

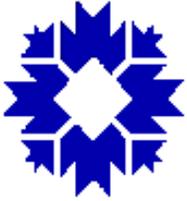
City of Bloomington Common Council

Legislative Packet

Containing legislative materials related to:

Wednesday, 5 February 2025

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
Wednesday | 6:30 PM
5 February 2025

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

<https://bloomington.zoom.us/j/85755099820?pwd=9GrbMO35FEtbUzE3r0qsYq7jYphp8Y.1>

1. **ROLL CALL**
2. **AGENDA SUMMATION**
3. **APPROVAL OF MINUTES**
 - May 15, 2024 – Regular Session
 - September 4, 2024 – Regular Session
 - September 18, 2024 – Regular Session
4. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section).*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - a. Report from the Clerk’s Office
 - C. Council Committees
 - D. Public*
5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
6. **LEGISLATION FOR FIRST READINGS**
 - A. Ordinance 2025-05 – To Amend the Following Titles of the Bloomington Municipal Code Regarding Resident Boards and Commissions: Title 2.12 “Boards, Commissions and Councils”, Title 2.19 “Housing and Neighborhood Development”, Title 2.23 “Community and Family Resources Department”, and Title 2.20 “Bloomington Board of Park Commissioners”

- continued on next page -

*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 up to three minutes.

Auxiliary aids are available upon request with adequate notice. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: January 31, 2025

7. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

- A. Appropriation Ordinance 2025-01 – To Additionally Appropriate from the General Fund For the Downtown Outreach Program
- B. Ordinance 2025-03 – An Ordinance to Amend Ordinance 2024-20 That Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees For All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2025
- C. Ordinance 2025-01 – Third Reading: To Amend the District Ordinance and Preliminary Plan of A 3.2 Acre Planned Unit Development (PUD), The Curry PUD, In Order to Amend the Workforce Housing Contribution - Re: 105 S. Pete Ellis Drive (Bloomington SPCW JV, LLC, Petitioner)
- D. Ordinance 2025-04 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: The Establishment of the Transportation Commission

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

9. COUNCIL SCHEDULE

10. 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 up to three minutes.

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Posted: January 31, 2025



**City of Bloomington
Office of the City Clerk**

Minutes for Approval

15 May 2024 | 04 September 2024
18 September 2024

In the Council Chambers of the Bloomington City Hall, Bloomington, Indiana, on Wednesday, May 15, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
MAY 15, 2024

Council members present: Isak Nti Asare, Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger, Andy Ruff, Hopi Stosberg, Sydney Zulich

ROLL CALL [6:30pm]

Council members present via Zoom: Dave Rollo (left the meeting at 11:48pm)

Council members absent: None

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:31pm]

Stosberg moved and Ruff seconded to suspend the rules to consider the minutes for approval. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES
[6:35pm]

- October 04, 2023 (Regular Session)

Stosberg moved and Ruff seconded to approve the minutes of October 04, 2023. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Daily shared that her third grader asked her to “adopt-a-drain” which strives to inspect, clean, and report on the status of storm drains and she encouraged the public to look into the program. She also stated that they are on week three of mental health awareness month, which focuses on post-partum depression and provides information on mental health support services.

REPORTS

- COUNCIL MEMBERS [6:36pm]

Stosberg shared an update on the Plan Commission. In April, 2024, the new Beacon facility and student housing were approved. In May, 2024, the first reading of a new subdivision was discussed. She also reminded the public of her monthly constituent meeting on Saturday morning. Stosberg encouraged the public to host foreign exchange students and volunteered to provide them with any information if they requested. Finally, she congratulated all recent school graduates, teachers, and students.

Ryne Shadday, Chair of the Bloomington/Monroe County Human Rights Commission (HRC), presented the 2024 Human Rights Award to an organization, Building a Thriving Compassionate Community, and a community member, Byron Bangert.

- The MAYOR AND CITY OFFICES [6:43pm]

Byron Bangert thanked all involved, and spoke on his history in the human rights field and the need to oppose human rights violations, highlighting the United States’ support of Israel in its war in Gaza. He thanked councilmembers for calling for a ceasefire in the war.

There were no council committee reports.

- COUNCIL COMMITTEES [6:28pm]

Darel Ruble voiced his appreciation for the street department’s work on repairing the road damage on Kirkwood and Elm, expressed the belief that more people needed to exercise their rights to freedom of speech, and thanked emergency services for their work.

- PUBLIC [6:29pm]

Paul Tarricone expressed his belief that the funds generated from the food and beverage tax could be directed towards a more effective cause than the convention center project. He

acknowledged that the center could benefit businesses in the downtown core but did not see that in its currently planned iteration.

- PUBLIC (cont'd)

Jami Sholl believed that the council's land acknowledgement was performative and inaccurate. She noted the history of some of the Native American tribes in the area and proposed that the structure of planning and development should be done more ecologically.

Brian Victor asked councilmembers to include links to a website for supporting Gaza. He spoke about the homeless encampment, and thanked the "hot dog lady" for feeding members of the encampment.

Paul Post, president of Fraternal Order of Police 88, reminded everyone that May 15 was Peace Officers Memorial Day and read off the names of the eight police officers from Monroe County who died in the line of duty in the last ninety six years.

Flaherty moved and Zulich seconded to give notice to Alex Hakes of Council's intent to remove him for cause from the Commission on Sustainability. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:12pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:15pm]

Stosberg moved and Ruff seconded that Ordinance 2024-11 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 2024-11-To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Section 15.12.010 (Stop Intersections) to Remove Stop Intersections on Seventh Street from Schedule A and Add Multi-Stop Intersections on Seventh Street to Schedule B [7:15pm]

Stosberg moved and Ruff seconded to adopt Ordinance 2024-11.

Rosenbarger moved and Flaherty seconded to postpone the legislation indefinitely.

Rosenbarger noted that there was not enough data regarding the installation of the stop signs and wished to await additional information from the engineers.

Ruff requested more details on the missing data.

Council questions:

Rosenbarger explained that there was data on crashes before and after the project, but not enough data on long-term trends regarding traffic fatalities.

Ruff asked whether the data was available but not yet public.

Andrew Cibor, City Engineer, explained that he had provided Rosenbarger and Flaherty with some of their requested information, but that he did not yet have data on other topics.

Rollo asked whether Cibor was satisfied with the available data to recommend the ordinance.

Cibor confirmed his satisfaction.

Rollo asked about the timeline for the ordinance.

Cibor explained that there was a 180 day order in place at 7th and Dunn Street, which could be extended if necessary. More crashes could occur if the ordinance was postponed.

Rollo asked if it would be a hazard to postpone.

Cibor stated that he would not yet call it a hazard.

Stosberg asked whether there were up-to-date traffic counts on cross streets.

Cibor confirmed that while he had some of that data, it was currently incomplete.

Stosberg stated that she would be interested in a comprehensive list of traffic counts.

Asare expressed the necessity for public comment on the ordinance.

Zulich stated that she would be in favor of voting to postpone and asked where the 180 day order number came from.

Cibor explained that the 180 day was part of Title 15 of city code.

Ruff asked why the data had not been provided over the long-term.

Cibor stated that he was not certain of the reason.

Rollo asked if Cibor was able to place the order for the stop signs to test their effectiveness.

Cibor confirmed that he was able to place the order but expressed concern over a temporary test.

Rollo asked whether Cibor could be undercounting pedestrians.

Cibor explained that the pedestrian crossing data was only collected from January and February 2024.

Stosberg clarified that she was interested in traffic counts rather than pedestrian counts.

Cibor stated that traffic counts had decreased.

Paul Tarricone shared in the concern over the lack of data. He had seen higher pedestrian usage, and the installation of the stop signs would create more conflicts between cars and bikes. He supported the motion to postpone.

Public comment:

Chris Sturbaum said that delaying the installation would put responsibility on the council if a pedestrian was struck and he spoke in favor of the four-way stop

Chuck Livingston presented a series of slides regarding the accidents in the area in order to put a human face on the statistics.

Wendy Bush asked why the stop sign project was continuing to be delayed given its import and voiced her support for it.

Dave Rousseau commented that he was a frequent cyclist and noted numerous incidents of speeding and confused drivers from out of town; he expressed support for the stop signs.

Flaherty noted process concerns with the project, noting that 7th Street was no more dangerous than other intersections and that the city should focus on areas where fatalities take place.

Council comments:

Rollo regarded 7th Street as a problem area, particularly for individuals with mobility issues, and stated that he was in favor of installing the signs.

Stosberg agreed with Flaherty about process concerns and expressed her belief that the data being presented had been manipulated to encourage the installation. She noted her concern regarding excessive stop signs in near proximity to one another.

Rosenbarger remarked that the primary focus should be on slowing driver speeds, which stop signs were not effective at doing.

Ruff stated that as a long-term cyclist he was usually against stop signs. He had investigated Idaho's stop legislation. He believed the data would never capture the full reality of traffic and pedestrian safety in the city. He would vote against postponing the ordinance.

The motion received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Ruff), Abstain: 0.

Stosberg moved and Ruff seconded that Ordinance 2024-12 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.

Stosberg moved and Ruff seconded to adopt Ordinance 2024-12.

Karina Pazos, Long Range Planner, Planning and Transportation department, walked the council through the details of the ordinance.

Flaherty asked whether the county or the city would be paying for the traffic signals and how much it would cost.

Cibor explained that the proposed items would be funded entirely by the Monroe County Highway Department (MCHD), which had received federal funding. He did not know the exact cost of the project.

Flaherty asked whether the city would be responsible for maintenance costs over time and how much maintenance cost.

Cibor confirmed that the city would be responsible, and that routine maintenance costs should be minimal. He estimated that future equipment replacement would cost several hundred thousand dollars.

Stosberg asked how the trail crossing would interact with the intersection and why a pedestrian push-button signal was not proposed instead.

Cibor explained that Monroe County had engaged a consulting team to conduct a study of the area, and the project included multi-use paths, which had additional benefits.

Stosberg asked whether trail users would still have to worry about drivers turning west.

Cibor confirmed that left turns would remain a concern.

Stosberg asked if that was best for pedestrians.

Cibor agreed that further investigation was needed and that other signal timing strategies would be implemented in the future.

Daily asked if angled parking would increase traffic congestion.

Ryan Robling, Planning Services Manager, Planning and Transportation department, confirmed that was considered but staff

Ordinance 2024-11 (cont'd)

Council comments:

Vote to postpone Ordinance 2024-11 [8:08pm]

Ordinance 2024-12-To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Section 15.12.010 to remove one stop intersection on Constitution Avenue and Liberty Drive; Section 15.12.030 to add one signalized intersection on Constitution Way and Liberty Drive; Section 15.32.030 to replace pull-in angle parking with back-in angle parking on Sixth Street between Walnut Street and 35' west of Washington Street; and Section 15.32.080 to remove no parking zones on the north side of Atwater Avenue between Park Avenue and Faculty Avenue, and to codify and extend the no parking zone on the south side of Grimes Lane from Morton Street to 100' east of Palmer Avenue [8:09pm]

Council questions:

expected fewer incidents of traffic slowdown than at other locations. Angled parking led to safer driving as people grew accustomed to it.

Daily asked how serious the crashes in the area had been.

Robling explained that the injury rate of such crashes had been low, but that they were avoidable.

Rollo asked how many metered parking spots were being surrendered due to the loading zone at the hotel.

Robling said one, but another was being converted into metered parking.

Flaherty asked whether an all-way stop was considered.

Cibor explained that MCHD led the project with the city's collaboration. He did not believe that an all-way stop was seriously considered.

Stosberg asked if a pedestrian-activated signal had been considered. She expressed concern that a signalized intersection could have a detrimental impact on trail users.

Cibor explained that the cost difference between a pedestrian push-button and a signalized intersection was minimal, and that traffic volume would benefit from the signal as well.

Stosberg asked about the map and feedback from users.

Robling said that he had not received feedback.

Piedmont-Smith asked whether the road in question was Constitution Avenue or Constitution Way.

Pazos confirmed that it was Constitution Avenue and was labeled correctly in the ordinance.

Piedmont-Smith asked whether there was any parking being eliminated on the north side of Grimes Lane.

Pazos explained that there was no parking on the north side, and that the parking on the south side would not be modified.

Stosberg asked if there were parked cars at the Grimes location that were problematic.

Cibor explained that a no-parking zone would be implemented on Grimes in order to eliminate line-of-sight issues related to turning.

Piedmont-Smith noted that some of her constituents had reported feeling unsafe at the crossing due to said issues.

Yvonne Hensley said that the intersection at Liberty and Constitution was exceptionally busy, with difficult turns. She believed that was the reason for the traffic light.

Ordinance 2024-12 (cont'd)

Council questions:

Public comments:

Flaherty expressed his intent to vote in favor of the ordinance, and reported observing other locations of angled parking.

Council comments:

Stosberg stated that back-in angled parking w be safer for drivers and cyclists alike.

Piedmont-Smith expressed her support for parking at Atwater and for the change in parking at Grimes.

Ruff noted that he was obliged to report that his mother was opposed to back-in angled parking.

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

Vote to adopt Ordinance 2024-12
[8:53pm]

Stosberg moved and Ruff seconded that Ordinance 2024-07 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.

Stosberg moved and Ruff seconded to adopt Ordinance 2024-07.

Jackie Scanlan, Development Services Manager, Planning and Transportation department, presented the legislation and recent amendments to the ordinance.

Angela Parker, Attorney for Sudbury Partners LLC, introduced the petitioners for the ordinance. She focused on the reasonable conditions added to the ordinance, noting that they were ready to discuss the details of Reasonable Condition 01 but that further conditions would complicate the development plan.

Daily moved and Stosberg seconded to adopt Reasonable Condition 02 to Ordinance 2024-07. Daily explained the details regarding the maximum height reductions of Reasonable Condition 02.

Reasonable Condition 02 Synopsis: This Reasonable Condition (02) is sponsored by Cms. Daily, Stosberg, and Piedmont-Smith. It addresses concerns raised by nearby residents regarding the height of structures in the PUD. It reduces the maximum primary structure height in the MN and MX districts from 86 feet to 65 feet and from 75 feet to 55 feet, respectively. However, Tier 2 Projects that are eligible for increased primary structure height for the affordable housing and sustainable development incentives shall be eligible for additional floors or building height and additional step-back on those floors shall not be required. It also sets a maximum height of 55 feet for buildings along Sudbury Drive in Everest Center in the Arbor Ridge transition zone.

Stosberg noted that Reasonable Condition 02 would modify the shape of the building as well as its height.

Travis Vencel, Sullivan Development LLC, confirmed that they were in agreement with the Reasonable Conditions as presented.

Stosberg asked whether the reduction in height would affect the density of the development or whether the building would contain the same number of units.

Vencel confirmed that it would reduce the density.

Stosberg asked how it would affect unit affordability.

Vencel said that it would likely mean units would be smaller.

Rollo asked for a range of how much it reduced density.

Vencel stated that he would be unable to provide an estimate due to the recent introduction of the condition.

Flaherty asked whether the reduction in total unit numbers would reduce the number of affordable housing units as well.

Vencel explained that the affordable housing incentives may increase the total percentage of affordable units as the number of total units was reduced.

Ruff asked for clarification on whether there would be more or less affordable units.

Vencel expressed the belief that there would be more affordable units.

Ordinance 2024-07—To Amend the City of Bloomington Zoning Maps by Rezoning a 138.51 Acre Property from Planned Unit Development (PUD) and Residential Medium Lot (R2) to Planned Unit Development (PUD) and to Approve a District Ordinance and Preliminary Plan - Re: S. Weimer Road (Sudbury Partners LLC, Petitioner) [8:54pm]

Reasonable Condition 02 to Ordinance 2024-07

Council questions:

Randy Crow appreciated the change in height to the development. He talked on the potential drawbacks of the population density of the area and affordable housing concerns.

Reasonable Condition 02 to Ordinance 2024-07 (cont'd)

Public comments:

John Scott stated that he hoped council stood fast on limiting the maximum height of the building to eight stories.

Rollo expressed his concern over population density in the area but remained unsure that the reduction in height would not affect the density.

Council comments:

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

Vote to adopt Reasonable Condition 02 to Ordinance 2024-07 [9:24pm]

Piedmont-Smith moved and Ruff seconded to adopt Reasonable Condition 03 to Ordinance 2024-07. Piedmont-Smith presented the details of Reasonable Condition 03 regarding recycling and chicken flocks.

Reasonable Condition 03 to Ordinance 2024-07

Reasonable Condition 03 Synopsis: This Reasonable Condition (03) is sponsored by Cm. Piedmont-Smith and was recommended by the Environmental Commission. It adds certain accessory uses to the allowed use table within the district ordinance to allow for these sustainable uses.

Vencel accepted the condition.

There were no council questions.

Council questions:

Jami Sholl asked if councilmembers had considered the carrying capacity and food sovereignty of the proposed community.

Public comments:

There were no council comments.

Council Comments:

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

Vote to adopt Reasonable Condition 03 to Ordinance 2024-07 [9:30pm]

Piedmont-Smith moved and Ruff seconded to adopt Reasonable Condition 04 (revised) to Ordinance 2024-07. Piedmont-Smith presented the details of Reasonable Condition 04 regarding the protection of steep slopes. A minor wording change was made to item number three.

Reasonable Condition 04 to Ordinance 2024-07

Reasonable Condition 04 (revised) Synopsis: This Reasonable Condition (04) is sponsored by Cm. Piedmont-Smith and was recommended by the Environmental Commission. Due to changes in Indiana Code disallowing regulation of slopes greater than 25%, this condition reflects an agreement by the Petitioner to restrict development on slopes between 12% and 25%.

There were no council questions.

Council questions:

Paul Rousseau stated that the plan did not include the maximum slope of the roads in the area.

Public comments:

Piedmont-Smith confirmed that the condition included the slope of roads.

Stosberg noted that her interpretation of the question was how steep the roads could be and whether grading would be necessary.

Vencel explained that the environmental section of the Unified Development Ordinance (UDO) addressed slopes and all other features.

Reasonable Condition 04 to Ordinance 2024-07 (cont'd)

There were no council comments.

Council Comments:

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

Vote to adopt Reasonable Condition 04 to Ordinance 2024-07 [9:37pm]

Piedmont-Smith moved and Asare seconded to adopt Reasonable Condition 06 (revised) to Ordinance 2024-07. Piedmont-Smith presented the details of Reasonable Condition 06 regarding housing affordability.

Reasonable Condition 06 to Ordinance 2024-07

Reasonable Condition 06 (revised) Synopsis: This Reasonable Condition (06) is sponsored by Cm. Piedmont-Smith. It changes the affordability threshold from 120% of the area median income (AMI) to 100% of the AMI for the 15% of units required to meet the permanent affordability standard in this PUD until January 1, 2027. After that date, it requires those units to meet the affordability standard that exists in the PUD qualifying standards within the UDO.

Asare asked why the provisional change to the UDO was made and expressed concern that it would affect future housing development.

Council questions:

Vencel explained that the condition was a fair compromise between council and the developers.

Asare asked why it would take three years to change that portion of the UDO.

Piedmont-Smith explained that an exact timeline was necessary to proceed.

Scanlan read the criteria of a Planned Unit Development (PUD) under the Qualifying Standards to the council.

Asare asked whether changes to the provision in the UDO would be set at 90%.

Piedmont-Smith explained that negotiation with the developers would take place in the future.

Vencel explained that they were willing to accept the condition because it provided predictability for the future.

Asare asked if the provision could be altered in the future.

Piedmont-Smith confirmed that it could.

Stosberg asked for details regarding the gap in the housing market that would happen if the condition was adopted.

Vencel confirmed that the housing gap on the specific project would be increased, and it would allow the community to discuss further developments in the future.

John Scott stated that affordable housing had been an issue in Bloomington for a long time and detailed its history in the city. He opined that the priority should be on providing residents with a living wage.

Public comment:

Yvonne Hensley commented on the difficulties in obtaining affordable housing, and the small sizes of the residences. She also noted that affordable housing was often resold and converted to market-value units, rented out, or degraded in quality.

Wendy Bricht expressed concern that new developments in Bloomington's housing market would not make older rental

properties cheaper. She encouraged council not allow housing construction without considering the effect on the city.

Reasonable Condition 06 to Ordinance 2024-07 (cont'd)

Kyle Davis commented that raising housing production would not necessarily raise housing prices in the long-term.

Public comment:

Stosberg asked for details regarding the restrictions on affordable units.

Council comments:

Scanlan explained there was a permanent zoning commitment that guaranteed the affordability unless removed by the governing body that instituted it.

Stosberg asked if that applied to affordable owning options. Scanlan confirmed that it did.

Flaherty confirmed that the data shared by Kyle Davis was accurate.

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

Vote to adopt Reasonable Condition 06 to Ordinance 2024-07 [10:03pm]

Piedmont-Smith moved and Stosberg seconded to adopt Reasonable Condition 08 to Ordinance 2024-07. Scanlan presented the details of Reasonable Condition 08 regarding changes to the wording of the traffic analysis that was conducted on the property.

Reasonable Condition 08 to Ordinance 2024-07

Reasonable Condition 08 Synopsis: This Reasonable Condition (08) is sponsored by Cm. Piedmont-Smith at the request of Planning staff. Ideally, the traffic study and all of its supporting documents would have been done in time for the City Engineer and his staff to review the documents and make a recommendation on the required improvements to the Plan Commission or the Common Council. The documents were not fully completed with enough time to allow for review. This change to Plan Commission Condition 3 makes it clear that the City Engineer will decide which improvements are required to be part of the MOU.

There were no council questions.

Council questions:

There were no public comments.

Public comments:

There were no council comments.

Council Comments:

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

Vote to adopt Reasonable Condition 08 to Ordinance 2024-07 [10:06pm]

Piedmont-Smith moved and Ruff seconded to adopt Reasonable Condition 09 to Ordinance 2024-07. Scanlan presented the details of Reasonable Condition 09 regarding clarifications of the stormwater detention requirements while the property was under construction.

Reasonable Condition 09 to Ordinance 2024-07

Reasonable Condition 09 Synopsis: This Reasonable Condition (09) is sponsored by Cm. Piedmont-Smith at the request of Planning staff. This condition is meant to reflect conversations between CBU staff and the petitioner to be more in line with the originally written Plan Commission condition.

Stosberg noted that new stormwater regulations were recently approved and asked if the new regulations would apply to the construction site.

Council questions:

Vencel confirmed that they would.

Reasonable Condition 09 to Ordinance 2024-07 (cont'd)

There were no public comments.

Public comments:

There were no council comments.

Council Comments:

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

Vote to adopt Reasonable Condition 09 to Ordinance 2024-07 [10:09pm]

Stosberg moved and Asare seconded to adopt Reasonable Condition 10 to Ordinance 2024-07. Flaherty presented Reasonable Condition 10 regarding the desire to diversify the types of homeowner options in the area. The condition committed to a development approach that would ensure 20% of ownership in five neighborhoods and 40% in the entire PUD.

Reasonable Condition 10 to Ordinance 2024-07

Reasonable Condition 10 (revised) Synopsis: This Reasonable Condition (10) is sponsored by Cm. Flaherty and Cm. Stosberg. It is meant to encourage opportunities for home ownership within the PUD by calling for at least 20% of the housing units in each neighborhood and 40% of the housing units throughout the PUD to be capable of individual ownership. Stosberg noted that the previous version of the condition included a 50% requirement.

Rollo asked when the requirement was lowered from 50% to 20%.

Council questions:

Stosberg explained that the requirement was lowered after a discussion with the petitioner and that the new percentage was sent out in the addendum earlier that day.

Rollo asked why the requirement was lowered.

Scanlan explained that the initial number reported was based on the number of units to be built in a style that was not large, multi-family.

Vencel explained that pressures that caused the size of the project to change had affected the requirement; the 20% was the minimum requirement of homeownership but they expected it to reach around 50%. He also raised other issues built into the PUD.

Rollo asked whether Sullivan Development LLC was constructing with intent to rent the majority of units.

Vencel stated that properties were not constructed on a one-to-one basis and that his company had adhered to the requirements.

Paul Rousseau said the development was overambitious given the state of uncertainty in the market, and expressed the worry that the property would not be completed.

Public comments:

Steven Shot commented that the scale of the project kept growing while the number of owner-occupied units kept dwindling, and opined that the development was essentially an apartment building.

At Piedmont-Smith's request, Scanlan explained that as per the agreement, the first two neighborhoods of multi-family units were required to be constructed first.

Council Comments:

Rosenbarger expressed her support for the condition.

Rollo said the requirement was insufficient and that the development stood to profit greatly at the city's expense. He noted the large number of apartments compared to the number of owner-

occupied units and declared that he would be voting against the condition.

Reasonable Condition 10 to Ordinance 2024-07 (cont'd)

Stosberg emphasized that of the five neighborhoods in the development, three were designed for smaller structures. She noted the importance that the two larger buildings would contain owner-occupied units.

Council comments:

Flaherty agreed with Stosberg's comment and highlighted the need for more homeownership options in Bloomington across different housing types.

Rollo added his appreciation for Stosberg and Flaherty's work on the condition, but reiterated his surprise at the late notice of the change in requirement.

The motion received a roll call vote of Ayes: 8, Nays: 1 (Rollo), Abstain: 0.

Vote to adopt Reasonable Condition 10 to Ordinance 2024-07 [10:38pm]

Stosberg moved and Piedmont-Smith seconded to adopt Reasonable Condition 11 to Ordinance 2024-07. Stosberg presented the details of Reasonable Condition 11 regarding a requirement for onsite recycling services.

Reasonable Condition 11 to Ordinance 2024-07

Reasonable Condition 11 Synopsis: This Reasonable Condition (11) is sponsored by Cm. Stosberg and requires owners or managers of multifamily dwellings in the PUD to provide on-site recycling services if on-site trash services are provided.

There were no council questions.

Council questions:

There were no public comments.

Public comments:

There were no council comments.

Council Comments:

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

Vote to adopt Reasonable Condition 11 to Ordinance 2024-07 [10:40pm]

Stosberg moved and Zulich seconded to adopt Reasonable Condition 12 to Ordinance 2024-07. Stosberg presented the details of Reasonable Condition 12 regarding the traffic study and sewer study on a definite cap of 4,250 units.

Reasonable Condition 12 to Ordinance 2024-07

Reasonable Condition 12 Synopsis: This Reasonable Condition (12) is sponsored by Cm. Stosberg. Though the UDO no longer explicitly regulates density in most situations, the petitioner has based both a traffic analysis and a sewer capacity analysis on a maximum of 4,250 units in the PUD. Adding units above that amount should require an update of those reports, as well as approval of those reports and the new number of units on which they are based.

Piedmont-Smith asked why the condition had returned to council rather than to the Plan Commission.

Council questions:

Scanlan explained that the department believed that it was more appropriate that the change come from the body giving final approval.

Stephen Lucas, Council Attorney, explained that the amendment to the ordinance required action by the council.

John Scott said approving the condition would allow other developers to construct more high-density properties and expressed doubt that such a population density would benefit the City.

Reasonable Condition 12 to Ordinance 2024-07 (cont'd)

Public comments:

Steven Shot asked whether the council had read the sewer analysis report and whether there were plans to address it.

Yvonne Hensley emphasized the importance of listening to residents in the area and recommended meeting with the county council regarding the construction project.

Piedmont-Smith asked whether there were existing problems being remediated by the sewer analysis.

Council Comments:

Scanlan explained that the City of Bloomington Utilities (CBU) had been able to work with the petitioner in order to determine how much would be the responsibility of the developer.

Piedmont-Smith asked if CBU would be responsible for the rest of the sewer upgrade.

Scanlan believed it would.

Vencel explained that they would be paying for their portion of the built-in capacity as per the Memorandum of Understanding (MOU).

Stosberg asked whether the project would be put on hold until council staff agreed to changes to the MOU.

Scanlan confirmed this to be the case.

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

Vote to adopt Reasonable Condition 12 to Ordinance 2024-07 [10:52pm]

Stosberg moved and Piedmont-Smith seconded to adopt Amendment 01 to Ordinance 2024-07. Stosberg presented the details of Amendment 01.

Amendment 01 to Ordinance 2024-07

Amendment 01 Synopsis: This amendment would authorize the Director of the Planning and Transportation Department to incorporate reasonable conditions into the text of the District Ordinance, which is attached to Ordinance 2024-07. It would also replace the term plexes with duplexes, triplexes, and fourplexes within the District Ordinance, which are defined terms in the UDO.

There were no council questions.

Council questions:

There were no public comments.

Public comments:

Flaherty expressed his appreciation regarding the clarification of the term, "plexes."

Council Comments:

Stosberg thanked the planning and transportation department for accommodating the changes into the PUD.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Zulich was out of the room).

Vote to adopt Amendment 01 to Ordinance 2024-07 [10:56pm]

Rollo moved and Ruff seconded to postpone consideration of Ordinance 2024-07 as amended until the June 05, 2024, Regular Session.

Motion to postpone Ordinance 2024-07 as amended

Rollo explained that he still had questions regarding the reasonable conditions and amendments made to Ordinance 2024-07 and noted the late hour of the council meeting.

Council discussion:

Stosberg commented that she was prepared to vote.

Flaherty expressed sympathy for Rollo's concerns but stated that he did not believe further changes to the project would be made.

The motion received a roll call vote of Ayes: 2 (Rollo, Ruff), Nays: 7, Abstain: 0. FAILED

Vote to postpone consideration of Ordinance 2024-07 [11:00pm]

Rollo asked when a study of the traffic impact to the area would be completed.

Council questions:

Scanlan explained that the Plan Commission knew the study would not be completed in time but that the data had been compiled and no red flags were discovered.

Rollo did not understand how an additional 10,000 people would not impact traffic.

Stosberg asked when the MOU regarding the traffic study needed to be completed.

Scanlan confirmed that it had to be completed before the grading permit was issued.

Rollo stated that council should be provided with the traffic data. He asked whether any borings have been conducted to determine the appropriateness of development.

Scanlan confirmed that one of the Plan Commission's conditions required a geologist's report.

Rollo asked if that included both a surface and a subsurface report.

Scanlan stated that they would need to speak with a geologist to further determine requirements.

Rollo asked if the discovery of karst features would prevent development of the area.

Scanlan explained that in that case, the senior environmental planner would need to be contacted.

Paul Tarricone spoke on Bloomington's housing crisis from the perspective of a university student, the importance of increasing population density, and the project's positive effect on housing affordability. He believed the development was overly regulated.

Public comments:

Yvonne Hensley commented on the fact that much of Bloomington's housing was unoccupied because it was unaffordable. She believed that increased population density would exacerbate existing issues.

Christopher Emge thanked everyone involved for their work on the project and encouraged council to support the ordinance. He stated that the PUD would bring valuable income tax revenue to the city.

Kyle Davis urged the council to approve the development, outlining the reasons for its necessity.

Paul Rousseau stated that the council's decision should be guided by the comprehensive plan, and that arguments related to growth should not apply to their reasoning. He opined that the project was too big, and that approving it without a geological and traffic study showed a lack of transparency.

Thomas Landis spoke on his support of the development. He emphasized that additional housing was a fundamental public benefit.

Ordinance 2024-07 as amended
(cont'd)

Public comment:

Steven Shot asked that the council postpone their decision until more data on traffic and sewer analyses are available.

Colin Nielsen spoke on Bloomington's need to increase the supply of housing to meet the demand.

Stosberg emphasized the due diligence she had conducted regarding the project. She highlighted the benefits of the project, including the increase in affordable housing, road and traffic improvements, land for a fire station, and walking trails.

Council comments:

Zulich seconded Stosberg's statement. She stated that there was a bias against renters and students, and expressed the belief that retaining students in the city would be necessary for maintaining Bloomington's workforces.

Ruff commented that the reasonable conditions introduced to the ordinance would be beneficial for the community. He then read from the Comprehensive Plan in order to illustrate the limits of growth in a finite environment and noted his concerns in the project's long-term effects.

Asare moved and Zulich seconded to call the question on Ordinance 2024-07 as amended.

The motion received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Ruff), Abstain: 0.

Vote to call the question on
Ordinance 2024-07 [11:45pm]

Rollo made clear his objection to the fact that the vote was called without hearing final comment from all council members.

The motion to adopt Ordinance 2024-07 as amended received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Ruff), Abstain: 0.

Vote to adopt Ordinance 2024-07
[11:46pm]

There was brief discussion on introducing Resolution 2024-12 that evening. Resolution 2024-12 was not introduced.

LEGISLATION FOR FIRST
READING [11:49pm]

Stosberg moved and Ruff seconded that Ordinance 2024-13 be introduced and read by title and synopsis only. The motion was approved by a voice vote. (Rollo left the meeting). Bolden read the legislation by title and synopsis.

Ordinance 2024-13-To Amend
Title 2 of the Bloomington
Municipal Code Entitled
"Administration and Personnel"
Re: Amending BMC 2.04.380
(Order of Business at Regular
Sessions) [11:50pm]

Lucas read a comment submitted via Zoom chat from Sam Dove commented that there were too many people travelling east on the one-way section of Jackson Street and requested that one-way signs be installed.

ADDITIONAL PUBLIC COMMENT
[11:50pm]

Piedmont-Smith moved and Zulich seconded to schedule a Council Work Session on May 30, 2024, on the topic of the Convention Center expansion. The motion was approved via voice vote.

COUNCIL SCHEDULE [11:51pm]

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

ADJOURNMENT [11:56pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2024.

APPROVE:

ATTEST:

Hopi Stosberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 04, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
SEPTEMBER 04, 2024

Councilmembers present: Isak Nti Asare, Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Hopi Stosberg, Sydney Zulich

ROLL CALL [6:30pm]

Councilmembers present via Zoom: Matt Flaherty, Kate Rosenbarger
Councilmembers absent: Andrew (Andy) Ruff

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:31pm]

Stosberg moved and Zulich seconded to amend the agenda to include a discussion of the mayor's budget proposal. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to amend agenda [6:34pm]

Stosberg moved and Zulich seconded to approve the minutes of February 28, 2024. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES
[6:36pm]

February 28, 2024 (Regular Session)

Daily wished to bring attention to the fact that September was National Suicide Prevention Month and provided the public with the telephone number for the Suicide Crisis Helpline.

REPORTS

- COUNCIL MEMBERS [6:37pm]

Zulich stated that on September 12, 2024, she would be hosting a constituent meeting over Zoom focused on the progress of the construction of the convention center.

Piedmont-Smith explained that she was on the steering committee of the Community Foundation to address homelessness and presented a section of their grant proposal seeking a letter of support from the council.

Rollo asked why the homelessness numbers in Region 10, Monroe County for the years of 2019 to 2024 appeared low on the provided documentation.

Piedmont-Smith explained that she was not involved in the creation of the proposal and did not know the reason.

Zulich moved and Rollo seconded to issue a letter of support for a grant through the Lilly Foundation's Giving Indiana Funds for Tomorrow, for the Community Foundation to address homelessness. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to issue letter of support [6:42pm]

Doug Bruce, Representative to the Capital Improvement Board (CIB), gave a report on the progress of the convention center's design, the project's goals, progress since July, key dates, bid opportunities, expansion location, collaborator workshops, conceptual building plan, design concepts, and next steps. He encouraged the public to attend the upcoming Community Input meeting on the September 16, 2024.

- The MAYOR AND CITY OFFICES [6:43pm]

Rollo asked if the CIB had considered the way hoteliers involved in the project treated their employees. He noted the need to raise the wage floor in Bloomington.

Bruce explained that the topic did not arise in the discussions, and agreed to the need for Bloomington residents to make a living wage. He asked that the council provide him with a list of recommendations to prospective hoteliers.

- The MAYOR AND CITY OFFICES (*cont'd*)

Flaherty asked whether the CIB had decided to ignore the Council’s guidance not to include skywalks in the center’s design.

Bruce emphasized that the designs were not final, that everyone involved agreed to the importance of street-level traffic, but that a skywalk between centers may be necessary for logistical reasons.

Eric Spoonmore, Treasurer of the Monroe County Capital Improvement Board, noted the council’s resolution to prevent pedestrian fatalities, and expressed the belief that a skywalk was the only guaranteed way to accomplish this.

Rosenbarger said that Spoonmore’s comments were not backed up by facts, and emphasized the need for street-level pedestrian safety to take precedence.

There were no council committee reports.

Taylor Brown introduced himself as the newly hired Legislative Affairs Specialist for the mayor’s office and stated that he looked forward to working with the council.

James Bernard spoke about his experience as a camp leader for the homeless community in the city, and emphasized the need for more resources and support.

Sidarth Dahs spoke about his work as part of an organization that supported the unhoused and nomadic population, and expressed frustration at the frequent incidents of forced relocation and the lack of long-term solutions.

Kyle Feldcamp commented that after listening to the discussions regarding the convention center and the homelessness situation, he believed it was clear that the city’s priorities lay towards the former.

Mo Murphy spoke about legislation that prohibited the unhoused from camping on public property, stating that it was unacceptable.

Anna Sowka stated that the homeless community needed an immediate solution to the city’s displacement policy.

Jessica Mills said that there should not be as much of a separation between housed and unhoused people as currently existed.

Brandon Jones spoke about his experience in the city’s nomadic community, and expressed the wish to communicate with the mayor’s office in order to improve coexistence.

Diana Traas commented that the unhoused considered Bloomington their home, and that they should not be pushed out of it.

Piedmont-Smith clarified that the legislation referenced in comments was a county ordinance, and not the city’s.

There were no appointments to boards or commissions.

Council Discussion:

- COUNCIL COMMITTEES [7:02pm]
- PUBLIC [7:03pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:25pm]

LEGISLATION FOR FIRST READING [7:26pm]

Stosberg moved and Rollo seconded that Ordinance 2024-17 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Zulich out of the room). Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 2024-17–To Amend Title 20 of the Bloomington Municipal Code Re: Amendment and updates related to grading permit and alignment with Title 13 and BMC 20.04 related to steep slopes [7:26pm]

Stosberg moved and Rollo seconded that Appropriation Ordinance 2024-03 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Zulich out of the room). Bolden read the legislation by title and synopsis.

Appropriation Ordinance 2024-03–To Additionally Appropriate From the Public Works General Fund for Personnel [7:28pm]

Stosberg moved and Rollo seconded that Appropriation Ordinance 2024-04 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Zulich out of the room). Bolden read the legislation by title and synopsis.

Appropriation Ordinance 2024-04–To Additionally Appropriate From the Public Works General Fund for Debris Removal [7:29pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:30pm]

Stosberg moved and Rollo seconded that Resolution 2024-17 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Zulich out of the room). Bolden read the legislation by title and synopsis.

Resolution 2024-17–Approving the Issuance of Refunding Bonds of the City of Bloomington Redevelopment District [7:30pm]

Stosberg moved and Rollo seconded to adopt Resolution 2024-17.

Eric Spoonmore, CIB Treasurer, presented the legislation. The legislation sought to approve the 2025 budget that was presented at an earlier date.

Jeff Underwood, CIB Controller and Assistant Treasurer, stated that the total budget request was \$899,400 and detailed the costs.

Stosberg asked why the budget listed for the website was \$1,000 while Jeff Underwood had stated that it was \$2,000.

Underwood confirmed it should be \$2000.

Council questions:

Piedmont-Smith asked why the amount budgeted for a part-time controller was \$71,500, noting that the cost seemed high.

Spoonmore said that the cost was an estimate, and a competitive rate compared to his previous experience.

Stosberg asked if the current budget was likely to change in 2025.

Spoonmore said that was and that the CIB would not need to make further appropriations.

Underwood added that there would be one more appropriation when the bonds were sold, but it should not require an amendment to the operating budget.

Piedmont-Smith asked when the appropriation for the bonds would come forward.

Underwood said it would be at the end of January or beginning of February, 2025, and would close on the bonds in March 2025.

Piedmont-Smith asked for details on the agreement between the CIB and the city.

Resolution 2024-17 (cont'd)

Council questions:

Spoonmore explained that a building corporation would need to be established in order to operate the convention center.

There was no public comment.

Flaherty commented that he would be voting no on Resolution 2024-17 as well as future votes if the CIB continued to ignore council's recommendation. He expressed uncertainty in the project's direction and financial future, and said that the money being spent on the center could go towards more tangible benefits to the community.

Rosenbarger commented that she would also be voting no on the legislation and that a solution for the city's unhoused community, and pedestrian safety should take priority.

Rollo appreciated the answers provided by the CIB and said that the center would serve the needs of many of Bloomington's residents. He acknowledged the differences in opinion among Councilmembers and noted that he planned to support the resolution.

Piedmont-Smith expressed the belief that council should receive more requests for collaboration and information from the CIB. She noted that she plans to support the resolution, but that council should be more involved than the general public.

The motion received a roll call vote of Ayes: 6, Nays: 2 (Flaherty, Rosenbarger), Abstain: 0.

Christopher Emge, Greater Bloomington Chamber of Commerce, expressed concerns with the 2025 city budget, acknowledging a breakdown in communication between the mayor's office and council. He urged the council to audit city personnel numbers and reprioritize items in the budget with an eye for fiscal responsibility.

Wes Martin, a member of Firefighter Union Local 586, supported the city's 2025 budget proposal, noting that his union's contract was unanimously approved for the first time. He emphasized the importance of retaining experienced firefighters. The proposed budget was a positive move for Bloomington's labor movement.

Ash Kulak, Deputy Attorney, read a comment submitted via Zoom chat from Sam Dove inviting the public to an upcoming information session on September 16, 2024, about the convention center project.

Stosberg moved and Zulich seconded to suspend the rules with respect to the structure of debate, questions, and comment periods with opening statements up to three minutes per Councilmember, followed by a period of question, answer, and discussion starting with the Mayor, to be followed by public comment limited to two minutes per speaker, followed by additional questions or comments by Council or the Mayor. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Zulich noted that the Council line item on food security was vague and recommended that they incorporate monthly budget meetings with the mayor's office starting in January 2025. She then presented a list of proposals to be included in the budget.

Stosberg categorized public safety, infrastructure, and engineering upgrades as requirements for the 2025 budget. She also proposed a higher stipend for the council president from \$1,000 to \$1,500.

Public comment:

Council comments:

Vote to adopt Resolution 2024-17 [7:51pm]

ADDITIONAL PUBLIC COMMENT [7:52pm]

2025 CITY BUDGET DISCUSSION [8:00pm]

Vote to suspend rules [8:04pm]

2025 CITY BUDGET DISCUSSION (cont'd)

Flaherty acknowledged improvements in the budget but noted there were major gaps that would preclude his support. The budget's contributions towards pedestrian safety initiatives were less than in previous budgets, and needed to be prioritized given the high number of fatalities and injuries.

Rosenbarger stated that working with Law Enforcement Action Partnership (LEAP) on emergency call analysis presented a valuable opportunity with low financial impact for Bloomington.

Rollo said that the budget would meet the fundamental needs of the city, highlighting the ways that it would remediate the compensation deficiencies for public employees. He requested that the Jack Hopkins Social Services Fund be used to address the needs of the community.

Daily reiterated her support for the budget, noting that she firmly supported repairs of the city's streets and sidewalks.

Asare reiterated his satisfaction with the budget but looked forward to conversations regarding alternative possible funding streams.

Piedmont-Smith spoke about public safety concerns of city residents, noting that a comprehensive plan needed to be created that would include provisions for the unhoused, those suffering from mental illness, and pedestrian welfare. Hiring more police officers alone would do little to increase Bloomington's safety. She expressed her support for engaging LEAP for an emergency call analysis.

Mayor Kerry Thompson said that the 2025 budget marked an improvement in collaboration between the two branches of city governance. The budget was deficit-based and the acceptance of a General Obligation (GO) bond would include additional priorities that were not in the operating budget. The high turnover rate in public sector workers was costing the city money, and competitive salary increases would ultimately be financially beneficial in the long term.

Zulich asked whether there was documentation on the multi-year plan that the council could review.

Thompson stated that the controller had committed to a five-year financial plan that would forecast what the city needed.

Piedmont-Smith asked whether council's plans for transportation improvements would be part of the GO bond's funding.

Thompson confirmed that capital projects such as transportation and sidewalk improvements would be funded out of the bond.

Piedmont-Smith asked whether the mayor's office was willing to commit to using the GO bond for the improvements.

Thompson gave a verbal commitment but explained that she was unable to commit in writing without going through the bond process. She emphasized the need for the collaboration on determining the details of the bond.

Flaherty noted that the timeline on the transportation project had been delayed and asked whether the funds towards the project had been reverted in 2024.

Thompson agreed to investigate the funding plan for Indiana Avenue and whether it had been reverted.

Jessica McClellan, Controller, agreed to follow up with the council on the status of the funds.

2025 CITY BUDGET DISCUSSION
(cont'd)

Stosberg asked that the mayor's office schedule a meeting with the council within the next week to explain the bond process to them. She also asked whether the money would be available in 2025.

Thompson confirmed that it would be available by 2025.

McClellan agreed to schedule a meeting for the week of September 16, 2025.

Asare asked if the bonds would have an immediate impact on tax rates in Bloomington.

McClellan explained that rates would not increase.

Asare asked if the city could bond reasonably to meet all the needs they wished to meet for infrastructure funding and about items that were over-budgeted.

McClellan confirmed that they could. Over-budgeted items accounted for about 5% of the budget, and most of the excess budget was due to unfilled salary positions.

Asare asked if the placeholder items could be made more specific.

McClellan stated that there were no items she would consider placeholder, but that there were line items that were estimated without an exact cost.

Asare asked why the city did not go further into a deficit to complete projects.

McClellan explained that a higher deficit would lead to a shrinking budget in future years.

Rollo stated his reservations about increasing debt and debt service. He asked if the administration had considered a possibility where property values fell as they did in 2008.

McClellan stated that they considered property taxes to be a stable source of income, and that even if values fell the city would be able to raise the same amount of money as the previous year but that taxes would be raised.

Rosenbarger asked what else in the budget could be bonded for and if it could be further modified, highlighting the fact that transportation funding had been removed.

McClellan explained that there was a list of transportation items that were not in the budget that would be included in the bond. She said that the budget would be advertised high.

Thompson confirmed that she was present to discuss changes to the 2025 budget with council, and to present them with other options for funding.

Daily asked about possible downsides for doing the GO bond.

McClellan explained that it used up some of the city's debt capacity, but that the bonding limit was set to one-third of 2% of assessed value by statute, which prevented over-commitment.

Stosberg was concerned with funding transportation projects entirely through a GO bond and expressed the hope that some could be funded through the budget.

Thompson stated that public works projects had been committed to verbally for six years without funding.

Flaherty asked for details regarding new funding and changed spending. He noted that the \$268,810 in the alternative transportation fund was going towards parking services, in addition to most of the \$1,000,000 in the parking meter fund.

McClellan explained that the money in the parking meter fund was being allocated towards curb, roads, and sidewalk maintenance. The

alternative transportation fund was being used for the salaries and supplies for the people who collect the revenue from the meters.

Flaherty asked if active TIF district revenue that was unaccounted for could be allocated towards infrastructure.

McClellan confirmed that both TIF and bonds could be leveraged to fund City infrastructure projects.

Piedmont-Smith asked how the 2024 salary increases would have an impact if there was a deficit budget that year.

McClellan explained that future increases would represent a smaller proportion of the budget and that the increase in property tax revenues would cover the cost.

Rollo asked for the balance of the Community Revitalization Enhancement District (CRED) fund.

McClellan estimated there was \$8 million to spend by the end of the year.

Rollo asked whether the balance in the CRED fund would be used to fund police infrastructure.

McClellan and Thompson explained that they had not yet made a decision regarding the funding.

Stosberg noted that cost of living increases were not equitable and said the city should find an alternative to a flat percentage salary increase.

Piedmont-Smith asked whether the mayor's office would be willing to commit to funding the LEAP study for a community responder program and emergency call analysis at a cost of \$10,000.

Thompson agreed to the funding of the study, but that specific vendors were not included in the budget.

Asare asked if councilmembers had any specific modifications to the budget.

Stosberg reiterated her hope for a line item regarding public safety dispatch analysis, and that some transportation projects would not be part of the GO bond.

Zulich asked why the administration was conducting elected officials' salary study when the council was responsible for salary appropriations.

Thompson clarified that the mayor's office was not conducting the study; Human Resources (HR) was.

Zulich asked that the council be involved in the discussion of who would conduct the study.

Thompson explained that the elected officials' study was a small addition to Crowe LLP's larger salary study.

Piedmont-Smith asked why there was \$15,000 towards the HR website overhaul when the city's entire website needed to be improved.

Thompson explained that the budget included a complete restructure to HR department's intranet, including a modernization of the benefits system.

Piedmont-Smith noted that \$5,000 towards rebranding seemed excessive and asked whether those funds could be reallocated towards other line items.

Asare noted the small size of the line item and expressed doubt that it required discussion.

Piedmont-Smith said that she brought up the cost in support of Stosberg.

2025 CITY BUDGET DISCUSSION
(cont'd)

Stosberg noted that in state code, council was responsible for setting elected official salaries and that new ordinances should be drafted.

Thompson noted that the Crowe study would be completed in time to inform the council of salary increases for the 2025 budget.

Flaherty noted concerns over multi-year bonding, and requested that sidewalk funding be part of the budget rather than relying on the GO bond alone.

Thompson agreed that she would be willing to alter the budget to include capital projects, understanding that it was a priority for the council, but could commit to a firm number

Piedmont-Smith asked for confirmation that the city had to advertise the 2025 budget to the State by September 10, 2024.

Thompson confirmed the deadline and explained that they planned to advertise a slightly higher number than estimated.

Piedmont-Smith asked what level of detail needed to be posted by the deadline.

McClellan explained that the posted budget had to include every category, revenue, and source of revenue per department. Advertising high allowed some amount of leeway.

Stosberg commented that the entire process should be easier.

Flaherty asked the administration to share a spreadsheet of each department's fund with the council.

McClellan confirmed that she could, but requested that councilmembers select specific funds that they wished to access.

Piedmont-Smith noted the upcoming Consensus Building Activity on September 11, 2024.

COUNCIL SCHEDULE [9:45pm]

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

ADJOURNMENT [9:46pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2025.

APPROVE:

ATTEST:

Hopi Stosberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 18, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 18, 2024

Councilmembers present: Isak Nti Asare, Courtney Daily, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Andrew “Andy” Ruff, Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: none
Councilmembers absent: Matt Flaherty

ROLL CALL [6:32pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION
[6:32pm]

There were no minutes for approval.

APPROVAL OF MINUTES
[6:35pm]

Rosenbarger reported on the Safe Streets for All committee meeting. She discussed Vision Zero, speed limits, crashes, high priority intersections, care and control after severe crashes, the need to fund positions in the city to increase staff’s capacity, and more.

REPORTS
• COUNCIL MEMBERS
[6:35pm]

Asare noted it was Hispanic Heritage month and highlighted events occurring in the city.

Stosberg mentioned her upcoming constituent meeting.

Piedmont-Smith commented on her upcoming constituent meeting and some topics to be discussed.

Nathan Ferreira, Director of Real Estate Development, Bloomington Housing Authority, reported on the Summit Hill Community Land Trust. He discussed average and median prices of home sales in the county, city, and state. Subsidies were necessary for affordable housing since income did not keep up with rising housing costs. The primary purpose of the land trust was to acquire land in perpetuity for the benefit of the community, by developing or rehab-ing housing for income-qualifying households. Only the improvements were sold to the homeowners; ownership of the land was retained by the trust. Any future sales of the housing was done in perpetuity to income-qualifying households. He gave details on homes that had been built and their cost and benefits of community land trusts nationwide. Restrictions on plexes and lot sizes for things like cottage developments negatively affected affordable housing. Density was needed for affordable housing; like modular fourplexes. He gave additional information on other projects like a childcare center and further plans for affordable housing.

• The MAYOR AND CITY OFFICES [6:43pm]

Stosberg asked how community members could apply for housing with the trust and what type of mortgage was used.

Council discussion:

Ferreira said that he hosted educational sessions on applying. Traditional mortgages were used and individuals had to qualify. The trust used a ground lease adopted from the Fannie Mae company. There was little risk to banks for lending to land trust mortgages. Individuals also had to live or work in the county, complete the trust’s information session, and complete the city’s homebuyers club.

Asare asked how council could support the trust.

Ferreira said council could help by updating the Unified Development Ordinance (UDO) by allowing more density like plexes,

in more areas, single room occupancy updates, and funding. Disseminating information about the trust would also be useful.

Asare asked if a lot of subsidy was required at the beginning of a community land trust because money was not put back until residents sold their home. He asked if additional subsidies were needed.

Ferreira stated that the large subsidy had been the land. The goal of community land trusts was that they be self-sustaining. There were fees for titles, and more, and additional funding was always needed.

Rosenbarger asked how to contact Ferreira and the trust.

Ferreira said he had contact information and events were posted on social media.

Stosberg reported on the Ad Hoc Hiring Committee and its recommendations.

Zulich moved and Daily seconded to adopt the recommendation of the Hiring Committee and hire Lisa Lehner for the position of Council Administrator/Attorney with a start date of September 30, 2024 with a compensation package that includes a yearly salary of \$104,089, and other benefits including insurance, vacation, et cetera, of all full-time city employees, contingent on successful completion of a background check and Ms. Lehner updating her Indiana law license to active.

There was brief discussion on issues with the structure of council staff and that the committee had not made recommendations for that.

The motion was approved by voice vote.

Greg Alexander spoke against skywalks because they did not address pedestrian safety. He discussed the benefits of an elevated walkway, with a ramp and extension to the B-Line, and noted the importance of having pedestrian connectivity. He expressed frustration with the lack of input from the public regarding the Convention Center expansion, once the budget was approved.

Joe Davis was concerned with the process of the Convention Center expansion meetings which were not being recorded. Millions of dollars were going to be spent without much input from the public. He criticized the proposed designs and lack of greenspace.

Christopher Emge, Greater Bloomington Chamber of Commerce, thanked Stosberg, Piedmont-Smith, Daily, Zulich, Mayor Kerry Thomson, and staff for attending the community information session. A skywalk was necessary for connecting the two Convention Center buildings. He spoke about public safety, police, the city budget, salaries, and long-term sustainability for city funds.

Zulich moved and Rollo seconded to appoint Katie Yoder to seat C-2 on the Parking Commission. The motion was approved by voice vote.

Stosberg moved and Ruff seconded that Ordinance 2024-18 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

- The MAYOR AND CITY OFFICES (*cont'd*)

Council discussion:

- COUNCIL COMMITTEES [7:07pm]

Council discussion:

Vote to hire Council Administrator/Attorney [7:07pm]

- PUBLIC [7:08pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:19pm]

LEGISLATION FOR FIRST READING [7:20pm]

Ordinance 2024-18 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” To Establish a

Piedmont-Smith noted that the second reading would be on Tuesday, October 01, 2024 which was moved due to Rosh Hashanah.

Historic District – Re: Green Acres Conservation District [7:20pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:22pm]

Stosberg moved and Ruff seconded that Ordinance 2024-17 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 2024-17 – To Amend Title 20 of the Bloomington Municipal Code – Re: Amendment and updates related to grading permit and alignment with Title 13 and BMC 20.04 related to steep slopes [7:22pm]

Stosberg moved and Ruff seconded that Ordinance 2024-17 be adopted.

Jackie Scanlan, Development Services Manager, Planning and Transportation department, presented the legislation which aligned local requirements with the Indiana Department of Environmental Management (IDEM) regulations. She gave examples and noted there were additional items relating to parking and stormwater drains.

Piedmont-Smith moved and Ruff seconded to adopt Amendment 01 to Ordinance 2024-17. She briefly presented the corrections to the updates and alignment.

Amendment 01 to Ordinance 2024-17

Amendment 01 Synopsis: This amendment is sponsored by Councilmember Piedmont-Smith and applies the construction measures requirements in Bloomington Municipal Code Title 13 to slopes of at least 12 percent but less than 25 percent, rather than slopes between 12 and 18 percent, to correct a staff oversight when revising the ordinance to comply with the new state statute.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

Stosberg thanked Piedmont-Smith for catching the oversight.

Council comments:

The motion to adopt Amendment 01 to Ordinance 2024-17 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 2024-17 [7:28pm]

Piedmont-Smith asked about the change from grading permit to site development permit.

Council questions:

Scanlan said currently, the grading permit required checking the entire site, including sidewalks and landscaping. The site development permit would allow staff to verify that the site was in compliance with the approved design as well as the UDO.

Rollo asked if the city could enforce code for siltation in streams.

Scanlan said maybe, if it was part of the stormwater inventory, then it could be inspected.

Rollo asked if staff found siltation, that it could be reported to IDEM. Scanlan confirmed that was correct.

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 2024-17 as amended [7:33pm]

Stosberg moved and Ruff seconded that Appropriation Ordinance 2024-03 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 2024-03 – To Additionally Appropriate From the Public Works General Fund for Personnel Expenditures [7:34pm]

Margie Rice, Corporation Counsel, presented the legislation in Director of Public Works (PW) Adam Wason’s stead. She summarized the new position and the line item funding which needed to be reimbursed for temporary staff.

Stosberg asked why the appropriation had not been addressed earlier.

Council questions:

Rice said there was confusion about the process and that an appropriation was needed after the salary ordinance.

Stosberg asked if someone had been in the position for all of 2024.

Rice said yes, and summarized the development of the position.

Piedmont-Smith asked why the request was for a full year. She said the position had been approved midway through the year, and had been paid from the correct line item for a portion of time.

Rice said it was because the line item had been spent down. It had been a temporary position that turned into a permanent position. Using temporary employee funding for that position had caused other services to not be funded. She noted that if council did not approve the funding, then the lapsed services could wait for 2025 funding.

Asare asked why not use something like reverting funds.

Rice stated she was not sure but it was possible that PW did not have reverting funds.

Asare asked if funds could be moved between categories.

Rice said departments could not, but council could.

Zulich asked if other, new positions like in the clerk’s office would need appropriations.

Rice said yes. The administration planned to bring appropriations to council more consistently rather than at the end of the year.

Stosberg asked where the funds would come from.

Rice said they would come from the General Fund which had unappropriated funds.

Asare if the current request was the best process.

Rice explained it was necessary for transparency to the public.

There were no public comments.

Public comment:

Asare said he would support the legislation and commented on changing the process for clarity.

Council comments:

Stosberg commented on the odd development of the new position and possibly amending the appropriation ordinance.

Rice said council could reduce the funds, and noted the amount of money needed to make payroll for the position.

Jessica McClellan, Controller, said the position needed \$32,000. PW had asked for the appropriation since the salary ordinance was approved but could use temporary funding in the meantime.

Interim Attorney/Administrator Ash Kulak explained actions council could take that evening.

There was additional discussion on the options before council.

Zulich moved and Rollo seconded that Appropriation Ordinance 2024-03 be continued until the Regular Session on October 01, 2024 at 6:30pm.

Stosberg asked when the \$32,000 would be needed for payroll.

McClellan was not sure but there was a pay day on Friday.

Rice added that if the legislation was continued, Public Works would be able to make payroll.

Appropriation Ordinance 2024-17 (cont'd)

Council questions:

The motion received a roll call vote of Ayes: 7, Nays: 1 (Asare), Abstain: 0.

Vote to continue Appropriation Ordinance 2024-03 [8:13pm]

Stosberg moved and Ruff seconded that Appropriation Ordinance 2024-04 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 2024-04 – To Additionally Appropriate From the Public Works General Fund for Debris Removal [8:14pm]

Stosberg moved and Zulich seconded that Appropriation Ordinance 2024-04 be adopted.

Rice presented the legislation and provided details on the June 25, 2024 supercell’s impact on the community and city services. There were vast power outages, downed trees, and fallen debris. There were one thousand five hundred and forty three calls to dispatch between 4:00-5:00pm. PW had to hire a contractor to assist with cleanup and use overtime pay for staff. She gave details on the costs of the storm cleanup. She noted that council could continue the legislation as well.

Council questions:

Asare asked if there would be additional appropriations.

Rice did not believe there would be.

Rollo asked about resident-initiated cleanup and reimbursements.

Rice said all of the costs she listed were initiated by the city.

Rollo asked if that was why a constituent of his was not going to be reimbursed by the city.

Rice clarified that a decision was made by the resident to address a downed tree that would have been addressed by the city within a reasonable time frame. There were many downed trees and debris for the city to deal with and prioritize.

Rollo asked about cleanup done by the city and by contractors.

Rice noted that in Rollo’s constituent’s case, there were also electrical lines in the tree that needed to be dealt with by Duke Energy first and then the city would have cleared the road.

There was additional discussion on the constituent’s situation.

Stosberg asked about appropriating a large amount from the General Fund and about the timeline for when the Federal Emergency Management Agency (FEMA) funding would be disbursed to the city.

Rice said she did not know about the timeline but would follow up.

McClellan added that the General Fund balance was about \$50 million.

Public comment:

There were no public comments.

Rollo moved and Zulich seconded that Appropriation Ordinance 2024-04 be continued until the Regular Session on October 01, 2024 at 6:30pm.

Stosberg did not see a need to continue the legislation to a later date.

Asare agreed.

Council comments:

The motion to continue Appropriation Ordinance 2024-04 received a roll call vote of Ayes: 3 (Rollo, Ruff, Zulich), Nays: 5, Abstain: 0. FAILED.

Vote to continue Appropriation Ordinance 2024-04 [8:31pm]

The motion to adopt Appropriation Ordinance 2024-04 received a roll call vote of Ayes: 7, Nays: 1 (Rollo), Abstain: 0.

Vote to adopt Appropriation Ordinance 2024-04 [8:32pm]

Jami Sholl spoke about interest rates, stagflation, and recessions.

ADDITIONAL PUBLIC COMMENT [8:34pm]

Jennifer Crossley, County Council District 4 candidate, discussed the county's need for a new jail including a correctional tax and how the city and county could collaborate to reduce recidivism. She urged councilmembers to attend the county's meetings on the new jail.

Piedmont-Smith called a Special Session on September 30, 2024 at 6:30pm to discuss and vote on the Fire and Police personnel salary ordinance and the American Federation of State, County and Municipal Employees (AFSCME) represented staff and other appointed staff. She reviewed the upcoming council schedule. Piedmont-Smith stated that research was being done on the elected officials' salary ordinance.

ADJOURNMENT [8:41pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2025.

APPROVE:

ATTEST:

Hopi Stosberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval



CLERK NICOLE BOLDEN

CITY OF BLOOMINGTON

401 N Morton St, Ste. 110
Bloomington, IN 47404

OFFICE OF THE CITY CLERK

812.349.3408
clerk@bloomington.in.gov

To: Members of the Common Council

From: Clerk Nicole Bolden

Date: 29 January 2025

Re: Interview Committee Recommendations for Board and Commissions

The council interview committees have made the following recommendations for appointment to the following boards and commissions:

Interview Committee Team B Recommendations:

- For the Commission on the Status of Women - to reappoint Landry Culp to seat C-4.
- For the Community Advisory on Public Safety Commission - to reappoint Kamala Sparks-Brown to seat C-6.
- For the Environmental Commission - to reappoint Adam Martinez to seat C-5.
- For the Bloomington Digital Underground Advisory Committee - to reappoint Mike Allen to seat C-1.
- For the Dr. Martin Luther King Jr. Birthday Celebration Commission - to reappoint Latonya Wilson to seat C-3.

Interview Committee Team C Recommendations:

- For the Tree Commission - to reappoint Travis Harding to seat C-1 and Stephanie Freeman-Day to seat C-2.

Contact

Clerk Nicole Bolden, 812-349-3408, clerk@bloomington.in.gov

Jennifer Crossley, Deputy Clerk of Communications and Outreach, 812-349-3403,
jennifer.crossley@bloomington.in.gov

Materials for Ordinance 2025-05:

Ordinance 2025-05 – To Amend the Following Titles of the Bloomington Municipal Code Regarding Resident Boards and Commissions: Title 2.12 “Boards, Commissions and Councils,” Title 2.19 “Housing and Neighborhood Development,” Title 2.23 “Community and Family Resources Department,” and Title 2.20 “Bloomington Board of Park Commissioners”

Synopsis

This ordinance is sponsored by Councilmember Piedmont-Smith and is a result of the work done by the Special Committee on Council Processes in 2024 (which she chaired). It brings forward revisions to Bloomington Municipal Code related to thirteen resident boards and commissions in order to update and clarify the duties of each entity, require an annual written report by each entity to the Common Council and the Mayor, and to make other revisions which came up during the Special Committee’s review of BMC and discussions with staff liaisons which serve the boards/commissions referenced.

Relevant Materials

- Sponsor Memo from Councilmember Piedmont-Smith
- Ordinance 2025-05
 - Attachment 1 – changes to Title 2.12
 - **NOTE:** This item was amended after the legislative packet was released on January 31, 2025, but before the item will be read for first reading on February 5, 2025. The change was to keep the word “city administration” instead of the word “mayor” in Title 2.12.100(8)(B) governing the Bloomington Commission on Sustainability’s Powers and Duties, and adding the words “and community resilience” at the end of that subsection.
 - Attachment 2 – changes to Title 2.19
 - Attachment 3 – changes to Title 2.23
 - Attachment 4 – changes to Title 2.20

Contact

Councilmember Isabel Piedmont-Smith, 812-349-3409, piedmoni@bloomington.in.gov

To: Members of the Common Council
Office of the Mayor

From: Councilmember Isabel Piedmont-Smith
District 1

Date: January 31, 2025

Subj: Ordinance 2025-05, Title 2 revisions related to resident boards and commissions

Ordinance 2025-05 brings forward recommendations for revisions to Title 2 of the Bloomington Municipal Code (BMC) related to boards and commissions that the Special Committee on Council Processes approved at its meeting on November 12, 2024. These revisions intend primarily to accomplish two goals:

- 1) Update and clarify the purposes, powers, and duties of boards and commissions
- 2) Require all boards and commissions to submit an annual written report to the mayor and the common council

The ordinance includes revisions to 13 entities: 12 commissions plus the Board of Housing Quality Appeals.

In 2021, then-mayor John Hamilton's administration engaged the Novak Consulting Group to study the many boards and commissions convened by the city, and in January 2022 that consultant issued a report entitled "City of Bloomington Organizational Assessment – Boards and Commissions." The common council formally began to review the Novak report via the Special Committee on Council Processes (SCCP), created by the council president in January 2023 (and renewed for 2024). In the course of this review, the Committee decided to go further than the Novak report and examine the BMC language of all non-statutory boards and commissions. See page four of this memo for a list of entities not covered in Ordinance 2025-05.

Ordinance 2025-05 follows through on one of the ten recommendations by Novak: *Require a brief annual report to the Mayor and City Council from each board and commission to ensure the work aligns with the City goals.* Some boards and commissions already had this requirement in BMC, but others did not. Ordinance 2025-05 makes this requirement clear for all 13 entities. Note that, in late 2023, the Committee discussed two different sorts of annual reports and came up with draft templates. The Committee decided that most commissions should submit a report on their activities, while for a few other entities (such as the Board of Housing Quality Appeals) it would make more sense to report on trends, since their activities are similar year after year.

The below paragraphs summarize the substantive revisions in Ordinance 2025-05 other than the annual reporting requirement.

ATTACHMENT 1

2.12.010 Animal Care and Control Commission

Addition to *Powers and Duties*:

“In carrying out its duties, consider public health and the safety of residents, as well as ecosystem health and services.”

Proposed by: SCCP

SCCP’s reasoning: To empower the commission to make recommendations in regard to the control of wild animals such as deer in addition to their usual domain of domesticated animals

2.12.020 Bloomington Arts Commission

More details under *Public Policy and Purpose* and *Powers and Duties*

Proposed by: Some initial changes proposed by SCCP, these were rephrased and added to by the Bloomington Arts Commission

SCCP’s reasoning: Add inclusion and equity language

2.12.050 Environmental Quality and Conservation Commission

Change name to Environmental Commission; substantial revision of purpose and powers/duties sections; deletion of Definitions as they are no longer needed

Proposed by: SCCP, with further input from the Environmental Commission

SCCP’s reasoning: Update the language to a more modern, expansive conception of environmental protection; remove language about hiring employees; remove language focused on pollution prevention and enforcement

2.12.090 Martin Luther King Jr.’s Birthday Celebrations Commission

Greater detail in purpose language.

Proposed by: MLK Jr. Birthday Commission

2.12.100 Bloomington Commission on Sustainability

Rephrasing of purpose, with reference to the UN Sustainable Development Goals; deletion of responsibility to provide an annual sustainability assessment

Proposed by: SCCP and BCOS

SCCP’s reasoning: Better reflect commission’s role as advisory to city government practices and policies; place role in context of adopted Climate Action Plan and Sustainability Action Plan

2.12.120 Community Advisory on Public Safety Commission

Reduce number of members from 11 to 9

Proposed by: SCCP

SCCP’s reasoning: Make it easier to fill all spots on the commission

ATTACHMENT 2

2.19.040 Board of Housing Quality Appeals

Addition of annual reporting requirement only (trends)

ATTACHMENT 3

2.23.050 Commission on the Status of Children and Youth

Expand upon goals (g) and (h)

Proposed by: SCCP

SCCP's reasoning: Clarify vague goals

2.23.060 Commission on the Status of Women

Delete specific mention of working with the human rights commission and the League of Women Voters; delete mention of advising mayor and common council on hiring personnel

Proposed by: SCCP

SCCP's reasoning: Eliminate specific, largely irrelevant goal of close working relationships with these two groups

2.23.070 Bloomington Commission on the Status of Black Males

Eliminate requirement for "action committees;" preface work on problems affecting this population with identification of such problems; delete reference to specific other civic groups to work with

Proposed by: SCCP

SCCP's reasoning: Allow flexibility in method of work (rather than "action committees"); identify problems before trying to address them; generalize which groups the commission should partner with rather than naming specific civic groups

2.23.080 Committee on Hispanic and Latino Affairs

Change Latino to Latiné (non-gendered); eliminate requirement for "action committees;" preface work on problems affecting this population with identification of such problems; delete reference to specific other civic groups to work with

Proposed by: SCCP, with additional changes by the commission

SCCP's reasoning: Use more inclusive, non-gendered language; allow flexibility in method of work (rather than "action committees"); identify problems before trying to address them; generalize which groups the commission should partner with rather than naming specific civic groups

2.23.090 Commission on Aging

Eliminate requirement for "study committees;" delete reference to specific other civic groups to work with

Proposed by: SCCP

SCCP's reasoning: Allow flexibility in method of work (rather than "study committees"); generalize which groups the commission should partner with rather than naming specific civic groups

ATTACHMENT 4

2.20.150 Tree Commission

Update terms, assist with grants rather than applying for them directly; remove duty of assisting with tree inventory, emphasis on advocacy and education

Change number of appointments from 8 voting members to 7 voting members; change the urban forester from a non-voting member to a staff liaison.

Proposed by: Tree Commission and urban forester

OTHER BOARDS AND COMMISSIONS

The Special Committee on Council Processes did not consider revisions to the following boards and commissions for the reasons indicated below.

These three commissions are being considered for integration into a new Advisory Transportation Commission

- Bicycle and Pedestrian Safety Commission
- Parking Commission
- Traffic Commission

Bloomington Digital Underground Advisory Committee – very limited scope

Bloomington/Monroe County Human Rights Commission – joint commission with the County

City of Bloomington Capital Improvement (CBCI) – specific capital development purposes

Council for Community Accessibility – volunteers, not appointed

Under the auspices of Parks & Recreation Department

1. Board of Park Commissioners
2. Cascades Golf Course Advisory Council
3. Environmental Resources Advisory Council
4. Farmers' Market Advisory Council

Defined by state statute

1. Board of Public Safety
2. Board of Public Works
3. Board of Zoning Appeals
4. Firefighters Pension Board
5. Police Pension Board
6. Historic Preservation Commission

ORDINANCE 2025-05

TO AMEND THE FOLLOWING TITLES OF THE BLOOMINGTON MUNICIPAL CODE REGARDING RESIDENT BOARDS AND COMMISSIONS: TITLE 2.12 “BOARDS, COMMISSIONS AND COUNCILS,” TITLE 2.19 “HOUSING AND NEIGHBORHOOD DEVELOPMENT,” TITLE 2.23 “COMMUNITY AND FAMILY RESOURCES DEPARTMENT,” AND TITLE 2.20 “BLOOMINGTON BOARD OF PARK COMMISSIONERS”

WHEREAS, in January 2022, a report was issued by the Novak Consulting Group to Mayor Hamilton’s administration entitled “Organizational Assessment – Boards and Commissions;” and

WHEREAS, the president of the common council created the Special Committee on Council Processes in January 2023 to review the Novak report and to make recommendations to improve the processes of the Common Council; and

WHEREAS, the Special Committee on Council Processes was renewed in January 2024 by the new Common Council president to continue its work;

WHEREAS, subsequent to its review of the Novak Report, the Committee reviewed the Bloomington Municipal Code (BMC) sections related to resident boards and commissions, consulted with those entities and their staff liaisons, and made recommendations for revisions to BMC language largely, but not solely, focused on the powers/duties/purposes of each entity; and

WHEREAS, the Committee’s recommended revisions also aim to require an annual written report to the Common Council and the Mayor from each board and commission considered;

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

Section 1. Chapter 2.12 (“Boards, Commissions and Councils”) of the Bloomington Municipal Code (BMC) shall be amended by incorporating the changes indicated in Attachment 1 of this ordinance. Attachment 1 deals with the following entities:

- 2.12.010 Animal Care and Control Commission
- 2.12.020 Bloomington Arts Commission
- 2.12.050 Environmental Quality and Conservation Commission
- 2.12.090 Martin Luther King, Jr.’s Birthday Celebrations Commission
- 2.12.100 Bloomington Commission on Sustainability
- 2.12.120 Community Advisory on Public Safety Commission

Section 2. Chapter 2.19 (“Housing and Neighborhood Development”), section 040 (“Board of Housing Quality Appeals”) of the BMC shall be amended by incorporating the changes indicated in Attachment 2 of this ordinance.

Section 3. Chapter 2.23 (“Community and Family Resources Department”) of the BMC shall be amended by incorporating the changes indicated in Attachment 3 of this ordinance. Attachment 3 deals with the following entities:

- 2.23.050 Commission on the Status of Children and Youth
- 2.23.060 Commission on the Status of Women
- 2.23.070 Bloomington Commission on the Status of Black Males
- 2.23.080 Commission on Hispanic and Latino Affairs
- 2.23.090 Commission on Aging

Section 4. Chapter 2.20 (“Bloomington Board of Park Commissioners”), section 150 (“Tree Commission”) of the BMC shall be amended by incorporating the changes indicated in Attachment 4 of this ordinance.

Section 5. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

HOPI STOSBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Piedmont-Smith and is a result of the work done by the Special Committee on Council Processes in 2024 (which she chaired). It brings forward revisions to Bloomington Municipal Code related to thirteen resident boards and commissions in order to update and clarify the duties of each entity, require an annual written report by each entity to the Common Council and the Mayor, and to make other revisions which came up during the Special Committee's review of BMC and discussions with staff liaisons which serve the boards/commissions referenced.

2.12.010 Animal care and control commission.

The commission shall be composed of six members.

- (1) Appointments. Three members shall be appointed by the mayor, two by the common council, and one by and representative of the Monroe County board of commissioners.
- (2) Qualifications. One of the mayor's appointees shall be a licensed veterinarian who is a resident of Monroe County and one shall be a member of the Monroe County Humane Association. The representative from the Monroe County board of commissioners must reside in Monroe County.
- (3) Meeting. Regular meetings shall be held once every month as called by the chairperson.
- (4) Powers and Duties. The commission's powers and duties include, but are not limited to the following:
 - (a) Formulate, adopt, and implement policies, principles, and standards for humane treatment and control of all animals in the city;
 - (b) Review the decisions and actions of the director of the animal care and control department division and any animal care and control officer in any matter related to the enforcement of this chapter, if a written request for a hearing is received from the complaining animal owner within ten days after that action is taken; and
 - (c) Make recommendations to the mayor ~~and of~~ the city-common council as to necessary ordinances concerning the care, treatment and control of animals; and
 - (d) In carrying out its duties, consider public health and the safety of residents, as well as ecosystem health and services; and
 - (e) Submit an annual report, in writing, to the mayor and common council.-

(Ord. 97-03 § 3, 1997; Ord. 83-6 § 2 (part), 1983).

(Ord. No. 14-11, §§ 12, 13, 7-2-2014)

2.12.020 Bloomington Arts Commission.

- (a) Public Policy and Purpose. The city of Bloomington recognizes that the arts are an important part of the culture and economy of the community, and that the city has a responsibility to foster an environment conducive to the community's participation in the arts. The conservation and development of the city's artistic resources are essential to the social, educational, and economic growth-vitality of the city. Artists, works of art, and artistic institutions contribute to the quality of life and the general welfare of the citizens of Bloomington. The BAC seeks to provide inclusive and equitable opportunities to all artists and community members, especially those who have been under-served.

The Bloomington Arts Commission strives to develop and enhance the Bloomington arts community by:
 - (1) Supporting local artists and artist groups;
 - (2) Engaging Bloomington residents in arts across genres;
 - (3) Facilitating connections between City of Bloomington staff, artists, and artists groups; and
 - ~~(1)~~(4) Commissioning public arts works by local, regional, and national artists.
- (b) Definitions. As used in this section unless the context clearly requires otherwise:
 - (1) "Commission" means the Bloomington Arts Commission as created in this section.

-
- (2) "Public art project" means an original work of high quality art of any medium, which is created by an artist or artists, which belongs and is accessible to the public.
- (c) Appointments. The commission shall consist of eleven members. Six members shall be appointed by the mayor and five by the common council.
- (d) Qualifications. All members of the commission shall have a demonstrated commitment to the arts. To the extent possible, priority shall be given first to ensuring a broad representation of professional artists from the disciplines of the visual, performing and literary arts and then to arts administrators and arts consumers and to representatives from the education and business communities.
- (e) Terms. Members shall serve terms of three years. Members having served two consecutive three-year terms may not be reappointed until one year has passed from the end of the second term. Terms shall be staggered, with four members' first term ending within one year; three members' first term ending within two years, and four members' first term ending within three years after their initial appointment, so that no more than five members will leave the commission at the end of each term, which will be the thirty-first day of January.
- (f) Powers and Duties. The commission's powers and duties include, but are not limited to, the following:
- (1) ~~Develop and present to the city a public art plan, which is a list of potential public art projects to be coordinated by the commission and produced as a collaborative effort by the city and/or other civic entities~~ Adopt administrative rules and regulations, adopt procedures, conduct activities and form committees necessary to conduct the commission's business;
 - (2) Develop, ~~and administer,~~ and promote programs to achieve the commission's purpose;
 - (3) Inform and advise the common council, city administration, and city boards and commissions on current arts issues and large-scale strategic planning projects for the arts, ~~and offer policy recommendations and advice;~~ and,
 - (4) ~~Adopt administrative rules and regulations, adopt procedures, conduct activities and form committees, necessary to conduct the commission's business.~~ Submit an annual report, in writing, to the mayor and common council.

(Ord. No. 11-04, § 2, 4-6-2011; Ord. No. 14-11, §§ 14—16, 7-2-2014)

Editor's note(s)—Ord. No. 11-04, adopted April 6, 2011, repealed § 2.12.020 and enacted a new section as set out herein. The former § 2.12.020 pertained to the community arts commission and derived from Ord. No. 83-6, § 2 (part), 1983; and Ord. No. 97-11, § 1, 1997.

2.12.050 Environmental ~~Quality and Conservation~~ Commission.

- (1) Purpose. It is declared to be the public policy of the City of Bloomington and the purpose of this section to ~~achieve and maintain such levels of environmental quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and conveniences of the people, promote the economic and social development of Bloomington and facilitate the enjoyment of the natural attractions of the City of Bloomington.~~ promote the stewardship and preservation of the city's environment and natural resources by seeking out and responding to emerging issues, addressing them with sound long-term policy recommendations, and increasing local environmental awareness and engagement.
- ~~(2) Definitions. As used in this section unless the context clearly requires otherwise:~~
- ~~(a) "Environment" means the sum total of the physical, chemical and biological factors affecting the populace of the City of Bloomington and the surrounding community.~~

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- ~~(b) "Pollution" means the presence in the environment of one or more contaminants, or noise, in such quantities, characteristics or duration as is or tends to be injurious to human health or welfare, or property, or would interfere with the enjoyment of life or property.~~
- ~~(c) "Commission" means the Bloomington Environmental Quality and Conservation Commission, as created in this section.~~
- ~~(d) "Person" means any individual, partnership, co-partnership, firm, company, public or private corporation, association, trust, estate, or any agency, board, department or bureau of the city or any other legal entity.~~
- ~~(e) "Bloomington" means the City of Bloomington, its corporate limits, and any areas within its legal purview.~~
- (3) Appointments. The commission shall consist of twelve members, six appointed by the mayor and six appointed by the common council.
- (4) Qualifications. Preference for appointments shall be given to persons with expertise in ~~one or more areas of physical sciences, biological sciences, engineering, business, sanitation, public health, conservation, and recreation.~~ environmental fields.
- (5) Meetings. The Commission shall meet a minimum of once each month.
- (6) Powers and Duties. The Commission shall have the following powers and duties:
- (a) To adopt administrative rules and regulations for the conduct of its business.
- ~~(b) To hold hearings relating to any aspect of or matter in the administration of this section and in cases of non-compliance request the city legal department to take legal action.~~
- ~~(c) To retain, employ, provide for, and compensate, within appropriations available thereof, such consultants, assistants, deputies, clerks, technical and other employees, on a full or part time basis as may be necessary to carry out the provisions of this section and prescribe the times at which they shall be appointed, the duration of their appointments and their powers and duties.~~
- ~~(d) To secure necessary scientific, technical, administrative and operational services including laboratory facilities, by contract or otherwise with any educational institution, experiment station, or any board, department, or other agency of any subdivision of state or the federal government.~~
- ~~(e) To determine by means of field studies and sampling the degree of pollution in Bloomington.~~
- ~~(f) To encourage, and conduct, synthesize, and report on studies, investigations, and research relating to pollution and its causes, effects, prevention, abatement and control emerging issues in Bloomington, and make recommendations to the appropriate public and private bodies with respect thereto.~~
- ~~(g) To classify contaminant sources, which in the commission's judgment may cause or contribute to pollution.~~
- ~~(h) To prepare and develop a comprehensive plan or plans for the prevention, abatement and control of pollution in Bloomington.~~
- ~~(i) To encourage voluntary cooperation by persons and affected groups to achieve the purposes of this section.~~
- ~~(j) To collect and disseminate information through outreach efforts that encourage engagement and personal commitment to strengthening Bloomington's environmental health and conduct educational and training programs relating to pollution and environmental quality and conservation.~~
- ~~(k) To advise, consult, contract and cooperate with other agencies of the State and the City of Bloomington, other local governments, industries, other states, interstate or interlocal agencies, and~~

~~the federal government, and with interested persons or groups. To collaborate with all departments and governmental branches of the city concerning the impacts of their operations and policies on the city's environment and natural resources, through the development and distribution of reports, memos, and resolutions.~~

- ~~(el) To work with city staff to apply for, provide input on, accept, receive and administer grants or other funds or gifts from public or private agencies including the state and federal governments for the purpose of carrying out any of the provisions or purposes of this section. Such funds received by the commission pursuant to this subdivision shall be deposited in accordance with the administrative regulations of the commission. The commission is authorized to promulgate such rules and regulations or enter into contracts as it may deem necessary for carrying out the provisions of this subdivision.~~
- ~~(fm) To make appropriate inquiry into and give constructive consideration to the operations and policies of all departments and governmental branches of the City of Bloomington concerning their adherence to a commitment for environmental quality and the conservation of natural resources. To cooperate with partners or groups within or outside of Bloomington on matters of environmental well-being such as responsible stewardship of biodiversity, air and water quality, and land use.~~
- ~~(gn) Submit an annual report, in writing, to the mayor and common council. To prepare reports and recommendations to the mayor, common council, board of public works, and the planning commission as needed.~~

(Ord. 83-6 § 2 (part), 1983).

(Ord. No. 14-11, §§ 20—23, 7-2-2014)

2.12.090 Martin Luther King, Jr.'s birthday celebrations commission.

- (1) Appointments. The Martin Luther King, Jr.'s birthday celebrations commission shall consist of seven members, with three appointed by the mayor, three appointed by the common council, and one appointed by the National Association for the Advancement of Colored People.
- (2) Qualifications. Preference for appointments shall be given to persons belonging to local religious organizations, the Bloomington human rights commission, Monroe County Government, local community school corporations, and the National Association for the Advancement of Colored People.
- (3) Powers and Duties. ~~To promote and honor Martin Luther King, Jr.'s birthday and legacy in our community, with a focus on fostering diversity, inclusivity, and advancing racial equity and justice for historically marginalized communities. The commission may appoint volunteers and associates committed to these goals. To promote and celebrate Martin Luther King, Jr.'s birthday and the acceptance of diversity in our community. In the pursuit of these purposes the commission may appoint additional volunteers and commission associates.~~ The commission shall submit an annual report, in writing, to the mayor and common council.

(Ord. 93-2 § 1, 1993).

2.12.100 Bloomington Commission on Sustainability.

- (1) Public Policy and Purpose. The purpose of the Bloomington Commission on Sustainability is to promote and advance sustainable policies and practices in Bloomington across environmental, social, and economic dimensions. Broadly, sustainability can be seen as a community or society meeting its needs without compromising the ability of future generations to meet their needs. The United Nations Sustainable Development Goals (SDGs) provide a more detailed and comprehensive framework for organizing and

~~prioritizing sustainability goals and actions. The SDGs shall guide the commission's work, along with sustainability components of relevant city plans, including the Comprehensive Plan, Climate Action Plan, and Sustainability Action Plan. A sustainable community seeks to enhance the socio-environmental economic well-being of the community while taking precautions not to compromise the quality of life of future generations. Toward that end, it reduces its use of nonrenewable natural resources and its production of wastes, while at the same time improving livability. The mission of the Bloomington Commission on Sustainability is to promote sustainable socio-environmental economic well-being of Bloomington and all its inhabitants.~~

- (2) General. This section is subject to the general provisions of Section 2.08.020 of the Bloomington Municipal Code.
- (3) Appointments and Residency. The commission shall consist of fourteen members. Six of the members shall be appointed by the mayor and six shall be appointed by the common council. No more than two of the mayor's appointments and no more than two of the common council appointments may be citizens who live outside the corporate city limits of Bloomington and within Monroe County. One of the six common council appointments shall be a member of the common council. One of the members shall be appointed by the Monroe County Commissioners from Monroe County government. And, the Director of the Indiana University Office of Sustainability or his/her designee shall serve as the ex-officio member from Indiana University. All members shall have a vote and shall serve without compensation.
- (4) Qualifications. Sustainability is an interdisciplinary concept. As such, the commission's membership shall reflect environmental, social and economic perspectives, unified by the common interest of sustainability. The commission shall draw its members from government, business, academia, not-for-profits and neighborhood associations.
- (5) Officers. Officers shall be selected by vote of the commission members annually.
- (6) Meetings. The commission shall meet one time each month, every month of the year, unless it decides to cancel the meeting.
- (7) Staffing. The city's sustainability coordinator shall serve as staff liaison to the commission. The liaison will research and pursue funding opportunities for sustainable development, engage in education and outreach, and identify "best practices." The city administration shall provide general administrative support for the commission.
- (8) Powers and Duties. The commission shall have the following powers and duties:
 - (A) To coordinate ongoing and to propose and promote new sustainability initiatives among residents, businesses, governmental, nongovernmental ~~agencies organizations~~ and educational ~~organizations institutions, including through education and~~ outreach, research, and education programs;
 - (B) To advise and make recommendations to the Bloomington common council, city administration, and city boards and commissions on policies and programs that infuse the work of city government with an operating philosophy based on sustainability and community resilience;
 - (C) To ~~determine~~ provide recommendations for assessing, or provide an assessment of, Bloomington's current and future sustainability status, in cooperation with city staff and other city boards and commissions as appropriate, Bloomington's current and future sustainability status by developing and monitoring a set including through the potential use of sustainability indicators or based on the goals of existing plans;
 - ~~(D) To provide, in cooperation with other city boards and commissions, an annual "sustainability assessment" based on said indicators. The assessment shall be included in an annual report and provided to the common council, mayor and the public;~~

(DE) To advise, consult and cooperate with other agencies, boards and commissions of the city of Bloomington, the state, other local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups on matters of sustainability;

(EF) To adopt administrative rules and regulations for the conduct of its business; and,

(FG) To research and apply for grants or other funds or gifts from public or private agencies for the purpose of carrying out any of the provisions or purposes of this section.

(G) To submit an annual report, in writing, to the mayor and common council.

(Ord. 08-02 § 1, 2008; Ord. 05-15 § 1, 2005).

(Ord. No. 09-20, § 1, 11-4-2009; Ord. No. 14-11, §§ 32—35, 7-2-2014)

2.12.120 Community advisory on public safety commission.

- (a) Establishment and Purpose. There shall be established a community advisory on public safety commission ("commission"), which shall:
- (1) Perform research and gather data on the perceptions and preferences about public safety from community members, with specific focus on perceptions and preference data gathered from minority community members, individuals who are disabled, and other often marginalized community members; and
 - (2) Research evidence-based alternatives to traditional policing; and
 - (3) Identify best practices in public safety globally and evaluate the efficacy of such practices for implementation in Bloomington.
 - (4) Make recommendations to the common council, the board of public safety, and/or the mayor or the mayor's designee on policies and programs that enhance public safety for all community members.
- (b) General. This commission is subject to the general provisions of Section 2.08.020 of the Bloomington Municipal Code.
- (c) Appointments. The commission shall be composed of ~~eleven-nine~~ voting members appointed by the common council. Each member shall have one vote and shall serve without compensation.
- (d) Qualifications. Citizen appointments to the commission must be at least eighteen years of age and reside within the City of Bloomington. Strongly encouraged to apply are residents who are historically underrepresented in local government. Such groups may include, but are not limited to residents:
- (1) Who are Black;
 - (2) Who are Latin~~xé~~;
 - (3) Who are people of color;
 - (4) With disabilities;
 - (5) Who are experiencing or who have experienced mental health challenges;
 - (6) Who express non-binary gender identity or are non-cisgender;
 - (7) Who are experiencing or who have experienced homelessness;
 - (8) Who are experiencing or who have experienced domestic violence;

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- (9) Who have a previous record of incarceration;
 - (10) With addictions; and
 - (11) Who have a demonstrated background of empowering historically disadvantaged groups and working to further racial, social, and economic equity.
- (e) Officers. Officers shall be selected by a vote of the commission members annually.
 - (f) Meetings. The commission shall meet one time each month, every month of the year, unless it decides to cancel the meeting. At least four meetings shall be held each year.
 - (g) Staffing. The common council staff shall provide general administrative support for the commission.
 - (h) Terms. The initial terms of five city resident appointments shall expire on January 31, 2022. The term of the remaining initial six city resident appointments shall expire on January 31, 2023. Thereafter, all terms of city resident appointments shall be for two years and expire on January 31.
 - (i) Powers and Duties.
 - (1) In its actions, the commission shall seek to promote transparency, accountability, a collaborative spirit, long-term and strategic thinking, and effective risk management.
 - (2) The commission shall:
 - (A) Gather data about perceptions and preferences regarding public safety, specifically from: racial minority; economically disadvantaged; and marginalized residents of Bloomington.
 - (B) Research evidence-based approaches to public safety focusing on those approaches outside the scope of traditional policing, including, but not limited to:
 - (i) The establishment of an alternate crisis response phone number;
 - (ii) Investments in mental health care, addiction treatment, community centers, and/or job training to mitigate the causes of crime; and
 - (iii) All other innovative approaches.
 - (C) Explore best practices in socially and racially just public safety measures in cities across the U.S. and worldwide, and to examine which ideas may best be implemented in Bloomington;
 - (D) Make recommendations to the Bloomington Common Council, the board of public safety, and the mayor's administration on policies and programs that enhance public safety for all community members;
 - (E) Promote a broader view of public safety through education and outreach programs;
 - (F) Provide an annual report of its activities to the common council, mayor and the public.

(Ord. No. 20-20, § 3, 11-18-2020)

2.19.040 Board of housing quality appeals.

- (1) Purpose. The purpose of this board is to hear the appeal of any person who is the subject of, or directly impacted by, a ruling or decision of the enforcing officer or any administration official, in any matter relative to the interpretation or enforcement of any of the provisions of Title 16 of the Bloomington Municipal Code, hereinafter referred to as the "property maintenance code" of the city. The board is authorized to make investigations relative to the appeal and may overrule the decisions of any administrative officer including the neighborhood development division.
- (2) Appointments. The board shall be composed of seven members, four appointed by the mayor and three appointed by the council.
- (3) Qualifications. Members shall be residents of the city. Members may be, but are not required to be, persons who are elected, appointed, or otherwise employed by the city, but such members shall not constitute a majority of the board. Consideration shall be given for appointment to the board to tenants, owners, and persons with experience in the area of building, managing, and leasing housing.
- (4) Rules of Procedure. The board of housing quality appeals shall establish its own rules of operating procedure which may be amended from time to time by a majority of the membership; provided, however, that a petitioner seeking a variance from the property maintenance code shall always be required to make a showing that the variance requested shall not harm the safety, health, or welfare of the occupants as well as provide a reasonable explanation of why the variance is needed.
- (5) Powers and Duties. The powers and duties of the board of housing quality appeals shall be to:
 - (A) Hear and determine appeals from any order, requirement, decision or determination made by an administrative official charged with the enforcement of any regulation or restrictions set forth in the property maintenance code;
 - (B) Permit and authorize variances in particular situations specified in the property maintenance code;
 - (C) Hear and authorize variances to the terms of the property maintenance code upon which the board is required to act under this section;
 - (D) In exercising its powers, the board of housing quality appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the officer from which the appeal is taken.
 - (E) Report to the mayor and common council annually on trends related to housing quality appeals.
- (6) Jurisdiction. The board of housing quality appeals shall have jurisdiction to hear the appeal of any person directly affected by a decision, notice, or order of the director or an administrative officer of the housing and neighborhood development department related to the property maintenance code.
- (7) Granting Variances—Requirements. The board of housing quality appeals shall not grant any variance unless it first finds in each individual case that the following conditions are present:
 - (A) That the value of the property to which the variance is to apply will not be adversely affected;
 - (B) That the variance is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
- (8) Appeals. A person may file an appeal with the board of housing quality appeals by submitting a written appeal to the board of housing quality appeals, accompanied by a filing fee of \$20.00. The appellant shall list the names of the occupants of the premises in the appeal.

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- (9) Board Action on Appeal. Within thirty days after the filing, the board shall investigate the petition and schedule a public hearing. Notice of the hearing shall be served at least ten days before the hearing date on the appellant, the person having possession of the premises and the owner of the premises, if the owner is not in possession. The occupants of the premises shall be allowed to participate in the public hearing.
- (10) Board Decision. Four concurring votes are required for a board determination. No member shall vote on any question in which result the member is immediately and particularly interested. When the board has decided any question, any member voting on the prevailing side may move a reconsideration of the vote thereon before adjournment of the session of the board at which the vote is taken. Concurrence of a majority shall be sufficient to order reconsideration of a vote, but if a motion to reconsider is lost, it shall not again be entertained. Except in those matters irrevocable by nature or circumstance and except inasmuch as contractual or vested rights may have been established pursuant thereto, a decision of the board once made may be rescinded only by a subsequent decision.

Not more than ten days after such hearing the board shall make its findings, reasons for the decision, decision and recommendations in writing to the neighborhood development manager.

- (11) Notice of Decision. A copy of the board of housing quality appeals' written findings and decision shall be mailed to the person having possession of the premises, the owner of the premises, if the owner is not in possession, and the appellant, if a different party. In addition, the board of housing quality appeals shall make a detailed report of all its proceedings, setting forth its reasons, the vote of each member participating and the absence or abstention from voting of a member. Such record shall be open to public inspection in the offices of the housing and neighborhood development department.
- (12) Appeal from Board Decision. The written decision of the board of housing quality appeals constitutes a final administrative decision, and may be appealed to any court of competent jurisdiction.

(Ord. 97-06 §§ 3—8, 1997; Ord. 86-19 §§ 20—23, 1986; Ord. 84-20 § 1, 1984; Ord. 83-6 § 2 (part), 1983).

(Ord. No. 21-11, § IX, 4-7-2021)

2.23.050 Commission on the status of children and youth.

There is created within the City of Bloomington's community and family resources department a commission on the status of children and youth. The purpose of the commission shall be to promote connections in our community which empower, enhance and nurture children and youth. The commission will access resources and information to make recommendations to people and organizations with authority to create and support systems that encourage healthy development of children and youth.

- (1) Aims and Goals.
 - (a) Identify and assess needs, resources and services relating to children and youth;
 - (b) Encourage collaboration between local agencies, schools, businesses and individuals;
 - (c) Monitor legislative developments relating to children and youth;
 - (d) Encourage local, state and federal legislation that will improve the lives of children and youth;
 - (e) Empower children and youth to have a stronger voice in our community;
 - (f) Empower children and youth to reach their full potential;
 - (g) Report assessments and make recommendations to the common council, the mayor, and the public; and
 - (h) Celebrate successes in the field of children/youth development and/or among children and youth in our community.
- (2) Appointments. The commission shall consist of nine members, five to be appointed by the mayor and four by the common council.
- (3) Qualifications. To the extent possible, members of the commission should include representatives of agencies that work with children and youth, low-income people and social service providers. To the extent possible, preference will be given to people with experience working with children and youth advocacy groups, direct knowledge of children and youth needs and community resources, and/or knowledge of legislative and policy-making processes.
- (4) Procedure. The commission may adopt and amend rules and regulations to effectuate the purpose of this section and may create procedures deemed necessary for the orderly and equitable compliance with this section. New rules, regulations and guidelines may be adopted by the commission after a public hearing by a majority of the commission. The rules and regulations of the commission will be available to the public at the office of the commission and on the city's website.
- (5) Powers and Duties. The commission's powers and duties include the following:
 - (a) The commission shall make two appointments to the city's citizen advisory committee (CAC) for community development block grants. One of the commission appointments shall serve on the CAC social service subcommittee and one shall serve on the CAC physical improvement subcommittee;
 - (b) To gather and distribute information and to issue such publications and educational information as in its judgment will further the purposes and intent of this section;
 - (c) To apply for any appropriate grants, appropriations or gifts upon approval of the community and family resources department director in order to carry out the purposes of this section;
 - (d) To cooperate with any department, division, board, bureau, commission or other agency of the government to carry out the purposes of this section.

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- (e) To refer people to appropriate governmental units or private organizations as necessary, and
 - (f) To report in writing on its activities to the common council and the mayor annually.
- (6) Educational Programs. The commission may prepare educational programs to advance and promote the cause of children and youth among various entities and individuals in the city and to further goodwill and cooperation between and among such interested parties.

(Ord. 04-29 § 2, 2004).

(Ord. No. 12-06, § I, 4-4-2012)

Editor's note(s)—Ord. No. 12-06, § I, adopted April 4, 2012, amended the Code by repealing former § 2.23.050 and adding a new § 2.23.050 as set out herein. The former § 2.23.050 pertained to the establishment of the community and family resources commission, and derived from Ord. No. 04-29, § 2, 2004.

2.23.060 Commission on the status of women—~~Establishment.~~

There is created within the community and family resources department a commission on the status of women. The purpose of this commission is to assure that women and men have equal opportunity to function fully and optimally as citizens of the city, as equal participants in the economy, in politics and government, in education, in social development, in the system of justice, and in all other facets of life.

- (1) Aims and Goals. It shall be the aim and goal of the commission:
- (a) To identify the needs of women in the city, available resources and services meeting the needs of women in the city, and gaps in existing services;
 - (b) To monitor and review federal, state and local policy for its impact on city women and to make recommendations regarding those policies to the community and family resources department for appropriate action to assure women's equity;
 - (c) To stimulate and encourage legislation for the development of social services of particular benefit to women in the city and the state;
 - (d) To issue publications, educational materials and results of research, legislative review and investigations in order to educate the entire community as to the aims and goals of this commission;
 - ~~(e) To establish and maintain a close working relationship with, and to support the efforts of, the Bloomington human rights commission and the Bloomington league of women voters;~~
 - ~~(ef)~~ To maintain close liaison with other women's commissions throughout the state; state women's advocacy groups; and other local, state or federal programs that relate to the needs, problems and opportunities of women;
 - ~~(fg)~~ To maintain close liaison with federal efforts in programs affecting women to insure appropriate city participation in such programs and to consolidate those federal programs for maximum efficient uses of federal efforts at the local level;
 - ~~(gh)~~ To enter into contracts and accept grants for the administration of research projects, as may contribute to the strengthening and refinement of a coordinated program, upon approval of such contracts by the mayor and, when appropriate, the common council;
 - ~~(hi)~~ To assure a coordinated city-wide effort ~~in achieving a comprehensive women's program~~ to improve opportunities for women of the community.

(2) Appointments. The Bloomington commission on the status of women shall be composed of nine members. Five members shall be appointed by the mayor, and four members shall be appointed by the common council.

(3) Qualifications. The members of the Bloomington commission on the status of women shall be representative of the diverse educational, employment, economic, business and community service elements of the community. Preference for appointments shall be given to persons with experience working for women's issues, knowledge of legislative and policy making processes, and direct knowledge and experience working with women's needs and community resources.

In order that the concerns of the total community be adequately represented on the commission, commission membership may include both women and men.

(4) Procedure—Rules and Regulations. The commission may adopt substantive rules and regulations to effectuate the purposes of this section and to make more specific the procedures deemed necessary for orderly and equitable compliance with this section.

New rules, regulations, and guidelines may be adopted by the commission after a public hearing by a majority vote of the commission.

The rules, regulations, and guidelines of the commission shall be available to the public at the office of the commission.

(5) Powers and Authority. The commission shall have the power and authority to carry out the aims and goals as defined in this chapter, including but not limited to the following:

- (a) ~~To make recommendations to the mayor, the common council, and the public; To advise the mayor, and where appropriate, the common council, on the hiring of personnel necessary to the implementation of this section; all such personnel shall be employees of the community and family resources department and shall be subject to supervision and direction by the director of community and family resources;~~
- (b) To hold hearings and undertake any other activities which may be necessary, desirable, or proper to carry out the purposes of this section;
- (c) To gather and distribute information and to issue such publications and educational information and the results of such investigations and research as in its judgment will further the purposes and intent of this section;
- (d) To report in writing on its activities to the common council and the mayor ~~quarterly~~annually;
- (e) To apply for any federal, state, local or private grants, appropriations or gifts upon approval of the community and family resources department director in order to carry out the purposes of this section;
- (f) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission or other agency of the state, federal and local government to facilitate properly the execution of the powers and duties of this commission;
- (g) To enter into a working relationship with the city human rights commission to perpetuate the mutual objectives set forth in this section and the Bloomington human rights commission section;
- (h) To propose other ordinances in order to carry out this section and to propose additions or amendments to this section as deemed necessary and appropriate to insure the effectiveness of this section; and

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- (i) To refer persons to the appropriate governmental unit or private organizations which can adequately deal with their problem.
 - (6) Education Program. The commission may prepare educational programs in order to support and emphasize the purpose and intent of this section among the various groups and individuals in the city and to further goodwill among such groups and individuals; to publicize and encourage participation in this and other boards and commissions.
 - (7) Intragovernmental Cooperation. All boards, councils, commissions and departments of the government of the city of Bloomington are directed to give full cooperation to the city of Bloomington commission on the status of women.

(Ord. 08-03 § 1, 2008; Ord. 97-05 § 8, 1997; Ord. 83-6 § 2 (part), 1983).

2.23.070 Bloomington Commission on the Status of Black Males—~~Establishment.~~

There is created in the community and family resources department the Bloomington commission on the Status of Black Males.

- (1) Members. The Commission shall be composed of seven members.
- (2) Appointments. Three members shall be appointed by the Mayor, two by the Common Council and one each by the Bloomington/~~Monroe County~~ Human Rights Commission and the Bloomington Martin Luther King, Jr., Birthday Celebrations Commission.
- (3) Qualifications. Commission members shall be residents of Monroe County. Preference for appointments may be given to people with expertise in, or representing, one or more of the following areas: education, health, employment, criminal justice, black history, the faith community and the social service community.
- (4) Terms. The terms of all members of the commission shall be for two years.
- (5) Purpose and Duties. The commission's ~~purpose and duties shall do the~~include the following:
 - (a) ~~Develop action committees addressing problems of black males in education, health, criminal justice and employment~~Study which challenges Black males face in the realms of education, health, criminal justice and employment; and
 - (b) Serve as a catalyst to promote positive public and private remedies to the multi-faceted problems confronting ~~B~~black males in our community and the resulting effects on the entire community; and
 - (c) Organize and convene community forums and neighborhood-based focus groups to discuss the status of ~~B~~black males; and
 - (d) Network with ~~like-minded~~other civic groups ~~such as the Indiana Commission on the Social Status of Black Males, the African American Male National Council and local commissions throughout the state~~focused on the challenges faced by Black males, sharing ideas, information, data and plans.
- (6) Reporting Requirement. The commission shall submit identical written reports to the mayor and the common council office by the end of February of each year describing the activities of the commission in the previous calendar year as well as future plans. Any issues or concerns regarding the commission itself, its organization or its purpose shall also be addressed in this report.

(Ord. 06-25 §§ 1, 2, 2006; Ord. 03-26 § 1, 2003; Ord. 01-03 § 1, 2001).

2.23.080 Commission on Hispanic and Latiné affairs—~~Establishment.~~

There is created in the community and family resources department the commission on Hispanic and Latiné affairs:

- (1) Members. The commission shall be composed of seven members.
- (2) Appointments. Four members shall be appointed by the mayor and three by the common council.
- (3) Qualifications. Commission members shall be residents of Monroe County who represent organizations serving Bloomington's Hispanic/Latiné residents or who have expertise and/or interest in quality of life issues as they relate to the Hispanic/Latiné community.
- (4) Terms. The initial terms of one mayoral and one council appointment shall expire on January 31, 2008. The terms of the remaining initial appointments shall be for two years and shall expire on January 31, 2009. Thereafter, all terms shall be for two years and shall expire on January 31st.
- (5) Purpose and Duties. The commission's ~~purpose and duties include shall do~~ the following:
 - ~~(a) — Develop action committees addressing the challenges of members of the Hispanic and Latino population in the areas of education, health, employment and public safety; and~~
 - ~~(ab) Examine and represent the experiences, needs, and challenges of the Hispanic and Latiné communities across all areas, including but not limited to education, health, employment and public safety; and~~
 - ~~(b) Serve as a catalyst to promote positive public and private remedies-solutions to the multi-faceted issues confronting Latinos and the Hispanic and Latiné s-in-our community (identified in section a) and the resulting effects on the entire community; and~~
 - ~~(c) Network with like-minded other state and local groups such as the Indiana Commission on Hispanic/Latino affairs, Su Casa Columbus, Indiana University Latino Cultural Center (La Casa) and local organizations formed to represent and/or celebrate Hispanic and Latiné populations, to share ideas and information and to collaborate on projects where appropriate; and~~
 - ~~(d) Celebrate Latino and Hispanic and Latiné history and contributions to the Bloomington community and in-to the United States.~~
- (6) Reporting Requirement. The commission shall submit identical written reports to the mayor and the common council office by the end of February of each year describing the activities of the commission in the previous calendar year as well as future plans. Any issues or concerns regarding the commission itself, its organizations or its purpose shall also be addressed in this report.

(Ord. 07-21 § 1, 2007).

2.23.090 Commission on aging.

The Bloomington Commission on Aging is hereby established.

- (a) Members. The commission shall be composed of nine members.
- (b) Appointments. Five members shall be appointed by the mayor and four by the common council.
- (c) Qualifications. Commission members shall be residents of Monroe County. Preference for appointments shall be given to people with expertise in, or representing, one or more of the following areas: senior issues, health and wellness, recreation, employment, social services, transportation and affordable housing.

-
- (d) Terms. The terms of the appointments shall be in accordance with BMC 2.08.020(2).
- (e) Purpose and Duties. The commission-~~'s purpose and duties include~~~~may do~~ the following:
- (1) ~~Develop study committees addressing~~Assess the concerns of seniors in health and wellness, housing, transportation, employment, social services and recreation; ~~and~~
 - (2) Encourage the development of programs of particular benefit to senior citizens; ~~and~~
 - (3) Apply for grants as may contribute to the strengthening and refining of a coordinated program to benefit senior citizens, upon approval of such grant applications by the appropriate city official (s); ~~and~~
 - (4) Serve as a catalyst to promote positive public and private remedies to the multi-faceted challenges confronting seniors in our community (see section 1 above) and the resulting effects on the entire community; ~~and~~
 - (5) Network with ~~like-minded groups such as the AARP, Active Aging Coalition, Area 10 Council on Aging, RSVP, and other relevant local agencies~~other groups dealing with matters of aging and older populations, sharing ideas, information, data and future plans; ~~and~~
 - (6) Celebrate the contributions seniors make to the Bloomington community; and
 - (7) In the pursuit of these purposes, the commission may appoint additional volunteers and commission associates.
- (f) Procedure—Rules and Regulations. The commission may adopt rules, regulations and by-laws for the conduct of its affairs, which are consistent with the purpose of this section. Such rules, regulations and by-laws and amendments thereto may be adopted by the commission after a public hearing by a majority vote of the commission. The rules, regulations and by-laws of the commission shall be available to the public at the office of the commission.
- (g) Reporting Requirement. The commission shall submit identical written reports to the mayor and the common council office by the end of December of each year describing the activities of the commission in the previous calendar year as well as future plans. Any issues or concerns regarding the commission itself, its organization or its purpose also shall be addressed in this report.

(Ord. No. 09-24, § 1, 12-16-2009; Ord. No. 14-26, § 6, 12-10-2014)

2.20.150 Tree commission.

- (1) Purpose and—Duties. The tree commission shall serve in an advisory capacity regarding the care of trees within the city of Bloomington ("City"). It shall be the responsibility of the tree commission to:
- (a) Advise the Bloomington board of park commissioners in formulating policies and practices of urban forestry as set forth in the Bloomington Municipal Code Chapter 12.24 entitled "Trees and Other VegetationFlora";
 - (b) Promote public education on the proper selection, planting, and care of trees by assisting the city with the publication of the city of Bloomington Tree Work-Care Manual;
 - (c) Assist the city in its efforts to fund urban forestry projects by assisting the urban forester in finding grants, and through the application process;through donations and grants;
 - (d) Advise the mayor, the common council, and any board,the plan commission, or committee on tree-related matters as necessary, and submit an annual report, in writing, to the mayor and common council;
 - ~~(e) Provide information and advice to the Bloomington board of park commissioners on cases before it regarding trees; and~~
 - ~~(f) Assist the city's urban forester in the compilation and maintenance of an inventory of all trees and tree spaces within the public streets. This inventory should record the location, species, size, condition, and planting and maintenance history of these trees.~~
 - (e) Advocate for the urban forest by promoting current best management practices, or new emerging practices that would be beneficial to the urban forest;
 - (f) Advocate for the urban forest by attending public meetings, public outreach events, urban forest-related events, and other such functions agreed upon by the commission and the staff liaison.
- (2) Appointments. The tree commission shall consist of eight seven members. ~~Seven shall be appointed~~, serving for three-year terms. Two shall be appointed by the mayor, two by the common council, one by the Bloomington board of park commissioners, one by the board of public works, and one by the environmental commission. The urban forester shall serve ~~on the commission as an advisory nonvoting member~~ as the staff liaison to the commission. Appointed members of the tree commission serve at the pleasure of their respective appointing body which has the ability to remove a member at any time for any reason deemed sufficient to that body. Members of the tree commission shall serve without compensation.
- (3) Meetings and—Procedures. The commission shall meet as needed, electing a president and vice-president annually and keeping a written record of its proceedings. In any event the commission shall meet no less than six times per calendar year and shall advertise those meeting times and places in accordance with the law.

(Ord. 08-05 § 2, 2008).



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Council Administrator/Attorney

Date: January 31, 2025

Re: UPDATE: Appropriation Ordinance 2025-01 - To Additionally Appropriate From the General Fund for the Downtown Outreach Grant Program

Synopsis

Appropriation Ordinance 2025-01: This appropriation ordinance would fund the Downtown Outreach Grant program in the General Fund, Community and Family Resources Department for the year 2025 for \$250,000.

Update

Appropriation Ordinance 2025-01 was introduced for first reading on January 22, 2025. Notice of such proposed appropriation was given by the Office of the Controller as required by law.

Since then Council's Office was informed that the City proposes to utilize the Opioid Settlement Restricted Fund to fund the Downtown Outreach Grant Program and not the General Fund. This appropriation ordinance cannot be amended for this purpose for the February 5, 2025 meeting because it was previously noticed for the General Fund.

Consequently, Appropriation Ordinance 2025-01 may be rejected, allowing the Controller to introduce a new appropriation ordinance for the Downtown Outreach Grant Program to be funded by the Opioid Settlement Restricted Fund, or such other fund as proposed in the near future.

Contacts

Jessica McClellan, Controller, 812-349-3412, jessica.mcclellan@bloomington.in.gov



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Lisa Lehner, Council Administrator/Attorney

Date: January 16, 2025

Re: Appropriation Ordinance 2025-01 - To Additionally Appropriate From the General Fund for the Downtown Outreach Grant Program

Synopses

Appropriation Ordinance 2025-01: This appropriation ordinance funds the Downtown Outreach Grant program in the General Fund, Community and Family Resources Department for the year 2025 for \$250,000.

Relevant Materials

- Appropriation Ordinance 2025-01
- Staff Memo from Controller Jessica McClellan

Summary

[Indiana Code 36-4-7-8](#) provides that the legislative body may, on the recommendation of the city executive, make further or additional appropriations by ordinance, as long as the result does not increase the City's tax levy that was set as part of the annual budgeting process. The additional appropriations requested by Appropriation Ordinance 2025-01 should not result in such an increase to the City's tax levy.

[Indiana Code 6-1.1-17-3](#) requires a public hearing to be held before additional appropriations can be made, with a notice to taxpayers sent out at least ten (10) days before the public hearing. The public hearing for this appropriation ordinance is set for the Regular Session on February 5, 2025.

Contacts

Jessica McClellan, Controller, 812-349-3412, jessica.mcclellan@bloomington.in.gov

APPROPRIATION ORDINANCE 2025-01

TO ADDITIONALLY APPROPRIATE FROM THE GENERAL FUND
FOR THE DOWNTOWN OUTREACH GRANT PROGRAM

WHEREAS, in 2024, the City Council appropriated \$250,000 from the Parking Meter Fund for the Downtown Outreach Grant Program administered by the Community and Family Resources Department and

WHEREAS, in 2024, the Downtown Outreach Grant Program supported the work of these Bloomington and Monroe County service agencies: Amethyst House, INC; Beacon, INC; Centerstone of Indiana, INC; Community Kitchen of Monroe County, INC; Courage to Change Sober Living, INC; Hotels for Hope, INC; Monroe County Humane Association, INC; New Hope Family Shelter, INC; New Leaf/New Life, INC; Sojourn House, INC; and Wheeler Mission Ministries, INC; and

WHEREAS, the City wishes to continue the Downtown Outreach Program in 2025, and presented a 2025 budget for the program in the Parking Meter Fund during the August 2024 budget hearings. City Ordinance 13-13 establishes the Parking Meter Fund and the allowable uses of that fund. Appropriations to support local public service non-profit agencies are not an allowable expense in Ordinance 13-13.

WHEREAS, the City looked into using the Opioid Settlement Unrestricted Fund, but the current balance is insufficient to support the program. The City also considered the Opioid Settlement Restricted Fund; however, the restrictions on opioid abatement outlined by the Indiana Attorney General's Office are narrow. The City needs to develop an application process for the Restricted Fund to ensure that applicants meet the necessary eligibility criteria for funding.

WHEREAS, the City desires to appropriate funding from allowable sources, such as the General Fund, to continue the support to local non-profit organizations that support our residents in the community.

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

SECTION 1: For the expenses of the City the following additional sums of money are hereby additionally appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL FUND – Community and Family Resources 1101-09

Classification - 3 Services \$250,000

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of January, 2025, by the City of Bloomington Common Council.

Hopi Stosberg, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of January, 2025.

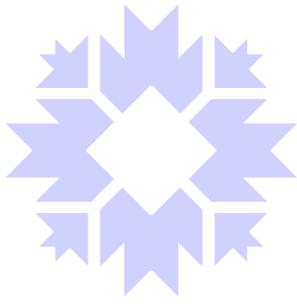
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me this _____ day of January, 2025.

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

This appropriation ordinance funds the Downtown Outreach Grant program in the General Fund, Community and Family Resources Department for the year 2025 for \$250,000.



TO: City Council members
FROM: Controller Jessica McClellan,
CC: Mayor Kerry Thomson, Deputy Mayor Gretchen Knapp, Community and Family
Resources Director Shatoyia Moss, and Council Administrator Lisa Lehner
DATE: January 13, 2025
SUBJECT: 2025 Downtown Outreach Grant Additional Appropriation

Ordinance 2025-01 additionally appropriates a budget in the General Fund for the Downtown Outreach Grant program. The department is Community and Family Resources Department. The fund number is 1101. The amount is \$250,000.

Since 2018, the City has administered the Downtown Outreach grant program. The grant application states: The City of Bloomington Downtown Outreach (DTO) grants are enabled by City of Bloomington taxpayer dollars and strive to fund projects that will improve the human condition of Bloomington residents who are unhoused or who are at risk of homelessness. The City's Community and Family Resources Department is responsible for the distribution and administration of this grant.

In 2024, the Downtown Outreach Grant Program supported the work of these Bloomington and Monroe County service agencies: Amethyst House, Beacon, Centerstone of Indiana, Community Kitchen of Monroe County, Courage to Change Sober Living, Hotels for Hope, Monroe County Humane Association, New Hope Family Shelter, New Leaf/New Life, Sojourn House, and Wheeler Mission Ministries, INC.

Since its inception in 2018, the Downtown Outreach Grant total funding has been \$250,000. The funding source was the Parking Meter Fund. The grant program is not an eligible expense in the Parking Meter Fund. The City wishes to continue the program in the General Fund.

Your approval of Ordinance 2025-01 is requested. Please feel free to contact me if you have any questions.

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Deputy Administrator / Deputy Attorney for Common Council

Date: January 17, 2025, updated January 31, 2025

Re: Ordinance 2025-03 - An Ordinance to Amend Ordinance 2024-20 That Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2025

Synopsis

This ordinance amends Ordinance 2024-20, which fixed the salaries of appointed officers, non-union, and A.F.S.C.M.E. employees for the year 2025. The amendment comes at the request of the Human Resources Department to reflect changes to several non-union positions within the City.

Relevant Materials

- Ordinance 2025-03
- [Updated] Staff Memo

Update before Second Reading

Note that the staff memo from Human Resources has been updated to reflect that the Public Work's Street division, not Sanitation division, is requesting the change to their Asset Clerk/Emergency Grant Coordinator position. The legislation already says "Street" division so it remains unchanged.

Summary

Ordinance 2025-03 would amend one of the three 2025 salary ordinances adopted last year, which set the salaries for all appointed officers, non-union, and A.F.S.C.M.E. employees for the 2025 year. This amendment would incorporate several changes to non-union positions at the request of those departments. The staff memo details the positions that would be affected.

[Indiana Code 36-4-7-3](#) provides that the executive is authorized to fix the compensation of each appointive officer, deputy, or other employee of the city, subject to the approval of the city's legislative body. By approving this salary ordinance amendment, the Council is approving the changes to these positions as proposed by the executive.

Contact

Sharr Pechac, Human Resources Director, 812-349-3404, sharr.pechac@bloomington.in.gov
Erica De Santis, Director of Compensation & Benefits, Human Resources, 812-349-3404, erica.desantis@bloomington.in.gov

ORDINANCE 2025-03

**AN ORDINANCE TO AMEND ORDINANCE 2024-20
THAT FIXED THE SALARIES OF APPOINTED OFFICERS, NON-UNION, AND A.F.S.C.M.E.
EMPLOYEES FOR ALL THE DEPARTMENTS OF THE CITY OF BLOOMINGTON,
MONROE COUNTY, INDIANA FOR THE YEAR 2025**

- WHEREAS, IC 36-4-7-3 authorizes the Mayor, subject to the approval to the Council, to fix the compensation of appointed officers, non-union, and A.F.S.C.M.E employees; and
- WHEREAS, salaries for City of Bloomington employees for 2025 were set by Ordinance 2024-20 which was passed by the City of Bloomington Common Council (“Council”) on October 30, 2024 and approved by Mayor Kerry Thomson (“Mayor”) on October 31, 2024; and
- WHEREAS, the Mayor desires to make or change appointments or positions within five different City departments, pursuant to the executive authority granted under IC 36-4-11-3, but which will also require amendments to the salary ordinance;

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

SECTION 1. Ordinance 2024-20 shall be amended so that the following positions are added in the following departments:

<u>Department/Division</u> (followed by Job Title)	<u>Grade</u>
<u>Community and Family Resources Department</u>	
Human Rights Administrative Assistant (Program Coordinator I)	4
<u>Utilities Department</u>	
Custodian I (.5)	1
<u>Engineering Department</u>	
Project Manager III	9
Engineering Tech II (2)	7

SECTION 2. Ordinance 2024-20 shall be amended by changing the job grades listed for the following positions such that those positions will now read as follows:

<u>Department/Division</u> (Followed by Job Title)	<u>Grade</u>
<u>Planning and Transportation</u>	
<u>Planning and Transportation Administration</u>	
Office Manager	6
<u>Planning Services Division</u>	
MPO Transportation Planner	8
Long Range Planner	8
<u>Development Services Division</u>	
Zoning Compliance Planner	7
Zoning Planner & GIS Analyst	8
Senior Zoning Compliance Planner	9
Senior Environmental Planner	9
Senior Zoning Planner	9

SECTION 3. Ordinance 2024-20 shall be amended by changing the number of the “Project Manager (2)” position within the Engineering Department from “(2)” to “(3)” such that the position now reads as follows:

<u>Department/Division</u> (Followed by Job Title)	<u>Grade</u>
<u>Engineering Department</u>	
Project Manager (2)	8

SECTION 4. Ordinance 2024-20 shall be amended by changing the title for the “Senior Transportation Planner” position in the Planning Department to “MPO Director” such that the position now reads as follows:

<u>Department/Division</u> (Followed by Job Title)	<u>Grade</u>
<u>Planning and Transportation Department</u>	
<u>Planning Services Division</u>	
MPO Director	9

SECTION 5. Ordinance 2024-20 shall be amended by changing the title and grade for the “Asset Clerk/Emergency Grants Coordinator” position within the Street Operations Division of the Public Works Department to “Accounting Clerk IV (Finance Grants Manager)” with a Grade of 7, such that the position now reads as follows:

<u>Department/Division</u> (Followed by Job Title)	<u>Grade</u>
<u>Public Works Department</u>	
<u>Street Division</u>	
Accounting Clerk IV (Finance and Grants Manager)	7

SECTION 6. Ordinance 2024-20 shall be amended so that the following positions are eliminated from the following Departments:

<u>Department/Division</u> (Followed by Job Title)	<u>Grade</u>
<u>Engineering Department</u>	
Transportation Tech	6
Engineering Tech AutoCad	6

SECTION 7. Ordinance 2024-20 shall be amended to add an additional grant-funded position within the Department of Economic and Sustainable Development that is not graded and entirely dependent upon continued receipt of grant funds. The position shall be reflected as follows:

<u>Department/Division</u> (Followed by Job Title)	<u>Grade</u>
<u>Department of Economic and Sustainable Development</u>	
...	...

The following position(s) are funded entirely by grants and, therefore, is/are not graded. The position(s) are entirely dependent upon continued receipt of grant funds. If at any time these funds are no longer available, the position(s) shall be immediately terminated.

<u>Job Title</u>	<u>Salary from Grant</u>
CCC Grant, Project Manager	\$82,400

SECTION 8. Ordinance 2024-20 shall be amended to change the stipend of the “Pension Secretaries”, listed within Section 2A, from \$4,000 to \$5,000.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025, by the City of Bloomington Common Council.

HOPI STOSBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me this _____ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 2024-20, which fixed the salaries of appointed officers, non-union, and A.F.S.C.M.E. employees for the year 2025. The amendment comes at the request of the Human Resources Department to reflect changes to several non-union positions within the City.



TO: City Council members

FROM: Human Resources Director Sharr Pechac and Erica De Santis, Director of Compensation and Benefits

CC: Mayor Kerry Thomson, Deputy Mayor Gretchen Knapp, Controller Jessica McClellan, and Council Administrator Lisa Lehner

DATE: January 17, 2025, updated January 31, 2025

SUBJECT: Amendment of Ordinance 2024-20 for Appointed Officers, Non-Union, and AFSCME Employees

Ordinance 2024-20 set the pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees for 2025.

The requested changes are explained below. Consistent with past practice, the grade classifications were determined in the same manner as has been done in the past through the new Workforce Evaluation and Realignment Committee (WERC) – formerly called the Job Evaluation Committee. The estimated fiscal impact is included. The fiscal impact for any new position includes the salary (budgeted at the midpoint of the pay range), a flat amount for benefits, retirement contributions, and taxes.

Community and Family Resources requests to change a part-time temporary Human Rights Administrative Assistant into a regular full-time Program Coordinator I, Grade 4. This is needed to ensure compliance with federal regulations as well as to increase the hours of this position to manage the ongoing workload. The fiscal impact is \$43,548.62.

Economic and Sustainable Development requests to add a new (temporary but long-term – 4 years) CCC Grant Project Manager, with a salary of \$82,400. This position will provide leadership and coordination for all phases of planning and implementation of the City of Bloomington’s contribution to the College and Community Collaboration (CCC) Grant, which is funded by the Lilly Endowment Inc. and supports a partnership between Indiana University, the Mill, and the City of Bloomington. Projects range in scope and support public art, placemaking, wayfinding, and the built environment within and surrounding the Trades District. This position is entirely funded by an external grant, which also has specific requirements for salary. As such, this is not a graded position, and it has no fiscal impact to the City of Bloomington. If the grant funding for this position is ever jeopardized, the position will cease.

Engineering requests adding two (2) Engineering Tech II (Transportation Engineering Analysts), Grade 7. These two new positions would condense and eliminate two pre-existing positions within Engineering including the Engineering Tech Auto-Cad (Grade 6) and Transportation Technician (Grade 6). This move will help to standardize this new role with a new job description and duties. The fiscal impact is \$19,192.90.

Engineering also requests to change one (1) of its three (3) mid-level Engineering Project Managers to a more advanced status, making it Engineering Project Manager III at Grade 9 (formerly Grade 8). This is needed to ensure the department has the necessary roles to support Engineering’s current needs. The fiscal impact is \$8,969.38.

Planning requests to update the job descriptions, and related grades, for eight (8) positions. All of these changes are a reflection of updating their respective job descriptions, based on the business needs within Planning, and then regrading the positions. These positions include:

Upgrading the Office Manager to Grade 6 (formerly Grade 5). The fiscal impact is \$8,969.38.

Upgrading the Zoning Compliance Planner to Grade 7 (formerly Grade 6). The fiscal impact is \$8,970.60.

Upgrading the MPO Transportation Planner to Grade 8 (formerly Grade 7). The fiscal impact is \$8344.29.

Upgrading the Long Range Planner to Grade 8 (formerly Grade 7). The fiscal impact is \$9,596.91.

Upgrading the Zoning Planner and GIS Analyst to Grade 8 (formerly Grade 7). The fiscal impact is \$8,344.29.

Upgrading the Senior Zoning Planner to grade 9 (formerly Grade 8). The fiscal impact is \$10,221.83.

Upgrading the Senior Zoning Compliance Planner to Grade 9 (formerly Grade 8). The fiscal impact is \$8,969.38.

Upgrading the Senior Environmental Planner to Grade 9 (formerly Grade 8). The fiscal impact is \$8,869.49.

Planning also requests to change the title of their Senior Transportation Planner to MPO Director. The grade remains unchanged and there is no fiscal impact.

Public Work's ~~Sanitation~~ Street division requests to update the job description and related grade for their Asset Clerk/Emergency Grant Coordinator to Grade 7 (formerly grade 6). This is needed because the job description for this critical position was severely outdated. This position has greatly changed over time from being primarily administrative support to a much larger role in the overall financial management of Public Works' largest division. The fiscal impact is \$10,848.

Utilities requests to change a part-time temporary Custodian into a regular part-time Custodian I, Grade 1. This is needed to ensure compliance with federal regulations. There is no fiscal impact for this change. (Note: this position is held through a community partnership. The individual in this position wants to maintain their existing role and salary, as increasing the salary would jeopardize this individual's externally-secured benefits, which is not desired.)

We also request to update the Pension Secretary's salary for this from \$4,000 a year to \$5,000 a year. The request to increase this salary was proposed by the Police Pension Board, and City administration has approved this change and extended it to the Fire Pension Secretary as well to maintain equity. The fiscal impact is \$2,153.

Your approval of Ordinance 2025-03 is requested. Please feel free to contact me if you have any questions. This is needed to ensure compliance with federal regulations.



MEMO FROM COUNCIL OFFICE ON:

To: Members of Common Council

From: Lisa Lehner, Council Administrator/Attorney

Date: January 29, 2025

Re: Third Reading of Ordinance 2025-01 – To Amend the District Ordinance and Preliminary Plan of A 3.2 Acre Planned Unit Development (PUD), The Curry PUD, In Order to Amend the Workforce Housing Contribution. – Re: 105 S. Pete Ellis Drive (SPCW Bloomington JV, LLC, Petitioner)

Synopsis

Ordinance 2025-01 would amend the District Ordinance and Preliminary Plan for the Curry Planned Unit Development to allow the workforce housing commitment to be met through a payment to the Housing Development Fund, instead of through the inclusion of workforce housing units on-site.

Relevant Materials

- Revised Payment in Lieu Zoning Commitment
- Amendment and Reasonable Condition Materials from the January 22, 2025 Meeting
- Packet Materials from the January 8, 2025 Meeting

Background

This Memo seeks to describe the history of the documentation related to this ordinance. On December 9, 2024, the Plan Commission heard the Petitioner’s request to amend the Planned Unit Development (PUD) currently operating as Relato and sent the Petition to Council with a favorable recommendation with 3 conditions. The second condition states that the “petitioner will record the proposed payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of the PUD Amendment.” At that time, the Zoning Commitment was not drafted.

Planning and Transportation Department staff submitted Ordinance 2025-01 to Council along with Attachment A, which attachment included a proposed Payment in Lieu Agreement.

Ordinance 2025-01 was introduced for First Reading on January 8, 2025. Subsequently, the Legal Department amended the Payment in Lieu Agreement, and terms of a Payment-in-Lieu Zoning Commitment were drafted so that terms would be spelled out to the Petitioner prior to any potential PUD Amendment approval. Councilmember Piedmont-Smith sponsored Amendment -01 to add the Amended Payment-in-Lieu Agreement to Ordinance 2025-01 and a Reasonable Conditions Form to add the Payment-in-Lieu Commitment. Council heard staff comments and discussed Ordinance 2025-01 during its



City of Bloomington Indiana

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

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

Second Reading on January 22, 2025 and postponed the question to the February 5, 2025 meeting, in part because revisions to these documents were pending and it was suggested that the Agreement and the Zoning Commitment be combined into one document.

Since then, the Legal Department and Planning and Transportation staff have added terms from the Payment in Lieu Agreement to the Payment-in-Lieu Zoning Commitment, such that the Payment in Lieu Agreement is no longer needed. Combining the two documents into the attached Zoning Commitment lessens the opportunity for confusion and dispute. As a legal matter, Amendment-01 could be withdrawn by its sponsor as it has not been moved.

Likewise, because the Payment-in-Lieu Zoning Commitment terms are now reduced to writing and finalized, the Reasonable Conditions Form -01 could be withdrawn. The Zoning Commitment as attached and proposed fulfills the “proposed” Zoning Commitment contemplated by the second condition attached by the Plan Commission to the recommendation forwarded to Council.

Contact

Enedina Kassamian, Legal Department, enedina.kassamian@bloomington.in.gov,
(812) 349-3554

PAYMENT-IN-LIEU ZONING COMMITMENT

WHEREAS, Indiana Code § 36-1-24.2-4 allows the owner of real property to make a written commitment as part of its request for incentives or grants from a municipality; and

WHEREAS, Bloomington SPCW JV, LLC (“Owner”), is the owner of the property located at 105 N. Pete Ellis Drive, Bloomington, Indiana the property is identified by the following Monroe County Parcel Number 53-05-35-300-043.000-005 (the “Property”); and

WHEREAS, Owner petitioned the City of Bloomington Plan Commission (the “Commission”) to rezone 3.2 acres from Commercial Limited to a Planned Unit Development (“PUD”) and to approve a preliminary plan and district ordinance; and

WHEREAS, the Commission recommended approval of Owners’ petition PUD-34-19; and

WHEREAS, the Common Council of the City of Bloomington approved the PUD through Ordinance 20-01 on February 7, 2020; and

WHEREAS, the Mayor of the City of Bloomington signed Ordinance 20-01 on February 10, 2020; and

WHEREAS, Owner pledged its intent to record a Commitment, which was presented for consideration during the Council’s consideration of its petition; and

WHEREAS, Owner executed said Commitment on January 4, 2023 and recorded it on April 27, 2023, in the Office of the Recorder of Monroe County, Indiana, as Instrument Number 2023004318 MIS; and

WHEREAS, Questions and concerns arose regarding said Commitment and Owner’s ability to qualify tenants under the same; and

WHEREAS, In furtherance of the City’s efforts to create affordable housing, Owner and the City desire for Owner to make a payment to the City in an amount equal to One Million Forty Thousand and No/100 Dollars (\$1,040,000.00) (based on the current UDO fee schedule of \$20,000 per bed applied to the 52 bedrooms currently enrolled in the workforce housing program) to fully satisfy all obligations under said Commitment and the Workforce Housing Commitment (the “Payment in Lieu”); and

WHEREAS, Pursuant to Section 11 of said Commitment, the Commitment shall only terminate with the approval from the Commission after notice of hearing has been provided in accordance with the Rules and Procedures of the Commission; and

WHEREAS, Owner satisfied such obligation under Section 11 of the Zoning Commitment at the public hearing held for petition PUD-44-24 by the Plan Commission on December 9, 2024; and

WHEREAS, The Plan Commission recommended approval of amendment to the District Ordinance and Preliminary Plan originally approved with petition PUD-34-19 to allow acceptance of a financial payment in lieu of accepting on-site workforce housing units; and

WHEREAS, The Plan Commission included three (3) conditions of approval in its recommendation of approval for petition PUD-44-24, two of which are related to workforce housing; and

WHEREAS, Condition 2 reads: The petitioner will record the proposed Payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of the PUD Amendment; and

WHEREAS, Condition 3 reads: The petitioner will honor the existing leases of the 25 units that currently exist from the workforce housing commitment, and the petitioner will renew those leases upon request by those specific tenants, as long as they continue to qualify; and

WHEREAS, Owner presented a “Payment In Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements” to the City; and

WHEREAS, Said Agreement outlines the termination of the April 27, 2023 Zoning Commitment, terms for a new payment-in-lieu agreement, terms for the continuation of existing workforce housing leases, and acknowledgement of this Zoning Commitment; and

WHEREAS, The terms agreed upon to satisfy Plan Commission Condition 3 are included in this Payment In Lieu Zoning Commitment below, and

WHEREAS, the Common Council of the City of Bloomington adopted Ordinance 2025-01 on February 5, 2025.

NOW THEREFORE, in recognition of its ability to voluntarily provide a written commitment under Indiana Code § 36-1-24.2-4, the Owner hereby voluntarily provides and records this Zoning Commitment for the Property.

1. Legal Description for the Property. The Property is located at 105 N. Pete Ellis Drive (Parcel No. 53-05-35-300-043.000-005), Bloomington, Indiana, with the following legal description:

A part of the Southwest Quarter of Section Thirty five (35), Township nine (9) North, Range one (1) West, in Monroe County, Indiana, more particularly described as follows: Lot Number 8 in the Deckard East Third Street Subdivision as shown on the final plat thereof, recorded in Plat Cabinet C, Envelope 334 in the Office of the Recorder of Monroe County Indiana. AND ALSO EXCEPTING that part platted as Arlington Park, Phase I as per plat thereof, recorded in Plat Cabinet C Envelope 196, in the office of the Recorder of Monroe County, Indiana.

2. Commitments. Owner hereby commits to the following:

- a. Pursuant to Condition 2, owner will record this Payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of Ordinance 2025-01 by the Common Council and approval by the Mayor.
- b. Pursuant to Condition 3, all existing leases at the Property of, at a minimum, the twenty-five (25) workforce housing units that existed at the time of the Plan Commission meeting, shall remain in full force and effect with the applicable tenant thereunder (herein a “**Workforce Housing Tenant**”). Provided that the Workforce Housing Tenant is not in breach

or default thereunder, Owner shall (i) honor all current leases of the workforce housing units for the remainder of their respective lease terms, and (ii) allow such Workforce Housing Tenants to renew their leases, if requested by such Workforce Housing Tenant(s), at the then applicable workforce housing rates, conditioned upon such Workforce Housing Tenant meeting the workforce housing qualifications as of the date of renewal. Within 45 days of adoption of Ordinance 2025-01, the Owner shall notify the Workforce Housing Tenants in writing by certified mail of their right to renew their leases at the then applicable workforce housing rates, for as long as such Workforce Housing Tenant continues to meet the workforce housing qualifications as established in coordination with Bloomington's Housing and Neighborhood Development Policies. The Owner shall continue to comply with reporting and monitoring to the City until such time that the Owner no longer has Workforce Housing Tenants.

3. Binding. This written Commitment is binding on the owner of the Property. Upon the written Commitment being recorded in the office of the Monroe County Recorder, this written Commitment shall be binding on Owner's successors and assigns, including but not limited to any subsequent owner or any other person who acquires an interest in the Property, and shall run with the land.
4. Recording. This written Commitment shall be recorded in the office of the Monroe County Recorder within 30 days of the signing of this Commitment.
5. Modification. This written Commitment shall only be modified by the City of Bloomington Plan Commission after notice of the hearing in which the modification will be considered has been provided in accordance with the Rules and Procedures of said Commission.
6. Base Rental Rate. The base rental rate shall be inclusive of utilities with the exception of cable, internet, and/or electricity. In the event that the individual units within the Property are separately metered or sub-metered for water or sewer utility purposes, Owner shall have the right to pass through to its tenants the amount of the monthly billing that exceeds the average monthly billing for similar sized units at the Property, regardless of whether such tenant is a workforce housing tenant or not. Location premiums, unit finish premiums, furniture premiums, and washer/dryer premiums are not considered base rental rate amounts and shall not be included in base rental rates. Rather, said premiums will be in addition to any base rental rates for all units at the Property, including workforce housing.
7. Workforce Housing Qualifications. The workforce housing qualifications and rents shall be set in coordination with Bloomington's Housing and Neighborhood Development ("HAND") Department policies. HAND will annually provide income eligibility guidelines and rent structure guidelines to the Owner for use in this workforce housing project. The income eligibility and rent structure may be modified from time to time in accordance with guidelines provided by HAND, or its successor City department, in which case notice shall issue to Owner by HAND.
8. Unit Types. Owner shall make units available to tenants, as outlined in 2(b) above.
9. Term of Commitment. Consistent with paragraph 2(b), the term of this Commitment shall be the earlier of either 99 years or through and including the expiration, or termination according to its terms, of the final Workforce Housing Tenant's lease agreement at the Property. .
10. Notice of Compliance. Owner shall provide HAND and the Commission an affidavit affirming that the Owner has complied with this Commitment on or before January 1 of each year until the end of the 99-year term of this Commitment. As part of this affidavit, the City may require information from Owner concerning (1) the number of Workforce Housing Units occupied; (2) the rent of the Workforce Housing Units; (3) the wage rates and/or salaries of the persons living in the Workforce Housing Units, and (4) the Market rate rent for a unit comparable to the Workforce Housing Units. Notwithstanding the

foregoing, and consistent with paragraph 2(b), the requirements of this paragraph 10 shall terminate on the date of expiration, or termination according to its terms, of the final Workforce Housing Tenant's lease agreement at the Property.

11. Termination. This written Commitment shall only terminate with approval from the City of Bloomington Plan Commission after notice of the hearing in which the termination will be considered has been provided in accordance with the Rules and Procedures of said Commission. Notwithstanding the foregoing, and consistent with paragraph 2(b), this written Commitment shall terminate on the date of expiration, or termination according to its terms, of the final Workforce Housing Tenant's lease agreement at the Property.
12. Sale or Transfer. In the event that Owner or any subsequent owner of the Property sells or transfers title to the Property or otherwise alters any ownership interest in the Property, he/she/they shall provide HAND with thirty (30) days advance written notice of the transaction and shall provide HAND with contact information for the party with whom the transaction is being conducted. Notwithstanding the foregoing, and consistent with paragraph 2(b), the requirements of this paragraph 12 shall terminate on the date of expiration, or termination according to its terms, of the final Workforce Housing Tenant's lease agreement at the Property.
13. Violation and Enforcement. Failure to honor this Commitment shall constitute a violation of the City of Bloomington's Unified Development Ordinance and, in particular, of the Plan Commission's preliminary plan and district ordinance amendment (PUD-XX-24) approval. A violation shall be subject to the penalties and remedies provided by Bloomington Municipal Code § 20.10, and shall subject person(s) obligated hereby to revocation or denial of occupancy permits and any other appropriate legal action. An action to enforce any provision of this written Commitment may be brought in the Monroe County Circuit Court by the Plan Commission, any person who was entitled to enforce a Commitment under the Rules and Procedures of the Plan Commission in force at the time this written Commitment is made, or any other specially affected person that is so designated in this written commitment.
14. Copy. A copy of this written Commitment shall be provided to the City of Bloomington's Planning and Transportation Department.

DATED this _____ day of _____, 2025.

Bloomington SPCW JV, LLC

By: _____
Signature

Print Name and Title

ATTEST:

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Personally appeared before me, a Notary Public in and for said County and State,
_____, Owner who acknowledged execution of the above and foregoing
instrument to be his or her voluntary act and deed.

WITNESS my hand and Notarial Seal this _____ day of _____, 2025.

Printed Name of Notary Public

Signature of Notary Public

My Commission Expires: _____

County of Residence: _____

Commission Number: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Enedina Kassamanian/s.

This instrument was prepared by Enedina Kassamanian, Attorney at Law, City of Bloomington, P.O. Box 100, Bloomington, Indiana 47402.

PAYMENT-IN-LIEU ZONING COMMITMENT

WHEREAS, Indiana Code § 36-1-24.2-4 allows the owner of real property to make a written commitment as part of its request for incentives or grants from a municipality; and

WHEREAS, Bloomington SPCW JV, LLC (“Owner”), is the owner of the property located at 105 N. Pete Ellis Drive, Bloomington, Indiana the property is identified by the following Monroe County Parcel Number 53-05-35-300-043.000-005 (the “Property”); and

WHEREAS, Owner petitioned the City of Bloomington Plan Commission (the “Commission”) to rezone 3.2 acres from Commercial Limited to a Planned Unit Development (“PUD”) and to approve a preliminary plan and district ordinance; and

WHEREAS, the Commission recommended approval of Owners’ petition PUD-34-19; and

WHEREAS, the Common Council of the City of Bloomington approved the PUD through Ordinance 20-01 on February 7, 2020; and

WHEREAS, the Mayor of the City of Bloomington signed Ordinance 20-01 on February 10, 2020; and

WHEREAS, Owner pledged its intent to record a Commitment, which was presented for consideration during the Council’s consideration of its petition; and

WHEREAS, Owner executed said Commitment on January 4, 2023 and recorded it on April 27, 2023, in the Office of the Recorder of Monroe County, Indiana, as Instrument Number 2023004318 MIS; and

WHEREAS, Questions and concerns arose regarding said Commitment and Owner’s ability to qualify tenants under the same; and

WHEREAS, In furtherance of the City’s efforts to create affordable housing, Owner and the City desire for Owner to make a payment to the City in an amount equal to One Million Forty Thousand and No/100 Dollars (\$1,040,000.00) (based on the current UDO fee schedule of \$20,000 per bed applied to the 52 bedrooms currently enrolled in the workforce housing program) to fully satisfy all obligations under said Commitment and the Workforce Housing Commitment (the “Payment in Lieu”); and

WHEREAS, Pursuant to Section 11 of said Commitment, the Commitment shall only terminate with the approval from the Commission after notice of hearing has been provided in accordance with the Rules and Procedures of the Commission; and

WHEREAS, Owner satisfied such obligation under Section 11 of the Zoning Commitment at the public hearing held for petition PUD-44-24 by the Plan Commission on December 9, 2024; and

WHEREAS, The Plan Commission recommended approval of amendment to the District Ordinance and Preliminary Plan originally approved with petition PUD-34-19 to allow acceptance of a financial payment in lieu of accepting on-site workforce housing units; and

WHEREAS, The Plan Commission included three (3) conditions of approval in its recommendation of approval for petition PUD-44-24, two of which are related to workforce housing; and

WHEREAS, Condition 2 reads: The petitioner will record the proposed Payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of the PUD Amendment; and

WHEREAS, Condition 3 reads: The petitioner will honor the existing leases of the 25 units that currently exist from the workforce housing commitment, and the petitioner will renew those leases upon request by those specific tenants, as long as they continue to qualify; and

WHEREAS, Owner presented a “Payment In Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements” to the City; and

WHEREAS, Said Agreement outlines the termination of the April 27, 2023 Zoning Commitment, terms for a new payment-in-lieu agreement, terms for the continuation of existing workforce housing leases, and acknowledgement of this Zoning Commitment; and

WHEREAS, The terms agreed upon to satisfy Plan Commission Condition 3 are included in this Payment In Lieu Zoning Commitment below, and

WHEREAS, the Common Council of the City of Bloomington adopted Ordinance 2025-01 on ~~XXXXXX~~ February 5, 2025.

NOW THEREFORE, in recognition of its ability to voluntarily provide a written commitment under Indiana Code § 36-1-24.2-4, the Owner hereby voluntarily provides and records this Zoning Commitment for the Property.

1. Legal Description for the Property. The Property is located at 105 N. Pete Ellis Drive (Parcel No. 53-05-35-300-043.000-005), Bloomington, Indiana, with the following legal description:

A part of the Southwest Quarter of Section Thirty five (35), Township nine (9) North, Range one (1) West, in Monroe County, Indiana, more particularly described as follows: Lot Number 8 in the Deckard East Third Street Subdivision as shown on the final plat thereof, recorded in Plat Cabinet C, Envelope 334 in the Office of the Recorder of Monroe County Indiana. AND ALSO EXCEPTING that part platted as Arlington Park, Phase I as per plat thereof, recorded in Plat Cabinet C Envelope 196, in the office of the Recorder of Monroe County, Indiana.

2. Commitments. Owner hereby commits to the following:

- a. Pursuant to Condition 2, owner will record this Payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of Ordinance 2025-01 by the Common Council and approval by the Mayor.
- b. Pursuant to Condition 3, all existing leases at the Property of, at a minimum, the twenty-five (25) workforce housing units that existed at the time of the Plan Commission meeting, shall remain in full force and effect with the applicable tenant thereunder (herein a “**Workforce Housing Tenant**”). Provided that the Workforce Housing Tenant is not in breach

or default thereunder, Owner shall (i) honor all current leases of the workforce housing units for the remainder of their respective lease terms, and (ii) allow such Workforce Housing Tenants to renew their leases, if requested by such Workforce Housing Tenant(s), at the then applicable workforce housing rates, conditioned upon such Workforce Housing Tenant meeting the workforce housing qualifications as of the date of renewal. Within 45 days of ~~execution of the Agreement~~ adoption of Ordinance 2025-01, the Owner shall notify the Workforce Housing Tenants in writing by certified mail of their right to renew their leases at the then applicable workforce housing rates, for as long as such Workforce Housing Tenant continues to meet the workforce housing qualifications as established in coordination with Bloomington's Housing and Neighborhood Development Policies. The Owner shall continue to comply with reporting and monitoring to the City until such time that the Owner no longer has Workforce Housing Tenants.

3. Binding. This written Commitment is binding on the owner of the Property. Upon the written Commitment being recorded in the office of the Monroe County Recorder, this written Commitment shall be binding on Owner's successors and assigns, including but not limited to any subsequent owner or any other person who acquires an interest in the Property, and shall run with the land.
4. Recording. This written Commitment shall be recorded in the office of the Monroe County Recorder within 30 days of the signing of this Commitment.
5. Modification. This written Commitment shall only be modified by the City of Bloomington Plan Commission after notice of the hearing in which the modification will be considered has been provided in accordance with the Rules and Procedures of said Commission.
6. Base Rental Rate. The base rental rate shall be inclusive of utilities with the exception of cable, internet, and/or electricity. In the event that the individual units within the Property are separately metered or sub-metered for water or sewer utility purposes, Owner shall have the right to pass through to its tenants the amount of the monthly billing that exceeds the average monthly billing for similar sized units at the Property, regardless of whether such tenant is a workforce housing tenant or not. Location premiums, unit finish premiums, furniture premiums, and washer/dryer premiums are not considered base rental rate amounts and shall not be included in base rental rates. Rather, said premiums will be in addition to any base rental rates for all units at the Property, including workforce housing.
7. Workforce Housing Qualifications. The workforce housing qualifications and rents shall be set in coordination with Bloomington's Housing and Neighborhood Development ("HAND") Department policies. HAND will annually provide income eligibility guidelines and rent structure guidelines to the Owner for use in this workforce housing project. The income eligibility and rent structure may be modified from time to time in accordance with guidelines provided by HAND, or its successor City department, in which case notice shall issue to Owner by HAND.
8. Unit Types. Owner shall make units available to tenants, as outlined in 2(b) above.
9. Term of Commitment. Consistent with paragraph 2(b), the term of this Commitment shall be the earlier of either 99 years or through and including the expiration, or termination according to its terms, of the final Workforce Housing Tenant's lease agreement at the Property. ~~ninety-nine (99) years commencing from the date it is recorded with the office of the Monroe County Recorder.~~
10. Notice of Compliance. Owner shall provide HAND and the Commission an affidavit affirming that the Owner has complied with this Commitment on or before January 1 of each year until the end of the 99-year term of this Commitment. As part of this affidavit, the City may require information from Owner concerning (1) the number of Workforce Housing Units occupied; (2) the rent of the Workforce Housing Units; (3) the wage rates

and/or salaries of the persons living in the Workforce Housing Units, and (4) the Market rate rent for a unit comparable to the Workforce Housing Units. Notwithstanding the foregoing, and consistent with paragraph 2(b), the requirements of this paragraph 10 shall terminate on the date of expiration, or termination according to its terms, of the final Workforce Housing Tenant's lease agreement at the Property.

11. Termination. This written Commitment shall only terminate with approval from the City of Bloomington Plan Commission after notice of the hearing in which the termination will be considered has been provided in accordance with the Rules and Procedures of said Commission. Notwithstanding the foregoing, and consistent with paragraph 2(b), this written Commitment shall terminate on the date of expiration, or termination according to its terms, of the final Workforce Housing Tenant's lease agreement at the Property.
12. Sale or Transfer. In the event that Owner or any subsequent owner of the Property sells or transfers title to the Property or otherwise alters any ownership interest in the Property, he/she/they shall provide HAND with thirty (30) days advance written notice of the transaction and shall provide HAND with contact information for the party with whom the transaction is being conducted. Notwithstanding the foregoing, and consistent with paragraph 2(b), the requirements of this paragraph 12 shall terminate on the date of expiration, or termination according to its terms, of the final Workforce Housing Tenant's lease agreement at the Property.
13. Violation and Enforcement. Failure to honor this Commitment shall constitute a violation of the City of Bloomington's Unified Development Ordinance and, in particular, of the Plan Commission's preliminary plan and district ordinance amendment (PUD-XX-24) approval. A violation shall be subject to the penalties and remedies provided by Bloomington Municipal Code § 20.10, and shall subject person(s) obligated hereby to revocation or denial of occupancy permits and any other appropriate legal action. An action to enforce any provision of this written Commitment may be brought in the Monroe County Circuit Court by the Plan Commission, any person who was entitled to enforce a Commitment under the Rules and Procedures of the Plan Commission in force at the time this written Commitment is made, or any other specially affected person that is so designated in this written commitment.
14. Copy. A copy of this written Commitment shall be provided to the City of Bloomington's Planning and Transportation Department.

DATED this _____ day of _____, 2025.

Bloomington SPCW JV, LLC

By: _____
Signature

Print Name and Title

ATTEST:

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Personally appeared before me, a Notary Public in and for said County and State,
_____, Owner who acknowledged execution of the above and foregoing
instrument to be his or her voluntary act and deed.

WITNESS my hand and Notarial Seal this _____ day of _____, 2025.

Printed Name of Notary Public

Signature of Notary Public

My Commission Expires: _____

County of Residence: _____

Commission Number: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Enedina Kassamanian/s.

This instrument was prepared by Enedina Kassamanian, Attorney at Law, City of Bloomington, P.O. Box 100, Bloomington, Indiana 47402.

***** Amendment Form *****

Ordinance #: 2025-01
Amendment #: Am 01
Submitted By: Cm. Piedmont-Smith
Date: January 17, 2025

Proposed Amendment:

Ordinance 2025-01 and its Attachment A shall be amended by adding the revised Payment in Lieu Agreement and Termination Agreement attached hereto as intended to be signed by the Petitioner.

Synopsis

This amendment would amend Ordinance 2025-01 by incorporating a revised Payment In Lieu Agreement to be signed by Petitioner for the purpose of requiring Petitioner to sign a new Zoning Commitment and of committing the Petitioner to honor the renewal of existing leases under the terms and conditions stated in the revised Payment In Lieu Agreement. This revised version of the Payment in Lieu Agreement is intended to be signed by Petitioner instead of the version attached to the Certification from the Plan Commission.

01/22/25 Regular Session Action: Pending

**PAYMENT IN LIEU AGREEMENT AND TERMINATION OF ZONING
COMMITMENT AND WORKFORCE (AFFORDABLE) HOUSING
REQUIREMENTS**

This Payment in Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements (this “**Agreement**”) is made and entered into this ____ of _____, 2025, by Bloomington SPCW JV, LLC, LLC, an Indiana limited liability company (“**Owner**”), having an office at 8801 River Crossing Boulevard, Suite 300, Indianapolis, IN 46240, The City of Bloomington, Indiana (the “**City**”) and The City of Bloomington, Indiana Plan Commission (the “**Commission**”).

RECITALS

A. Owner is the owner of certain real property located at 105 N. Pete Ellis Drive, Bloomington, Indiana, the property is identified by the following Monroe County Parcel Number 53-05-35-300-043.000-005 (“the **Property**”), which is more particularly described as Lot 8 located in Deckard East Third Street Subdivision, Monroe County, Indiana, as recorded in Plat Cabinet C, Envelope 334, in the Office of the Recorder of Monroe County, Indiana.

B. The Property is subject to that certain Zoning Commitment executed by Owner on January 4, 2023, and recorded on April 27, 2023, in the Office of the Recorder of Monroe County, Indiana, as Instrument Number 2023004318 MIS (the “**Zoning Commitment**”).

C. Under the Zoning Commitment, the Owner committed to providing workforce housing at the Property in exchange for receiving additional zoning benefits from the City of Bloomington’s Plan Commission, as permitted under Indiana Code Section 36-1-24.2-4 (the “**Workforce Housing Commitment**”).

D. Questions and concerns have arisen regarding the Zoning Commitment, the Workforce Housing Commitment and Owner’s ability to qualify tenants under the same.

E. In furtherance of the City’s efforts to create affordable housing, Owner, the City and the Commission desire for Owner to make a payment to the City in an amount equal to One Million Forty Thousand and No/100 Dollars (\$1,040,000.00) (based on the current UDO fee schedule of \$20,000 per bed applied to the 52 bedrooms currently enrolled in the workforce housing program) to fully satisfy all obligations under the Zoning Commitment and the Workforce Housing Commitment (the “**Payment in Lieu**”).

F. Pursuant to Section 11 of the Zoning Commitment, the Zoning Commitment shall only terminate with the approval from the Commission after notice of hearing has been provided in accordance with the Rules and Procedures of the Commission.

G. Such obligation under Section 11 of the Zoning Commitment was satisfied at the public hearing held by the Commission on December 9, 2024, at which time the Commission approved (i) this Agreement, and (ii) accepting the Payment in Lieu in consideration for terminating the Zoning Commitment, the Workforce Housing Commitment and, if applicable, any and all other workforce/affordable housing requirements pertaining to the Property that were imposed by the City and/or the Commission, as the case may be.

H. Owner, the City and the Commission now desire to terminate the Zoning Commitment and fully release and terminate the Property from Workforce Housing Commitment.

AGREEMENTS

1. Incorporation of Recitals. The Recitals set forth above are hereby incorporated into this Agreement and are hereby made a part hereof, as if fully set forth herein.

2. Payment in Lieu. On or before five (5) days after approval of the City, approval of the Commission and execution and delivery of this Agreement by all parties, Owner shall make the Payment in Lieu to the City.

3. Termination of Zoning Commitment and Workforce Housing Commitment. Upon receipt of the Payment in Lieu, the City, the Commission and Owner hereby agree that the Zoning Commitment, the Workforce Housing Commitment and, if applicable, any and all other workforce/affordable housing requirements pertaining to the Property that were imposed by the City and/or the Commission, as the case may be, shall automatically terminate and be of no further force and effect. In furtherance of the foregoing, upon receipt of the Payment in Lieu by the City, the Property shall be released from the Zoning Commitment in its entirety.

4. Execution of Payment-In-Lieu Zoning Commitment. Pursuant to Plan Commission case PUD-44-24, Owner will record the Payment-In-Lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of the PUD Amendment. Said approval date will be set by the date of final approval of corresponding Ordinance 2025-01.

5. Waiver. Subject to Owner making the Payment in Lieu as required herein, Owner, the City and the Commission hereby release and waive any and all actual or alleged claims, actions,

causes of action and/or violations in connection with the Zoning Commitment and the Workforce Housing Commitment whether arising prior to or after the date hereof.

6. Existing Workforce Housing Tenants. Notwithstanding Sections 2-5 hereof, all existing leases at the Property of, at a minimum, the twenty-five (25) workforce housing units that existed at the time of the Plan Commission meeting, shall remain in full force and effect with the applicable tenant thereunder (herein a “**Workforce Housing Tenant**”). Provided that the Workforce Housing Tenant is not in breach or default thereunder, Owner shall (i) honor all current leases of the workforce housing units for the remainder of their respective lease terms, and (ii) allow such Workforce Housing Tenants to renew their leases, if requested by such Workforce Housing Tenant(s), at the then applicable workforce housing rates, conditioned upon such Workforce Housing Tenant meeting the workforce housing qualifications as of the date of renewal. Within 45 days of execution of the Agreement, the Owner shall notify the Workforce Housing Tenants in writing by certified mail of their right to renew their leases at the then applicable workforce housing rates, for as long as such Workforce Housing Tenant continues to meet the workforce housing qualifications as established in coordination with Bloomington’s Housing and Neighborhood Development Policies. The Owner shall continue to comply with reporting and monitoring to the City until such time that the Owner no longer has Workforce Housing Tenants.

7. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Indiana.

8. Counterparts. This Agreement may be executed in any number of identical counterparts any or all of which may contain the signatures of fewer than all of the parties but all of which shall be taken together as a single instrument.

IN WITNESS WHEREOF, Owner, the City and the Commission have caused this Agreement to be executed this _____ day of _____, 2025.

OWNER:

BLOMINGTON SPCW JV, LLC,
An Indiana limited liability company

By: _____
Marc D. Pflieger, Manager

STATE OF INDIANA)
) SS
COUNTY OF MARION)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 2025, personally appeared Marc D. Pflieger, Manager of Bloomington SPCW JV, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing Payment in Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this this ____ day of _____, 2025.

My commission expires:

Notary Public _____

Resident of _____ County, Indiana

[Signatures continue on following page(s).]

CITY:

THE CITY OF BLOMINGTON, INDIANA

By: _____

Printed: _____

Title: _____

STATE OF INDIANA)
) SS
COUNTY OF MONROE)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 204, personally appeared _____, the _____ of The City of Bloomington, Indiana, who acknowledged the execution of the foregoing Payment in Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this this ____ day of _____, 2025.

My commission expires:

Notary Public _____

Resident of _____ County, Indiana

[Signatures continue on following page(s).]

COMMISSION:

THE CITY OF BLOOMINGTON, INDIANA PLAN
COMMISSION

By: _____

Printed: _____

Title: _____

STATE OF INDIANA)
) SS
COUNTY OF MONROE)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 204, personally appeared _____, the _____ of The City of Bloomington, Indiana Plan Commission, who acknowledged the execution of the foregoing Payment in Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this this ____ day of _____, 2025.

My commission expires:

Notary Public _____

Resident of _____ County, Indiana

THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:

Marc D. Pflieger, General Counsel
Scannell Properties
8801 River Crossing Boulevard, Suite 300
Indianapolis, IN 46240

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Marc Pflieger

***** Reasonable Conditions Form *****

Ordinance #: 2025-01
Reasonable Condition #: 01
Submitted By: Cm. Piedmont-Smith
Date: January 16, 2025

Proposed Reasonable Condition:

1. That the draft Zoning Commitment shall be executed by the Petitioner in the form attached hereto with a revised date of adoption of Ordinance 2025-01 and recorded as set forth therein.

Synopsis

This Reasonable Condition (01) is sponsored by Cm. Piedmont-Smith and is contemplated by the revised Payment In Lieu Agreement proposed in Amendment-01 to Ordinance 2025-01. Under the terms of the Zoning Commitment, Petitioner commits to renew the existing leases of workforce housing units on the conditions set forth therein.

01/22/25 Regular Session Action: Pending

DRAFT PAYMENT-IN-LIEU ZONING COMMITMENT

- WHEREAS, Indiana Code § 36-1-24.2-4 allows the owner of real property to make a written commitment as part of its request for incentives or grants from a municipality; and
- WHEREAS, Bloomington SPCW JV, LLC (“Owner”), is the owner of the property located at 105 N. Pete Ellis Drive, Bloomington, Indiana the property is identified by the following Monroe County Parcel Number 53-05-35-300-043.000-005 (the “Property”); and
- WHEREAS, Owner petitioned the City of Bloomington Plan Commission (the “Commission”) to rezone 3.2 acres from Commercial Limited to a Planned Unit Development (“PUD”) and to approve a preliminary plan and district ordinance; and
- WHEREAS, the Commission recommended approval of Owners’ petition PUD-34-19; and
- WHEREAS, the Common Council of the City of Bloomington approved the PUD through Ordinance 20-01 on February 7, 2020; and
- WHEREAS, the Mayor of the City of Bloomington signed Ordinance 20-01 on February 10, 2020; and
- WHEREAS, Owner pledged its intent to record a Commitment, which was presented for consideration during the Council’s consideration of its petition; and
- WHEREAS, Owner executed said Commitment on January 4, 2023 and recorded it on April 27, 2023, in the Office of the Recorder of Monroe County, Indiana, as Instrument Number 2023004318 MIS; and
- WHEREAS, Questions and concerns arose regarding said Commitment and Owner’s ability to qualify tenants under the same; and
- WHEREAS, In furtherance of the City’s efforts to create affordable housing, Owner and the City desire for Owner to make a payment to the City in an amount equal to One Million Forty Thousand and No/100 Dollars (\$1,040,000.00) (based on the current UDO fee schedule of \$20,000 per bed applied to the 52 bedrooms currently enrolled in the workforce housing program) to fully satisfy all obligations under said Commitment and the Workforce Housing Commitment (the “Payment in Lieu”); and
- WHEREAS, Pursuant to Section 11 of said Commitment, the Commitment shall only terminate with the approval from the Commission after notice of hearing has been provided in accordance with the Rules and Procedures of the Commission; and
- WHEREAS, Owner satisfied such obligation under Section 11 of the Zoning Commitment at the public hearing held for petition PUD-44-24 by the Plan Commission on December 9, 2024; and
- WHEREAS, The Plan Commission recommended approval of amendment to the District Ordinance and Preliminary Plan originally approved with petition PUD-34-19 to allow acceptance of a financial payment in lieu of accepting on-site workforce housing units; and
- WHEREAS, The Plan Commission included three (3) conditions of approval in its recommendation of approval for petition PUD-44-24, two of which are related to workforce housing; and
- WHEREAS, Condition 2 reads: The petitioner will record the proposed Payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of the PUD Amendment; and

WHEREAS, Condition 3 reads: The petitioner will honor the existing leases of the 25 units that currently exist from the workforce housing commitment, and the petitioner will renew those leases upon request by those specific tenants, as long as they continue to qualify; and

WHEREAS, Owner presented a “Payment In Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements” to the City; and

WHEREAS, Said Agreement outlines the termination of the April 27, 2023 Zoning Commitment, terms for a new payment-in-lieu agreement, terms for the continuation of existing workforce housing leases, and acknowledgement of this Zoning Commitment; and

WHEREAS, The terms agreed upon to satisfy Plan Commission Condition 3 are included in the Commitment below, and

WHEREAS, the Common Council of the City of Bloomington adopted Ordinance 2025-01 on XXXXXX.

NOW THEREFORE, in recognition of its ability to voluntarily provide a written commitment under Indiana Code § 36-1-24.2-4, the Owner hereby voluntarily provides and records this Zoning Commitment for the Property.

1. Legal Description for the Property. The Property is located at 105 N. Pete Ellis Drive (Parcel No. 53-05-35-300-043.000-005), Bloomington, Indiana, with the following legal description:

A part of the Southwest Quarter of Section Thirty five (35), Township nine (9) North, Range one (1) West, in Monroe County, Indiana, more particularly described as follows: Lot Number 8 in the Deckard East Third Street Subdivision as shown on the final plat thereof, recorded in Plat Cabinet C, Envelope 334 in the Office of the Recorder of Monroe County Indiana. AND ALSO EXCEPTING that part platted as Arlington Park, Phase I as per plat thereof, recorded in Plat Cabinet C Envelope 196, in the office of the Recorder of Monroe County, Indiana.

2. Commitments. Owner hereby commits to the following:
 - a. Pursuant to Condition 2, owner will record this proposed Payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of the PUD Amendment.
 - b. Pursuant to Condition 3, all existing leases at the Property of, at a minimum, the twenty-five (25) workforce housing units that existed at the time of the Plan Commission meeting, shall remain in full force and effect with the applicable tenant thereunder (herein a “**Workforce Housing Tenant**”). Provided that the Workforce Housing Tenant is not in breach or default thereunder, Owner shall (i) honor all current leases of the workforce housing units for the remainder of their respective lease terms, and (ii) allow such Workforce Housing Tenants to renew their leases, if requested by such Workforce Housing Tenant(s), at the then applicable workforce housing rates, conditioned upon such Workforce Housing Tenant meeting the workforce housing qualifications as of the date of renewal. Within 45 days of execution of the Agreement, the Owner shall notify the Workforce Housing Tenants in writing by certified mail of their right to renew their leases at the then applicable workforce housing rates, for as long as such Workforce Housing Tenant continues to meet the workforce housing qualifications as established in coordination with Bloomington’s Housing and Neighborhood Development Policies. The

Owner shall continue to comply with reporting and monitoring to the City until such time that the Owner no longer has Workforce Housing Tenants.

3. Binding. This written Commitment is binding on the owner of the Property. Upon the written Commitment being recorded in the office of the Monroe County Recorder, this written Commitment shall be binding on Owner's successors and assigns, including but not limited to any subsequent owner or any other person who acquires an interest in the Property, and shall run with the land.
4. Recording. This written Commitment shall be recorded in the office of the Monroe County Recorder within 30 days of the signing of this Commitment.
5. Modification. This written Commitment shall only be modified by the City of Bloomington Plan Commission after notice of the hearing in which the modification will be considered has been provided in accordance with the Rules and Procedures of said Commission.
6. Base Rental Rate. The base rental rate shall be inclusive of utilities with the exception of cable, internet, and/or electricity. In the event that the individual units within the Property are separately metered or sub-metered for water or sewer utility purposes, Owner shall have the right to pass through to its tenants the amount of the monthly billing that exceeds the average monthly billing for similar sized units at the Property, regardless of whether such tenant is a workforce housing tenant or not. Location premiums, unit finish premiums, furniture premiums, and washer/dryer premiums are not considered base rental rate amounts and shall not be included in base rental rates. Rather, said premiums will be in addition to any base rental rates for all units at the Property, including workforce housing.
7. Workforce Housing Qualifications. The workforce housing qualifications and rents shall be set in coordination with Bloomington's Housing and Neighborhood Development ("HAND") Department policies. HAND will annually provide income eligibility guidelines and rent structure guidelines to the Owner for use in this workforce housing project. The income eligibility and rent structure may be modified from time to time in accordance with guidelines provided by HAND, or its successor City department, in which case notice shall issue to Owner by HAND.
8. Unit Types. Owner shall make units available to tenants, as outlined in 2(b) above.
9. Term of Commitment. The term of this Commitment shall be ninety-nine (99) years commencing from the date it is recorded with the office of the Monroe County Recorder.
10. Notice of Compliance. Owner shall provide HAND and the Commission an affidavit affirming that the Owner has complied with this Commitment on or before January 1 of each year until the end of the 99-year term of this Commitment. As part of this affidavit, the City may require information from Owner concerning (1) the number of Workforce Housing Units occupied; (2) the rent of the Workforce Housing Units; (3) the wage rates and/or salaries of the persons living in the Workforce Housing Units, and (4) the Market rate rent for a unit comparable to the Workforce Housing Units.
11. Termination. This written Commitment shall only terminate with approval from the City of Bloomington Plan Commission after notice of the hearing in which the termination will be considered has been provided in accordance with the Rules and Procedures of said Commission.
12. Sale or Transfer. In the event that Owner or any subsequent owner of the Property sells or transfers title to the Property or otherwise alters any ownership interest in the Property, he/she/they shall provide HAND with thirty (30) days advance written notice of the transaction and shall provide HAND with contact information for the party with whom the transaction is being conducted.
13. Violation and Enforcement. Failure to honor this Commitment shall constitute a violation of the City of Bloomington's Unified Development Ordinance and, in particular, of the

Plan Commission’s preliminary plan and district ordinance amendment (PUD-XX-24) approval. A violation shall be subject to the penalties and remedies provided by Bloomington Municipal Code § 20.10, and shall subject person(s) obligated hereby to revocation or denial of occupancy permits and any other appropriate legal action. An action to enforce any provision of this written Commitment may be brought in the Monroe County Circuit Court by the Plan Commission, any person who was entitled to enforce a Commitment under the Rules and Procedures of the Plan Commission in force at the time this written Commitment is made, or any other specially affected person that is so designated in this written commitment.

14. Copy. A copy of this written Commitment shall be provided to the City of Bloomington’s Planning and Transportation Department.

DATED this _____ day of _____, 2025.

Bloomington SPCW JV, LLC

By: _____
Signature

Print Name and Title

ATTEST:

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Personally appeared before me, a Notary Public in and for said County and State, _____, Owner who acknowledged execution of the above and foregoing instrument to be his or her voluntary act and deed.

WITNESS my hand and Notarial Seal this _____ day of _____, 2025.

Printed Name of Notary Public

Signature of Notary Public

My Commission Expires: _____

County of Residence: _____

Commission Number: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Enedina Kassamanian/s.

This instrument was prepared by Enedina Kassamanian, Attorney at Law, City of Bloomington, P.O. Box 100, Bloomington, Indiana 47402.



MEMO FROM COUNCIL OFFICE ON:

To: Members of Common Council

From: Lisa Lehner, Council Administrator/Attorney

Date: January 3, 2025

Re: Ordinance 25-01 – To Amend the District Ordinance and Preliminary Plan of A 3.2 Acre Planned Unit Development (PUD), The Curry PUD, In Order to Amend the Workforce Housing Contribution. – Re: 105 S. Pete Ellis Drive (SPCW Bloomington JV, LLC, Petitioner)

Synopsis

Ordinance 25-01 would amend the District Ordinance and Preliminary Plan for the Curry PUD to allow the workforce housing commitment to be met through a payment to the Housing Development Fund, instead of through the inclusion of workforce housing units on-site.

Relevant Materials

- Ordinance 2025-01, which incorporates Attachment A by reference
- Certification of Ordinance 2025-01 by Plan Commission
- Staff Memo from Jacqueline Scanlan

Background

This property was rezoned from Commercial Limited (CL) to Planned Unit Development (PUD) on February 5, 2020 by Ordinance 20-01 (background materials for this legislation can be found in the January 8, 2020 Legislative Packet), which ordinance codified the PUD under the Unified Development Ordinance in effect at that time (the “2019 UDO”). The Preliminary Plan documents included Workforce Housing to comprise 15% of the unit bedroom count, which was similar to the Affordable Housing Incentives percentage later added by Ordinance 20-06.

In June of 2022, the UDO was amended to make the payment-in-lieu option of Bloomington Municipal Code Title 20.04 more viable. The Petitioner is requesting to amend the existing PUD District Ordinance and Preliminary Plan in order to modify the Affordable Housing commitment within the PUD by allowing a payment-in-lieu of on-site workforce housing units. The Petitioner proposes to contribute \$20,000 per bedroom for 15 percent of the bedrooms in the development, for a total of \$1,040,000 to be paid to the City’s Housing Development Fund.

In accordance with Section 20.01.040 of the current UDO (Transition from Prior Regulations), this petition will be reviewed under the 2019 UDO, which was in place when the PUD was approved in 2020.¹

¹ A copy of the 2019 UDO can be found at <https://bloomington.in.gov/sites/default/files/2019-09/UDO%20%282019%29.pdf>



Council's Review and Consideration

The Council's review of a PUD proposal is guided by state statute and local code. The Council has wide discretion but must have a rational basis for its decision. Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal pursuant to [IC 36-7-4-607](#) and may also exercise powers set forth under Indiana Code [36-7-4-1500](#) et seq. Pursuant to [Section 36-7-4-1512](#), those powers include:

- imposing reasonable conditions;
- conditioning the issuance of a certificate of zoning compliance on the furnishing of a bond or certain guarantees; and
- allowing or requiring the owner of real property to make written commitments.

If the Council fails to act on the proposal within 90 days after certification, the ordinance would take effect as if it had been adopted as certified by the Plan Commission.²

In consideration of [Ordinance 2025-01](#), Indiana Code directs that Council shall pay reasonable regard to the following³:

- the [comprehensive plan](#);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

It is not necessary that Council find absolute conformity with each of the factors outlined above. Rather, the Council is to take into consideration the entire constellation of criteria, balancing the statutory factors.

Further, the Council will review [Ordinance 2025-01](#) under [the 2019 UDO](#)⁴ and will consider the following factors per [2019 BMC 20.04.080\(h\)](#):

- The extent to which the PUD meets the requirements, standards, and stated purpose of Chapter 20.04, *Planned Unit Development Districts*.
- The extent to which the proposed preliminary plan departs from the UDO provision otherwise applicable to the property (including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest).
- The extent to which the PUD meets the purpose of the UDO, the Comprehensive Plan and other adopted planning policy documents.

² [IC 36-7-4-607](#)

³ [IC 36-7-4-603](#)

⁴ [2019 BMC 20.04.080\(j\)\(1\)](#)



City of Bloomington Indiana

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

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

- The physical design of the PUD and the extent to which it: makes adequate provision for public services; provides adequate control over vehicular traffic; provides for and protects designated common open space; and furthers the amenities of light and air, recreation and visual enjoyment.
- Relationship and compatibility of the PUD to adjacent properties and neighborhood, and whether the PUD would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
- The desirability of the proposed preliminary plan to the city's physical development, tax base and economic well-being.
- The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
- The proposal preserves significant ecological, natural, historical and architectural resources.
- The proposal will not be injurious to the public health, safety, and general welfare.
- The proposal is an effective and unified treatment of the development possibilities on the PUD site.

Finally, the 2019 BMC provides that permitted uses in a PUD are subject to the discretion and approval of the Plan Commission and the Council.⁵ Permitted uses are determined in consideration of the Growth Policies Plan (now Comprehensive Plan), existing zoning, land uses contiguous to the area being rezoned, and the development standards outlined in the UDO.⁶

Certified by Plan Commission

Ordinance 2025-01 was certified to the Council by the Plan Commission on December 9, 2024 with a favorable recommendation (6-1). The findings of the Plan Commission are outlined in the staff memo, concluding that the project still includes multiple characteristics that support the goals of the Comprehensive Plan. The petition is forwarded to the Council by the Plan Commission with a favorable recommendation and various conditions, which are listed in the staff memo.

Contact

Jacqueline Scanlan, Development Services Manager, scanlanj@bloomington.in.gov, (812) 349-3524

⁵ [2019 BMC 20.04.020\(a\)\(1\)](#)

⁶ [2019 BMC 20.04.020\(a\)\(2\)](#)

ORDINANCE 2025-01

TO AMEND THE DISTRICT ORDINANCE AND PRELIMINARY PLAN OF A 3.2 ACRE PLANNED UNIT DEVELOPMENT (PUD), THE CURRY PUD, IN ORDER TO AMEND THE WORKFORCE HOUSING CONTRIBUTION.

**- Re: 105 S. Pete Ellis Drive
(SPCW Bloomington JV, LLC, Petitioner)**

WHEREAS, Ordinance 20-06, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, “Unified Development Ordinance”, went into effect on April 18, 2020; and

WHEREAS, Ordinance 20-01, which established the Curry PUD, went into effect on February 10, 2020; and

WHEREAS, the Plan Commission has considered this case, PUD-44-24, and recommended that the petitioner, Curry Urban Properties, be granted an approval to amend the District Ordinance and Preliminary Plan for a Planned Unit Development (PUD) to allow a payment-in-lieu of on-site workforce housing units; and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning of the property located at 105 N. Pete Ellis Drive shall be changed from Commercial Limited (CL) to Planned Unit Development (PUD). The property is further described as follows:

A part of the Southwest Quarter of Section Thirty five (35), Township nine (9) North, Range one (1) West, in Monroe County, Indiana, more particularly described as follows: Lot 8 in the Deckard East Third Street Subdivision as shown on the final plat thereof, recorded in Plat Cabinet C, Envelope 334 in the Office of the Recorder of Monroe County, Indiana. AND ALSO EXCEPTING that part platted as Arlington Park, Phase 1 as per plat thereof, recorded in Plat Cabinet C Envelope 196, in the Office of the Recorder of Monroe County, Indiana.

SECTION II. This District Ordinance and the Preliminary Plan shall be amended with the information attached hereto in the report labeled Attachment A and made a part thereof.

SECTION III. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk

City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 2025-01 would amend the District Ordinance and Preliminary Plan for the Curry PUD to allow the workforce housing commitment to be met through a payment to the Housing Development Fund, instead of through the inclusion of workforce housing units on-site.

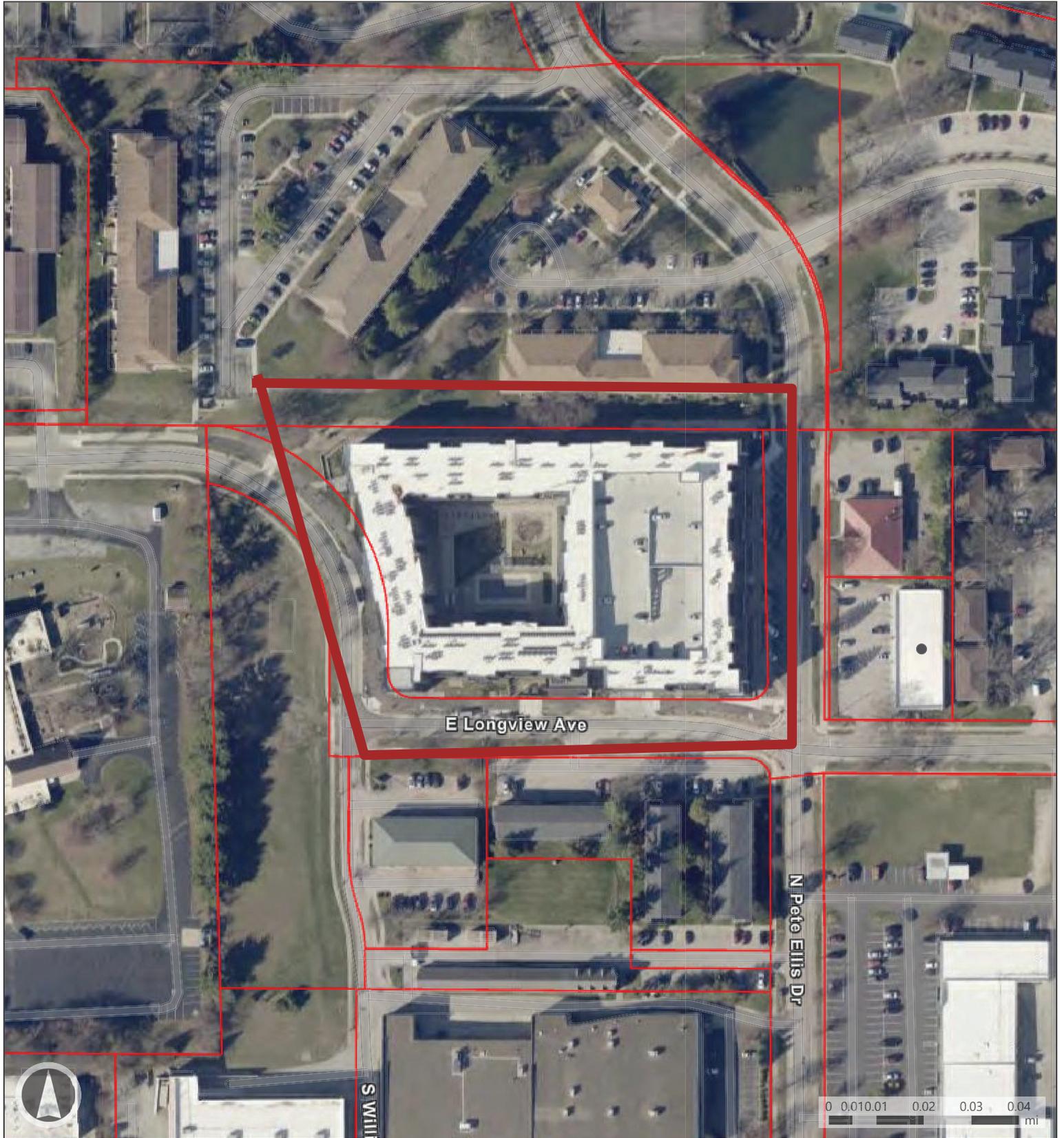
Attachment A



Map Legend

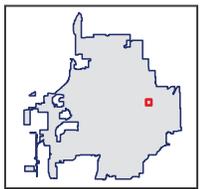
-  Parcels
-  Bloomington Municipal Boundary





Map Legend

-  Parcels
-  Bloomington Municipal Boundary



8801 River Crossing Blvd, Suite 300
Indianapolis, Indiana 46240
T 317.843.5959
F 317.843.5957

To: City of Bloomington
From: SPCW Bloomington JV, LLC (“SPCW”)
Date: November 4, 2024
RE: Petitioner’s Statement: 121 N Pete Ellise Drive - WFH - Zoning Commitment

Petition: Amend the recorded Zoning Commitment (Instrument Number 2023004318) and relevant and applicable text and obligations in District Ordinance 21-31 and Curry PUD Preliminary Plan.

Petitioner is also requesting a waiver of second hearing.

The Petitioner’s Statement dated 06.04.2021 identified offering 15% of its unit bedrooms to be set aside for workforce housing with the proposed Zoning Commitment attached with the submittal. The Zoning Commitment was recorded on April 27, 2023.

Since opening, and despite its best efforts, SPCW has had difficulty in securing qualifying tenants for the designated units and sees a payment in lieu as an effective way to assist the City’s efforts concerning workforce housing. Further, SPCW and the City of Bloomington Housing and Neighborhood Development and Planning and Transportation Department entered into a Memorandum of Understanding (the “MOU”) on October 2, 2024. In the MOU, SPCW and HAND agreed to work together in good faith to pursue a modification to the Zoning Commitment with mutually agreeable terms.

SPCW proposes modifications to District Ordinance 21-31 and Curry PUD Preliminary Plan, by way of the attached PAYMENT IN LIEU AGREEMENT AND TERMINATION OF ZONING COMMITMENT AND WORKFORCE (AFFORDABLE) HOUSING REQUIREMENTS document attached hereto, to terminate and replace the Zoning Commitment, as summarized below:

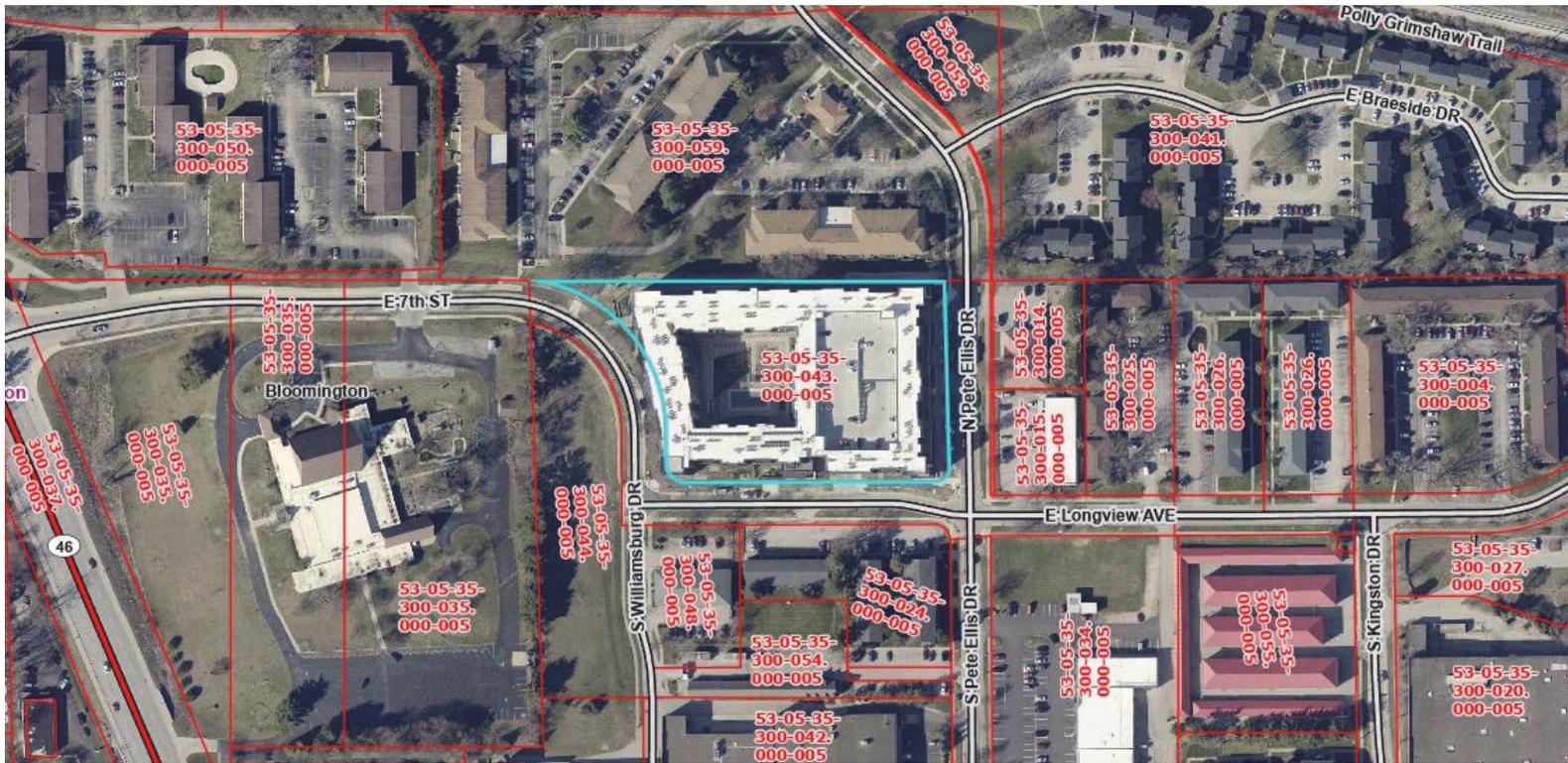
Owner to make a payment to the City in an amount equal to One Million Forty Thousand and No/100 Dollars (\$1,040,000.00) (based on the current UDO fee schedule of \$20,000 per bed applied to the 52 bedrooms currently enrolled in the workforce housing program) to fully satisfy all obligations under the Zoning Commitment and the Workforce Housing Commitment (the “Payment in Lieu”) as allowed for new developments under 20.04.110(c)(7)(A) of the UDO.

We appreciate the City considering our petition to modify to the subject property’s zoning commitment and the opportunity to be a partner in the City’s housing initiatives.

Sincerely,

SPCW Bloomington JV, LLC

Subject Property Aerial



**PAYMENT IN LIEU AGREEMENT AND TERMINATION OF ZONING
COMMITMENT AND WORKFORCE (AFFORDABLE) HOUSING
REQUIREMENTS**

This Payment in Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements (this “**Agreement**”) is made and entered into this ____ of _____, 2024, by Bloomington SPCW JV, LLC, LLC, an Indiana limited liability company (“**Owner**”), having an office at 8801 River Crossing Boulevard, Suite 300, Indianapolis, IN 46240, The City of Bloomington, Indiana (the “**City**”) and The City of Bloomington, Indiana Plan Commission (the “**Commission**”).

RECITALS

A. Owner is the owner of certain real property located at 105 N. Pete Ellis Drive, Bloomington, Indiana, the property is identified by the following Monroe County Parcel Number 53-05-35-300-043.000-005 (“the **Property**”), which is more particularly described as Lot 8 located in Deckard East Third Street Subdivision, Monroe County, Indiana, as recorded in Plat Cabinet C, Envelope 334, in the Office of the Recorder of Monroe County, Indiana.

B. The Property is subject to that certain Zoning Commitment executed by Owner on January 4, 2023, and recorded on April 27, 2023, in the Office of the Recorder of Monroe County, Indiana, as Instrument Number 2023004318 MIS (the “**Zoning Commitment**”).

C. Under the Zoning Commitment, the Owner committed to providing workforce housing at the Property in exchange for receiving additional zoning benefits from the City of Bloomington’s Plan Commission, as permitted under Indiana Code Section 36-1-24.2-4 (the “**Workforce Housing Commitment**”).

D. Questions and concerns have arisen regarding the Zoning Commitment, and the interpretation of the Owner’s ability to qualify certain tenants under the Commitment for Workforce Housing.

E. In furtherance of the City’s efforts to create affordable housing, Owner, the City and the Commission desire for Owner to make a payment to the City in an amount equal to One Million Forty Thousand and No/100 Dollars (\$1,040,000.00) (based on the current UDO fee schedule of \$20,000 per bed applied to the 52 bedrooms currently enrolled in the workforce housing program) to fully satisfy all obligations under the Zoning Commitment and the Workforce Housing Commitment (the “**Payment in Lieu**”).

F. Pursuant to Section 11 of the Zoning Commitment, the Zoning Commitment shall only terminate with the approval from the Commission after notice of hearing has been provided in accordance with the Rules and Procedures of the Commission.

G. Such obligation under Section 11 of the Zoning Commitment was satisfied at the public hearing held by the Commission on _____, 2024, at which time the Commission approved (i) this Agreement, and (ii) accepting the Payment in Lieu in consideration for terminating the Zoning Commitment, the Workforce Housing Commitment and, if applicable,

any and all other workforce/affordable housing requirements pertaining to the Property that were imposed by the City and/or the Commission, as the case may be.

H. Owner, the City and the Commission now desire to terminate the Zoning Commitment and fully release and terminate the Property from Workforce Housing Commitment.

AGREEMENTS

1. **Incorporation of Recitals.** The Recitals set forth above are hereby incorporated into this Agreement and are hereby made a part hereof, as if fully set forth herein.

2. **Payment in Lieu.** On or before five (5) days after approval of the City, approval of the Commission and execution and delivery of this Agreement by all parties, Owner shall make the Payment in Lieu to the City.

3. **Termination of Zoning Commitment and Workforce Housing Commitment.** Upon receipt of the Payment in Lieu, the City, the Commission and Owner hereby agree that the Zoning Commitment, the Workforce Housing Commitment and, if applicable, any and all other workforce/affordable housing requirements pertaining to the Property that were imposed by the City and/or the Commission, as the case may be, shall automatically terminate and be of no further force and effect. In furtherance of the foregoing, upon receipt of the Payment in Lieu by the City, the Property shall be released from the Zoning Commitment in its entirety.

4. **Waiver.** Subject to Owner making the Payment in Lieu as required herein, Owner, the City and the Commission hereby release and waive any and all actual or alleged claims, actions, causes of action and/or violations in connection with the Zoning Commitment and the Workforce Housing Commitment whether arising prior to or after the date hereof.

5. **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Indiana.

6. **Counterparts.** This Agreement may be executed in any number of identical counterparts any or all of which may contain the signatures of fewer than all of the parties but all of which shall be taken together as a single instrument.

IN WITNESS WHEREOF, Owner, the City and the Commission have caused this Agreement to be executed this ____ day of _____, 2024.

OWNER:

BLOMINGTON SPCW JV, LLC,
An Indiana limited liability company

By: _____
Marc D. Pflaging, Manager

STATE OF INDIANA)
) SS
COUNTY OF MARION)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 2024, personally appeared Marc D. Pflaging, Manager of Bloomington SPCW JV, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing Payment in Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this this ____ day of _____, 2024.

My commission expires:

Notary Public _____
Resident of _____ County, Indiana

[Signatures continue on following page(s).]

CITY:

THE CITY OF BLOMINGTON, INDIANA

By: _____

Printed: _____

Title: _____

STATE OF INDIANA)
) SS
COUNTY OF MONROE)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 204, personally appeared _____, the _____ of The City of Bloomington, Indiana, who acknowledged the execution of the foregoing Payment in Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this this ____ day of _____, 2024.

My commission expires:

Notary Public _____

Resident of _____ County, Indiana

[Signatures continue on following page(s).]

COMMISSION:

THE CITY OF BLOOMINGTON, INDIANA PLAN
COMMISSION

By: _____

Printed: _____

Title: _____

STATE OF INDIANA)
) SS
COUNTY OF MONROE)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 204, personally appeared _____, the _____ of The City of Bloomington, Indiana Plan Commission, who acknowledged the execution of the foregoing Payment in Lieu Agreement and Termination of Zoning Commitment and Workforce (Affordable) Housing Requirements to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this this ____ day of _____, 2024.

My commission expires:

Notary Public _____

Resident of _____ County, Indiana

THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:

Marc D. Pflaging, General Counsel
Scannell Properties
8801 River Crossing Boulevard, Suite 300
Indianapolis, IN 46240

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Marc Pflaging

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 2025-01 is a true and complete copy of Plan Commission Case Number PUD-44-24 which was given a positive recommendation by a vote of 6 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 9, 2024

Date: December 18, 2024



DAVID HITTLE, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2024.

NICOLE BOLDEN, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____ X _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion. This is an amendment to a PUD that allows for a financial contribution from the petitioner to the Housing Development Fund. No commitment is made by the City of Bloomington.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Interdepartmental Memo

To: Members of the Common Council
From: Jacqueline Scanlan, AICP Development Services Manager
Subject: PUD-44-22 Amendment to Curry PUD
Date: December 18, 2024

Attached are the staff report, maps, petitioner’s statement, and petitioner’s exhibits which pertain to Plan Commission case PUD-44-24. The Plan Commission heard this petition at the December 9, 2024 hearing and voted 6-1 to send this petition to the Common Council with a positive recommendation.

The amended Plan Commission report for that hearing is below. Recommended Conditions were amended at the hearing.

REQUEST: The petitioner is requesting to amend the Planned Unit Development (PUD) District Ordinance and Preliminary Plan in order to modify the Affordable Housing commitment. And requesting a waiver of second hearing.

BACKGROUND:

Area: 3.2 acres
Current Zoning: Planned Unit Development
GPP Designation: Regional Activity Center / edge of Focus Area
Existing Land Use: Dwelling, Multi-Family / Commercial / Business/Professional Office
Surrounding Uses: North – Dwelling, Multi-Family
West – Vacant / Place of Worship
East – Commercial
South – Dwelling, Multi-Family

REPORT: The property is located at the northwest corner of E. Longview Avenue and S. Pete Ellis Drive and is zoned Planned Unit Development (PUD). The property was rezoned to PUD in 2020 in case PUD-34-19. The 3.2 acre property is currently operating as Relato, a multi-family residential development with public spaces for commercial and office use on the first floor facing Pete Ellis Drive. Surrounding zoning includes Residential High-Density Multifamily (RH) to the north, Mixed-Use Corridor (MC) and Mixed-Use Neighborhood Scale (MN) to the south, and Mixed-Use Neighborhood Scale (MN) to the east and west. The surrounding properties have been developed with a mix of high density multi-family residences and commercial tenant spaces with the St. Mark United Methodist Church just to the west of the site.

The petitioner is requesting to amend the existing PUD in order to alter the codified affordable housing commitment within the PUD and a related Zoning Commitment.

The petitioner contends that they have had difficulty marketing and filling the workforce housing units in the development. The original petition for rezoning to a PUD was filed in 2019, before the large overhaul of the Unified Development Ordinance (UDO). At that time, the petitioner worked with the Housing and Neighborhood Development (HAND) Department to craft an agreement for Workforce Housing that would be similar to the anticipated UDO updates that were subsequently adopted in April 2020. Ordinance 20-01 was signed by the Mayor on February 10, 2020, which

codified the creation of the PUD. In the approved PUD District Ordinance and Preliminary Plan documents, the petitioner proposed “Workforce housing to comprise 15% of unit bedroom count” in a commitment created with HAND, which was similar to the Affordable Housing Incentives percentage expected in the April 2020 UDO. The petitioner subsequently amended the PUD with Ordinance 21-31, but did not alter the Workforce Housing agreement. In June 2022, the UDO was amended to make the payment-in-lieu option of the Incentives section in Chapter 20.04 more viable.

The petitioner is proposing to contribute \$20,000 per bedroom for 15 percent of the bedrooms in the development, which amounts to 52 bedrooms, for a total of \$1,040,000 to be paid to the City’s Housing Development Fund. This figure is in line with the current calculation in the Administrative Manual that is used with the Affordable Housing incentives in Chapter 20.04 of the UDO. The petitioner has discussed this request extensively with HAND and has that Department’s full support for this request.

The PUD still contains a 4-story, mixed-use building. The building includes 14,000 square feet of commercial space, a total of 233 units and 341 beds in the multifamily portion. The building contains a structured parking garage accessed from Longview Drive with 254 parking spaces.

COMPREHENSIVE PLAN: This property is designated as *Regional Activity Center* in the southeast corner of the *Regional Academic Health Center Focus Area*. The Comprehensive Plan notes the following about the intent of the *Regional Activity Center* area:

- ...district is a large commercial area that provides high intensity retail activity
- Regional Activity Centers contain higher intensity uses such as national retailers, offices, food services, lodging, and entertainment.
- The district may also incorporate medium- to high-density multifamily residential uses.
- The main purpose of the district is to provide semi-urban activity centers that complement, rather than compete with, the Downtown district.
- The district is expected to change with increasing activity through infill and redevelopment.
- Incorporating multifamily residential within the district is supported.
- Changing the context of the district towards mixed use is a significant change.
- Less intense commercial uses should be developed adjacent to residential areas to buffer the impacts of such development. Multifamily residential and office uses could likewise serve as transitional elements.
- Redevelopment within the district should be encouraged to grow vertically, with the possibility of two- or three-story buildings to accommodate denser office development, residential multifamily, structures parking, and improved multimodal connectivity.

The Comprehensive Plan notes the following about the *Regional Academic Health Center Focus Area*:

- The relocation of the hospital onto the Indiana University campus will allow for the hospital to grow and meet the needs of the region. However, there are many ancillary support services, businesses, and medical offices that also may relocate near the hospital.

The proposed amendment does not change the aspects of the project that support the Comprehensive Plan, including adding mixed use with office and multifamily residential to a

portion of the Regional Activity Center that is not on the main commercial thoroughfare.

PRELIMINARY PLAN:

Housing Diversity: The petitioner has an existing Housing Zoning Commitment with the Housing and Neighborhood Development Department, but is proposing to change that Commitment in the manner described at the beginning of this report. The change would remove the requirement for units on-site and replace it with a payment-in-lieu equivalent to \$20,000 a bedroom for 15 percent of the bedrooms in the development. The petitioner has had extensive conversations with the Housing and Neighborhood Development Department and that Department is supportive of this change.

20.04.080(h) Planned Unit Development Considerations

The UDO outlines that in their consideration of a PUD District Ordinance and Preliminary Plan, the Plan Commission and Common Council shall consider as many of the following as may be relevant to the specific proposal. The following list shall not be construed as providing a prioritization of the items on the list. Each item shall be considered individually as it applies to the specific Planning Unit Development proposal.

- (1) The extent to which the proposed Preliminary Plan meets the requirements, standards, and stated purpose of Chapter 20.04: Planned Unit Development Districts.

Section 20.04.010 of the UDO, states that the purpose of the planned unit development (PUD) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that planned unit developments will offer one or more of the following advantages:

- (a) Implement the guiding principles and land use policies of the Comprehensive Plan; specifically reflect the policies of the Comprehensive Plan specific to the neighborhood in which the planned unit development is to be located;
- (b) Buffer land uses proposed for the PUD so as to minimize any adverse impact which new development may have on surrounding properties; additionally provide buffers and transitions of density within the PUD itself to distinguish between different land use areas;
- (c) Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
- (d) Counteract urban monotony and congestion on streets;
- (e) Promote architecture that is compatible with the surroundings;
- (f) Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
- (g) Provide a public benefit that would not occur without deviation from the standards of the Unified Development Ordinance.

PROPOSED FINDINGS: The requested amendment does not alter those aspects of the PUD that address the items listed above. The project provides housing and commercial space in the area near the Regional Health Campus.

- (2) The extent to which the proposed Preliminary Plan departs from the Unified Development Ordinance provisions otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.

PROPOSED FINDINGS: The proposed amendment is compliant with the UDO's current allowance of utilization of the Affordable Housing incentives, and proposes no changes to any departures that were previously approved in this PUD.

- (3) The extent to which the Planned Unit Development meets the purposes of this Unified Development Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the City. Any specific benefits shall be specifically cited.

PROPOSED FINDINGS: The petition does further some of the goals of the UDO and the Comprehensive Plan, including contributing to a need for housing across multiple areas of the economic spectrum, from a financial contribution and agreement to address workforce housing to small-unit market rate. Altering the contribution from on-site units to a payment to the City's Housing Development Fund may allow for units to be provided in the City at a lower income level than the current agreement allows.

- (4) The physical design of the Planned Unit Development and the extent to which it:
- a. Makes adequate provision for public services;
 - b. Provides adequate control over vehicular traffic;
 - c. Provides for and protects designated common open space; and
 - d. Furthers the amenities of light and air, recreation and visual enjoyment.

PROPOSED FINDINGS: The proposed amendment does not change anything about the physical design of the building in the PUD.

- (5) The relationship and compatibility of the proposed Preliminary Plan to the adjacent properties and neighborhood, and whether the proposed Preliminary Plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.

PROPOSED FINDINGS: The proposed amendment does not change anything about the physical design of the building in the PUD.

- (6) The desirability of the proposed Preliminary Plan to the City's physical development, tax base and economic well-being.

PROPOSED FINDINGS: The proposed amendment does not alter the benefits that the petition provides including residential units as well as 14,000 square feet of supportive office space near the new hospital location, both benefits to the tax base.

- (7) The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.

PROPOSED FINDINGS: The proposed amendment does not change anything about the physical design of the building or traffic impacts of the PUD.

- (8) The proposal preserves significant ecological, natural, historical and architectural resources.

PROPOSED FINDINGS: There are no known significant ecological, natural, historical or architectural resources on this site.

- (9) The proposal will not be injurious to the public health, safety, and general welfare.

PROPOSED FINDINGS: The proposed amendment will not be injurious to the public health, safety, and general welfare of the community, and in fact, may create opportunity for more successful and impactful workforce an affordable housing in the community.

- (10) The proposal is an effective and unified treatment of the development possibilities on the PUD site.

PROPOSED FINDINGS: The proposed amendment does not affect the development possibilities of the existing built PUD, only allows for 52 bedrooms to be leased at market rate on the site.

CONCLUSION: The proposed PUD amendment allows for the petitioner to contribute an amount established by the Administrative Manual to the Housing Development Fund, in lieu of providing 52 units on-site. The contribution to the Housing Development Fund can be targeted at specific housing needs. The project still includes multiple characteristics that support the goals of the Comprehensive Plan. The Comprehensive Plan clearly encourages incorporating diverse housing types within the City and this site provides small units near the Regional Health Campus, along with sustainable building practices.

RECOMMENDATION: The Plan Commission waived the second hearing and forwarded this petition, PUD-44-24, to the Common Council with a positive recommendation with the following conditions:

1. PUD Final Plan approval is delegated to the Planning and Transportation Department staff, if needed.
2. The petitioner will record the proposed payment-in-lieu Zoning Commitment approved by the Housing and Neighborhood Development Department within four weeks of approval of the PUD Amendment.
3. The petitioner will honor the existing leases of the 25 units that currently exist from the workforce housing commitment, and the petitioner will renew those leases upon request by those specific tenants, as long as they continue to qualify.



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Deputy Administrator/Deputy Attorney

Date: January 17, 2025, updated January 31, 2025

Re: Ordinance 2025-04 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: The Establishment of the Transportation Commission

Synopsis

This ordinance amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to remove the Traffic Commission, Bicycle Pedestrian Safety Commission, and Parking Commission and establish a new nine-member Transportation Commission. The Transportation Commission will make recommendations on relevant transportation and parking sections of the Bloomington Municipal Code, review all transportation-related projects, and propose policies that promote safe, equitable, and sustainable transportation and parking decisions. Additionally, this ordinance amends Title 15 of the Bloomington Municipal Code (Vehicles and Traffic) to replace and update references of the Traffic Commission, Bicycle Pedestrian Safety Commission, and Parking Commission with references to the Transportation Commission.

Relevant Materials

- Ordinance 2025-04
- Current Bloomington Municipal Code Sections governing Traffic Commission, Bicycle and Pedestrian Safety Commission, and Parking Commission
- Minutes from July 8, 2024 Bicycle and Pedestrian Safety Commission meeting
- Minutes from July 24, 2024 Traffic Commission meeting
- [*Updated Material*] Parking Resolution 24-07 (updated and signed) from December 19, 2024 Parking Commission meeting
- [*New Material*] Minutes from December 19, 2024 Parking Commission meeting
- [*New Material*] Proposed Amendment 01, sponsored by Cm. Piedmont-Smith
- [*New Material*] Proposed Amendment 02, sponsored by Cm. Asare
- [*New Material*] Proposed Amendment 03, Parking Commission seeking a CM sponsor

Update for February 5, 2025 Regular Session

The packet of materials for this item's second reading at the February 5, 2025 Regular Session includes several pieces of new material, as noted above. The minutes from the Parking Commission's 12/19/2024 meeting, at which it passed its updated resolution to preserve the commission, as well as three draft amendments are included.

- Proposed Amendment 03 would address the Parking Commission's request, noting that the amendment still seeks a councilmember sponsor.
- Proposed Amendment 02, sponsored by councilmember Asare, would change the appointments of the Transportation Commission to explicitly name the Mayor as the entity responsible for those appointments.



- Proposed Amendment 01, sponsored by councilmember Piedmont-Smith, would request that city staff involved in necessary decision-making supporting the city's transportation and parking goals would collaborate with the new commission by attending meetings at its request, as well as remove the word "demonstrate" before the appointment qualification that a person experience using forms of travel other than personal motor vehicles as their primary method of transportation.

Brief History

This ordinance originally came forth as [Ordinance 2024-27](#), which was discussed at second reading on December 11, 2024. Two amendments were introduced, one of which passed and the second of which was withdrawn. After discussion, the item was postponed indefinitely.

This ordinance that returns to council includes the changes that Amendment 02, which passed by a vote of 8-1-0, made to [Ordinance 2024-27](#). The [packet materials for that meeting include the original ordinance and Amendment 01](#). The [packet addendum \(part 1\)](#) includes Amendment 02 and two additional amendments that councilmembers asked council staff to prepare before the meeting but were not ultimately introduced.

This ordinance also includes the changes that would have been made by proposed Amendment 03, which was never introduced, to the appointment makeup. Specifically, it splits appointments in subsection (g) of the appointment section (2) of proposed Section 2.12.070 between the Mayor and the Council. The original proposal in [Ordinance 2024-27](#) listed both appointments in subsection (g) to be made by the Council.

After the Council's last meeting of 2024, the [Parking Commission met on December 19, 2024](#) and authored Parking Resolution 24-07 to endorse an amendment to [Ordinance 2024-27](#) that would preserve the Parking Commission. Parking Resolution 2027-07 and its proposed amendment are attached in this packet.

Original Summary

[Ordinance 2025-04](#) would dissolve three traffic-related commissions (Traffic Commission, Bicycle and Pedestrian Safety Commission, and Parking Commission) and create one Transportation Commission in their stead. This proposal comes forward after several months of discussions with the Council at the [October 15, 2024 Special Committee on Council Processes Meeting](#), as well as the [November 13 Consensus Building Activity](#).

The Planning and Transportation Department's [Memo to the Mayor from May 2024](#) explains the purpose of consolidating these three commissions into one, including the goal to reduce traffic deaths and serious injuries on the City's roadways to zero by the Year 2039, as adopted by [Resolution 2024-07](#).



During the November 13 Consensus Building Activity Meeting, Planning Services Manager Ryan Robling gave a brief presentation to the Council on the reasoning behind this change. Notably, Robling notes the challenges with the current structure of having multiple City commissions with overlapping duties, a lack of coordinated decision-making, and difficulty for the public to understand which entity to go to for their needs. Consolidating these three commissions into one is also consistent with [Recommendation 2 of the 2022 Novak report](#) that assessed and reviewed the City's Boards and Commissions.

The new proposed code provisions governing the Transportation Commission specify its purpose, the appointment structure and terms, its powers and duties, procedure and scheduling, and staffing.

Purpose (proposed Section 2.12.070(1)): The purpose of the new Transportation Commission is to provide a comprehensive framework with clearly identified tasks and responsibilities for helping the City achieve its transportation goals. In addition, the Transportation Commission will provide recommendations and guidance to the Mayor and Council, and it will act as a steering committee for future transportation studies and grant programs.

Appointments and Terms (proposed Section 2.12.070(2) and (3)): The proposed appointment and term structure of the new Transportation Commission is designed to address issues with equity in the current three-commission structure with varying membership requirements and appointing entities involved in the process.

Powers and Duties (proposed Section 2.12.070(4)): The new Transportation Commission will be responsible for reviewing all transportation projects, as well as reviewing changes to relevant Bloomington Municipal Code sections, especially relevant sections from [Title 15 \(Vehicles and Traffic\)](#) and [Title 12 \(Streets, Sidewalks, and Storm Sewers\)](#), and determining whether those proposed changes are consistent with the Comprehensive Plan, best practices, sustainable design, equitable access, community-based solutions, and adequate public input. The new Transportation Commission will also be heavily involved with transportation studies, activities, programs, and projects, as well as education activities on transportation safety, serving additionally as a forum for the public on transportation-related matters. The Transportation Commission will be responsible for making recommendations on public parking policy and applying for city appropriations and grants when necessary.

Procedure and Scheduling (proposed Section 2.12.070(5)): The new Transportation Commission will be responsible for establishing its own rules and procedures under this section.

Staffing (proposed Section 2.12.070(6)): The new Transportation Commission will be staffed by the Engineering Department, with additional staffing by the Planning & Transportation Department when serving as a steering committee.



City of Bloomington Indiana

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All three commissions discussed this proposal with Planning Services Manager Robling in meetings from this past summer. Minutes from the Bicycle and Pedestrian Safety Commission (July 8, 2024) and Traffic Commission (July 24, 2024) meetings are enclosed in this packet and were also included in the [November 13 Consensus Building Activity Packet Addendum](#). The Parking Commission additionally met in December after the last Regular Session of 2024 to discuss a proposal to preserve the Parking Commission.

Contact

David Hittle, Director, Planning & Transportation, 812-349-3423, david.hittle@bloomington.in.gov

Ryan Robling, Planning Services Manager, 812-349-3459, roblingr@bloomington.in.gov

ORDINANCE 2025-04

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED "ADMINISTRATION AND PERSONNEL"**

Re: The Establishment of the Transportation Commission

- WHEREAS, in April of 2024, the City adopted Resolution 2024-07 establishing the goal of reducing traffic deaths and serious injuries on the City's roadways to zero in the city by the Year 2039; and
- WHEREAS, in January 2018, the Bloomington Common Council passed Resolution 18-01, adopting the City's Comprehensive Plan, which serves as the long-range vision for the community and upon which future transportation and land use decisions are predicated; and
- WHEREAS, the Comprehensive Plan outlines broad goals, policies, and programs to promote the health and safety of the city's residents, promote environmentally sustainable practices, encourage public engagement, and strengthen the economic well-being of the community; and
- WHEREAS, the Comprehensive Plan Policy 1.6.1 states, "foster inclusive and representative engagement to steer and direct development processes toward community benefit." (Comprehensive Plan, p. 29); and
- WHEREAS, the Comprehensive Plan outlines transportation as a basic need stating that "rights of way are the foundation of the transportation systems and must accommodate the diverse needs of the population, from a child walking to school to a delivery truck taking products to a local restaurant;" (Comprehensive Plan, p. 67) and
- WHEREAS, the Comprehensive Plan Goal 6.1 states, "increase sustainability: improve the sustainability of the transportation system" (Comprehensive Plan, p. 74); and
- WHEREAS, the Comprehensive Plan Goal 6.4 states, "prioritize non-automotive modes: continue to integrate all modes into the transportation network and to prioritize bicycle, pedestrian, public transit, and other non-automotive modes to make our network equally accessible, safe, and efficient for all users" (Comprehensive Plan, p. 75); and
- WHEREAS, the Comprehensive Plan Goal 6.6 states, "optimize public space for parking: plan and develop parking for cars and bicycles with a focus on efficiency and equity" (Comprehensive Plan, p. 75); and
- WHEREAS, the Comprehensive Plan Goal 6.8.1 states, "involve people with disabilities in decision-making. Establish a transparent, equitable public process that include people with low vision, mobility challenges, and other disabilities in the full range of transportation decisions from design to operations." (Comprehensive Plan, p. 75); and
- WHEREAS, in March 2021, the Bloomington Common Council passed Resolution 21-08, adopting the City's Climate Action Plan which is intended to guide City activities and funding priorities for climate change mitigation, specifically reducing local greenhouse gas emissions, and increasing resilience to the local impacts of climate change; and
- WHEREAS, the Climate Action Plan's Transportation and Land Use chapter establishes Goal TL 1 to "[d]ecrease on-road vehicle miles traveled (VMT) by 8% of 2018 values" by 2030 and includes 49 implementation actions organized under nine strategies to achieve this goal (Climate Action Plan pp. 17-28); and

WHEREAS, the Climate Action Plan Action TL1-A-1 states, “Update the City's Transportation Plan and Metropolitan Transportation Plan to incorporate reductions in carbon emissions and vehicle miles traveled, improved bicycle, pedestrian and transit service standards, and a policy requiring project evaluation to include criteria on climate, equity, economic benefit, health, safety, and cost effectiveness.” (Climate Action Plan, p. 20); and

WHEREAS, In June 2020, the Bloomington Common Council passed Resolution 20-08, adopting the City’s Transportation Demand Management Program Plan which is intended to guide City activities to efficiently manage parking, including through pricing of public parking, and to utilize transportation management strategies to advance the City’s transportation goals related to pedestrian, bicyclist, public transit, and other non-automotive modes; and

WHEREAS, the Transportation Demand Management Program Plan contains recommended transportation demand management strategies which fall into nine broad categories that include: technology accelerators; financial incentives; travel time incentives; marketing & education; mode of transportation; departure time; route; trip reduction; and location/design; and

WHEREAS, the Bloomington Parking Commission established by resolution a Comprehensive Parking Policy in 2022 (Resolution 22-07) to further develop the parking policy directives of the Comprehensive Plan, outlining six core tenets to guide its parking policy efforts: reduce excess vehicle miles traveled (VMT) through [parking] pricing; reduce excess VMT through communications; prioritize modes other than automobiles; prioritize users in hardship; pursue a parking system that pays for itself; and pursue transparency; and

WHEREAS, the Traffic Commission, Bicycle Pedestrian Safety Commission, and the Parking Commission in their current design have faced challenges in delivering impactful transportation-related recommendations to common council and appropriate city officials; and

WHEREAS, a transportation-related policy oversight body is necessary to ensure that transportation projects are consistent with the Comprehensive Plan and other applicable city plans, are consistent with the best practices for eliminating all transportation-related fatalities and serious injuries within the city, are consistent with promoting a more sustainable transportation system and equitable access to all transportation facility users, and have provided for community-based solutions and allowed for adequate public input;

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

SECTION 1. Section 2.12.070, entitled “Traffic commission” shall be repealed and replaced.

Delete

- (1) Purpose—Duties. It shall be the duty of the commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.
- (2) Appointments. The commission shall consist of the following nine members: a designee of the director of engineering, a designee of the director of public works, a designee of the chief of police and six additional members who shall be appointed by the common council. All terms shall be for two years.

- (3) Qualifications. Each common council appointee shall be a resident of the city with preference being given so that each councilmanic district is represented.
- (4) Meetings. Meetings will be held monthly.
- (5) Procedure. The commission shall establish its own rules of operating procedure which may be amended from time to time by a majority vote.

Add

Section 2.12.070, entitled “Transportation Commission.”

- (1) Purpose. The Transportation Commission (hereinafter referred to as “commission”) is established with the explicit purpose of guiding the city’s transportation endeavors through a comprehensive framework which seeks to provide adequate and safe access to all right-of-way users while prioritizing non-automotive modes and sustainability. The commission shall provide recommendations and guidance to the mayor and common council in the pursuit of developing and implementing a city-wide policy to eliminate all transportation-related fatalities and serious injuries to pedestrians, bicyclists, transit users, motorists, and passengers; shall promote sustainable transportation; shall foster equitable access; and shall promote community-centric design. The commission shall also serve as a standing steering committee for future transportation related studies and grant programs.
- (2) Appointments: The commission shall consist of nine members, none of whom may hold any employment, elected, or appointed position with the City, unless specifically permitted as outlined in this section:
 - (a) One member appointed by the mayor shall be a member from the council for community accessibility or a designated representative. The council for community accessibility shall submit a list of at least three names to the mayor for consideration;
 - (b) One member appointed by the public transportation corporation board of directors shall be a member or a designated representative, including from among staff of the corporation;
 - (c) One member appointed by the plan commission shall be a member or a designated representative;
 - (d) One member appointed by the board of public works shall be a member or a designated representative;
 - (e) One member appointed by the common council shall be from among its membership;
 - (f) Two members shall be appointed by the council, and shall be residents living within city limits who have demonstrated experience using forms of travel other than personal motor vehicles as their primary method of transportation;
 - (g) Two members shall be appointed, one by the mayor and one by the council, and shall be residents living within the city limits. Preference for appointments shall be given to board members, employees, or other formal volunteers with Monroe County Community School Corporation, especially as involved in safe routes to school, pollution reduction, and school bus utilization; and members of community organizations dedicated to serving marginalized groups, especially safety-marginalized transportation users.
- (3) Terms. Members appointed from the membership of the public transportation corporation board of directors, plan commission, board of public works, and common council shall serve a term coextensive with their terms on the body from which they were appointed or until that body appoints another at its first regular meeting of the year. Members appointed from the council for community accessibility, members who are acting as appointed representatives, and members appointed by common council who are not among its membership shall serve a two year term.

- (4) Powers and Duties. The commission’s powers and duties shall include, but are not limited to:
- (a) Coordinate, supervise, and, when necessary, approve transportation-related studies, plans, consultant reports, activities, programs, and projects, including acting as a standing steering committee for future transportation related studies, plans and plans updates, and grant programs.
 - (b) Review all transportation projects, proposed changes to Title 15 - Vehicles and Traffic, relevant proposed changes to Title 12 - Streets, Sidewalks and Storm Sewers, and other applicable changes to the Bloomington Municipal Code to determine if the proposed change:
 - (i) is consistent with the comprehensive plan and other applicable city adopted plans;
 - (ii) is consistent with the best practices for eliminating all transportation-related fatalities and serious injuries within the city;
 - (iii) is consistent with advancing a sustainable transportation system and equitable access to all transportation facility users while prioritizing non-automotive modes; and
 - (iv) has adequately conducted public engagement and considered community-centric design tied to targeted outcomes.
 - (c) Provide a forum for members of the public to submit transportation-related testimonials, inquires, and requests;
 - (d) Conduct education activities in matters related to transportation safety in an effort to both eliminate all transportation-related fatalities and serious injuries, and promote sustainable forms of transportation within the city;
 - (e) Make recommendations on transportation policy, including but not limited to: changes to city code, changes to applicable city plans, capital planning, program implementation, or any other aspect of advancing a safe, accessible, and sustainable transportation system;
 - (f) Make recommendations on public parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking supply or parking spaces, changes to city code, changes to applicable city plans, enforcement procedures, or any other aspect of parking management policy;
 - (g) Produce or oversee an annual analysis of parking asset management, including but not limited to: reporting all costs and revenues for city-owned structured parking, surface parking, metered parking, neighborhood parking zones, and other relevant city-owned parking; documenting parking utilization rates and longitudinal trends; conducting or contracting for parking data analytics; and recommending changes to the parking system necessary to advance the goals of the Comprehensive Plan and other applicable city plans;
 - (h) Request appropriations through the mayor and communicate the need for appropriations to the city council, or research and apply for grants, gifts, or other funds from public or private agencies, for the purpose of carrying out any of the provisions of this section.
- (5) Procedure and Scheduling. The commission shall establish its own rules and procedures, subject to amendment by a majority vote. This shall include the ability to define its meeting schedule within the scope of the established rules and procedures.
- (6) Staff. The commission shall be primarily staffed by the engineering department. When serving as a steering committee, the commission shall be staffed by the planning and transportation department.

SECTION 2. Section 2.12.080, entitled “Bloomington Bicycle Pedestrian Safety Commission” shall be repealed and reserved for future use.

Delete

- (1) Purpose. The purpose of this commission is to promote and encourage bicycling,

walking and running in a safe and efficient manner in the City of Bloomington for the purpose of health, recreation and transportation.

- (2) Appointments. The commission shall consist of seven members appointed in the following manner:
 - (A) The mayor shall make four appointments. Preference for two of those four appointments will be given one member from the Bloomington Bicycle Club Inc. and one member from the Bloomington Track Club Inc. The above named organizations shall submit a list of at least three names to the mayor for consideration.
 - (B) The Common Council shall make three appointments. Preference for one of those three appointments will be given to one member from the Indiana University Student Association. The above named organization shall submit a list of at least three names to the common council for consideration.
- (3) Terms. The initial terms of the members shall be staggered. All subsequent terms shall be for two years.
- (4) Removal. Members may be removed for cause by the mayor or common council. "Cause" shall include, but not be limited to, failure to attend three consecutive regularly scheduled or four regularly scheduled commission meetings within a twelve-month period. The commissioner shall have the right to submit in writing any extenuating circumstances to the mayor or common council before the formal decision to remove is reached. However, acceptance of extenuating circumstances puts the commissioner on notice that further excessive absenteeism will result in removal.
- (5) Meetings. The commission shall meet at times and places as agreed on by the Commission and shall advertise those meeting times and places in accordance with the law. In any event the commissioner shall meet no less than six times per calendar year.
- (6) Duties. The duties of this commission shall be as follows:
 - (A) To serve as a citizens forum for discussion and recommendation of improvement to existing facilities and planning of new projects concerning safe access for cyclists, pedestrians and runners;
 - (B) To prepare reports and recommendations to the mayor, common council, plan commission and planning and transportation department as needed, concerning the needs of cyclists, pedestrians and runners within the city;
 - (C) To foster and develop safety programs for cyclists, pedestrians and runners; and,
 - (D) To encourage the hosting of cycling, walking and running events conducted in a safe manner which will attract visitors from outside of the City.

SECTION 3. Section 2.12.110, entitled "Parking Commission" shall be repealed and reserved for future use.

Delete

- (a) Purpose. It shall be the primary purpose of the parking commission (commission), in coordination with decision-makers and other entities as is necessary or prudent:
 - (1) To develop, implement, maintain, and promote a comprehensive policy on parking that takes into account the entirety of, and furthers the objectives of, the city's comprehensive plan; and
 - (2) To coordinate parking activities, to carry on educational activities in parking matters, to supervise the preparation and publication of parking reports, to receive comments and concerns having to do with parking matters, and to recommend to the common council and to appropriate city officials ways and means for achieving the city's comprehensive plan objectives through the administration of parking policies and the enforcement of parking regulations.
- (b) Composition—Appointments. The parking commission shall be composed of nine voting members. These voting members shall be composed of five members appointed by the mayor and four members appointed by the common council. Each appointing authority may also appoint a standing alternate for each of its appointees and such alternate may participate with the commission at any meeting where the regular member is disqualified or is otherwise unable to participate. All

alternate members appointed hereunder shall meet all qualification requirements of the regular member for whom they serve as alternate.

- (c) Qualifications of Voting Membership.
 - (1) One member appointed by the mayor and one member appointed by the common council shall be a merchant owning and operating a business located at an address within the city limits;
 - (2) One member appointed by the mayor shall be a board member or an employee of a non-profit organization which operates at property that is owned or leased by the non-profit organization within the city limits;
 - (3) Four members, one appointed by the mayor and three appointed by the council, shall be residents living within the city limits;
 - (4) One member appointed by the common council shall be from among its membership; and
 - (5) One member appointed by the mayor shall be from within the planning and transportation department, engineering department, or department of public works.
- (d) Terms. The initial terms of three mayoral and two council citizen appointments shall expire on January 31, 2018. The terms of the remaining initial citizen appointments shall expire on January 31, 2019. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31. The terms for the one mayoral appointment made from within the planning and transportation department and the one council appointment made from within the members of the council shall be for one year and expire on January 31.
- (e) Powers and Duties. The commission shall meet at least one time each month, unless it votes to cancel the meeting. Its powers and duties shall include, but are not limited to:
 - (1) Accessing all data regarding the city's parking inventory, including usage, capital and operating costs, so long as the data is released in a manner consistent with exemptions from disclosure of public records set forth in Indiana Code § 5-14-3-4;
 - (2) Reviewing the performance of all meters, lots, garages, and neighborhood zones in the city's parking inventory, and reviewing the performance of all divisions of city departments devoted specifically to parking management;
 - (3) Making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy;
 - (4) Submitting an annual report of its activities and programs to the mayor and council by October of each year;
 - (5) Adopting rules and regulations for the conduct of its business; and
 - (6) Applying for appropriations through the mayor, or researching and applying for grants, gifts, or other funds from public or private agencies, for the purpose of carrying out any of the provisions of this section.
- (f) Staff. The commission shall be staffed by the planning and transportation department.

SECTION 4. Chapter 15, entitled "Vehicles and Traffic" shall be amended by replacing all references to "Traffic Commission," and "Bicycle Pedestrian Safety Commission" with references to "Transportation Commission."

SECTION 5. Section 5.58.050, entitled "Parking" shall be amended by adding the following to section (i).

Delete

The City of Bloomington Parking Commission, established by Bloomington Municipal Code Section 2.12.110, and the City of Bloomington Bicycle and Pedestrian Safety Commission, established by Bloomington Municipal Code Section 2.12.080, are jointly directed to take up the study of parking associated with shared-use motorized scooters within downtown Bloomington and within neighborhoods where there have been documented substantial complaints regarding shared-use motorized scooters.

The commissions are directed to produce a report which documents their findings. Said report shall be forwarded to the common council no later than March 31, 2020 for review. The common council shall take the report and its findings into consideration when deciding what additional parking restrictions may be appropriate for shared-use motorized scooters.

Add

The City of Bloomington Transportation Commission, established by Bloomington Municipal Code Section 2.12.070 is directed to take up the study of parking associated with shared-use motorized scooters within downtown Bloomington and within neighborhoods where there have been documented substantial complaints regarding shared-use motorized scooters.

The Transportation Commission is directed to include a study of parking associated with shared-use motorized scooters in its annual report to the common council.

SECTION 6. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. This ordinance shall be in effect immediately after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

HOPI STOSBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to remove the Traffic Commission, Bicycle Pedestrian Safety Commission, and Parking Commission and establish a new nine-member Transportation Commission. The Transportation Commission will make recommendations on relevant transportation and parking sections of the Bloomington Municipal Code, review all transportation-related projects, and propose policies that promote safe, equitable, and sustainable transportation and parking policies and decisions. Additionally, this ordinance amends Title 15 of the Bloomington Municipal Code (Vehicles and Traffic) to replace references of the Traffic Commission, Bicycle Pedestrian Safety Commission, and Parking Commission with references to the Transportation Commission.

2.12.070 Traffic commission.

- (1) Purpose—Duties. It shall be the duty of the commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.
- (2) Appointments. The commission shall consist of the following nine members: a designee of the director of engineering, a designee of the director of public works, a designee of the chief of police and six additional members who shall be appointed by the common council. All terms shall be for two years.
- (3) Qualifications. Each common council appointee shall be a resident of the city with preference being given so that each councilmanic district is represented.
- (4) Meetings. Meetings will be held monthly.
- (5) Procedure. The commission shall establish its own rules of operating procedure which may be amended from time to time by a majority vote.

(Ord. 97-03 § 7, 1997; Ord. 89-14 § 2, 1989; Ord. 87-20 § 3, 1987; Ord. 83-6 § 2 (part), 1983).

(Ord. No. 14-11, §§ 25, 26, 7-2-2014; Ord. No. 21-11, § III, 4-7-2021)

2.12.080 Bloomington Bicycle and Pedestrian Safety Commission.

- (1) Purpose. The purpose of this commission is to promote and encourage bicycling, walking and running in a safe and efficient manner in the City of Bloomington for the purpose of health, recreation and transportation.
- (2) Appointments. The commission shall consist of seven members appointed in the following manner:
 - (A) The mayor shall make four appointments. Preference for two of those four appointments will be given one member from the Bloomington Bicycle Club Inc. and one member from the Bloomington Track Club Inc. The above named organizations shall submit a list of at least three names to the mayor for consideration.
 - (B) The Common Council shall make three appointments. Preference for one of those three appointments will be given to one member from the Indiana University Student Association. The above named organization shall submit a list of at least three names to the common council for consideration.
- (3) Terms. The initial terms of the members shall be staggered. All subsequent terms shall be for two years.
- (4) Removal. Members may be removed for cause by the mayor or common council. "Cause" shall include, but not be limited to, failure to attend three consecutive regularly scheduled or four regularly scheduled commission meetings within a twelve-month period. The commissioner shall have the right to submit in writing any extenuating circumstances to the mayor or common council before the formal decision to remove is reached. However, acceptance of extenuating circumstances puts the commissioner on notice that further excessive absenteeism will result in removal.
- (5) Meetings. The commission shall meet at times and places as agreed on by the Commission and shall advertise those meeting times and places in accordance with the law. In any event the commissioner shall meet no less than six times per calendar year.
- (6) Duties. The duties of this commission shall be as follows:

-
- (A) To serve as a citizens forum for discussion and recommendation of improvement to existing facilities and planning of new projects concerning safe access for cyclists, pedestrians and runners;
 - (B) To prepare reports and recommendations to the mayor, common council, plan commission and planning and transportation department as needed, concerning the needs of cyclists, pedestrians and runners within the city;
 - (C) To foster and develop safety programs for cyclists, pedestrians and runners; and,
 - (D) To encourage the hosting of cycling, walking and running events conducted in a safe manner which will attract visitors from outside of the City.

(Ord. 02-15 § 1, 2002; Ord. 89-22 §§ 1, 2, 1989).

(Ord. No. 14-11, §§ 27—31, 7-2-2014)

2.12.110 Parking commission.

- (a) Purpose. It shall be the primary purpose of the parking commission (commission), in coordination with decision-makers and other entities as is necessary or prudent:
 - (1) To develop, implement, maintain, and promote a comprehensive policy on parking that takes into account the entirety of, and furthers the objectives of, the city's comprehensive plan; and
 - (2) To coordinate parking activities, to carry on educational activities in parking matters, to supervise the preparation and publication of parking reports, to receive comments and concerns having to do with parking matters, and to recommend to the common council and to appropriate city officials ways and means for achieving the city's comprehensive plan objectives through the administration of parking policies and the enforcement of parking regulations.
- (b) Composition—Appointments. The parking commission shall be composed of nine voting members. These voting members shall be composed of five members appointed by the mayor and four members appointed by the common council. Each appointing authority may also appoint a standing alternate for each of its appointees and such alternate may participate with the commission at any meeting where the regular member is disqualified or is otherwise unable to participate. All alternate members appointed hereunder shall meet all qualification requirements of the regular member for whom they serve as alternate.
- (c) Qualifications of Voting Membership.
 - (1) One member appointed by the mayor and one member appointed by the common council shall be a merchant owning and operating a business located at an address within the city limits;
 - (2) One member appointed by the mayor shall be a board member or an employee of a non-profit organization which operates at property that is owned or leased by the non-profit organization within the city limits;
 - (3) Four members, one appointed by the mayor and three appointed by the council, shall be residents living within the city limits;
 - (4) One member appointed by the common council shall be from among its membership; and
 - (5) One member appointed by the mayor shall be from within the planning and transportation department, engineering department, or department of public works.
- (d) Terms. The initial terms of three mayoral and two council citizen appointments shall expire on January 31, 2018. The terms of the remaining initial citizen appointments shall expire on January 31, 2019. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31. The terms for the one

mayoral appointment made from within the planning and transportation department and the one council appointment made from within the members of the council shall be for one year and expire on January 31.

- (e) Powers and Duties. The commission shall meet at least one time each month, unless it votes to cancel the meeting. Its powers and duties shall include, but are not limited to:
- (1) Accessing all data regarding the city's parking inventory, including usage, capital and operating costs, so long as the data is released in a manner consistent with exemptions from disclosure of public records set forth in Indiana Code § 5-14-3-4;
 - (2) Reviewing the performance of all meters, lots, garages, and neighborhood zones in the city's parking inventory, and reviewing the performance of all divisions of city departments devoted specifically to parking management;
 - (3) Making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy;
 - (4) Submitting an annual report of its activities and programs to the mayor and council by October of each year;
 - (5) Adopting rules and regulations for the conduct of its business; and
 - (6) Applying for appropriations through the mayor, or researching and applying for grants, gifts, or other funds from public or private agencies, for the purpose of carrying out any of the provisions of this section.

- (f) Staff. The commission shall be staffed by the planning and transportation department.

(Ord. No. 16-22, § 1, 11-2-2016; Ord. No. 19-14, § 1, 8-7-2019; Ord. No. 21-11, § IV, 4-7-2021; Ord. No. 22-04, § 1, 2-7-2022)

Bicycle Pedestrian Safety Commission
MINUTES
July 8, 5:30 P.M.
In-person and virtual hybrid meeting
McCloskey Room, #135

1. Attendance City Staff: Ryan Robling, Steve Cotter P&R
Commissioners: Jaclyn Ray, Drew Yeager, Ann Edmonds, Rob Danzman, Pauly Tarricone (zoom)
absent: Kori Renn, Stephanie Hatton,
Public who spoke: only recorded names of the public who made comments, see below

2. Approval of Minutes - June 10, 2024 **Drew** moves, **Rob** seconds **All** in favor: aye none opposed

3. New Business: **Ann**: get updates from missing Local-Motion grant recipients, heard from B&G Club, MCCSC program, not heard: MCPL, YMCA event happened, Bike Project from previous years **Drew**: met with student body president to meet with IU's transportation person and to meet with Hank in regards to getting more student involvement in City projects **Rob**: also more IU presence in general **Drew**: fear IU may not want to be involved, also dirt path in Switchyard and Hank said P&R already planning to pave it

4. Old Business:

a. Advisory Transportation Commission Staff Update: **Ryan**: draft presentation ATC shown, in feedback stage **Jaclyn**: 4 citizens? **Ryan**: 8 citizens **Drew**: 21 down to 8, gov't not supposed to be easy and fast, should be slow and safe, reason to have commissions to hear from the community **Ryan**: 9, 3rd St. bike lane took several years, safety needs to move quicker **Drew**: slow because of IU not community **Ryan**: due to bureaucratic red tape, safety cannot take time **Jaclyn**: 9 citizens **Ryan**: vetted thoroughly by council, all roadway users **Jaclyn**: so few cycle but everyone drives **Ann**: if doing their homework on their boards, already committed to a whole lot of time, this is another chunk of time, even more responsibility than we already have **Drew**: those 9 become czars **Ann**: padding their resume **Ryan**: this commission more susceptible to resume padding, we need the decision makers to hear feedback, needs to work both ways, 30 years of this commission and we are at an all-time high of deaths and serious injury of cyclists and pedestrians **Ann**: 30 year is not accomplishing safety, make good things better but not look for places where problems need to be solved **Ryan**: the public is not satisfied in how we prioritize projects **Ann**: also in purpose is federal funding for SS4A **Ryan**: no, our vision zero statement is separate, happening at the same time **Ann**: thought it was a requirement to get the funds **Ryan**: yes, happening at the same time **Rob**: how much impact do we have? **Ryan**: ton of feedback, not a vote **Rob**: when you hear a disagreement, how to repackage it that is helpful to you? "Consolidation of power" may not be helpful so what do you want to take back? Action items? **Ryan**: I encourage everyone to email me **Drew**: capped at 9? Could you increase that number? **Ryan**: hard to make quorum, State of Indiana sets quorum **Ann**: expand a bit for 'wild card' members? someone not on another commission but who advocates for safety **Jaclyn**: how much time do ppl have equity wise **Ann**: Plan commission is a heavy lift **Ryan**: rules to appoint reps, they are the conduit **Jaclyn**: how? **Ryan**: the City Engineer quarterly report to mayor and council **Jaclyn**: actual funds? **Ryan**: local-motion grant are the only funds, almost no funds, can look for funds into the future **Ann**: we will have a vote on projects that come up for consideration? **Ryan**: Neighborhood Greenways are required to be reviewed by BPSC, any Title 15 amendment will be reviewed, eventually everything will be reviewed by this body, similar to greenway projects **Ann**: sidewalks, council sidewalk committee used to be political, changed to be more based on data, does ATC have more of a say related to sidewalk committee? **Ryan**: currently a council committee, staff are invited to weigh in, could ask to incorporate **Drew**: what are pros for public? I know the benefits to staff **Ryan**: concern we hear from public that there are too many meetings to go to, e.g.: how to get a stop-sign in your neighborhood? **Drew**: they are still not going to know where to find the one committee, I don't see it solving the problem, in fact one commission might not care about a stop sign but another does **Ryan**: but currently the whims of the commission make the decisions, the ATC will design the rules for any decision made *on a slide, they will have to have findings **Ann**: spent time working with staff refining the Resident Led matrix based on data, we want to expand that idea to allocate resources on cost-benefit model, I don't see that **Drew**: add to that, agree with the goals but this plan doesn't get to that point in the most efficient way, is there a better way to do it? City improve communication? Wrong approach to great goal. **Ann**: Resident-Led based on data but never understood Staff-Led **Ryan**: I 100% agree, current process the prioritization makes sense to me but ppl are dying on our streets, SS4A will inform the T.Plan then inform this committee, this is the body not the muscle **Rob**: 'E' enforcement, that has been anemic, not

pointed at the staff, ATC would benefit from this, only one member from public safety, seems like a big part, there will be ppl that break rules **Ryan:** can talk about enforcement **Rob:** we've asked **Ryan:** traffic commish has a member of the Police Dept., we also don't have an engineer to come to this commission, limited amount of staff time, some community members also have problems with police voting, moving it to ATC may slightly ease this, (back to presentation) last 'E' is Education **Jaclyn:** parking commish comment on parking garages? **Ryan:** no but could go to ATC, then make a recommendation to council or planning commission **Drew:** these seem like rule changes **Ryan:** no difference, you could weigh in, but there is a current structure that staff tries to stick to **Drew:** nothing stopping us then? **Ryan:** feel free to weigh in **Drew:** my main concern is lack of public involvement, couldn't we do a sub-structure to council committee then commission? 3 to 1 committees with 1/3 members of the public, communication is inefficient, we need to build a pipeline to getting things done **Ryan:** internally communication is great, decision-making bodies are not communicating, 7 ppl here with no authority **Drew:** to increase communication this is reducing ppl talking 21 to 9 citizens, could the commissions communicate better? **Ryan:** you can do that now, burden on Ann but I'm saying the other way around and that there is a person there with the duty to act on the communication heard, we need a structural change so they are required to hear it **Drew:** you are saying we need decision makers together but my concern is the members of the public present, cutting out stakeholders **Ryan:** do you feel more heard with a vote on this body? **Drew:** no **Ryan:** they should be required to hear your concern and decision-makers should be required to address it **Rob:** many times we listen to public comment and just move forward without response, sometimes we address it, there is subjectivity to what we choose to respond to **Drew:** but anything we vote on we can make council accountable **Ryan:** I think the public should have the weight **Jaclyn:** ATC communicate better with public? BPSC do not do a good job **Ryan:** good idea **Drew:** that is a drawback to lose the number of people to spread out information about transportation so actually losing contact points **Ryan:** you will still be advocates to spread the word, we don't bring every decision to this commission, if there was a new body that could maintain an email list, social media, etc. **Ann:** frequency of meetings? **Ryan:** up to ATC, there are huge agendas that happen in the City and they make it happen, this is an open conversation, the ATC will have a structure **Steve Cotter:** I appreciate the position you're in with staff time, I think Bloomington is special, we have committed and intelligent ppl here, they have improved projects, lots of staff turnover and this body brings that new staff up to speed, low turn-out tonight due to summer, inefficient yes but not fair to say we still have fatalities in town, this commission does help reduce it, we are in a national epidemic, this commission is in a better place to advocate for safety, e.g. Right turn on red, this body advocated for that, the pipeline point is good, communication needs to be improved, they are ambassadors, venue for the public to come and share things that they might not be able to do with a bigger agenda, I'd hate to see it go **Ryan:** I don't mean to disparage this body once again, fatalities are not on your shoulders, no right turn on red came from council **Steve:** I do agree, duties and responsibilities of bpsc need improvement to be clear more rigid, maybe quarterly meeting? **Ann:** anyone from public who would like to speak on this? **Dave Askins:** issue of applying for grants, recall 2020 friction points community crossing project, no striped bike lanes, they did get added but the general policy question: shouldn't the council have more power to choose projects? Would this new body have power to choose community crossing projects? **Ryan:** yes, they would be involved in things like that, that one is staff-led, but that's a great point, we don't ask any commission about what we are proposing, yes, every transportation decision would go through this commission if formed

5. Reports from Commissioners: **Jaclyn:** B-line at University St. in Hopewell Plaza: taking into consideration the 400-person petition to keep bikes and peds separated on all MUPs, can we not mix the two at the Kroger bus stop area? ...big mistake to extend the pedestrian plaza there and mix bikes and peds. The City will regret that. No one likes the SYP Plaza area where cyclists ride through peds.

6. Public Comment none

7. Adjourn

BLOOMINGTON TRAFFIC COMMISSION
MINUTES
July 24, 2024

- I. Call to Order**
Ryterband, Moore, Alexander, Love, Knoke, Shadday, Woerner – in person
- II. Approval of Minutes**
- III. Communications from Commission**
A. Alexander gave a report about refuge island on 3rd and Grant.
- IV. Public Comment***
- V. Reports from Staff**
- VI. Old Business***
- VII. New Business***
 - A. TC-24-03: Limit Vehicular Access to a Portion of the Alley between E. Kirkwood Ave. and E. 4th St. – *Ryan Robling, Planning and Transportation Department*
Forward TC-24-03 Motion: Alexander Second: Moore. Motion Passed: 3-2-2 Nays: Knoke, Love Abstentions: Shadday, Ryterband.
 - i. Robling presented
 - ii. Galen Cassady gave a petitioners statement
 - iii. Michael Cassady gave some additional background and information.
 - iv. Shadday asked about amount of damage to private property.
 - v. Shadday asked about other businesses along the alley, and if the Cassady's have reached out to them.
 - 1. Michael Cassady stated that he has reached out to some adjacent businesses.
 - 2. Galen gave additional feedback regarding from the Buskirk-Chumley Theater.
 - vi. Alexander asked for clarification about alleys that seem to be closed to vehicular traffic.
 - 1. Robling explained that those alleys were designed to prevent vehicular traffic prior to the creation of Title 15.
 - vii. Ryterband asked if alleys that seem to be closed to vehicular traffic have been vacated, and if not should they be included in a Title 15 amendment.

- viii. Knoke asked about how effective the current speed bumps appear to be at slowing cars down.
 - 1. Cassidy answered that they had seen some benefits but not to their desired result.
- ix. Knoke asked if other local businesses have had similar complaints about their alleys.
 - 1. Robling responded that this is the first such complaint.
- x. Love asked for clarification on where the restriction would start, and if it would have effects on delivery vehicles.
- xi. Ryterband asked for official positions on alleyways.
- xii. Motion was erroneously identified as failed. The final tally was in favor of the motion with a final vote of 3-2-2.

B. TC-24-04: Advisory Transportation Commission Draft Review – *Ryan Robling, Planning and Transportation Department*

- i. Robling presented.
- ii. Ryterband exited the meeting.
- iii. Shadday asked about the new commission incorporating what is now being reviewed and completed by Parking Commission, and if the new commission could take on that responsibility along with other responsibilities.
 - 1. Robling answered that the current structure of commissions does not lead to a holistic approach to transportation planning and that parking management is a form of transportation management.
- iv. Shadday asked if the work load will result in longer meetings for the new commission.
 - 1. Robling answered that the current structure leads to many meetings being cancelled.
- v. Knoke asked the new commission will have powers and duties that the three existing commissions do not currently have.
 - 1. Robling answered that to start no, the new commission will take on the responsibilities shared by the existing commissions. Additional duties and powers will likely come along as the commission grows.

VIII. Traffic Inquiries

IX. Adjournment

A. 5:43

CITY OF BLOOMINGTON • PARKING COMMISSION

Parking Resolution 24-07

To Endorse the Amendment to Ordinance 2024-272025-04 to Preserve ~~(and Rename)~~ the Parking Commission

- WHEREAS,** the Parking Commission was created in 2016 by a 7-1 vote of the Common Council;
- WHEREAS,** the ordinance creating it was vetoed by the mayor, but overridden by Council 9-0;
- WHEREAS,** the administration has continued to object to the commission ever since by neglecting it, despite its existence being the will of the Council;
- WHEREAS,** examples of this neglect include: leaving all four non-staff mayoral appointments open in 2019, leaving two seats open for more than two years or more, and not making financial resources available to aid the commission in the compilation of its reports;
- WHEREAS,** the Parking Commission has made accomplishments despite that neglect, including the establishment of a comprehensive policy on parking, the authoring of Ordinance 18-11, and detailed reporting of parking-related revenues, expenses, and meter usage;
- WHEREAS,** the Ordinance 2024-272025-04 proposes a new Transportation Commission largely focused on safety, and eliminates the Parking Commission without specific provisions for the new commission to study and deliver analyses of parking finances and data;

RESOLVED that the Parking Commission endorses the following amendment to Ordinance 2024-272025-04, to continue its existence ~~as the renamed Parking Demand Management Commission~~, and explicitly requests the cooperation of the administration in achieving its long-set objectives.

APPROVED this _____ day of _____, 20242025, at a regular meeting of the Bloomington Parking Commission at which two-thirds of the Members were present and voting.

We, the below-signed, do hereby certify that the above is a true and correct copy of the resolution.

X 

Chair, Parking Commission
Steve Volan

X 

Secretary, Parking Commission
Eoban Binder

*** Amendment Form ***

Ordinance #: 2024-272025-04
Amendment #: 01
Submitted By: CM X
Date: December 2, 2024

Proposed Amendment: Sections shall be added and numbered appropriately.

A. The ordinance shall be amended as follows:

SECTION 3. Section 2.12.110, entitled "Parking Commission" shall be amended as follows:

~~Delete~~

2.12.110 - Parking ~~Demand Management~~ Commission

(a) Purpose. It shall be the primary purpose of the Parking ~~Demand Management~~ Commission (commission), in coordination with decision-makers and other entities as is necessary or prudent:

- (1) ~~To develop, implement, maintain, and promote a comprehensive policy on parking demand management that takes into account the entirety of, and furthers the objectives of, the city's comprehensive plan; and~~
- (2) ~~To coordinate parking activities, to supervise the preparation and publication of parking reports, to receive comments and concerns having to do with parking matters, and to recommend to the common council and to appropriate city officials ways and means for achieving the city's comprehensive plan objectives through the administration of parking policies and the enforcement of parking regulations.~~
- (2) ~~To recommend to the common council and appropriate city officials ways and means for implementing that comprehensive policy.~~
- (3) ~~To focus on the economics of parking, and defer to the Advisory Transportation Commission on all questions of transportation safety and sustainability, including any proposed addition or removal of on-street parking in service of those goals.~~

(b) Composition—Appointments. The ~~parking~~ commission shall be composed of nine voting members. These voting members shall be composed of four members appointed by the mayor, four members appointed by the common council, and one member designated by the ~~Advisory~~ Transportation Commission. ~~Each~~

Commented [1]: Replies have been made to most CM comments below.

Commented [2]: The amendment needs to not only make the proposed changes to the Parking Commission, but also to remove portions of the Advisory Transportation Commission draft text (I assume).

Commented [3R2]: It does that, simply by deleting the word "Delete".

Commented [4R2]: I'm reading the rest of the ATC proposal and I can't see what to remove.

Commented [MF5R2]: Three of the last four WHEREAS clauses for ATC should be modified. And section 4(e) as well, which incorporates PC duties in ATC purview.

Commented [6]: It strikes me that this is really something that needs to be adopted by the council. Otherwise it's just the "policy" of the PC, which as a primarily advisory body, isn't really "city policy" per se. I thought about adding "seek adoption" or "secure adoption" here.

Commented [7R6]: I think you should indeed add that. It's a good idea.

Commented [8]: This second bullet under Purpose strikes me as more so Powers & Duties. Is it meant to be a shorter summary of the P&D?

Perhaps where there is anything additional here, this just gets incorporated into P&D section.

Commented [9R8]: Agreed. Have written a terser purpose (2), and tweaked(3).

Commented [10]: What does this mean?

Commented [11R10]: It was written before there was a Parking Services Director, and parking concerns were spread across as many as 8 departments. I agree it's vague and in need of a rethink or delete.

Commented [12]: Doesn't seem to happen in practice and probably isn't all that realistic.

~~appointing authority may also appoint a standing alternate for each of its appointees and such alternate may participate with the commission at any meeting where the regular member is disqualified or is otherwise unable to participate. All alternate members appointed hereunder shall meet all qualification requirements of the regular member for whom they serve as alternate.~~

(c) Qualifications of Voting Membership.

(1) One member appointed by the mayor and one member appointed by the Common Council shall be a merchant owning and operating a business located at an address within the city limits, with preference given to a merchant located within the parking meter zone;

~~(2) One member appointed by the common council shall be from among its membership;~~

~~(3) One member appointed by the ~~Advisory~~ Transportation Commission shall be a member of that body;~~

~~(4) All members shall be residents living within the city limits.~~

(d) Terms. The initial terms of three mayoral and two council citizen appointments shall expire on January 31, 2018. The terms of the remaining initial citizen appointments shall expire on January 31, 2019. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31.

(e) Powers and Duties. The commission shall meet at least one time each month, unless it votes to cancel the meeting or is otherwise unable to meet. Its powers and duties shall include, but are not limited to:

(1) Accessing all data regarding the city's parking inventory, including usage, capital and operating costs, so long as the data is released in a manner consistent with exemptions from disclosure of public records set forth in IC 5-14-3-4;

(2) Reviewing the performance of all meters, lots, garages, and neighborhood zones in the city's parking inventory, and reviewing the performance of all divisions of city departments devoted specifically to parking management;

(1) Supervising the preparation and publication of parking reports in collaboration with city staff, city vendors, and/or contracted third-party consultants, including all data analytics reasonably necessary to achieve the commission's purpose and duties;

(2) Supervising and collaborating with city staff and relevant third parties in the execution of parking related studies, including but not limited to pricing studies, asset conditions assessments, and

(3) Making recommendations on parking policy, including but not limited to: pricing, hours of operation, ~~addition or removal of parking spaces,~~ addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy;

(4) Submitting an annual report of its activities and programs to the mayor and council;

Commented [13]:

These types of limitations tend to prove difficult in practice. Is the idea that this would be a nonprofit org who has patrons of some kind who rely on parking?

Commented [14R13]:

One of the original seats required a merchant within the meter zone, not just within the city! We put in nonprofits to capture the concerns of groups like churches, the Library, etc that are in or whose members use the meter zone. These seats have indeed proven difficult enough that we gradually eased the requirements to get members.

Commented [15R13]:

Note also that there is no commerce mentioned in the ATC - no members who demand parking and generate traffic. Parking is very much a commercial concern.

Commented [16]:

Needs updated to reflect a change to an ATC-designated seat.

Commented [17]:

This may be moot - Was it initially that the staff was from P&T (only)?

Commented [18R17]:

Correct. Now the staff is from Public Works. The Commission originally specified P&T because they're the ones who should be making policy, not PW. Unhappily, this is the situation we're in now.

Commented [19]:

E.g., can't make quorum

Commented [20R19]:

Agreed

Commented [21]:

We are trying to make reporting more uniform, and I don't think we'll specify the month in code with the various forthcoming updates.

Commented [22R21]:

Agreed.

- (5) Adopting rules and regulations for the conduct of its business; and
- (6) Applying for appropriations through the mayor, communicating the need for appropriations to the common council, or researching and applying for grants, gifts, or other funds from public or private agencies, for the purpose of carrying out any of the provisions of this section.

(f) Staff. The commission shall be staffed by the planning and transportation department.

Synopsis

This amendment, sponsored by CM XXXXX, amends Ordinance ~~2024-27~~2025-04 to retain the Parking Commission and make changes to existing code that improve its function. The amendment ~~renames it the Parking Demand Management (PDM) Commission, reflecting its focus on the economies of parking;~~ adds a clause to its Purpose deferring questions of safety from the Parking Commission PDMC to the new ~~Advisory~~-Transportation Commission (ATC) to emphasize that parking concerns are subordinate to safety concerns; converts one mayoral appointee to be a designee of the Transportation Commission. ~~ATC; and moves oversight of the PDMC to the Economic & Sustainable Development department.~~

###

DRAFT ONE — 2024.12.01

DRAFT TWO — 2024.12.05

DRAFT THREE — 2024.12.19

12/19/24 Commission Action: Adopted 6-1 (Flaherty; Wahl absent) as amended.

(December 1, 2024)

Commented [23]:

If the TDM manager is actually going to work on parking demand management as a means of transportation demand management, this can make sense. But if parking pricing policy in service of TDM isn't part of Jeff's job description, then it doesn't make sense.

Needs clarification from ESD (not whether or not they support this; but just whether or not Jeff's job description and actual work covers the relevant areas).

Otherwise, I would recommend that the Parking Service Manager be designated as the staff lead.

Commented [24R23]:

I don't have a solution for this. But Public Works is exactly the wrong department for this. They believe their job is to maximize the use of parking facilities for their own sake, because they exist. We need to be guided by a department that's thinking more holistically.

Commented [25R23]:

So I just took out ESD rather than create more chaos. If we think of a better solution, fine.

Commented [26]:

May need further updates based on potential changes.

Commented [27R26]:

Agreed

PARKING COMMISSION REGULAR MEETING

Minutes

Date: 12/19/2024, 5:30 PM

The meeting was held hybridly in the Hooker Conference Room and remotely on Zoom.

Parking Commission minutes are transcribed in a summarized outline manner. Audio recordings of the meeting are available in the Planning and Transportation Department for reference.

Attendance

Parking Commissioners present:

Murphy, Volan, Binder, Flaherty, Davis, Dalton, Yoder

Absent: Wahl

Others in Attendance:

Staff: Pazos, Knoke, Tahir (Zoom)

Public: none

I. Call to Order – (~ 5:33 PM)

- A. Volan proposes moving item 5B earlier in the agenda; motion passes unanimously (7-0)

II. Approval of Minutes – Davis motioned, Yoder seconded; Minutes approved unanimously (7-0)

III. Reports from Commissioners & City Offices

- A. Kendall Knoke (engineering) presents Hopewell West aerial; brief update on site plan for READY grant-funded affordable housing at corner of Rogers and 1st; Rogers will include protected bike lanes on Rogers between 1st and 2nd St and 10 ft-wide sidewalk on west side of street. Rogers south of 1st will include painted bike lanes down to close to Dixie St.; Jackson Street 1-block stub from north of 1st St. including parallel parking and ADA space.
- B. Questions from commissioners:
 - i. Flaherty: Re. Centerstone site, has configuration for access to pulloff/loading area from Rogers changed? Knoke: pulloff configuration is not changing currently. Flaherty: what about other access points from Hopewell East? Knoke: back-in angle parking to north, parking lots to the east and south.

IV. Reports from the Public (none)

V. Discussions of Resolutions

A. PC-2406 - Mills Pool (Tahir - Engineering)

- i. Request from Parks to Engineering for ADA-compliant parking at Mills Pool at 14th St. Currently there is a cul-de-sac being used for parking despite yellow painted curb. Plan is to re-stripe the cul-de-sac with parallel spaces for 15-minute loading and two ADA spaces. Binder: two ADA spaces and 4 general 15-min spaces? Tahir: yes. Davis: why 15 minutes? Tahir: that was the outcome from discussio with Parks. Flaherty: that was the request from Parks? Tahir: yes. Volan: are the ADA spaces aslo time-limited? Tahir: no, those do not have a time limit. Volan: the language in the proposed ordinance change seems unclear. Tahir (shows how code is written with legend; a number '6' refers to a legend item, not the number of spaces). Yoder: I've almost been towed here before on 14th, going towards Tri-North; what is the signage there for parking limits? Tahir: I only know of visitors parking on Blair, I don't know what the situation is on 14th.
- ii. Commissioner comments/vote:
 1. Flaherty, re. ADA space language, let's be clear on what is being specified. Maybe table should be re-structured for clarity. Volan: whoever makes the signs should be clear that ADA spaces should be not time-limited. Tahir: I will make a note of that.
 2. Motion passes 7-0

VI. Discussions of Topics Not the Subject of Resolutions

- A. Draft res. 24-05 (Volan) - still not introduced officially here because there are some unresolved legal questions. Pazos: I've made the request to City legal, but they are short-staffed right now.
- B. Volan: we can discuss other sections for the time being. Dalton: item 2 seems questionable from legal standpoint. Binder: item 2 seems obviated by item 3. Dalton: there's two issues, one is if it should be included, and then what effect does it have? Item 4 sunseting also seems legally dubious. Davis: what about occasional renting out parking spaces for big events? Volan: I believe this would apply to all privately-owned surface lots. Davis: this seems better to just implement downtown. General discussion about Ami and immediate area. Flaherty: so we think the UDO currently disallows use, albeit not explicitly? That's not a change in policy in that case, it's just enforcing a policy. Yoder: well how do we have the city enforce a policy it's not enforcing now? Pazos: it usually comes up case-by-case. Discussion of various private lots around downtown. Dalton: we can still make general recommendation to council, i.e. clarify and update UDO concerning private lots and whether they are allowed, and recommend we explicitly disallow them. Volan: language also seems unclear about what is 'private parking', to bring this back in January we'd want a clear definition. Flaherty: can we circulate a new draft beforehand

for feedback? Volan: around January 9 in lieu of a work session we could circulate something. Let's workshop it before then. (some discussion of meeting with Legal). Flaherty: if meeting doesn't happen or is inconclusive, let's just advise some general action rather than more specific ones.

VII. Resolution 24-07: Preserving and Rename the Parking Commission (Volan)

- A. Volan gives background and summary of the resolution. The commission could continue in a different legal structure, i.e. as a subsidiary of the Advisory Transportation Commission. It's important the Parking Commission exist to focus on parking economics, and leave engineering questions to staff. Dalton: might come up with a better name, and might want to keep scope of adding/removing spaces. Volan: but, we don't want to imply that we want to add spaces. Yoder: what are we afraid will be lost specifically? Volan: chiefly the ability to recommend pricing adjustments. Yoder: from my limited experience so far, we haven't talked much about pricing. How would that change? Volan: engineering presentations/questions would go to Transportation Commission instead of Parking Commission. Pricing is important because we have seen meters bring in additional \$2m in revenue without any significant reduction in revenue from permits or garages, that was pent-up demand right there. Davis: I also haven't been on commission, and agree we haven't talked about much about pricing, but I'm not sure if I agree with changing the name.
- B. Commissioner comments/vote: Flaherty: the council adopted an amendment to 'shore up' how much the Transportation Commission is concerned with parking. The new commission is about transportation in general, including safety, land use, etc. and all those things interact in different ways. Much of the purpose of TDM is to accomplish our city goals by not heavily subsidizing parking. I do worry that some things could be lost in separating parking demand mgmt to its own commission. The fiscal oversight aspect is critical here; I don't fault this commission for not getting data analysis done, but on a pragmatic level we have to write it into ordinance so that that issue is allocated resources. Volan: the issue for me is this commission has never been 'welcomed', merely tolerated. The council is going to have to demand the administration support the city's commissions instead of neglecting it (i.e. leaving seats unfilled, or staff undertaking parking-related projects without consulting the commission). I accept the principles of the Transportation Commission, but I don't want the pricing goal to be lost at the end of this process. So Parking Commission could exist as its own commission, or as a committee of the TC. Dalton: from my perspective, we do a lot in response to public concerns, so I still remain convinced there's more work to be done than one commission can do.
- C. Davis: proposes amendment to strike words 'Demand Management' from the 'Resolved' paragraph and other references to the name of the commission. Davis: motioned; Yoder seconds. Motion passes 7-0.

D. Yoder motions to adopt resolution, Dalton seconds. Motion passes 6-1 (Flaherty dissents).

VIII. **Topic Suggestions for Future Agendas**

A. Resolution 24-05, private surface parking lots (but likely renumbered for the new year).

IX. **Member Announcements (none)**

X. **Commission Schedule (Regular Meeting and Work Session)**

- Next Regular Meeting: Thursday, January 23, 5:30pm
- Work session: schedule for Jan 9, 5:30pm, but probably will cancel.

XI. **Adjournment – 7:10pm**

Amendment Form

Ordinance #: 2025-04
Amendment #: Am 01
Submitted By: Councilmember Piedmont-Smith
Date: February 5, 2025

Proposed Amendment:

1) The following text shall be added as the last Whereas clause to the ordinance:

WHEREAS, such a transportation-related policy oversight body should both represent public stakeholders and serve as a space for collaboration among city departments with duties related to transportation, including the Department of Public Works (especially regarding parking facilities), the Department of Economic and Sustainable Development (especially regarding Transportation Demand Management and parking pricing), the Department of Planning & Transportation, and the Department of Engineering;

2) SECTION 1 of the ordinance shall be amended by deleting the word “demonstrated” in BMC 2.12.070(2)(f) as follows:

Section 2.12.070, entitled “Transportation Commission.”

(2) Appointments:

(f) Two members shall be appointed by the council, and shall be residents living within city limits who have ~~demonstrated~~ experience using forms of travel other than personal motor vehicles as their primary method of transportation;

3) SECTION 1 of the ordinance shall be amended by adding the below text in bold in BMC 2.12.070(2)(f) as follows:

Section 2.12.070, entitled “Transportation Commission.”

(6) Staff. The commission shall be primarily staffed by the engineering department. When serving as a steering committee, the commission shall be staffed by the planning and transportation department. **Staff from the Department of Public Works, the Economic and Sustainable Development Department, and other departments deemed necessary for decision-making to support the city’s transportation and parking goals shall attend meetings of the Transportation Commission at the commission’s request.**

Synopsis:

This amendment is sponsored by Councilmember Piedmont-Smith and aims to clarify the expectation that city staff from departments deemed necessary for decision-making to support the city’s transportation and parking goals collaborate with the new Transportation Commission by attending meetings at the commission’s request. This collaboration is essential

to accomplish the city's goals in regard to parking policy and implementation. The amendment also removes one word in the section describing two appointments by the Common Council to the new Commission. It proposes that the word "demonstrated" before "experience using forms of travel other than personal motor vehicles" be deleted, since it is unclear how anyone would demonstrate that qualification.

Regular session action (2/5/2025): Pending

***** Amendment Form *****

Ordinance #: 2025-04
Amendment #: Am 02
Submitted By: Cm. Asare
Date: February 5, 2025
Proposed Amendment:

1. The “Appointments” section of proposed Bloomington Municipal Code Section 2.12.070 (2) within Section 1 of Ordinance 2025-04 shall be amended by explicitly naming the Mayor as the responsible entity for appointment in subsections (b), (c), and (d) in the same manner as subsection (a), such that the section now reads as follows:

(2) Appointments. The commission shall consist of nine members, none of whom may hold an employment, elected, or appointed position with the City, unless specifically permitted as outlined in this section:

- (a) One member appointed by the mayor shall be a member from the council for community accessibility or a designated representative. The council for community accessibility shall submit a list of at least three names to the mayor for consideration;
- (b) One member appointed by the mayor shall be a member from the public transportation corporation board of directors or a designated representative, including from among staff of the corporation. The public transportation corporation board of directors shall submit a list of at least three names to the mayor for consideration;
- (c) One member appointed by the mayor shall be a member from the plan commission or a designated representative. The plan commission shall submit a list of at least three names to the mayor for consideration;
- (d) One member appointed by the mayor shall be a member from the board of public works or a designated representative. The board of public works shall submit a list of at least three names to the mayor for consideration;

...

Synopsis

This amendment, sponsored by Cm. Asare, would, in three instances, explicitly name the Mayor as the entity responsible for appointment in the same exact manner as subsection (a). The Mayor would be responsible for considering appointment from a list of three recommended names from each of the three entities named in the ordinance: the public transportation corporation board of directors, plan commission, and board of public works.

Regular Session Action (02/05/2025):

Pending

***** Amendment Form *****

Ordinance #: 2025-04
Amendment #: Am 03
Submitted By: [Sponsor needed at request of Parking Commission]
Date: February 5, 2025
Proposed Amendment:

1. SECTION 3 of Ordinance 2025-04 shall be amended to retain the Parking Commission, with amended responsibilities in order to coexist alongside the Transportation Commission, as follows:

SECTION 3. Section 2.12.110, entitled “Parking Commission” shall be amended by deleting and replacing the entire section with the following:

2.12.110 - Parking Commission

- (a) Purpose. It shall be the primary purpose of the parking commission (commission), in coordination with decision-makers and other entities as is necessary or prudent:
 - (1) To develop, maintain, and promote a comprehensive policy on parking that takes into account the entirety of, and furthers the objectives of, the city's comprehensive plan;
 - (2) To recommend to the common council and appropriate city officials ways and means for implementing that comprehensive policy; and
 - (3) To focus on the economics of parking, and defer to the Transportation Commission on all questions of transportation safety and sustainability, including any proposed addition or removal of on-street parking in service of those goals.
- (b) Composition—Appointments. The commission shall be composed of nine voting members. These voting members shall be composed of four members appointed by the mayor, four members appointed by the common council, and one member designated by the Transportation Commission.
- (c) Qualifications of Voting Membership.
 - (1) One member appointed by the mayor and one member appointed by the common council shall be a merchant owning and operating a business located at an address within the city limits, with preference given to a merchant located within the parking meter zone;
 - (2) One member appointed by the common council shall be from among its membership; and
 - (3) One member appointed by the Transportation Commission shall be a member of that body;
 - (4) All members shall be residents living within the city limits.
- (d) Terms. The initial terms of three mayoral and two council citizen appointments shall expire on January 31, 2018. The terms of the remaining initial citizen appointments shall expire on January 31, 2019. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31. The terms for the one appointment made by the Transportation Commission from within its membership and the one council appointment made from within the members of the council shall be for one year and expire on January 31.

- (e) Powers and Duties. The commission shall meet at least one time each month, unless it votes to cancel the meeting or is otherwise unable to meet. Its powers and duties shall include, but are not limited to:
- (1) Accessing all data regarding the city's parking inventory, including usage, capital and operating costs, so long as the data is released in a manner consistent with exemptions from disclosure of public records set forth in Indiana Code § 5-14-3-4;
 - (2) Reviewing the performance of all meters, lots, garages, and neighborhood zones in the city's parking inventory, and reviewing the performance of all divisions of city departments devoted specifically to parking management;
 - (3) Supervising the preparation and publication of parking reports in collaboration with city staff, city vendors, and/or contracted third-party consultants, including all data analytics reasonably necessary to achieve the commission's purpose and duties;
 - (4) Supervising and collaborating with city staff and relevant third parties in the execution of parking related studies, including but not limited to pricing studies and asset conditions assessments;
 - (5) Making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy;
 - (6) Submitting an annual report of its activities and programs to the mayor and council;
 - (7) Adopting rules and regulations for the conduct of its business; and
 - (8) Applying for appropriations through the mayor, communicating the need for appropriations to the common council, or researching and applying for grants, gifts, or other funds from public or private agencies, for the purpose of carrying out any of the provisions of this section.
- (f) Staff. The commission shall be staffed by the planning and transportation department.

Synopsis

This amendment, sponsored by [Cm.] at the request of the Parking Commission, amends Ordinance 2025-04 to retain the Parking Commission and make changes to existing code that improve its function. The amendment adds a clause to its Purpose deferring questions of safety from the Parking Commission to the new Transportation Commission to emphasize that parking concerns are subordinate to safety concerns; converts one mayoral appointee to be a designee of the Transportation Commission from among its membership; and adds two additional powers and duties that clarify the Commission's role with regard to parking reports and studies.

Regular Session Action (02/05/2025):

Pending

2.12.110 - Parking Commission

- (a) Purpose. It shall be the primary purpose of the parking commission (commission), in coordination with decision-makers and other entities as is necessary or prudent:
- (1) To develop, ~~implement,~~ maintain, and promote a comprehensive policy on parking that takes into account the entirety of, and furthers the objectives of, the city's comprehensive plan; ~~and~~
 - (2) To recommend to the common council and appropriate city officials ways and means for implementing that comprehensive policy; and To coordinate parking activities, to carry on educational activities in parking matters, to supervise the preparation and publication of parking reports, to receive comments and concerns having to do with parking matters, and to recommend to the common council and to appropriate city officials ways and means for achieving the city's comprehensive plan objectives through the administration of parking policies and the enforcement of parking regulations.
 - (3) To focus on the economics of parking, and defer to the Transportation Commission on all questions of transportation safety and sustainability, including any proposed addition or removal of on-street parking in service of those goals.
- (b) Composition—Appointments. The ~~parking~~ commission shall be composed of nine voting members. These voting members shall be composed of ~~five~~ four members appointed by the mayor, ~~and~~ and four members appointed by the common council, and one member designated by the Transportation Commission. ~~Each appointing authority may also appoint a standing alternate for each of its appointees and such alternate may participate with the commission at any meeting where the regular member is disqualified or is otherwise unable to participate. All alternate members appointed hereunder shall meet all qualification requirements of the regular member for whom they serve as alternate.~~
- (c) Qualifications of Voting Membership.
- (1) One member appointed by the mayor and one member appointed by the common council shall be a merchant owning and operating a business located at an address within the city limits, with preference given to a merchant located within the parking meter zone;
 - (2) ~~One member appointed by the mayor shall be a board member or an employee of a non-profit organization which operates at property that is owned or leased by the non-profit organization within the city limits;~~
 - (3) ~~Four members, one appointed by the mayor and three appointed by the council, shall be residents living within the city limits;~~
 - (4) ~~One member appointed by the common council shall be from among its membership; and~~
 - (~~3~~5) One member appointed by ~~the mayor shall be from within the planning and transportation department, engineering department, or department of~~

~~public works~~ the Transportation Commission shall be a member of that body;-

(4) All members shall be residents living within the city limits.

- (d) Terms. The initial terms of three mayoral and two council citizen appointments shall expire on January 31, 2018. The terms of the remaining initial citizen appointments shall expire on January 31, 2019. Thereafter, all terms of citizen appointments shall be for two years and expire on January 31. The terms for the one ~~mayoral~~ appointment made ~~from within the planning and transportation department~~ by the Transportation Commission from within its membership and the one council appointment made from within the members of the council shall be for one year and expire on January 31.
- (e) Powers and Duties. The commission shall meet at least one time each month, unless it votes to cancel the meeting or is otherwise unable to meet. Its powers and duties shall include, but are not limited to:
- (1) Accessing all data regarding the city's parking inventory, including usage, capital and operating costs, so long as the data is released in a manner consistent with exemptions from disclosure of public records set forth in Indiana Code § 5-14-3-4;
 - (2) Reviewing the performance of all meters, lots, garages, and neighborhood zones in the city's parking inventory, and reviewing the performance of all divisions of city departments devoted specifically to parking management;
 - (3) Supervising the preparation and publication of parking reports in collaboration with city staff, city vendors, and/or contracted third-party consultants, including all data analytics reasonably necessary to achieve the commission's purpose and duties;
 - (4) Supervising and collaborating with city staff and relevant third parties in the execution of parking related studies, including but not limited to pricing studies and asset conditions assessments;
 - ~~(5)~~ Making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy;
 - ~~(6)~~ Submitting an annual report of its activities and programs to the mayor and council ~~by October of each year~~;
 - ~~(7)~~ Adopting rules and regulations for the conduct of its business; and
 - ~~(8)~~ Applying for appropriations through the mayor, communicating the need for appropriations to the common council, or researching and applying for grants, gifts, or other funds from public or private agencies, for the purpose of carrying out any of the provisions of this section.
- (f) Staff. The commission shall be staffed by the planning and transportation department.