



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 08 March 2023

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
08 March 2023

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/86370675783?pwd=SmVGdGZqSHJJZkIQbHITcjZqeE1UQT09>

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES:

- | | |
|---|---|
| A. September 16, 2020 – Regular Session | E. August 11, 2021 – Special Session |
| B. April 14, 2021 – Special Session* | F. August 31, 2021 – Special Session |
| C. May 19, 2021 – Regular Session | G. September 15, 2021 – Special Session |
| D. August 04, 2021 – Special Session | H. September 22, 2021 – Special Session |

**Minutes from April 14, 2021 have been resubmitted to correct a date error.*

IV. REPORTS *(A maximum of twenty minutes is set aside for each part of this section.)*

- A. Councilmembers
- B. The Mayor and City Offices
 - i. Report on Location Changes for Utilities Department and Department of Public Works
 - ii. Report on Scooter Parking/Enforcement Pilot Program
- C. Council Committees
- D. Public*

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

None

VII. LEGISLATION FOR FIRST READINGS

None

(over)

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals 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.

To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: Friday, March 03, 2023

VIII. ADDITIONAL PUBLIC COMMENT *

(A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals 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.

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Posted: Friday, March 03, 2023



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

Minutes for Approval

16 September 2020 | 14 April 2021 | 19 May 2021 |
04 August 2021|11 August 2021|31 August 2021
15 September 2021 | 22 September 2021

In Bloomington, Indiana on Wednesday, September 16, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
September 16, 2020

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:33pm]

There were no reports from council members.

REPORTS

Mayor John Hamilton gave a statement and provided details about the proposed Local Income Tax (LIT) Resolution that the Council would be hearing later that evening.

- COUNCIL MEMBERS

Sgambelluri reported that the Sustainable Development Committee would be meeting to hear from Alex Crowley, Director of Economic and Sustainable Development.

- The MAYOR AND CITY OFFICES [6:34pm]

Jim Shelton spoke about the need for Court Appointed Special Advocates (CASA) volunteers and said that training was starting soon.

- COUNCIL COMMITTEES [6:47pm]

David Keppel, spokesperson for Bloomington Peace Action Coalition, spoke about the dangers related to nuclear weapons.

- PUBLIC [6:49pm]

Greg Alexander spoke about the need for better sidewalk funding.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:59pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-15 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:59pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-15 be adopted.

Ordinance 20-15 - To Rezone a 19.73 Acre Property from Employment (EM) to Residential Estate (RE) - Re: 2300 W. Tapp Road (Duncan Campbell, Petitioner)

Ryan Robling, Zoning Planner from the Planning and Transportation Department, presented the legislation. The current zoning classification of Employment (EM) did not allow for the construction of a single family dwelling. The petitioner requested the property be rezoned to Residential Estate (RE) to allow for the expansion of the currently existing structure. The Plan Commission voted 9-0 to send the legislation to the Council with a favorable recommendation to approve the request to rezone.

Duncan Campbell, Petitioner, said that he was available for any questions.

Piedmont-Smith, Chair of the Land Use Committee, shared the committee's support of the project.

Ordinance 20-15 (cont'd)

There were no council questions.

Council questions:

Greg Alexander said the rezoning process for this project was objectionable.

Public comment:

Piedmont-Smith disagreed with Greg Alexander and said she supported the legislation.

Council comment:

Sandberg said the legislation had been approved by the Plan Commission and thanked Piedmont-Smith for reminding people about the updates to zoning maps.

Sims pointed out that the Land Use Committee recommended this legislation be forwarded to the council with a 4-0 vote to approve the request by the petitioner.

Flaherty responded to Alexander's comments, noting that RE was used sparingly for narrow uses, and this property qualified for that use.

Volan asked if the EM zoning allowed for any type of housing.

Robling responded that it did not.

The motion to adopt Ordinance 20-15 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 20-15 [7:22pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-16 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the Land Use Committee do-pass recommendation of Ayes: 4, Nays: 0, Abstain: 0.

Ordinance 20-16 - To Establish the Sustainable Development Non-Reverting Fund and To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Adding Chapter 2.35 Entitled "Sustainable Development Fund Advisory Commission") [7:23pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-16 be adopted.

Flaherty summarized Ordinance 20-16 including the creation of a dedicated Sustainable Development Fund to receive all monies received by the City of Bloomington from an income tax rate that had been designated for economic development purposes. The proposal would also amend Title 2 of the Bloomington Municipal Code (BMC) titled Administration and Personnel to create a new seven member Sustainable Development Fund Advisory Commission. This Commission would, among other duties, prioritize projects to be funded with the income tax revenue, make funding recommendations, and report on the use of the fund.

Hamilton strongly welcomed collaboration between such a commission and the administration. He suggested the ordinance be tabled until after the vote for the income tax, in case it did not pass and the commission was not needed.

Rollo asked about the procedure for tabling or postponing the adoption of the ordinance.

Council questions:

Volan stated that the number of votes in favor of Resolution 20-13 would indicate the next steps.

Rollo asked Flaherty if it was ideal to wait to see if the Local Income Tax (LIT) passed.

Ordinance 20-16 (cont'd)

Flaherty said that there was uncertainty about how the funds would be used if the tax was adopted. If Ordinance 20-16 passed, it would establish a procedure for advising how the funds were spent and would affect councilmembers' votes.

Piedmont-Smith added that a motion to postpone should include a date for consideration of the postponed legislation.

Sims asked if this advisory commission would evaluate only revenues that came from this tax.

Flaherty confirmed that was correct.

Sims asked Flaherty if it was only the LIT that would be affected by Ordinance 20-16.

Flaherty confirmed that Ordinance 20-16 would only redirect LIT monies to the non-reverting sustainable development fund established by the legislation. It would not affect other city funds.

Sims stated that the LIT funds would go into the general fund and he was not sure if the investments would be separate.

Flaherty said there was no Economic Development Income Tax (EDIT) and it would be clear and isolated in the new fund.

Sims asked if the legislation would have no effect on non-EDIT funds.

Flaherty confirmed that was correct.

Sims referenced a whereas clause that stated that climate change had a disproportionate impact on the health and financial well-being of low-income communities and communities of color. He inquired how the ordinance would affect low-income communities and communities of color in Bloomington.

Flaherty said that nationally and statewide, it was clear that there was classism and racism in policy that affected low-income communities and communities of color. He said that by addressing climate action, the communities would be affected positively in Bloomington. He provided additional details regarding racial and socioeconomic injustices.

Sgambelluri asked if Ordinance 20-16 and the LIT were passed that evening, would they apply to future income taxes.

Flaherty believed it would though that was not the intent. The ordinance could be amended in the future if another income tax was adopted.

Sgambelluri asked how Flaherty envisioned measuring the impact of the recommendations of the commission.

Flaherty gave examples of potential metrics that might be used to measure the impact.

Rollo made a motion to postpone the adoption of Ordinance 20-16 until after the vote is taken for the adoption of an income tax tonight. The motion was not seconded.

Motion to postpone adoption of Ordinance 20-16

Smith asked how the commission would be authorized to say how these revenues would be spent and if it was permissible.

Council questions:

Flaherty responded that the intent of the ordinance was to create a dedicated fund for the revenues from this tax. The commission would not have the authority to decide how the funds were spent, and would only advise the council and city administration how they felt the money should be spent. Any recommendations made by the commission for capital improvement expenditures would also be advisory.

Smith asked how it would relate to the capital plan.

Flaherty explained that a capital improvement plan was required by state law. He said that as changes were made, the plan would need to be update. He provided examples.

Ordinance 20-16 (cont'd)

Flaherty moved and it was seconded that Amendment 01 to Ordinance 20-16 be adopted. Flaherty presented Amendment 01.

Amendment 01 to Ordinance 20-16

Amendment 01 Synopsis: This amendment is sponsored by Councilmember Flaherty and clarifies that the Common Council may adopt legislation for the expenditure of income tax revenue without a recommendation from the Sustainable Development Fund Advisory Commission if the Commission fails to provide a timely recommendation. The amendment also clarifies that the Mayor and Common Council should generally accept the Commission's funding recommendations but are not bound to do so.

There were no council questions.

Council questions:

Daniel Bingham wondered if Amendment 01 undermined the commission and removed the authority to dictate how the revenues from the tax would be spent.

Public comment:

David Keppel stated his support for Amendment 01 and spoke in favor of collaboration.

Alex Goodlad opposed Amendment 01 and thought it was necessary to balance spending power with the community.

Rollo asked if Amendment 01 was created to explicitly state that the commission could not make binding decisions and added a time frame for the commission's advice.

Council comment:

Flaherty stated the main purpose of the Ordinance 20-16 was to get the community and elected officials involved at an earlier stage in developing and making a recommendation for the use of the funds. He did not believe that a commission was not permitted to delegate authority over funding.

Lucas explained that state law prohibited delegating funding authority.

Rollo asked if the council had to wait until a recommendation came from the advisory commission before the administration or council took action.

Flaherty responded yes but with a time limit given to the commission to make a recommendation.

Sandberg appreciated the concept of Ordinance 20-16 and did not oppose it but would abstain on a vote to adopt due to the uncertainty of the income tax being adopted.

Rollo felt Amendment 01 was necessary when no recommendation came from the commission. He said he would vote to adopt it.

The motion to adopt Amendment 01 to Ordinance 20-16 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Sandberg, Sims).

Vote to adopt Amendment 01 to Ordinance 20-16 [8:03pm]

Flaherty moved and it was seconded to adopt Amendment 02 to Ordinance 20-16. Flaherty presented Amendment 02.

Amendment 02 to Ordinance 20-16

Amendment 02 Synopsis: This amendment is sponsored by Councilmember Flaherty and removes a condition for effectiveness of Ordinance 20-16 in order to avoid improper delegation of legislative authority.

There was no council questions.

Council questions:

There was no public comment.

Public comment:

There was no council comment.

Council comments.

The motion to adopt Amendment 02 to Ordinance 20-16 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Sandberg, Sims).

Vote to adopt Amendment 02 to Ordinance 20-16 [8:07pm]

Sgambelluri asked if the work of other commissions would influence the decisions of the proposed commission. She wondered if the commission would undermine other commissions.

Council questions:

Flaherty described how the commission members would be chosen, with the goal that there would be a good representation of opinions. At a later date, this question might need to be revisited and reevaluated. The commission could ask other commissions for their expertise when it was relevant.

Sgambelluri asked if any boards would change as a result of the passage of the legislation forming the new commission.

Flaherty explained that was to be determined by the commission including if they sought feedback from other commissions and boards.

Sims inquired about the language in Ordinance 20-16 that allowed undefined types of expenditures in times of economic crisis.

Flaherty included the language to provide flexibility to the commission in times of economic crisis, natural disaster, or health emergencies and provided examples. In those times, the revenues from the income tax could be used differently. He provided examples of the usage of other funds.

Sims asked if the commission could recommend using the EDIT funds to enhance public safety.

Flaherty said that needs could be identified and the commission could consider the appropriateness of the need in the context of the adopted city plans.

Rollo asked if appointments were specified in Ordinance 20-16. He felt that in the event that the mayor and councilmembers could not agree on an appointment, that the parties would make a ranked-choice vote from among the qualified candidates and should be defined clearly in the legislation. He felt the way it was currently stated was ambiguous.

Flaherty stated that it was implied in the legislation but could be clarified via an amendment.

Bolden read a Zoom chat comment from Sam Dove who asked when the bus routes were going to change.

Public comment:

David Keppel stated his support of the proposed legislation.

Ilana Stonebraker expressed her desire to allow more public comment on this legislation before it was adopted.

Greg Alexander stated that EDIT revenues should fund public transportation.

Daniel Bingham stated the Ordinance 20-16 did not give the commission enough power to dictate how revenue from an EDIT would be spent on climate change.

Alex Goodlad stated his support for the legislation because it was better than no additional public scrutiny.

Ordinance 20-16 as amended
(cont'd)

Rosenbarger thanked Flaherty for Ordinance 20-16 and commented on the focus of the proposal.

Council comments:

Rollo thanked Flaherty for Ordinance 20-16 and stated his support.

Rollo made a motion and it was seconded to adopt Amendment 03 to Ordinance 20-16.

Amendment 03 to Ordinance 20-16

Amendment 03 Synopsis: Ordinance 20-16 shall be amended in Section 6, by adding text that defines that a ranked-choice vote will be done by the mayor and councilmember commissioners if they cannot agree on a city resident appointment(s) to the commission.

There were no council questions.

Council questions:

Randy Paul was in favor of the proposal before the climate action funding was removed.

Public comment:

There were no comments from the council.

Council comments:

The motion to adopt Amendment 03 to Ordinance 20-16 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Sandberg, Sims).

Vote to adopt Amendment 03 to Ordinance 20-16 (8:45pm]

Piedmont-Smith stated her support of Ordinance 20-16 and stated that there would be public input via the advisory commission and commented on the need to mitigate climate change impacts.

Council discussion:

Sandberg stated her appreciation of the proposal and said that a broader conversation could be done in the future but more time was needed. She said she would vote against Ordinance 20-16.

Flaherty expressed his reasons for bringing the legislation to the council.

Smith thanked Flaherty for Ordinance 20-16 stated his support of the ordinance and believed it increased public participation. He would support the legislation.

Sgambelluri stated her support of the ordinance and thanked Flaherty for his work on Ordinance 20-16. She believed it was important to require input.

Sims was concerned about the trust with expenditure of funds. He believed the efforts needed to be broader with neighboring counties in order to impact climate change. He thanked Flaherty for his efforts but stated that he would not support Ordinance 20-16.

Volan stated his interest in the council and the public being involved in spending decisions. He described council's role in budget and spending and his concerns with the process. He urged the mayor and city staff to accept the input from council and the public. He provided additional examples.

The motion to adopt Ordinance 20-16 as amended received a roll call vote of Ayes: 7, Nays: 2 (Sandberg, Sims), Abstain: 0.

Vote to adopt Ordinance 20-16 as amended [9:01pm]

Piedmont-Smith moved and it was seconded that Resolution 20-13 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 20-13 - Resolution Proposing an Ordinance to Modify the Monroe County Local Income Tax Rate, Allocate the Additional Revenues to Economic Development and Cast Votes in Favor of the Ordinance

Piedmont-Smith moved and it was seconded that Resolution 20-13 be adopted.

Mayor Hamilton presented the Resolution 20-13. He explained the need to adopt an EDIT to offset losses in revenues due to the effects of the pandemic.

Sandberg asked about the meeting with state legislator Ron Thompson.

Council questions:

Hamilton responded that he had been briefed in the meeting. He was pleased to continue to collaborate with the General Assembly who would likely consider the LIT issues. He opined further about what could be forthcoming but there were many unknowns.

Rollo asked if the draft capital plan was only for considering possibilities.

Hamilton confirmed that was correct and described the process.

Rollo stated that it would be difficult to marshal some of the proposed plans.

Hamilton stated that was correct.

Bolden read a comment submitted via Zoom chat from Bryony Gomez-Palacio expressing her support of adoption of the tax due to the effects of the pandemic and provided reasons.

Public comment:

David Keppel expressed his support of the adoption of the tax.

Bolden read a comment submitted via Zoom chat from Dave Askins of B Square Beacon where he explained that state statutes regarding LIT revenues. He wondered what type of distribution each council member would prefer if the proposal passed.

Randy Paul spoke in opposition to the tax being adopted at the time and provided reasons.

David Warren spoke in opposition to the tax being adopted and listed multiple reasons.

Alex Goodlad spoke in favor of funding public transportation in Bloomington regardless of the passing of Resolution 20-13.

Erin Predmore, President and CEO of The Greater Bloomington Chamber of Commerce, appealed to the council to oppose the tax. She advocated for public engagement when contemplating adoption of future taxes.

Ross Mead spoke in favor of the tax and the proposed commission.

Jill Thurman, Office Administrator for The Greater Ellettsville Area Chamber of Commerce, spoke in opposition to the tax, and stated that the Chamber's Board of Directors voted to oppose the tax.

Geoff McKim, Monroe County Councilor, opposed the proposed tax and provided reasons.

Ilana Stonebraker spoke in opposition to the tax.

Claire Cumberland spoke in favor of the tax and stated that she supported progressive use of revenues from the tax.

Tyler Cain wondered if the proposed tax would address emissions produced by busses in the city.

Daniel Bingham spoke in favor of cutting carbon emissions, and of adopting the tax to make a step toward the goal.

Natalia Galvan urged the council to adopt the tax due to the climate emergency.

Ann Hedin spoke in favor of addressing climate change and supported the tax.

Novella Shuck supported the proposed tax and spoke in favor of funding climate solutions.

Jacob Schwartz spoke in favor of funding climate solutions and he stated his support of the tax.

Rollo addressed the question about using income taxes for public transportation.

Council comments:

Hamilton confirmed that the funding could be used for public transportation and that the county could use their portion for it too. He reminded council and the public that Bloomington Transit (BT) received about \$8 million in federal dollars in response to the Covid-19 crisis which allowed BT to not have immediate cash needs. Hamilton stated general obligation bonds would increase taxes though the city had been adverse to use bonds to fund operating expenses. It was not an approach that he felt was prudent for anything other than capital expenses and projects.

Piedmont-Smith asked Hamilton his opinion about the two ways of allocating revenue from the tax.

Hamilton anticipated that the Indiana state legislature may be changing rules around income taxes in the near future. The Local Tax Council could take a look at the way revenues would be distributed if the tax is passed. He described the two options of allocating the revenue.

Piedmont-Smith asked Hamilton to explain the standard further.

Hamilton said the simplest description was that it was the same split as the Public Safety LIT (PSLIT). He provided additional information pertaining to the four recipients of the funding; Bloomington, Monroe County, Ellettsville, and Stinesville.

Piedmont-Smith asked if, given the current legislation, the other option was to divide the funds by population.

Hamilton said that the Local Tax Council could opt to distribute based on population but would have to be done August for the following year.

Rollo asked Hamilton to elaborate more on the potential legislative impact on local income tax.

Hamilton stated that, based on past history, he was not optimistic about rules being set in favor of municipalities. He provided examples.

Piedmont-Smith asked if the tax could potentially be used to address emissions from buses in the city.

Resolution 20-13 (cont'd)

Hamilton stated it could potentially be used for that purpose and provided additional information pertaining to federal grants to BT and its plans moving forward.

Rollo spoke in support of the tax and provided reasons. The pandemic would cause a drop in revenues to the city resulting in a lack of funds to address climate change. He felt a sense of urgency regarding climate action.

Flaherty thanked members of the public who had shared their opinion. He commented on previous LITs and collaborations with the city and county, and also on the lack of a plan to reduce emissions by the county. He stated his support for the tax in the interest of the common good and provided additional details.

Smith felt the proposed LIT and its uses of revenues from the income tax were too broad. He stated his opposition to the tax and provided reasons including his consultation from community members.

Piedmont-Smith stated her decision was one of the hardest in her tenure. She spoke in opposition to the tax because there was more opportunity to address climate change than through an imposed tax. She expressed a desire to have more support if a tax was going to be adopted especially the private sector and business leaders. She commented on the General Assembly's actions.

Sandberg stated she would oppose the LIT and acknowledged that in order to recover, the city was going to need more revenue. She provided additional details. She felt there was not a consensus between the county and city council which was problematic. She opined that collaboration, and coalition-building, was necessary. Sandberg stated that the proposed LIT was different from the narrow scope of the PSLIT.

Sgambelluri discussed her reasons in opposition to the proposed LIT. She supported the values listed by the mayor, but did not feel there was a clear spending plan in place for revenues generated from the LIT. She stated that it was important to consider the pandemic and economic downturn and think ahead. She explained her reasoning for supporting the Recover Forward plan. She also applauded the previous PSLIT but stated that the proposed new tax without a sunset date was not like the PSLIT. She provided additional details against the proposed LIT.

Rosenbarger thanked everyone who engaged in the process. She wished a progressive tax, or refunds for low income families, could be proposed along with the LIT but Indiana restricted that action. She commented on other restrictions created by the state legislators. She expressed interest in funding climate change actions and helping citizens who were struggling financially. She commented on the timing of the LIT and said there was not a perfect time to ask community members for additional revenue via a tax. She also commented on the struggles that community members faced and hoped it was just the beginning of a robust conversation.

Sims reflected on his time on the council and stated that his decision to support the proposed LIT or not was the hardest decision to date. He commented on reasons that weighed on his decision including conversations with community members, the greater good, processes, and meaningful feedback from the community. He

commented on the interconnectivity of social justice and the good efforts of Bloomington. He stated his opposition to the tax.

Resolution 20-13 (cont'd)

Volan commented on the excellent feedback from the public though he was astonished at the non-city community members' opinions on how Bloomington should behave. He explained that the notion of cutting taxes to help combat poverty was a talking point used by Republicans for years. Volan commented on the restrictions set forth by the state as well as the LIT process submitted by the mayor. He stated he felt that if this tax was proposed to fund public transit, it would have had more support. He provided additional details on his reasoning.

Rollo appealed to his colleagues who were in opposition to work on other forms of revenue to replace what will be lost due to the pandemic. He stressed the need to address climate change immediately.

Sandberg said she respected her colleagues. She thanked members of the public who reached out to her regarding the proposed tax. She was committed to looking for other solutions and explained her position.

Flaherty thanked his colleagues as well. He hoped that in the future the county and city governments would collaborate on climate crisis actions. He reiterated that all climate crisis actions should include substantial equity and social justice and be aimed at helping disproportionately affected groups. He provided additional details.

Smith followed up on his earlier comments, asserting his opposition to the tax and detailing his reasoning. He said that his concerns pertained primarily to the process.

The motion to adopt Resolution 20-13 received a roll call vote of Ayes: 4 (Flaherty, Rollo, Rosenbarger, Volan), Nays: 5, Abstain: 0. FAILED.

Vote to adopt Resolution 20-13
[11:07pm]

Flaherty moved and it was seconded to reconsider the motion to adopt Ordinance 20-16.

Motion to reconsider the motion to adopt Ordinance 20-16

Flaherty explained that the commission that was created by Ordinance 20-16 was not necessary because Resolution 20-13 was not adopted.

There were no council questions.

Council questions:

The motion to reconsider Ordinance 20-16 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to reconsider the motion to adopt Ordinance 20-16 (11:11pm)

There were no council questions.

Council questions:

David Keppel stated that if the commission was in place, it might encourage public engagement on the adoption of local income taxes in the future.

Public comment:

Alex Goodlad also spoke in favor of allowing the commission created by the ordinance to remain.

Flaherty responded to public comment saying that he felt that Ordinance 20-16 should be repealed and potentially revisited in the future.

Council comment:

Volan agreed with Flaherty's statement. He stated his opposition to adopting Ordinance 20-16.

Reconsider the motion to adopt Ordinance 20-16 (cont'd)

Bolden received a Zoom chat message and Volan agreed to allow it.

Public comment:

Bolden read a Zoom chat message from Dave Askins from B Square Beacon that said given that the vote for Resolution 20-13 was not a simple majority, does the ordinance still go to the rest of the tax council for consideration or does the resolution putting the ordinance in front of the rest of the tax council not need to succeed on a basic majority in order to go forward.

The motion to adopt Ordinance 20-16 as amended received a roll call vote of Ayes: 0, Nays: 9, Abstain: 0. FAILED

Vote to adopt Ordinance 20-16 as amended [11:20pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [11:21pm]

David Keppel commented that he appreciated the work that went into the deliberation.

ADDITIONAL PUBLIC COMMENT [11:22pm]

Lucas reviewed the council schedule.

COUNCIL SCHEDULE [11:24pm]

Piedmont-Smith moved and it was seconded to hold a Special Session of the Council on Wednesday, September 23, 2020 at 6:30pm. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to hold Special Session [11:25pm]

Piedmont-Smith moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [11:26pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In Bloomington, Indiana on ~~April~~ May 14, 2021 at 5:30pm, Council President Jim Sims presided over a Special Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
May 14, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger (arrived 5:49pm), Susan Sandberg, Sue Sgambelluri (arrived 5:38pm), Jim Sims, Ron Smith
Councilmembers absent: Dave Rollo, Stephen Volan

ROLL CALL [5:34pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [5:35pm]

LEGISLATION FOR FIRST
READING [5:39pm]

Flaherty moved and it was seconded that Ordinance 21-15 be read by title and synopsis only. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

Ordinance 21-15 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.02, 20.04, 20.06, 20.07 [5:39pm]

Sims referred Ordinance 21-15 to the Committee of the Whole immediately following the Special Session.

Flaherty moved and it was seconded that Ordinance 21-16 be read by title and synopsis only. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-16 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.02 [5:42pm]

Sims referred Ordinance 21-16 to the Committee of the Whole immediately following the Special Session.

Flaherty moved and it was seconded that Ordinance 21-17 be read by title and synopsis only. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-17 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.03 [5:43pm]

Sims referred Ordinance 21-17 to the Committee of the Whole immediately following the Special Session.

Flaherty moved and it was seconded that Ordinance 21-18 be read by title and synopsis only. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-18 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.04 [5:44pm]

Sims referred Ordinance 21-18 to the Committee of the Whole immediately following the Special Session.

Flaherty moved and it was seconded that Ordinance 21-19 be read by title and synopsis only. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-19 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.05 [5:45pm]

Sims referred Ordinance 21-19 to the Committee of the Whole immediately following the Special Session.

Flaherty moved and it was seconded that Ordinance 21-20 be read by title and synopsis only. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-20 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.06 [5:47pm]

Sims referred Ordinance 21-20 to the Committee of the Whole immediately following the Special Session.

Flaherty moved and it was seconded that Ordinance 21-21 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-21 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.07 [5:48pm]

Sims referred Ordinance 21-21 to the Committee of the Whole immediately following the Special Session.

Flaherty moved and it was seconded that Ordinance 21-22 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-22 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Removal of Residential Estate (RE) and Amendment to Residential Large Lot (R1) Zoning Districts Set Forth in BMC 20.02, 20.03, 20.04, 20.05, 20.06, 20.07 [5:50pm]

Flaherty moved and it was seconded that Ordinance 21-23 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-23 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Regulations Related to Dwelling, Duplex; Dwelling, Triplex, and Dwelling, Fourplex Set Forth in BMC 20.03 and 20.04 [5:53pm]

Sims referred Ordinance 21-23 to the Committee of the Whole immediately following the Special Session.

Flaherty asked for clarification on which Committee of the Whole meeting Sims intended to refer Ordinance 21-23 to.

Sims corrected the referral of Ordinance 21-23 to the Committee of the Whole to meet on April 28, 2021 at 6:30pm.

Flaherty moved and it was seconded that Ordinance 21-24 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-24 - To Repeal and Replace the Official Zoning Map within Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” [5:54pm]

Sims referred Ordinance 21-24 to the Committee of the Whole to meet on April 28, 2021 at 6:30pm.

Piedmont-Smith asked for clarification on what happened if there was not a do-pass recommendation at the Committee of the Whole on April 28, 2021. She explained that unless legislation was referred to two Committee of the Whole meetings, a report to the full council would be necessary on May 05, 2021.

Stephen Lucas, Council Attorney, explained council’s options if council was not ready to vote on May 05. If there was not a recommendation from the Committee of the Whole on April 28, then the legislation would still return to the full council on May 05 for consideration.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [6:02pm]

Piedmont-Smith moved and it was seconded to have a hard stop at 10:30pm for the Committee of the Whole meeting that night. The motion was approved by a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded to adjourn. Sims adjourned the meeting.

ADJOURNMENT [6:02pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ___ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

Clerk's Note: The minutes for May 14, 2021 were approved on January 18, 2023, however, the incorrect month was listed in the first paragraph.

For Approval

In Bloomington, Indiana on Wednesday, May 19, 2021 at 6:30pm, Council President Jim Sims presided over a Regular Sessions of the Common Council. Per the Governor's Executive Order, this meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
May 19, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:31pm]

Flaherty moved and it was seconded that the council consider the package of annexation resolutions, updating fiscal plans, in the following manner:

Motion to structure debate
[6:44pm]

- That the city administration will be given time to make a general presentation, if it wishes, regarding the annexation process as a whole.
- Councilmembers may then ask general questions of the presenters.
- Once councilmembers have finished asking questions about annexation in general, the city administration will have an opportunity to address the resolutions, one resolution at a time, as they appear on the agenda and as they are introduced. For each resolution after any presentation by the administration, councilmembers may ask questions about the particular resolution.
- Once the council has finished receiving presentations and asking questions on the eight resolutions, then members of the public will have an opportunity to comment on the resolutions. Members of the public may speak once, and may speak to as many of the resolutions as they wish during that time. However, comments should pertain to one or more resolutions.
- After the public has had an opportunity to comment, councilmembers may ask further questions and hear further answers as necessary before making concluding comments on the resolutions during debate and when considering possibly a motion for adoption.
- The council will entertain a motion to adopt, one at a time, for each of those resolutions.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to structure debate [6:44pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:44pm]

Sgambelluri spoke about the Lower Cascades Park road conversion pilot project. She stated that feedback was essential and provided a link to a survey, and highlighted upcoming key meetings. Sgambelluri also thanked Paula McDevitt, Director, Parks and Recreation Department (PRD), and Tim Street, Operations and Development Division Director, PRD, who were both gracious and generous with their time for District 2 constituents.

REPORTS

- COUNCIL MEMBERS
[6:45pm]

Smith discussed the Promising Practices group, led by Emily Pike and Lindsay Smith with assistance from Brittany Herr, which was looking at housing insecurity. He stated that they had looked at different communities around the country, and reviewed how they address homelessness, demographics, population size, tools,

funding, processes and procedures, and how they intersected with their local government. Smith explained that some communities had achieved zero-homelessness for veterans in the community. He stated that there would be a report from Promising Practices and other subgroups.

Volan mentioned two commissions, and congratulated the Community Advisory on Public Safety (CAPS), and stated there were still openings in the Citizens' Redistricting Advisory Commission (CRAC). Volan commented that dependent on the outcome of items on the agenda, reform may be needed in a couple years.

Piedmont-Smith commented that she was also on the Promising Practices Committee of the Housing Insecurity Working Group and that other councilmembers were also on other subcommittees.

There were no reports from the Mayor or city offices.

There were no council committee reports.

Greg Alexander spoke about sidewalks, bike lanes, and the dangers of walking in the road due to overgrown weeds on the sidewalk. He also thanked city staff for removing them fairly promptly.

Jim Shelton discussed Court Appointed Special Advocates (CASA) and its purpose, upcoming training, and current needs.

Stephen Lucas, Council Attorney/Administrator, read a comment from Dave Askins, B Square Beacon, regarding accessibility in the meeting.

There were no appointments to boards or commissions.

Mayor John Hamilton presented on the annexation process, as follows:

"Good evening, and thank you Council members for your service and attention. Tonight we are asking you to resume the City's proposed annexation process that was begun four years ago. Tonight we will outline resolutions to update the fiscal plans for each of the eight areas adjacent to the city proposed for annexation, and then amendments to update the previously adopted annexation ordinances. Tonight involves no final votes but rather is picking up where we left off in 2017, to update information -- a step required because of the state legislature's precipitous interruption midway through that orderly process four years ago. As most are by now aware, a few months ago the Indiana Supreme Court ruled that that interruption violated our state constitution, illegally targeting one community and interfering in our ability to manage our affairs. That decision allows us to be here tonight, to resume the process from the point at which it was interrupted. Annexation is a legal process to adjust a city's borders to reflect changes in population and development. We've done it many, many times in Bloomington's long history. Indeed, almost everyone living in Bloomington today lives on property that was once outside city limits, that was at some point annexed into the city. On our website you can see detailed maps summarizing decades of annexations since 1950. Regular annexation has been essential to our thriving city. It has enhanced

- COUNCIL MEMBERS
(cont'd)

- The MAYOR AND CITY OFFICES [6:50pm]
- COUNCIL COMMITTEES [6:50pm]
- PUBLIC [6:51pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:59pm]

CITY ADMINISTRATION'S PRESENTATION ON ANNEXATION PROCESS [7:01pm]

CITY ADMINISTRATION'S
PRESENTATION ON ANNEXATION
PROCESS (*cont'd*)

the efficient service delivery and the long-term, comprehensive planning that support the high quality of life enjoyed in our community. Unfortunately, 17 years ago, in the previous administration, Bloomington's pattern of regular annexations came to a halt. A generation of Bloomington kids have been born and will finish high school without any updating of our borders. But population and development have continued very actively for the past 17 years, including in the areas proposed for annexation. The residential density of these areas next to our boundaries, among other attributes, makes them often indistinguishable from the city. Put another way, our existing city boundaries are out-of-date; they no longer represent the on-the-ground realities of our community. If a growing, thriving community doesn't keep its borders current, then disparities, inefficiencies and imbalances arise. The proposed annexation will help "right-size" Bloomington, providing an urban level of services for urbanized areas, and allowing our community of households and businesses to share and chart a common future. By resuming tonight the right-sizing of our city, bringing urbanized and urbanizing areas formally into our city, we are planning to provide the services appropriate to such areas and their residents. Those services should and will include new and improved parks and recreation options, appropriate planning and development regulations, incentives for affordable housing and increasing mobility options, as well as essential public safety services, curb-side recycling, street plowing and sweeping, and upgrades where needed, supports for the arts and social services, and more. And of course, right-sizing will allow more of our neighbors direct involvement in our self-governance -- through voting, participation on board and commissions, and running for office -- to have our whole community determine our future together. The evolution and growth we've seen in these eight areas has long been anticipated and planned for. In 2012, the County's Comprehensive Plan highlighted the bulk of these areas as the intended "Bloomington Urbanizing Area." And City and County governments long coordinated the planning of these areas in an agreement that established the "Areas Intended for Annexation," or "AIFA." And even before the AIFA, City and County collaborated on the "Two-Mile Fringe," comprising areas close to city boundaries that were likely to become part of the city in the future through annexation. Despite this anticipation and planning, very few of the "areas intended for annexation" have in fact been annexed, while the urbanizing march has continued in steady pace. In a moment Corporation Counsel Philippa Guthrie will discuss the legal process and our consultant with Reedy Financial will present the updated fiscal plans, which detail the City's commitment to providing services to the annexation areas, the costs to the City of providing additional services, the manner of paying for the services, and the projected impacts to other taxing units and property owners - including detailed parcel impact reports. It is important to note that the annexation is proposed to become effective in 2024, with property taxes payable the following year, in 2025, a timeline designed to allow adequate transition time. As we pick up where we left off four years ago, thank you for your stewardship of our thriving, growing community. Thank you for continuing the long-standing practice of adjusting our boundaries as our population grows, to assure a healthy, inclusive, high-quality-of-life community for all. I'll be happy to answer questions as they arise, and now hand over to Ms. Guthrie."

Philippa Guthrie, Corporation Counsel, thanked the council for the opportunity to speak at the meeting. She explained she would be addressing primarily the legal process and commented that the annexation process began in February 2017. She said they were halfway through the process when it was halted by the Indiana State legislature, and that the Supreme Court ruled in December that it was unconstitutional action. She confirmed that the city was picking back up at the point it was left off, and that the city was proposing the same eight areas that were being considered at the time that the annexation process was halted. She said there were very few changes, which would be discussed in the consideration of the ordinances and resolutions. Guthrie stated that the areas were identified in the overall map that was provided, as Exhibit A, in her memo in the materials. She explained certain annexation requirements had already occurred, including that the city had held six public outreach meetings, adopted the fiscal plans, introduced the ordinances for the proposed areas, and had scheduled and noticed but not yet held the public hearing. Guthrie stated that the administration was asking council to do two things that evening. First, the fiscal plans that had been introduced and adopted, needed to be amended, and that there was a resolution for each area. Guthrie explained that the plans described the services that the city would provide to the respective annexation areas, as well as the associated costs and impacts for the city and the residents being annexed. Guthrie stated that the administration was also presenting council with the annexation ordinances, which were introduced in 2017, and that the amendments to those ordinances were technical in nature and included changing the date when annexation would take effect to January 1 of 2024. Guthrie commented that the delayed effective date gave the city time to prepare for providing the services to the annexed areas. She also said that meant that the tax effects wouldn't be seen by residents or overlapping government units, or others, until 2025. Guthrie stated that Area 1A needed an amendment because several parcels needed to be removed from that area because they were owned by Cook Group, Inc. (CGI). She stated that CGI, and the city signed a 15-year agreement in lieu of annexation in October 2017 under which CGI agreed to make annual payments to the city in exchange for the city not annexing the parcels in that area. She further stated that agreement was approved by the council. Guthrie clarified that the actions at the meeting did not mean that the fiscal plans were finalized or that the annexations were completed and that, by adopting the amended fiscal plans, the council would be acknowledging the administration's commitment to providing services if the areas were ultimately annexed. Guthrie said that before voting on the ordinances, the council must hold a public hearing to receive public comment, and was scheduled for August 4. Guthrie stated that the council must then hold a final meeting which was scheduled for September 15, where councilmembers could vote on the ordinances. Guthrie reiterated that the administration was resuming the legal process and asking council to update the documents, and that over the next few months, there would be continued discussion on the areas and the corresponding fiscal plans. She said they fully expect there might be further refinement and amendments to both the annexation areas and fiscal plans. Guthrie explained that annexation was designed to be fluid and to allow opportunities for reevaluation based on public input and new information. She stated that since the maps and fiscal plan were made available, members of the public had identified several things that would require adjustment. Guthrie explained that the plan could continue to change until the final public meeting, when the

council's vote had been taken. She also mentioned that there were two caveats that Council Attorney, Stephen Lucas, also addressed in his summary memo. She stated that first, the areas in the annexation area should only be reduced in size and not enlarged, and second, amendments to the ordinances would require consideration of adjustments to the fiscal plans, so staff needed enough lead time to review and adjust those plans where appropriate before council takes any final vote. Guthrie thanked council for continuing to address the proposal and stated that the administration welcomed the opportunity to work with council on the important plans for Bloomington's future. Guthrie stated that she was happy to answer any questions after the other speakers, along with other staff members, including Jeff Underwood, Mike Rouker, and Steve Unger, outside counsel, Bose, McKinney, and Evans, LLP. Guthrie introduced Tim Stricker from Reedy Financial Group, P.C.

CITY ADMINISTRATION'S
PRESENTATION ON ANNEXATION
PROCESS (*cont'd*)

Stricker explained that he would discuss a brief history of the annexation and where things were left in May 2017, fiscal plans, current annexation environment/situation, the mean and median taxpayer impacts, overlapping unit impacts, property tax comparison, and would provide closing remarks. He stated that, in version 4.0, Area 6 North-East area had been removed from consideration. Stricker said that the fiscal plans were an ongoing effort to present the annexation impacts in the best possible way, as information became available. He explained that there were three main questions regarding the fiscal plans. Stricker stated that the first was regarding current services the city was providing to residents that were already incorporated into the city; the second considered what the city needed to do or have to extend those services, in a manner consistent with services already being provided, to the annexed areas, and third, what were the impacts to overlapping units, the city, and taxpayers. Stricker highlighted that the changes since May 2017 included the exclusion of Area 6, and updates to the financial projections. He clarified that a combination of 2020 and 2021 certified data was used when possible. Stricker said that from 2016-2021, assessed value had grown by 18% on average in all the annexation areas. He further clarified that the change in assessed value, in combination with property tax rate changes, completely changed the financial projections, from a dollar perspective. Stricker highlighted another big change with the Monroe Fire Protection District (MFPD) which had continued to merge with more townships. He said that, in 2020, the tax rate for the MFPD was \$0.1630 and increased to \$0.3890 in 2021, equaling a 139% increase. Stricker explained a statute that dictated fire protection and stated that individuals that were already receiving fire protection from the MFPD, and were in annexed territories, had to remain in the district, which meant that the city would not be providing fire services to those areas. He said that individuals in Benton, Bloomington, Perry, and Van Buren townships would be excluded and that the city would be providing fire protection only to Richland and Salt Creek townships annexation areas, at an estimated fire rate of \$0.1250. Stricker then provided a brief overview of the assessed value that had gone up from 2016 to 2021 which, on average, was an 18% increase. Stricker spoke about mean and median taxpayer impacts on residential properties, including anyone with a homestead deduction, and also the percentage of mean attributable to just the annexation. Stricker then discussed all properties; residential, industrial, and commercial properties. Stricker commented on the impacts to overlapping units. He described the total revenue, that was based on a combination of 2020 and 2021, the projected circuit breaker increase or decrease

post annexation (property tax caps), the 2021 certified property tax levy, the property tax cap increase as a percentage of the property tax levy, other allocation adjustments due to annexation, and explained the projected levy, since the annexation wouldn't have an effect on the tax rules until 2025. Stricker stated there would be four years of maximum levy growth, and that the combination of tax caps, and other allocation adjustments from annexation, compared that to the levy growth, projected the net effect. Stricker next discussed the property tax rate comparisons across the state, which were based on the highest incorporated taxing district rate for each city that was displayed on the slide. He said that the comparisons were of similar cities to Bloomington. Stricker commented that the highest property tax rate for a city, was Gary at \$8.81, the second highest was South Bend at \$5.98, and the third highest was Muncie.

Hamilton stated that he understood that Mr. Stricker was reading the information so that everyone could hear it, but in the interest of time, asked Mr. Stricker to summarize the charts, rather than each line. Hamilton stated that the administration would make the information available to anyone who wanted to see it.

Stricker summarized that Bloomington was the second lowest rate amongst all comparable cities, at \$2.54, and that the lowest was Fishers. He said that it was important because even post-annexation, Bloomington would still have one of the lowest taxing district rates, on average, of all the comparable cities. Stricker stated that MFPD had a significant impact on financial projections and that historically, every time multiple townships joined, the property tax rate increased but there was no guarantee that would continue or not. Stricker reiterated that current legislation prevented the city from providing fire protection to the areas currently incorporated with MFPD. He also explained that the property tax cap impacts would be 83% lower if the city was able to, and willing to, provide fire protection to all annexation areas, which would be a better Insurance Services Office (ISO) rating for residents, resulting in insurance savings and enhanced fire services for taxpayers. He stated that the city's rate was \$0.125 versus MFPD's rate of \$0.389. He also stated that some townships' tax cap burden would decrease. Stricker stated that it may look like the county's impact was a big number, but the service area would decrease to offset those impacts. He also stated that Richland and Salt Creek would have reduced fire protection costs to offset their impacts. He clarified that the most financially vulnerable, homeowners over 65 and those with disabilities, were substantially protected from property tax increases. He also explained that agricultural parcels would have no property tax or tax cap impacts. He reiterated that post-annexation district property tax rates would still be among the lowest of comparable cities across Indiana.

Sims asked who the next presenter was.

Hamilton stated that there were no additional presenters and that staff would answer questions.

Council questions:

Volan thanked everyone for the presentation. He asked if the fiscal plans needed to be reduced because some portion of an area got cut, in the course of the annexation deliberations. Volan asked if council would have to amend the resolutions that might be adopted that evening, because they reflected the fiscal plan changes.

Guthrie responded that the administration would have to adjust the fiscal plan and then council would adopt an updated fiscal plan.

Volan stated that, in other words, the adoption of any resolution that evening was not binding, and commenced the contemplation of the ordinances.

CITY ADMINISTRATION'S
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Guthrie confirmed that was correct.

Volan asked if council decided to reduce part of an area intended for annexation, would council have to adopt a new resolution or could just update the one considered that evening.

Council questions: (*cont'd*)

Lucas clarified that his understanding was that they would update a new resolution, given that council adopted fiscal plans in 2017 via resolutions. He said that any future updates to the fiscal plans would also need to be approved by a new resolution.

Steve Unger, outside counsel, Bose, McKinney, and Evans, stated that he agreed, and added that it depended on how significant the changes to the areas were. He said that small changes might not require updates to the fiscal plan, but that if there were significant changes, they would want to update the fiscal plan by adopting a resolution amending the prior resolutions. He clarified that could be done up until the final adoption of the annexation ordinances.

Volan asked if council amended an annexation ordinance, in order to remove some area out of it, would they have to create a new resolution to reflect the new fiscal plan for that area. He asked if that would only happen after the annexation ordinance that was amended, was adopted.

Unger stated that he would defer to the council's preference for the process of amending. He explained that before final adoption in September, it was important to have an idea of what the areas would look like in final form, so there was an opportunity to prepare the updated resolutions and updated fiscal plans. Unger commented that typically, before council adopted the final ordinances, council would adopt the final versions of the fiscal plans, and then adopt the final versions of the ordinances, or vice versa; adopt the final versions and then immediately adopt the final versions of the fiscal plan.

Volan commented that any changes to a given annexation area in one of the ordinances, would be amended by council, in the course of considering the ordinance, and not the resolution. He asked what the mechanism was for amending an area.

Lucas stated that the August 4 Public Hearing was an opportunity for the council to receive not only public comment but also to discuss those ordinances. He said that following that date, council might want to think about scheduling an additional meeting to take up and consider any amendments to the ordinances, in advance of the September 15 date where the final vote would be taken. He stated that council could discuss and possibly vote on any changes to the areas with enough lead time for the consultants to update the fiscal plans as a result.

Volan stated that they were introducing the ordinances that evening, but they were being held over a several month period, during which council could amend the ordinances.

Lucas clarified that the ordinances were introduced in 2017, and were potentially being amended that evening. He also said that there were several months ahead where the council could consider amendments to the ordinances up until the vote. Lucas reiterated, as Unger mentioned, depending on the scope of the change, it may be difficult to then update the fiscal plans, following any amendments.

Michael Rouker, City Attorney, also mentioned that it wasn't just the fiscal plans that needed to be updated in the event of a change, but that the legal descriptions also needed to be updated, so there were several reasons that lead time was needed to make sure everything was legal.

Volan said that council should expect that the amendments needed to be done between August 4 and September 15.

Lucas stated that was correct. He also mentioned that the annual departmental budget meeting scheduled for the week of August 23, which took council's time. Lucas stated that the time frame was correct, as he understood it.

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Council questions: (cont'd)

Piedmont-Smith asked for clarification with regard to overlapping taxing units. She stated that Monroe County impacts would lose \$269,000 because of the circuit breaker, and then other revenue sources would lead to a further reduction in revenues for the county of \$1,590,815. She asked if that was correct.

Stricker said that was correct, but that reduction of revenue was really limiting the county's growth from that point forward. He said that was why they put the property tax levy for 2025 in the chart.

Piedmont-Smith asked what "Projected Other Allocation Adjustments [from Annexation]" meant.

Stricker stated that those were adjustments due to the way the state calculated certain pools of money, like financial institution tax, excise, and NBH distribution.

Piedmont-Smith stated that was a reduced amount of revenue for the county.

Stricker confirmed that was correct.

Piedmont-Smith asked about net impact, which was about \$1.8 million.

Stricker confirmed that was correct.

Piedmont-Smith stated that the projected levy increase was \$3.7 million where it could have been \$3.7 million plus \$1.8 million. She stated that the way it was presented seemed disingenuous.

Stricker said it showed the limitation on the growth, from that point forward, when the annexation was effective. He said that was a fair statement.

Piedmont-Smith thanked Stricker and stated she just wanted to clarify that.

Rollo asked how long council could extend debate on the topic.

Unger stated that the annexation process was very specifically outlined by statute, and that once the public hearing was held, which was currently set for August 4, that council had a window of time, between 30- and 60-days after the public hearing in which council could adopt the annexation ordinances. He explained that if council did not adopt them in that window, the process would have to restart if the administration were to consider the annexation areas again.

