do so. The fee therefore shall be fifteen dollars per week.~~

4.04.130 — Museum.

~~It is unlawful for any person to operate, manage or conduct any museum, shows of puppets, wax figures, monsters, monstrosities, natural or artificial curiosities or other exhibitions or shows, other than those hereinabove specifically set out, for gain or profit, within the city without first having obtained a license to do so. The fee for such license shall be ten dollars per week.~~

4.04.150 — Shooting gallery.

~~It is unlawful for any person to operate, manage or conduct a shooting gallery within the city, for gain or profit, without first obtaining a license to do so. No license for such shooting gallery shall be issued except with the approval of the chief of police of the city as to the location where the same is to be operated and the safety of the equipment used. The license fee for such shooting gallery shall be fifty dollars per year, twenty-five dollars per six months, or five dollars per month for a period of less than six months.~~

4.04.160 ~~Skating rink.~~

~~It is unlawful for any person to operate, manage or conduct within the city, for gain or profit, a skating rink, without first obtaining a license to do so. The fee for such license shall be five hundred dollars per year.~~

4.04.170 ~~Theater.~~

~~It is unlawful for any person to operate, manage or conduct within the city any opera house, theater or moving picture house, where entertainment is furnished the public, for gain or profit without first obtaining a license to do so. The license fee for such business shall be twenty five dollars per year for each opera house, theater and moving picture house so operated.~~

4.04.180 ~~Poolroom Billiard room Bowling alley.~~

~~It is unlawful for any person to operate, manage or conduct within the city, for gain or profit, any pool or billiard table or bowling alley, without first obtaining a license to do so. The basic fee for such license shall be fifty dollars per year for the first ten tables or alleys, and five dollars for each additional table or alley so operated. In case there is a transfer of ownership or change of location, notice must be given to the city controller within twenty four hours of such transfer of ownership or change in location, and a fee of one dollar paid to the city controller for recording such transfer of ownership or change of location, which fees shall be paid into the general fund of the city.~~

~~A license shall be issued for a pool or billiard table or bowling alley permitting the licensee to operate the same in any room above the ground floor only with the approval of the board of public safety of the city, which approval shall be granted by the board of public safety only after an examination and approval of the premises by the chief of the fire department of the city and the chief of the police department of the city, provided however, that any disapproval by the police or fire chief shall be presented in writing stating the reason therefore, and submitted to the board of public safety as a matter of record. Such approval and examination shall be required annually prior to the issuance of any license for a pool room, billiard room, or bowling alley, permitting the licensee to operate the same in any room above the ground floor.~~

4.04.190. ~~General procedure for revocation of license.~~

~~(a) IN the absence of a specific revocation procedure contained in any chapter herein, any license issued pursuant to this Title may be revoked by the Board of Public Works of the City of Bloomington after notice and hearing for any of the following causes:~~

~~(1) Any fraud, misrepresentation or false statement contained in the application for license;~~

~~(2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;~~

~~(3) Any violation of this Title;~~

~~———— (4) ——— Conducting the business licensed under this chapter in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.~~

~~———— (b) ——— Notice of hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing; such notice shall be mailed, postage prepaid, to the licensee at his last known address at least ten (10) days prior to the date set for the hearing.~~

4.04.200 ——— General appeal procedure.

~~———— In the absence of specific appeal procedure contained in any chapter herein, any person aggrieved by the decision of the City Controller in regard to the denial of application for a license as provided for in this Title, or by a decision of the Board of Public Works in connection with the revocation of a license as provided herein, shall have the right to appeal to the Common Council. Such appeal shall be taken by filing with the Council within fourteen (14) day after notice of the decision of the Controller or Board of Public Works has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person by registered or certified mail, return receipt requested, at least ten (10) days prior to such hearing date. The order of the Council on such appeal shall be final.~~

Chapter 4.18 – Pawnbrokers (Revised by Ord 13-11 – Sections 2 – 7)

Comment [IA1]: Any deletions will be noted with ~~strike through~~ and additions to the ordinance are noted with **gray highlight**.

Sections:

- 4.18.010 – Definitions.**
- 4.18.020 – Application for license.**
- ~~**4.18.030 – License Fee.**~~
- 4.18.0430 – Revocation of license.**
- ~~**4.18.0540 – Books and records.**~~
- 4.18.0650 – Information for police department.**
- 4.18.0760 – Retention of acquired property.**

4.18.010 – Definitions.

- (a) “Pawnbroker” means any person, partnership, association or corporation lending money on the deposit or pledge of personal property, other than choses in action, securities, or printed evidence of indebtedness.
- (b) “Pledge” means an article or articles deposited with a pawnbroker in the course of his business, as defined in the preceding paragraph.
- (c) “Pleder” means the person who delivers a pledge into the possession of a pawnbroker unless such person disclosed that he is or was acting for another; and in such event “pledger” means the disclosed principal.

4.18.020 – Application for license.

- (a) No person, partnership, association or corporation shall engage or continue in business as a pawnbroker except as authorized by this chapter and without first obtaining a license from the City Controller. Application for such license shall be in writing and shall state the full name and place of residence of the applicant, or if the applicant is a partnership, the full name and place of residence of each member thereof, or, if a corporation or association, the full name and place of residence of each officer thereof, together with the place or places where the business is to be conducted. **Applications shall include a copy of the following: completed application for the State’s Pawn broking License submitted to the State’s Department of Financial Institutions; and State Pawn broking License.**
- (b) All applicants shall, as a condition for the granting of a license and on a portion of the application provided by the City Controller, agree that in the event the applicant as licensee receives merchandise of any kind which is stolen, he claims no right, title or interest in and to said merchandise, and that upon request by law enforcement officer having probable cause to believe that the merchandise is stolen, he will voluntarily surrender said merchandise to the possession of that law enforcement agency when given a receipt for the same.

4.18.030— License fee.

~~Such application shall be accompanied by an annual fee of twenty-five dollars for each place of business conducted by the licensee.~~

4.18.0430 – Revocation of license.

The Controller’s office shall, after notice and hearing by the Board of Public Works, revoke, by written order, any license issued hereunder if the Board finds that:

- (a) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required by Indiana Code 28-7-5-7 as amended, ~~or to comply with any ruling or requirements lawfully made pursuant to and within the authority of this chapter;~~ or
- (b) The licensee has violated any provision of this chapter or any rule or regulation lawfully made under and within the authority of this chapter; or
- (c) Any fact or condition exists which, if it has existed at the time of the original application for such license, clearly would have permitted the Controller’s office to refuse originally to issue such license; or
- (d) Any person, partnership, association, or corporation which violates any provision of this chapter shall also be subject to the ~~penalties imposed by Section 1.01.130~~ following penalties:

(1) Operating as a pawnbroker without a license.

First offense	\$240.00
Second offense within any 12-month period	\$500.00
Third offense, or thereafter, within any 12-month period	\$1,000

(2) Failure to provide complete reports to police department in a timely manner.

First offense	\$50.00
Second offense within any 12-month period	\$100.00
Third offense, or thereafter, within any 12-month period	\$250.00

4.18.0540 – Books and records.

The licensee shall keep and use in his business, books, accounts and records pertaining to all items of merchandise purchased, pledged, or traded, to enable the Police Department to determine whether such licensee is complying with the provisions of this chapter, and with the rules and regulations lawfully made hereunder. Every licensee shall preserve such books, accounts, and records for at least two years after making the final entry on any loan, pledge or purchase recorded herein. Books and records shall be kept in compliance with Indiana Code 28-7-5-49 as amended.

4.18.0650 – Information for police department.

In addition to the record book required by this chapter, all licensees under this chapter shall provide information for each article pawned or received to the City of Bloomington Police Department within 24 48 hours of receiving said article. Such information shall include a description of the property, along with serial numbers or indentifying marks, if any, all pledger identification required by Indiana Code 28-7-5, and date of birth and social security driver's license number of pledger. ~~Information shall be collected at least once a week during normal business hours by the police department.~~ Information shall be electronically transferred, within 48 hours of receiving said article, via a law enforcement website designated as an agent of the City of Bloomington Police Department for the sole purpose of collecting such records. At no time shall the City of Bloomington Police Department designate an agent which shall charge the licensee any type of fee.

4.18.0760 – Retention of acquired property.

All property received by a licensee under this article shall be held intact by the licensee for at least ten seven days after the ~~card record required by this chapter is collected by the police department~~ the property has been acquired by the pawnbroker, provided, however, the pledger may redeem pawned property at any time upon presentation of the pawn ticket and full satisfaction of the loan, interest, and storage fees as provided by Indiana Code 28-7-5.

Chapter 4.20 – Secondhand Dealers **(Revised by Ord 13-11 – Sections 8 – 14)**

Comment [IA1]: Any deletions will be noted with ~~strickethrough~~ and additions to the ordinance are noted with **gray highlight**.

Sections:

4.20.010 – License—Required.

4.20.020 – License—Application—Fee—Issuance—Record.

4.20.030 – License—Display.

4.20.040 – Purchases to be held ~~twenty-four hours~~ seven business days before sale.

4.20.050 – Nonapplicability to interstate commerce.

4.20.060 – Information for police department.

4.20.070 – Penalty.

4.20.010 – License—Required.

Any person or corporation who desires to engage in buying, selling, trading or otherwise acquiring or purchasing used goods, items and merchandise for business purposes in the city shall first procure a license to do so from the office of the city controller. No license shall be required if the person or corporation is primarily engaged in the business of buying, selling, trading or otherwise acquiring or purchasing one or more of the following: clothes, cars, books, watercraft, or farm equipment. No license is required for a garage sale, an estate sale, any sale that is held by a transient vendor and lasts no more than twenty-four (24) hours, or any sale held by either a charitable or political organization. No license is required if the person or corporation only occasionally engages in the purchasing of used goods so long as this occasional business does not total more than fifteen (15) percent of the business's purchases in any one year. No license shall be required if the person or corporation is engaged in the business of operating a thrift store. No license shall be required if the person or corporation is engaged in the business of operating a thrift store, consignment store, or antique store or mall.

4.20.020 – License—Application—Fee—Issuance—Record.

The person or corporation described in Section 4.20.010 shall file a written application for a secondhand dealer's license with the office of the City Controller. Such license shall require the name of the applicant; if the applicant is a corporation, the name of the officer and their own personal address is required. The place of business of the applicant shall also be stated. ~~The license fee will be twenty dollars, payable before January 31st of each calendar year. The license fee shall be paid into the General Fund to defray the expenses of administering this chapter.~~ Upon completion of the license application, ~~and payment of the license fee,~~ a secondhand dealer's license shall be issued to the applicant for that calendar year. A record of such license shall be kept in the office of the city controller. **No fee shall be required to obtain this license.**

4.20.030 – License—Display.

All persons to whom a license has been given under the provisions of this chapter shall show such license to any ~~police officer of the city~~ law enforcement officer, or to any person whom he offers to sell goods, items, and merchandise, upon request.

4.20.040 – Purchases to be held ~~twenty-four hours~~ seven business days before sale.

Every person licensed under the provisions of this chapter, shall hold all used goods, items and merchandise purchased for at least ~~twenty-four hours~~ seven business days before making a sale.

4.20.050 – Nonapplicability to interstate commerce.

The provisions of this chapter shall not apply to transactions of interstate commerce.

4.20.060 – Information for police department.

All licensees under this chapter shall provide information for each article sold or received to the City of Bloomington Police Department within 48 hours of receiving said article. Such information shall include a description of the property, along with serial numbers or identifying marks, if any, and all of the following information on the seller: name, signature, address, date of birth, and government identification number. Information shall be electronically transferred, within 48 hours of receiving said article, via a law enforcement website designated as an agent of the City of Bloomington Police Department for the sole purpose of collecting such records. At no time shall the City of Bloomington Police Department designate an agent which shall charge the licensee any type of fee.

4.20.070 – Penalty.

Any person who violates this chapter shall be subject to the following fines:

(A) Operating as a secondhand dealer without a license.

First offense	\$240.00
Second offense within any 12-month period	\$500.00
Third offense, or thereafter, within any 12-month period	\$1,000

(B) Failure to provide complete reports to police department in a timely manner.

First offense	\$50.00
Second offense within any 12-month period	\$100.00

Third offense, or thereafter, within any 12-month period	\$250.00
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(C) In addition to the fines above, the Controller may refuse to license, suspend a license, or revoke a license, following a hearing in front of the Board of Public Works, to any business that violates the requirements of this chapter.

Chapter. 4.22 Dealers in Valuable Metals
(New Chapter added by Ord 13-11 – Section 15)

Sections:

- 4.22.010 – Definitions.**
- 4.22.020 – Application for license.**
- 4.22.030 – Revocation of license.**
- 4.22.040 – Books and records.**
- 4.22.050 – Information for police department.**
- 4.22.060 – Retention of acquired property.**

4.22.010 – Definitions.

- (a) “Valuable metal” shall be defined as set forth in IC 25-37.5-1-1.
- (b) “Valuable metal dealer” means any person, partnership, association or corporation engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk cars or trucks. The term does not include a person who purchases a vehicle and obtains title to the vehicle.

4.22.020 – Application for license.

- (a) No person, partnership, association or corporation shall engage or continue in business as a valuable metal dealer except as authorized by this chapter and without first obtaining a license from the City Controller. Application for such license shall be in writing and shall state the full name and place of residence of the applicant, or if the applicant is a partnership, the full name and place of residence of each member thereof, or, if a corporation or association, the full name and place of residence of each officer thereof, together with the place or places where the business is conducted.
- (b) All applicants shall, as a condition for the granting of a license and on a portion of the application provided by the City Controller, agree that in the event the applicant as licensee receives merchandise of any kind which is stolen, he claims no right, title or interest in and to said merchandise, and that upon request by a law enforcement official having probable cause to believe that the merchandise is stolen, he will voluntarily surrender said merchandise to the possession of that law enforcement agency when given a receipt for the same.

4.22.030 – Penalties - Revocation of license.

- (a) Any person, partnership, association, or corporation which violates any provision of this chapter, shall be subject to the following penalties:

(1) Operating as a valuable metal dealer without a license.

First offense	\$240.00
Second offense within any 12-month period	\$500.00
Third offense, or thereafter, within any 12-month period	\$1,000

(2) Failure to provide complete reports to police department in a timely manner.

First offense	\$50.00
Second offense within any 12-month period	\$100.00
Third offense, or thereafter, within any 12-month period	\$250.00

(b) In addition, the Controller's Office shall, after notice and hearing by the Board of Public Works, revoke, by written order, any license issued hereunder if the Board finds that:

(1) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required by Indiana Code 25-37.5 as amended, or to comply with any ruling or requirements lawfully made pursuant to and within the authority of this chapter; or

(2) The licensee has violated any provision of this chapter or any rule or regulation lawfully made under and within the authority of this chapter; or

(3) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have permitted the Controller's Office to refuse originally to issue such license.

4.22.040 – Books and records.

The licensee shall keep records of each valuable metal purchase on the form provided by the Indiana State Police as required by Indiana Code 25-37.5-1-2 as amended. Additionally, each valuable metal dealer shall make and retain a copy of the government issued photographic identification used to identify the person from whom the valuable metal was purchased. All such records shall be maintained by the licensee for two (2) years. All such records shall be made available to any law enforcement officer upon request by said officer during normal business hours.

4.22.050 – Information for police department.

In addition to the records required by this chapter, all licensees under this chapter shall provide information for each article purchased or received to the City of Bloomington Police Department within 48 hours of receiving said article. Such information shall include the name of the person who sold the product to the valuable metal dealer and a description of the articles purchased. Information shall be electronically transferred via a law enforcement website designated as an agent of the City of Bloomington Police Department for the sole purpose of collecting such records. At no time shall the City of Bloomington Police Department designate an agent which shall charge a licensee any type of fee.

4.22.060 – Retention of acquired property.

All property received by a licensee under this article shall be held intact by the licensee for at least seven days after the property has been acquired by the valuable metal dealer.

Chapter 4.24 Taxicabs

(Revised by Ord 13-11 - Sections 16 – 27)

Comment [IA1]: Any deletions will be noted within ~~strikethrough~~ and additions to the ordinance are noted with gray highlight.

Sections:

- 4.24.010 Definitions.
- 4.24.020 Operations generally.
- 4.24.030 Business license—Required.
- 4.24.040 Business license—Application.
- 4.24.050 Business license—Insurance required.
- 4.24.060 Business license—Facilities required.
- 4.24.070 Business license—Safety inspection required.
- 4.24.080 Business license—Issuance.
- 4.24.090 Business license—Information.
- 4.24.100 Business license—Term and fee.
- 4.24.110 Taxicabs—Fare card.
- 4.24.120 Taxicabs—Driver card.
- 4.24.130 Taxicabs—Signs.
- 4.24.140 Adequate service.
- 4.24.150 ~~Complaints~~ Penalties - Revocation of License.
- 4.24.160 ~~Suspension and revocation of license.~~
- ~~4.24.170 Penalty.~~

4.24.010 Definition.

“Taxicab” means any motor vehicle designed and constructed to accommodate and transport passengers, not more than ~~six~~ eight (8) in number, not including the driver, which does not operate over any definite and designated routes within the city, and the designation of which is designated by the passenger or passengers at the time of such transportation.

4.24.020 Operations generally.

It is unlawful to drive or operate a taxicab in the city except in accordance with the provisions of this chapter.

4.24.030 Business license—Required.

It is unlawful to drive or operate a taxicab in the city without first having secured a license to do so as provided by this chapter.

4.24.040 Business license—Application.

Any person who intends to operate a new taxicab company, renew an existing taxicab license or expand existing service in the city shall file an application form with the city controller. Such application shall be in writing, signed and duly sworn by the applicant, and shall contain the following information:

- (a) The name and address of the person, partnership, firm or corporation requesting the license and, if the applicant is a firm or partnership, the name and address of each of the officers;
- (b) A list of the make, model, factory number and state license number of each motor vehicle to be used as a taxicab;
- (c) A statement that the applicant owns the vehicles described in subsection (b) above and that the applicant will operate these vehicles in providing taxicab service; and
- ~~(d) A statement that the applicant is financially able to render taxicab service, has adequate resources and financial backing, and has insurance sufficient to meet the current requirements of the Indiana Bureau of Motor Vehicles.~~

4.24.050 Business license—Insurance required.

~~No license to operate a taxicab shall be issued unless the applicant files with the city controller a written statement from the applicant's insurer stating that the applicant has a policy of public liability and property damage insurance in a sum sufficient to meet the requirements of the Indiana Bureau of Motor Vehicles.~~

(a) It is unlawful for any person to operate a taxicab within the City of Bloomington unless at the time of such operation the owner has in effect a valid policy of commercial general liability coverage or business auto coverage on the vehicle. Proof of insurance shall be provided by an applicant for a taxicab license at the time of application. Applicant shall also provide the city with a municipal hold-harmless certificate.

(b) The terms of the policy shall provide that the insurance company assumes financial responsibility in an amount not less than one million dollars per occurrence or two million dollars in the aggregate for bodily injuries and personal injuries or property damage caused by the operation of the taxicab, including but not limited to, taxicabs operated by the officers, employees, agents, or lessees of the owner.

(c) A valid certificate of insurance issued by a company providing the required insurance policy shall be available for inspection at the owner's principal place of business. A certificate of insurance shall provide that the insurer will immediately notify the controller of any cancellation of, or change in, the owner's insurance policy and that such notice shall be in writing and shall be sent by registered mail at least thirty days before cancellation of the policy. The certificate shall include all of the following:

- (1) The full name of the insurer;
- (2) The name and address of the insured;
- (3) The insurance policy number;

- (4) The type and limits of coverage;
- (5) The specific vehicles insured;
- (6) The effective dates of the insurance policy; and
- (7) The certificate issue date.

(d) Proof of insurance shall include that the City of Bloomington shall be held harmless and included as an additional insured on said insurance.

4.24.060 Business license—Facilities required.

No license to operate a taxicab shall be issued unless the applicant has an office in the city from which to control the operation of the taxicab company. Such office shall be equipped with a parking lot sufficient to accommodate all licensed taxicabs.

4.24.070 Business license—Safety inspection required.

(a) No license shall be issued to operate a taxicab unless ~~the chief of police or his designee has made a~~ it has undergone an independent safety inspection of each vehicle designated in the application; a copy of the safety inspection shall be included with application. ~~The chief of police shall send a report of the inspection and his recommendation to the controller as soon as the inspection is completed.~~

(b) It is unlawful to operate a taxicab which has not ~~been inspected by the chief of police or his designee~~ undergone an independent safety inspection and found to be safe to operate.

4.27.080 Business license—Issuance.

(a) The controller shall within fourteen days of receipt of the completed application issue the business license to the applicant, provided there is compliance with all other provisions of this chapter.

(b) If the controller fails to issue the license within fourteen days of completion of the application, the applicant may appeal the denial to the board of public works. The board shall at its next regularly scheduled meeting determine whether the applicant has complied with all provisions of this chapter and shall authorize the controller to issue the license if there is such compliance.

4.24.090 Business license—Information.

(a) The following information shall be included on the business license and shall be kept current:

- (1) The name and address of the licensee;
- (2) The name and address of the taxicab company;
- (3) A list of the make, model, factory number, ~~and~~ state license number ~~and city license plate number~~ of each motor vehicle to be used as a taxicab;

(4) A statement that the licensee has sufficient insurance to meet ~~state requirements~~ **this Chapter's requirements**;

(5) A schedule of fares and rates; and

(6) The date of issuance of the license with the signature of the controller.

(b) If a change is made in the information contained in the license, the old license shall be delivered to the controller, cancelled and destroyed **in accordance with Indiana law** and a new license issued in its place.

4.24.100 Business license—Term and fee.

The license shall be valid for a period of one year from the date of issuance. The fee for a taxicab license shall be ten dollars and shall be paid to the city controller in the form of either cash or certified check.

4.24.110 Taxicabs—Fare Card.

(a) Every license shall be equipped with a card prominently displayed showing the fares and rates to be charged for the transportation of passengers and baggage.

(b) It is unlawful to collect fares and charges other than those specified on the business license and fare card.

4.24.120 Taxicabs—Driver card.

Every licensed taxicab shall be equipped with a card prominently displayed showing the name and photograph of the driver operating the taxicab.

4.24.130 Taxicabs—Signs.

Any motor vehicle licensed as a taxicab shall be designated by the name of the company as it appears on the business license and the name shall be printed in legible letters on each side of the vehicle that are readable at one hundred fifty feet or more by the naked eye by a person with normal vision. Licensed taxicabs shall not be painted in any manner that tends to deceive the public.

4.24.140 Adequate service.

All licensed taxicab companies shall provide service to the public on a city-wide basis twenty-four a day, every day of the year. Service may be temporarily discontinued provided that adequate notice is given the press at least forty-eight hours in advance.

4.24.150 ~~Complaints—Penalties -~~ Revocation of license.

The Controller's Office shall, after notice and hearing by the Board of Public Works, revoke, by written order, any license issued hereunder if the Board finds that:

- (a) The licensee has failed to pay the annual license fee or to comply with any ruling or requirements lawfully made pursuant to and within the authority of this chapter; or
- (b) The licensee has violated any provision of this chapter or any rule or regulation lawfully made under and within the authority of this chapter; or
- (c) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have permitted the Controller's Office to refuse originally to issue such license; or
- (d) Any person, partnership, association, or corporation which violates any provision of this chapter, shall also be subject to the following penalties:

(1) Operating a taxicab without a license.

First offense	\$240.00
Second offense within any 12-month period	\$500.00
Third offense, or thereafter, within any 12-month period	\$1,000

(2) Any other offense under this Chapter.

First offense	\$50.00
Second offense within any 12-month period	\$100.00
Third offense, or thereafter, within any 12-month period	\$250.00

~~—All complaints against licensed taxicab companies shall be referred to the board of public works. If a preliminary investigation determines that a violation of this chapter has occurred, the complaint may either be referred to the board of public works for a public hearing on the suspension or revocation of the license under Section 4.24.160 of this chapter or to the legal department for action under Section 4.24.170 of this chapter.~~

4.24.160 — Suspension and revocation of license.

~~—Any license properly issued under the terms and conditions of this chapter may be revoked or suspended by the board of public works upon the failure of the owner or operator to operate any taxicab in compliance with the terms of this chapter. The owner or operator shall be~~

~~given five days' written notice of such violation, and upon public hearing and adequate proof of noncompliance the license may be suspended or revoked.~~

4.24.170 — Penalty.

~~Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be subject to a fine of not more than one thousand dollars or to suspension or revocation of the taxicab license. Each day that a violation of this chapter continues shall constitute a separate violation.~~

Chapter 4.28 — Jitneys

(Deleted in its entirety by Ord 13-11 – Section 28)

Comment [IA1]: This entire chapter will be deleted.

~~Sections:~~

- ~~4.28.010 Definitions.~~
- ~~4.28.020 Requirements for registration.~~
- ~~4.28.030 Requirements for operation.~~
- ~~4.28.040 Penalty for failure to comply.~~

~~4.28.010 Definitions.~~

~~“Jitney” as used in this chapter means any motor vehicle designed and constructed to accommodate and transport, not more than twenty passengers, not including the driver, and which is used for the purpose of group transportation of not more than twenty and not less than four primary passengers, as “primary passengers” are defined in this section. “Primary passengers” means those persons who embark at the origin of a jitney trip and determine the destination of each jitney trip, as “jitney trip” is defined in this section. “Jitney trip,” as used in this chapter, means any distance traveled between the embarkation of the primary passengers and the discharge of all such passengers at their requested destination. The rate charged for each jitney trip shall be a single rate per passenger as agreed upon by the primary passengers and the jitney operator prior to the commencement of the trip.~~

~~A jitney may also give transportation to secondary passengers, as “secondary passengers” are defined in this section, provided vacant seats are or will be available for such passengers. “Secondary passenger,” as used in this chapter, means any person who requests transportation of a passing jitney and who desires to travel in the general direction of, or to the destination as established by the primary passengers and who is willing to pay the rate for that trip as established by the primary passengers and the jitney operator.~~

~~Jitneys shall operate within the corporate limits of this city and the suburban territory thereof, as “suburban territory” is defined in this section. “Suburban territory,” as used in this chapter, means any area outside the corporate limits of this city and not within the corporate limits of any other city or town.~~

~~4.28.020 Requirements for registration.~~

~~No motor vehicle shall be operated as a “jitney” within the definition in Section 4.28.010, until the owner has complied with all requirements of this chapter and has secured and affixed to such vehicle a valid city registration sticker and license as hereinafter provided.~~

~~(1) City registration stickers and licenses shall be issued by the board of public works, and shall be valid for a twelve month period from the date of issuance. Registration stickers and licenses shall be renewed thereafter upon compliance by the owner(s) with the terms and conditions of this chapter.~~

~~———— (2) ——— The requirements for issuance of a city registration sticker and license for any motor vehicle to be used as a “jitney” as defined in Section 4.28.010, shall be as follows:~~

~~———— (A) ——— Application. Any person desiring to operate a jitney or jitney service upon or along any of the streets, avenues or other highways in the city shall, before undertaking to do so, file a signed application form, in writing, for a sticker and license, duly sworn to by the applicant, with the board of public works, which application shall show the following:~~

~~———— (i) ——— The name and address of the person, partnership, or corporation applying for the sticker or license,~~

~~———— (ii) ——— The make, model, factory number, and license number of each vehicle to be operated as a jitney,~~

~~———— (iii) ——— A verification of safety check approval by the police department.~~

~~———— (B) ——— License Card. The license card shall be prominently displayed in the vehicle for which it is issued. The license card shall be kept corrected to date as to the motor number, model, factory number, state license, name and address of the owner. Upon change being made, the old license shall be delivered up and cancelled, and a new license card, with the necessary corrections made, issued in its place.~~

~~———— (C) ——— Application Fee. The city controller shall issue to the applicant upon the approval of the board of public works as above, a sticker and license upon payment of a fee of ten dollars for the first jitney and two dollars for each additional jitney so operated, for any year of jitney operation.~~

~~———— (D) ——— State Requirements. The vehicle shall be registered and licensed in compliance with all the laws of the state of Indiana.~~

~~———— (E) ——— Inspection. The vehicle shall be inspected and approved by the police department within a one month period preceding the issuance of any city registration sticker and license for that vehicle. Prior to the issuance of any renewal sticker, such vehicle shall be reinspected and approved.~~

~~———— (F) ——— Minimum Insurance Requirements. The minimum liability insurance requirements to cover the vehicle at all times shall be as follows:~~

~~———— Bodily injury liability ——— \$30,000.00 per person~~

~~———— \$300,000.00 per accident~~

~~———— Property damage ——— \$20,000.00~~

~~———— (G) ——— Certificate of Insurance Coverage. The certificate of liability insurance coverage with ten day cancellation notice for the period to be covered by the city registration sticker shall be presented to the board of public works together with the application for the city registration sticker and license.~~

~~———— (H) ——— Identification. The motor vehicle shall be clearly marked as a “jitney” at all times of operation with lettering which is a minimum of six inches in height of a contrasting color in two or more places. Such identification must also designate the person or company to which the vehicle belongs.~~

~~4.28.030 ——— Requirements for operation.~~

~~———— Any motor vehicle operated as defined in this section shall be operated so as to comply with the terms of this section and with all the laws of this state and city.~~

~~———— (1) ——— Evidence of Compliance. The motor vehicle shall have a valid city registration sticker attached to the vehicle at all times of operation. The registration sticker shall be affixed~~

adjacent to the state inspection sticker. A license card shall also be issued as evidence of compliance. Such card shall be prominently displayed over the windshield to the right of the driver. It is unlawful to sue such card on any other vehicle.

——— (2) ——— Requirements of Operator's License. The operator of a "jitney" as defined in this section shall hold an unrestricted, valid public passenger chauffeur's license issued by the state of Indiana.

——— (3) ——— Display of Destination and Price. Prior to the commencement of each trip, there shall be prominently displayed at least one sign which reveals the destination to persons outside the jitney. The lettering on each sign shall be of contrasting color and a minimum of four inches in height. The destination may be a specific location or a general area, such as a neighborhood.

——— Prior to the commencement of each trip, there shall be prominently displayed also, at least one sign which reveals the established rate per passenger for that trip to persons outside the jitney. The numerals on this sign shall be of contrasting color and a minimum of two inches in height.

——— (4) ——— Public Notice of Commencement, Suspension, or Discontinuation of Service. The operator of a w jitney shall give public notice at least one week before the commencement of such service. The operator shall also give public notice at least one week before any foreseeable suspensions, such as holidays, vacations, etc., or discontinuations of such service. Public notice shall consist of publication in a newspaper widely distributed in this city.

4.28.040 ——— Penalty for failure to comply.

——— The failure of any jitney operator to comply with the provisions of this chapter shall result in immediate revocation of the registration sticker and license and the right of such owner to operate a jitney, in addition to other penalties imposed by law. Any subsequent applications for a city registration sticker and license by such owner shall be submitted to the common council in writing and such owner shall receive the required approval only by vote of the common council.

~~Chapter 4.30 — Horse-Drawn Vehicles for Hire~~ *~~(Deleted in its entirety by Ord 13-11 – Section 29)~~*

Comment [IA1]: This entire chapter will be deleted.

~~Sections:~~

- ~~4.30.010 Definition.~~
- ~~4.30.020 Operations generally.~~
- ~~4.30.030 Business license Required.~~
- ~~4.30.040 Business license Application.~~
- ~~4.30.050 Business license Insurance required.~~
- ~~4.30.060 Permission by Board of Public Works required.~~
- ~~4.30.070 Business license Safety inspection required.~~
- ~~4.30.080 Business license Issuance.~~
- ~~4.30.090 Business license Information.~~
- ~~4.30.100 Business license Term and fee.~~
- ~~4.30.110 Other laws applicable.~~
- ~~4.30.120 Fare and driver card.~~
- ~~4.30.130 Complaints.~~
- ~~4.30.140 Suspension and revocation of license.~~
- ~~4.30.150 Penalty.~~

~~4.30.010 Definition.~~

~~As used in this Chapter, “horse drawn vehicle for hire” means a buggy, carriage, dray, or wagon designed and intended to sue a horse or horses, mule, donkey, oxen, mare, pony, or similar animal as motive power which is operated upon city streets for hire.~~

~~4.30.020 Operations generally.~~

~~It is unlawful to drive or operate a horse drawn vehicle for hire in the city except in accordance with the provisions of this chapter.~~

~~4.30.030 Business license Required.~~

~~It is unlawful to drive or operate a horse drawn vehicle for hire in the city without first having secured a license to do so as provided by this chapter.~~

~~4.30.040 Business license Application.~~

~~Any person who intends to operate a horse drawn vehicle for hire in the city shall file an application form with the city controller. Such application shall be in writing, signed and duly sworn by the applicant, and shall contain the following information:~~

- ~~(a) The name and address of the person, partnership, firm or corporation requesting the license and, if the applicant is a firm or partnership, the name an address of each of the officers;~~

~~—— (b) —— A list of the make, model, and factory number of each vehicle to be used as a horse drawn vehicle;~~

~~—— (c) —— A statement that the applicant owns the vehicles described in subsection (b) above and that the applicant will operate these vehicles for hire;~~

~~—— (d) —— A statement that the applicant is financially able to render the service, has adequate resources and financial backing, and has insurance sufficient to meet minimum requirements for operating a limousine service in the State of Indiana.~~

~~—— (e) —— A certificate, issued by a licensed and accredited veterinarian, signed, dated, and certifying for each animal: vaccinations against encephalitis, tetanus, and influenza, “Coggins Test,” and a statement that the general physical condition of the animal and its stamina render it able to carry the loads and perform the work required of it. Such certificate shall include a description of the animal, including: breed, sex, age, height, color, markings, and any other information useful for identification. Such examination and certification shall be obtained annually for each animal.~~

~~4.30.050 —— Business license —— Insurance required.~~

~~—— No license to operate a horse drawn vehicle for hire shall be issued unless the applicant files with the city controller a written statement from the applicant’s insurer stating that the applicant has a policy of public liability and property damage insurance in a sum sufficient to meet the requirements for the operation of a limousine service in the State of Indiana.~~

~~4.30.060 —— Permission by Board of Public Works required.~~

~~—— No license to operate a horse drawn vehicle for hire shall be issued unless the applicant has obtained written permission from the Board of Public Works to operate on city streets. The Board of Public Works, after consultation with the Chief of Police and the City Engineer, may determine and identify any necessary restrictions on the times of operation and distances permissible on high traffic volume streets or accident intensive areas, and the permissible parking location if special parking facilities are required. A license to operate a horse drawn vehicle for hire shall be subject to those limitations, if any. Any applicant may appeal a decision of the Board of Public Works that restricts times or distances of operation to the Common Council within fifteen days of the date of the Board’s decision.~~

~~4.30.070 —— Business license —— Safety inspection required.~~

~~—— (a) —— No license shall be issued to operate a horse drawn vehicle for hire unless the Chief of Police or his designee has made a safety inspection of each vehicle designated in the application. The Chief of Police shall send a report of the inspection and his recommendation to the controller as soon as the inspection is completed.~~

~~—— (b) —— All carriages shall be equipped with two red reflectors (minimum 3 inch diameter) on the left and right back of the wagon. Carriages used in the evening or night shall be equipped with four running lights. On each of the front corners a white or amber light is required. On each of the rear corners a red light is required. In addition, reflective material shall be used on the bridle or harness or front of the towing bar (tongue) of the carriage, sufficient to reflect headlights from oncoming cars one block away.~~

~~—— (c) —— It is unlawful to operate a horse drawn vehicle for hire which has not been inspected by the Chief of Police or his designee and found to be safe to operate. In addition, the number of people per carriage shall not exceed the recommended load capacity specified by the police during the safety inspection.~~

4.30.080 —— Business license —— Issuance.

~~—— (a) —— The controller shall within fourteen days of receipt of the completed application issue the business license to the applicant, provided there is compliance with all other provisions of this chapter.~~

~~—— (b) —— If the controller fails to issue the license within fourteen days of completion of the application, the applicant may appeal the denial to the Board of Public Works. The Board shall at its next regularly scheduled meeting determine whether the applicant has complied with all provisions of this chapter and shall authorize the controller to issue the license if there is such compliance.~~

4.30.090 —— Business license —— Information.

~~—— (a) —— The following information shall be included on the business license and shall be kept current:~~

~~—— (1) —— The name and address of the licensee;~~

~~—— (2) —— The name and address of the company;~~

~~—— (3) —— A list of the make, model, and factory number of each vehicle to be used as a horse drawn vehicle for hire;~~

~~—— (4) —— A statement that the licensee has sufficient insurance to meet state requirements for limousines;~~

~~—— (5) —— A schedule of fares and rates; and~~

~~—— (6) —— The date of issuance of the license with the signature of the controller.~~

~~—— (b) —— If a change is made in the information contained in the license, the old license shall be delivered to the controller, cancelled and destroyed and a new license issued in its place.~~

4.30.100 —— Business license —— Term and fee.

~~The license shall be valid for a period of one year from the date of issuance. The fee for a license shall be Twenty five dollars (\$25.00) for the first vehicle and Five dollars (\$5.00) for each subsequent vehicle, and shall be paid to the city controller in the form of either cash or certified check.~~

4.40.110 —— Other laws applicable.

~~—— Such vehicle shall operate in accordance with all other applicable state laws and provision of the Bloomington Municipal Code, including the provisions of Section 12.04.030, "Allowing filthy or noisome liquid to flow on streets."~~

~~4.40.120~~ — ~~Fare and driver card.~~

~~Every licensed vehicle shall be equipped with a card prominently displayed showing the fares and rates to be charged for the transportation of passengers and showing the name of the driver operating the vehicle. In addition, every vehicle shall carry a veterinarian certificate for each animal as required by Section 4.30.040 of this chapter. No person under the age of eighteen years shall operate a horse drawn vehicle for hire.~~

~~4.30.130~~ — ~~Complaints.~~

~~All complaints against licensed operators and owners of horse drawn vehicles for hire shall be referred to the Board of Public Works. If a preliminary investigation determines that a violation of this chapter has occurred, the complaint may either be referred to the Board of Public Works for a public hearing on the suspension or revocation of the license under Section 4.30.140 of this chapter or to the Legal Department for action under Section 4.3.150 of this chapter.~~

~~4.30.140~~ — ~~Suspension and revocation of license.~~

~~Any license properly issued under the terms and conditions of this chapter may be revoked or suspended by the Board of Public Works upon the failure of the owner or operator to operate any such vehicle in compliance with the terms of this chapter. The owner or operator shall be given five days written notice of such violation, and upon public hearing and adequate proof of noncompliance the license may be suspended or revoked.~~

~~4.30.150~~ — ~~Penalty.~~

~~Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be subject to a fine of not more than one hundred dollars (\$100.00) or to suspension or revocation of the license. Each day that a violation of this chapter continues shall constitute a separate violation.~~

In the Council Chambers of the Showers City Hall on Wednesday, APRIL 3, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 3, 2013

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Spechler, Volan, Granger, Sturbaum
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Chris Sturbaum said he was annoyed with the high cost of health care but that he didn't have a report.

REPORTS

- COUNCIL MEMBERS

Marty Spechler said he totally disagreed with Rollo's pessimism about the long term prospects for the American economy. He said he disagreed with the prediction which he called 'feeble' reasoning. Spechler said that current conditions were that the stock market was at an all time high, that there would be a 2.5% growth in the first quarter of 2013, and that housing was improving. He noted it was unfortunate that the financial crises have occurred in the American mixed Capitalist economy and that it was also unfortunate that recent legislation, the Dodd-Frank (Wall Street Reform and Consumer Protection) Act, had not done anything to quell a financial crisis in the future. He said that as a professional economist he had the view that technological change would provide growth for the future. He said that clean natural gas would replace expensive oil and dirty coal in the future and that it was cleaner and less expensive and so energy would be cheaper in the next 10 years and would spur the growth of the chemical industry. He also said that free trade from Europe and Asia would grow the economy. He said these long term prospects proved Rollo's statements fallacious and that the long term federal and local economy was in good shape.

Rollo said that there were developments that would help the economy, but that even a 2% annual growth in the economy would double human impact in 35 years. He defined this as the expansion of human artifacts in the world that would increase the throughput of energy and materials required by growth. He said that infinite growth on a finite planet could not be reconciled, would not work, and that we needed to do something about this immediately. He said the discipline of ecological economics or biophysical economics focused on a steady state sustainable economy rather than the model we have now that was predicated on growth and that required growth. This would have to be rethought and old style economics models would need to be abandoned in order to design a sustainable economy. He said that this was the premise of his earlier remarks and that the world would have to go through some hardship in recognizing that growth was uneconomic and costs were exceeding benefits.

Melissa Britton, staff liaison to the Commission on Hispanic and Latino Affairs, gave the commission's annual report for commission chair Luis R. Hernandez who couldn't attend the meeting.

- The MAYOR AND CITY OFFICES
- Commission on Hispanic and Latino Affairs

- She noted that the City of Bloomington's Hispanic and Latino Affairs Awards were given to Prisma Lopez-Marin for Latino Leader, The Futures Family Planning Clinic for the Agency Award, and to Alexandra Nin Velez for Outstanding High School Senior.

- She said the Commission supported the interpreter program and had written and spoken to newspapers and elected leaders about issues that were in the best interest of the community's growing Hispanic and Latino population.
- Using the initial strategic plan, she noted that three objectives were the focus of the commission's activities:
 - gathering and reporting of data
 - forming new interagency forums and collaborations and
 - supporting foreign language education in schools
- The Commission outlined current problems of the need for access to medical interpreters and the growing number of young Latinos applying for the Deferred Action for Childhood Arrivals ("DACA") program.
- The Commission had worked with the Workers Rights Board with regards to immigration reform. The board was publicizing the fact that worker protection needed to be part of the reform and was, on April 23, 7pm-9pm presenting the program *Making Immigration Reform Work for All Workers*.
- Lastly, she noted that the Commission By-laws were revised to conform to the Bloomington Municipal Code.

Spechler stated that he was told that Spanish was the most important language and asked how many students in MCCSC took Spanish. Britton said the Commission would probably come across that information in their new research.

Bet Savich said that over 500 people came to the Be More Awards at the Buskirk-Chumley the night before the meeting. She noted the Be More Award sponsors, United Way, WTIU, IU Credit Union, Volunteer Network and Community Foundation, who combined efforts to give the agency where the award winners volunteered \$500. She also noted the sponsorship of the Bloomington Arts and Entertainment Grant's Program funded the lease of the Buskirk-Chumley Theater for the program.

- She noted the winners and their categories of award:
- Bloomington Meals on Wheels, Hoosiers Outrun Cancer Committee, the Sigma Phi Epsilon Fraternity for their work with Habitat for Humanity, the Wildcare Volunteers and Board for their work with sick, injured and orphaned wildlife, the Wylie House Museum Quilters who have created twelve heirloom-style quilts to replace the actual 150 year-old quilts for exhibits, Molly O'Donnell and Madeline Hirschland for their work with sustainability, Tammy Minger for her work with CASA, Alexandra Nin Velez for her work with Animal Care and Control and Jo Weddle for her work with United Ministries.
- She noted that Betty Applegate was honored for her Lifetime of Service.
- She noted that there are recordings of the event.

Neher thanked Savich for celebrating volunteers who made Bloomington and these deserving agencies work.

Kathy Mayer, Community and Family Resources Program Specialist, gave a report about the 11th Annual Homeward Bound Walk that would take place on April 14, 2013. She talked about the support from the community for the participants and those who benefit from this fundraising event for social service agencies. She said that over \$600,000 had been raised in Bloomington with this walk in the eleven years it has occurred.

Volan asked about the people who were served by the agencies. Mayer talked about homeless issues and then said that 365 MCCSC students were homeless and that 25% of Monroe County people were living below the

- Commission on Hispanic and Latino Affairs Report (cont'd)

- Volunteer Network Be More Awards

- Homeward Bound Walk Announcement

poverty level. She said that homelessness was a state-wide problem and also a national program.

- Homeward Bound Walk Announcement (*cont'd*)

Spechler asked if the amount of money raised from this event was steady. Mayer said that the amount of money raised dropped in 2007, but noted that part of the purpose for the event was to raise consciousness and add participation from in-kind donations. Pressed for a number, she said that \$36,000-\$38,000 was raised last year for direct help to the agencies. Spechler said that despite all good efforts with this event, the real purpose was to raise money. Mayer said raising awareness about what the agencies do and who they serve was also a goal of the Walk.

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES
- PUBLIC

Call for public comment:

Tonia Matthew noted it was Poetry Month and read a poem by Philip Appleman, IU Professor Emeritus, entitled *To the Garbage Collectors in Bloomington, Indiana, The First Pick-Up of the New Year*.

David Keppel, said he was a member of three organizations that worked together to bring activist Medea Benjamin to Bloomington on the occasion of the 10th Anniversary of the invasion of Iraq to speak about drone killings. Keppel thanked Mayor Krizan for his introduction to Benjamin's talk, which he said embodied the awareness that we were part of a wider world. He said that this community awareness made Bloomington special. He said that Congress had passed sweeping authorization to consider certain crimes as war, and that that was the basis of the invasions of Iraq and Afghanistan; and it was also the basis for the drone program. He said that drones were the international means for extrajudicial killing and a domestic means for warrantless surveillance. He said he hoped Bloomington would sign a resolution about the wide spread use of drones for the US.

Gene DeFelice said he was returning to Bloomington. He said the growth economy was in the process of crashing and burning and those cities and counties that work towards local sustainability would fare far better than those that don't. He thanked the council for the letter that they wrote in opposition to the Vernal Pike Waste Transfer Station and said he was grateful that the council was on top of the issues.

Sam Harrell said that four years ago she had attended a council meeting about affordable housing that inspired her to volunteer with Martha's House, volunteer for four years with the Interfaith Winter Shelter and three seasons with Genesis House shelter and was currently working at Shalom Center and at one overnight shelter. She said that there was no summer shelter in Bloomington, and asked the city to consider that there would be 70-80 community members who would have no safe place to sleep. She said that the lack of shelter would also result in people rotating in and out of jail and the hospital, and that these sites should not be the only options for shelters. She wanted to know what the city would do.

David Parsons followed with the same concern as Harrell. He said he was asking for a temporary zone for camping until the faith-based shelters re-opened in the fall. He said it would reduce trespassing charges and also reduce empty houses being used for temporary and unlawful places to sleep.

He said the poor would always be with us and that the hopes and dreams of a community should be all inclusive.

He quoted the Book of Luke:

"Woe to you experts in the law, because you have taken away the key to knowledge. You didn't go in yourselves, and you hindered those who were going in."

Travis Sparks, fourth generation Bloomingtonian and currently homeless, said there was a serious issue with the interfaith shelters closing. He said this would cause problems with policing and with other service agencies, and that squatting and trespassing would increase. He said there was a need for a safe place for these almost 100 people to go, and also suggested a 'safe camp.' He said people wanted a place to set up a camp, to sit in peace, and not be arrested or robbed or harassed.

Jon Dauterman read letters to the council from Missy and Isaac who were homeless and couldn't attend the meeting. The letters asked for some type of safe summer shelter.

Glenn Carter reiterated the importance of a need for a summer shelter. He said his own previous homeless situation required the help of a lot of people. He said the lack of shelters swept people from one area to another with no clean clothes or ability to bathe. He said the problem was not addressed by shooing people away from one place to go to another place. He advocated for a safe place to camp or shelter.

Jon Jones said that homeless people needed a summer shelter. He said no shelter would increase arrests for disorderly conduct, loitering, fighting, and trespassing. He said he was not alone in striving for normalcy but that drunks, dopers and thieves created a stigma for all homeless people. He said he was homeless in Bedford, and there was a shelter there now. He said that for Greene, Brown, Martin, Orange and Owen counties, Bloomington had become a drop off for homeless people. He said that Martha's House and other shelters could not service the 70-80 people who were now homeless. He said these homeless people were mothers, fathers, brothers and sisters.

Laura LaSuertmer, caseworker at Shalom Center, said each person had an opportunity to take a step to solve the problem by inviting a homeless person to live with them. She said there was space in the community to house all who need it. She said that Catholic Worker Movement had 'Houses of Hospitality' -- a model for this effort.

Stephanie McGee, an Independent Living Coach at Stepping Stones and New Leaf /New Life, said there was a need for an emergency needs shelter. She said needs were unmet. She said some of the kids at Stepping Stones had formerly tried to find a couch to sleep on. She asked the council to use their connections and resources to help.

Donyel Byrd a social worker said she came to hear the comments about the shelter for the summer. She read a letter from Stephanie Hart who could not come to the meeting. The letter indicated that more than 100 people needed a summer shelter, and there was no place that people could stay in a camp for the summer. Byrd said she worried about the phrase about 'something in the works' because grants and long term programs could take a lot of time to get going. She said homelessness was not a disease, and again asked the city's help.

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

APPOINTMENTS TO BOARDS
AND COMMISSIONS

It was moved and seconded that Ordinance 13-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-0. She also noted that the public comment portion of the council's deliberation would serve as the Public Hearing on the item.

It was moved and seconded that Ordinance 13-07 be adopted.

Patrick Shay, Development Review Manager for the Planning Department was available to answer questions from the council on this vacation of right-of-way.

Spechler asked if the petitioner was planning to put a road in where the alleys were located.

Shay said it would not be in the same location and pointed out on the maps where the alleys were located and where the street would be located.

Spechler asked if what the city lost by giving up the right-of-way would be more than replaced by what he called an 'imaginary loss.' Shay said it would.

There were no public comments on this vacation.

Volan noted that the vacation of right-of-way was at the edge of the city when the area was platted. He also noted that the area had been forsaken for so long that the original intent of the map drawers (of developing in a grid fashion with people living in close proximity) had been lost. He noted that the development proposed in this location was as close to that grid as could be obtained in modern day. He said he would support the ordinance.

Ordinance 13-07 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Ordinance 13-08 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 13-08 be adopted.

Vickie Renfrow, City Attorney, said the ordinance involved a refunding of sewage works bonds a measure she called comparable to refinancing a loan. She said bonds sold with a certain rate of interest with certain terms are repaid to the holders and the money used for the repayment came from the issue of new bonds or refunding bonds. She said the ordinance authorized the sale of up to \$22,000,000 in refunding bonds which would be sold at a lower interest rate than the ones that were currently being held. The bonds would be refunded and money would be saved in the long term.

She said that estimated net present value savings on this refunding would be \$1.2M or 5.9% of the outstanding bond balance. She said that the rule of thumb was that if one could get a 3% savings, a refund would be worth the effort and time. She said this was well above that threshold.

Renfrow said the term of the debt would not change; the 30 year bonds were sold in 1995. She said the full payment of these bonds would still occur by 2025.

She said this was the seventh refunding that the City of Bloomington had done in the last four years, and the city had taken advantage of the lower interest rates and its creditworthiness each time. She said the closing would most likely take place in a month.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
Ordinance 13-07 To Vacate Public Parcels -
Re: Two Segments of a Seminary Lot Alley
which are 16.5 Feet Wide and a Total of
1,180 Feet Long with One Segment
Running East to West through the Patterson
Pointe PUD and the Other Running in the
Same Direction Through the Proposed
Patterson Park PUD (Adam's Crossing,
LLC and Rogers Group, Inc. Petitioners)
Ordinance 13-07 (cont'd)

Ordinance 13-08 An Ordinance
Concerning the Current Refunding by
the City of Bloomington, Indiana of
Its Sewage Works Revenue Bonds of
2000, Series A Through C, and
Sewage Works Refunding Revenue
Bonds of 2003; Authorizing the
Issuance of Sewage Works 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
Refunding Revenue Bonds; Other
Matters Connected Therewith; and
Repealing Ordinances Inconsistent
Herewith.

Spechler asked Renfrow about the rate of interest on which the 'present rate of value' was calculated. Renfrow said that she had been given the following information:

The present value calculations are as follows: Semi annual savings are 'present valued' at the closing date of the refunding bonds discounted at the arbitrage yield for the new bonds.

Again asking for the specific rate of interest, Renfrow said that it would depend on the arbitrage yield for the new bonds.

Spechler asked who the city legal department consulted with for this highly specialized bond work, and asked if they were from Bloomington. Renfrow noted that the City of Bloomington worked with a bond counsel, Dennis Otten, who worked with Bose McKinney and Evans in Indianapolis and that the underwriter was Hilliard Lyons. She said there were no bond counsels in Bloomington that had this level of expertise. She said these two firms had been looking for opportunities for the city to benefit from the refunding process, were competitive in their pricing, and extremely competent in their ability to get the sales closed.

Spechler asked if bids were called for on this legal work, speculating that it would have cost the city several hundred thousand dollars. Renfrow said the cost would not be that high, and that because the two firms brought the situation to the city's attention, it was felt that it was reasonable to have them do the work in the refunding process.

Spechler asked the cost of the bond issuance. Renfrow said that there were a number of different costs associated with issuing bonds, but the bond counsel fee would be in the range of \$60,000.

There was no public comment on this item of legislation.

Mayer thanked the city legal department, specifically Renfrow, for work done in the refunding process. He thanked CBU Assistant Director of Finance, Mr Horstman, and the financial and bond counsel who kept an eye on investments for the city.

Spechler said it was a rational thing to do at this time of low interest rates. He said he's glad the opportunity was discovered in time to take advantage of the situation and would support the measure.

Ordinance 13-08 received a roll call vote of Ayes: 9, Nays: 0

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST READING

There was no public comment in this section of the meeting.

PUBLIC COMMENT

There were no schedule adjustments to make at this meeting.

COUNCIL SCHEDULE

The meeting was adjourned at 8:43 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, April 17, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
Regular Session
April 17, 2013

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Spechler, Volan, Granger, Sturbaum
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Marty Spechler reminded citizens about a charrette regarding homeless issues. He said it was a difficult issue and that this was a valuable way to include the public in this discussion.

REPORTS

- COUNCIL MEMBERS

Tim Mayer said that April 22, 2013 would be the 43rd celebration of Earth Day, and that Senator Gaylord Nelson from Wisconsin was present for the inaugural Earth Day ceremony in Dunn Meadow.

Dorothy Granger noted that there were a lot of art related events happening in April, and encouraged citizens to check them out and attend.

Susan Sandberg talked about the Manchin-Toomey amendment being defeated in the Senate that day. She noted that this would tighten the law with regards to background checks for gun purchases and noted that the public was exhausted from hearing and dealing with mass murders. She added that the amendment would not have been threatening to Second Amendment rights, or affect law abiding citizens. She said this issue would not go away until members of the US Senate were elected who would enact these checks.

Chris Sturbaum said he seconded Sandberg's remarks.

Darryl Neher sent thoughts and prayers to the City of Boston and the people involved in the bombing of the Boston Marathon. He said he was reminded of the words of Mr. Rogers: *"When I was a boy and I would see scary things in the news, my mother would say to me 'Look for the helpers. You will always find people who are helping.'"*

There were no reports from the Mayor or other offices at this meeting.

- The MAYOR AND CITY OFFICES

Dan Sherman, Council Attorney/Administrator asked that the council accept the Uniform Conflict of Interest Disclosure Statement that he submitted because one of the unfunded projects would have crossed over his property. The motion to accept the report received a roll call vote of Ayes: 9, Nays: 0.

- COUNCIL COMMITTEES
2013 Sidewalk Committee Report

Sherman noted the council members serving on the committee and also the city staff that assisted the process. He reported that the Alternative Transportation Fund provided \$275,000 for this project. He said the committee reviewed previous years' projects and progress to better enable them to deliberate this year. He listed criteria for deliberation as safety considerations, roadway classification, pedestrian usage, residential density, proximity to destinations, linkages, and cost/feasibility. He explained projects considered, gave background about engineering particulars, pointed out the proposed sidewalks on maps, and gave estimated costs of each project.

The four projects recommended were:

- West 17th – Construction of a Sidewalk Madison to College Avenue (South Side) for \$161,000 (CBU committed \$107 to in-kind services)
- Maxwell Lane – Construction of a Sidewalk Highland to Jordan (North Side) for \$87,000
- Moores Pike & Olcott Boulevard – Construction of a Pedestrian Crossing for \$18,000

- The remainder of the fund (\$8,500) would be used as follows:
First, to cover overages for the West 17th Street Project
Second, to contribute toward the Leonard Springs Pedestrian Project proposed by Monroe County (as long as there were adequate assurances regarding the progress of the project).

The Committee also declared intent to recommend funding *no more than a total of \$15,000* over two years toward this project should it be constructed. Monroe County would construct and bear the remaining cost for this project.

The actual report can be found online or in the council office.

Sherman noted that an approval of this report was necessary for the allocation of funds to complete the sidewalk projects.

Council questions:

Volan asked if there was discussion about the 17th Street Sidewalk extending further west, and how the design of a roundabout at 17th and Monroe Street would play into this. Sherman noted that there was a narrative in the report, and said that the associated sidewalk projects would link with this one and were on the radar of this committee. Volan said that the areas further west were an issue for him. Sturbaum interjected that the I-69 project would have an impact on this area and that the committee was considering this, also.

Mayer asked if the \$87,000 allocated for Maxwell Lane included stormwater remediation. Sherman said the sidewalk would be designed to be in the current roadway with curbs, and water inlets in the curbing with the current ditch used for stormwater flow.

Volan commented that there was still a need for a crosswalk at 17th and Jackson that should be addressed sooner rather than later.

Neher asked about Olcott Boulevard and Moore's Pike. He noted that a stop sign requested at Traffic Commission was denied, and that it could be brought before the council in a different way. He further asked, if the stop sign and the crossing were mutually exclusive; how would the crosswalk affect and impact a stop sign. Sherman said the projects and improvements at this intersection were independent of each other.

Sturbaum noted his understanding was that the hill near this area needed to be lowered, and that in itself was an independent project altogether.

Spechler said he was a member of the committee. He wanted it to be known that the \$18,000 allocated for this intersection was not for just markings on the pavement, but to also build a traffic island to allow pedestrians to cross more safely. He said he understood that the reason staff did not want a stop sign there was the requirement of shaving the hill to lower it for visibility. He said that would make the project much more expensive. He said he felt the traffic island was a good compromise and that its effect should be evaluated before anything else is done.

A call for public comment brought none.

Council Comments:

Rollo noted the current configuration of Moore's Pike and Olcott Boulevard was actually isolating Hyde Park neighbors from the regional activity center to the north. He said it was essential to have safe crossing there. He said a crosswalk would be better than nothing, but asked if a stop sign could be implemented without the expense of shaving the hill. He said he would like to revisit this because the neighbors preferred a stop sign for safety in crossing there. He said a full stop would be better.

Spechler said that he agreed that this issue could be revisited. He noted that the committee members visited all the project areas to observe what objective indicators might not show. He said that there was another exit from Hyde Park to this area, and felt the solution of a crosswalk was a good compromise with the amount of money that was available to the committee.

Sturbaum thanked Sherman for his work. He noted for the public that the committee could really only do a few of these projects each year and that was a bit frustrating. He said the main list consisted of over 100 projects, and that the narrowed down list had 35 projects. He said progress on the list was slow and asked folks to have patience.

2013 Sidewalk Committee Report
(cont'd)

Volan said that the growth of the city had an impact on these needs. He said that the city was three times more populous than in 1954, but five times larger geographically. He said the post-WWII automotive driven growth was responsible for much of this issue as the city did not require sidewalks in many developments. He called this a historic lesson.

It was moved to accept the 2013 Sidewalk Committee Report.
The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

Gabe Rivera spoke about ending the drug war.

• PUBLIC

Samantha Harrell spoke about what she found the previous night since the low barrier homeless shelter had closed. She said some people were headed to a truck, a couple to a bridge, a few to IU with students surrounding them, and a few sat on the porch of a church, but got wet due to the rain. She said that Shalom Center had been overwhelmed with people sleeping there during the day because they have to stay away at night. She said the city needed a summer shelter and she had a plan but only needed a space to hold it.

Lily Rushlow said she was a social worker. She said that she would like to see the summer shelter plan be supported for the benefit of those community members who were homeless with mental health issues and addictions. She described the process of helping a person get shelter, and said that the Interfaith Winter Shelter was particularly helpful to her in finding permanent shelter for her clients.

MOTION: It was moved that the following recommendations for Board and Commission Appointments be made:

APPOINTMENTS TO BOARDS AND COMMISSIONS

- Reappoint Jack Kahn and Alice Oestrich to the Commission on Aging.
- Reappoint Eric Sandweiss to the Historic Preservation Commission as an Advisory (Non-voting) member.
- Appoint Chris Cockerham, John Saunders, Duncan Campbell and Sam DeSollar to the Historic Preservation Committee as Advisory (Non-voting) members.
- Reappoint Susie Hamilton to the Housing Quality Appeals Board.
- Appoint Megan Binder to the Housing Quality Appeals Board.
- Reappoint David Walter and Mike Szakaly to the Redevelopment Commission.
- Reappoint Sarah DeLone to the Animal Control Commission.
- Reappoint Gregory Tourner to the Commission on the Status of Black Males.
- Reappoint Cathi Crabtree to the Commission on the Status of Women.
- Reappoint Mary Tourner and Barbara Fuqua to the MLK, Jr. Birthday Commission.
- Appoint Betty Rose Nagle and Paul Tory Ash to the Bicycle and Pedestrian Safety Commission.
- Reappoint Mike Avila and Judy Maki to the Traffic Commission.
- Reappoint Greg Miller and Adalia Brown to the Commission on the Status of Children and Youth.
- Reappoint Tom Coleman and George Hegeman to the Tree Commission.
- Reappoint Alain Barker to the Bloomington Arts Commission.
- Appoint Luke Wood and Carlos Bakota to the Commission on Hispanic and Latino Affairs.
- Reappoint Gary Charbonneau to the Commission on Sustainability.
- Appoint Rita Drescher, Randy Cassady and Andrea Jobe to the Commission on Sustainability.

APPOINTMENTS TO BOARDS AND COMMISSIONS (cont'd)

ACTION: The appointments and reappointments were approved by a voice vote.

It was moved and seconded that Resolution 13-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 2-0-6

It was moved and seconded that Resolution 13-08 be adopted.

It was moved and seconded that Resolution 13-08 be postponed until a Special Session. The motion also called for scheduling the Special Session meeting for Wednesday, May 8, 2013 at 7:30 pm.

Neher noted that this postponement was not a statement on the Springhill Suites project, but on the process of approving an EZID in a TIF, and also seeking clarity on the guidelines for this project and for any future applications. He said the council and administration would work together to identify criteria.

There were no questions from the council. Council comments:
Sturbaum noted that the Bloomington Urban Enterprise Association supported this application and he was inclined to do the same. He encouraged council to do the same after they got their questions worked out.

Spechler said he voted for this project earlier, but wondered what would happen if the council turned down the application. He said it was allowed by the state and that the council approval was pro forma.

Volan clarified the motion was to postpone the discussion of the resolution and asked that comments be confined to that issue.

ACTION: The motion to postpone Resolution 13-08 to a special session was approved by a roll call vote of Ayes: 9, Nays: 0.

There was no legislation for introduction at this meeting.

There was no public comment in this section of the meeting.

It was moved and seconded to cancel the Committee of the Whole Scheduled for Wednesday, April 24, 2013.

The motion to cancel the Committee of the Whole was approved by a voice vote.

The meeting was adjourned at 8:33 pm.

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
Resolution 13-08 To Approve An
Enterprise Zone Investment Deduction
(EZID) in the Downtown Tax Increment
Financing (TIF) District -Re: Springhill
Suites (501 North College Avenue)

LEGISLATION FOR FIRST READING

PUBLIC COMMENT

COUNCIL SCHEDULE

ADJOURNMENT

In the Council Chambers of the Showers City Hall on Wednesday, July 17, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 17, 2013

Roll Call: Mayer, Rollo, Ruff, Sandberg, Volan, Granger, Sturbaum, Neher, Spechler

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that the minutes of the Regular Session of June 19, 2013, the Special Session of June 26, 2013 and the Regular Session of July 3, 2013 be approved.

APPROVAL OF MINUTES

The motion was approved by a voice vote.

Councilmember Volan said that at long last a draft of the report and the recommendations of the Special Committee on Street Design and Engineering Standards was ready for the committee to consider. Committee members Ruff, Spechler and Volan will schedule their meeting and discuss the report.

REPORTS

- COUNCIL MEMBERS

Councilmember Mayer said, “stay cool.”

Councilmember Sturbaum said, “peace and love.”

There were no reports from the Mayor’s office or other city offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Call for public comment:

- PUBLIC

John McGuigan, from Caveat Emptor, spoke about the new parking meters that will be installed downtown and the cost to the public to use them. He said he wanted to argue for a mixed use of long and short term parking meters. With hourly rates lower for longer term parking up to two hours as he experienced in Evanston, Illinois. He also said he was concerned about the part time parking rates in the garages for part time workers who would find it difficult to pay the rates.

Janis Starcs, from Caveat Emptor, spoke about the hardship of workers and others to pay the current parking meter rates, especially for those workers who make minimum wage or just above.

Brenden Carlton, a downtown worker, said he had heard from retail owners who said paid parking downtown would essentially lower the property value of the businesses downtown.

Ben Skirvin, staff at Caveat Emptor addressed the paid downtown parking issue and those who may not be able to pay, especially the “working poor” or those whose pay is regularly decreased. He also mentioned that those who volunteer downtown would have to pay to park. He said that additional expenses for parking could discourage some from opening businesses downtown. He said that it appeared that Bloomington had two hands out: one asking for money and one with a sign that said keep out.

Kay Bull, who identified herself as a transgendered resident of Bloomington, sang a song she wrote for the city council about those in elected positions.

Dave Stewart asked the city council to grant a veto option to the chicken ordinance for health reasons. He said he preferred the original ordinance that allowed for neighbors to grant permission in the form of a waiver in order to keep chickens. He said because of allergies he has severe medical symptoms and reactions with chickens in the yard next door. He said he had talked to his neighbor and discussed the problems, and also told him he was willing to pay for the removal of the chickens.

Glenn Carter said the Ubuntu Shelter group was still looking for a location for a low barrier homeless shelter. He asked the city council for a legal space to allow citizens a chance to sleep at their own risk.

There were no appointments made at this meeting.

It was moved and seconded that Ordinance 13-10 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the committee recommendation of do pass 8-0. It was moved and seconded that Ordinance 13-10 be adopted.

It was moved and seconded that Amendment #1 to Ordinance 13-10 be introduced. It had a Do Pass recommendation of 8-0.

Volan asked Susie Johnson, Director, Public Works to comment on the amendment, specifically the relationship of IU handicapped placards and State of Indiana placards issued by the Bureau of Motor Vehicles.

President Neher asked Johnson to review the ordinance and then the amendment.

Johnson highlighted the changes this ordinance would make to Title 15, including changes in signal lights, stop intersections, one way on Gentry and Smith, speed limits around parks, angled parking on Hillside, addition of no parking spaces, lane width changes on Mitchell, changes in combination 2 hour and residential spaces, changes in downtown garage names, and the addition of several handicapped spaces to the downtown area.

Questions on Amendment #1 to Ordinance 13-10.

Volan asked about the placards issued by IU and the placards issued by the BMV. He said it was his understanding that the city had been honoring placards issued by IU in cars parked in city spaces. He asked if this was allowed.

Johnson said that Indiana code would not allow the city to honor placards issued by IU. She said the city had been honoring IU placards, but in the future would no longer honor them.

Volan asked if the city had communicated with Parking Operations at IU. Johnson said yes. She also said that the Clerk's Office learned that IU never intended for the city to honor the IU placards, and that it would be more useful for anyone to get the state issued handicapped placard instead of only getting the IU placard.

PUBLIC COMMENTS (cont'd)

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 13-10 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Stop and Signalized Intersections, One Way Streets, Speed Zones, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking and the City Parking Garages

Amendment #1 to Ordinance 13-10 Indiana Senate Enrolled Act 387 went into effect on July 1, 2013 and increased the fine for accessible parking violations from \$50 to \$100. This amendment brings the fine for local violations of these provisions in line with those of the State.

Johnson deferred to Deputy Clerk Wanzer for clarification in response to Volan's question about which placard to get. Wanzer said in her discussion with Doug Porter, Director of IU Parking Operations, she learned that with a state issued placard, IU employees still needed to obtain an IU placard to park on IU property. She said that IU staff could get an IU handicapped placard that was honored only on IU property, but that with a state issued placard, it was just easier for the permit holder since that allowed parking anywhere. She added that all of the information was available on the IU website.

Amendment #1 to Ordinance 13-10
(cont'd)

There were no comments from the public.

Council Comments:

Volan said that he was trying to achieve clarity in the explanation of rules. He said his questions were to try to clarify information and minimize confusion for the public. He summarized what he understood about handicapped placard use. He said this amendment was more of a formality by aligning city fines with the new higher state fines for illegal parking in handicapped spaces. He said he endorsed it.

Spechler said to be clear, if one would like to park in a handicapped space at IU, an IU handicapped placard was required, which was not adequate for parking anywhere else. He summarized by saying, "Park at IU, have an IU placard, park anywhere else, have a state of Indiana placard."

Mayer said the aforementioned Doug Porter was the son of the later John Porter, councilmember in the 1980s.

Amendment #1 to Ordinance 13-10 received a roll call vote of:
Ayes: 9, Nays: 0

Discussion on Ordinance 13-10 as amended.

Ordinance 13-10 as amended

Council questions on Ordinance 13-10 as amended:

Rollo asked about how decisions were made on placement and numbers of handicapped parking spaces. Johnson said she worked with Barbara McKinney, the attorney from city legal who worked with accessibility issues. Johnson said they attempted to find spaces that were adjacent to curb cuts, were mid block adjacent to an alley or at the end of the block, and spaces that were level.

Rollo asked if there was a formula for numbers, and Johnson said it was described in the American with Disabilities Act. She said the city had been in compliance prior to this, but thought it important to review and add new spaces.

Rollo asked if the numbers were adequate to accommodate the new destination locations that were being developed. Johnson said this was the type of thing that needed to be monitored regularly as development and population, demographics, and needs changed.

Volan asked if it was true that the city was seeking to make 4% of parking spaces accessible. Johnson said she was unsure of the precise formula, but could get that information.

Rollo asked about the numbers of motorcycles that were allowed to park in one space. Johnson said as many that could fit legally as long as the meter was paid.

There were no comments from the public.

Ordinance 13-10 as amended
(cont'd)

Spechler thanked Susie Johnson for her work on this and said that his constituents appreciated this ordinance and its changes.

Volan said he appreciated the change in garage names and added that he thought it was always better to try to clarify and explain rather than have too little information.

Mayer thanked Susie Johnson and her staff for their work.

Neher said he and his constituents appreciated the 24 hour light at Walnut and Grimes which would make the intersection much safer.

Ordinance 13-10 as amended received a roll call vote of Ayes: 9 Nays: 0

Final vote on Ordinance 13-10 as amended

It was moved and seconded that Resolution 13-12 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, saying that there was no committee recommendation.

Resolution 13-12 To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG)

Patty Mulvihill, Assistant City Attorney, said this was a federal grant that came to the city each year, but since it was shared between the city and county, both governing bodies needed to enter into an interlocal agreement that specified the expenditures. This year both departments wanted to purchase a program for crime mapping and analysis that would indicate where crime was occurring and provide real-time information for officers on the street. The balance of the expense would come from funds budgeted for the new dispatch center. The county Commissioners passed their portion of the interlocal agreement the previous week.

Council questions:

Rollo asked how the mapping would work, and whether it was a predictive tool. Mulvihill said according to what she learned from Chief Diekhoff, officers could see data on a map and also communicate via a program similar to a blog. She said it allowed all entities, city and county to communicate and share data.

Neher asked if this would help maximize the efficiencies of staff.

Mulvihill said yes, that this program would break the city into sections and provide information about staffing needs.

Neher asked if there were any additional long term maintenance costs.

Mulvihill said there would be, but that cost was budgeted in the dispatch center with technology costs.

Public comment:

Glenn Carter asked why the expenditure on this data equipment needed to be made rather than having police officers using their training and intuition. He said he would like to know more about the program and how it wouldn't duplicate what human beings had done heretofore.

Ben Skirvin said he works with mapping programs and noted that Google mapping could do GIS level statistical analysis for no expense. He asked why the city would need to spend \$124,000 for something that was offered for free.

Another constituent said it sounded incredibly expensive, and wondered if that was just the cost overrun. He noted that there must be someone in Bloomington who could develop this for no or a lower cost.

Council follow up questions:

Resolution 13-12
(cont'd)

Volan asked a follow-up question of Mulvihill concerning cost.

Mulvihill said she couldn't address whether this was too expensive, but that we did have an IT department that had analyzed it. She added that it was more than mapping, but also real-time communication and blogging. She said it also created an interface with the county which had not been possible previously, except after the fact and manually updated.

Volan asked if this was a new program or an upgrade. Mulvihill said it was new and would allow the city to interface with the county.

Sandberg asked if the data gathering capabilities could be used for other types of reports and queries and whether this could be used to leverage other types of grants. Mulvihill said according to Chief Diekhoff this was a more comprehensive approach that gave the city and county better data and information about crime and trends, and assisted in community policing.

Comments:

Spechler said he had always been supportive of a productive cooperation between the city and county, and noted that this was a federal grant for criminal justice and not coming from city tax revenue. He encouraged endorsement of this.

Ruff said since council members were not experts in law enforcement, it was wise to accept the recommendation of those who worked in law enforcement.

Volan said that the council should be asking more questions about the software purchases of the police department, just as the council sought more details on the software and programs that would operate the parking meters. He added that he was supportive of this expenditure, but that council members needed to be familiar with products they were funding.

Mayer said that federal tax payments by local citizens were coming back to benefit the community, and that the council was fortunate to have the opportunity to make this local decision on federal funding.

Rollo said the public comments about cost were heard, but trusted that IT had studied this adequately. He suggested that the council receive a report sometime in the future as to the effectiveness of this purchase. He said he supported this resolution.

Neher said this had been mentioned by Chief Diekhoff in last year's budget review, and that the department wanted to be able to use data analysis more effectively. He added that this just wasn't about examining patterns, but also trends of data and points of data that no one person could do. He said he was happy to support this.

Resolution 13-12 received a roll call vote of: Ayes: 9, Nays: 0

It was moved and seconded that Resolution 13-13 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, saying that there was no committee recommendation on this item.

Patty Mulvihill reviewed this ordinance and the background for the purchase of light bars. She said this was requested by BPD Chief Mike Diekhoff who had made the request since the BPD realized they would not be able to train an officer in the use of the polygraph equipment

Resolution 13-13 To Approve an Amended Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG)

previously proposed.

Resolution 13-13
(cont'd)

Council questions:

Spechler asked whether the city and county cooperated in the use of current polygraph equipment. Mulvihill said yes there were many instances of cooperation.

Spechler asked if polygraph equipment was not used much, was it necessary for both city and county to be equipped with polygraph equipment and trained staff. Mulvihill said no, it wasn't used that frequently.

Neher asked whether the light bars would have been purchased without this grant funding. Mulvihill said yes, since lighting on police cars was required and they wear out, that this expenditure would have been taken from the city budget.

There was no public comment.

Council Comments:

Spechler said this was an example of cooperation which saved the city money, and should be endorsed.

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

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST
READING

This section of public comment had no speakers.

PUBLIC COMMENT

Parliamentarian Mayer said that due to action the council took the previous week, the city budget hearings were moved from July 20th to August 19th. Therefore, the council would hold city budget hearings on August 19th, 20th, 21st, and 22nd at 6:00 each day in the council chambers.

COUNCIL SCHEDULE

It was moved and seconded to adjust the August, September and October legislative cycle in the following manner:

Motion Regarding Legislative Cycles in
Late August, September, and Early
October

In light of the July 3rd Council decision to change the schedule for informal consideration of the 2014 Budget from July to August and formal consideration of the budget legislation from early September to late September and early October, it was moved and seconded that the Council adopt the following schedule for consideration of other legislation in August, September, and early October, 2013:

First Legislative Cycle for September (August 28th – September 3rd)

The Council shall meet on:

- Wednesday, August 28th to hold a Regular Session which shall be immediately followed by a Committee of the Whole; and
- Tuesday, September 3rd to hold a Regular Session.

These meetings shall constitute the first legislative cycle for September.

Second Legislative Cycle for September (September 3rd – 11th – 18th)

After holding the Regular Session on September 3rd, the Council shall meet on:

- Wednesday, September 11th to hold a Committee of the Whole; and
- Wednesday, September 18th to hold a Regular Session.

These meetings shall constitute the second legislative cycle in September.

Motion Regarding Legislative Cycles in Late August, September, and Early October
(cont'd)

First Legislative Cycle for October (September 18th – October 2nd – October 16th)

After holding the Regular Session on September 18th and while considering budget legislation on other Wednesdays during this period, the Council shall meet on:

- Wednesday, October 2nd to hold a Committee of the Whole; and
- Wednesday October 16th to hold a Regular Session

These meetings shall constitute the first legislative cycle for October.

Ancillary Actions and Information

The aforementioned meetings shall be held in the Council Chambers located in Room 115 of City Hall (401 North Morton) and, unless otherwise noted, begin at 7:30 p.m.

This motion modifies the 2013 Council Annual Schedule by canceling the meetings that occur during this time period. The Council shall resume the 2013 Annual Schedule starting on Wednesday, October 16th.

The President of the Council shall establish the dates for the submission of legislation to the Council Office and, after consultation with Council members, the dates and times for holding the Staff/Council Internal Work Sessions.

Council Attorney/Administrator Dan Sherman added that this motion was necessary due to rescheduling the budget hearings, as mentioned by Mayer.

There were no questions or comments.

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

The meeting was adjourned at 8:56 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington