



MEMO FROM COUNCIL OFFICE ON:

Resolution 21-18 – A Resolution Extending the Term of Ordinance 20-11 and Calling for the Continuation of Other Temporary Regulations

Synopsis

This resolution extends the term of Ordinance 20-11, which is set to expire under the terms of Resolution 20-19 on August 6, 2021, to October 31, 2021. Ordinance 20-11 waived certain formalities contained in the Bloomington Municipal Code related to signs and seating encroachments. The temporary suspension of these formalities has assisted the local business community as it copes with and recovers from the ongoing COVID-19 pandemic. This resolution also requests that the transportation and traffic engineer issue an additional temporary order to allow for the continued use of pick up/drop off zones and dine-in parklets until and including October 31, 2021.

Relevant Materials

- Resolution 21-18
- Staff Memo from Kaisa Goodman, Special Projects Manager
- Current 180-day order re: Pick up/drop off zones and dine-in parklets

Summary

On June 17, 2020, the Council passed Ordinance 20-11, which recommended that certain portions of the Bloomington Municipal Code related to sign regulations and seating encroachment regulations be temporarily suspended in response to the ongoing COVID-19 pandemic. The ordinance was an effort to help address the economic fallout felt by Bloomington's local business community. It helped facilitate the closure of portions of Kirkwood Avenue to vehicular traffic in order to expand seating capacity into the right-of-way so that local businesses could safely service additional patrons. It also helped facilitate the use of pick up/drop off (PUDO) zones and dine-in parklets in certain parking spaces in the downtown area. A detailed explanation of the particular regulations affected can be found in the Council's [Legislative Packet for the Week of 8-12 June 2020](#).

The suspensions of regulations detailed in Ordinance 20-11 originally extended until September 30, 2020. On September 23, 2020, the Council adopted Resolution 20-15, which extended the term of Ordinance 20-11 to December 31, 2020. On December 16, 2020, the Council adopted Resolution 20-19, which further extended the term of Ordinance 20-11 to August 6, 2021.



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Ordinance 20-11 provides that “the City Council, at its discretion, may take up a resolution to request that [the suspended regulations] be waived for a longer period of time.”

Resolution 21-18 does just that. The resolution would extend the suspension of the regulations described in Ordinance 20-11 through October 31, 2021. The resolution also states that the Council may, at its discretion, further extend or, in the alternative, earlier terminate the term of Ordinance 20-11 by the passage of another similar resolution.

The resolution would also express the Council’s support for the continued use of PUDO zones and dine-in parklets to continue assisting with economic recovery during the public health emergency.

Contact

Kaisa Goodman, Special Projects Manager, 812-349-3418,

kaisa.goodman@bloomington.in.gov

Larry Allen, Assistant City Attorney, 812-349-3426, allenl@bloomington.in.gov

RESOLUTION 21-18

A RESOLUTION EXTENDING THE TERM OF ORDINANCE 20-11 AND CALLING FOR THE CONTINUATION OF OTHER TEMPORARY REGULATIONS

WHEREAS, on June 17, 2020, the Common Council passed Ordinance 20-11, which took the proactive step of suspending certain portions of the Bloomington Municipal Code during the ongoing public health emergency caused by the COVID-19 virus; and

WHEREAS, on September 23, 2020, in Resolution 20-15, the Common Council extended the measures in Ordinance 20-11; and

WHEREAS, the Common Council further extended the measures included in Ordinance 20-11 through August 6, 2021, in Resolution 20-19; and

WHEREAS, the public health emergency and the COVID-19 pandemic, as well as their impact on Bloomington's local economy, continue; and

WHEREAS, in Resolution 20-19, the Common Council reserved the right to "further extend" Ordinance 20-11 by passing "another similar resolution altering the term of Ordinance 20-11"; and

WHEREAS, Ordinance 20-11, by its own terms, stated that if the declared disaster emergency for COVID-19 continued beyond the stated deadline "the City Council, at its discretion, may take up a resolution to request that [the suspended] formalities be waived for a longer period of time"; and

WHEREAS, the Common Council therefore wishes to extend the term of the proactive measures it put into place through Ordinance 20-11 to assist the Bloomington business community's recovery; and

WHEREAS, by virtue of a 180-day order effective February 6, 2021, the City has implemented temporary regulations to allow for parking pick up/drop off (PUDO) zones and dine-in parklets in an effort to increase accessibility for both customers and small, locally-owned businesses during the public health emergency; and

WHEREAS, that 180-day order is set to expire August 6, 2021; and

WHEREAS, the Board of Public Works, in Resolution 2020-28, permitted seating encroachment along the closed portions of Kirkwood Avenue, and that encroachment permission is set to expire on June 30, 2021; and

WHEREAS, the Common Council wishes to express its support for the continued use of the Kirkwood Avenue closure, PUDO zones and dine-in parklets in order to continue assisting with economic recovery during the public health emergency;

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

SECTION 1. The Common Council hereby extends the recommended suspension of certain portions of the Bloomington Municipal Code described in Ordinance 20-11 through October 31, 2021.

SECTION 2. The Common Council reserves the right to, at its discretion, further extend or, in the alternative, earlier terminate the term of Ordinance 20-11 so that the provisions of Ordinance 20-11 conclude on a date other than October 31, 2021. If the Common Council desires to modify the term of Ordinance 20-11, it shall pass another similar resolution altering the term of Ordinance 20-11.

SECTION 3. The Common Council requests that the transportation and traffic engineer issue a subsequent temporary order after the expiration of the current 180-day order to allow for the continued use of PUDO Zones and parklets up to and including October 31, 2021.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution extends the term of Ordinance 20-11, which is set to expire under the terms of Resolution 20-19 on August 6, 2021, to October 31, 2021. Ordinance 20-11 waived certain formalities contained in the Bloomington Municipal Code related to signs and seating encroachments. The temporary suspension of these formalities has assisted the local business community as it copes with and recovers from the ongoing COVID-19 pandemic. This resolution also requests that the transportation and traffic engineer issue an additional temporary order to allow for the continued use of pick up/drop off zones and dine-in parklets until and including October 31, 2021.



MEMORANDUM

To: City of Bloomington Common Council

CC: John Hamilton, Mayor; Donald Griffin, Deputy Mayor; Alex Crowley, Director of Economic and Sustainable Development; Larry Allen, Assistant City Attorney

From: Kaisa Goodman

Date: May 21, 2021

Re: Resolution 20-18 Regarding Kirkwood Conversion, Parklets, and Pickup/Drop-off Zones in the Downtown Corridor

Introduction

In June of 2020, Ordinance 20-11 suspended portions of the municipal code relating to seating encroachment and signage regulations; Resolutions 20-15 and 20-19 extended this ordinance, which is currently set to expire on August 6, 2021. In conjunction with temporary orders from the Department of Public Works, these legislations accommodated pickup/drop-off (PUDO) zones, parklets, and the conversion of several blocks of Kirkwood to a pedestrian and outdoor dining space.

Due to the ongoing economic recovery related to the COVID-19 pandemic, it is City staff's recommendation that the PUDO zone, parklet, and Kirkwood conversion programs continue through October 31, 2021. This will allow local businesses to capture revenue from expanded outdoor seating during the warm weather months, which many patrons still prefer over indoor seating for health-related reasons, as well as to accommodate patrons who still prefer take-out dining.

Background

The PUDO zone, parklet, and Kirkwood conversion programs were implemented in August of 2020.

The PUDO zones have been in place since last August, with some adjustments:

- Zones have been added, moved, and removed over the past 10 months based on requests from local businesses.
- Some PUDO zones are more heavily utilized than others, due to the nature of the businesses near them and since fewer businesses are now relying as heavily on

take-out service. In an effort to balance competing parking needs, staff is currently conducting outreach to businesses to see if their nearby PUDO zone continues to be helpful. The goal is to keep the PUDO zone program in place for those who benefit from it while minimizing the disruption to metered parking.

Both outdoor dining programs continued through the warm weather in 2020 and were relaunched in March of 2021 with some modifications:

- For the Fall 2020 season, the impacted blocks of Kirkwood were closed only on the weekends. Feedback from the Kirkwood Community Association and a survey conducted by Downtown Bloomington, Inc. demonstrated a desire from local businesses to have the Indiana-Dunn, Dunn-Grant, and the west side of the Washington-Walnut blocks of Kirkwood closed to vehicular traffic 24/7. This preference was mirrored by labor concerns from the Department of Public Works, as it took significant staff time to implement and remove the bollards from Kirkwood every weekend. As a result, those blocks of Kirkwood have been closed continuously since mid-March of this year.
- Modifications were made to the parklet application, and all businesses were required to complete the application even if they already had a parklet or had previously had one. These modifications included clearer health and safety guidelines and discretion on the part of the City to remove parklets that were not fully utilized.
- An 11:00pm limit was implemented on serving alcohol in parklets or in the street seating on Kirkwood. This does not impact indoor or regular patio dining.
- Restaurants utilizing space on Kirkwood have been asked to install temporary ramps into their expanded space, provided there are no curb cuts in the section of the street they are utilizing.

The Governor's executive order related to restaurant capacity is ending on May 31, 2021. However, many patrons still are more comfortable dining outside or getting carry-out. As a result, restaurants and bars are still eager for expanded outdoor seating, as they attempt to recoup pandemic-related revenue losses. While City staff had previously recommended a continuation of the PUDO zone, parklet, and Kirkwood conversion programs through June 30, 2021, feedback from downtown businesses, Downtown Bloomington, Inc., the Kirkwood Community Association, and patrons of downtown businesses have caused staff to revise their recommendation to a continuation through October 31, 2021. This decision was made by consensus with input from the following departments:

- Bloomington Transit
- Community & Family Resources
- Economic & Sustainable Development
- Engineering
- Fire
- Legal
- Office of the Mayor
- Parking
- Planning
- Police

- Public Works

Objectives

The objectives of continuing the PUDO zone, parklet, and Kirkwood programs are:

- Provide continuing support to local businesses who are recovering from the economic downturn caused by the COVID-19 pandemic
- Provide expanded space for patrons of local businesses to eat and drink outside
- Provide short-term parking for picking up carryout food or merchandise from local businesses, for both patrons and delivery drivers.
- Provide consistency and predictability for both businesses and patrons, in terms of street closures, dining options, and parking options.

Overview

Resolution 21- 18 asks the Council for their support of continuing the PUDO zone, parklet, and Kirkwood conversion programs in their current form through October 31, 2021. Logistically, this includes:

- Council approval to continue waiving requirements relating to outdoor dining and signage
- Council support of another Board of Public Works resolution to continue Kirkwood closure and encroachments until October 31, 2021
- Council support for another temporary order to allow PUDO zones to continue until at least October 31, 2021

Other Considerations

Impact of COVID-relief Funding

The City had 63 Rapid Response Fund (RRF) borrowers, three of which have repaid in full. Anecdotally, most borrowers used these funds for operating expenses during the hardest parts of the shutdown. A few of them used the funds to shift their business model, and a few others used them for other types of strategic, growth-oriented investing. RRF is still open.

Many Bloomington based service-industry businesses used the Monroe County CARES funding to pay for "non-payroll related expenses," up to \$30,000 per business. Additionally, expenses related to adjusting a business's model to operate more easily during the pandemic--whether investing in web development or a pick-up window--were allowable under the federal Payroll Protection Program (PPP). The CARES Act and PPP funding programs closed on April 30, 2021.

Timeline Clarification

While Resolution 20-19 and the accompanying staff order had legally extended the parklet and Kirkwood conversion program through August 6, 2021, the December 2020 presentation to Council and communications with local businesses had indicated an end date of June 30, 2021. The reason for this discrepancy is that the staff order was for 180 days, the standard length of

time for temporary orders, but at the time of the last presentation it was the recommendation of staff to end these programs on June 30th due to the many unknowns about the pandemic.

Extending the PUDO, parklet and Kirkwood conversion programs before June 30th has two goals:

- To update the Council on staff's recommendations and allow the Council to have input before the previously-stated deadline and early enough to avoid scheduling conflicts with Council meetings later in the month
- To simplify communications with local businesses and give them greater notice about when the outdoor dining modifications will end this year. Many restaurants are building and/or purchasing outdoor furniture, so having more notice and a clearer timeline is very beneficial to them.

180-DAY ORDER

Pursuant to Bloomington Municipal Code § 15.08.040 I hereby issue this 180-Day Order, the details of which are described in detail below, for the following reason(s):

- To make and enforce temporary regulations;
- To make and enforce experimental regulations;
- To make and enforce regulations necessary to deal with emergencies; and/or
- To make and enforce regulations necessary to deal with special conditions.

This Order is intended to initiate Parking Pick-up/Drop-off (PUDO) Zones. The main goal of this effort is to increase accessibility for both customers and small, locally-owned businesses, as reliable PUDO parking access is critical to economic recovery. This Order also allows for existing parking spaces to be converted into dine-in parklets. After careful review and consideration the Request has been granted and the following actions will be implemented:

PUDO zones will be denoted on commercial blocks in the downtown corridor. Blocks that have PUDO zones will have 1-2 adjacent spaces per block. The exact location of the zones shall be designated by signage. These PUDO zones will be non-metered 15-minute parking spaces. All ADA-accessible parking spaces downtown will have 15 minutes of free parking as well, so that ADA-accessible PUDO spaces are available.

The area within which the PUDO zones may be located is:

- The area bounded by 3rd St., 6th St., Madison St., and Indiana Ave., *plus*
- The area bounded by 6th St., 7th St., Madison St., and N. Washington St., *plus*
- The area bounded by 7th St., 9th St., Morton St., and N. Walnut St.

Dine-in parklet areas may also be implemented by City staff within this area through the use of signage and/or adequate barriers to restrict vehicle entry into parking spaces. PUDO zones and parklets should be mutually exclusive on any given block.

Questions regarding this Order shall be directed to the City Engineer.



Signature of City Engineer

2/5/2021

Date

Effective Date: 8/10/2020

Expiration Date: 8/4/2021

** Reissued by Andrew Cibor 2/5/21 to extend expiration date from 2/6/21 to 8/4/21. see City Council resolution 20-19 for additional support.*

Case Number: 20-04