Rollo asked if council would have until early October.

Unger stated that was correct, assuming the public hearing was held on August 4 as was currently planned.

Smith asked Stricker to explain further the impacts on individuals over 65 and how their tax bill would go down \$60 or \$80. He also asked about senior citizens or persons with disabilities.

Stricker explained that it was a function of the assessed value growth assumption, which was 12%, and the assessed value (AV), the credits, and the property tax cap.

Smith stated he did not understand and asked if someone was 65 or 68 and were in the areas that were going to be annexed, how they were not subject to the increases.

Rouker clarified that to be eligible for the over 65 circuit breaker credit, there were four requirements. He said that first, the individual had to be over 65; second, the property was the primary residence; third, the assessed value of the property had to be

CITY ADMINISTRATION'S
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Council questions: (cont'd)

\$200,000 or less; and fourth, there were certain adjusted gross income requirements, which varied depending on whether taxes were filed jointly or as an individual. He explained that it was designed to protect seniors, who were on a fixed income, and lived in a sort of average-priced home, and were in their retirement years, from being subject to excessive property taxes. Rouker clarified that if someone met all those requirements, the circuit breaker for property tax purposes kicked in to prevent any increase in property taxes year over year greater than 2%. He said that with other factors like growth in assessed value, and in addition to savings in other areas, like a reduction in waste water rate, because of differential rates for municipal and non-municipal residents for waste water. He stated that those savings would actually create a net savings to individuals who were eligible for that circuit breaker credit.

Smith asked if he understood correctly that the tax may go up but that some of their service charges may go down so there would be a net savings.

Rouker stated that he believed that was correct.

Stricker stated that was correct.

Smith asked Stricker to explain the levy of 4.2% that was the assessed value increase, and asked him to talk about that assumption, so that he could understand what that meant in relation to the tax.

Stricker stated that there were two different assumptions that Smith mentioned, and said the first was the 12% increase to the net assessed value which was a blanket increase across all parcels. Stricker explained the 18% growth on average across all those impacted areas in the same four year time period. Stricker said that conservatively, it would probably go up around 12% from the base year of 2020 to 2025, but there was no guarantee.

Smith asked if that was the assessed value, and if there were a 2008 housing crash, then the 4.2% would be a false assumption.

Stricker confirmed yes, but that it would be delayed because it was a six year average calculation, and there were about 5 years of very good growth statewide. He said it would probably take 2-3 years for that percentage to come considerably down from 4.2%.

Flaherty asked if there were calculations done, to consider a range, a conservative, a middle of the road, and a liberal set of assumptions for the levy growth and assessed value growth or increase assumptions, and if not, was that possible to do.

Hamilton stated that the assessed value growth was a pure projection of what would happen, and he thought it was a relatively conservative projection, comparing an 18% four-year growth and projecting instead a 12% four-year growth, which totally depended on the actual assessed value that happened in the community over the four years. He explained that the levy growth was done by the state who determined through a formula, based on the prior six years, on non-farm income, etc., what the levy growth would be. He said that as Stricker mentioned, they were dropping off some lower years and picking up some higher years. Hamilton stated that it was projecting what the state would say the levy growth allowed was. He explained that it was dividing the levy into the assessed value that gave the rate. Hamilton stated that one was a projection that could be done and the other was an attempt to predict what the state would do in its calculations.

Flaherty asked about dropping off some lower growth in income years from the 6-year rolling average. He stated that he didn't know how the 6-year window lined up with the current time, and asked that if higher years were added for next year's levy, then when would the pandemic years, and specifically the economic impacts

from 2020, be included into the 6-year rolling average, resulting in perhaps moderating the levy growth.

Underwood stated that it was one year behind, so they would take the 2020 calendar year, based on the filings in 2021, and would drop off the prior year. He said that they were dropping off the last of the downturned years, and the projection was either a flat or low growth for the pandemic, but that they wouldn't know that number until August. He said they received the number fairly late in the budget process and that staff would update council on that. Underwood reiterated that the information was projections that pushed out because of the effective dates of the annexation, and stated they had discussed the growth rates and picked the middle of the road number. He further explained that Monroe County and Bloomington had seen fairly good growth, even during the last recession, there was only one year where it went down slightly, and that other than that it had grown very well over the past 6, 7, 8 years. He stated that based on building permits, and actual construction, the number would continue to rise, as well as the levy. Underwood further clarified that the levy was applied throughout the state, that every unit of government got the exact same levy increase regardless of how well the local area did. He said that obviously any changes to the rates would either increase or decrease the impacts or projected revenues, for all overlapping units of government. He said that they tried to take a middle of the road approach and that they were projections, and they wouldn't know the actual impacts until the assessed values and the levies were known. Underwood stated that they tried to do their best to give a good example of what they thought those were going to be.

Flaherty thanked Underwood for explaining the underlying assumptions and how conservative or liberal he thought they were. Flaherty asked if it was safe to say that, even if the projections turned out to be off by a percentage point in the case of the levy, or a few percentage points in the case of the AV growth, it wouldn't meaningfully change the decision making framework for how council would pursue the process, and wouldn't entirely undermine the case that had been built.

Underwood stated that he didn't believe that it would, and said that the plans gave a minimum and a maximum on revenues and expenditures, so there was a range. He said that in either one of the scenarios, or anything in between, the city felt comfortable that they would be able to provide the services and would have the sufficient revenues to do so.

Sgambelluri asked Stricker to clarify the summarization of key points, and asked for clarification on the impact of the fire protection district. Sgambelluri stated that if she understood correctly, Richland and Salt Creek, would both go in and be protected by Bloomington Fire [Department] but the others wouldn't.

Stricker stated that was correct.

Sgambelluri asked for further clarification on the MFPD impact.

Underwood stated that it would only be the areas of the township that would be annexed. He said that he thought they contracted with the City of Ellettsville, for fire protection, and Richland. He explained that whatever areas were not annexed would continue to receive service as they were currently doing.

Sgambelluri confirmed that part of Richland Township would be served by the Ellettsville Fire Department (EFD) and part of Richland Township would be served by the Bloomington Fire Department (BFD).

CITY ADMINISTRATION'S PRESENTATION ON ANNEXATION PROCESS

Council questions: (*cont'd*)

CITY ADMINISTRATION'S
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Council questions: (cont'd)

Underwood stated that was correct, and that was the current service, with Bloomington Township, Perry City, and Perry County, and the fire protection was provided by different routes. He explained that it was not unusual to see that.

Sgambelluri asked for further clarification regarding the tax cap impacts would be 83% lower if the City was providing fire protection to all areas.

Underwood stated that they tried to analyze what the impacts would be due to the annexation, as well as the impacts of the growth and the rate for the MFPD. He explained that it boiled down to the rates, and that annexation impacted the increase in the rates, the levy, and the tax cap, and they tried to anticipate what that would be if the city provided the fire protection versus MFPD.

Stricker expounded that the tax cap impacts would be 83% lower. He said it came down to what percentage of the annexed parcels were close enough to the tax cap percentage to be cut off to where any further increase in the rate was just going to be tax cap loss. He said that the 26% difference between the city rate and the MFPD rate was enough to cause a greater percentage of parcels that would be annexed to be over that cap.

Rouker clarified that ISO ratings were a measure of the number of components of a fire department's capability and the lower the rating the better. He said that the City of Bloomington had the second best rating of 2, and the fire protection district was currently rated as a 4.

Sgambelluri confirmed that those were figures that had the potential to lower a homeowner's fire insurance rate.

Rouker confirmed that was correct in Richland and Salt Creek Townships, and not anywhere else as service would be continued to be provided by the district in those other townships.

Sgambelluri thanked everyone for their patience in answering her questions.

Volan asked if a person 65 or older, had a home worth more than \$200,000, if they only got a tax break on the first \$200,000 or if they had a \$250,000 house, would they pay tax on the \$250,000 value or the first \$50,000 above the first \$200,000.

Rouker explained that he believed one was ineligible for the over 65 credit if the assessed value of the home exceeded \$200,000. He said that the state legislature had periodically updated that figure and increased it appropriately, which may continue to happen, but he believed it was a cutoff point.

Volan asked what happened when there was a parcel in the city that was annexed, but was served by the fire protection district, and was eligible for tax caps. He asked which taxing entity won out, and how tax caps worked if there was a conflict like that.

Underwood explained that if they were currently served by the MFPD, they would continue to be served by that district after annexation. He said if they were brought in to the district prior to annexation, they would stay with the MFPD.

Volan clarified that his question was in regards to the revenue. He said that if they were served by the fire protection district, they were paying a \$0.38 rate as opposed to a \$0.12 city rate, and if they were eligible for tax caps, Volan asked whose revenue was reduced.

Unger stated that it was pro rata, that was what was called the circuit breaker credit. He explained that was the calculation that Stricker was doing in his report to show that was the circuit breaker impact credit to all of the taxing units.

Piedmont-Smith stated that in 2017, council discussed what legally defined an urbanized area, and were trying to better understand

how the city administration decided on the initial boundaries of the initial proposal. Piedmont-Smith thanked City Clerk Nicole Bolden for forwarding the minutes from those meetings for review. She asked how an urbanized area was defined and if an area needed to be defined as an urbanized area, in order to be annexed.

Unger said that cases that addressed annexation, going back 80 years, when a municipality was annexing urbanized areas, there was more deference in the preference that the municipality be allowed to proceed with annexation. He said that didn't mean that they could only annex areas that were urbanized, and stated that urbanization was not a direct issue until a remonstrance, which didn't always occur. Unger stated that in a remonstrance, as had been discussed in 2017, the municipality could either annex urbanized territory or could annex areas that were needed and could be used for the municipality's development in the reasonable near future. He clarified that the legislature had defined urbanized area in a remonstrance process, and there were lots of shifting burdens of proof. He said that an urbanized area in a remonstrance process was defined as, for residential areas, three persons per acre, or were zoned commercial, business, or industrial use, or were 60% subdivided. Unger clarified that it was not a requirement that a territory be urbanized in order to annex it, it was only an issue if there was a remonstrance.

Piedmont-Smith clarified that Unger said 60% subdivided.

Unger confirmed that was correct.

Piedmont-Smith stated she understood those were guidelines in the case of a remonstrance.

Smith asked if it was known how many parcels were going to be affected by annexation, related to someone who was 65 or had a disability, and their assessed value was over or under \$200,000, and how that would shake out.

Unger stated that Reedy Financial did a parcel-by-parcel analysis where every property owner was able to see what their projected impact was based on the assumptions Stricker discussed earlier. He said it was to determine what the projected impact was going to be on their taxes and other offsets. He said that in doing that analysis, they identified properties that were already receiving the 65 and over credit. He said he believed that was available.

Rouker clarified that when individuals called to ask what the property tax impact would be on their parcel, or parcels, in the annexation areas, it was easy to identify those individual parcels where somebody had filed the over 65 paperwork with the Auditor and were eligible for that credit. Rouker told Smith that he had not counted the total number of over 65 parcels but that it was not an inconsequential number, and that he did not know the total number in the annexation areas of eligible taxpayers who were receiving that credit.

Smith asked if there was a percentage of the population that was going to be eligible, or not.

Rouker stated that Stricker might be able to comment on whether they could obtain that data. He said that he didn't know who could be eligible, but that they could tell who had filed the appropriate paperwork to receive the credit already.

Stricker stated that the database tracked 2020 tax bills, and that he did not know the number, but he could give the number of the parcels that claimed the over 65 deduction as of 2020.

Smith asked if the database told how many people that were 65 and older, or had a disability, were not able to claim that because their assessed value was over \$200,000.

CITY ADMINISTRATION'S PRESENTATION ON ANNEXATION PROCESS

Council questions: (*cont'd*)

Stricker stated that calculation was built into the projections, but it was the number based on the assumptions that were discussed earlier.

Smith asked Stricker to send that along to the council.

Stricker asked if Smith wanted just the parcel count.

Smith stated that he would like the parcel count, and the number of people that were going to eligible or not.

Stricker explained that he did not know if he could get the exact population amount, but that he could get the number of parcels.

Volan stated that the city prevailed at the Supreme Court in December, and the Supreme Court stated that the State of Indiana acted illegally. He asked why, if the state acted illegally, that protected the area served by the MFPD. He said that in the same way the state shouldn't have been allowed to derail the annexation process, it seemed that they should not have been allowed to incorporate areas that were actively being intended for annexation.

Unger stated that was a good question and was something that was discussed quite a bit. He said that the statutory language affecting the fire district was written more broadly in the way that other statutes were written, with respect to assessed values being a trigger for how it was applied. He said it only applied if the fire protection district had a net assessed value of \$1,000,000,000, he believed. He stated it was important to be clear on how they were reading that statute and who would be the fire provider and when the annexation ordinances were adopted. Unger stated it was consistent with how other legislation had been written respecting annexation.

Volan stated that he appreciated that, but in this case, the state acted illegally to thwart the annexation, and then wrote the law afterwards, almost as if to prevent the impact of annexation, which was a right given by the state to municipalities. Volan said he didn't see why the formation of the fire protection district was even legal.

Unger said that was a valid point and a good argument, and noted that the fiscal plan assumed that the city would not be the fire provider. He stated that the law applied to the areas that were annexed. He said if the city was allowed, or if a determination was made that that statute did not apply or was invalid or illegal, that the city was ready, willing, and able to provide fire service to all the annexation areas. Unger stated that what needed to be done in a fiscal plan was to make a commitment that you could, would, and were able to provide municipal services, capital and non-capital services, to the annexation areas consistent to how it was provided in the city. Unger explained that if it were ultimately determined that the statute was invalid, it was important that the city showed that they could and would provide fire protection for those areas.

Volan asked if there was an automatic review of the validity of that statute, or if the city had to sue.

Unger stated that it could come up in one of two ways, either the city or someone else filed a lawsuit against the state, similar to what had been done in the past, or it could come up in a remonstrance trial. Unger clarified that he thought without someone raising it in some form of litigation, or an agreement being reached between the parties, he didn't think there was an automatic review.

Hamilton stated that it was complicated, and they tried to approach it in the way that was most practical, and that if it changed, they had to be ready to change with it, but that they did not want to have uncertainty in the process. He said they needed to choose a way to go forward.

Volan stated that he thought what they did was the correct way to address both possibilities. He said that he just didn't know if there

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Council questions: (cont'd)

was an automatic judicial review of that subsequent action that happened only as a result of the illegal action taken by the General Assembly.

Hamilton stated he didn't believe so, as Unger said. He also explained that one other point was that fire jurisdictions may contract to provide the aid for another because of efficiencies. He said that one of the factors was that the annexation, if it went forward, it gave some years to identify ways to most efficiently provide fire services by mutual contract among different entities.

Piedmont-Smith asked about water and sewer hook-on costs. She stated that the City of Bloomington Utilities (CBU) currently provided service to people outside the city limits at a higher rate. She asked if someone could review what happened if a residential homeowner's property was part of an annexation area, and were annexed, and didn't currently have city sewer or water, what they would have to do and pay in order to get on city water.

Guthrie read a response from Vic Kelson, Director of Utilities. Guthrie read Kelson's response and stated that for new residential customers, the one-time connection fee for water was \$1,533 and for sewer it was \$2,775. The service areas for water utilities were settled between the CBU and CBU's wholesale customers years ago. A new water customer would seek a connection based on the service area in which the property was located. CBU would extend service only to areas within its service area. Some customers in the proposed annexation areas were presently served by CBU, some were served by other utilities who were CBU's wholesale customers, or they had a well. None of those arrangements would change except in the case of replacing a well, in which case the utility would be determined according to the service area map. In the event that an irresolvable dispute arose between CBU and a wholesale customer regarding the boundary, the Indiana Utility Regulatory Commission (IURC) would adjudicate.

Hamilton stated that just dealt with water. He said that CBU provided drinking water to everyone in the area, either directly to retail customers, or through wholesale contract providers, and there were boundaries set with those wholesale customers, who provided all the retail customers in that area and CBU provided the retail water service in all other areas. Hamilton explained that if someone wasn't currently on retail water service, whichever area they were in was who they would go to get the hook-on and get off the well. He said that sewer service was different and that CBU did not provide service to everybody in the area and that there were a number of other providers, and many people were on septic. He said that it didn't make a big difference in hooking on whether you were inside the city or not inside the city, that the rate may be different, but providing that service was a question of fiscal ability, and topographical reach. Hamilton clarified that there were people inside the city that were not on sewer service for various reasons, and there were many people outside the city who were on city service. He explained that the annexation didn't dramatically change the way someone got on sewer service, but there was an inside the city and outside the city rate.

Piedmont-Smith asked if somebody was on a street that had no sewer line, they couldn't pay the \$2,775 and get sewer hook-up because there was no line to their home.

Hamilton stated that would require putting in a sewer main to serve multiple customers, and that it wasn't done one by one.

Piedmont-Smith asked if that would be a negotiation with the city.

CITY ADMINISTRATION'S PRESENTATION ON ANNEXATION PROCESS

Council questions: *(cont'd)*

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Council questions: (*cont'd*)

Hamilton stated that it would be with CBU, and that being on a street with no sewer, whether you were in the city or outside the city, you would have the same discussion with CBU about that.

Rouker added that Hamilton was correct, but that there were other considerations as well, like gravity-fed sewers and engineering barriers to service in particular geographic spaces. He said there were lots of considerations to be taken in to account and it would be case specific.

Piedmont-Smith asked if the monthly fees were less for people within the city limits.

Rouker stated that wastewater rates were lower for those individuals who lived within the municipal boundaries of the City of Bloomington.

Hamilton clarified that for drinking water there was no difference.

Piedmont-Smith stated that there was no difference for drinking water as long as there was no wholesaler.

Hamilton confirmed that wholesalers had their own rate structure.

Piedmont-Smith asked if somebody currently got their water through a wholesaler, when they were annexed, would they automatically start getting water directly from CBU.

Hamilton stated that there would be no change.

Unger stated that was correct, that annexation did not change the utility service territories, and there were rules that governed the extension of mains to unserved areas. He said that if the three-year revenue from that property was going to exceed the cost of the main, in the city's boundaries, then the city was required to extend it for free, but was not required to do that outside of the boundaries. He said there were rules that dealt with the extension of sewer and water mains, and that the water rules had always applied to a city. Unger stated that there was a change in the statute a few years ago that expanded to municipal sewer utilities as well. He explained that there were recoupment functions and a three-year revenue allowance, as well as subsequent connector fees and more that could go into extending the facilities. He said that generally, a city would need to extend the facilities to areas within its boundaries, but if those areas were not annexed, the municipality was not required to provide service to those areas, unless they had an agreement to do so.

Flaherty noted that the next steps required a motion to properly introduce and read each of the resolutions by title and synopsis. He said that since council had disposed of a general overview presentation, they could now do that.

Sims asked if that was prior to public comment.

Flaherty confirmed that was correct, and that the introduction and reading by the Clerk by title and synopsis only, served as the introduction for each of those resolutions and as an opportunity for additional resolution-specific presentation or questions. He said that following the eight introductions and resolution-specific presentation or questions, council would move to public comment on the resolutions as a whole, though people were welcome to speak to any of them.

Volan asked if it was possible for council to vote on the eight resolutions to introduce them in one vote, since they were all closely related, or did each one have to be voted on separately.

Lucas stated that council should follow its normal process, of moving to introduce each item and proceeding to additional presentation by the administration, followed by council questions.

Council discussion:

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[8:40pm]

Flaherty moved and it was seconded that Resolution 21-09 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 21-09 (Updating Resolution 17-16) - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana – South-West A Bloomington Annexation Area

Sims stated that the city administration had the opportunity to address resolutions, one resolution at a time, and asked if there were further presentations for Resolution 21-09.

Guthrie stated there were not.

Hamilton stated that they did not intend to speak on any individual resolutions.

Sims asked for clarification regarding council questions, which followed presentations, but if there were no presentations, would there be questions on individual resolutions.

Flaherty said they could decide either way on that.

Lucas stated that the motion was worded to allow council members questions after each resolution was introduced, so he thought then would be the appropriate time to take questions on the particular resolution, one at a time.

There were no questions from the council.

Council questions:

Flaherty moved and it was seconded that Resolution 21-10 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 21-10 – (Updating Resolution 17-17) - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana – South-West B Bloomington Annexation Area

There were no questions from the council.

Council questions:

Flaherty moved and it was seconded that Resolution 21-11 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 21-11 (Updating Resolution 17-18) - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana – South-West C Bloomington Annexation Area

There were no questions from the council.

Council questions:

Flaherty moved and it was seconded that Resolution 21-12 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 21-12 – (Updating Resolution 17-19) - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana – South-East Bloomington Annexation Area

There were no questions from the council.

Council questions:

Flaherty moved and it was seconded that Resolution 21-13 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-14 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-15 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-16 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Piedmont-Smith stated she believed it was Area 7, which was very rural and didn't have much development. She stated she wanted to hear the administration's rationale for including that area.

Underwood responded that it was looked at as a main gateway into the city and the development of that area would be crucial for the city. He said that while it was more rural than other areas, the administration thought it was an important part of what people would consider the City of Bloomington. He stated that you even see the "Welcome to the City of Bloomington" sign via that entryway.

Guthrie added that it was right along Interstate 69 (I-69) which was another area that would likely develop more, and the area was urbanized, according to the definition in the statute. She said there were enough subdivided parcels, and that there were utilities there too.

Piedmont-Smith asked what the population density for that area was.

Guthrie stated that she did not have that off the top of her head but that they would get that information to council.

Resolution 21-13 – (Updating Resolution 17-20) - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana – North Island Bloomington Annexation Area

Council questions:

Resolution 21-14 – (Updating Resolution 17-21) - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana – Central Island Bloomington Annexation Area

Council questions:

Resolution 21-15 (Updating Resolution 17-22) - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana – South Island Bloomington Annexation Area

Council questions:

Resolution 21-16 – (Updating Resolution 17-24) - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana – North Bloomington Annexation Area

Council questions:

Piedmont-Smith asked if the exit on North Walnut [College] St, heading south to Bloomington, was in the area or was already a part of Bloomington.

Guthrie stated she would get that information to council.

Resolution 21-16 (cont'd)

Council questions:

Flaherty asked about the varying definitions of urbanized. He stated that council had received feedback from residents in that area noting their population density was low. He clarified that there were other definitions of urbanized, one being 60% or more parcels had been subdivided, which might qualify the area. He asked how far back the subdivision needed to have happened. Flaherty mentioned that land use had changed over time, so he didn't know what the area looked like 100 years ago.

Unger stated that there were lots of definitions and litigation over what subdivided meant in the annexation statute. He said that generally it was subdivided according to the zoning that applied to that area. He explained that it would be the county zoning ordinance and how they defined the term subdivided, but that was one factor, and another was the city's definition of subdivided. Unger stated that there was no single definition but that the most compelling factor was how it was defined in the zoning ordinance.

Flaherty asked whether or not an area was urbanized affected the ability for remonstrance.

Unger explained that urbanized was not a requirement to move forward with an annexation or for an annexation to ultimately become effective. He clarified that it was only an issue with a remonstrance. He said there were different reasons to approve an annexation, like that the area could be used for the City of Bloomington's development in the future. He said that even if an area wasn't 60% subdivided, or three persons per acre, or zoned for commercial, business, or industrial use, that the city could annex the area if the city could demonstrate it was needed for development.

Lucas read a written comment that was submitted from Dave Askins of the B Square Beacon who commented on the city's annexation web page and the data listed therein.

Public comment:

Phillip Argente commented on Area 1B.

Julie Thomas spoke about the annexation process, impact statements, fire protection, utilities, other projections, and the court system.

Jim Shelton discussed Tax Increment Finance (TIF) funding and funding reductions and the county's Redevelopment Commission.

Flaherty discussed TIF funding and stated that if a county TIF district had an obligation to a bond, that increment wouldn't be impacted by annexation until that bond was completely paid off. He asked if that was correct and if there was more information that would help explain how a county TIF district would be impacted by potential annexations.

Council comments:

Rouker mentioned that the city was planning on sending representatives to the county's June 16 RDC meeting to talk about annexation and its impact on the county. He said that Flaherty correctly represented the situation of bonds that had been issued.

Unger elaborated that Stricker could address the calculation, but that the annexation didn't make the county TIF go away, the county TIF continued to be there and continued to collect increment as long as there were outstanding bonds. He explained that the county's RDC would have to get permission from the city, after annexation, to

issue new bonds from that TIF district, from the TIF area that the city annexed. He clarified further that they would continue to collect all of the increment from the prior taxing units to pay off existing debt.

Stricker agreed, and stated that he would have a TIF expert in the firm draft an informational document and make it available to the public if the city would like.

Flaherty responded that it would be helpful. He said that the administration meeting with the county RDC would also be helpful and would provide more clarity.

Sgambelluri asked about the impact on revenues and expenses, and about the relationship of Local Income Tax (LIT) dollars and how that might shift for those areas that were annexed.

Stricker explained that income tax was on a 2-3 year delay, and the state calculation included the prior year's levy, and the difference between the current year's income tax distribution and the previous year's income tax distribution. He described that in the first year, when the levy was adjusted, there was no impact to LIT, the second year would have a partial impact, and the third year would have the full impact. He clarified that it reduced the percentage shared for other units, so the city would receive a larger percentage of the total income tax pool that was available.

Sgambelluri asked if additional Public Safety LIT (PSLIT) dollars would go to Bloomington Police and Bloomington Fire and fewer dollars would go to Monroe Fire District.

Stricker stated that as a percentage of the total, that was correct. He mentioned that the total income tax available countywide grew significantly every year, so while the percentage share might be lower, it was likely that there would be a slight increase from year to year.

Sgambelluri asked if it was in actual dollars.

Stricker confirmed that was correct, but that it wouldn't be as much of an increase had the city not done the annexation.

Underwood clarified that the PSLIT was a separate calculation and that only the four units of government; the county, city, Stinesville, and Ellettsville received those distributions. He said that the fire district did not, that they received a certified share distribution which went to all units of government except for the school system. He stated both would be impacted.

Sandberg thanked Bolden for forwarding the minutes from the last sessions regarding the annexation. Sandberg said that annexation caught a lot of people flat-footed, and certainly the colleagues in the county. She said that she appreciated the concerns expressed by Commissioner Thomas regarding additional outreach and information since much time had gone by. Sandberg stated that one public session on August 4 would not be sufficient. Sandberg also stated that council members had planned to have meetings with county colleagues, and asked how to approach that plan in addition to the administration meeting with bodies such as the RDC. Sandberg expressed concerns about people having adequate information to prepare for annexation, and for council to have the information they needed to pare things back where it made sense. She appreciated all the information that had been shared that evening, but thought there were a lot more questions that needed to be answered.

Piedmont-Smith asked the administration what outreach plans they had in order for the people in the proposed annexation areas to get more information.

Resolution 21-16 (cont'd)

Council questions:

Resolution 21-16 (cont'd)

Unger stated that the next step in the process that was being prepared, were notice packets that would go out to every single landowner in the annexation territory. He explained that “across the road” parcels, or those who had property within the right of way, would also receive packets because of the city’s obligation to take over responsibility for all of the roads within the boundary of the annexation territory. He said that he believed the packets would go out around June 1 in advance of the August 4 start of the public hearing. He said the packets included maps of all the annexation boundaries, each annexation area, the legal descriptions, zoning maps, and a detailed summary of the fiscal plan. He explained that the full fiscal plan and information was available on the city’s annexation website, and also contact information for how to reach the city with questions. Unger stated that the city was not prohibited from making additional outreach or providing more information. Unger stated that he had participated in many annexations, and that Bloomington had a lot more information available to the public than any other annexations he had done. He included the process that was started in 2017, and the detailed parcel by parcel tax impact analysis.

Council questions:

Guthrie added that there was information on the website that was designed to be extensive. She stated that there was a comment form, and a statutorily required phone number, and that the city would respond. Guthrie iterated that the city would meet with people upon request. She commented that the city was to meet with the county RDC.

Rouker stated that the administration was answering and responding to daily questions already. Rouker stated that wasn’t something that was seen by the public, or something Commissioner Thomas saw, but that staff would respond to inquiries and guide the public through the parcel by parcel impacts.

Piedmont-Smith asked if there were any plans to have an open house as was done in 2017.

Guthrie stated that there were no plans to have an open house because that had already been conducted and about 300 people showed up. She said that the additional outreach outside of the open houses, was very robust. She clarified that the administration decided to pick up where it left off rather than start the process over, partially for cost reasons.

Rouker stated that, speaking on his personal experience, he found the one-on-one phone conversations or email chains that he had with individuals to be far more productive and useful in explaining things. He said that it was useful for individuals too, and got them precisely the information they wanted, as opposed to a giant group.

Piedmont-Smith asked if staff would be willing to meet with County Council constituents, if they had constituent meetings as County Council or County Commissioners.

Guthrie replied yes.

Hamilton stated that he had been in regular contact with county officials, indicating interest in, and willingness, to meet anytime to talk about annexation boundaries, fiscal impacts, and said that they had regular meetings with leadership. He said that they had reached out to the school corporation, the library, and others, and that the conversations had been productive, and helpful, and that staff was happy to have many more of those conversations.

Volan said that the total cost in 2017, version 3.0, was around \$700,000-750,000. He asked how much the update for 4.0 cost the city.

Guthrie stated that the city didn’t have an invoice yet.

Volan asked for a ballpark figure.

Guthrie responded that the administration wasn't starting from the beginning, since Reedy already had much of the data.

Stricker said that it wasn't going to cost the city \$700,000 or even close to that.

Volan asked if there was a do-no-exceed on the contract.

Stricker stated that the initial contract was for updates, and there had been a few special projects. He reiterated that it wouldn't be close to \$700,000.

Hamilton explained the types of engagements, including hourly costs, production of reports, attendance of meetings, and working in response to documents, and that the total cost depended on the next 4-5 months. He said that it was expected to be significantly less but it depended on how many meetings, and analyses, were done. He said that they were appreciative of the collaboration and were trying to make it as efficient as possible going forward.

Volan said that the figure of what it cost to prepare everything four years ago was known to council when the presentation was made in February of 2017. He imagined it was a fraction of the cost it took to originally prepare everything.

Hamilton said that he would give council a best estimate, and said that the illegal action of the state legislature cost the taxpayers of Bloomington a lot, which was unfortunate. He said that the city lawyers who handled it internally saved the city a lot of money by getting the victory in the Indiana Supreme Court. He thanked Guthrie, Rouker, and Larry Allen for their work. He reiterated that it was unfortunate that the action in 2017 cost everybody hundreds of thousands of dollars.

Volan thanked everyone and stated he looked forward to the estimate.

Piedmont-Smith asked if there would be a vote on each of the resolutions separately, and then an opportunity to speak to each particular resolution, or if it was comments on any resolution.

Sims responded that there could be questions and concluding comments on any resolutions before moving on to vote.

Flaherty agreed, and said that it wasn't entirely specified and he thought either would be appropriate. He mentioned that there could be a brief explanatory sentence or two, with regard to a particular resolution, to explain how councilmembers were voting.

Piedmont-Smith stated that she was not in support of Area 7 because it was too rural and not developed, so she would be voting against that resolution.

Flaherty thanked all the presenters and said that he would be voting yes to all the resolutions, as a step in the process of understanding the projected fiscal impact. He said that he didn't take his vote on resolutions or ordinances to mean that he supported that area for annexation, and would continue to consider all aspects moving forward.

Flaherty moved and it was seconded to adopt Resolution 21-09. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-09
[9:47pm]

Flaherty moved and it was seconded to adopt Resolution 21-10. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-10
[9:48pm]

Flaherty moved and it was seconded to adopt Resolution 21-11. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-11
[9:49pm]

Resolution 21-16 (cont'd)

Council questions:

Flaherty moved and it was seconded to adopt Resolution 21-12. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Vote to adopt Resolution 21-12 [9:50pm]

Flaherty moved and it was seconded to adopt Resolution 21-13. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Vote to adopt Resolution 21-13 [9:51pm]

Flaherty moved and it was seconded to adopt Resolution 21-14. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Vote to adopt Resolution 21-14 [9:52pm]

Flaherty moved and it was seconded to adopt Resolution 21-15. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Vote to adopt Resolution 21-15 [9:53pm]

Flaherty moved and it was seconded to adopt Resolution 21-16. The motion received a roll call vote of Ayes: 6, Nays: 3 (Piedmont-Smith, Rollo, Sandberg), Abstain: 0. Vote to adopt Resolution 21-16 [9:54pm]

Sims stated that the following ordinances were first introduced on March 29, 2017, at the Regular Session, and that council could consider technical amendments but could not vote on the ordinances that would be heard at a public meeting in August.

Lucas responded that council should entertain motions, one at a time, to introduce each ordinance, rather than introduce a motion to adopt. He said that the council could then entertain motions to amend each of the ordinances, and that each ordinance had an associated Amendment 01 that made technical changes. Lucas stated that a motion to introduce, a vote on that, and then a motion to amend would be the appropriate steps.

Flaherty moved and it was seconded that Ordinance 17-09 be introduced and read by title and synopsis only.

Ordinance 17-09 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-West A Bloomington Annexation

Sims asked if council was asking the clerk to reread the ordinances.

Flaherty stated that they would need to be reread.

Unger stated that the ordinances had already been introduced in 2017, and that it was not an introduction to the ordinances, but rather an amendment to the ordinances.

Flaherty responded that at any reading of an ordinance, it was introduced and read, and that this was introduction at another reading in order to consider amendments.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 17-09.

Amendment 01 to Ordinance 17-09

Amendment 01 Synopsis: This amendment updates Ordinance 17-09 to bring the proposed ordinance forward to 2021 so that it may be properly considered by the Common Council. It also updates the map (Exhibit A) and legal description (Exhibit B) for South-West A Bloomington Annexation Area.

Guthrie stated that the amendments were technical in nature and updated dates, removed outdated language, and removed Area 6. She stated that Ordinance 17-09, Area 1A, was different because it had the Cook parcels, and the other ordinances had the same amendment.

Sgambelluri stated that the effective date was listed as January 1, 2024 and that there was a municipal election in 2023. She asked if it was correct that if council annexed an area, the residents would not be able to vote until January 1, 2024.

Guthrie confirmed that was correct.

Sgambelluri asked why the effective date was 2024 and not 2023.

Guthrie stated that they considered 2023 but that the administration wanted to give as much time as possible for the transition period for both the city and the residents who might be annexed. She said that they could not go beyond 2024 because of the limit of three years, and they were halfway through one year.

Rouker stated that the maximum permissible extension or delay in the effective date was three years. He said that the administration wanted to give the residents in the annexation areas as much time as possible, as well as city staff too, to prepare to provide services, which was why the administration selected the longest permissible date.

Sgambelluri asked what kinds of things the extra year would allow the city to do.

Guthrie explained that it would be used to hire additional staff that would be needed to service the area. She said that the city would be taking on 80+ miles in roads. She further explained that there were a lot of the costs in the fiscal plan.

Sgambelluri said that the trade-off would be to get more time, but there would be individuals who wouldn't get to vote on the person who would represent them a few months later.

Rouker said that the extra time gave the city time to prepare for providing services, the more important point was that it delayed the tax impact on those individuals in the annexation areas by a year. He clarified that it also gave more time to the overlapping units, too.

Volan asked if the administration considered the impact of redistricting for only 2023, and then again in 2023 for 2024. He said that if annexation began in 2023, one map sufficed for 10 years.

Unger stated that the ordinances addressed the redistricting requirement and that the obligations depended on what areas were ultimately annexed, with or without a remonstrance. He said that it was not required to redistrict before completing an annexation, and the annexed areas could be taken into account in how the boundaries were drawn for council districts. He said there were certain requirements for redistricting, unless they were addressed ahead of the effective date of the annexations.

Volan said that it was difficult to redraw boundaries, and that it took a lot of time. He commented that the independent commission would redistrict for one election in one year, but that came after it was known what areas were annexed.

Rouker clarified that there was never an intention to have an effective date of 2024, and that it was a consequence of the state legislature. He explained that the administration had always intended to give residents as much time as possible to anticipate the annexation.

Piedmont-Smith asked from what date the three year maximum time period calculated.

Unger stated that it was from the date of adoption.

Piedmont-Smith stated that if the adoption date was in October of 2021, the effective date could be October of 2024, and asked if it had to be January 1.

Unger responded that it did not, but that for planning reasons, it was easier to line up with the assessment date, which was January 1.

Amendment 01 to Ordinance 17-09 (cont'd)

Council questions:

Piedmont-Smith commented that staff wanted to give people as much time as possible, and stated that perhaps the hassles of an October effective date outweighed an additional 9-10 months.

Amendment 01 to Ordinance 17-09 (*cont'd*)

Council questions:

Lucas read a comment from Dave Askins, of B Square Beacon, regarding the effective date.

Public comment:

Piedmont-Smith commented on the concerns raised by her colleagues, including that many new residents wouldn't get to vote in the election. She was also concerned about redistricting, and stated that the default districts not being proportional, as well as the implementation date.

Council comment:

The motion to adopt Amendment 01 to Ordinance 17-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 17-09 [10:16pm]

President Sims passed the gavel to Vice President Sgambelluri.

Flaherty moved and it was seconded that Ordinance 17-10 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8 (Sims out of the room), Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-10 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-West B Bloomington Annexation

Flaherty stated that the synopses that were being read for the ordinances, were included in the amendments that were to be considered that evening, which also updated the synopses to reflect updated resolutions and dates. He said when Bolden read the synopses, the dates reflected 2017, but would be updated with the amendments.

Lucas confirmed that was correct.

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 17-10.

Amendment 01 to Ordinance 17-10

Amendment 01 Synopsis: This amendment updates Ordinance 17-10 to bring the proposed ordinance forward to 2021 so that it may be properly considered by the Common Council.

Guthrie presented Amendment 01 which was the same technical amendment that changed dates, removed language from 2017 that was no longer relevant, and changed the name of council president.

There were no questions from the council.

Council questions:

There was no comment from the public.

Public comment:

There was no comment from the council.

Council comment:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 17-10 [10:23pm]

Flaherty moved and it was seconded that Ordinance 17-11 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-11 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South-West C Bloomington Annexation

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 17-11.

Amendment 01 to Ordinance 17-11

Amendment 01 Synopsis: This amendment updates Ordinance 17-11 to bring the proposed Ordinance forward to 2021 so that it may be properly considered by the Common Council.

There were no questions from the council.

Council questions:

There was no comment from the public.

Public comment:

There was no comment from the council.

Council comment:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 17-11 [10:31pm]

Flaherty moved and it was seconded that Ordinance 17-12 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-12 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South-East Bloomington Annexation

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 17-12.

Amendment 01 to Ordinance 17-12

Amendment 01 Synopsis: This amendment updates Ordinance 17-12 to bring the proposed Ordinance forward to 2021 so that it may be properly considered by the Common Council.

There were no questions from the council.

Council questions:

There was no comment from the public.

Public comment:

There was no comment from the council.

Council comment:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 17-12 [10:35pm]

Flaherty moved and it was seconded that Ordinance 17-13 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-13 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing 4 Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - North Island Bloomington Annexation

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 17-13.

Amendment 01 to Ordinance 17-13

Amendment 01 Synopsis: This amendment updates Ordinance 17-13 to bring the proposed Ordinance forward to 2021 so that it may be properly considered by the Common Council.

There were no questions from the council.

Council questions:

There was no comment from the public.

Public comment:

There was no comment from the council.

Council comment:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 17-13 [10:40pm]

Flaherty moved and it was seconded that Ordinance 17-14 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-14 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - Central Island Bloomington Annexation

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 17-14.

Amendment 01 to Ordinance 17-14

Amendment 01 Synopsis: This amendment updates Ordinance 17-14 to bring the proposed Ordinance forward to 2021 so that it may be properly considered by the Common Council.

There were no questions from the council.

Council questions:

There was no comment from the public.

Public comment:

There was no comment from the council.

Council comment:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 17-14 [10:44pm]

Flaherty moved and it was seconded that Ordinance 17-15 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-15 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South Island Bloomington Annexation

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 17-15.

Motion to adopt Am 01 to Ordinance 17-15

Amendment 01 Synopsis: This amendment updates Ordinance 17-15 to bring the proposed ordinance forward to 2021 so that it may be properly considered by the Common Council.

There were no questions from the council.

Council questions:

There was no public comment.

Public comment:

There was no council comment.

Council comment:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Am 01 to Ordinance 17-17 [10:48pm]

Flaherty moved and it was seconded that Ordinance 17-17 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-17 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - North Bloomington Annexation

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 17-17.

Amendment 01 to Ordinance 17-17

Amendment 01 Synopsis: This amendment updates Ordinance 17-17 to bring the proposed ordinance forward to 2021 so that it may be properly considered by the Common Council.

There were no questions from the council.

Council questions:

There was no comment from the public.

Public comment:

There was no comment from the council.

Council comment:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 17-17 [10:52pm]

LEGISLATION FOR FIRST
READING [10:52pm]

Flaherty moved and it was seconded that Ordinance 21-30 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-30 - To Amend Title 16 of the Bloomington Municipal Code Entitled "Residential Rental Unit and Lodging Establishment Inspection Program"

Sims referred Ordinance 21-30 to the Housing Committee meeting on May 26, 2021 at 5:45pm.

There was no public comment.

ADDITIONAL PUBLIC COMMENT

Lucas reviewed the council schedule and upcoming legislation. He stated that the council would need to consider an electronic meeting policy, following recent state laws that were passed, that affected councilmembers' ability to meet virtually.

COUNCIL SCHEDULE [10:56pm]

Piedmont-Smith moved to hold a Special Session of the Council on May 26, 2021 at 7pm. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to hold Special Session [11:02pm]

There was brief council discussion.

Flaherty moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [11:07pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In Bloomington, Indiana on Wednesday, August 04, 2021 at 3:00pm, Council President Jim Sims presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
August 04, 2021

Clerk's Note: The Special Session commenced in City Hall Council Chambers, but was recessed and reconvened via Zoom due to the public health emergency.

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers present via Zoom: Dave Rollo, Kate Rosenbarger, Susan Sandberg
Councilmembers absent: none

ROLL CALL [3:02pm]

Flaherty stated that due to concerns for public health and safety, he moved and it was seconded that council recess at 4:00pm, August 04, 2021 and reconvene in virtual form only, continuing to use the Zoom meeting information available in the agenda and packet.

Motion to recess and reconvene
[3:03pm]

Flaherty stated that in Monroe County, the Covid-19 vaccination rates were just above 50%, and that cases of Covid-19 and hospitalizations had been steadily rising over the last month. He explained that the Delta variant of the novel coronavirus was highly contagious, and was now responsible for a strong majority of cases in Indiana. He further explained that for those reasons, it was his view that hosting a potentially large, in-person gathering at City Hall, even with safety protocols in place, was not in the best interest of public health and safety of the community at the time. Flaherty apologized for the inconvenience to those who planned to comment in person today. He said that the uncertainty of Governor Holcomb extending the state of emergency, and the requirements for noticing the public of the public hearing on the proposed annexation, made it unfeasible to reschedule the meeting to be virtual prior to the motion. He stated that participants would still have the opportunity to share their comments in the virtual meeting and it did not diminish the critical importance of the meeting. He also stated that the council continued to welcome feedback from the public via email and mail to the council office.

Rollo stated that he agreed with Flaherty with regard to the motion, and commented on Covid-19 and the Delta variant. He stated that he would be supporting the motion.

Piedmont-Smith mentioned that if someone did not have access to the technology for Zoom, that the public library had public computers, and was open until 9pm. She stated that due to the public health concerns, she would be supporting the motion.

Volan commented that in the motion on how the meeting was structured, there was a half hour recess, which seemed to no longer be needed. He asked if was appropriate to move to remove the recess.

Sims stated that the motion to remove the recess would be entertained once council reconvened online.

Sandberg commented that the following day, Thursday, August 05, 2021 was being held as an overflow night, she hoped that it could also be dealt with that evening for the public's sake.

Rollo said that if in-person participants had a comment in writing, to give it to Council Attorney, Stephen Lucas, for distribution to the council. Motion to recess and reconvene (cont'd)

Sims stated that there were contingency dates, but that council would wait to announce the dates, in case they were not needed. He said that the meetings had to be properly and publicly noticed, and when the night's meeting was scheduled, it was prior to the governor extending the emergency health order.

Volan asked how many individuals were participating via Zoom. Vote to recess and reconvene [3:16pm]
Lucas stated there were 139 online, including staff.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Clerk's Note: the following minutes were for the meeting reconvened via Zoom, on August 4, 2021 at 4:00pm. Reconvening of Special Session [4:02pm]

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived 4:16pm) ROLL CALL [4:03pm]
Councilmembers absent: none

Council President Jim Sims summarized the agenda. AGENDA SUMMATION [4:03pm]

Sims stated that the meeting continued annexation proceedings that the City of Bloomington began in 2017, which was put on hold in 2017 as a result in changes of state law and subsequent litigation. He said that the city was now able to resume the annexation process and the council was at the required public hearing stage of that process, where all interested parties had the opportunity to testify to the proposed annexations. He continued that, not sooner than 30 days and not longer than 60 days following the completion of the public hearing, the council could vote on the annexation proposals. He explained that the council would not vote or deliberate on any of the ordinances at the meeting that day and there would not be back-and-forth dialogue with council and members of the public. He provided council's email address and street address. Sims also stated that submitted written comments would not be read at the meeting but would be circulated to council members and city staff. Sims explained that council would consider a motion to structure debate to allow speakers to comment on as many ordinances as they wished during one comment period, and not wait for each ordinance. He asked the public to keep their comments to the point since there were many people who wished to speak. He explained the timer, as well as other rules and structure, for public comment.

Flaherty moved and it was seconded to conduct the meeting in the following manner: Vote to structure debate [4:14pm]

- The Council will hold a public hearing concerning the annexations proposed by Ordinance 17-09 through Ordinance 17-15, and Ordinance 17-17.
- Interested parties shall have an opportunity to testify as to the proposed annexations.
- Speakers will have one opportunity to speak for up to three (3) minutes, during which time the speaker may comment on as many of the eight (8) proposed annexation ordinances as they wish.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Volan arrived 4:16pm). Vote to structure debate [4:14pm]

Flaherty moved and it was seconded to dispense with the previously scheduled recess from 5:45pm to 6:15pm, instead conducting this meeting without recess until the previously established end time. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Volan, arrived 4:16pm). Vote to dispense recess [4:16pm]

Nicki Williamson discussed a forthcoming amendment to remove Edgewood Hills from the annexation areas. PUBLIC HEARING [4:20pm]

Bart Farrell spoke against annexation.

Dan Williamson commented on growth in the city.

Jim Burton spoke against annexation for Area 7.

Jaimmie Ford was opposed to annexation.

Suzie Rimstidt spoke about accessible transportation.

Bob Rimstidt commented on his neighborhood and services in Area 1A.

Tom McGhie argued against annexation of his home in Area 1B.

Barbara Leininger spoke against annexation.

Jayne McCallister commented against annexation.

Andrew Briggs spoke against annexation.

Jocelyn Bowie discussed reasons against annexation.

Jim Shrum talked against annexation.

Steven Layman spoke against annexation.

Penny Githens listed reasons against annexation.

Charlotte Zietlow spoke against annexation.

Ed Cook commented against annexation.

David Garrett discussed annexation and his properties in and out of the city.

Brett Boles spoke against annexation.

Shelley Kilghist expressed concerns against annexation.

Ryder Timberlake talked against annexation.

Susan Brackney spoke against annexation.

Therron Thomas spoke about people with disabilities and against annexation.

Rita Barrow commented against annexation.

Christina Swanson discussed her property and being a landlord.

Mark Figg spoke in favor of annexation.

Marlis Kilghist expressed concerns against annexation.

PUBLIC HEARING (*cont'd*)

Carol Benedict spoke against annexation.

Stephanie Jones commented against annexation.

Christopher Landvay discussed reasons he was against annexation.

Paul Post discussed proposed annexation and the Bloomington Police Department (BPD).

Mark Riggins spoke against annexation.

Julie Thomas commented against annexation and spoke about revenue reduction.

Elisa Kilghist urged council to vote against annexation and gave reasons.

Mark Furnish spoke against annexation.

Allen Edwards commented about taxes and against annexation.

Jim Shelton discussed reasons against annexation.

Jean Donatelo opposed annexation.

Margaret Clements spoke against annexation.

Colby Wicker discussed reasons against annexation.

Susan Wilson spoke against annexation.

Julie Caplan commented against annexation.

June Salie expressed reasons against annexation.

Ginger Faust provided reasons against annexation.

Dan Dodge commented on annexation.

Debbie Reed spoke on reasons against annexation.

Jim Ekh did not agree with the annexation proposal.

Mary Born discussed reasons against annexation.

Thomas Schwandt added reasons against annexation.

Stephen Crider opposed annexation.

Sarah Long expressed concern against annexation.

Lucas reviewed the upcoming schedule including the annexation process, amendments to the annexation ordinances, the council work session on Friday, August 6, and the upcoming committee meetings. Lucas also discussed upcoming legislation.

COUNCIL SCHEDULE [6:40pm]

There was discussion about the council schedule and the annexation process.

Piedmont-Smith moved and it was seconded to recess the meeting and reconvene on Wednesday, August 11 at 6pm to finish up the annexation hearings. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Volan).

Vote to recess [7:14pm]

The meeting was recessed.

RECESS [7:14pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In Bloomington, Indiana on Wednesday, August 11, 2021 at 6:00pm, Council President Jim Sims presided over a Special Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
August 11, 2021

Clerk's Note: The ordinances listed in Legislation for Second Readings were first introduced at the Common Council's March 29, 2017 Special Session. The Common Council reconvened a Special Session that began on August 04, 2021, and was recessed in order to continue the public hearing and receive additional comments from the public on the ordinances on August 11, 2021.

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:01pm]

Council President Jim Sims summarized the agenda and reviewed the structure of the meeting.

AGENDA SUMMATION [6:03pm]

Reconvening Public Hearing from August 04, 2021

LEGISLATION FOR SECOND
READINGS AND RESOLUTIONS
[6:09pm]

Public comment related to all legislation for second reading: (*cont'd*)

Lee Jones spoke against annexation.

Ordinance 17-09 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South-West A Bloomington Annexation

Ed Cook discussed senior citizens and spoke against annexation.

Eric Warren commented against annexation.

Barbara Frey opposed annexation.

Tony Setille spoke against annexation.

Barry Knowing discussed reasons against annexation.

Ordinance 17-10 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South-West B Bloomington Annexation

Pamela Tier Snyder expressed many concerns against annexation.

Linda Summit opposed annexation.

Jacquelyn Porter spoke against annexation.

Don Creek provided reasons against annexation.

Ken Day urged council to vote against annexation.

Paul Green spoke against annexation.

Ordinance 17-11 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South-West C Bloomington Annexation

Sam McHenry expressed concerns against annexation

Rex Curts opposed annexation.

Eric Weigold spoke against annexation.

Steve Patterson talked against annexation.

Jon Dole provided reasons against annexation.

Karen Lesella spoke against annexation.

Jacquelyn Porter read a statement in opposition to annexation on behalf of her neighbor Susan Scales.

Forest Gafford spoke in opposition to annexation.

Betty Rose Nagle expressed opposition to annexation.

Eileen Crane provided reasons against annexation.

Sarah Myers was against annexation.

Lucas read a question sent via Zoom chat, asking if the public could send emails to council members directly. Lucas confirmed that yes, each council member had their own email address.

Sims announced to the public that the public hearing was closed.

Ordinance 17-12 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South-East Bloomington Annexation

Ordinance 17-13 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - North Island Bloomington Annexation

Ordinance 17-14 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - Central Island Bloomington Annexation

Ordinance 17-15 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South Island Bloomington Annexation

Ordinance 17-17 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - North Bloomington Annexation

Lucas reviewed the upcoming council schedule. Lucas also reviewed the annexation process and schedule. There was brief council discussion. COUNCIL SCHEDULE [7:22pm]

Volan moved and it was seconded to host a Special Session on August 31, 2021 at 6:30pm. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Vote to schedule Special Session [7:35pm]

Flaherty moved and it was seconded to adjourn. Sims adjourned the meeting. ADJOURNMENT [7:38pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In Bloomington, Indiana on Tuesday, August 31, 2021 at 6:30pm, Council President Jim Sims presided over a Special Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
August 31, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo (arrived at 6:41pm), Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:32pm]

Council President Jim Sims summarized the agenda and reviewed the structure of the meeting.

AGENDA SUMMATION [6:33pm]

Flaherty moved and it was seconded that Ordinance 17-12 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Rollo arrived 6:41pm). Clerk Nicole Bolden read the legislation by title and synopsis.

LEGISLATION FOR SECOND
READINGS AND RESOLUTIONS
[6:09pm]

Ordinance 17-12 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-East Bloomington Annexation

Sgambelluri moved and it was seconded to adopt Amendment 02 to Ordinance 17-12. Sgambelluri presented Amendment 02.

Amendment 02 to Ordinance 17-12

Amendment 02 Synopsis: This amendment is sponsored by Cm. Sgambelluri and would remove the identified parcels from the Area 2 Annexation Territory.

Philippa Guthrie, Corporation Counsel, stated that the administration was neutral on Amendment 02 to Ordinance 17-12 because it was five parcels, at least one was Sycamore Land Trust so there was a covenant on it, and one of the five parcels was waived and none had sewer or water.

Volan asked how one of the properties was waived, but did not have City of Bloomington Utilities (CBU) service.

Council questions:

Michael Rouker, City Attorney, responded that a property owner wanted to have the option of sewer extended to them, and for a variety of reasons, they had signed a waiver. He said the city had an obligation to serve them if they agreed to pay the necessary fees to have sewer extended to them.

Volan asked under what circumstances the city extended the sewer main.

Rouker explained that the city would extend sewer mains for municipal residents, and for non-municipal residents, the city's policy was not to extend sewer mains absent exceptional circumstances.

Volan asked if no properties would be extended sewer unless they agreed to be annexed.

Rouker stated that was the current City Utilities Service Board (CUSB) policy, though there were exceptions like the library extension currently being built.

Smith asked Rouker to elaborate on Volan's questions.

Rouker explained that the current threshold for utility services was that 60% of the residents wanted sewer service extended to them, and if they signed an agreement, then the city would extend the service. He said that within the city, if one property was willing to pay for the extension of sewer service, absent statutory credits, the city had a legal obligation to extend sewer main to their property if they were willing to pay for it and the connection fee.

Volan asked if the city extended sewer mains in anticipation of development.

Rouker confirmed that was correct.

Steve Unger, outside counsel, Bose, McKinney, and Evans, clarified that statutory changes subjected the city to the Indiana Utility Regulatory Commission's (IURC) Main Extension Rules which required the city to extend service for free if the cost was less than three years of revenue that the city receive from that area. He said there were other requirements and credits.

Volan asked if the three years revenue was the cost of transmission and not the cost of the water.

Unger explained that it was the total revenue the city would see from that revenue, including water consumption.

Piedmont-Smith asked if a property owner, or group of property owners, wanted sewer service, they would have to pay for it.

Rouker confirmed that was correct, that there were fees that varied in each circumstance.

Piedmont-Smith asked if 60% of property owners of an area had to agree that they wanted sewer service before it would be extended to them.

Rouker stated that if even an individual wanted to pay the full cost of an extension, and if there were no capacity issues, CBU would extend sewer service to that individual if they were in the municipal corporation.

Piedmont-Smith asked if, the requirement was that the city had to provide sewer connection if the cost of extending was less than three years of revenue from those new customers, was only within city limits.

Unger confirmed that was correct.

Piedmont-Smith asked about an individual living outside the city boundaries.

Unger stated that the current policy of the Utility Board that the city would not extend service outside of their boundaries even if the revenue to the city would exceed the cost of the extension.

Volan asked that the five parcels to be identified, and to specify which were protected by the easements with the Land Trust.

Sgambelluri identified the parcels.

Volan pointed out that the two parcels were permanently protected by conservation easements with the Land Trust.

Sgambelluri confirmed that was correct. She also explained that the parcel to the east was partially owned by the Sycamore Land Trust.

Piedmont-Smith stated that the parcels were not going to be developed, and asked if there were similar parcels in other areas to be annexed, like south of Rhorer Road, and why the areas in Amendment 02 were any different than other areas to be annexed.

Sgambelluri stated that those were the parcels that were brought to her attention.

Amendment 02 to Ordinance 17-12 (cont'd)

Council questions:

Guthrie responded that the administration looked extensively at parcels that looked undeveloped, but were prime for development, or were already in development. She said that the five in Amendment 02 had no sewer or water service, and there was only one structure and were unlikely to be developed.

Amendment 02 to Ordinance 17-12 (cont'd)

Council questions:

Piedmont-Smith asked about a parcel south of Rhorer Road, west of E. Summer Creek Drive, and east of Jackson Creek Drive that looked very similar.

Sims interceded to ask if it was procedurally relevant to discuss other parcels not pertaining to Amendment 02.

Piedmont-Smith stated that she had been attempting to apply the same logic to other parcels to be able to decide if she was going to support the amendment.

Piedmont-Smith asked if someone from the administration could speak to the undeveloped parcels, and why they did not meet the same criteria as the areas in Amendment 02.

Rouker stated that some areas provided contiguity, and described the need for contiguous parcels, which was a requirement for annexation. He also explained that it was difficult to apply a standards universally.

Piedmont-Smith clarified her reason for asking, including the creek and floodplain, and stated that contiguity made sense.

Flaherty asked if the administration was aware of other parcels that would fit the criteria, both undeveloped and undevelopable because they were protected by land trust.

Rouker stated that they were not aware of parcels like that, but that he did not look at all the restrictive covenants on the thousands of parcels in the annexation areas.

Flaherty said that to Rouker's knowledge, no one had contacted the city with a restrictive covenant.

Rouker confirmed that was correct.

Flaherty stated that there was a case to be made for Amendment 02 and a parcel being undeveloped and undevelopable due to a land trust, but questioned if that precluded something from being annexed. He commented on several parcels, and services, and asked about the notion of fairness among properties, in terms of some paying and others not.

Sgambelluri reiterated that the properties in Amendment 02 had been brought to her attention, and that fairness certainly mattered. She referenced the properties' value and stated that the property tax would not be substantial.

Rouker added that when one lives in proximity to a municipality, it was inevitable to enjoy certain municipal services.

Guthrie stated that nonprofits do not pay additional taxes if they were annexed.

Smith asked about contiguity and if it was broken because of Amendment 02, how would that impact the map.

Guthrie stated that, in reference to the parcel Piedmont-Smith spoke about, the areas needed to be contiguous with the city and each other, and explained what would not be contiguous if that parcel was omitted.

Smith asked for clarification.

Rouker stated that the parcel Piedmont-Smith spoke about was not in Amendment 02.

Jocelyn Bowie discussed reasons against annexation.

Public comment:

Barbara Frey also spoke against annexation.

Janice Wiggins [inaudible].

Amendment 02 to Ordinance 17-12 (cont'd)

Jeremy James spoke against annexation.

Volan asked if it was known what the tax increase would be to property owners affected by Amendment 02.

Council questions:

Rouker stated that he did not know the exact tax increase, but that the gross assessed value of the five parcels was \$379,100 which was not a large figure in the context of the annexation.

Flaherty commented on a public commenter's desire to keep contiguous Sycamore Land Trust under the same jurisdiction. He said that the terms of the conservation easement dictated what could happen and asked the administration to comment on the impact on contiguous protected land under multiple jurisdictions.

Rouker said that he couldn't think of anything that could change.

Guthrie stated that she couldn't think of any impacts either.

Smith said that he supported Amendment 02.

Flaherty stated the he would support Amendment 02 and commented on the parcels.

The motion to adopt Amendment 02 to Ordinance 17-12 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 17-12 [7:28pm]

Sgambelluri moved and it was seconded to adopt Amendment 03 to Ordinance 17-12. Sgambelluri, Sandberg, and Volan presented on Amendment 03.

Amendment 03 to Ordinance 17-12 [7:29pm]

Amendment 03 Synopsis: This amendment is sponsored by Cms. Sgambelluri, Sandberg, and Volan and would remove the identified parcels from the Area 2 Annexation Territory.

Guthrie stated that the administration opposed Amendment 03 because it was adjacent to the city and was the type of neighborhood brought into the city for over 100 years. She explained that there was municipal water, but not sewer, and were appropriate for city services like sanitation, road maintenance, and plowing. Guthrie clarified that the residents there were a part of the city, and worked and grocery shopped in the city. She provided examples of things subsidized by the city, including programming offered by the Parks and Recreation Department (PRD). Guthrie explained that in 2020, over 45% of the individuals using that programming resided outside of the city boundaries, which was a disconnect between usage and funding.

Sandberg asked if a good part of the programming for PRD was covered by fees and asked administration how much was tax-supported, and how much was fees-supported.

Council questions:

Rouker explained that, for example, Bryan Park pool's fees supported about 56% of funding was supported by user fees and the remainder was supported out of the General Fund. He stated that it was far lower for Mills pool, with user fees supporting approximately 20%. He said that for the municipal golf course was funded by user fees totaling approximately 86%. Rouker said that all of the amenities were available for everyone to use without an exorbitant fee, which was common.

Piedmont-Smith asked Volan to clarify what he meant about supporting Amendment 03 because there was no shoulder on the road.

Volan stated that there were a number of reasons why he supported the amendment, like that the neighborhood was unlikely to get sewer because of geographical reasons. He said that the only way for residents to get to the city was on State Road 46.

Piedmont-Smith asked if Lori Lane also had no shoulder.

Volan confirmed that was correct, but that it was not a high speed highway run by the Indiana Department of Transportation (INDOT).

Flaherty stated that there was validity in the points Guthrie made, but that it was also true for all the areas just outside of the current annexation boundary. He said that Amendment 03 would strike Edgewood Hills neighborhood, but also about five to eight parcels on the south side of the road. He said that, in Area 2, none of the parcels on the north side of the road were included nor the development off of Kings Road. He asked for further clarification on what parcels were included or not.

Guthrie stated that she was not sure about the parcels to the north, and said that the neighborhood looked like the rest of the city, was dense enough, and was a logical place to draw the line.

Rouker explained that the goal was to make the municipal boundaries coherent, and were often seen drawn along a roadway.

Smith asked if the area was dense for annexation.

Sgambelluri stated that she met with the Home Owners Association (HOA) which claimed that there was more acreage than houses; there were 58.3 acres with 58 houses, which was fewer than three persons per acre.

Smith asked if the road would ever be amendable to building sidewalks.

Sgambelluri stated that not without taking out many trees, and that the road was very narrow.

Smith asked if the residents all had septic and trash collectors.

Sgambelluri stated that was her understanding.

Smith stated that it didn't make sense for annexation.

Rosenbarger stated that there were very dense areas that didn't have sidewalks, so that wasn't a deciding factor. She asked the sponsors what distinguished the area, and said that State Road 46 seemed like a natural boundary, but that leaving that area out would seem like creating a hole.

Volan stated that the highways made a difference, and that a significant portion of State Road 446 would be entirely within the city. He explained that INDOT did work with the city, but that they ultimately had the final say. Volan clarified that the border of the city would be moved out well past Lori Lane, which the logical border was State Road 446. He said that that all the areas to the south emptied out onto State Road 446.

Sims stated that self-sufficiency was not enough to not consider annexation. He asked how likely it was to get infrastructure into that area, due to the terrain and landscape.

Rouker stated that the neighborhood already had water service, but not sewer. He explained that he had not met with the Utilities Engineering but that there were topographical challenges to providing sewer services, which were typically gravity-fed, and the cheapest way to provide service. He said that for that area it would need something like a low pressure force main which was more complicated and more expensive. He said that if the residents

Amendment 03 to Ordinance 17-12 (cont'd)

Council questions:

wanted to have municipal sewer service extended and could afford to pay for the extension, the city would be obligated to provide that service.

Sims asked about user fees, and stated that for PRD programming, there was a fee structure, one for city residents and another for county residents. Sims asked about raising the fees for those not in the city to make it more equitable financially.

Rouker confirmed there were nominal differential rates, between \$5-20 depending on the program and didn't come close to the necessary cost.

Flaherty asked if a neighborhood, or HOA, wanted to develop a force main sewer system that it could be done as part of a voluntary annexation in the future.

Rouker confirmed that was correct, and that an appropriate number of signatures on a voluntary annexation petition, in exchange for sewer extension, would be possible.

Flaherty asked what the percentage of signatures was.

Rouker stated that for super-voluntary annexation was 100% and that for voluntary annexation was over 50%.

Unger confirmed that was correct, and that the process for super-voluntary annexation was much shorter.

Flaherty asked if a super-voluntary annexation happened regardless of what the city wanted.

Unger stated that it was an expedited process but still required an ordinance from the council, and explained the process.

Rollo asked if the threshold for super-voluntary was 100% unanimous.

Unger confirmed that was correct.

Nicki Williamson opposed annexation.

Nolan Westlake spoke in favor of Amendment 03.

Dan Williamson discussed reasons against annexation.

Josh Boyd supported Amendment 03.

Christy Duffy spoke against annexation.

Flaherty asked the administration to clarify the density guidance, which wasn't controlling, and if the three-person per acre, pertained to the annexation as a whole and not to a particular neighborhood.

Unger confirmed that was correct and were factored in during a remonstrance. He said that there were urbanization tests, including three persons per acre, as well as, the percentage of subdivision. He stated that Edgewood Hills satisfied the percentage of subdivision.

Rosenbarger asked what percentage of Bloomington residents, or properties, were on sewer.

Rouker responded that he did not have that information but could inquire with Vic Kelson, Director of Utilities. He said it was not 100% but that it was a large percentage.

Volan commented that there were arguments that opposed annexation that were not convincing to him. He said that everyone in Monroe County was a county resident and that the language to use should be non-city resident or non-city neighborhoods. Volan stated that Bloomington was established as a seat of Monroe County. He further stated that Smith's comments could be applied to

Amendment 03 to Ordinance 17-12 (cont'd)

Council questions:

Public comment:

Council comment:

other portions of the proposed annexations, and that it sounded like Smith would remove significantly more parts of the proposed annexation. Volan explained that there had been arguments against annexation because there was no developable land and also because there was land not yet developed. He clarified that if the city wanted to annex a portion of land, that didn't mean that the city would develop it, just that it could be developable. He explained that the area in Amendment 03 was developed a long time ago to its maximum extent, and had difficult terrain. He commented further about the area and surrounding areas. Volan explained the factors why he was in support of Amendment 03.

Amendment 03 to Ordinance 17-12 (cont'd)

Council comments:

Flaherty stated that whether or not an individual property owner felt that they would benefit more than not, by being annexed, was not an appropriate framework for decision making. He said council should be making decisions based on the interest of the city. He also said that there were no contiguity issues, like removing adjacent areas, and that he appreciated Rouker's comment about using roads as logical boundaries. He commented further about other proposed annexation areas. Flaherty said that the extreme difference that Volan pointed out between State Roads 46 and 446 was important. He also referenced the lack of waivers in the area in Amendment 03, and that voluntary annexation was an option in the future. He stated that he would support the amendment.

Smith explained his reasoning for supporting Amendment 03 including that it was a secluded area, and that State Road 446 was a natural boundary. He said that he understood that the city needed to draw lines, but that he didn't know what the benefit to the city would be by including the area.

Piedmont-Smith commented on the background of the area in Amendment 03, and said it was not a neighborhood that was an extension of the city which distinguished it from other areas. She also said that since it only had one access point off of State Road 446 put it outside of the sequential development on the east side of Bloomington. She expressed support for Amendment 03 and stated that she respectfully disagreed with Smith in that the area shouldn't be annexed because it didn't benefit the residents or that they were self-sufficient. She said that those arguments could be applied to various areas in the proposed annexation areas. She singled out the area because it had one access point, rough topography, and was east off of State Road 446.

Rosenbarger indicated that Amendment 03 was difficult for her and that she leaned against the amendment. She stated that it reminded her of the Broadview neighborhood, who didn't have sewer, but wanted it as well as sidewalks. Rosenbarger expressed that the one entry point was not significant, and provided reasons why.

Rollo stated that he was considering many things, extending or over extending city services, and whether or not city services could occur at all, an increase in sprawl, the effect on county finances, and more. He also stated that he wished it to be a cooperative approach, and that it mattered if residents wanted to be annexed.

Volan said he would have found it more persuasive had the city included the houses north of State Road 46 all the way out to Long's Landing, though he understood why the administration chose the straight line. He said he would rather see both sides of a street be included. He stated that there were not rows of homes north of State Road 46.

Sims agreed with Piedmont-Smith in that self-sufficiency was not a reason to not be considered for annexation, but that there were enough other factors, including topography concerns, access, road structure, sewer infrastructure issues that made him support Amendment 03.

Amendment 03 to Ordinance 17-12 (*cont'd*)

Council comments:

The motion to adopt Amendment 03 to Ordinance 17-12 received a roll call vote of Ayes: 8, Nays: 1 (Rosenbarger), Abstain: 0.

Vote to adopt Amendment 03 to Ordinance 17-12 [8:26pm]

Smith moved and it was seconded to adopt Amendment 04 to Ordinance 17-12. Smith presented on Amendment 04.

Amendment 04 to Ordinance 17-12 [8:27pm]

Amendment 04 Synopsis: This amendment is sponsored by Cm. Smith and would remove the identified parcels from the Area 2 Annexation Territory.

Guthrie stated that the administration opposed Amendment 04 and pointed out that the original amendment was to eliminate Heritage Woods Road which would cut contiguity and would eliminate everything north of that road. She explained that the Cedar Springs neighborhood was almost entirely waived and had sewer and water, and that Heritage Woods Road had water but not sewer but was adjacent to the city. She said it met the subdivision requirement and was completely developed. Guthrie said that it had a private road but that sanitation stated they would be able to provide services.

Sims asked how the recently passed Amendment 03 affected Amendment 04 since an area was included in both amendments.

Council discussion:

Lucas explained that Amendment 04 would remove additional area, including the area in Amendment 03. Lucas explained that if Amendment 04 failed, Amendment 03 would still be in effect.

Flaherty asked Smith if the original intent was to remove Heritage Woods Road. He asked staff if Heritage Woods Road would be eligible to receive sanitation services and snow removal because he had heard from residents that they would not be receiving those services.

Guthrie stated that Public Work would service it like other roads in the city. She said that there was concern from residents about the road being too narrow, and explained that there were other city roads where the city trucks went in and completed the work and then backed out.

Flaherty asked if road maintenance was included, like for pot holes and what the associated annual cost was.

Guthrie said that was correct and that she did not know what the annual cost was.

Flaherty stated that certain areas had water but not sewer, since water was provided more extensively, and asked how council members should consider that differently than sewer and other services.

Guthrie stated there were only waivers for sewer.

Unger explained that statewide, most communities only required waivers in exchange for sewer, but that state statute contemplated requiring waivers in exchange for water service.

Piedmont-Smith asked if there were topographical issues on Heritage Woods Road that would prevent sewer from going in if residents asked for it and paid their portion.

Smith responded yes.

Rouker stated that the CBU engineers looked at Heritage Woods Road which was unique because the road was on the ridgeline and the houses were below. He explained that it would not be a traditional gravity fed main, and that the cost estimate from utilities came out to about \$24,000 which was comparable to installing a new septic system.

Amendment 04 to Ordinance 17-12 (cont'd)

Council questions:

Rollo asked about asked for clarification on whether the area to the north of Heritage Woods Road, which had waivers, was contiguous to the city or to the area proposed to be annexed.

Guthrie responded that in order to be annexed, an area must be contiguous with the city boundary as well the area.

Rollo asked if it would have to be a separate area.

Guthrie stated that was correct and needed its own ordinance.

Rollo said it could be explored as its own area, and wouldn't preclude annexing that area.

Guthrie confirmed that was correct, it could be annexed in the future.

Unger stated that annexation laws changed every year, so there was a risk of not being able to annex that area at a later date.

Rouker clarified that it would mean that it could not be a part of the current annexation and would be a separate annexation, starting the process over from the beginning.

Rollo asked if council could draft an ordinance to create it as a separate area.

Rouker confirmed that was correct.

Rollo asked for more clarification.

Rouker stated that it would likely be impermissible to establish a brand new annexation area at the time.

Rollo stated that it was already proposed as one, so it would just need to be a separate number.

Unger responded that, similar to Area 1 where it was discovered that there were areas not contiguous to each other, it would need to be carved out, and an ordinance would need to be drafted as well as a fiscal plan.

Sandberg asked for continuation of Unger's explanation.

Unger explained that there would need to be a separate ordinance and fiscal plan, but that it could be invalidated because of the timing. He said that the new ordinance and fiscal plan would need to be drafted within the 30- to 60-day window and argue that it was carved out because it was a continuation of the process that was already started for that area.

Flaherty asked Smith if the primary intent of Amendment 04 was to remove Heritage Woods Road as part of Area 2.

Smith confirmed that was correct and that upon advice of counsel, the amendment was extended because of the contiguity issue.

Flaherty stated that Amendment 04 would remove Heritage Wood Road, and Edgewood Hill which council already removed, but also portions to the north including the Cedar Springs neighborhood that was different in terms of level of service and waivers. Flaherty asked what Smith opined that council should weigh in deciding to support Amendment 04 or not and asked for further clarification. Clerk's Note: Smith had technical difficulties and could not respond at the time.

Rollo asked if there were any waivers on Heritage Woods Road.

Guthrie confirmed that there were.

Bart Farrell spoke against annexation.

Public comment:

Sally Lexinger discussed reasons against annexation.

Flaherty restated his question to Smith and asked him to clarify.

Council comment:

Smith stated that it as one big piece and that it did not bother him to remove the area since it was bordered by State Roads 46 and 446.

Flaherty asked if the cost of septic replacement was \$18,000.

Smith stated that was the figure that was given to him from a resident of Edgewood Hills.

Sandberg stated that she supported Amendment 04. She explained that at the beginning of the process, she hoped to pare down the ambitious proposal, and had been in the process of meeting with county colleagues to make the proposal more reasonable for both county and city interests. She explained that her desire with the amendments was to pare down the proposed annexation, and discussed certain neighborhoods.

Flaherty stated he would not vote for Amendment 04. He thanked discussion participants. He explained that it was because the city would accept the roads and provide certain services, as well as have an impact on areas to the north because the area in Amendment 04 was not self-contained in its impact. Flaherty explained that proximity mattered and mentioned that State Road 446 was and was not a natural boundary. He continued that not everyone would benefit from everything that taxes supported, and provided examples. Flaherty explained that he appreciated fairness and equally applying criteria across annexation areas. He clarified that there were lots of other areas that met certain criteria and it would not be fair for him to support Heritage Woods Road removal while not considering other areas. He noted that initially he told residents he would likely support the removal of Heritage Woods Road, but that through the discussion and learning of additional information, he moved the other way. He stated he was happy to discuss it further with residents.

Sgambelluri stated that as cities grow, it made sense to annex those areas that were clearly an extension of the city, both land that was developed or land that would be part of the city growth. She explained that simply not wanting sidewalks, parks, or sewer service didn't mean residents were not part of the city. She clarified that it was an ecosystem. Sgambelluri mentioned reasons that were given against annexation and stated that council needed to think of it as part of a system that made sense. She commented that the annexation process had been a very deliberate and thoughtful process, and it was not a random grabbing of parcels. She further commented that council needed to be just as deliberate on voting to include or exclude a property. Sgambelluri commented on the history of the neighborhood relative to the city, connectivity, and extension of city services. She said she would not support Amendment 04 as it was currently written.

Piedmont-Smith stated that she would not support Amendment 04. She said that Cedar Springs should be part of the city, was a new development with wide streets, and was not pedestrian-friendly, and clarified that she hoped to avoid developments like that in the future. Piedmont-Smith said she was in favor of the city to taking over property that was adjacent to the city because the city had very good planning standards in the transportation plan which wouldn't allow such a wide street, and would have a more urban feel. She

reiterated that annexation laws changed frequently and stated that she had no faith in being able to annex anything after the current year. Piedmont-Smith explained that Heritage Woods Road was an extension to the east, despite being a narrow road, and stated that the lack of connectivity was not convincing because it was east of State Road 446.

Amendment 04 to Ordinance 17-12 (*cont'd*)

Council comments:

Smith commented that council should drive on Edgewood Hills and Heritage Woods Road, and see the similarity. He said the area was separate from the city. He thanked everyone for the discussion.

Sgambelluri applauded Smith for bringing forward the amendment because it brought forth a good conversation and addressed residents' concerns.

The motion to adopt Amendment 04 to Ordinance 17-12 received a roll call vote of Ayes: 3 (Rollo, Smith, Sandberg), Nays: 6, Abstain: 0. FAILED.

Vote to adopt Amendment 04 to Ordinance 17-12 [9:11pm]

Flaherty stated that he would be willing to sponsor Amendment 05, since it did not have a sponsor. Flaherty moved and it was seconded to adopt Amendment 05 to Ordinance 17-12.

Amendment 05 to Ordinance 17-12 [9:11pm]

Amendment 05 Synopsis: This Amendment adds an impoundment fund to South-East Bloomington Annexation Area, commonly referred to as Area 2, so that, for a period of three years after the effective date of the annexation, any municipal property taxes collected from the annexation area but not expended are maintained in a special fund and used to provide additional services to the annexation area. The Amendment also establishes an advisory board charged with advising the City Council regarding the expenditure of the impounded funds.

Unger presented Amendment 05 and stated that it added an impoundment fund to Ordinance 17-12 and an advisory board. He explained that an impoundment fund captured the net or excess revenue from an annexation area for the first three years following annexation, to be spent on additional projects or services to that annexation area. He stated that the city would be revenue neutral in that area for the first three years following the annexation. He said it was required when 60% or more of the parcels were one acre or less, or were less than the 3 persons per acre threshold. He clarified that the ordinances for Areas 1B, 1C, 3, 4, and 5 all included impoundment funds based on the review in 2017. He said that based on the current review it was appropriate to include an impoundment fund for Area 2 and in Ordinance 17-09 for Area 1A because both satisfied the thresholds.

Rollo asked if it affected council action modifying the areas.

Unger stated that it did not impact the areas nor did the approved amendments from that evening, and that the impoundment funds should be included.

Piedmont-Smith asked for further clarification about the additional property taxes that the city would receive from Area 2 that was not expended, and was collected in a separate fund.

Unger explained that the net revenue that the city would collect from the particular area, that exceeded the cost of providing services in the fiscal plan, would be collected in a separate fund. He explained that there would be an advisory board that was made up

of appointments, of which most were residents of that area. He also said that the three year capture would have to be spent within five years.

Smith asked Unger to clarify the process.

Unger explained that if the statutory requirements were met, then they had to be included within the annexation ordinance, which was why council was considering adding it to the ordinance.

Sims asked what the makeup of the advisory board was and how it was selected.

Unger clarified that the language in the amendment followed tracked the language that was required by the statute. He said that the makeup of the board was fixed by statute and included the Township Trustee of the largest number of residents in the proposed annexation area, which was Perry Township for Area 2, and one member of the county council that represented the district with the largest number of residents in the annexation territory. He said it also included the City Engineer and two citizen members, appointed by the mayor, who owned property or resided in Area 2, and two citizen members appointed by the County Commissioners, who owned property or resided in the annexation territory.

There was no public comment.

There was no council comment.

The motion to adopt Amendment 05 to Ordinance 17-12 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded that Ordinance 17-09 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Amendment 02 to Ordinance 17-09.

Amendment 02 Synopsis: This Amendment adds an impoundment fund to South-West A Bloomington Annexation Area, commonly referred to as Area 1A, so that, for a period of three years after the effective date of the annexation, any municipal property taxes collected from the annexation area but not expended are maintained in a special fund and used to provide additional services to the annexation area. The Amendment also establishes an advisory board charged with advising the City Council regarding the expenditure of the impounded funds.

Unger presented Amendment 02 and stated that it added an impoundment fund and advisory board for Area 1A.

Volan asked for clarification on who would be on the advisory board for the annexation area.

Amendment 05 to Ordinance 17-12 (*cont'd*)

Council questions:

Public comment:

Council comment:

Vote to adopt Amendment 05 to Ordinance 17-12 [9:22pm]

Ordinance 17-09 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-West A Bloomington Annexation

Amendment 02 to Ordinance 17-09

Unger responded that it would be the Township Trustee of the largest number of residents in the proposed annexation area, which was Van Buren Township for Area 1A, and one member of the county council that represented the district with the largest number of residents in the annexation territory. He said it also included the City Engineer and two citizen members, appointed by the mayor, who owned property or resided in Area 1A, and two citizen members appointed by the County Commissioners, who owned property or resided with Area 1A.

Amendment 02 to Ordinance 17-09 (*cont'd*)

Council questions:

There was no public comment.

Public comment:

There was no council comment.

Council comment:

The motion to adopt Amendment 02 to Ordinance 17-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 17-09 [9:31pm]

Lucas reviewed the upcoming council schedule and the annexation process.

COUNCIL SCHEDULE [9:31pm]

Flaherty moved and it was seconded that the council September 15 meeting be conducted as a Special Session starting at 6:30 p.m. rather than a Regular Session. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to conduct Special Session [9:33pm]

Flaherty moved and it was seconded to adjourn the meeting. Sims adjourned the meeting.

ADJOURNMENT [9:34pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In Bloomington, Indiana on Wednesday, September 15, 2021 at 6:30pm, Council President Jim Sims presided over a Special Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
15 September 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:33pm]

Council President Jim Sims summarized the agenda. He noted that all of the ordinances had been previously amended at the May 19, 2021 meeting and that Ordinance 17-12 had been further amended at the August 31, 2021 meeting. He noted that a revised agenda had been distributed ahead of that evening's meeting to account for an amendment to Ordinance 17-12, which if adopted would affect the ability of the council to consider and adopt the items of legislation on the agenda. He explained that he moved consideration of that ordinance to the beginning of the agenda for the purpose of consideration of Amendment 08 so that if it was adopted the council could consider a motion to recess the special session until a later date. If the amendment fell he suggested that the ordinance be laid on the table and taken up later in the agenda. Sims said that since the resolutions related to the same fiscal plan Bloomington Municipal Code allowed the council to structure discussion to avoid duplicative comments and limit debate.

AGENDA SUMMATION [6:34pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:40pm]

Flaherty moved and it was seconded that Ordinance 17-12 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 17-12 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-East Bloomington Annexation

Flaherty moved and it was seconded to adopt Ordinance 17-12.

Rollo moved and it was seconded to adopt Amendment 08 to Ordinance 17-12.

Amendment 08 to Ordinance 17-12

Amendment 08 Synopsis: This amendment is sponsored by Cm. Smith and Cm. Rollo and would remove the identified parcels from the Area 2 Annexation Territory. It also requests that City Staff initiate a new process for considering the annexation of a portion of the area affected by this amendment.

Smith presented the amendment, and explained that it removed the Heritage Woods parcels from area two of the annexation process and directed the city to add the Cedar Springs neighborhood in a separate process. He said that Heritage Woods would not receive equitable benefits from annexation.

Rollo added that the amendment addressed the problem of continuity that had been lacking the last time the council discussed the issue, and thought that this was the best way forward.

Mike Rouker, City Attorney, said Amendment 08 was the same as Amendment 04 which had been discussed at length and voted down by the council on August 31. He said the only difference was the addition of section two on the amendment, which was a non-binding request for the administration to consider starting a separate involuntary annexation of the Cedar Springs Neighborhood. He noted that staff had previously requested amendments on an earlier deadline so they could be reviewed in a timely manner. He gave the council an overview of all of the activity that was generated as a result of the amendments that were passed on August 31, and told them that all of that work would have to be done again if they passed Amendment 08 that night. He said that it was possible to do all of the necessary adjustments to the proposal before the city reached the statutory time limit for council to vote on annexation but that the adjustments would need to be done in a time pressured environment that increased the probability of sloppiness and mistakes. He said that it would cost additional money and delay staff on other non-annexation related initiatives. Rouker said the administration opposed the amendment because Heritage Woods residents were already receiving municipal utility services, the only way out of the neighborhood was to enter the city of Bloomington, and because Heritage Woods was appreciably different from Edgewood Hills, which the council had removed from the annexation process on August 31, He noted the thoughtful work the council had done on the annexation, but said the administration strongly discouraged any further substantive amendments at that late stage in the annexation process.

Ordinance 17-12 (cont'd)

There were no council questions on Amendment 08 to Ordinance 17-12.

Council discussion:

Bart Farrell spoke in support of the amendment.

Public comment:

Dan Fitzsimmons spoke in support of the amendment.

Ted Ochsner spoke in support of the amendment.

Stefanie Powers spoke for herself and her husband, Kerry Powers, spoke in support of the amendment.

Cathy McManus spoke in support of the amendment.

Janet Cappio spoke in support of the amendment.

Karen Pitkin spoke in support of the amendment.

Dwight Stauffer spoke in support of the amendment.

Melanie and Jeremy Pennington spoke in support of the amendment.

Volan asked if Heritage Woods Road would be held to a higher standard when work needed to be done under city administration.

Council discussion:

Rouker said the city was prepared to add the road to its street inventory, which would include maintenance, plowing, and trash service. He said the owners on the street could choose to continue to have their own private road association, but it was not typical due to the expense.

Ordinance 17-12 (cont'd)

Council discussion:

Volan asked about streetlights and sidewalks. He said that he understood property owners had a responsibility to build or maintain sidewalks, even though the city made an effort to build sidewalks in the city as well. He asked if the city installed streetlights when homeowners did not want streetlights installed.

Rouker said the installation of sidewalks and streetlights where they did not exist was not mandated by city code.

Volan asked if the road was up to the standard of other roads in the city or if it would need to be upgraded in the future.

Rouker said it was likely that it would need to be upgraded, but that was not unusual within the city and in areas that were being annexed due to roads being built in different time periods.

Volan asked how long Heritage Woods Road had been in the two mile fringe or area intended for annexation.

Rouker said that he did not know.

Sgambelluri asked if there was a mechanism by which a city could remove land from within its boundaries.

Steve Unger, outside annexation counsel from Bose, McKinney, and Evans, explained that there was a dis-annexation process outlined in state statute that involved a petition and ordinance process.

Sgambelluri asked if properties had to be tied to the form that they were originally annexed in or if those boundaries still mattered in the dis-annexation process.

Unger said that he did not recall it being tied to the original annexation boundaries.

Sims asked what the timeframe was for dis-annexation.

Unger apologized for not being better prepared for questions related to dis-annexation. He recalled that it was a six-month process several years prior.

Rollo said the amendment was not proposing a new area to be annexed. He took issue with the idea that the areas should have been resolved and thought it showed disdain for the council's deliberative process. He said that Rouker painted an exaggerated picture of what would happen if the amendment was adopted. He said it should not be a complicated matter and if it was an inappropriate annexation the council should do something. He thought the argument that the neighborhood was receiving city water was a spurious argument.

Flaherty said he appreciated the comments from the residents of Heritage Wood Road. He said there were a lot of factors that went into making the most equitable decisions. He thought that Edgewood Hills was meaningfully different than Heritage Woods Road. He said that it was in the long term financial and environmental interests of the area to have sewer brought to their streets.

Smith said there was a lot of information that was subject to interpretation. He said that one of the things he considered most was representing the people being brought in by the annexation. He apologized for the anxiety that he caused by not structuring the amendment differently several weeks prior. He hoped everyone would support the amendment.

Piedmont-Smith said that it was an imperfect process but they had to vote. She did not think that the fears of the residents were going to be realized. She said the residents would save money from maintenance and she was baffled that people thought it would change the character of their street. She said she thought the amendment was the same as Amendment 04, and that she was going to vote no.

Ordinance 17-12 (cont'd)

Sgambelluri acknowledged what Rouker said about the implications of the amendment passing and the additional work that would be required, but did not find it to be a compelling reason to vote against the amendment. She took note of the comments from the residents. She said that it was important to her that there was a process for dis-annexation, but she did not see this amendment as being different from Amendment 04 and would be opposing it.

Volan said that annexation would give the residents in those areas the right to vote in the city. He said the power to annex had been an essential power of cities. He noted that although the residents said their area was rural it abutted an area that was even more rural and there may need to be a new zoning type created, He said that Heritage Woods Road had a strong argument to make an exception, that it was a very close call, but that it had more in common with other areas to be annexed than the residents thought. He said that if dis-annexation was something the neighborhood wanted to entertain they would have time to pursue it in the future.

The motion to adopt Amendment 08 to Ordinance 17-12 received a roll call vote of Ayes: 3 (Rollo, Sandberg, Smith), Nays: 6, Abstain: 0. FAILED

Vote to adopt Amendment 08 to Ordinance 17-12 [7:50pm]

Sims stated that Ordinance 17-12 was laid on the table for consideration later in the evening.

Piedmont-Smith moved and it was seconded to structure debate for that evening by making the following motion:

Motion to structure debate

"I move that the Council consider this package of resolutions in the following manner: First, the City Administration will be given time to make a general presentation, if it wishes, regarding the fiscal plan as a whole. Second, Council members may then ask general questions of the presenters regarding the fiscal plan. Each round of questioning should last no longer than three minutes per councilmember per round. Third, once Council members have finished asking questions about the fiscal plan in general, the Council will consider the resolutions one at a time as they appear on the agenda. After introduction of the resolutions, the City Administration will have an opportunity to address the resolutions and then the Council may ask questions about the particular resolution, with each round of questioning lasting no longer than three minutes per councilmember per round. Fourth, once the Council has finished receiving presentations and asking questions on all seven resolutions, then members of the public will have an opportunity to comment on the resolutions. Members of the public may speak once for up to three minutes and may speak to as many of the resolutions as they wish during that time. However, comments should pertain to one or more of the resolutions. Fifth, after the public has had an opportunity to comment, Council members may ask further questions and hear further answers as necessary before making concluding comments on the resolutions. [Comments should last no longer than three minutes.]

Finally, the Council will entertain suitable motions, one at a time, in regard to adoption of each resolution."

Motion to structure debate
(cont'd)

Piedmont-Smith emphasized that the proposed procedure was for the resolutions to adopt the fiscal plans for the different areas which had been combined into one document. She explained that when they were done with the resolutions they would then discuss each ordinance in turn.

Sims added that this was the same process by which the council conducted the meeting in August for the resolutions.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to structure debate [7:55pm]

Mayor John Hamilton started his remarks by informing the council that the Bloomington Fire Department received its second upgrade in five years of its public protection classification from the insurance service office (ISO), to the highest possible rating of 1/1x, which made Bloomington one of only four Indiana fire departments to achieve that rating. He thanked the council for supporting the department so residents could enjoy lower insurance rates. He noted that Bloomington was the only city in the state that was served by a fire department with an ISO rating of one and a police department with national clear accreditation. Hamilton gave a brief review of the annexation's history which had led to that evening, and said that the council had the opportunity and duty to consider how to enhance and strengthen the future of Bloomington. He said that virtually all of the areas under consideration that evening had been long planned for annexation and accessing the areas reflected the basic role of city government to provide levels of service appropriate for the areas. He noted that annexation was not just a commercial transaction, but a mechanism through which people who were already part of the community could be fully and fairly included in the political process. He thanked the council for their close attention to public comments and their consideration.

Steve Unger, outside counsel from Bose, McKinney, and Evans, gave an overview of fiscal plan version 5.0. He reminded council of what the fiscal plan was, which addressed the city's approach to each annexation area, as well as the areas as a whole. Unger summarized the changes in the fiscal plan from version 4.0 and highlighted that version 5.0 updated the parcel tax data to reflect 2020, which had been recently certified by the Department of Local Government Finance (DLGF). Unger explained that Reedy Financial and the administration had worked with staff to add narrative information about how services were going to be provided, and updated the cost estimates. He reminded council that the requirement for a fiscal plan was that the city made a credible commitment that it could provide services to the annexation areas within one- to three-years, for capital and non-capital services, following the effective date, and the way in which they were provided to others within the city. He opined and was confident that the city made a credible commitment with the fiscal plan, as was required.

Piedmont-Smith stated that Unger mentioned that some changes incorporated into version 5.0 were received over the summer, and asked for clarification on that feedback.

Council discussion:

Unger said that the updates reflected questions from the county redevelopment commission on the impact on funding, and updates for the certified tax data for 2020.

Philippa Guthrie, Corporation Counsel, added that a parcel was removed that was subject to the agreement in lieu of annexation with Cook.

Piedmont-Smith stated that the adjustments were not minor and not in response to residents' or Monroe County concerns.

Unger explained that there were some minor updates like the city working with some residents of an area regarding their road.

Smith asked Unger to define capital and non-capital services.

Unger responded that there were examples in the state statute, and that he characterized capital costs as long-term costs, like street maintenance and reconstruction, and non-capital costs were things like police protection.

Piedmont-Smith asked for a review of the plans for providing police protection to the annexed areas.

Unger explained that version 5.0 of the fiscal plan proposed adding twenty-three sworn officers, at a minimum, and thirty, at a maximum, and five civilian personnel. He said that assumed that all areas would be annexed, and included associated costs, like computers, etc.

Piedmont-Smith asked when the new officers would start, given that it was difficult to recruit applicants.

Unger clarified that it depended on the areas that were annexed, and on things like remonstrance which could delay the process. He said that once the city knew the areas that were annexed, the process would start soon thereafter.

Rollo asked what the assumed base pay for the officers was.

Unger stated that he didn't have the exact number, but that the assumption was the current base pay with 3% inflation.

Rollo asked for confirmation of the effective date, and that twenty three to thirty five sworn officers would be hired with an inflation rate of 3%.

Unger stated that the effective date was January 1, 2024, and confirmed the other details.

Piedmont-Smith asked if the plan was to hire police to start on January 1, 2024 or to hire them ahead of time, for training.

Unger stated that the proposal was to phase the officers in within the first three years.

Piedmont-Smith asked if the officers would be hired prior to January 1, 2024.

Rouker stated that the fiscal plan addressed what would happen after the annexation became effective.

Piedmont-Smith asked if the fiscal plan only had to legally consider expenditures effective January 1, 2024.

Unger stated that the statute required the city to provide police protection within the first year, and that the fiscal plan required an outline of the plan within that time frame, and how it would be paid for through a credible commitment, based on the tax revenue and other items. He reiterated that the fiscal plan estimated those costs.

Rollo asked if the twenty-three to thirty officers was in addition to the one hundred and five officers that were budgeted for, or the current ninety one officers.

Unger clarified that the fiscal plan was independent of the current officers, either from current staffing or budgeted for. He said that a fiscal plan was an estimate of how many officers would be needed based on financial projections and current calls for services to the area. He summarized factors that contributed to determining the amount of officers that would be hired.

Flaherty moved and it was seconded that Resolution 21-28 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There was no presentation from the administration. Guthrie stated that there would not be a presentation for each specific resolution.

Sims asked if each councilmember would have an opportunity to ask questions for each resolution.

Lucas confirmed that they would.

Sims and Flaherty clarified the procedure under the motion.

Rollo asked the administration for clarification on budgeting for police, and how that would be implemented, especially with the diminished department and the required overtime.

Hamilton stated that the administration, the police chief, and others had looked at what was needed to implement the plan, but that it was important to know what areas were annexed first.

Rouker commented that the hiring process would remain the same.

Rollo expressed concern for the city's ability to hire new officers.

Rouker clarified that hiring issues existed and there were strategies for dealing with those issues, but that the fiscal plan was an estimate of the number of officers that would be needed to provide services to the areas once annexed.

Flaherty moved and it was seconded that Resolution 21-29 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There was no presentation from the administration.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-30 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There was no presentation from the administration.

There were no questions from the council.

Resolution 21-28 - Updating Resolutions 17-16 and 21-09 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South-West A Bloomington Annexation Area [8:27pm]

Council discussion:

Resolution 21-29 - Updating Resolutions 17-17 and 21-10 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South-West B Bloomington Annexation Area [8:36pm]

Resolution 21-30 - Updating Resolutions 17-18 and 21-11 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South-West C Bloomington Annexation Area [8:39pm]

Flaherty moved and it was seconded that Resolution 21-31 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There was no presentation from the administration.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-32 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There was no presentation from the administration.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-33 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There was no presentation from the administration.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-34 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

There was no presentation from the administration.

There were no questions from the council.

Jennifer Cullett stated that she was in full support of annexation.

Flaherty clarified that the public comment, at the time, should pertain to the fiscal plan and not the annexation areas.

Jamie Ford spoke against annexation.

Paul Post commented on the salaries, hiring, and number of police officers.

Jim Shelton discussed the changes in funding for county Tax Increment Finance (TIF).

Margaret Clements expressed concerns about annexation.

Rita Barrow provided reasons against annexation.

Julie Thomas stated that the Monroe County Board of Commissioners opposed annexation.

Resolution 21-31 - Updating Resolutions 17-19 and 21-12 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South-East Bloomington Annexation Area [8:42pm]

Resolution 21-32 - Updating Resolutions 17-20 and 21-13 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - North Island Bloomington Annexation Area [8:44pm]

Resolution 21-33 - Updating Resolutions 17-21 and 21-14 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - Central Island Bloomington Annexation Area [8:47pm]

Resolution 21-34 - Updating Resolutions 17-22 and 21-15 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South Island Bloomington Annexation Area [8:49pm]

Council discussion:

Public comment:

Charlotte Zietlow questioned the impacts of annexation.

Penny Githens stated she was not opposed to voluntary annexation and questioned the annexation process and implementation.

Stephen Crider spoke against annexation.

Lucas read a Zoom chat comment from Lisa Ridge who questioned annexation.

Lee Jones expressed concerns over annexation.

Sgambelluri acknowledged important public comments, and asked staff to comment on the differences in the fiscal plan and the Baker Tilly report.

Council discussion:

Rouker asked Sgambelluri if she had a specific question regarding the differences.

Sgambelluri stated that there were different assumptions that were used in the projections, and asked staff and consultants to recap the differences.

Tim Stricker, Reedy Financial Group, explained the differences including different industry standard assumptions, though they were typical assumptions. He said that the biggest difference was the assumption that there would be no assessed value growth from 2019, paid 2020, to the assessment year 2024.

Sgambelluri asked for clarification on the differences that produced.

Stricker clarified that it would overinflate the impact, due to annexation, and underinflate the impact, due to natural assessed value growth.

Rollo asked if the Baker Tilly was more current regarding the assessed value assessment.

Rouker stated that the assessed values were updated in fiscal plan 5.0, from 2019-pay 2020, to 2020-pay 2021.

Stricker confirmed that all estimate and taxable databases were updated.

Rouker clarified that meant the most current data was used.

Guthrie stated that the Reedy Financial report assumed 3% assessed value growth, and the other report assumed no growth. She said the projections for the following year should be 5%.

Rollo asked about substantial discrepancies in the county TIF as expressed in a public comment.

Stricker responded that the dollar impact wasn't substantial.

Rollo clarified that he was referring to May 19 being \$304,000, June 16 being \$75,000, and September 10 being \$54,000, which seemed substantial.

Stricker explained that the first estimates did not accurately calculate A, B, and C inside the TIF area, and that version 4.0 did reflect that information. He further explained that version 5.0 included assessed value fluctuations.

Volan expressed concern about the twenty three to thirty five police officers that needed to be hired to serve the new areas, and not needing to have the new officers ready on day one. He asked for a more substantial answer in how the city planned to hire enough police officers by 2024.

Rouker commented on the process including salaries, the budget process, council's role in bargaining agreements, and a resolution recently discussed regarding police salaries. He said

those were appropriate methods for the public discussion, but that a fiscal plan was different, and that it was a credible estimate in what would be needed to provide service post-annexation. Rouker stated that the discussion pertaining to the fiscal plan was not the best for determining an implementation plan.

Hamilton pointed out that there was a lot of planning to be done. He also said that currently there were 145,000 residents receiving law enforcement services from a range of departments, with an understood tax base. Hamilton explained that, in the future, they would receive services from a slightly different mix.

Sims asked Hamilton to elaborate on the question asked by Volan.

Hamilton continued that there was lots of work to be done in determining the plan. He explained that there was public support for law enforcement and its divisions, and that they would increase, but that the demand for services wouldn't dramatically change due to annexation.

Sims stated that the latest fiscal plan was available on the city website, and asked staff to explain to the public how to access it.

Rouker responded indicated that a link to the current fiscal plan was available at bloomington.in.gov/annex.

Smith asked for the amount of parcels in the annexation areas that were eligible for the tax credit pertaining to those individuals over 65 years and who had homes valued less than \$200,000.

Stricker explained that he would have to look that information up and get it to Smith the following day.

Piedmont-Smith asked for clarification on the impacts on the Monroe Fire Protection District (MFPD).

Stricker explained that the biggest impacts on the MFPD would be the circuit breaker impacts, and the way the vehicle excise tax was calculated, and that every unit would be impacted. He also explained that there would be a reduction in their property tax.

Piedmont-Smith asked for the dollar amounts.

Stricker stated that the circuit breaker increase was roughly \$314,662, the other impacts were about \$60,279.

Piedmont-Smith asked if that was per year.

Stricker confirmed that it was per year, and was an estimate.

Piedmont-Smith asked if it was correct that the MFPD was not decreasing its service area.

Stricker confirmed that was correct.

Rollo asked for clarification on the cumulative county impact of \$2.7 million.

Stricker stated that based on gleaned information from the external audit by Baker Tilly report, was that it didn't phase in the income tax over time, which created the greatest dollar difference for the county. Stricker explained that he didn't know how the Baker Tilly report arrived at that number.

Rollo asked what his calculation was.

Stricker stated it was approximately \$1.89 million per year.

Rollo stated that the county noted the difference of about \$800,000.

Piedmont-Smith asked what avenues the MFPD had to make up for the loss in revenue since they were not having a reduction in service area.

Unger explained that Reedy Financial estimated the financial projections to show the net impacts over the three years, assuming conservative growth in Local Income Tax (LIT) and assessed value. He said that MFPD would have a net gain of \$1.1 million in revenues, including the \$374,000 impact, by year one of

Council discussion: (cont'd)

the annexation. He summarized that there would be a reduction in service areas for some units, and that overall, even with the reduction, by the time annexation arrived, they would have a net increase in revenues.

Piedmont-Smith stated that the rising costs needed to be factored in too, and asked if MFPD was at the maximum tax levy.

Stricker stated that he did not have that information right then but would have to get the information to council soon.

Sims asked if staff or the administration had an answer to Piedmont-Smith's questions.

There was no response.

Sandberg commented that striving to right-size Bloomington resulted in down-sizing county colleagues who represented the interests of their constituents. She said that three county colleagues were in opposition based on their comments in the meetings. She expressed concern regarding the non-capital issue of police protection and public safety. Sandberg stated that she would be more inclined to favor incremental annexation over involuntary annexation.

Rollo said that the county commissioners made compelling points. He explained that county government had done a tremendous job in building back up their financial systems from a time of neglect in the 1990s. He further explained that all community members relied on the justice system, the public library, and the Monroe County Community School Corporation (MCCSC) and needed to consider their impacts. He commented that there was a profound discrepancy regarding the addition of twenty three to thirty five police officers, which he thought was implausible. He further commented on the history of recruiting, hiring, and retaining police officers. Rollo concluded that the proposed annexation was spreading the police force even thinner than it currently was, which put the citizens of Bloomington at risk. He stated that some city services were not sufficiently implemented and that annexation needed to be reconsidered to be able to provide services like public safety.

Smith stated that he was generally troubled with the involuntary nature of annexation. He said that Indiana was one of four states that allowed for involuntary annexation, which gave him pause about the process.

Flaherty iterated that council was voting on the fiscal plans and whether it was a responsible and reasonable estimate of what the expected impacts and needs were. He stated that the consultants had done a great job in the estimations and in answering questions and correcting misunderstandings, and poor assumptions based on the audit from the county colleagues. Flaherty said that larger discussions regarding annexation could be had a later time, and that he would be voting in favor of the fiscal plans.

Piedmont-Smith agreed with Flaherty that council needed to focus on the fiscal plans regarding how the city would bring services to annexed areas. She also said that the question of policing was serious, and that the compensation for police officers would need to be substantially increased over the coming years, which would allow for easier hiring of new officers as annexation

progresses. Piedmont-Smith stated that she would be voting in support of the fiscal plans. She also commented on the public comment regarding not believing the city or its plans for providing services, and said that the city had hired experts who had done those kinds of calculations for other cities. She said the experts were bound by law to high professional standards. She also explained that Mayor Hamilton had put forward his reputation and integrity to see through the annexation. She clarified that she believed it was accurate and that the updates that were made with the 2020 property values were in place.

Council discussion: (cont'd)

Volan agreed that this was the time to discuss the fiscal plans but that the comments applied to annexation overall, because it was also the only time to address annexation as a whole, and individual sections would be addressed later. He said that Bloomington was founded in 1818 by the County Commissioners, and commented on the population growth of Bloomington and Monroe County and certain neighborhoods. He reminded everyone that every resident of Bloomington was also a Monroe County resident. Volan stated that some non-city residents resided in areas that had been intended for annexation for three decades, and asked those residents to reconsider saying that they were separate from the city. He commented on the city's bonding power and credit rating that allowed for City of Bloomington Utilities (CBU) to exist, and discussed lot sizes relating to water and sewer services. He clarified that if something catastrophic were to happen, it was the city's credit rating and bonding power that would be called on to guarantee that reconstruction. He said that the city made those neighborhoods outside city limits possible, and that individuals enjoying their affordable homes outside city limits, but with city utilities, was due to the city's efforts. Volan commented on Commissioner Githens' question on preventing sprawl, and on the County Commissioners' recent vote. He said that when a developer gave the commission an option between ninety-five, \$500,000 homes, versus one hundred and ninety paired townhouses at half the price, which was less than the median house price in April, that the commissioners chose the former. Volan explained that Commissioner Thomas stated that the project was too dense for the county. Volan said that was the type of affordable housing that was needed. He said that the commissioners didn't represent just non-city residents and commented that annexation was the appropriate action at this time. Volan said he supported the updated fiscal plan though was concerned about the logistical plan for using that money.

Flaherty moved and it was seconded to adopt [Resolution 21-28](#). The motion to adopt [Resolution 21-28](#) received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Smith), Abstain: 0.

Vote to adopt [Resolution 21-28](#) [9:57pm]

Flaherty moved and it was seconded to adopt [Resolution 21-29](#). The motion to adopt [Resolution 21-29](#) received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt [Resolution 21-29](#) [9:59pm]

Flaherty moved and it was seconded to adopt [Resolution 21-30](#). The motion to adopt [Resolution 21-30](#) received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt [Resolution 21-30](#) [10:00pm]

Flaherty moved and it was seconded to adopt [Resolution 21-31](#). The motion to adopt [Resolution 21-31](#) received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt [Resolution 21-31](#) [10:01pm]

Flaherty moved and it was seconded to adopt Resolution 21-32. The motion to adopt Resolution 21-32 received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt Resolution 21-32 [10:02pm]

Flaherty moved and it was seconded to adopt Resolution 21-33. The motion to adopt Resolution 21-33 received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt Resolution 21-33 [10:03pm]

Flaherty moved and it was seconded to adopt Resolution 21-34. The motion to adopt Resolution 21-34 received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt Resolution 21-34 [10:04pm]

Sims recessed the meeting for five minutes.

Recess [10:06pm]

Flaherty moved and it was seconded that Ordinance 17-09 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-09 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-West A Bloomington Annexation [10:17pm]

Flaherty moved and it was seconded to adopt Ordinance 17-09.

Motion to adopt Ordinance 17-09

Flaherty moved and it was seconded to adopt Amendment 03 to Ordinance 17-09.

Motion to adopt Am 03 to Ordinance 17-09

Amendment 03 Synopsis: This amendment updates Ordinance 17-09 to remove one additional parcel that is part of a payment in lieu of annexation agreement between the City and Cook, Inc. that was not included when several other such parcels were amended out of the Ordinance 17-09 earlier this year. It further updates the acreage total contained in the fifth whereas clause of the preamble to Ordinance 17-09. Note: This amendment was revised after release in the September 15, 2021 Legislative Packet but before introduction by the Council to revise the corrected acreage total from 3,158 acres to 3,162.54 acres.

Rouker presented Amendment 03. He summarized that it updated the legal description, maps, and overall acreage associated with Ordinance 17-09 to remove one additional parcel from Area 1A.

There were no questions from council on Amendment 03 to Ordinance 17-09.

Council discussion:

There was no public comment.

Public comment:

The motion to adopt Amendment 03 to Ordinance 17-09 received a roll call vote of Ayes: 5, Nays: 2 (Smith, Sandberg), Abstain: 2 (Rollo, Volan).

Vote to adopt Am 03 to Ordinance 17-09 [10:24pm]

There were no questions from council.

Council discussion:

Colby Wicker spoke against the amendment and annexation.

Public comment:

Margaret Clements provided reasons against annexation and Ordinance 17-09.

Penny Githens commented against annexation.

Julie Thomas spoke against annexation.

Rita Barrow provided examples against annexation.

Name inaudible asked council to vote against annexation.

Rollo asked about county residents who lived on fixed incomes and would see their rent increase. He commented that he spoke to a landlord who said the costs would be passed on to the renters, and asked if the administration had looked into that impact.

Council discussion:

Rouker responded that the administration had provided a lengthy, parcel-by-parcel tax impact, though it was not required. He said that it estimated the amount of property tax increase on each parcel post annexation. He reiterated that there was no way to know whether any or any portion of increased property taxes would be passed on to a renter.

Rollo asked for the administration to assume that all of the increase was passed on to the renter.

Rouker stated that while it was not likely, but that the administration could look at the properties. He said that a number of taxes were progressive, so the taxes were much lower for someone living in a modest home, with a lower assessed value home, and were higher for someone living in a higher assessed value home.

Rollo asked how many residents, in Area 1A, the administration thought would be impacted that way.

Rouker stated that dataset did not exist.

Rollo asked how many renters there were.

Rouker explained that they did not know, but could know if the area were annexed because of programs within the Housing and Neighborhood Department (HAND) to assist renters.

Rollo asked if the administration thought the impact was minimal or inconsequential for fixed income individuals.

Rouker stated that the effect would vary depending on the assessed value of the home.

Piedmont-Smith stated that the annexation process in Indiana was not ideal, and that she recognized it would be better if residents in annexation areas would be able to vote in the next municipal election. She explained that she understood people not wanting to be annexed, or pay higher taxes, but that they needed to look at the bigger picture and why people lived close to Bloomington. She continued that it had to do with the city, jobs, Indiana University, and more, and that couldn't be disregarded as not being part of the community. She explained that non-city residents also used city roads, and other amenities, and individuals who lived close to city boundaries should be part of Bloomington. Piedmont-Smith mentioned the rental inspection program as a benefit to potential residents. She also explained that people who lived just beyond the boundaries needed to be brought in to the city limits. She said that the areas in Ordinance 17-09 were appropriate to be annexed into Bloomington.

Rollo said that he believed non-city residents were well served by the county, and that it wasn't appropriate to assume city services were better. He stated that as rents had gone up in the city, residents were pushed to the peripheries of the city, and now were being annexed. He said he thought the effects on renters would be substantial. Rollo reiterated that it mattered that the County Commissioners were in opposition to the annexation and that it

Council discussion: (cont'd)

would have a severe impact on the county revenues. He also said that the process could have been voluntary, or could have occurred post-pandemic since it would have such a profound change to individuals. Rollo stated that the county had developed a land use plan that was forward-thinking and preserved the character of the county. Rollo said that annexation may be inducing sprawl. He said that his most pressing concern was in currency, and that the city services should be up to speed before presuming to add geographic space. He referenced the issues with police and public safety. He suggested putting off the annexation, having better engagement with county colleagues, having services ready, and having a voluntary process.

Flaherty stated that he believed all the councilmembers had integrity and asked the public not to comment on the character of a councilmember because they disagreed with them. He said that all nine councilmembers were trying their best as elected officials to represent for the greater good of the community. Flaherty commented on voluntary annexation and said the current system could be better. He explained that due to state code, annexation had followed a different system for a long time, and that the city for a decade and a half had acted with reliance on that system. He further clarified that the city would provide sewer service in exchange for a waiver that they would be annexed in the future without remonstrance. Flaherty clarified that if that system wasn't in place, none of those areas would have been built, and voluntary annexation would've occurred at the time they were building. He stated that moving to voluntary annexation at this time was changing the rules halfway through the process, with the city having delivered on the first half of the agreement. He said it was disingenuous to suggest that annexation hadn't been understood as a contractual relationship for an extended period of time. Flaherty stated that it was logical to annex the areas that the city had extended sewer services to, even though some councilmembers may disagree. He explained that, based on state law and city boundaries, it was impossible for the city to only annex those areas that the city had extended sewer to. He said that, as a city grows, there were some areas that would be differentially situated outside the boundary, and included varying density and uses. Flaherty said that proximity and the surrounding context mattered in annexations. He stated that reducing annexation to being a contract of getting city services in exchange for an increase in taxes ignored the many benefits that people outside of city limits enjoyed. He said he would be voting to annex Area 1A.

Sgambelluri said that there were compelling arguments against annexation and provided Edgewood Hills as an example. She stated that the characteristics and nature of an area were compelling, as well as the connectivity to Bloomington, and that an area existed because of Bloomington. Sgambelluri explained that the notion that annexation was just about money, or a land grab, was not compelling because there were connectivity and proximity considerations. She said annexation was about thinking about a community and was not a land grab or money. She explained that the argument that council was not listening was unfounded because all councilmembers had had multiple conversations with constituents and were listening to residents of the proposed annexation areas. She also stated that the argument that council was not thinking about annexation deeply enough was also unfounded, especially with regards to policing and public safety. She said that council thought deeply and critically about issues and progress even

though they might disagree on some outcomes. Sgambelluri assured the public that councilmembers thought seriously about the proposed annexation areas. She underscored that councilmembers were doing their best to discern and sort through the information. Sgambelluri stated that she planned to support annexation for Area 1A. Council discussion: (cont'd)

Volan commented on the two-mile fringe which was renamed to the areas intended for annexation. He said that he didn't know how someone could live in those areas for twenty five years and not be aware that the city was considering the area's annexation. Volan also commented on tax abatements for new businesses proposing to bring jobs to the city, and that the law stated that they couldn't be longer than ten years. He explained that it wasn't a discount, but rather that the city delayed collecting the taxes for a period of time. He said that those living in areas like in Area 1A were given a remarkable gift of sewer service by the city, when their property was built, which was essentially a tax abatement with no expiration date. He stated that there were twelve extra years of a tax abatement under the previous administration, which stopped annexation in 2004. Volan stated that the current administration finally decided to call in the abatement on the areas that benefitted from their proximity to the city. He then explained that was followed with a four year extension, as a result of unconstitutional actions by the statehouse, contradicting the existing law created by the statehouse. Volan clarified that powers like tax abatements and annexation stemmed from the state, which was a democracy. Volan provided examples of ironic arguments made by opponents to annexation who appeared to think of themselves as Bloomingtonians but seemed to not want to participate in the city of Bloomington. He said there were good, extensive discussions on aspects to annexation over the years and that he hoped to take up some good points in other ordinances. Volan urged community members to not only think of their rights as a consumer, but also their responsibilities as a citizen. He explained that if someone stated that their neighborhood was isolated, yet they worked in Bloomington, then they should reconsider their ways in talking about annexation.

Rosenbarger stated that the process had been difficult and that she had learned the history, legal jargon, and rules for annexation. She commented that the state's process for annexation was not ideal, but that Bloomington and Monroe County had to do the best it could with what the state had given. Rosenbarger said that the Unified Development Ordinance (UDO) helped her in her decision making and that it should guide the city and the proposed annexation areas as the city grows. She stated that currently, those areas were in the county and that the city didn't have any input on what could be built. She explained that the UDO was a good guiding document for annexation. She said it was important for the city to annex areas that were urban, a good place for multifamily housing, was on a bus line, or next to a grocery store. She said she would be supporting Ordinance 17-09.

Sims stated that he agreed with Flaherty regarding councilmembers' integrity being impugned and attacked. He said it was okay to disagree. Sims had talked with county colleagues, not just about annexation, but also things like using American Rescue Plan Act (ARPA) collaboratively to maximize impact. Sims was discouraged because of the riff between some county colleagues, some city administrators, and the Office of the Mayor, and said that he didn't

know the cause. He was troubled that elected officials couldn't work together, even if there was a disagreement. Sims said that the council did not bring annexation back, and commented that it had been illegally halted by the state. He explained that the council had a responsibility to periodically review the city boundaries. Sims discounted the argument that councilmembers had already made up their minds regarding annexation. He was troubled by some of the public comments, and reiterated that council was in an unenviable position. Sims mentioned that annexation could have been able to proceed differently. He stated that he planned to support annexation for Area 1A. He further stated that he was depending on the city administration, the mayor and staff, to do what had been proposed and promised moving forward.

Council discussion: (cont'd)

Flaherty moved and it was seconded to adopt Ordinance 17-09 as amended. The motion to adopt Ordinance 17-09 as amended received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt Ordinance 17-09 as amended [11:16pm]

Lucas reviewed the council schedule.

COUNCIL SCHEDULE [11:17pm]

There was brief discussion.

Piedmont-Smith moved and it was seconded to recess until Wednesday, September 22, 2021 at 6:30pm and to cancel the committee meeting for that evening. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

RECESS [11:22 pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In Bloomington, Indiana on Wednesday, September 22, 2021 at 6:30pm, Council President Jim Sims presided over a Special Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
22 September 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:33pm]

Council President Jim Sims summarized the agenda. He noted that all of the ordinances had been previously amended at the May 19, 2021 meeting and that Ordinance 17-12 had been further amended at the August 31, 2021 meeting.

AGENDA SUMMATION [6:34pm]

Sims announced that the rules for discussion would remain the same as they were in the previous week.

Philippa Guthrie, Corporation Counsel, made a brief statement on behalf of the administration, noting that the administration would not present each ordinance that evening, but would be available for questions. She said that the administration believed the areas were appropriate for annexation and asked the council to consider each one and annex them with the exception of area seven.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:37pm]

Flaherty moved and it was seconded that Ordinance 17-10 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 17-10 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-West B Bloomington Annexation

Flaherty moved and it was seconded to adopt Ordinance 17-10.

There were no questions from the council.

Council questions:

Jaimmie Ford spoke in opposition to the legislation based on the change in the fiscal plans.

Public comment:

Margaret Clements spoke in opposition to annexation.

Phil Argenti spoke in opposition to the legislation.

Sgambelluri asked for Steve Unger to respond to public concerns about updating fiscal plans.

Council comments:

Steve Unger, outside counsel from Bose, McKinney, and Evans, explained that the city was allowed to update the fiscal plan throughout the annexation process. He noted that the city followed state statute exactly, and that it was regular, consistent, and permissible under case law and annexation statute to update the fiscal plan.

Flaherty asked if city staff knew the population density of Area 1 and what state statute said about population density requirements.

Unger answered that density became an issue during the remonstrance process, and explained the different tests for urbanized areas. He said that one was three persons per acre, one was zoning, and one was if it was at least 60% sub-divided and how they could apply. He said that in area one they met all three of the test criteria.

Flaherty asked if it was any of the three tests that had to be met or all three of the three tests.

Unger said that it was any of the three.

Flaherty asked if the tests were pretests for annexation or only applied in the remonstrance process

Unger said it only applied in remonstrance.

Volan asked for clarification that the three persons per acre was only for residential areas, and not for commercial or industrial areas.

Unger said that was correct, and that it was an attempt to look at what was urbanized.

Volan said it could not be the responsibility of the rest of the community know what one person was buying in an area that might become part of the community. He noted that the council represented the population of the community, that cities grow, and that the annexation was righting a long-standing oversight. He said he had not heard a persuasive argument against annexation.

Piedmont-Smith said that she saw annexation as a way for people who already had a connection with the city due to their proximity to Bloomington become fully a part of the city. She listed what annexation would and would not mean for people who were in the annexed areas. She noted that she would be voting in favor of the ordinance.

Rollo expressed concern about extending public services when the city was not in a position to do so. He noted that the city was in a deficit of sworn officers at the time, and he did not want to vote to expand the duties of the police department when they were already working mandatory overtime without a convincing plan. He said he took the concerns of the county commissioners seriously, thought an incremental approach would have been better, and that he was concerned about sprawl. Last, he said he did not think an evaluation of the impact on low income residents had been made. For those reasons, he planned to vote no.

Flaherty spoke about his view that waivers were a type of time-lag voluntary annexation. He discussed that different areas have different characteristics and not every proposed annexation area would have a uniform character, but he thought that geographic proximity and continuity in city boundaries made sense. He expressed concern that the county commissioners were opposed to annexation, but noted that the county council was not opposed. He agreed with Rollo that an incremental process would have been preferable, but noted that the changing laws made that inadvisable. Flaherty discussed decisions by the county that had impacted the city.

Ordinance 17-10 (cont'd)

Rosenbarger thanked everyone who had commented, spoken, or reached out during the annexation process. She said that for folks who had waivers in exchange for service, annexation was going to come at some point and that time was now. She said she looked at annexation from a holistic viewpoint, and considered density, housing, development, and the climate.

The motion to adopt Ordinance 17-10 received a roll call vote of Ayes: 6, Nays: 3 (Smith, Sandberg, Rollo), Abstain: 0.

Vote to adopt Ordinance 17-10
[7:21pm]

Flaherty moved and it was seconded that Ordinance 17-11 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 17-11 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South-West C Bloomington Annexation

Flaherty moved and it was seconded to adopt Ordinance 17-11.

There was no presentation from the administration related to the legislation.

Council questions:

There were no questions from the council.

Whitney Gates spoke in opposition to the legislation due to the shortage of police officers.

Public comment:

Margaret Clements spoke in opposition to annexation and addressed some of the council comments.

Jaimmie Ford spoke in opposition to the legislation.

Mary Born spoke in opposition to annexation and questioned the housing shortage.

Rita Barrow, Van Buren Township Trustee, told the council that they did not hear from many of the residents in the proposed annexation areas. She was opposed to annexation.

Jacquelyne Porter spoke in opposition to annexation and noted that county residents did not always use city services that often. She also spoke about the homeless population and police.

Piedmont-Smith said she had been concerned about Area 1 because it was a Habitat for Humanity neighborhood and had more people on the lower income levels. She said that she spoke to the director of Habitat, Wendy Goodlett, who said that the residents had signed remonstrance waivers as part of their neighborhood agreements, but if they found financial difficulties based on the increased property taxes they could appeal to Habitat for a renegotiation or modification of their mortgages. She said that she felt better about annexation in that area after her discussion with Ms. Goodlett. Piedmont-Smith said that she was concerned about the police compensation as well, and noted that their contract was up for negotiation in 2022 and that she expected the compensation rate to be improved by 2023. She thought that the city would be able to scale up recruitment of officers and have them in place by 2024 in order to provide public safety in the annexation areas. She said she would support the ordinance.

Volan discussed the history of the city council and how it impacted the development of the city. He said that the remedy for people who were concerned about the management and mismanagement of the city was at the ballot box. He noted that the annexation laws were passed through a democratic process. He said that there were no communities that remained static over the course of 50 years, and that communities were built over time.

Rollo said that even if a police contract were signed soon there was not enough time to build up the police force needed to take on the annexation areas and the city would be diluting the police they already had. He said he did not see a way to make it work and anything else was wishful thinking.

The motion to adopt Ordinance 17-11 received a roll call vote of Ayes: 6, Nays: 3 (Smith, Sandberg, Rollo), Abstain: 0.

Flaherty moved and it was seconded that Ordinance 17-12 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Ordinance 17-12.

Flaherty moved and it was seconded to adopt Amendment 06 to Ordinance 17-12.

Ordinance 17-11 (cont'd)

Council comments:

Vote to adopt Ordinance 17-11
[7:54pm]

Ordinance 17-12 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-East Bloomington Annexation

Amendment 06 to Ordinance 17-12

Amendment 06 Synopsis: This amendment updates Ordinance 17-12 to remove parcels from the map and legal description that were previously amended out of Ordinance 17-12 via Amendments 02 and 03. It also updates the acreage total contained in the fifth whereas clause of the preamble to Ordinance 17-12. *Note: This amendment was revised after release in the September 15, 2021 Legislative Packet but before introduction by the Council to revise the corrected acreage total from 2,758 acres to 2,755.15 acres.*

Amendment 06 to Ordinance 17-12 (*cont'd*)

Flaherty introduced the amendment, saying that he was sponsoring it on behalf of the administration, that it had been in the packet the previous week, and that it was largely a housekeeping amendment.

Mike Rouker, City Attorney, explained that the proposed amendment was necessitated by the adoption of amendments two and three, which modified which parcels were part of annexation area two, and resulted in the modification of the maps, legal descriptions for area, and the acreage total.

There were no council questions on Amendment 06 to Ordinance 17-12.

Council questions:

There was no public comment on Amendment 06 to Ordinance 17-12.

Public comment:

There was no council comment on Amendment 06 to Ordinance 17-12.

Council comments:

The motion to adopt Amendment 06 to Ordinance 17-12 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 06 to Ordinance 17-12 [8:01pm]

Smith asked for information on the eligibility of Area 2 with regard to density should the issue go into remonstrance.

Council questions:

Unger said that he thought they would defend the remonstrance on grounds that it was still urbanized under a hybrid approach similar to other areas.

Smith asked what the fairly calculated equitable exchange was for the annexed areas.

Unger clarified that Smith was referring to language in the statute that said that every annexation should include terms and conditions that were fairly calculated, and then explained that one way was through the provision of services outlined in the fiscal plan, another tool was the effective date of annexation, and another was including additional funds. Overall, he thought the city met the statutory requirement.

Bart Farrell spoke in opposition to the legislation based on transparency, staffing changes, timing, and lack of follow through.

Public comment:

Mark Riggins spoke about his opposition to the legislation, and discussed his and his wife's preference for a rural area with their own trash removal choices.

Maddie Andry spoke in opposition to the legislation based on the shortage of police officers.

Matt Andry spoke in opposition to annexation and said that it was irresponsible for the council to take on additional areas when they could not provide services already.

Jaimmie Ford discussed Volan's comments related to democracy and voting.

John Donatiello spoke in opposition to annexation and expressed concerns about development, housing, water, job creation, and employment.

Jane Donatiello spoke in opposition to annexation, and discussed the need to maintain the character of the area.

Julie Thomas, Monroe County Commissioner, discussed the negative financial impact annexation would have on the county. She said that annexation would lead to a lawsuit and bad feelings for the residents of the community. She asked the council to vote no.

Jenny Noble-Kuchera, a resident in the area, spoke about how she welcomed annexation.

Dirk Olton spoke in opposition to annexation, but asked that if it was approved that it be delayed for an additional couple of years to allow for more time to plan for additional police.

Bruce Myers said he was opposed to seeing the council act against the will of the people.

Colby Wicker said that he thought it was important for the council to listen to the people and that he opposed annexation.

Susan Brackney spoke about redistricting, voting, and elections as a result of annexation.

Rollo said that annexation implied an extension of city services and therefore undeveloped land, and that would encourage sprawl. He said that discouraging sprawl was a good reason to vote down Area 2, and encouraged his colleagues to vote no on the ordinance.

Flaherty said that he thought the exact opposite of Rollo. He said that the county had been pursuing poorly connected, low density suburban developments outside of the city that were by definition sprawl. He said that the city had better land use policies than the county when it came to compact urban form and sprawl avoidance. He noted that it was his professional field and that he spent time reading research from what experts in housing policy climate emissions land use had to say about the issue.

Ordinance 17-12 (cont'd)

Public comment:

Council comments:

Sgambelluri discussed the myths surrounding annexation and said that the only way she knew how to dispel them was to be consistent and persistent in sharing accurate information. She spoke of the obligation as a homebuyer to ask questions and hold her real estate brokers and attorneys accountable for sharing information. She rejected the notion that the council was not listening to the people who spoke in opposition to annexation because they had decided to move forward with the process. Sgambelluri said that the annexation decisions would have been made in 2017 if the state legislature had not unconstitutionally intervened. She said the council had an obligation to move forward with government business, and thanked everyone who made it possible to continue during the pandemic. She discussed the comments she heard that evening and elsewhere about community, vision, inclusion, and planning. She described Bloomington and the surrounding area as an ecosystem, a network of interconnected resources and people. She said she would support the ordinance.

Ordinance 17-12 (cont'd)

Council comments:

Volan responded to some of the public commenters. He said that the city should address the issue of recruitment and retention of police officers, and trusted that it would happen in due time. He said that people would likely get a faster response from police and fire in the city than in the county if they had a need. He said the city was following the democratically passed laws, and what would be undemocratic would be to say the laws passed in 2019 should be applied to Bloomington, which had applied for annexation in 2017, and the state then illegally and unconstitutionally intervened, specifically to stop Bloomington's annexation. He said the city should be judged on what the law was when they first filed for annexation. Volan discussed the timeline of the annexation, and said that the administration had done the best they could with the application of the proposal, up to and including the date. He said that some neighborhoods were only possible because the city extended services to them. He said that low density use of land was sprawl. He noted that he had a duty to the residents in district six, which he represented, and that he needed to make sure that people in the outlying areas were not taking advantage of the city without paying their fair share. He urged people to read more about the history of cities, said that he understood their strong feelings, and said that he thought supporting the legislation was the right thing to do.

Smith said he did not see the benefit of annexing Area 2, which seemed to be mostly rural with little chance of industrial development. He did not think the residents were going to get an equitable exchange, and he did not think that all of the services that would need to be provided would occur in an orderly and equitable fashion.

Rollo said that expanding the coverage area for law enforcement would increase stress on an already stressed department and dilute services for current residents. He said that sprawl had been an evolving topic over the last few decades, and that annexing would give the area room to sprawl.

Flaherty said that dense urban development around the city was not sprawl. He said the suburban development of the county over the last decades had been sprawl. He noted that Bloomington was a growing, desirable community that needed various strategies to house people. He said that the county planning commission, with Ms. Clements who had been a part of that body, as well as the commissioners, had been denying and turning down the types of development that included parent patio homes and other types of attached housing that were more affordable by definition. He said that you had to look at the entire system, and that people from the bedroom communities were already commuting to Bloomington now. He said the county had pursued a policy perspective that was unquestionably harmful to the community, and that experts in this field would see it the same way.

Volan said that rural needed to be defined. He discussed the number of commuters to the community, Smith's concerns about the value of services provided, and the responsibility of the council to represent the people in their districts. He said that he found his colleagues' positions naïve at best and a contradiction of their jobs at worst.

The motion to adopt Ordinance 17-12 as amended received a roll call vote of Ayes: 6, Nays: 3 (Smith, Sandberg, Rollo), Abstain: 0.

Flaherty moved and it was seconded that Ordinance 17-13 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Ordinance 17-13.

There was no presentation from the administration related to the legislation.

There were no questions from the council.

Margaret Clements spoke in response to council comments said the city council did not understand county planning and that was a further argument for why they should not be stewards of the county.

Rita Barrow thanked Sandberg, Rollo, and Smith for their consideration of the annexation legislation.

Ordinance 17-12 (cont'd)

Council comments:

Vote to adopt Ordinance 17-12 as amended [9:14pm]

Ordinance 17-13 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – North Island Bloomington Annexation

Council questions:

Public comment:

Julie Thomas asked the council to listen to residents. She thanked Sandberg, Smith, and Rollo for their votes.

Ordinance 17-13 (cont'd)

Public comment:

Colby Wicker spoke in opposition to the annexation and addressed some of the councilmembers comments.

Lee Jones, Monroe County Commissioner, spoke about the remonstrance process.

Council comments:

Volan responded to the comments made by Clements, and said that the councilmembers held their jobs because they believed in the inherent merit of the city, regardless of their opinion on any given ordinance. He wished annexation had proceeded differently, that the city had not stopped indexing in 2004, and noted that the decisions they made would impact city and county residents alike.

Sandberg said that it had been her intention to vote for the annexation of the islands because it made sense to her from a geographic standpoint. However, because of her grave disappointment in the process and poor communication with the county she was going to vote no on all of the parcels. Sandberg explained that she respected the attorneys who worked on the annexation, and the consultants, but felt it was poorly managed. She thought the process should have been more collaborative.

Flaherty said that when he first spoke to Mayor Hamilton about annexation he asked if he had spoken with county elected officials, and that Hamilton confirmed he had spoken with most other than a couple who refused to speak to him. Flaherty said that communications were a two way street. He said that the commissioners and county council had a diversity of opinions, just like the city council, but he wanted to make sure that everyone noted it was complicated and the blame could be shared all around.

The motion to adopt Ordinance 17-13 received a roll call vote of Ayes: 6, Nays: 3 (Smith, Sandberg, Rollo), Abstain: 0.

Vote to adopt Ordinance 17-13
[9:38pm]

Smith asked Flaherty for clarification on the rules of debate according to Robert's Rules of Order.

Flaherty said they should focus on ideas and actions rather than character and motives. He said they should be able to have robust discussion and debate of ideas and actions and that was his advice in discussing the merits of various proposals. He added that they should address the chair, not each other, but had not reached that level of formality.

Smith thanked Flaherty and said he asked as a preventative measure because he worried about the councilmembers going over the line.

Sims added that much of what they heard that evening were rebuttal comments, and asked people to treat each other with civility and respect.

Flaherty moved and it was seconded that Ordinance 17-14 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Ordinance 17-14.

There was no presentation from the administration related to the legislation.

Piedmont-Smith asked when the increased property taxes would need to be paid by the residents in the annexed areas.

Unger explained that they would have to pay in May and November of 2025.

Adam Nance spoke in opposition to the legislation.

Jacquelyne Porter spoke in opposition to annexation and reminded the council that the increased costs could force some residents out of their homes.

Susan Brackney spoke about the benefit of low density in the area, and her opposition to the legislation.

Lisa Peay asked the council to vote no on the legislation.

Jaimmie Ford spoke in opposition to the legislation.

Rita Barrow questioned whether the council was listening to the public comments and encouraged them to listen with empathy.

Jami Scholl discussed her annexation concerns and said that she saw it as a political act of aggression.

Margaret Clements spoke about the bipartisan effort to stop annexation and told residents that she and others would be available to help with remonstrations.

Julie Thomas said that residents deserved to be thanked for their efforts and said that the annexation had unified the residents in an interesting way.

Colby Wicker said that everyone who was involved in the anti-annexation effort should be commended and spoke about future remonstrations efforts.

Flaherty stated that it was easy to feel like people were not listening but that there was a tendency to conflate being listened to with being agreed with. He reassured folks that they were listening and had been listening for several months. Flaherty spoke about the annexation process. He reminded people that he was available to talk at his monthly constituent meetings.

Ordinance 17-14 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - Central Island Bloomington Annexation

Council questions:

Public comment:

Council comments:

Rollo said that growth could be managed, and that annexation created a lot of interest. He said that in the beginning of the process he looked at the area as something that should be annexed but began to change his mind as time went on because it was an island that had livestock, residents with fixed incomes, and possible urban agriculture. He said that vibrant cities were not monolithic and that considering areas for their character was an important consideration. He said that he would be voting no on the legislation.

Piedmont-Smith said that the whole process had been difficult and that she had wrestled with the question of annexation the whole summer. She said that she took no joy in voting in a different way from the majority of the public comments that she had received but she thought it was time to make up for the errors of the past, which included extending sewer service to areas outside of the city without them being annexed and not having any annexations pursued since 2004. She said that the recent state legislation regarding waivers was illegal because the state could not invalidate a contract. She said that just because an area was annexed did not mean that it would be zoned in a particular manner, and that it could be zoned as an agricultural zone. She said that the area was surrounded by Bloomington and should become a part of the city and part of its long range planning.

Rollo said that if the area were annexed the agricultural use would cease to exist unless the council changed the rules governing livestock in the city, which would be difficult to do in a specific area in the city.

The motion to adopt Ordinance 17-14 received a roll call vote of Ayes: 6, Nays: 3 (Smith, Sandberg, Rollo), Abstain: 0.

Flaherty moved and it was seconded that Ordinance 17-15 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Ordinance 17-15.

There was no presentation from the administration related to the legislation.

There were no questions from the council.

Flaherty stated that while public comment was welcome on the ordinances, members of the public should refrain from directing comments to a particular constituency, the public, or a political campaign.

Ordinance 17-14 (cont'd)

Council comments:

Vote to adopt Ordinance 17-14
[10:29pm]

Ordinance 17-15 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington - South Island Bloomington Annexation

Council questions:

Margaret Clements spoke in opposition to annexation and told residents that she and others would be available to help with remonstrations.

Ordinance 17-15 (cont'd)

Public comment:

Julie Thomas responded to councilmember comments, said that she did not view things as city versus county, and hoped to help members of the public moving forward.

Colby Wicker spoke about the remonstrations process and said that he would be available to help anyone who needed it.

Mark Furnish, a resident in Area 5, spoke in opposition to annexation.

Rita Barrow spoke in opposition to the legislation.

Jacquelyne Porter spoke in opposition to annexation.

Jaimmie Ford asked if it was possible to see the property waivers.

Jami Scholl discussed urban agriculture rules and what they meant for annexation.

Sims asked if Rouker could answer Ford's question about seeing the property waivers.

Council comments:

Rouker said that the city had shared copies with local media and the county, and that they were online in various locations. He also noted that a public records request to the city legal department was also available.

Volan said city council was a representative democracy, with authority granted to annex by the Indiana code. He thanked everyone for their endurance for the long and difficult process. He expressed appreciation to the commissioners for not disparaging any elected officials in the course of their objections to the city's actions.

Sandberg said that she thought it was problematic and bordering on irresponsible to make major decisions, including annexation, during a pandemic. She thought that part of an elected official's responsibility was the public safety and health of their community. She said there were things the council could do as legislators to make it so residents in the surrounding areas might find it appealing to be a part of the city of Bloomington. She said that she listened respectfully and made her decisions accordingly. Sandberg said that citizens in Bloomington had a right to be upset with some of the decisions made by the Indiana general assembly that interfered with home rule, but that she hoped the city did not become known going forward for not playing well with others. She said it had been shameful and wrongheaded and that was why she had voted no on all of the ordinances.

Piedmont-Smith clarified that livestock was allowed per the unified development ordinance based on the amount of property owned, how much land, and whether it was for livestock to live on. She said that she thought it was safe to make the decision during covid as long as people wore masks. She expressed puzzlement about the idea of keeping rural areas rural and urban areas urban, because it suggested that growth could only occur in urban areas. She said that Areas 3, 4, and 5 were surrounded by the city and could most benefit the residents of the area and the rest of the city by becoming a part of the community.

Ordinance 17-15 (cont'd)

Council comments:

Flaherty said as a follow up to his earlier comment that if it was a general public comment period, sharing any information would be appropriate. But during public comments specific to an ordinance he thought it was out of order to rally positions and speak to a base of political campaigning. He pointed out that he said political small "p", not partisan. Flaherty stressed that all parties should strive to keep their comments constrained to issues relevant to the merits of the ordinance being discussed. He said he supported the rights of commenters to engage in campaigns as a matter of the democratic process.

Smith thanked the public, staff, and council for the robust discussion. He said he opposed the annexation because it was flawed, too large, and not incremental. He said that it could have been smaller, more targeted, and voluntary. He said his decision was informed by the comments from the public who did not want annexation. He thanked everyone for a great exploration of the issue.

Rollo said that proceeding with an annexation during a pandemic was an unfortunate time to proceed. He thought that with a controversial subject that required a lot of public input and assembly, just hearing voices on a meeting with many people not having access to the computer was suboptimal. Rollo said his biggest fear was that the city was not up to the task of providing public safety services for the community when it was already at the breaking point and thought it should be fixed before they proceeded to expand. He thought it was very hazardous bordering on reckless.

Volan said that those who were concerned about making big decisions during a pandemic could have voted no upon introduction of the legislation. He asked if his colleagues would reconsider taking for granted that they have tools to accomplish some of their goals in the future.

Sims said the city council had a responsibility to periodically review city boundaries, but that did not necessarily mean they had to annex or to not include certain areas. He said he understood why people were disheartened with the process. He thought the issues with the waivers were problematic, but there was a process for dealing with them. He said that the votes that evening were a culmination of the annexation process. He said that just because he did not agree with people did not mean that he was not listening to them. Sims noted that he was concerned with the public safety issues as well, particularly with staffing at the police department. He said he was trusting the mayor to follow through with his promises with regard to the annexation.

Ordinance 17-15 (cont'd)

Council comments:

Vote to adopt Ordinance 17-15 [11:25pm]

The motion to adopt Ordinance 17-15 received a roll call vote of Ayes: 6, Nays: 3 (Smith, Sandberg, Rollo), Abstain: 0.

Rouker requested that the council vote no on a motion to introduce Ordinance 17-17. He said that by voting no the council would end the annexation of Area 7. The administration expressed their opposition to any motion to introduce any ordinance to annex Area 7.

Ordinance 17-17 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – North Bloomington Annexation

Sims asked what would happen if it was not introduced.

Rouker explained that if it was not introduced within 60 days from the date that the public hearing was closed and the annexation of Area 7 would not be possible.

Stephen Lucas, Council Attorney, said there were two actions the council could take that evening to eliminate Area 7 and that not introducing it was probably the most expedient option.

Flaherty moved and it was seconded that Ordinance 17-17 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 0, Nays: 9, Abstain: 0. FAILED

Motion to introduce Ordinance 17-17 [11:28pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE

Sims adjourned the meeting.

ADJOURNMENT [11:22 pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval