

Memorandum

To: City Council

From: Gretchen Knapp, Deputy Mayor; Andrew Cibor, City Engineer; Margie Rice, Corporation Counsel; Jane Kupersmith, Director of Economic & Sustainable Development; Adam Wason, Director of Public Works

Re: Ordinance 2026-12

Date: 5/26/2026

This memorandum outlines the Administration’s position regarding Ordinance 2026-12 on Kirkwood Avenue. The Administration does not support this ordinance, but should Council decide to proceed, we offer some suggestions to minimize harm.

The main driver of our position is community feedback. We believe that the majority of our community does not want this decision. The feedback we hear is that Kirkwood already functions successfully as a vibrant, mixed-use, walkable, accessible destination for dining, nightlife, festivals, and events. It also already receives significant City attention, investment, programming, and maintenance resources relative to other areas of Bloomington. Closing the street does not enhance these benefits, but rather creates new problems: negative public safety impacts, reduced accessibility, economic equity issues for businesses, and operational challenges. We believe the current plan of parklets with targeted, smaller activations as well as keystone events like Taste and Pridefest has greater public benefit and fewer downsides.

A Note on Code

At its May 20 meeting, Council noted they had questions about the Administration’s legal position on the ordinance. The Administration respects the Council’s legislative authority as well as the statutory authority given to others. While the proposed ordinance addresses Kirkwood specifically, it codifies a process for the closure of roads and alleys in general. It is likely not Council’s intention to have to weigh in on every short-term temporary closure of a City road (for example, for Utilities work, Street paving, Duke Energy projects, and so on)—that is a perhaps unintended outcome. Short-term closures are currently approved statutorily (and efficiently) by the Board of Public Works. In addition, per state and local code (BMC 2.02.100), the City Engineer, the

Transportation Commission, and the Board of Public Works should be involved in any street closure.

If Council intends only to close Kirkwood, we suggest the best place to do that is in Title 12, as the prior ordinance on this subject did, rather than Title 15, and to address sidewalk dining, parklets, and street space usage there. This is not a traffic ordinance per se, though it impacts traffic; it's about a vision for the broader use of a specific street. The Administration would gladly work with Council to draft a Title 12 ordinance, which we think would have a better outcome. Some recommendations follow.

Suggested Amendments

The following recommendations are made in good faith to acknowledge the seriousness of Council's well-intended position and to request accommodations to real-world impacts of closure. As noted, we believe this legislation fits best in Title 12.

1. **Set the effectiveness date to begin in 2027, at the earliest**, and ideally after the planned 2027 study of Kirkwood Avenue. This legislation would impact existing or approved plans and investments that are already underway for 2026.
 - a. 100 block will have noisy construction with truck traffic all season, making the area inhospitable for 24/7 outdoor activity. The Buskirk-Chumley also advocates for drop-off access.
 - b. 200 block church leaders have repeatedly advocated in past years for an open block to accommodate parking and drop off for elderly members and others with limited mobility. First Christian Church can only access their private parking from Kirkwood.
 - c. 300 block City-supported activations are already planned for most Wednesdays until October, including Family Night Out on second Wednesday nights and a variety of other events.
 - d. Blocks will be sequentially closed throughout the summer to accommodate brick sidewalk repair (scheduled to end by July 31).
 - e. Extensive block closures are planned for Taste of Bloomington (August 1); Pridefest (August 22); and Lotus (October 1-4).
 - f. The 4th Street Festival (September 5-6) is planned for its final year on 4th Street. If Kirkwood is also closed, those safety and traffic plans will have to be reworked.
 - g. The IU Homecoming Parade (October 31 weekend) has been in planning for months; it would require Kirkwood to be closed to all vehicular traffic

except floats. If Kirkwood is closed to vehicles as part of Carless Kirkwood, planners will have to start from scratch.

2. **Shorten the closure period to mitigate public safety implications.** Past experience has shown that empty spaces invite negative activation, and it is impossible to activate the entire street with events, 24/7, for 8 months. Last year no businesses or organizations executed any activation beyond dining at 5 restaurants. Weather in April, May, and November is inconsistent. Public safety agencies have expressly communicated that it is essential to leave the street open to vehicles (no parking) during Little 500. The City has already invested in increasing activation this year, by hiring a consultant to plan the weekly events on Wednesdays that run to October. Once again, we've received limited partnership response: only 2 restaurants opted to participate. In short, experience has shown that if we build an empty space, not enough partners assist in filling it with events. A shorter time span decreases negative outcomes of empty streets.
3. **Limit which blocks to close to vehicles, and weigh accessibility and economic equity issues.** Consider how the legislation will give the executive branch flexibility to address, this year and in years to come, intermittent needs for construction and maintenance in the area and their impacts on traffic and public safety access. Consider how residents with limited mobility will access amenities along Kirkwood. How will restaurants that rely on delivery drivers, rather than outdoor dining, survive? What will be the legislative response or executive options when some businesses again say revenues declined as a result or, like the Bicycle Garage, move elsewhere?

Suggested Process

Important roles and authorities are granted to both branches of government, and we hope the legislation will be mindful of both branches. Legislation affecting Kirkwood's availability to all has deep impacts on residents, businesses, nonprofits, and visitors. A good process can ensure the decision is defensible and based on local data, feedback, and experience. We suggest that the decision-making approach and process should include these steps.

1. **Listen to stakeholders.** Staff conducted extensive research and collected data that suggest there is not widespread public support for closure. If Council doesn't find that work credible, we suggest that Council collect its own formal data with residents; businesses on and close to Kirkwood; business associations (DBI, Kirkwood Business Association, The Greater Bloomington Chamber of

Commerce), churches and nonprofits; the Council for Community Accessibility; and City departments with expertise in public safety, economic development, sanitation, and transportation.

2. **Follow recommendations in foundational City documents and community studies.** Consider the Transportation Plan, which recommends a shared street. Read the 2026 Downtown Strategies study, which also recommended a shared street. Both of these involved community input. Consider whether lasting decisions should be made in advance of the 2027 Kirkwood corridor study.
3. **Propose the legislation for Title 12.** This avoids unintended consequences for other street closures and eliminates unnecessary conflicts over traffic authority.
4. **Send legislation to the Transportation Commission before a Council vote.** The Transportation Commission has planned a deliberation session for June 8. We understand this is cutting it close to Council's final meeting before recess – another reason to work on this legislation for 2027. While there are many impacts beyond transportation, again, per state and local code (BMC 2.02.100), the City Engineer, the Board of Public Works, and the Transportation Commission should be involved in any street closure. There are significant parking and traffic routing issues to align with public safety and planned construction and maintenance affecting other closures in the area.
5. **Prepare for legislation to be presented to the Board of Public Works (BPW).** After the Council passes any legislation affecting the right of way, staff should take an implementation plan to the BPW for approval, given the statutory obligations of the City Engineer and BPW, and in order to protect the City from liability. Legislation should take into account BPW's role and the questions and issues they'll raise.

Thank you for your consideration. We believe that all parties want what is best for Bloomington, and while we don't support this particular legislation, we do support creating a collaborative, exciting vision for Kirkwood's future.