

The Board of Public Works meeting was held on Tuesday, March 30, 2021, at 5:30 pm virtually through Zoom. Dana Palazzo presiding.

**REGULAR MEETING OF
THE BOARD OF PUBLIC
WORKS**

Present: Dana Palazzo
Beth H. Hollingsworth
Kyla Cox Deckard

ROLL CALL

City Staff: Adam Wason – Public Works
April Rosenberger – Public Works
Daniel Dixon – City Legal
Elijah Britton—Bloomington Police Department
Roy Aten – Engineering
Michael Stewart-- Engineering
Jane Kupersmith – Economic and Sustainable Dev.

Beth H. Hollingsworth thanked everyone for keeping the city beautiful and getting all of the potholes filled. Adam commented the count so far is 2,506 potholes filled from the beginning of the year.

**MESSAGES FROM
BOARD MEMBERS**

Daniel Dixon, City Legal, deferred to appellant for state his appeal.

**PETITIONS AND
REMONSTRANCES**

Public Comment: Anuj Garg stated his case. Officer Elijah Britton explained the sequence of responding to noise complaints and the tickets are rolled-over, meaning they accumulate in cost each time.

**Appeal Noise Citation # 38006
for 524 N. College Ave., Apt
403**

Board Comments: Hollingsworth asked Officer Britton about the noise and how far away he could hear it. Officer Britton confirmed that he could hear the music from at least 40 feet away. Hollingsworth addressed Mr. Garg regarding his definition of a party. She stated that his description was more like that of a party instead of just a small gathering. Cox Deckard commented that it wasn't so much the number of people in one place, but the noise and that is why the City has noise ordinances.

Hollingsworth made a motion to deny the Appeal Noise Citation #

38006 for 524 N. College Ave., Apt 403. Cox Deckard seconded. Motion is passed.

Michael Stewart, Engineering, deferred to appellant to state his case.

Public Comments: Caylan Evans, appellant, explained his appeal. Michael Stewart agreed with the time-line that the appellant mentioned. He commented on the communications with appellant up to the issuance of the fine.

Adam Wason, Public Works, asked the appellant if he had ever reached out to Public Works staff after he received the letter about sidewalk repair. Mr. Evans responded that he did not. See meeting packet for details. Wason commented on the efforts of the City on Title XII, which regulates the use of the right-of-way. He explained that there are several reasons behind those changes. Wason explained that staff have put a lot of time and effort into this item and recommended the fine be upheld.

Board Comments: Cox Deckard commented that she appreciated all the documentation between the appellant and City staff. She echoed Wason's comments, that right-of-way use and closure is something the Board hears nearly every meeting. It's not that the appellant is the first person to violate the ordinance. Typically when there is a violation, it is brought back into compliance fairly quickly. She stated that as a board, they consider these types of issues seriously, coordinating with City staff and City Council to ensure that sidewalks are pedestrian friendly and accessible to the community as a whole.

Cox Deckard made a motion to deny the Chapter 12.08 appeal on right-of-way use for 1205 N. Madison Street. Hollingsworth seconded. Motion is passed.

1. Approval of Minutes – March 16, 2021
 2. Quarterly Staff Report Pursuant to Amended Resolution 2016-02: Staff Level Approval of Standard Development Encroachment Requirements
 3. Right of Entry and License Agreement with City Flats on Walnut
 4. Approval of Payroll
- Hollingsworth made a motion to approve the consent agenda. Cox Deckard seconded. Motion is passed.

Appeal of Notice of Violation for Right-of-Way use 1205 N. Madison (Bloom Design and Build, LLC.)

CONSENT AGENDA

Jane Kupersmith, Economic & Sustainable Development presented Resolution 2021-06: Push Cart in Public Right-of-Way (Seedlings). See meeting packet for details.

Board Comments: None

Hollingsworth made a motion to approve Resolution 2021-06: Push Cart in Public Right-of-Way (Seedlings). Cox Deckard seconded. Motion is passed.

Roy Aten, Engineering, presented Noise Waiver and Night-time work for College Mall Road Repaving Project. See meeting packet for details.

Board Comments: Hollingsworth wanted to be certain that the residents had been notified. Wason confirmed coordination with residences and businesses. Cox Deckard commented that generally when crews are working during the day and night, the noisiest work is avoided during the night.

Cox Deckard made a motion to approve Noise Waiver and Night-time work for College Mall Road Repaving Project. Hollingsworth seconded. Motion is passed.

Adam Wason, Public Works, presented Wall Construction at BPD on behalf of J.D. Boruff. See meeting packet for details.

Board Comments: None

Hollingsworth made a motion to award construction contract to Strauser Construction for Wall Construction at BPD. Cox Deckard seconded. Motion is passed.

Adam Wason, Public Works, sent condolences to the family of Deputy Driver, with the Monroe County Sheriff's Department, who was killed in the line of duty the previous night. Wason mentioned the College Mall Road project will piggy-back on the completion of the Moore's Pike and Sare Road projects.

Hollingsworth questioned if the Brian Thunberg ACL repair listed under Animal Shelter was for the person or the dog? Wason confirmed that it was indeed for an animal. Also added that

NEW BUSINESS
Resolution 2021-06:
Push Cart in Public Right-of-Way (Seedlings)

Noise Waiver and Night-time work for College Mall Road Repaving Project

Wall Construction at BPD

STAFF REPORTS AND OTHER BUSINESS

CLAIMS

Thunberg came to the Shelter to perform the surgeries on site.

Cox Deckard made a motion to approve claims in the amount of \$ 1,157,530.80. Hollingsworth seconded. Motion is passed.

Palazzo called for adjournment at 6:18 p.m.

ADJOURNMENT

Accepted By:

Dana Palazzo, President

Beth H. Hollingsworth, Vice-President

Kyla Cox Deckard, Secretary

Date:

Attest to: