



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Tuesday, 04 April 2023

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
TUESDAY | 6:30 PM
04 April 2023

Council Chambers (#115), Showers Building, 401 N. Morton Street

The meeting may also be accessed at the following link:

<https://bloomington.zoom.us/j/81485689356?pwd=YXY2Tm0zSDVWbHQ4WkZUxVeU84Zz09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES:**
 - A. June 2, 2021 – Regular Session
 - B. April 6, 2022 – Regular Session
 - C. April 20, 2022 – Regular Session
- IV. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section.)*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - i. 2023 Comprehensive Plan Tracking Report
 - C. Council Committees
 - D. Public*
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Appropriation Ordinance 23-01 – To Specially Appropriate the Current Balance of the Opioid Settlement Fund to Help Address the Impacts of the Opioid Crisis on City and County Residents
 - B. Appropriation Ordinance 23-02 – To Specially Appropriate Funds from the General Fund for Construction of The Trades District Tech Center and Associated Construction Management Services
- VII. **LEGISLATION FOR FIRST READINGS**

None

(over)

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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

VIII. ADDITIONAL PUBLIC COMMENT *

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

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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

Minutes for Approval

02 June 2021 | 06 April 2022 | 20 April 2022

In Bloomington, Indiana on June 02, 2021 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
June 02, 2021

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

ROLL CALL [6:33pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:33pm]

Flaherty moved and it was seconded to approve the minutes of May 06 and May 20 of 2020. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:36pm]
• May 6, 2020 (Regular Session)
• May 20, 2020 (Regular Session)

Community Access Television Services (CATS) had technical difficulties causing there to be no recording of the meeting for approximately fifteen minutes.

REPORTS
• COUNCIL MEMBERS
[6:40pm]

Flaherty moved and it was seconded to remove the time limit set for reports from the Mayor and City offices. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to remove time limit
[6:45pm]

Jeff Underwood, Controller, presented the City of Bloomington 2022 Budget Advance summary. He also summarized the 2021 Budget Analysis.

• The MAYOR AND CITY OFFICES [6:44pm]

Smith asked about reversions and what that meant for departments, services, et cetera.

Council questions:

Underwood explained how reversions worked and said services were not affected. He further explained that the Parks and Recreation department events had fewer attendees resulting in less revenue. He provided some examples from other departments. Underwood stated that, in the past, Mayor John Hamilton had returned half of the reversion amounts back to department heads. Over the previous two years, department heads allowed that funding to go back and that was in part what funded Recover Forward.

Sgambelluri asked if there were other investments being considered in the next year or two.

Underwood stated that the administration was reviewing the list of normal and necessary replacements. He provided additional details and said that more information would be forthcoming.

Sgambelluri asked for updates on the impacts of the pandemic on departments.

Underwood explained that the hardest hit areas were those that residents paid for using, like parks, parking meters, garages, and street department. He described additional information regarding those areas.

Sandberg asked about the pilot programs for police officers including take-home cars and housing vouchers. She asked about staffing levels, attrition rates through retirement, loss of officers to other departments, and recruitment. She explained that she did not need the answers immediately but that those were the questions she would be asking.

Flaherty asked for further clarification on the total amount of reversions and which departments had them.

Underwood clarified that he had presented the major operating accounts, but that there were others.

Flaherty asked when the reversion information was known.

Underwood said it was early March.

Flaherty asked what the typical avenue was for reversions given that 2020 had been affected by the pandemic, and if it would be similar for 2021 and 2022.

Underwood said that it would be in the \$4-5 million range and provided additional information. He summarized average totals in the past.

Mayor John Hamilton added that the reversions were higher than usual and for several years the administration had split that total in half to allow the department to use the funds through special appropriation the following year. He explained how some of that funding assisted with Recover Forward and that the American Rescue Plan Act (ARPA) funds contributed too.

Flaherty stated that was all helpful information and per his understanding, there was money that was not used in 2020, and there was a 2021 budget that did not include the reversions in it.

Hamilton confirmed that was correct.

Flaherty asked if the 2021 reversions would also be split with the departments that saved the money.

Hamilton said it depended on the balances and on risk.

Piedmont-Smith referenced the Climate Action Plan (CAP) including building staffing capacity for attaining goals and doing community outreach. She asked if that would be factored into next year's budget.

Hamilton said staff was looking at how the city was moving forward with sustainability, and inclusion, and that feedback was welcome.

Piedmont-Smith spoke about housing and upcoming proposals by the Housing Insecurity Task Force for local government. She commented that the ARPA funds were limited so the city needed to think carefully about how to use the funds for capital expenditures or programs that would be financially stable through other means. She explained that housing for very low-income community members was a worthy expenditure of ARPA funds.

Hamilton agreed that much of the funding being discussed was one-time funding which came with long-term challenges. He said that the administration would be proposing significant investments sensitive to sustainability, inclusion, and one-time funds.

Rollo commented that he was concerned about the public safety budget, and retaining and recruiting sworn officers, given the pending annexation. There was a need for an additional fire station. Rollo asked how inflation would affect personnel costs, et cetera.

Underwood said those issues were always taken into account. He said that the three unions had agreements in place so those numbers were known. He provided additional information and stated that it was early in the process.

Rollo asked if rental and housing costs were factored in, too.

Underwood stated they were as well as many more.

Sims said that council needed to temper suggested increases in the budget with decreases in other areas. He asked for more details about ARPA funds which he recalled would be spent over the next three years.

- The MAYOR AND CITY OFFICES (cont'd)

Underwood confirmed that was correct and that council would receive very specific information.

Hamilton said that the administration projected a twenty-four to thirty month investment of the ARPA funds beginning with specific requests for council approval in July.

Volan asked the administration to consider expanding the area for housing vouchers for police officers if non-city areas were annexed.

Smith asked if councilmembers wanted to initiate a new program, what the best process was.

Hamilton encouraged proposals from council.

Underwood added that if councilmembers and the administration proposed something, then he would design a budget, and the required process would be followed.

Flaherty commented on the budget process and said there were many good suggestions for improvements. He said he would likely have many questions. He also was thinking about longer term capital planning in the adopted goals within the CAP, Transportation Plan (TP), et cetera. He spoke about budget decreases and increases.

Piedmont-Smith asked how parking was subsidized. She commented on the different pots of money and the flexibility of using the funding. It was worthwhile to look at funding sources to further the CAP and TP. She agreed that it was important to consider increases and decreases in the budget.

Hamilton said that the goal was not asking council to only share good ideas for spending with the requirement of decreasing in another area to offset that amount.

Underwood agreed that the goal was to get feedback from council and not require councilmembers to balance the request. He said that the city was required to have a balanced budget, annually.

Piedmont-Smith asked if surplus funds could be used towards balancing the budget.

Hamilton confirmed that they could.

Underwood said that it was recommended to have two months' worth of reserves.

Rollo said that one way to reduce costs was to reduce organics out of the city's waste through free composters to interested residents. He provided reasons in support of composting organics. He also spoke about the potential of reopening the landfill instead of shipping waste to Terre Haute in an effort to combat climate crisis.

Underwood said the administration was receptive to feedback.

Hamilton responded that there was a Waste Energy Review looking at best options. The Solid Waste Management District (SWMD) was key in analyzing information though there was room for additional research focused on the city, for example.

Rosenbarger thanked Hamilton and Underwood and stated she would submit questions in writing.

Volan spoke about the drafting of departmental budgets and asked Hamilton if he intended to invite councilmembers' assistance in drafting the budgets.

Hamilton explained that councilmembers' feedback was welcome.

Volan commented on the potential of moving money instead of simply cutting funding from one area.

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

Sims appreciated the discussion and said it was important to have a good, transparent, and thorough process for the budget. He intended to submit his questions in writing. Sims stated that there was an upcoming committee meeting and offered the opportunity to councilmembers to continue the discussion on the city budget.

Stephen Lucas, Council Attorney, stated that council could also opt to schedule a special session as opposed to a committee meeting. There was brief council discussion on the options.

Hamilton stated that staff was in the process of drafting budgets and asked council to be mindful of the current schedule which had an upcoming appropriation ordinance as well as detailed budget presentations by department heads in August. He was hesitant for council to expect details on the status of the budget between those already scheduled meetings. He reiterated that the administration always welcomed feedback from councilmembers.

Underwood agreed with Hamilton and said that staff was working extremely hard on the budget. He also agreed that feedback was welcome.

Sims understood that more details may not be available but that the intent was to ensure council engagement in the budget process.

Sandberg said that there may not be a reason to have a budget advance on July 28 based on the discussion. She also understood that the best way for council to engage was to submit questions directly to the administration prior to July 1.

Hamilton confirmed that was ideal.

Volan stated that a special session gave council more flexibility while the Committee of the Whole was limited. He provided additional details. He said that once the budget was presented in August, there was not much councilmembers could suggest at that point. He said that councilmembers intended to participate further in the budget process than in the past, and asked how the administration would respond to council questions.

Sims said that the response to questions would occur after the August budget hearing.

Hamilton said it seemed that council potentially wanted a preview of the budget prior to August which was not possible. He reiterated that council feedback was best given earlier rather than later. He explained that the budget discussion with council began in April and was ongoing.

Sgambelluri asked if councilmember feedback was best given to the administration sooner rather than later, and said they would not know the estimated property tax cap rates until after July 31.

Sims summarized the current schedule.

Rollo stated that he did not see the need to have a meeting on July 28 because there was ample time to submit questions.

Flaherty noted that it was also possible to include budget discussion at the next regular session. He commented on the value of having a public discussion on councilmembers' priorities regarding the budget, both for council and the public. He believed it was useful to have a meeting on July 28 especially if there were answers from the administration on councilmembers' questions.

Volan agreed that there was time to consider the schedule at the next regular session.

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

Bryony Gomez-Palacio, Chair of the Bloomington Arts Commission (BAC), presented the commission's Annual Report. She discussed the 2021-2026 Strategic Plan, core objectives, vision, mission, projects, Grants for the Arts program, art installation on the 4th Street parking garage and the Graduate Hotel, street murals, community partnerships, and other initiatives. She also spoke about the performing arts including the Buskirk-Chumley Theater, which was turning one hundred years old, and the Waldron Art Center. Gomez-Palacio also discussed goals and plans, and thanked the mayor, council, staff, and other arts partners.

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

Sgambelluri thanked Gomez-Palacio and highlighted the successes like BAC's emphasis on partnerships and art installations. She asked about the project on emerging artists and how they were identified.

Gomez-Palacio explained that the BAC was in the process of drafting guidelines. The grants would be smaller for individuals who may not already have a public portfolio of artwork. She provided additional details.

Jane Kupersmith, Assistant Director for Small Business Development in the Economic and Sustainable Development (ESD) department, presented the Annual Economic Development Commission Report on the 2020 Activity and Tax Abatement Summary. She discussed the general standards including the review criteria, the evaluative criteria, the phase-in of new property taxes, the authorization process, annual reporting requirements, economic impacts of proposed new investment and actual new investment, and new jobs and salary estimates. She concluded that there was a massive increase in employment relating to growth at Catalent, though salaries were lower than what was predicted. Kupersmith provided additional information and described other projects and abatements like the Southern Knoll/Milestone Ventures, Urban Station, Cook Pharmica d/b/a Catalent Biologics from Resolution 15-06, and Real America, LLC. She briefed council on other projects that were in the abatement period.

Rollo stated that the Urban Station project, which was considered to be in substantial compliance, but had only retained four jobs when it was estimated to have ten, in addition to adding jobs. He asked if the employer was the Chocolate Moose.

Council questions:

Alex Crowley, Director of ESD, responded that the employment was to be within the complex itself. He explained that this was one example of why the criteria was revisited. Crowley explained the metrics.

Piedmont-Smith asked about the actual new salaries of the Southern Knolls/Milestone Ventures project was \$14,731 for one full-time employee, which was not a living wage.

Kupersmith explained that there were two part-time jobs that were reported as one full-time job. While they were important jobs, they were not the high quality, full-time, and permanent jobs. She said the abatement was an affordable housing project, like the Urban Station project. She provided additional requirements from the state.

Piedmont-Smith was concerned that the employment did not meet the requirement of the city's living wage ordinance, which was required for the abatement.

Kupersmith stated she would double check but that it was most likely an issue with the required form.

Smith asked how the abatement rates were determined.

Kupersmith explained that the schedules were created by ESD and the Office of Legal Counsel and other entities, perhaps. It was a discussion on what the city was getting in exchange for the abatement.

Smith stated that it was a negotiation.

Kupersmith confirmed that was correct and that the city was strict and careful with its resources.

Crowley mentioned that the abatement was one part of local incentives which could offset operating costs. There were also other factors to consider that affected the schedule and he provided examples.

Piedmont-Smith asked staff to review how the city verified the affordable housing requirements like Union at Crescent requiring that at least 70% of the units be allocated to households that were at or below 60% of the Area Median Income (AMI).

Crowley responded that was checked by the Housing and Neighborhood Development (HAND) department and he believed it was done annually.

There was brief council discussion pertaining to public comment.

Greg Alexander commented on the blocking of sidewalks and bicycle lane during construction of Urban Station for over one year.

Public comment:

There were no council comments.

Council comments:

Flaherty moved and it was seconded to approve the Tax Abatement Report. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to approve Tax Abatement Report [9:00pm]

There were no council committee reports.

- COUNCIL COMMITTEES [9:01pm]

Greg Alexander spoke about sidewalks, connectivity, bike lanes, and scooters. He discussed safety and infrastructure.

- PUBLIC [9:02pm]

Tina Honeycutt discussed ways that council could use meetings to assist unhoused neighbors, including adding restrooms and handwashing facilities at Seminary Square.

Renee Miller echoed Honeycutt's comment and encouraged respect for the unhoused population.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [9:10pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [9:12pm]

Flaherty moved and it was seconded that Resolution 21-18 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

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

Flaherty moved and it was seconded that Resolution 21-18 be adopted.

Kaisa Goodman, Special Projects Manager in ESD, described the proposed continuation of the pickup and drop off zone, parklets, and Kirkwood Conversion program. She discussed changes and said that staff believed it was ideal to continue the modifications through October 31, 2021.

Resolution 21-18 (cont'd)

Rollo asked if there were any problems with the policy.

Council questions:

Goodman explained that needs for outdoor dining and parking were issues. She said that staff's time was also used to set up the barriers, et cetera. Another concern was the accessibility of the closed blocks of Kirkwood. Goodman and other staff had conducted assessments and were working on modifications like temporary ramps for outdoor seating.

Rollo asked if the general response from restaurants was positive.

Goodman confirmed that was correct.

Rollo asked if any businesses claimed the modifications were hurting their revenue stream.

Goodman explained that the parklets were only in front of the businesses using them and staff had not received complaints from businesses. She said that Downtown Bloomington, Inc. had done a thorough survey regarding the closures and found overwhelming support. She clarified that there had been some concerns but businesses found it to be advantageous.

Sgambelluri asked about restaurants investing in outdoor dining, especially those that fronted on the street closures.

Goodman responded that staff's goal was to give as much predictability on the closures from the city.

Flaherty wondered about the longer term options for parklets, pickup/drop off sites, and street closures. He commented that many cities that had the programs in place prior to the pandemic, created a more vibrant streetscape because businesses invested in their own area. He supported the programs and asked about staff conversations regarding long term options.

Goodman explained that she had received feedback from businesses regarding their desire to continue the programs so staff was in a fact-finding stage.

Piedmont-Smith inquired about the trash receptacles on Kirkwood that sometimes were over-filled due to the increase in people on the street. She asked if Public Works was aware of the issue.

Goodman stated that they were and were also emptying the receptacles more often, and also were able to deal with large pizza boxes, for example, that clogged the receptacles.

There was no public comment.

Public comment:

Sgambelluri commented on a recent experience she had where Director of Public Works, Adam Wason, had taken a photo of an over-filled trash receptacle which was promptly emptied. She also commented on her appointment to Downtown Bloomington, Inc. and was impressed with the organization's thoughtfulness with things like accessibility.

Council comments:

Volan spoke in favor of Resolution 21-18 and cautioned against moving too quickly to a permanent closure of the street and provided reasons. He appreciated that the closures were mainly driven by the constituents of Kirkwood.

Sandberg supported the extension through the summer. She reminded everyone that there were other businesses that were eager to open back up, like the Buskirk Chumley theater, and they needed to be accommodated as well, like the restaurants.

Rollo appreciated ESD having the policy and maintaining it to help restaurants be viable. He said it would be interesting to see how it played out in the long run. He supported Resolution 21-18.

The motion to adopt Resolution 21-18 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded that Resolution 21-20 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Resolution 21-20.

Crowley presented Resolution 21-20 including the tax abatement process summary, the site summary and ownership activity, the developer's background, the site and redevelopment project overview, the city's local commitment, a comparable incentive analysis summary, and next steps.

There were no council questions.

There was no public comment.

Piedmont-Smith supported the tax abatement and designation and spoke in favor of affordable housing in a great location where people may not need to rely on a car. She was excited about the real low-income housing and about prospective rents being 30% of AMI.

Volan and Smith agreed with Piedmont-Smith.

The motion to adopt Resolution 21-20 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

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

Flaherty moved and it was seconded to adopt Ordinance 21-30.

John Zody, Director of HAND, presented Ordinance 21-30 and summarized the updates including the rights and responsibilities of tenants and landlords, and the occupancy affidavit.

Rosenbarger reported the Housing Committee's analysis of Ordinance 21-30 including concerns and recommended do pass of Ayes: 4, Nays: 0, Abstain: 0.

Rosenbarger moved and it was seconded to adopt Amendment 01 to Ordinance 21-30. She presented Amendment 01.

Amendment 01 Synopsis: This amendment is sponsored by Cms. Rosenbarger, Piedmont-Smith, Sims, and Flaherty. While it is true that over-occupancy may present certain health and safety dangers, this Whereas clause raises the problematic comparison with owner-

Resolution 21-18 (cont'd)

Vote to adopt Resolution 21-18 [9:33pm]

Resolution 21-20 – To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize an Abatement Period for Real Property Improvements - Re: Property at 1730 S. Walnut Street (Retreat at Switchyard) (Real America LLC/Retreat at Switchyard, LP, Petitioner)

Council questions:

Public comment:

Council comments:

Vote to adopt Resolution 21-20 [9:54pm]

Ordinance 21-30 – To Amend Title 16 of the Bloomington Municipal Code Entitled "Residential Rental Unit and Lodging Establishment Inspection Program [9:55pm]

Amendment 01 to Ordinance 21-30

occupied units and pre-existing rental units with higher occupancy where unsafe conditions and negative impacts on neighbors due to a high number of occupants may also be an issue.

Amendment 01 to Resolution 21-30 (cont'd)

Piedmont-Smith added that one whereas clause implied that over-occupancy only took place in residential rental units.

Sims also added that there was a wrong perception when comparing rentals with other housing types, like single family units.

There were no council questions.

Council questions:

Mark Fig said he was okay with Amendment 01.

Public comment:

Rollo asked for Zody's opinion on Amendment 01.

Council comments:

Zody stated that staff was not opposed to Amendment 01.

The motion to adopt Amendment 01 to Ordinance 21-30 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-30 [10:10pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 02 to Ordinance 21-30. She presented Amendment 02.

Amendment 02 to Ordinance 21-30

Amendment 02 Synopsis: This amendment is sponsored by Cm. Piedmont-Smith. If this amendment is adopted, the tenants affected by Ordinance 21-30 would have to sign a new affidavit of occupancy each year, regardless of whether they signed such an affidavit for the same unit in the previous year. The intent is to remind the tenants, as well as the property owner/agent, about the occupancy rules on an annual basis.

Sims added that the changes in state law hindered HAND's ability to perform its duties. He said education on occupancy rules and expectations on an annual basis was important.

Flaherty asked Zody for staff's opinion.

Council questions:

Zody stated that staff was not opposed to Amendment 02 and provided reasons and additional details.

Volan inquired about the nature of the clientele for a majority of housing in the city, which was typically students who may have to move every year. He asked how it was not an educational benefit to provide yearly education for that group.

Zody said that staff was thinking more about process. What was on the form was important. He said that with cycle inspections, having tenants understand and affirm that they read the affidavit, was ideal and would efficiently reduce one step.

Volan asked for clarification on the process.

Zody stated that it was not necessary to ask landlords to have tenants renew the affidavit on a yearly basis if the tenants had not changed.

Daniel Dixon, Assistant City Attorney, added that when a student moved to a new apartment, only then would they need to submit a new affidavit.

Volan asked if only one out of a few tenants moved, a new affidavit would be required.

Zody confirmed that it would be required and provided examples.

Sims asked about the signing of annual leases and wondered why it would not be important to also sign an affidavit.

Zody explained that there were also multi-year leases and more and that the goal was to make it reasonable for property owners.

Amendment 02 to Ordinance 21-30 (cont'd)

Sims stated that he did not see it as onerous to have tenants sign a lease, if annual, and the affidavit.

Piedmont-Smith asked Dixon if he saw anything legally problematic with Amendment 02.

Dixon stated he did not.

Greg Alexander commented on leases auto-renewing without signing an annual lease, and said he did not see the need for annual affidavits.

Public comment:

Lucas read a comment submitted via Zoom chat by Dave Askins asking about outreach to renters on the amendments or Ordinance 21-30.

Volan commented on the changes that would trigger a renewal of the affidavit. He also spoke about the benefits of educating renters and stated that he would support Amendment 02.

Council comments:

Flaherty thanked the sponsors and said that he would be voting against Amendment 02. He commented on the near equal amounts of undergraduate student, and graduate student, renters. He said Ordinance 21-30 was sufficient as drafted, without Amendment 02.

Rosenbarger appreciated the thoughtfulness in Amendment 02 and said that Ordinance 21-30 was sufficient in its original form, where the landlord was responsible for the verification of tenants in rental units. She would be voting against Amendment 02.

The motion to adopt Amendment 02 to Ordinance 21-30 received a roll call vote of Ayes: 5, Nays: 4 (Rollo, Rosenbarger, Flaherty, Sandberg), Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 21-30 [10:29pm]

Flaherty asked Zody what outreach had been done to landlords and the apartment association and what feedback had been collected.

Council questions:

Zody stated that HAND staff had not reached out specifically to the apartment association, but that he had spoken with Mark Fig on the phone. Zody explained that the most important next step was to work with landlords and the apartment association on what would be on the affidavit form.

Mark Fig spoke as a landlord of Fig Properties, and as a representative of the Monroe County Apartment Association. He said that a recent poll of about one hundred landlords appreciated and used the rights and responsibilities form. He did not believe there was an over-occupancy problem in the city. He provided additional concerns.

Public comment:

Greg Alexander urged council to oppose Ordinance 21-30 and provided reasons. He disagreed with the three, unrelated adults in a home policy.

Flaherty asked Zody for additional details on the interaction with landlords in the city. He was hesitant about voting on Ordinance 21-30 that evening because reasonable concerns were raised in the discussion.

Council comments:

Zody addressed some of the concerns, including the fee ranges as well as email correspondence. He said that the administrative

details could be worked out with the apartment association, if Ordinance 21-30 was approved.

Ordinance 21-30 as amended
(cont'd)

Dixon addressed the perjury language which was not required to be in the form, and may have been left over from a former form. He said that language could be removed or adjusted.

Sgambelluri asked about a fiscal impact, staffing, and administration costs.

Zody said he would have to follow up on those details with council at a later date but that it would be managed by the rental specialists in HAND. He said there would not be additional staff.

Sgambelluri asked for a future fiscal impact statement stating what Zody just said. She also questioned if there was a need to postpone the consideration of Ordinance 21-30 or if there were timing concerns.

Zody said that September was approaching and the goal was to get education and communication out as soon as possible.

Sgambelluri asked if HAND would be alright with prolonging the consideration of the legislation a little bit.

Zody responded that it was up to council but that he believed staff could collaborate with stakeholders

Volan shared concerns that other councilmembers expressed. He said that it was possible to offer fixes to Ordinance 21-30 before recess. He asked Zody why inspections could not be scheduled over email.

Zody understood that the inspections could be scheduled via email.

Brent Pierce, Assistant Director of HAND, said that he saw daily email correspondence about scheduling inspections.

Volan asked if staff heard about complaints of spam filters and community members not receiving correspondence.

Pierce said that he had seen only about three issues involving spam out of many hundreds of emails.

Smith asked if Ordinance 21-30 could be tabled.

Flaherty explained the many options council could choose from. There was brief council discussion concerning scheduling.

Flaherty moved and it was seconded to postpone Ordinance 21-30 to the Regular Session on June 16, 2021. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to postpone Ordinance 21-30
[10:57pm]

LEGISLATION FOR FIRST
READING [10:59pm]

Flaherty moved and it was seconded that Ordinance 21-25 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 21-25 - To Establish the American Rescue Plan Act Fund ("ARPA Fund") Supporting the City of Bloomington's Recovery from the COVID-19 Pandemic

Sims referred Ordinance 21-25 to the Committee of the Whole on June 9, 2021 at 6:30pm.

Flaherty moved and it was seconded that Ordinance 21-28 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Sims referred Ordinance 21-28 to the Committee of the Whole on June 9, 2021 at 6:30pm.

Flaherty moved and it was seconded that Ordinance 21-29 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Sims referred Ordinance 21-28 to the Committee of the Whole on June 9, 2021 at 6:30pm.

There was no public comment.

Lucas reviewed the upcoming schedule. Sims stated that the public health emergency so council would meet virtually until the recess, and move to a hybrid schedule on July 21, 2021.

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

Ordinance 21-28 - AN ORDINANCE TO AMEND ORDINANCE 20-23 WHICH FIXED SALARIES FOR CERTAIN CITY OF BLOOMINGTON EMPLOYEES FOR THE YEAR 2021 - Re: To Change the Grade of Existing Positions in the Office of the Mayor, the Parks Department, and the Utilities Department and Revise Job Titles within the Police and Fire Departments and the Office of the Mayor to Better Reflect the Nature of Those Positions [11:01pm]

Ordinance 21-29 - Amending Ordinance 20-22 which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington for 2021 Re: Title Change for Fire Inspector [11:04pm]

ADDITIONAL PUBLIC COMMENT

COUNCIL SCHEDULE [11:04pm]

ADJOURNMENT [11:09pm]

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

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 06, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 06, 2022

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

ROLL CALL [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

Rollo moved and it was seconded to approve the minutes of January 05, 2022. The motion was approved by a voice vote.

APPROVAL OF MINUTES [6:34pm]

Piedmont-Smith mentioned her upcoming constituent meeting.

REPORTS

Smith reminded everyone of New Hope's upcoming ribbon-cutting.

- COUNCIL MEMBERS [6:35pm]

Flaherty noted his upcoming constituent meeting.

Rosenbarger also noted her upcoming constituent meeting.

- The MAYOR AND CITY OFFICES [6:37pm]

Mayor John Hamilton spoke about the history of the local option income tax and basic city services. He discussed the need to assure future residents that the city addressed challenges like climate crisis and equity and inclusion. He briefed council on the city's progress on providing excellent services including updating dispatch, police, and fire departments with council's support. To date, Bloomington was the only city in Indiana with a nationally accredited police force and top-ranked fire department with an Insurance Services Office (ISO) ranking of 1. That year was the fifth year in a row with zero fire fatalities. He commented on affordable housing, jobs, the Parks and Recreation department's receipt of two gold medals, growth in storm water and water works capital investments, sewer improvements, replacement of Bloomington Transit (BT) buses, upgrades to Bloomington Housing Authority's (BHA) units, and the implementation of the Climate Action Plan (CAP). Hamilton provided additional fiscal details and discussed Recover Forward plans, the budget process, bonds, and the Local Income Tax (LIT). He presented four key areas for LIT. First, critical public safety investments that were not covered in the ten-year capital plan. Second, investments to sustain other essential city services. Third, investments to prepare for and mitigate climate change including improved BT services and CAP. Fourth, investments to assure that Bloomington was a place of diversity, equity, and inclusion and provided additional details. He discussed bonds for council review, focused on local infrastructure needs to build back better. He summarized feedback from council and the public and said that the administration had listened carefully. He stated that the basic LIT had not been raised for thirty years, and Bloomington had one of the lowest overall tax rate of Indiana's large cities. He also commented on modest spending levels when compared to other Indiana cities, the responsible debt per capita, and the capacity to support the investments. He further explained the proposed general obligation bonds. The administration was open to future adjustment of priorities and continued feedback. Hamilton described the proposed LIT expenditures and provided details including funding for the Town of Ellettsville, Town of Stinesville, and Monroe County.

Volan asked about the proposed tax, spending, priorities, and tracking. He asked if the new source of revenue would be in a separate fund. He commented on the percentage going to BT and hoped it would be continued annually.

Council questions:

Hamilton confirmed there would be a separate fund, and would be appropriated through the budget process similar to the American Rescue Plan Act (ARPA). He described BT's plans and said that the plans would continue for multiple years. He stated that future councils or administration may decide on different priorities.

Rollo spoke about the new contract negotiated with the police union and asked why that essential city service was not anticipated sooner. He referenced the Novak report and said that the proposal needed to pass in order to fulfill the new contract obligation.

Hamilton stated that the administration had been working on improving public safety and had anticipated investments. The proposed LIT was an attempt to continue improving public safety. He commented on the Public Safety LIT (PSLIT) which was not to be used for personnel funding.

Rollo asked about additional new hires and projected numbers.

Hamilton stated that the tax would allow for regular growth of the police department but specific numbers were not available at the time. Also, the administration did not agree with all findings of the Novak Report.

Piedmont-Smith asked about the legal mechanism for making multiyear commitments.

Hamilton explained that the legal mechanism for the purchase or rehab of a facility was the debt financing, which was not typically true for other programs. He clarified that commitments set by the current council could be changed by a future council.

Piedmont-Smith understood that a one-time purchase was a capital expense, but that operation expenses had no future guarantee.

Hamilton spoke about public commitments and deferred to counsel.

Beth Cate, Corporation Counsel, said that there was a capital improvement plan that contained mechanisms requiring a duration period. Generally, LITs could be revisited by future councils.

Jeff Underwood, Controller, clarified that if bonds were issued for a specific plan then that part of the revenue stream could not be revoked by a future council. Any multiyear commitments that the city entered into would obligate future councils to fund them.

Sgambelluri thanked the administration for all the discussions. She asked about cutting costs as a way to meet obligations.

Hamilton responded that there had been cost cutting efforts like automating rental inspections, replacing a four-person, heavy fire engine crew with a two-person crew in a light SUV to respond to medical emergencies, sanitation improvement investments, and tripling the employee training as an investment in efficiency. He explained how most of the city budget was for employees.

Sims thanked Hamilton for the good communication. He spoke about a new revenue source, impacts on income within the community, and utility rate increases. He asked if future councils could rescind the tax, or portions of it and about absorbing recessionary pressures.

Hamilton acknowledged that future councils could adjust or rescind the LIT level. It was important to note Bloomington's tax rates, including the debt per capita, compared to other cities in

Indiana. He said the LIT was a prudent fiscal approach that also invested in the future. Also, the city had used rainy day funds during the previous two years, and even with that investment, the city was back up to about 33% balance in funds. New revenue would allow for a gradual buildup.

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

Smith commented on the negative effect from the tax increase, like on those with a fixed income and asked Hamilton's thoughts on that.

Hamilton reiterated what Bloomington's tax rate was compared to neighboring cities, and said that Indiana was also reducing state taxes. He said that state law prohibited progressive taxes and required a flat tax. Hamilton hoped council would support the economic equity piece of the proposal which assisted community members who would have a significant burden by the tax. He stated that there was \$1 million in the current proposal.

Sandberg mentioned the upcoming Jack Hopkins Social Services Funding (JHSSF) cycle.

- COUNCIL COMMITTEES [7:18pm]

Jen Pearl, President of the Bloomington Economic Development Corporation (BEDC), summarized eight key points in a memo regarding the greatest needs for investment in order to be transformative in the future. They included housing, workforce development, infrastructure, employment, access to opportunity, quality of life, public safety, public health, and promoting the community. She provided additional information.

- PUBLIC [7:19pm]

Greg Alexander spoke about the transportation implications of the historic designation of the Johnson Creamery. He commented on the closure of the B-Line trail and what routes pedestrians and cyclists were taking.

Peter Dorfman commented on the mayor's presentation regarding the LIT and urged council to listen to a wide variety of community members.

William Coulter discussed transparency at the city and referenced a public records requests. He stated that there was an inadequate level of transparency regarding the LIT.

Jeff Mease commented on his local businesses and shared their history. He spoke about the management fee which was 6.75%.

Alex Goodlad spoke about Indiana University graduate students' ongoing efforts to form a union. He referenced the difficulty in negotiating with the provost Eliza Pavalko. He urged the council and mayor to issue a statement in support of the graduate student coalition.

Jim Shelton spoke on behalf of Court Appointed Special Advocate (CASA) organization and stated that April was Child Abuse Prevention month. He referenced resources to help identify a child that may be in need of help. He urged the community to become CASAs and provided additional information.

Piedmont-Smith moved and it was seconded to appoint Emily Alford to seat C-1 and Tatiana Peters to seat C-4 as well as reappoint Katie Rodriguez to seat C-2 on the Commission on the Status of Children and Youth. The motion was approved by a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:37pm]

Piedmont-Smith moved and it was seconded to appoint Shawn Miya to seat C-4, upon the resignation of the current commissioner Colin Murphy later in the month, to the Commission on Sustainability. The motion was approved by a voice vote.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:38pm]

Rollo moved and it was seconded that Ordinance 22-05 be read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis. The committee do-pass recommendation was Ayes: 5, Nays: 0, Abstain: 1.

Ordinance 22-05 - To Vacate Public Parcels - Re: Two 16.5-Foot Wide Alley Segments Located Between West 1st Street, West 2nd Street, South Rogers Street, and South Morton Street (City of Bloomington Redevelopment Commission, Petitioner) [7:38pm]

Rollo moved and it was seconded that Ordinance 22-05 be adopted.

Scott Robinson, Director of the Planning and Transportation department, presented the legislation. He provided an overview and summary of the proposal and details of the master plan. He also summarized the history of the proposal.

Volan asked about staff's involvement in the renderings and design of the new neighborhood.

Council questions:

Robinson responded that the design was made by the master plan of the former hospital site, along with the base zoning. A consultant was hired to work with staff on the platting, with frequent collaboration with staff from Planning and Transportation, Engineering, Public Works, Parks and Recreation, and the Controller's office.

Volan asked for more details regarding the parklike component and where that idea came from.

Robinson explained that it came from the master planning process, and a recommended connection throughout the site for a slow neighborhood street. Staff used the Transportation Plan as a guide.

Volan asked outdoor dining in the planning and design.

Robinson stated that the sidewalks were wide and the zoning allowed for mixed uses like outdoor dining and provided additional details.

Volan asked why the plan did not require council approval.

Robinson explained that the plan was a report based on extensive community engagement and that timing also played a role. Also, the guiding documents were not specific like standards were.

Volan asked if other designs were considered and if there was a rush to move forward.

Robinson described the process with the design including complications and the decisions that were made. He believed that there was and provided details.

Rollo asked about the importance of maintaining a grid pattern of the urbanized area including alleyways. He stated that Robinson implied there were conflicts due to the scale of the large buildings. He wondered if Planning and Transportation staff thought it was important to maintain the grid pattern including alleys that were useful for bicyclists and pedestrians.

Robinson said that broadly speaking, alleys were important, but there were many that were not improved across the community. The unimproved alleys contained encroachments, trees, et cetera. He said that staff liked to preserve the right of way and discussed the lack of connectivity of existing alleys and the mobility challenges

Ordinance 22-05 (cont'd)

of alleys. He displayed an image showing the lack of connectivity with alleys near the site.

Flaherty asked if the goal was for developers to build something similar to the rendering including the ways that buildings faced.

Robinson stated that the rendering was only for context and there was no design yet. He explained that the lots were not large and the zoning allowed for mixed uses.

Flaherty was concerned about the lack of alleys and discussed reducing drive cuts and having buildings front on the street with parking in the back. He asked if surface lots fronting on the street were permitted and for further clarification and referenced the aerial view.

Robinson explained that it was taken from the master plan with the effort to show density and scale and it did not reflect a zoning ordinance. He clarified that parking lots would not be allowed in front of buildings and added that there would be a parking structure that would remain on the former hospital site. Robinson explained that the goal was to create as much affordable housing as possible, and that adding alleys, et cetera, would reduce the amount.

Flaherty asked if the rest of the former hospital site had been platted and if there was any intent to include alleys.

Robinson responded that there was not that level of detail yet.

Piedmont-Smith said there were two areas of the site that would not be owned by the city including Centerstone and St. John Associates. Both had parking lots that could not be changed.

Robinson confirmed that was correct, as well as a parcel to the northwest. He said there were ongoing negotiations with Centerstone.

Flaherty asked what council's role was as the site was developed and if it could require alleys, for example.

Robinson said that future funding could impact development, as well as the council representative on the Plan Commission. He said it was important to be cognizant of the operation and maintenance costs of rights of way. Robinson provided additional details.

Rollo asked about accessibility and impacts of a monolithic, block-long building without access for bikes and pedestrians. He asked if the alley vacation request could have been brought to council sooner.

Robinson stated that usually a developer would bring forward alley vacation requests and not the city. His understanding was that through due diligence the timing resulted as it had.

Andrew Cibor, City Engineer, explained that the timing of the alley vacation request could not have happened sooner because the city had only recently acquired it.

Rollo stated that he considered alley vacations important and preferred to consider them without surrendering costs to other needs, like design.

Volan asked why there would be any parking requirements in a city controlled, new neighborhood.

Robinson said it was based on the zoning district and once the property was transferred to the city and development started, then the city could negotiate with developers.

Volan stated that the city was not stopping a developer from adding parking but was not requiring it either.

Robinson referenced the standards in the Unified Development Ordinance (UDO) and said he could not speculate what kind of project would be proposed.

Volan asked if the UDO permitted there being no alleys in a new neighborhood.

Robinson explained that the UDO did not require alleys but did require street connections.

There were no public comments.

Volan stated that he would make a motion to send Ordinance 22-05 to a third reading because there were still open questions including who had authority over the site. He described the omission of council in the design and planning for the new neighborhood and the repercussions as he saw them. He said the urgency was created by the decisions of the administration and that he would be voting against the legislation if final action was to be taken that evening.

Rollo said that there were good aspects in the plan but additional details were necessary. He wondered if more pedestrian access like alleys could be included. He did not know enough about the plan and had only seen renderings. He would support a third reading.

Flaherty intended to vote no on Ordinance 22-05 and said there was no way for council to weigh in on the plan other than to vote against the current proposal. He explained that excluding platted alleys was contrary to the Comprehensive Plan goals and said that someone could buy multiple lots, combine them, and build a large building similar to Smallwood on College Avenue. He believed that without alley requirements there was the potential for a monolithic building. Alleys limited the lot size and there could be multifamily, dense housing that was engaging for pedestrians. He provided additional details including eliminating drive cuts, having parking in back of buildings, and more.

Volan moved to postpone Ordinance 22-05 to the next Regular Session.

There was brief council discussion.

Volan moved and it was seconded to postpone Ordinance 22-05 to the Regular Session on May 04, 2022.

Rosenbarger asked if the purpose of postponing was to work with city staff or to allow council more time to consider the proposal.

Volan said that the goal was to include council in the planning of the development of the former hospital site and that a meeting between delegates of council and the administration was ideal.

Smith asked what council would be looking for in the delay and asked for further clarification.

Piedmont-Smith asked Robinson what the impact would be in postponing Ordinance 22-05.

Robinson said that he would not be able to attend the meeting if the legislation was postponed due to personal reasons. He asked for clarification on the expectation with postponing. He said that the city did not give up alley right of way easily and explained that it was a unique situation.

Volan explained that council had not had input regarding the vacation of alleys or the planning of the site aside from having a

Ordinance 22-05 (cont'd)

Public comment:

Council comments:

Motion to postpone Ordinance 22-05

Council questions:

councilmember on the Plan Commission. He questioned the design being tied directly to the alley vacation.

Robinson clarified that drafting the Hopewell master plan had been a public process and included councilmembers, and was presented publicly. He urged council to limit their decision to the renderings since the city did not own the property yet. Staff was happy to have discussion with councilmembers about design plans moving forward.

Sims commented that he did not necessarily need additional time to consider Ordinance 22-05.

Rollo said that council was unsatisfied with the proposal due to the potential for monolithic streetscape. The discussion that evening was council’s first action on the process. He thought it was a good idea to continue discussing the site plans.

The motion received a roll call vote of Ayes: 3 (Rollo, Rosenbarger, Volan), Nays: 6, Abstain: 0. FAILED

Ordinance 22-05 (cont’d)

Vote to postpone Ordinance 22-05 [8:38pm]

Flaherty clarified that he was not concerned with the renderings but was with the public improvements. He agreed the alley vacations would be necessary but they should be part of a comprehensive set of actions. He realized there was a cost associated with the postponement but it was worth it because it was a one hundred year plus investment in the city, for example. Replicating the very successful scale of historic urban form was best in that part of the city but the current plan did not do that. He said that guidance was both relevant and irrelevant and that he did not approve of there being zero alleys in the former hospital site.

Council discussion:

The motion to adopt Ordinance 22-05 received a roll call vote of Ayes: 4 (Piedmont-Smith, Sgambelluri, Sims, Smith), Nays: 5, Abstain: 0. FAILED

Vote to adopt Ordinance 22-05 [8:39pm]

Rollo moved and it was seconded that Ordinance 22-06 be read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis. The committee do-pass recommendation was Ayes: 6, Nays: 0, Abstain: 0. The committee do-pass recommendation for Amendment 02 was Ayes: 2, Nays: 4, Abstain: 0.

Ordinance 22-06 - To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Johnson’s Creamery Historic District [8:40pm]

Rollo moved and it was seconded that Ordinance 22-06 be adopted.

John Zody, Director of the Housing and Neighborhood Development (HAND) department presented Ordinance 22-06. He provided an update including the history of the process, details on the smokestack, the Certificate of Appropriateness, and a map passed by the Historic Preservation Commission (HPC).

Gloria Colom Braña, Historic Preservation Program Manager, in HAND presented the Johnson Creamery’s nomination for historic designation. She provided background including the history of the structure, the nomination process, the boundary of the property as approved by the HPC, historic district criteria, and its historic significance.

Piedmont-Smith moved and it was seconded to adopt Amendment 03 to Ordinance 22-06. Piedmont-Smith presented Amendment 03.

Amendment 03 to Ordinance 22-06

Amendment 03 Synopsis: This amendment is sponsored by Cm. Piedmont-Smith and would amend the boundary of the proposed historic district to refine the demarcation between what is intended to be two separate parcels in the future.

Sgambelluri asked if the boundary gave enough of a buffer around the smokestack so that new development would not encroach on it.

Council questions:

Zody confirmed that there was enough of a buffer and stated that staff was not concerned about the west side.

Colom Braña clarified that there was some of the historic curb that would be outside of the boundary.

Sgambelluri asked about the height of the historic designation.

Zody confirmed that the entire smoke stack was included in the historic designation.

Colom Braña stated that was correct.

Volan asked for clarification on the curb that was excluded and what made it historic.

Colom Braña explained that it was an area just west of the smoke stack and that while it was not made of a noble material as defined by architects, it was part of the original landscaping and functional exterior area. She said the reason it was being excluded was due to the proposed development.

Rosenbarger asked about the shed that was next to the smoke stack that was in the middle of the property line. She asked what happened when the boundary line went through a structure.

Colom Braña responded that it was designed for the AT&T infrastructure and was part of the recent history of the smokestack. She was not sure what the current owners would do with the shed but that it was a non-contributing structure.

Michael Cordara, representative of Peerless Development, commented that the intention was to remove the shed since AT&T was vacating the building. It would be removed along with the partial demolition of the smokestack. He noted the boundary extended further to the east and north due to a box culvert and the city had an easement along the entire culvert.

William Coulter spoke about the history of the Von Lee theater, the Ritz theater, and the area surrounding the structures. He encouraged council to vote no on Amendment 03.

Public comment:

Duncan Campbell explained the details regarding the complications with the boundary line and spoke in favor of Amendment 03.

Karen Duffy supported the local designation of the Johnson Creamery and thanked council for their interest in the designation. She said supported Amendment 03.

Olivia Dorfman hoped council would support the historic designation of the Johnson Creamery.

Janet Sorby asked council to support the historic designation of the Johnson Creamery but not Amendment 03 and provided reasons.

Cynthia Bretheim discussed her concerns with building a large structure on the site. She asked council to accept the larger boundary in the original HAND map and reject Amendment 03.

Natalia Galvan urged council to approve the local historic designation, and thanked councilmembers for their time on the topic. She commented on Peerless Development’s rendering, guidance for protecting open space around historic structures.

Ordinance 22-06 (cont’d)

Michael Cordaro thanked everyone for their time and efforts. He explained that the proposed building had been approved by the Plan Commission and urged council to support Amendment 03.

The motion to adopt Amendment 03 to Ordinance 22-06 received a roll call vote of Ayes: 8, Nays: 1 (Rollo), Abstain: 0.

Vote to adopt Amendment 03 to Ordinance 22-06 [9:26pm]

There was no council questions.

Council questions:

There were no public comments.

Public comment:

Volan thanked council and the public for their input. He felt that a compromise had been attained.

Council comments:

The motion to adopt Ordinance 22-06 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-06 as amended [9:27pm]

LEGISLATION FOR FIRST READING [9:28pm]

Rollo moved and it was seconded that Ordinance 22-12 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 22-12 – To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Rate Adjustment) [9:28pm]

Lucas noted that Ordinance 22-12 and supporting materials were omitted from the packet published the previous Friday. He apologized for the oversight.

Sandberg referred Ordinance 22-12 to the Committee of the Whole on April 13, 2022.

Rollo moved and it was seconded that Ordinance 22-13 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 22-13 – Authorizing the Issuance of the City of Bloomington, Indiana, General Obligation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality of Life Improvements for all City Residents [9:30pm]

Sandberg referred Ordinance 22-13 to the Committee of the Whole on April 13, 2022.

Rollo moved and it was seconded that Ordinance 22-14 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 22-14 – Approving the Issuance of the City of Bloomington, Indiana Park District Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Park Purposes, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality Of Life Improvements for all City Residents [9:31pm]

Sandberg referred Ordinance 22-14 to the Committee of the Whole on April 13, 2022.

There were no additional public comments.

ADDITIONAL PUBLIC COMMENT [9:32pm]

Lucas reviewed the upcoming schedule and there was brief council discussion.

COUNCIL SCHEDULE [9:33pm]

Volan moved and it was seconded to cancel the work session for April 08, 2022. The motion was approved by a voice vote.

Vote to cancel Work Session [9:35pm]

Rollo moved and it was seconded to adjourn. Sandberg adjourned the meeting.

ADJOURNMENT [9:36pm]

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

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 20, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 20, 2022

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

ROLL CALL [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:31pm]

Flaherty spoke about the Community Health Improvement Plan, including Indiana University Health, Monroe County Health Department, City of Bloomington Health Net, and Community Voices for Health, and listed upcoming community opportunities to participate in the group's think tank meetings.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Rollo recognized Earth Day and humanity was drawing down on Earth's resources. He said that climate crisis was a symptom of the larger problem of expanding the human footprint that exceeds the regenerative capacity of the planet. He called for reducing impact and not relying on a growth paradigm.

Sandberg noted the passing of David Walter and discussed some of his contributions to Bloomington.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:38pm]

There were no council committee reports.

- COUNCIL COMMITTEES [6:38pm]

Antonia Matthew read a poem by Nancy Chen Long, from her book titled, "Light Into Bodies," in celebration of Poetry Month.

- PUBLIC [6:38pm]

Jim Shelton spoke about the Court Appointed Special Advocate (CASA) and upcoming training, application, and responsibilities. He explained the urgent need for additional CASAs.

Greg Alexander commented on the projects that were presented to the Plan Commission the previous week. He discussed problematic areas on Walnut Street and Walnut Street Pike.

Stephanie Hatton spoke about the risk at the intersection of Maxwell and Sheridan and the need to place a stop sign there.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:54pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:54pm]

Rollo moved and it was seconded that Ordinance 22-12 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 8, Nays: 0, Abstain: 0.

Ordinance 22-12 – To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Rate Adjustment) [6:55pm]

Rollo moved and it was seconded that Ordinance 22-12 be adopted.

Vic Kelson, Director of Utilities Service Center, presented the legislation and said that the legislation requested a decrease in the water rates due to a change in Indiana law. The decrease needed to be filed with the Indiana Utility Regulatory Commission by May 1. There would not be an impact to the service provided by Utilities.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

Sandberg appreciated reducing taxes without impacting the budget.

Council comment:

The motion to adopt Ordinance 22-12 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-12 [6:58pm]

Rollo moved and it was seconded that Resolution 22-10 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis. There was no do pass recommendation.

Resolution 22-10 – Resolution in Support of the Indiana Graduate Workers Coalition-United Electrical Workers [6:59pm]

Rollo moved and it was seconded that Resolution 22-10 be adopted.

Sgambelluri recused herself from the discussion and vote on Resolution 22-10 due to her employment at Indiana University (IU).

Piedmont-Smith read Resolution 22-10. She thanked the IU Graduate Workers for their assistance on the legislation.

Rollo appreciated Flaherty and Piedmont-Smith for allowing him to be a cosponsor. He spoke about his time as a graduate student at IU, his support for organizing for collective bargaining for better wages, and the consideration of creating a commission on labor. He also spoke about the report from the College of Arts and Sciences Task Force and stipends, room and board, and the living wage calculator for Monroe County. He explained that IU attempted to remedy the issues but the efforts were minimal. Rollo provided additional details and some concerns facing graduate students. He stated that IU should recognize the union and bargain in good faith, and urged faculty to sign a neutrality statement and not participate in any sanctioning of graduate students that were striking.

There were no council questions.

Council questions:

Nora Weber spoke about the number of students in support of the union, and their desire to have appropriate compensation. She commented on the strike, and the history of attempting to work with IU’s administration for good faith bargaining.

Public comment:

Resolution 22-10 (cont'd)

Alex Goodlad supported Resolution 22-10 and appreciated the support from council. He thanked Mayor John Hamilton and Piedmont-Smith for attending the picket line.

Sabina Ali discussed the value of graduate students at IU and the difficulties they faced due to being paid a below-poverty wage. She explained the reason for unionizing and appreciated council's support.

Nathan Schmidt spoke about his experience as a graduate student and parent. He commented on the difficulties of raising a young child while in a doctoral program with low wages, and on the difficulties in effecting change at IU.

Sharif Wahal represented the international graduate student community and provided information on the duration of time spent at IU, the lower-than-living wages paid to them, and the extra fees that international students were required to pay. IU had the highest fees amongst the Big Ten schools, according to a 2022 study. He said that they were also restricted from obtaining additional jobs.

Denizhan Pak clarified some misconceptions about graduate students. He listed some efforts in the community by graduate students including the Adult Literacy program at the Monroe County Public Library (MCPL) and more. He hoped council would vote in support of Resolution 22-10.

[Inaudible] Tiang spoke about their efforts in communicating with faculty and departments about the union. They were grateful that many were standing with them. They said that educational funding from undergraduate students and donors, and how that funding was distributed, needed to be invested into students for practicum, travel for training, research, and conferences, and not on architecture for the tourists. It could also be used to support students for the two months out of the year that they were not paid.

Robert Deppert spoke about his father's experience in organizing the Communication Workers of America at IU. He explained that there was no reason for IU to deny the right to organize. Graduate students deserved the right to fair wages for their labor.

Piedmont-Smith stated that she worked in IU's French and Italian department and with graduate students who worked very hard. She said nearly all of the graduate students had to take a student academic appointment in order to afford living while pursuing their studies. The department relied almost entirely on graduate students to teach the basic language courses, and some advanced classes, and that the department would not exist without graduate students. They were very committed instructors and cared deeply about their students, despite the recent stress of the pandemic. She explained that about half of the graduate students were international and struggled paying their bills and additional fees which were concerning Piedmont-Smith stated that she had seen multiple times where IU formed task forces or did studies over the years and understood why the graduate students were taking the steps to unionize. She was pleased with their leadership, organizational skills, and their courage in forming the union.

Council comment:

Smith strongly supported the ability of graduate students to organize. He was stunned that IU would not recognize the union. He iterated the effectiveness of unions.

Rollo spoke about the unspoken policy of IU not providing sufficient housing for undergraduate students, which forced them to rent in the community. That drove costs of rent up which also affected graduate students. He believed that, in part, IU was responsible for some of those repercussions. It was important to raise the wage floor in the community and the union was one means of doing so. Recognizing the union and establishing fair wages was imperative. Resolution 22-10 (cont'd)

Sims congratulated those who were close to finishing or making progress in their academic studies. He was happy to support Resolution 22-10. Sims said that his parents were members of the United Automobile, Aerospace, and Agricultural Workers of America (UAW) union in Detroit, Michigan. He explained safety concerns on the line in the factories, and the creation of Occupational Safety and Health Administration (OSHA). He commented on this thirty-three years of working at IU as middle-management. He served on the IU Bloomington Professional Staff Council which he believed was put in place to inhibit staff from organizing. He commented on Indiana's laws regarding striking by CWA or UAW members. He hoped their efforts would be successful.

Rosenbarger valued the right to organize and collective bargain. She had worked for the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) for many years, post law school. She provided reasons on the effectiveness of organizing and its positive effects on the workplace, families, communities, and low-wage workers. She emphasized that the key focus was on working students, regardless of their background, who contributed to the community. She was hopeful and excited for the students to come out successful and not feel like second class residents of the city.

Volan commented on his experience as a graduate student. He said the problem was that universities assumed that students were children. He spoke about pursuing degrees, which should be considered work. The word student had a bias built into it, and saying that students were not laboring was unjust. That labor deserved a living wage. Without graduate students as Associate Instructors (AI), universities would have to hire instructors. He said in the English language students were perceived as children. If students were not adults, then perhaps IU was violating child labor laws. He noted that several public speakers referred to themselves as graduate workers, and not students. Volan also spoke about how the National Collegiate Athletic Association (NCAA) did not allow student athletes to make money off their likeness because that kind of work did not really count, though it was well known that it did. He said that the formation of a graduate workers union was long overdue. Volan supported Resolution 22-10.

Flaherty appreciated the comments of councilmembers and fully supported Resolution 22-10. He reflected on his tenure on council and an early conversation about improving conditions for the residents of Bloomington. He considered wages and costs, and noted council had policy tools to help facilitate improvements, but had a harder path with increasing wages. There were tax incentives for employers, and large economic partners, who could actively advocate for living wages and collective bargaining rights. It made sense for the mayor and council to support the right of all residents to organize and collective bargain. He said the private sector should also advocate for organizing and collective bargaining. He expressed his frustration with resolutions, which were only advisory, and that it would be ideal to have the Bloomington Economic Development

Corporation (BEDC) and the Greater Chamber of Commerce to also express support, though they had opted not to do so. It was clear where council stood, though there was a limit to what council could do. He encouraged others, including local business owners, to support the unionizing efforts and for good working conditions for all in Monroe County.

Resolution 22-10 (cont'd)

Sandberg stated that her parents were both teachers and that she came from a union family. She supported the graduate workers and their efforts to form a union and engage in collective bargaining. She was hopeful and encouraged IU not to terminate any organizer. Not only did graduate workers work at IU, they also participated in the community and she appreciated that.

The motion to adopt Resolution 22-10 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Sgambelluri recused).

Vote to adopt Resolution 22-10 [7:51pm]

Rollo moved and it was seconded that Ordinance 22-13 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis giving the committee do-pass recommendation of Ayes: 6, Nays: 0, Abstain: 2. The do-pass recommendation for Amendment 01 received a roll call vote of Ayes: 5, Nays: 0, Abstain: 3.

Ordinance 22-13 - Authorizing the Issuance of the City of Bloomington, Indiana, General Obligation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality of Life Improvements for all City Residents [7:52pm]

Rollo moved and it was seconded that Ordinance 22-13 be adopted.

Mayor John Hamilton presented the legislation. He said there were two proposed General Obligation bonds, with a small increase to city property tax rates, to support \$5 million dollar infrastructure improvement related to parks and public works with a continuation plan every five years. He summarized the improvements and investments in the community's infrastructure and noted benefits like equity and sustainability. He provided information regarding tax rates for Bloomington and comparisons, regionally. He welcomed questions and feedback, and thanked councilmembers for their consideration and collaborations.

Smith said two constituents had raised concerns about raising taxes resulting in them possibly leaving the city.

Council questions:

Hamilton said that if the bonds were approved, Bloomington would remain a moderate tax jurisdiction in a very low tax state. The improvements helped keep Bloomington a great place to live.

Smith asked what would happen to the funds if the project could not be completed because it was too expensive.

Hamilton said that the proposed list was purposefully larger than the funds that would be bonded and were listed in a priority order. The funds would be fully used. There was also a legal component about unused funds.

Beth Cate, Corporation Counsel, explained there was a special fund that would be created for the bonds. Any balance remaining in the project fund, after the project's completion, which was not required to meet unpaid obligations, might be used to pay debt service on the bond, or used as permitted by law. She noted that the administration would return to council in that case.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 22-13.

Amendment 01 to Ordinance 22-13

Amendment 01 Synopsis: This amendment is sponsored by Cm. Flaherty and Cm. Piedmont-Smith and would remove certain items from the list of projects eligible for funding with proceeds of the

proposed 2022 Bonds. It would also reorder the remaining items, increase the minimum cost estimate for one item, and insert language to make clear that the projects are listed in order of priority.

Amendment 01 to Ordinance 22-13 (cont'd)

Flaherty presented Amendment 01 and summarized the projects that would be struck and those that would remain. He explained the reason for Amendment 01 arose from budget conversations the previous year where councilmembers advocated an increase, on an annual basis, dedicated to sustainable transportation infrastructure. It was not an effort to discredit the other projects as unworthy or not important. He provided additional reasons for Amendment 01.

Rollo asked what other funding opportunities there were for the projects proposed for removal.

Council questions:

Flaherty said that the administration might be better able to answer, but that there were likely different mechanisms for each projects. He suggested guarantee-energy contracts for energy efficiency, other types of bonding or annual allocation of new revenue for fleet updates, and more. He explained that another item that was being considered that evening was an annual proposal for an increase in the Local Income Tax (LIT) rate to support climate action proposals. Flaherty believed that those types of expenditures provided savings which could be earmarked to create a feedback loop of investments on energy-efficiency.

Hamilton said that the list as presented reflected a detailed process that had identified and prioritized around plans and leveraged opportunities. The goal was to move forward on an alliance with department goals and capacities, as well as recognize council's feedback and potential reorganization of the projects.

Rollo said that some of the projects proposed to be removed would pay back over time, like composting yard waste, or energy retrofits for buildings. He asked what could be lost by not funding those types of projects.

Adam Wason, Director of Public Works, responded that there were cost savings that would be lost if not funded by the bonds, but that there were other possible funding mechanisms, as Flaherty stated. There were immediate needs and while staff did not want the projects to be removed, staff would figure out a solution.

Rollo said that the city paid for yard waste removal.

Wason clarified that the proposed facility project would not meet all of the city's needs right away, but would meet sanitation yard waste needs. The leafing program would need a larger facility up front. The city would continue to pay as had been done in the past.

Rollo stated the waste would not be landfill.

Wason confirmed that was correct.

Sims asked if the administration supported Amendment 01.

Hamilton stated that the administration had presented a balanced list of priority, but had also agreed to obtain feedback from council with the ability to change the proposal.

Rollo asked about the proposed High Street path and if there was sufficient right of way space.

Wason responded that there were areas that would need to be acquired.

Rollo stated that those areas would need to be purchased, and if they could not be, then eminent domain would be used.

Andrew Cibor, City Engineer, stated that right of way would absolutely be necessary. He could not speak to the specifics at the time but all would be explored during the design phase. It would

include robust public engagement. He clarified that in his tenure, the city had always been able to resolve disputes in a productive way. There was a defined process for a project like the proposed High St project.

Amendment 01 to Ordinance 22-13 (cont'd)

Rollo asked what role council would play in the implementation of the side path.

Cibor responded that staff would work with council on public engagement, and request feedback from council, and if code needed to be amended, then that would be sent to council.

Rollo asked if there would be an appropriation ordinance.

Cibor understood the proposed bond provided the local match and would go through the Metropolitan Planning Organization (MPO) and would not be part of a budget process.

Rollo said that council's consent would be complicit through the passing of Ordinance 22-13.

Jeff Underwood, Controller, stated that the legislation was the issuance of the bonds as well as the appropriation of the funding. Federal funding did not require council to consider an appropriation ordinance.

Volan asked for clarification on the specific project being discussed.

Cibor clarified that much of the multiuse path had been constructed, from Childs Elementary area to Arden Drive, but the project was still active. It was called Jackson Creek Phase II.

Piedmont-Smith asked if it was accurate, as Underwood stated, that appropriation ordinances were not needed because it was a local matching of federal funds, which was true for all of the projects on the list.

Underwood confirmed that was correct. There was specific language on how to spend the money once it was received.

Jean Simonian lived on High Street and pointed out that it had fully contiguous sidewalks on the east side from Childs Elementary to 3rd Street. The project required tearing up of those sidewalks. She did not support the project and provided her reasoning.

Public comment:

Piedmont-Smith said that she had grown up on High Street and there were monolithic sidewalks back then. The sidewalks were very old and not safe, and had a lot of high speed traffic. She said that replacing the sidewalk with a multiuse path would increase usage by all ages and abilities, and would make a positive impact on climate change mitigation. It had been a long standing problem that the long stretch of a very busy road way did not have a separated sidewalk or bicycle pathway. She supported Amendment 01.

Council comment:

Rollo said that the projects removed in Amendment 01 had a potential for paying back over time, and that for example, building efficiency, and composting yard waste were very important. He would not support Amendment 01.

Flaherty explained that the number of projects exceeded the \$5 million and all of the projects were worthy. It was a question of focusing on sustainable transportation infrastructure. He said that because other projects would be able to pay for themselves over time was precisely why other funding mechanisms made more sense. He recalled council's consideration of banning bicycles from sidewalk three years ago, and that then councilmember Andy Ruff had used High Street as an example of why bicycles needed to use the sidewalk. Ruff had said that the sidewalks were underused and the street was not safe. Flaherty explained that it was not an

ideological wish list but rather the city's adopted transportation plan as incorporated by reference to the Comprehensive Plan, which statutorily guide to land use and development.

Amendment 01 to Ordinance 22-13 (*cont'd*)

Sandberg stated that the administration compiled a good list of projects, but that buffers were needed because some projects would be more feasible or other funding might be ideal. She preferred to keep the list as presented in Ordinance 22-13 and would be voting against Amendment 01.

The motion to adopt Amendment 01 to Ordinance 22-13 received a roll call vote of Ayes: 5, Nays: 4 (Rollo, Sandberg, Sims, Smith), Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 22-13
[8:29pm]

Stephen Lucas, Council Attorney, stated that the public comment period counted as the required public hearing because it was also an appropriation.

Joseph Wynia supported and appreciated the issuance of the bonds. He hoped that the city would continue to seek means to achieve sustainability improvements. He said that his remarks also applied to Ordinance 22-14 with the proposed LIT increase.

Public comment:

Volan asked for clarification on the actual costs and how funding of projects would proceed, like the High Street project.

Council comments:

Cibor responded that realistically, the High Street project could be done for \$2.5 million. It also depended on design and community feedback. He noted that, in the current construction bidding environment, it was extremely difficult to predict the costs.

Volan asked if there was a way to introduce a few different proposals for public review.

Cibor stated that it was key to present the different options with pros and cons with high-, medium-, and low-options.

Volan asked what would happen if there was a delay from when the cost was shown to the public and actual construction. He also asked when staff expected to begin the public process.

Cibor responded that staff would do their best to present its best estimate of construction costs with information they had, but know it was subject to change. Staff had been waiting to see what happened with the bonds, but that it would be about six months out at the earliest.

Underwood responded that for the High Street project and the possibility of it using all the funding, staff would hold on the other projects until there was confidence in the actual cost of the project. It was important to have a reserve for unknown construction complications.

Rollo appreciated the proposal but was troubled by the High Street project because approving Ordinance 22-13 circumvented further input from council. He had trepidations about the acquisition of property and the lack of resident involvement at the time. He recognized the inadequacy of the current sidewalk, but was troubled by the process. He would vote against Ordinance 22-13.

Volan stated that the consideration of the legislation was involving the public. He asked if it was only the residents immediately affected by the construction who should have a say. He reiterated that the meeting was the official public hearing for the bond.

Rollo said there were ambiguities and the affected residents may not be aware since the land needed had not been identified. He was

uncomfortable with that ambiguity as well as limiting council’s involvement with the projects in the future.

Ordinance 22-13 as amended (cont’d)

Volan appreciated Rollo’s comments and shared the concern of limiting council’s involvement. He did not expect eminent domain to play a large role in the High Street project. He welcomed Rollo’s suggestion of a better process as this type of legislation had been done in the past and would be done in the future.

The motion to adopt Ordinance 22-13 as amended received a roll call vote of Ayes: 8, Nays: 1 (Rollo), Abstain: 0.

Vote to adopt Ordinance 22-13 as amended [8:42pm]

Rollo moved and it was seconded that Ordinance 22-14 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis giving the committee do-pass recommendation of Ayes: 4, Nays: 0, Abstain: 4. The do-pass recommendation for Amendment 01 received a roll call vote of Ayes: 4, Nays: 0, Abstain: 4.

Ordinance 22-14 – Approving the Issuance of the City of Bloomington, Indiana Park District Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Park Purposes, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality Of Life Improvements for all City Residents [8:43pm]

Rollo moved and it was seconded to adopt Ordinance 22-14.

Beth Rosenbarger, Assistant Director of Planning and Transportation, summarized certain projects outlined in the bond including the goals and costs.

Tim Street, Operations and Development Division Director in Parks and Recreation, also summarized certain projects in the proposal.

Flaherty moved and it was seconded to adopt Amendment 01 to Ordinance 22-14.

Amendment 01 to Ordinance 22-14

Amendment 01 Synopsis: This amendment is sponsored by Cm. Flaherty and Cm. Piedmont-Smith and would remove certain items from the list of projects eligible for funding with proceeds of the proposed 2022 Bonds. It would also reorder the remaining items and insert language to make clear that the projects are listed in order of priority.

Flaherty explained the process for determining priorities including accessibility, safety of all road users and especially more vulnerable users, network connectivity, number of potential users, greenhouse gas reduction potential, and project phasing in adopted city plans. He summarized the proposed changes.

Volan asked for staff input.

Council questions:

Hamilton said that staff had presented a balanced and prioritized list and understood that council may have differing views.

Sgambelluri asked for clarification on the matching dollars in the proposal by staff, for example West 2nd Street.

Cibor stated that the number for West 2nd Street was a firm number.

Rollo asked that since Amendment 01 removed the phasing out of gas-powered equipment, if it was an impediment for upcoming legislation.

Alex Crowley, Director of Economic and Sustainable Development, stated that it was not an impediment.

There was no public comment.

Public comment:

Sgambelluri thanked the sponsors and the administration for its engagement with council. She was inclined to place a greater emphasis on the North Dunn Street project which was not served by public transit and was high density. She was satisfied with the West 2nd Street project with its matching funds. She looked forward to investments across the city and had long argued that the North Dunn area was underinvested in.

Amendment 01 to Ordinance 22-14 (*cont'd*)

Council comment:

The vote to adopt Amendment 01 to Ordinance 22-14 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 22-14 [8:59pm]

Rollo asked staff to clarify why the North Dunn Street multiuse path project was challenging.

Council questions:

Beth Rosenbarger stated that it was specifically the topography and that half of the project needed to acquire right of way. The terrain by Griffy Lake was challenging.

Rollo asked if the path would be close to homes and if the project was feasible. He also asked if there would be crosswalks.

Beth Rosenbarger explained that the design-typical was to have a five foot tree plot between the street and the path, and a ten foot path. She noted that on the east side, the homes were very set back. She said that the project was feasible and that more information would be garnered in construction design. She provided additional considerations and said that crosswalks were typically included.

Sandberg asked staff when public engagement would begin.

Beth Rosenbarger stated that the Engineering Department led public engagement. There would likely be a neighborhood focused meeting, signage, and more, and council would also be included.

Cibor concurred and stated that council would be kept up to date.

Leslie Slone opposed the multiuse path on North Dunn and noted quality of life, safety, and security. She stated that "if you build it, they will come." She said that there was potential to greatly infringe on her property especially on the west side.

Public comment:

Sgambelluri was enthusiastic about the bonds and the projects. She looked forward to public engagement. She said that the design was critical to the success of the projects.

Council comments:

Smith said there were many great projects, but that the concerns were legitimate since there were many unknowns. He asked staff to take into consideration that there was more space on the east side of North Dunn Street.

The motion to adopt Ordinance 22-14 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-14 as amended [9:11pm]

Rollo moved and it was seconded that Resolution 22-09 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis. There was no do pass recommendation.

Resolution 22-09 – Resolution Proposing an Ordinance to Modify the Monroe County Local Income Tax Rate, Allocate the Additional Revenues to Economic Development and Cast Votes in Favor of the Ordinance [9:12pm]

Rollo moved and it was seconded that Resolution 22-09 be adopted.

Hamilton provided a brief summary of Resolution 22-09 since it had been greatly covered in previous meetings.

Sgambelluri asked about the interplay between the proposed expenditures for public safety and the Public Safety Local Income Tax (PSLIT).

Council questions:

Resolution 22-09 (cont'd)

Underwood stated there were three categories under the Local Income Tax (LIT); certified shares, economic development, and public safety. He explained the current rates. Each category had its own distribution methods. Underwood explained hypothetical funding distributions based on the unadjusted levy on each unit. He iterated the complexity of the distribution requirements and the impacts changes would have.

Sgambelluri asked if it would be less reliable to rely on PSLIT.

Underwood confirmed that was correct.

Volan stated that council received a letter from the Public Transit Corporation Board (PTCP) discussing the potential for funding from the LIT. He asked what leverage local dollars had over federal dollars.

John Connell, General Manager of Bloomington Transit (BT), said a bipartisan infrastructure bill passed in congress appropriating discretionary funding for a variety of public transportation projects. In order to secure that funding, there needed to be a local match.

Volan asked what the ratio was.

Connell explained that it was 80/20 match for capital projects.

Volan asked if that also applied to increasing service.

Connell said it would be under a different pot of money but could use up to 50% of federal funding. He said that money was formula based and the city could not exceed 50% of the cost.

Volan asked what percentage of the budget was federal funds. He also asked for further clarification about how many projects were capital expenses.

Connell said that with Coronavirus Aid, Relief, and Economic Security (CARES) Act monies, it was about 100%. He clarified that each project had capital component. He provided examples.

Volan asked if the cost included improvements to rights of way.

Connell responded no and explained some examples from the projects.

Volan stated that the city could do more if they received federal dollars matched locally.

Connell confirmed that was correct. He said if there were those dedicated revenues, the city's position was much stronger.

Sandberg read from the letter sent by PTCB and stated that there were many things required prior to initiating the projects.

Connell responded that the PTCB had met the previous evening and that the goal was to make it clear that some of the projects would take a significant amount of time to launch. There was a process in place to ensure that the projects were successful. He provided the example of purchasing a new vehicle which would take up to seventeen months to receive.

Piedmont-Smith understood from the PTCB letter that a long term commitment from the city would be helpful for developing the projects. She asked what mechanism the city could use to guarantee a multiyear commitment to PTCB, and if the administration was willing to commit to multiyear funding.

Underwood stated that for any multiyear agreement, there had to be language specifying that it was subject to appropriation.

Hamilton said that the administration would be happy to work with PTCB on service contracts. It was an extraordinary opportunity to raise the quality of service. The legal language was required in case funding was lost, but there would be negotiation in that instance.

Smith asked if it was prudent to wait to levy a tax if it took up to seventeen months to obtain a vehicle, for example.

Hamilton responded that the vehicle would not be ordered if the funding was not approved.

Rollo asked for further clarification on the east-west corridor express transit line since it had the largest project cost on the list.

Connell said that it was a successful project in other cities and provided high frequency service. The most successful routes were those with frequent, reliable service since it attracted choice riders. Part of the outreach program was to ensure routes for where riders wanted to go.

Sims asked if there was a consideration of extending routes to employment and education centers on the west side of the city.

Connell confirmed there was and that they were in the process of drafting strategic plans. Also, BT was in the process of obtaining a vendor to assist with the information gathering, including the limitations with the current service area. They would also consider alternative fuel options. They wanted to get public input.

Volan asked how demand was calculated or if a formula was used to determine how routes might induce demand. He asked if it was an arbitrary decision.

Connell stated that it was not an arbitrary decision and that staff looked at traffic generators, and where people were going to be. High density apartment complexes, commercial establishments, and places of employment were some examples. He said that surveying was part of the feasibility survey.

Volan asked how much it would cost for a third party to extend service outside of the city, towards Ivy Tech Bloomington, like with an interlocal agreement with Monroe County, for example.

Connell responded that there were two approaches; hourly cost, which was currently \$78 per hour, or a cost per mile calculation.

Volan asked for a rough number.

Connell said it was incremental and the cost depended on existing service routes or establishing a brand new route.

Sgambelluri asked how success was measured.

Connell explained that it was measured through ridership and provided some examples.

Sgambelluri asked if ridership expectations were measured differently for express routes.

Connell confirmed that they were and it was expected to have higher ridership.

Sgambelluri asked how long it would take for there to be enough data on ridership.

Connell said it would be at least one year.

Rollo said that Monroe County Councilor Marty Hawk had stated that the tax rate comparison with other counties was not accurate because LITs in other counties were used to offset property taxes. He was not suggesting to do so, but asked if that changed the tax rate comparison with other counties.

Underwood clarified the difficulty in making that comparison. He said that dollar-wise, Monroe County had the smallest rate. Two contiguous counties did not have property tax replacement as part of the LIT, while Morgan County had about 50% of the LIT funds offsetting property taxes. He provided some details.

Rollo asked if significantly impacted the ranking.

Resolution 22-09 (cont'd)

Underwood said that he had backwards-engineered the rate for some but not all the neighboring counties because it was complex to do.

Hamilton pointed out that Morgan County was collecting 2.72% from every taxpayer in the county and choosing that resource to rebate property taxes. Monroe County would be at a 1.345% rate and would choose to dedicate the vast majority of that income for services for all residents, like housing, police, public safety, transit, and more.

Sims appreciated Connell's presentation and response to questions. He noted that the goal was to have successful projects with sufficient information leading into it. Constituents appreciated having details for projects, and they also questioned the amount of money spent on counsel and experts. Sims understood that experts played a role in things like utilities.

Hamilton said that staff always tried to find efficient processes including using outside counsel and experts, for highly technical projects, and that information was available online. It was usually a short term need, and did not make sense to staff it when the counsel was for an area of particular expertise that the administration did not have.

Underwood pointed out that the administration vetted numerous factors on the decision to hire outside experts.

Cate said that was also the process in the Legal Department, especially when there was an area of high expertise with experts available who likely dealt with an exact issue regularly.

Smith asked if the city would commit to making ridership free for persons over sixty-five years of age.

Hamilton said that the city was very interested in that, but that it was ultimately up to the BTCB to decide that.

Connell said that individuals with disabilities, and those over sixty-five years of age, had a reduced fee of 50%. It was possible to explore more.

Sandberg commented on her experience as council observer in the Fraternal Order of Police (FOP) negotiations. She asked what would happen if the LIT did not pass, and if the contract would be honored.

Hamilton referenced council's urging to raise salaries, and said that the administration confirmed it could be done with American Rescue Plan Act (ARPA) funds in the short term, but could not be done long term without an ongoing, long term, and reliable revenue. He said the contract negotiations were substantial, with new investments and it would not be responsible to sign a contract without having a source of revenue identified. Without new revenue, there would be a need to dramatically reduce other expenses in the city, significantly impacting other city employees.

Sandberg asked if the contract had been signed.

Hamilton said it had not.

Sandberg stated that she was concerned about staffing issues and the wellbeing of the workforce. Sustained revenue was necessary. She asked what other source of funding could be used.

Hamilton agreed that new revenue was needed for a variety of services. PSLIT was an important tax that provided investments in public safety but was not to be used for personnel.

Sandberg asked if that could be changed to honor the contract.

Underwood said there was no available revenue streams to sufficiently fund the contract. Without new revenue, cutting other services would be required. He believed that all city employees were essential and extremely important. He provided additional

information about PSLIT funding. He noted that staffing was essential for all departments.

Rollo said it had been imperative to replace fire engines, and was done so with PSLIT. He asked what PSLIT would be needed for.

Underwood clarified that it was important to do replacements when they still had value. He commented on repair costs, growth of PSLIT, inflationary costs, and best value for equipment. He highlighted items not covered under the current PSLIT and the need to find funding for those items, including equipment.

Fire Chief Jason Moore commented on what he encountered six years ago at the start of his tenure. Tapping into the PSLIT would degrade the fire and police departments, and increase delay of service. He said there were no fire-related deaths and ten lives were saved in the recent past since PSLIT supported the fire department.

Rollo said it would be helpful to have the anticipated capital investments, five- and ten-year expenses, and projected life spans of equipment.

Moore explained that the information was provided during the budget process and he would follow up with Rollo.

Piedmont-Smith asked if the new fire stations were included in the PSLIT plans.

Moore said that a needs assessment was done and the expenses from the PSLIT was only to keep the facilities running and was not a long term plan. The PSLIT could not fund new facilities.

Piedmont-Smith said that the projected completion date was omitted due to the current PSLIT funding.

Moore confirmed that was correct, and why the request for LIT was now being presented.

Volan asked if the administration was willing to enter into long term agreements, despite needing to be approved every year.

Hamilton said that contracts would be negotiated, but that the facility improvements would likely be long term bonding financing or contracting.

Volan asked if federal funds were being leveraged and devoted to capital improvements with public safety.

Moore said that there was no federal funding for facilities like fire and police stations. There were smaller grants for improvements, but not for new construction or remodeling.

Police Chief Michael Diekhoff confirmed that there was no funding for new construction for a police department.

Volan asked if it was beneficial to have the fire and police stations together.

Diekhoff said he was not sure.

Volan said that one of the only departments that would not see an increase in dollars as a result of annexation was transit.

Underwood said there would be some benefits but the proportion of the property tax dollars was smaller because most of the funding came from the federal government.

Volan asked what portion of transit's budget came from the city.

Underwood explained that the city did not fund transit because it was a separate taxing body.

Connell said that the BTC was a separate municipal entity with its own taxing authority, so property tax portion went directly to it. He explained that the property tax portion of the budget was around 20% and the rest came from the state and federal funding, and fares which was about 21%, including IU.

Rollo asked if the Community Revitalization Enhancement District (CRED) funding could be used for police and fire headquarters.

Resolution 22-09 (cont'd)

Underwood explained that CRED had its restrictions on what the funding could be used for.

Rollo asked staff to figure out if CRED funds could be used.

Christopher Emge spoke about the Greater Chamber of Commerce survey results.

Public comment:

Jennifer Pearl discussed the BEDC's trends in feedback.

Jane Martin supported the tax increase and provided reasons.

Eddie Real Jr spoke in favor of the LIT increase.

Jordan Porter-Meche spoke in favor of the LIT increase but against providing funding to the Bloomington Police Department.

Geoff McKim spoke about the LIT, and other funding, and urged council to postpone voting.

Jordan Canada spoke in favor of the increase in LIT.

Emily Pike commented in favor of the proposed LIT increase.

Paul Post commented on the LIT as the President of Lodge 88 of the FOP.

Mark Figg opposed tax increases but supported the increase in LIT.

Rollo moved and it was seconded to postpone discussion of the legislation until a Special Session on April 27, 2022.

Motion to postpone Resolution 22-09

Volan stated that he would like to hear from his colleagues.

Council discussion:

Sgambelluri concurred with Volan.

Rollo moved to withdraw his motion.

Piedmont-Smith objected to the motion to withdraw.

There was brief council discussion.

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

Vote to postpone discussion of Resolution 22-09 [10:52pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [10:52pm]

There was no public comment.

ADDITIONAL PUBLIC COMMENT [10:52pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [10:53pm]

Rollo moved and it was seconded to cancel the Committee of the Whole scheduled for April 27, 2022. The motion was approved by a voice vote.

Rollo moved and it was seconded to cancel the Budget Advance on April 26, 2022. The motion was approved by voice vote.

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

ADJOURNMENT [10:56pm]

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

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

2023 Comprehensive Plan Tracking



CITY OF
BLOOMINGTON

PLANNING AND TRANSPORTATION

Overview & Objective

Objective:

The Comprehensive Plan describes our community's vision for the future. The purpose of tracking data is to check our status and verify we're on the right route.

Goal 6.2 Improve Public Transit: Maintain, improve, and expand an accessible, safe, and efficient public transportation system.



<https://bloomington.in.gov/planning/comprehensive-plan>

Overview & Objective

1. **Goals → Policies**
2. **Programs**
3. **Outcomes:** If we're moving toward our goals, we should see these outcomes.
4. **Indicators:** Data to measure if we're achieving the desired outcomes.

Outcomes & Indicators

Outcome: Detrimental environmental impacts from the built environment are reduced.

- Changed policies and programs that encompass new green building codes
- Development of protocols for new City projects
- Number of LEED and/or Energy Star Certified buildings
- Number of LEED/ND certified projects or environments

Outcome: Fossil fuel consumption is reduced community-wide.

- Monitor community-wide electric, gasoline, diesel, and natural gas consumption data

Overview & Objective

Overview:

6 Chapters
+ Land Use
37 Goals
145 Indicators



2018 Comprehensive Plan
City of Bloomington



<https://bloomington.in.gov/planning/comprehensive-plan>

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[6.1.7 – Estimated total hours that the average commuter spends in traffic each year](#)

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[6.2.1 - Number of fatalities and incapacitating injuries](#)

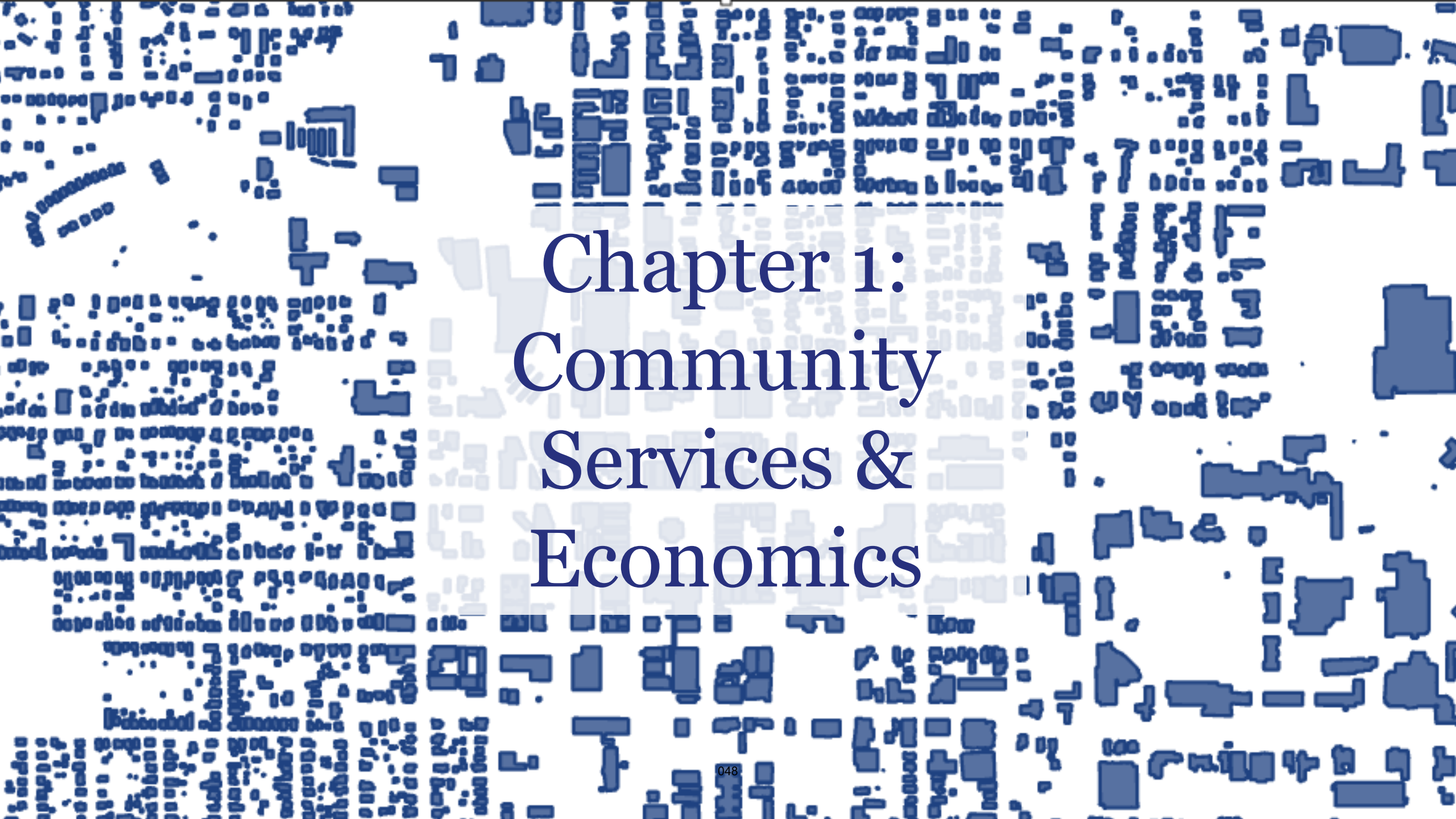
[6.2.2 - Crash rates for people walking and bicycling](#)

[6.2.3 - Motor vehicle crash rates](#)



Slides with this symbol have supplementary infographics that can be found here:

<https://experience.arcgis.com/experience/d5fb85f8f88b4e9485cbab34a6a673a3/>



Chapter 1: Community Services & Economics

1.1.1 - Annual composite index score of crimes against persons and property

	2022 Person Crime Index	2022 Property Crime Index	2022 Total Crime Index
Bloomington	119	121	121
Indiana	93	98	97
USA	100	100	100

1.2.1 - Tobacco use (estimated smoking rate)

	Smoked Cigarettes (Last 12 Months)		Used Chewing or Smokeless Tobacco (Last 12 Months)		Used Pipe Tobacco (Last 6 Months)	
	Total Users	Percentage of population	Total Users	Percentage of population	Total Users	Percentage of population
Bloomington	9,585	12%	1,996	2%	3,631	5%
Indiana	735,420	11%	138,134	2%	275,282	4%
USA	30,295,763	9%	5,563,890	2%	12,995,669	4%

1.4.1 - Number of hours per capita volunteered annually by residents and business employees

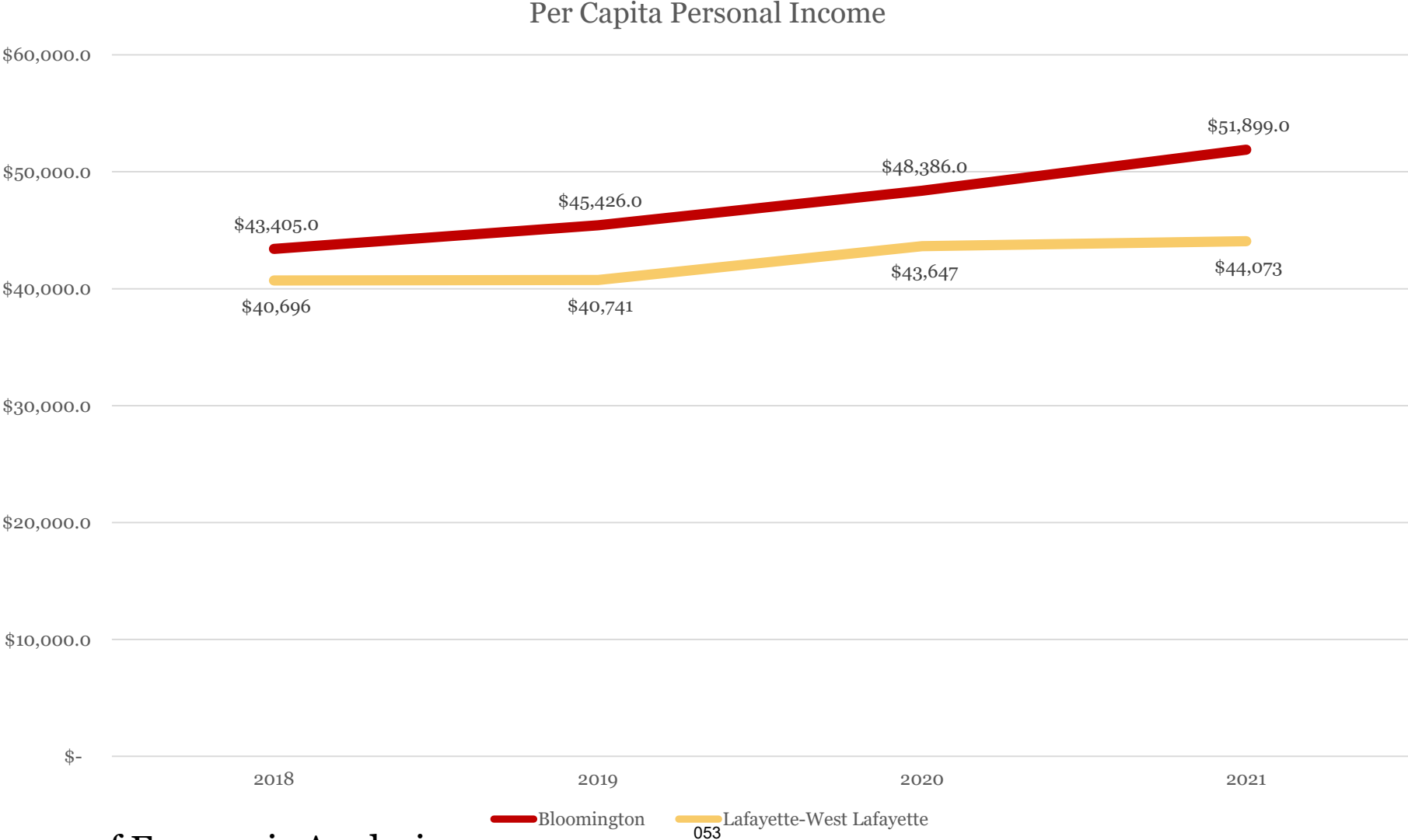
	Volunteered in 2022	Percentage of population
Bloomington	12,871	16%
Indiana	892,654	13%
USA	44,069,994	13%

1.6.5 - Rate of unionization of workers and percentage of union membership in the workforce

	Member of Union 2022	2021 Workers Age 16+	Unionization Rate*
Bloomington	2,058	36,764	6%
Indiana	228,580	3,189,106	7%
USA	10,801,452	155,284,955	7%

* Estimated based on available data

1.10.1 – Real per capita personal income



Source: U.S. Bureau of Economic Analysis

1.10.4 – Per capital GDP

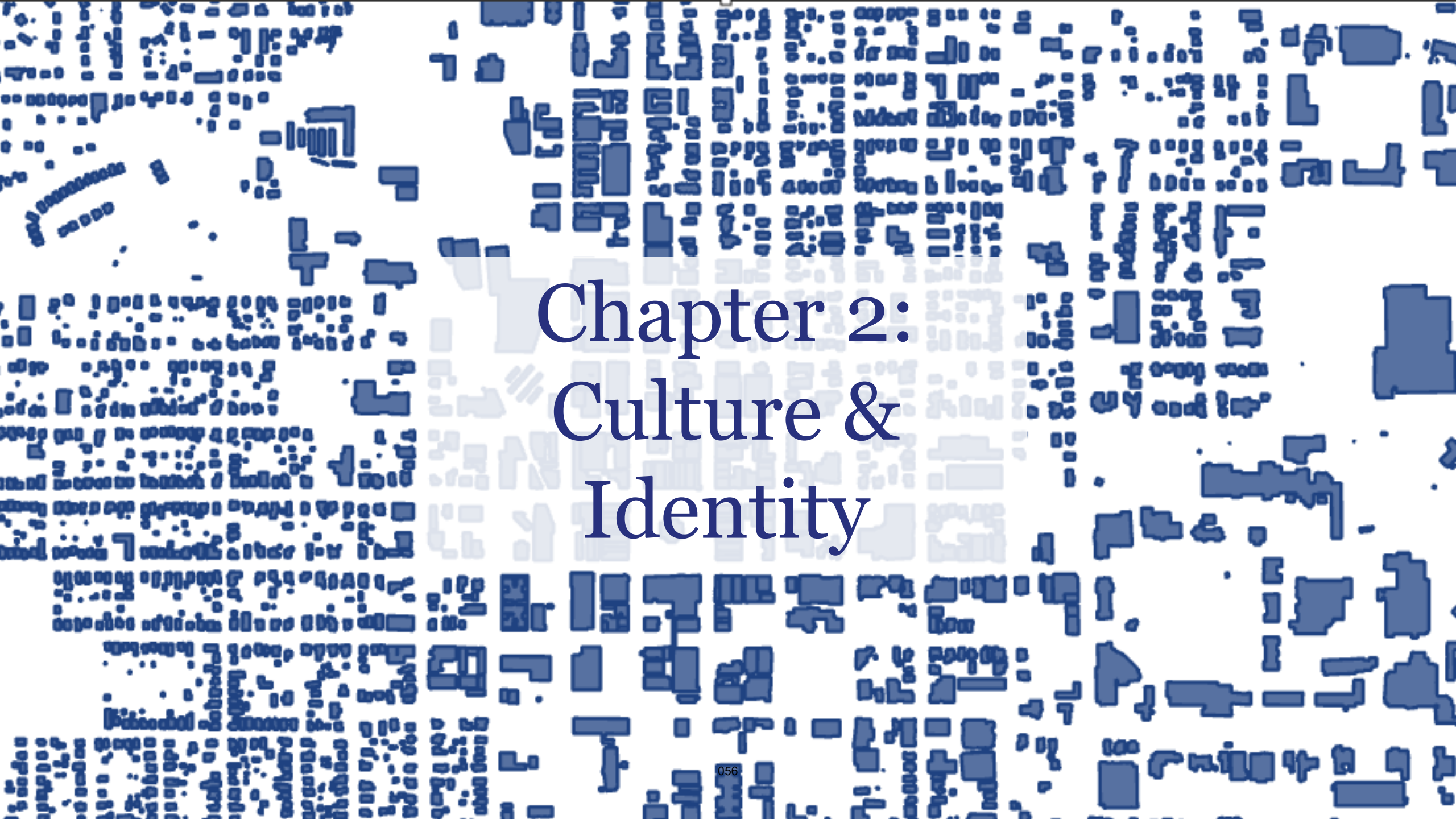
	Gross domestic product per capita	Total gross domestic product	Private industry gross domestic product	Government gross domestic product
Bloomington	\$51,277	\$8,272,024,000	\$6,131,072,000	\$2,140,952,000
Lafayette-West Lafayette	\$55,794	\$ 12,537,390,000	\$10,115,485,000	\$2,421,905,000

1.10.5 – Trends in Sector Employment

Industry	2019	2021	Difference
Agriculture/Fishing/Hunting	67	59	-8
Mining/Oil & Gas Extraction	0	0	0
Construction	1,009	1,129	120
Manufacturing	3,017	2,819	-198
Wholesale Trade	371	463	92
Retail Trade	4,497	4,367	-130
Transportation/Warehousing	619	1,065	446
Utilities	34	25	-9
Information	1,097	769	-328
Finance/Insurance	596	582	-14
Real Estate/Rental/Leasing	666	617	-49

Industry	2019	2021	Difference
Professional/Scientific/Technical Services	1,870	2,285	415
Management of Companies and Enterprises	13	0	-13
Administrative/Support/Waste Management Services	953	801	-152
Educational Services	12,011	12,202	191
Health Care/Social Assistance	4,160	4,099	-61
Arts/Entertainment/Recreation	986	1,122	136
Accommodation/Food Services	5,866	5,111	-755
Other Services (excluding Public Administration)	1,914	1,839	-75
Public Administration	1,214	1,426	212
Total Employed Civilian Population Age 16+	40,960	40,780	-180

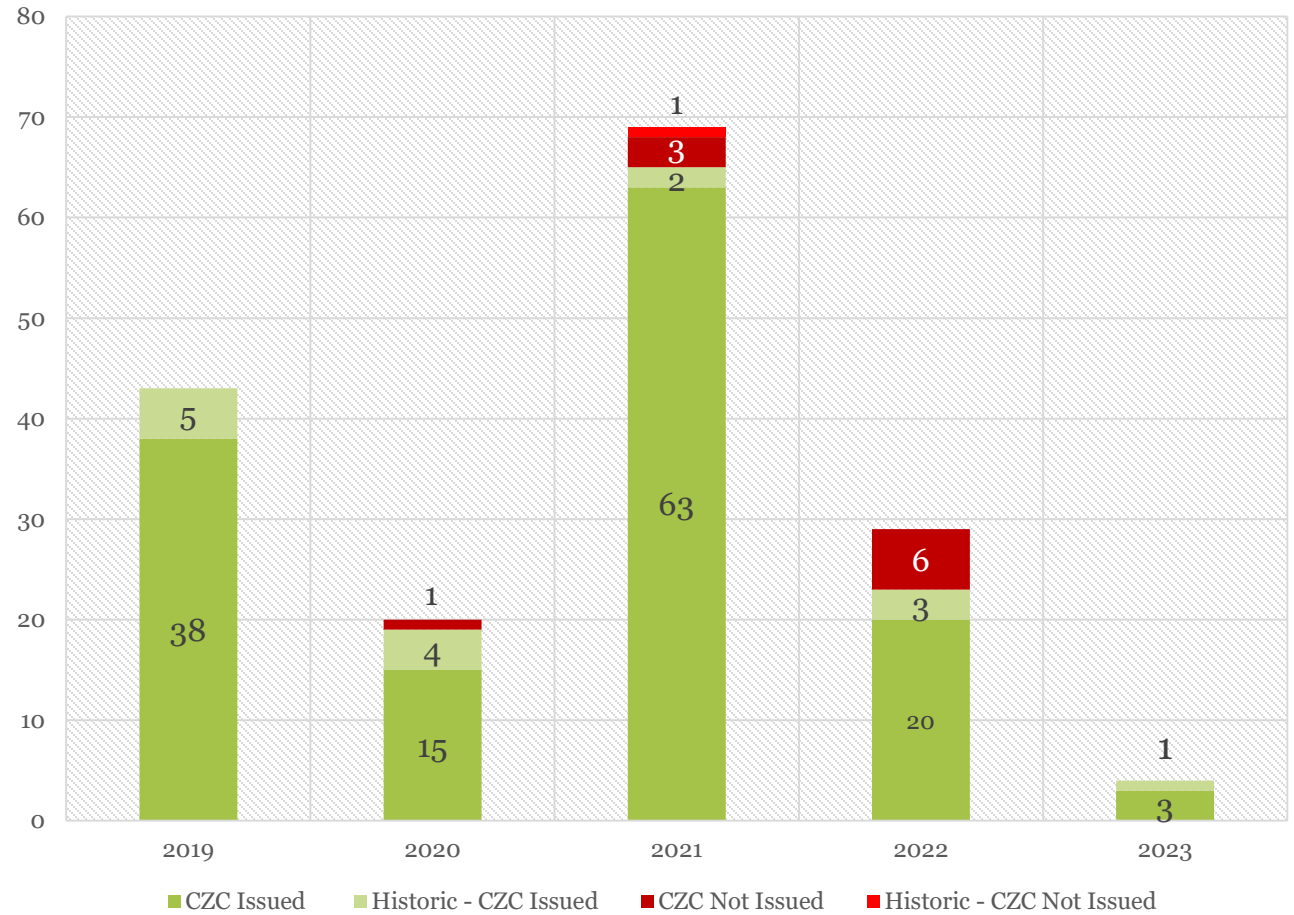
Source: American Community Survey 2019 & 2021



Chapter 2: Culture & Identity

2.1.4 - Number of demolition requests

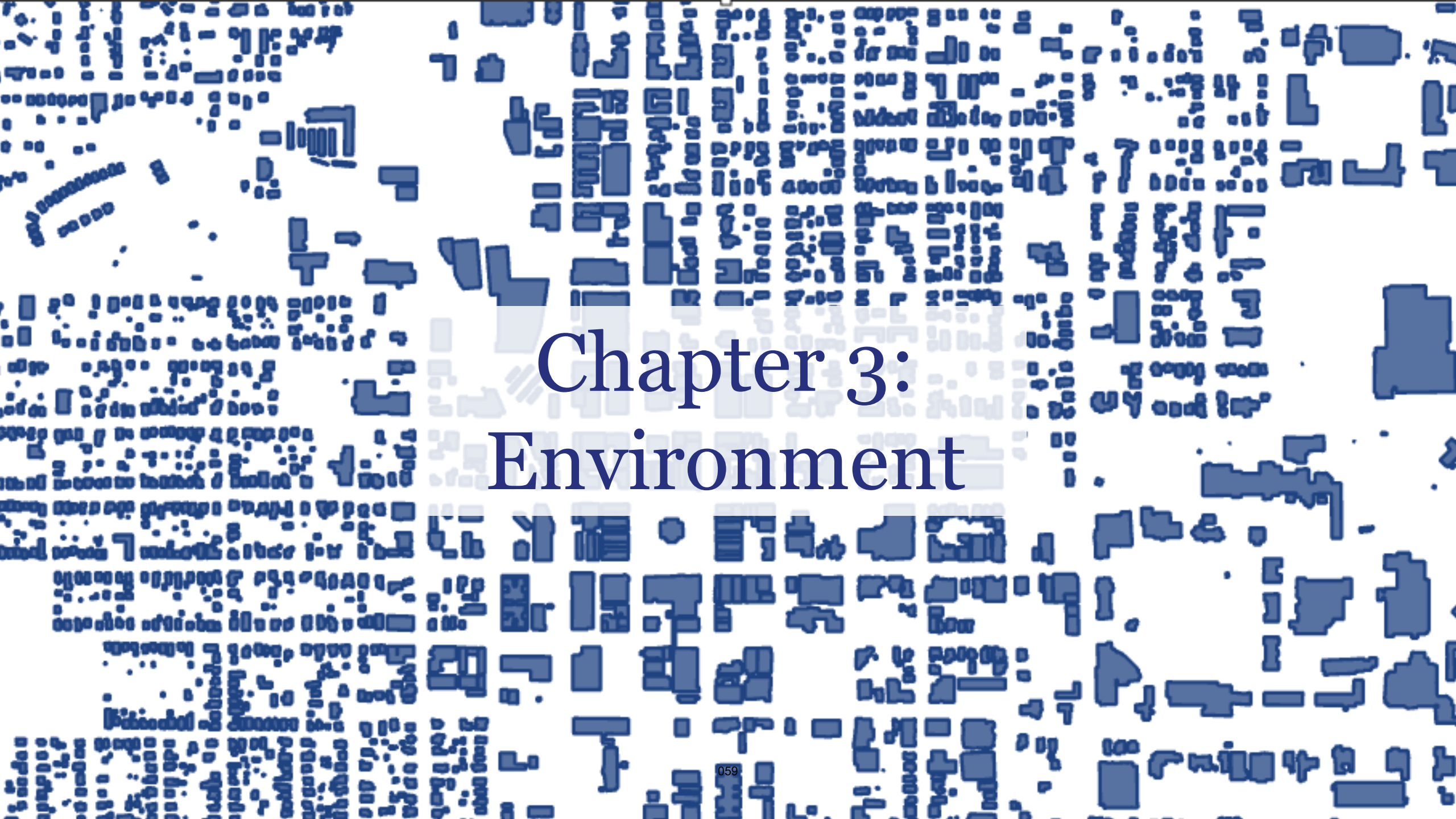
2.1.4 - Number of demolition requests



	CZCs Issued	Total Requests
2019	43	43
2020	19	20
2021	65	69
2022	23	29
2023 (3/22/23)	4	4

2.2.3 - Number of cultural, arts, and entertainment institutions





Chapter 3: Environment

3.3.5 – Square footage of green roofs

Year	Project	Location	Square footage	Status
2019	SP-35-19	11 th and College	1,000	Complete
2019	PUD-17-19	1800 N Walnut	2,000	Complete
2019	PUD-34-19	N Pete Ellis Dr	Pending	Under Construction
2020	SP-15-20	3 rd & Grant	3,670	Under Construction
Current total square footage			3,000	

3.4.1 – Amount of waste diverted from landfill as a percent of all waste

Year	Percentage of all waste diverted
2018	39%
2019	35%
2020	37%
2021	35%
2022	30%

3.6.1 – A watershed management plan has been created and implemented

Development of the Lake Monroe Watershed Management Plan was completed in March 2022.

The plan can be found online at:

<https://friendsoflakemonroe.org/watershed-plan/>. It identifies the top threats to water quality in Lake Monroe and provides an action plan to address those threats over the next 20 years. Protecting water quality in Lake Monroe will require reducing phosphorus, nitrogen, sediment, and E. coli loads entering the lake from the watershed (441 square miles).

Lake Monroe Watershed Management Plan



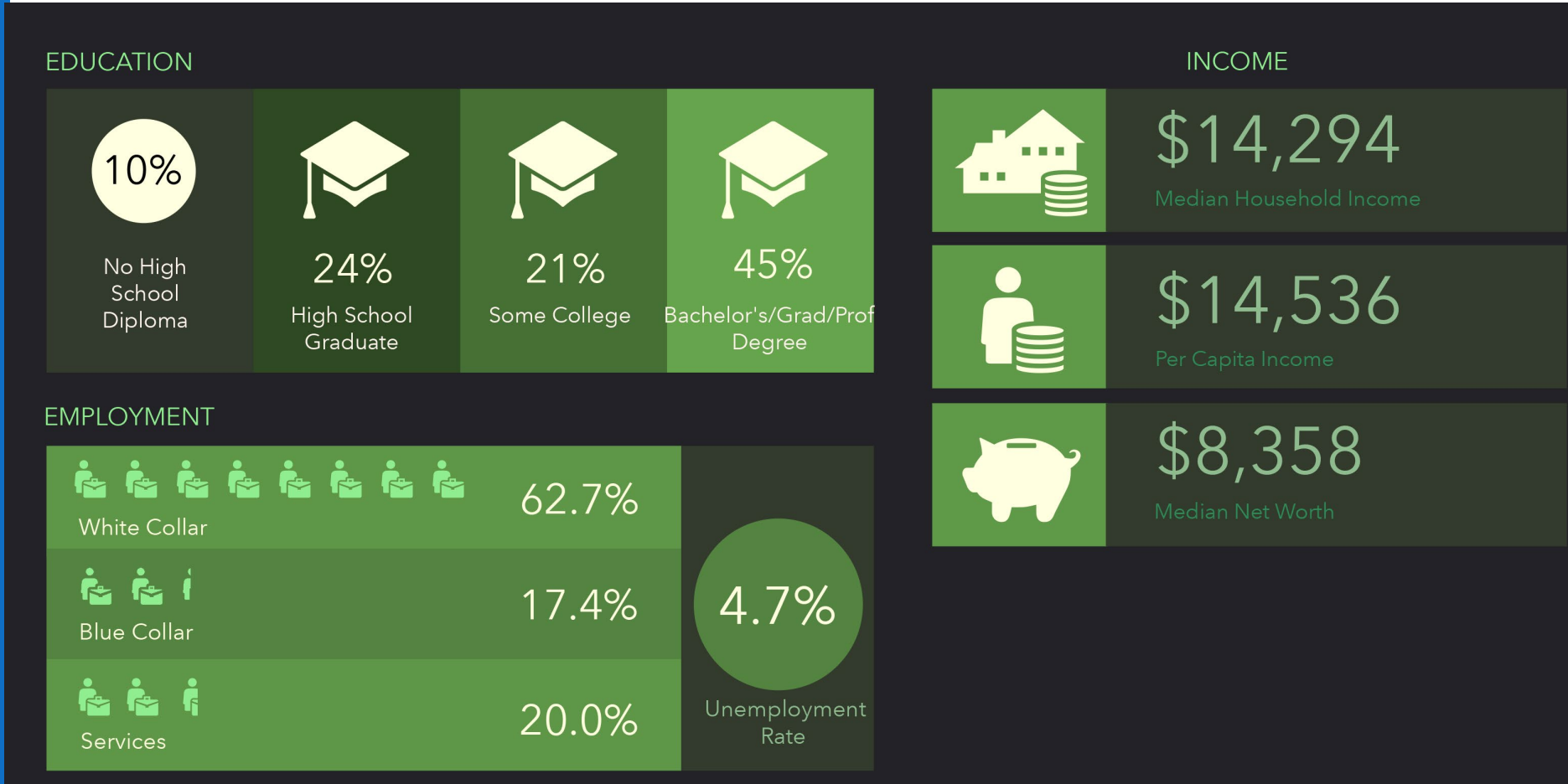
Maggie Sullivan
February 23, 2022





Chapter 4: Downtown

4.2.3 – Employment levels and salary and wage levels



4.2.6 - Increase in assessed value for Downtown properties

	Assessed Value 2018	Assessed Value 2022	Percentage Change
Downtown Character District	\$1,056,847,500	\$1,368,375,600	+ 22.7%
City of Bloomington	\$10,362,076,020	\$15,950,349,400	+ 35%

4.2.7 – Occupancy rate for Downtown commercial spaces

Total number of non-residential spaces*	Total vacant spaces	Occupancy rate
278	15	5.4%

* Within the blocks identified in Figure 48 of the UDO, which require a minimum area for non-residential space

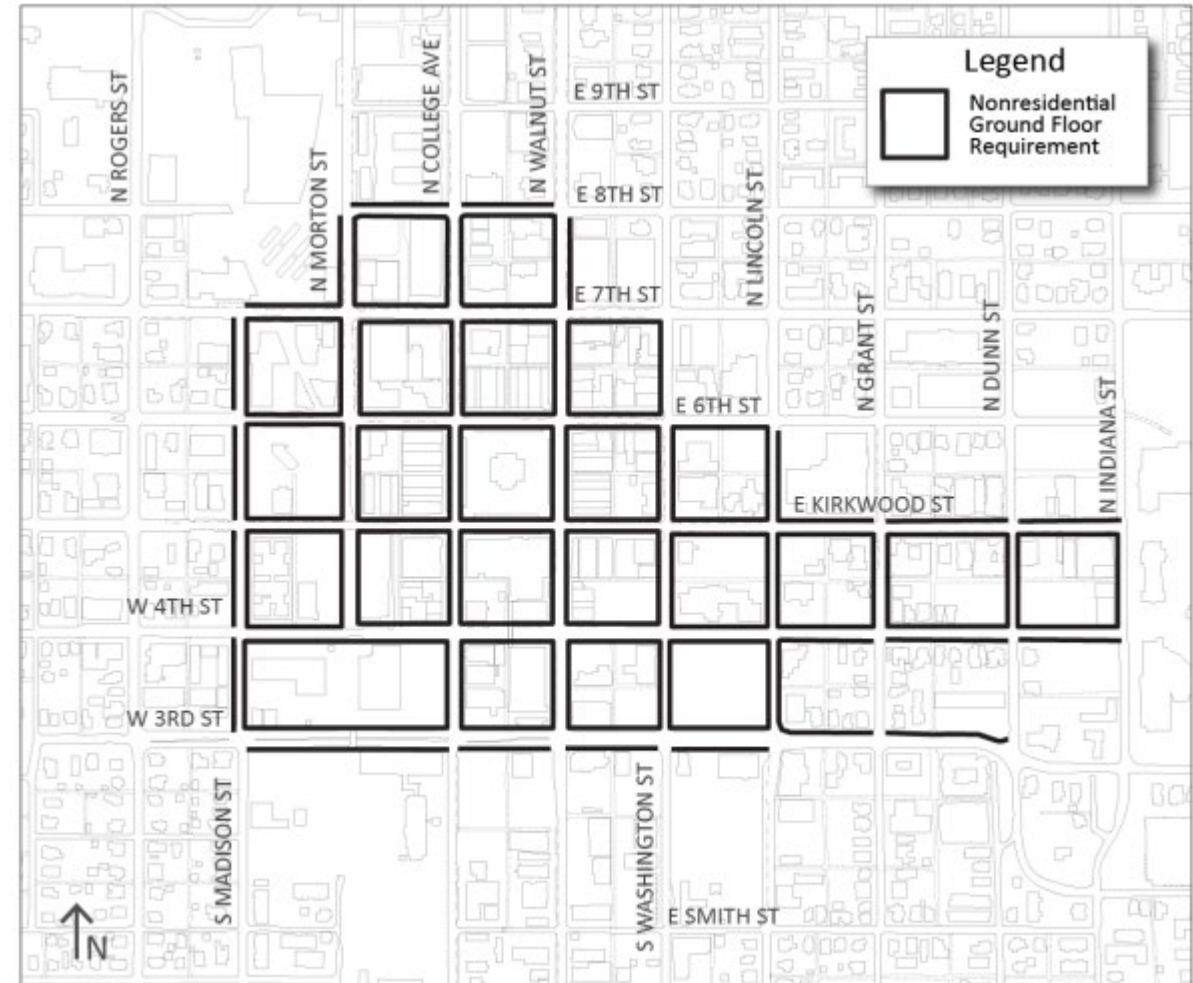


Figure 48: Downtown Nonresidential Ground Floor Requirement

4.3.1 – Number of properties with code violations

Year	Violations Downtown*
2019	15
2020	4
2021	9
2022	8
2023	2

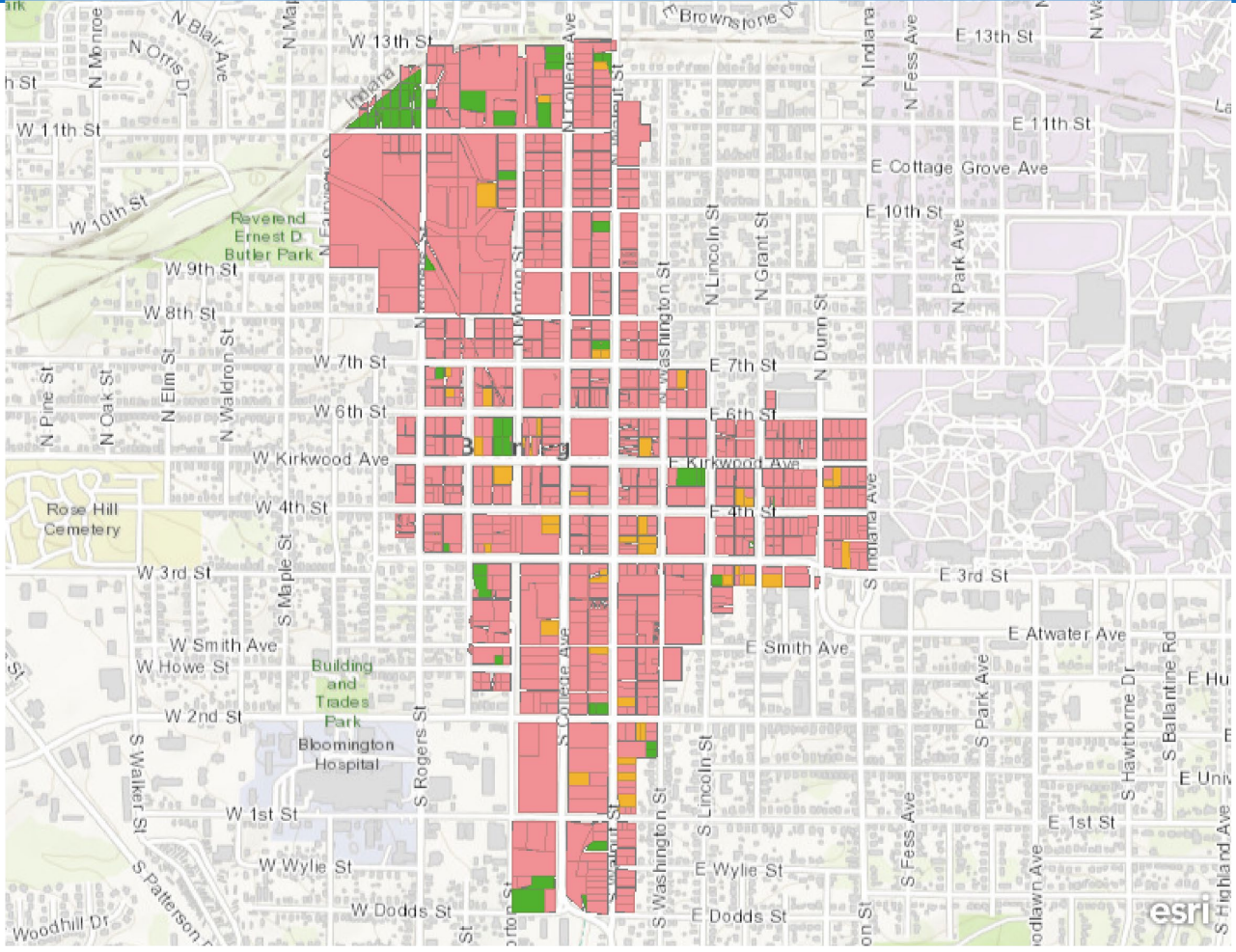
*Violations of the UDO

4.3.4 - Map of Downtown abandoned properties and/or “shovel ready” clear sites



Downtown Parcels 12/18

- Potentially Shovel Ready
- Parking lot or Structure
- Not Shovel Ready



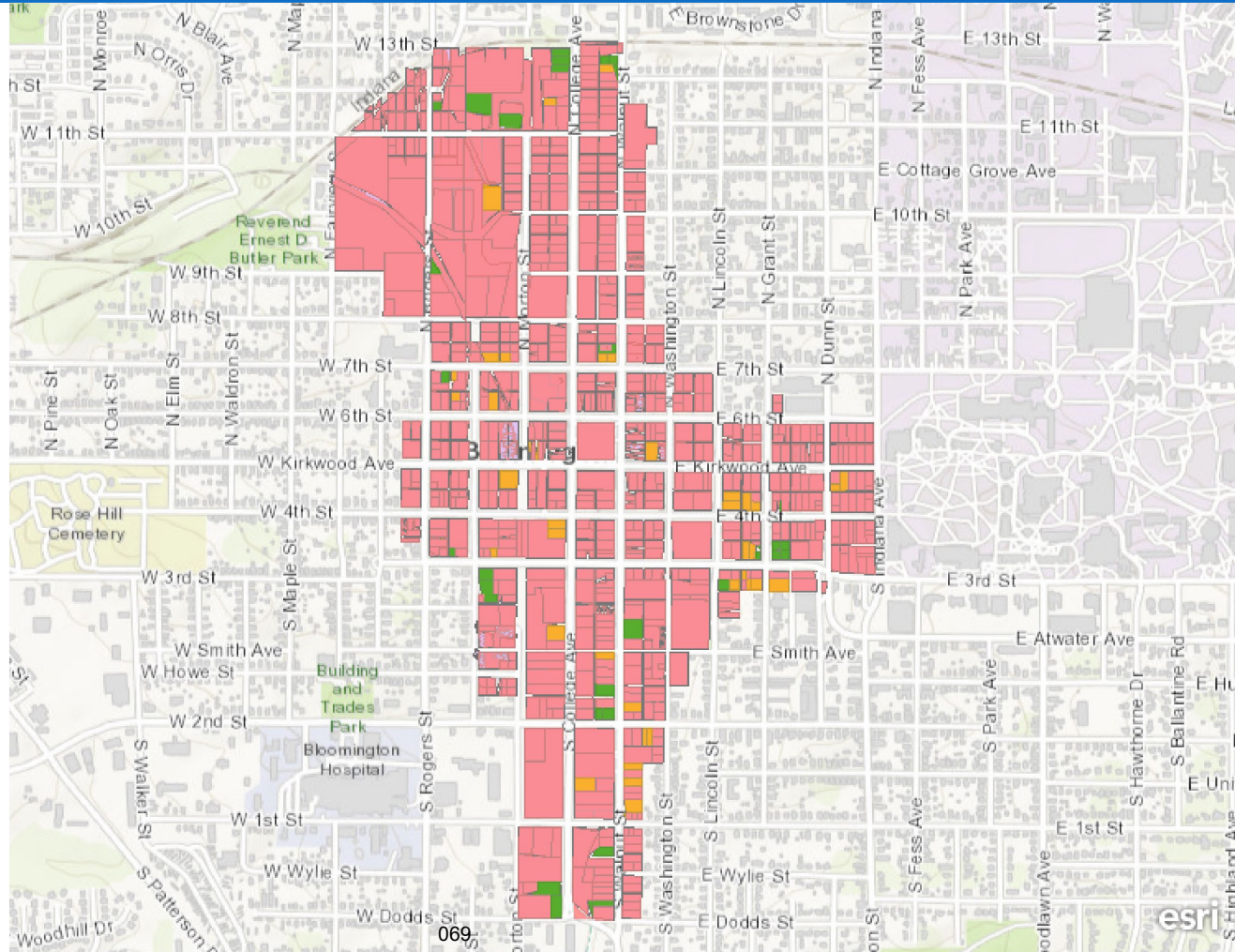
Source: Monroe County Assessor December 2018

4.3.4 - Map of Downtown abandoned properties and/or “shovel ready” clear sites



Downtown Parcels 12/22

- Potentially Shovel Ready
- Parking lot or Structure
- Not Shovel Ready



Source: Monroe County Assessor December 2022

4.4.4 – Number of hours per month the public library is open

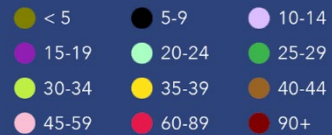
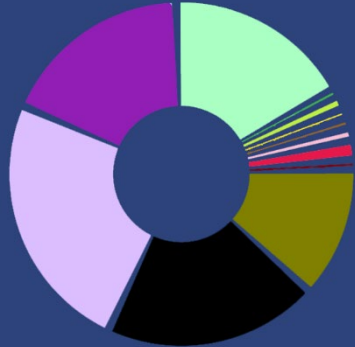
	Hours
Monday – Thursday	9 AM – 9 PM
Friday & Saturday	10 AM – 6 PM
Sunday	Noon – 6 PM
Hours open per month	269

4.5.1 – Demographic Profile of residential units in the Downtown overlay districts

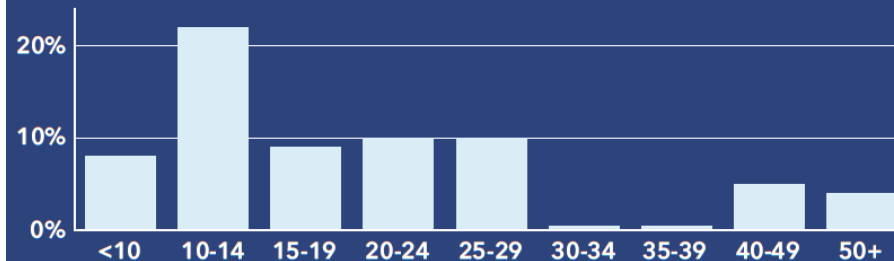
Key Facts

Population Total	4,404
Population Growth	1.67%
Average Household Size	1.95
Diversity Index	48.3
Median Age	23.3
Median Household Income	\$14,294
Median Home Value	\$330,159
Median Net Worth	\$8,358

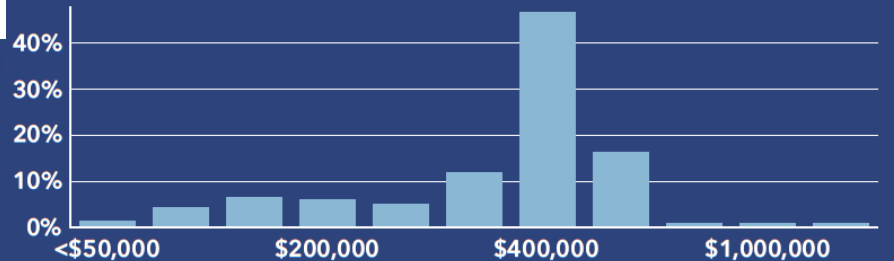
Commute Time: Minutes



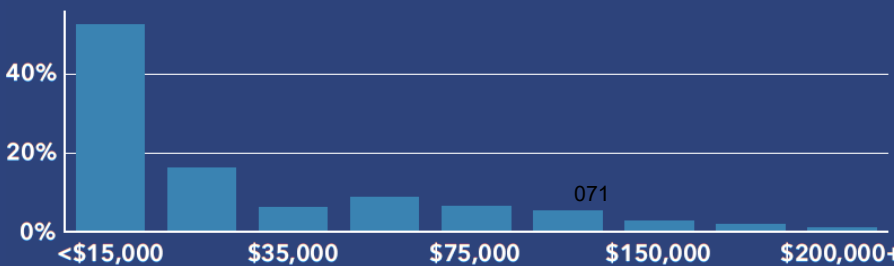
Mortgage as Percent of Salary



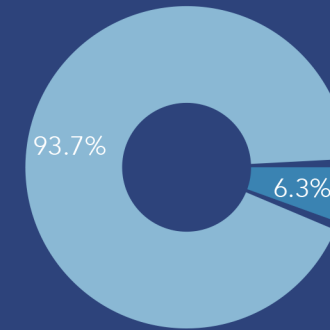
Home Value



Household Income

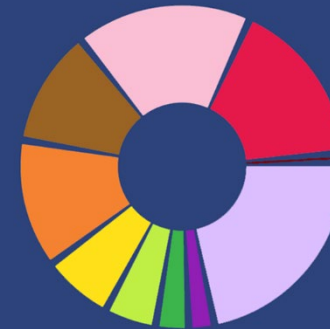


Home Ownership

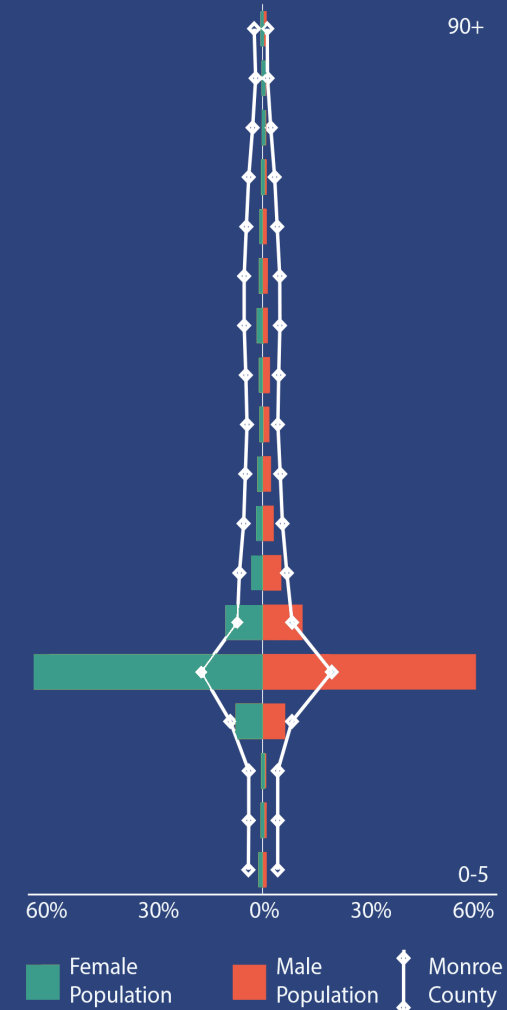


● Own ● Rent

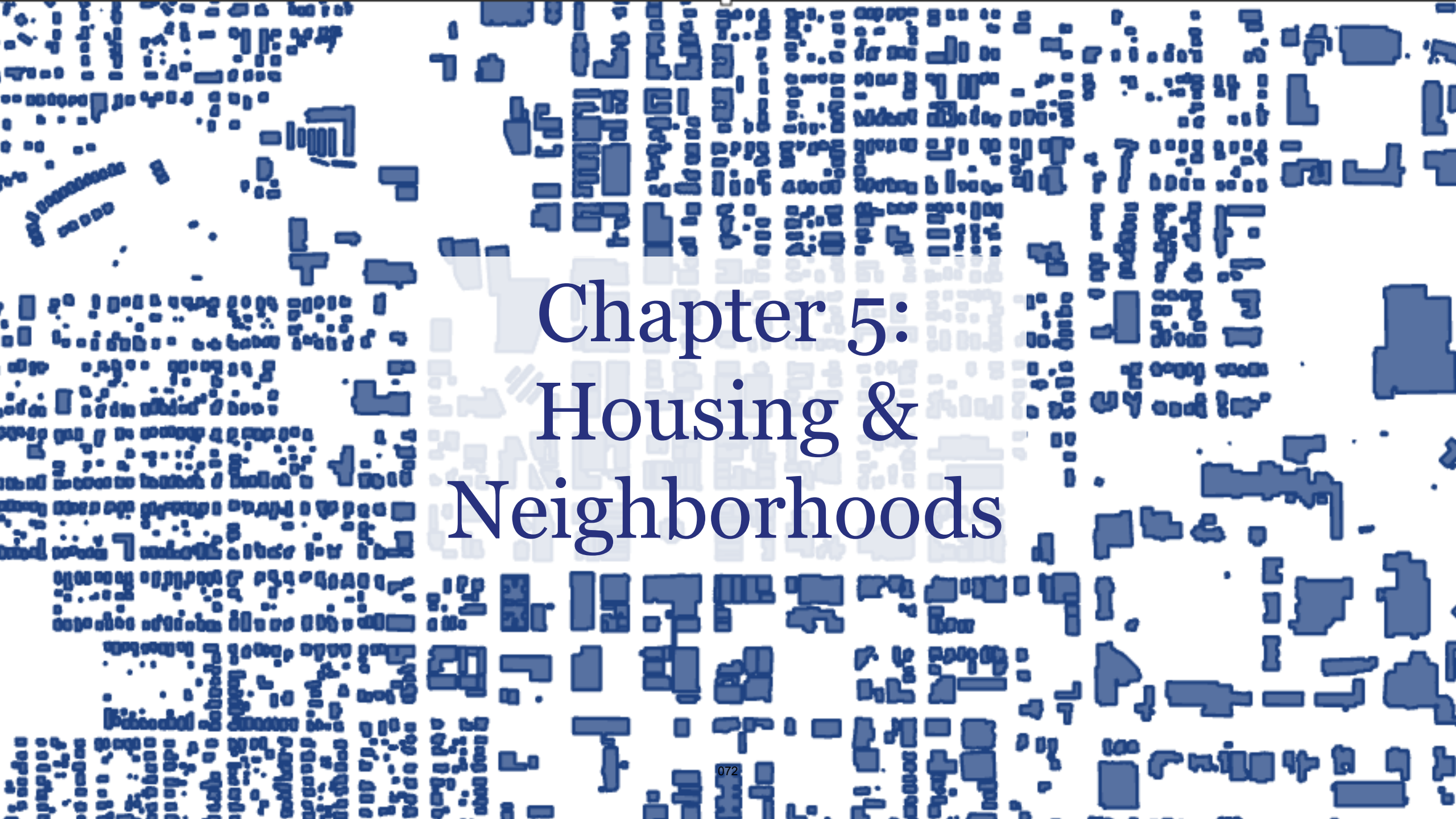
Housing: Year Built



Age Profile: 5 Year Increments

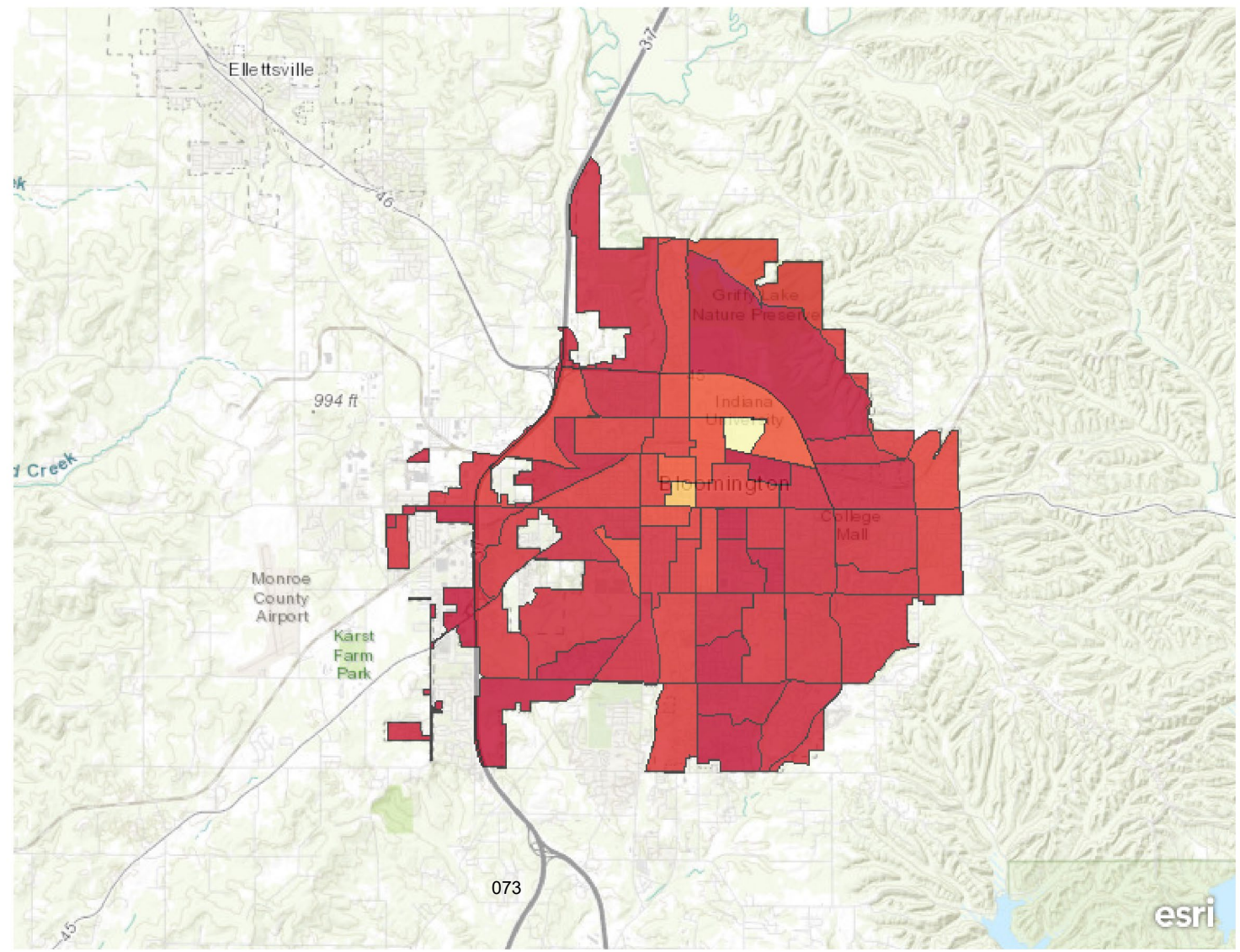
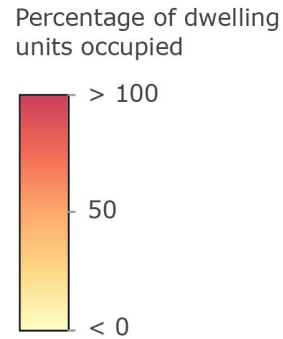


Source:
Various
Sources



Chapter 5: Housing & Neighborhoods

5.1.3 – Percentage of dwelling units occupied



Source: U.S. Census Bureau 2020





Chapter 6: Transportation

6.1.7 – Estimated total hours that the average commuter spends in traffic each year

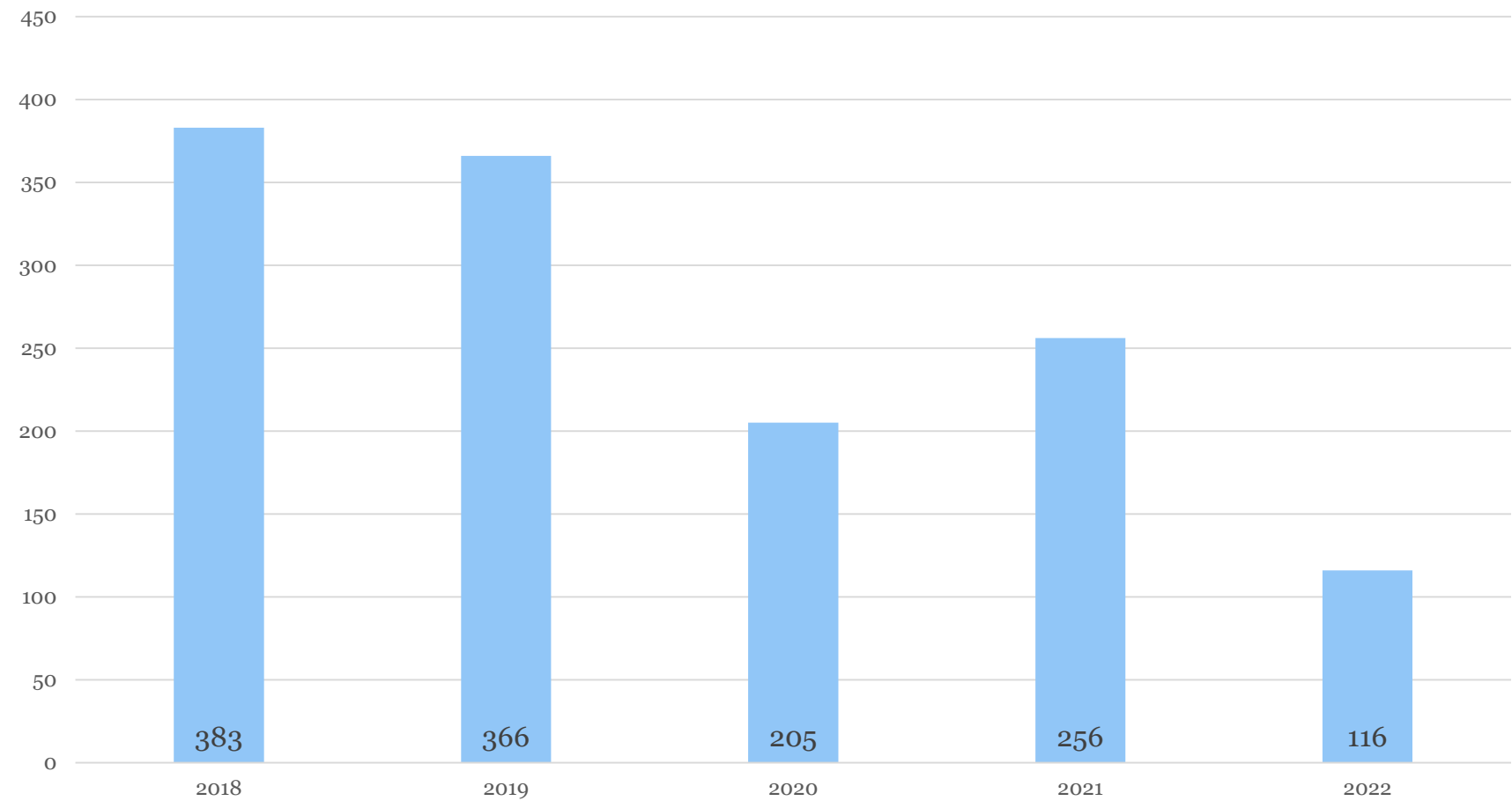
	Number	Percentage
Workers 16+ Commute to Work Base	35,222	
Workers Commute <5 Minutes	1,402	3.98%
Workers Commute 5-9 Minutes	6,804	19.32%
Workers Commute 10-14 Minutes	9,493	26.95%
Workers Commute 15-19 Minutes	8,286	23.53%
Workers Commute 20-24 Minutes	3,115	8.84%
Workers Commute 25-29 Minutes	677	1.92%
Workers Commute 30-34 Minutes	2,593	7.36%
Workers Commute 35-39 Minutes	416	1.18%
Workers Commute 40-44 Minutes	516	1.46%
Workers Commute 45-59 Minutes	574	1.63%

	#	%
Workers Commute 60-89 Minutes	967	2.75%
Workers Commute 90+ Minutes	379	1.08%
Aggregate Commute to Work in Minutes	589,160	-
Average Commute to Work for Workers 16+	16.7	-

Total hours that the average commuter spends in traffic each year: 144.73

6.2.1 - Number of fatalities and incapacitating injuries

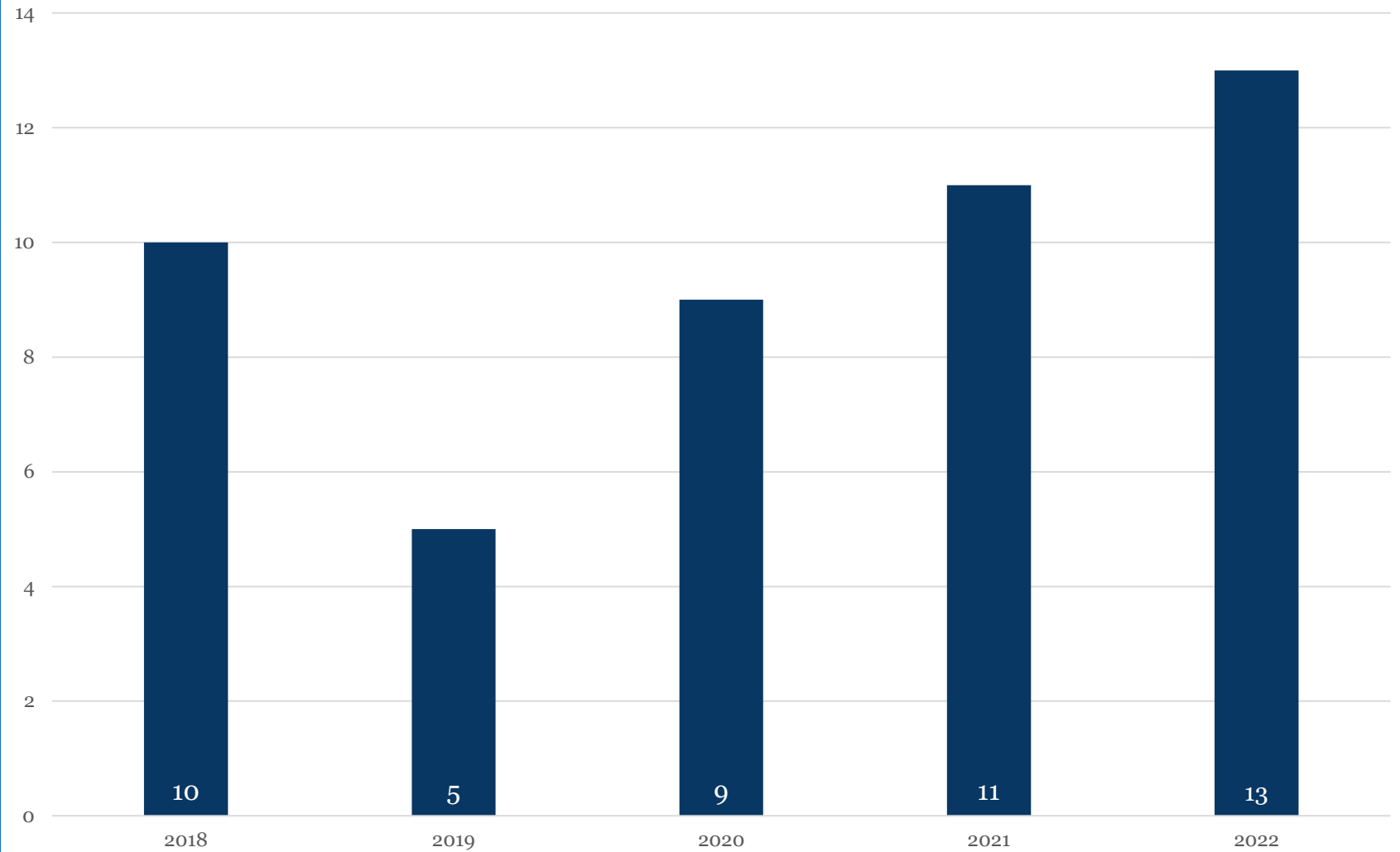
Total Number of Motor Vehicle Crash Incapacitating Injuries Per Year – Monroe County



Source: BMCMPPO (2018-2022)
Monroe County

6.2.1 - Number of fatalities and incapacitating injuries

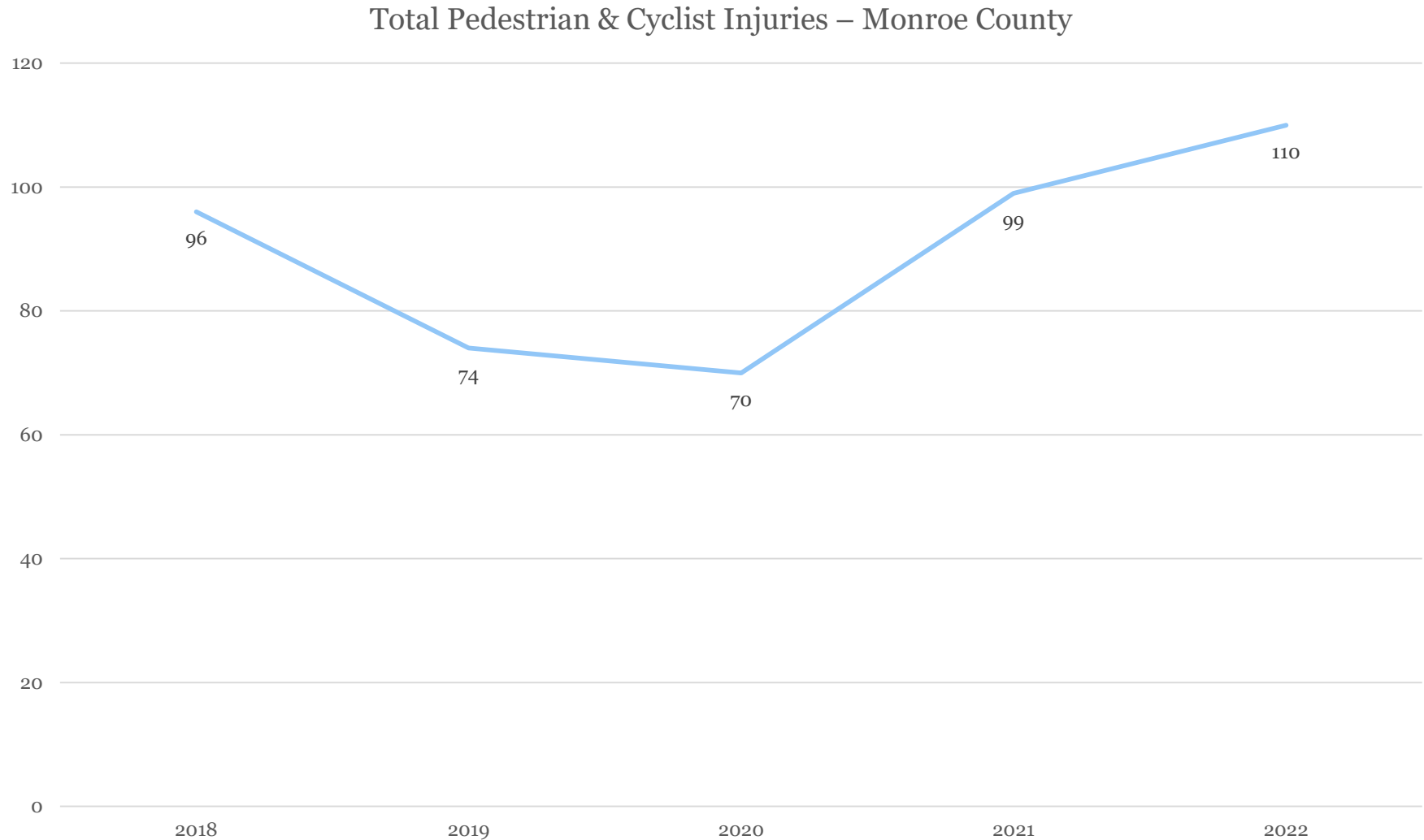
Total Number of Motor Vehicle Crash Fatalities Per Year – Monroe County



Source: BMCMPPO (2018-2022)
Monroe County

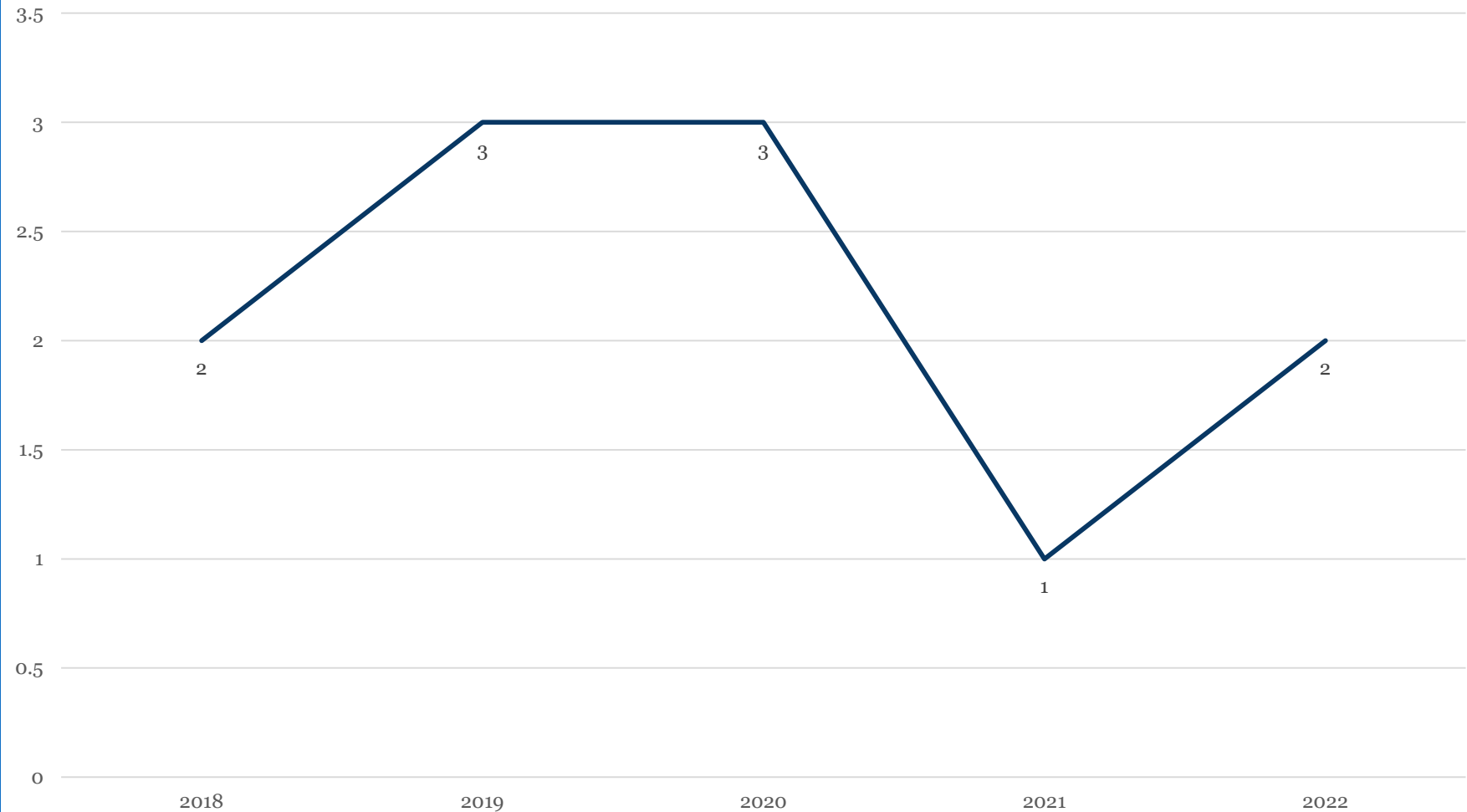
6.2.2 - Crash rates for people walking and bicycling

Source: BMCMPO (2018-2022)
Monroe County



6.2.2 - Crash rates for people walking and bicycling

Total Pedestrian & Cyclist Fatalities – Monroe County

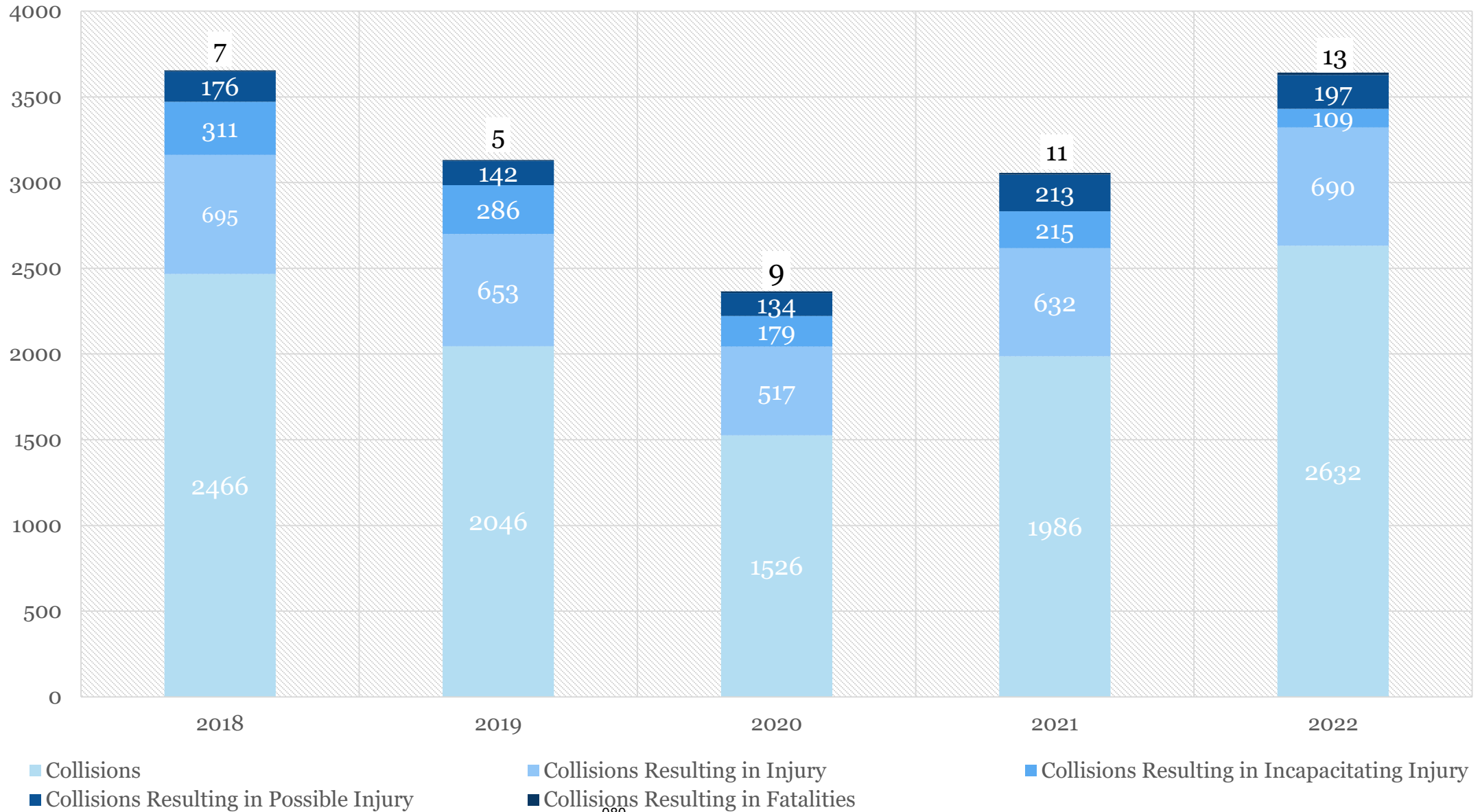


Source: BMCMPPO (2018-2022)
Monroe County

6.2.3 - Motor vehicle crash rates

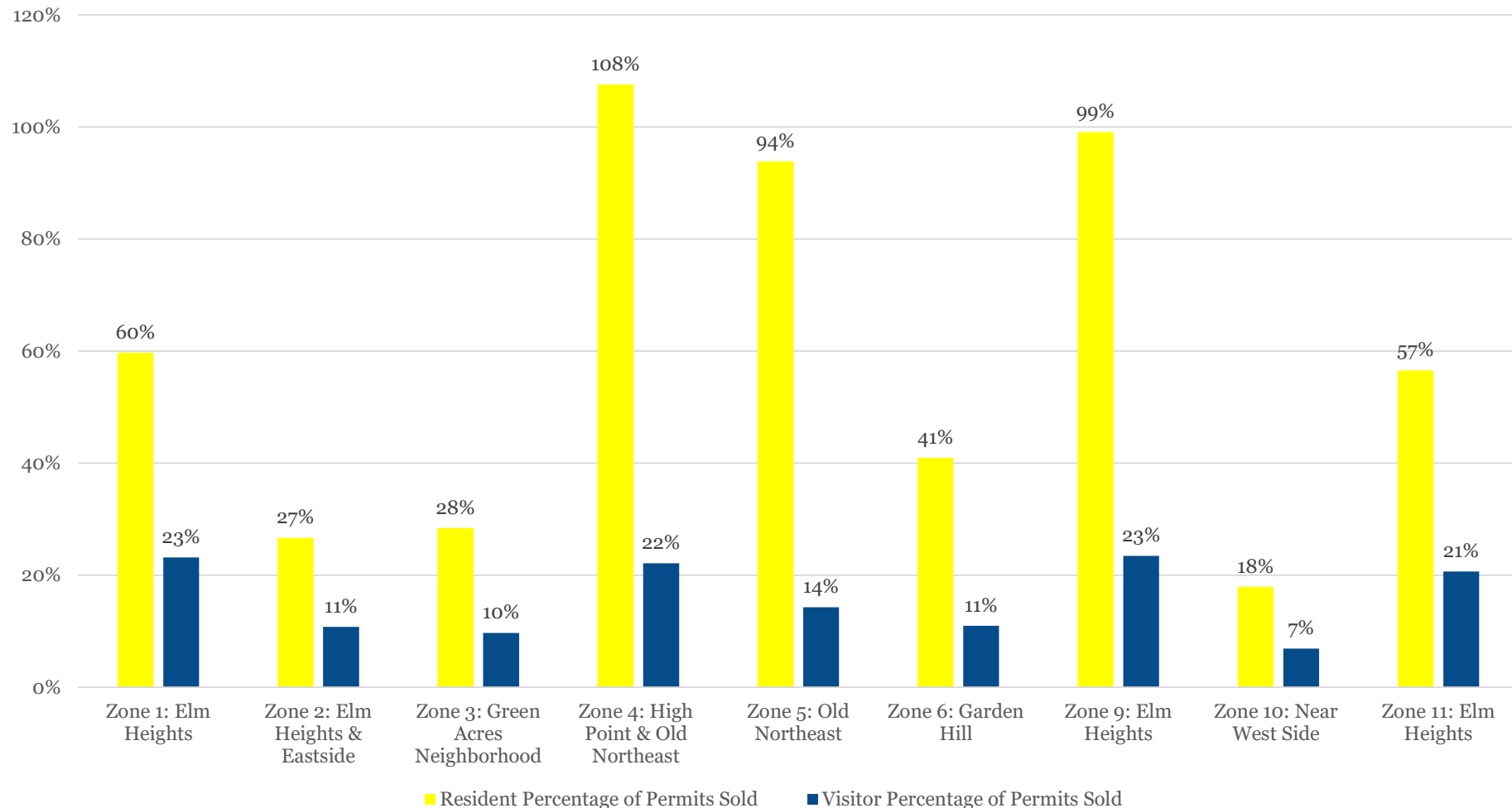
Source:
BMCMP
(2018-2022)
Monroe
County

Motor Vehicle Collisions - Monroe County



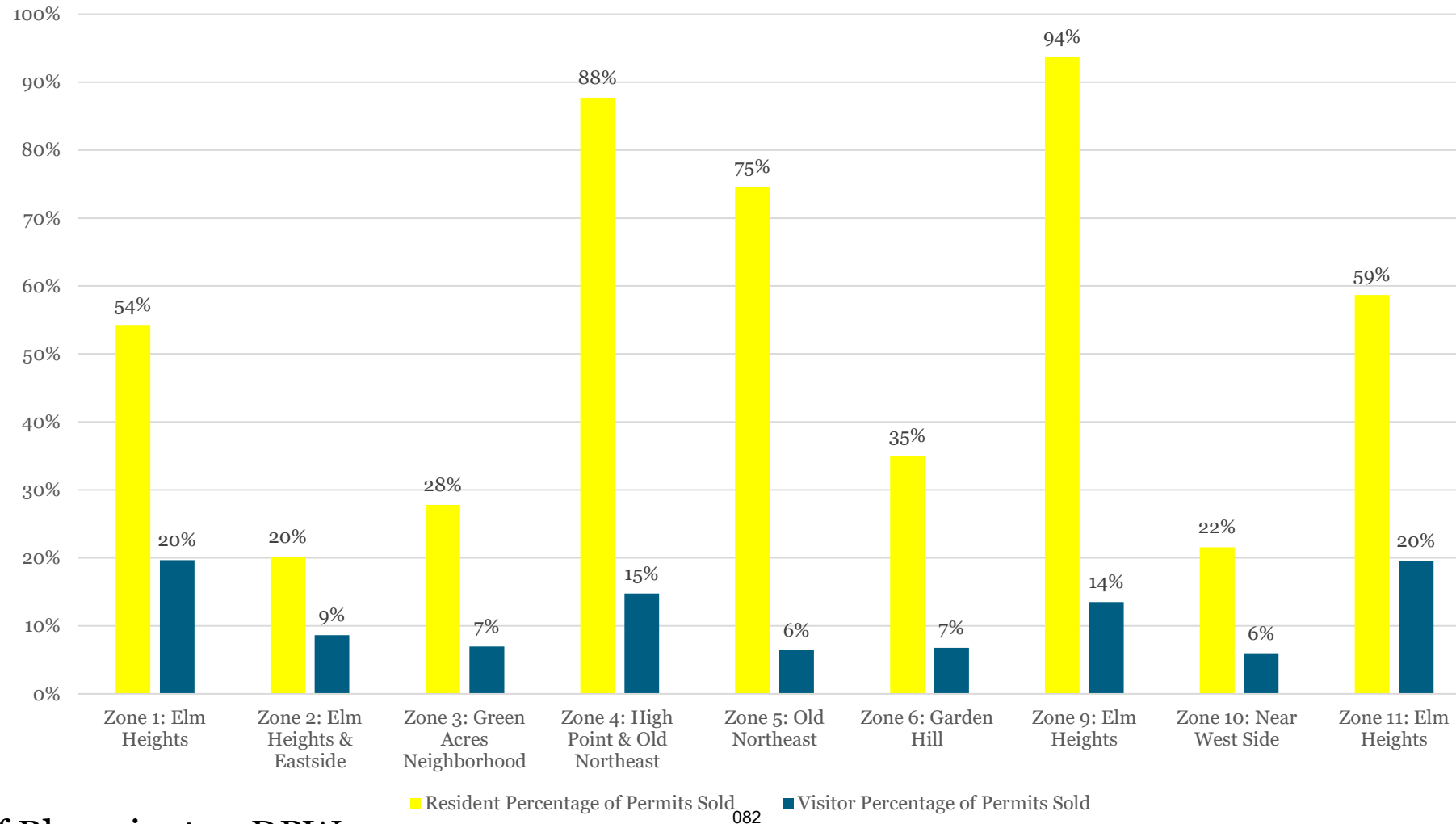
6.3.3 - Neighborhood parking zone utilization rates

Neighborhood Parking Zone Utilization Rates (08/19 - 06/20)



6.3.3 - Neighborhood parking zone utilization rates

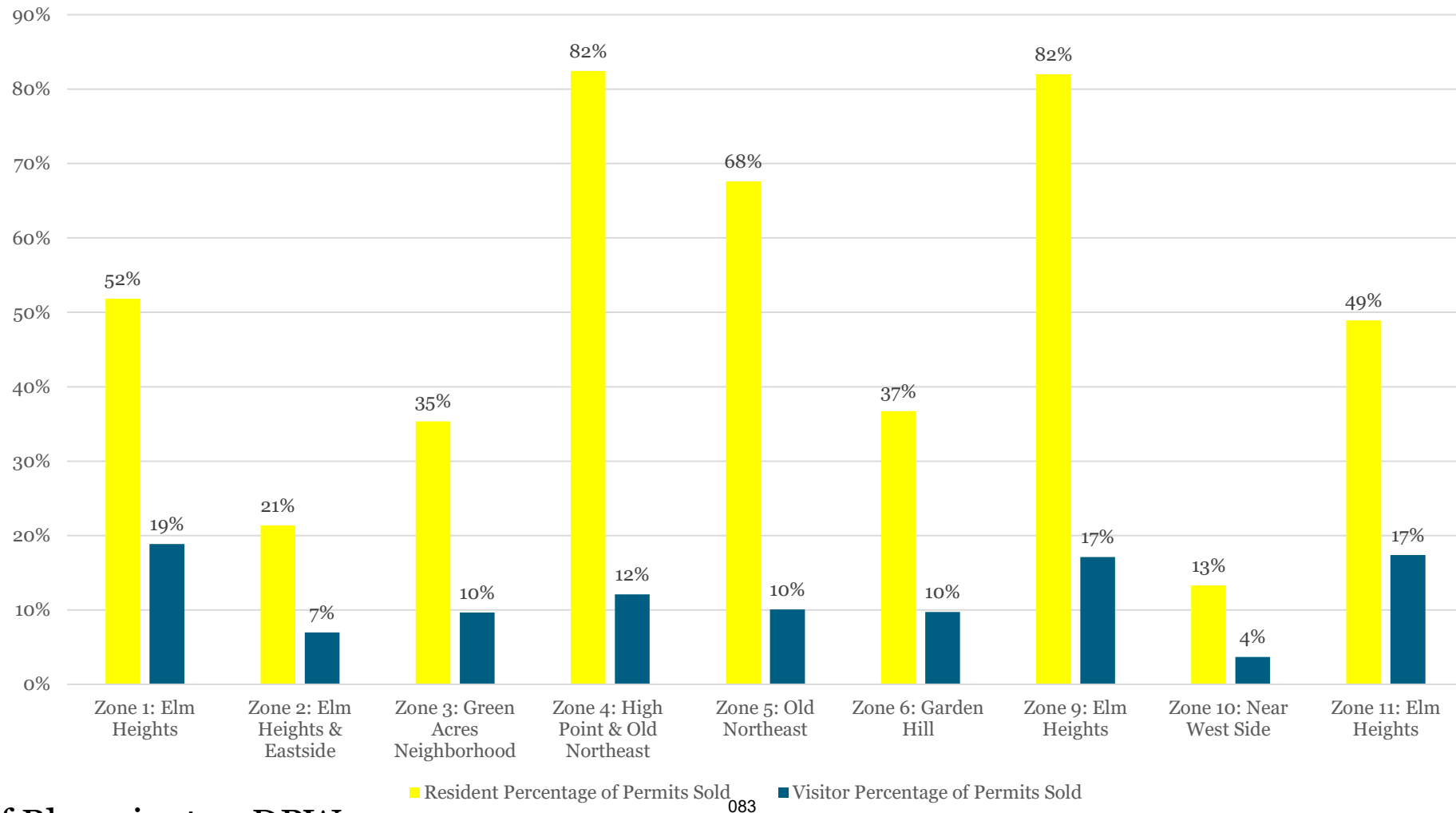
Neighborhood Parking Zone Utilization Rates (08/20 - 06/21)



Source: City of Bloomington DPW

6.3.3 - Neighborhood parking zone utilization rates

Neighborhood Parking Zone Utilization Rates (07/21 - 07/22)



Source: City of Bloomington DPW

Sources

- Applied Geographic Solutions 2022
- MRI-Simmons 2022
- American Community Survey 2019
- American Community Survey 2021
- U.S. Bureau of Economic Analysis
- City of Bloomington P&T
- Esri Vintage 2022
- Esri Vintage 2027
- Foursquare
- City of Bloomington DPW
- Friends of Lake Monroe
- Monroe County Assessor December 2018
- Monroe County Assessor December 2022
- Monroe County Public Library
- U.S. Census Bureau 2020
- BMCMPPO

Conclusion

Thank You!

<https://bloomington.in.gov/planning/comprehensive-plan>

Questions?



MEMO FROM COUNCIL OFFICE ON (Updated March 31, 2023)

Appropriation Ordinance 23-01 - To Specially appropriate the Current Balance of the Opioid Settlement Fund to Help Address the Impacts of the Opioid Crisis on City and County Residents

Synopsis

This ordinance appropriates \$391,906 of opioid settlement funds for the purpose of making grants in 2023 to community organizations assisting residents of Bloomington experiencing negative impacts from the opioid crisis.

Relevant Materials

- Appropriation Ordinance 23-01
- Memo from Beverly Calender-Anderson, Director of Community and Family Resources Department
- Distributor Settlement Agreement Exhibit E

Summary

Appropriation Ordinance 23-01 proposes an additional appropriation for 2023 out of two funds created to hold and account for money received as part of a settlement agreement related to a national, multidistrict litigation action against certain opioid manufacturers and distributors. The State of Indiana has published information related to this opioid settlement and litigation at the following webpage:

<https://www.in.gov/attorneygeneral/about-the-office/complex-litigation/opioid-settlement/>.

In 2022, the City of Bloomington adopted Resolution 22-08 in order to opt into the state-run settlement process after updated settlement terms made the process more favorable to local units of government. The city now receives and holds money distributed by the state in two funds – an Opioid Settlement Unrestricted Fund and an Opioid Settlement Restricted Fund. Under IC 4-6-15-4, 70% of local government settlement funds are designated for programs of treatment, prevention, and care that are considered “best practices”, while 30% of local government settlement funds are unrestricted. Included in this packet is a Distributor Settlement Agreement exhibit that provides more information on the types of treatment, prevention, and care programs that are considered best practices.

The city administration and Community and Family Resources Department (CFRD) are proposing to utilize the 2022 settlement payments as follows:



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

- \$70,500 to supplement CFRD's [Downtown Outreach Grant program](#);
- \$100,000 to go toward a pledge the city made as part of a [matching grant](#) available through the Division of Mental Health and Addiction of the Family and Social Services Administration (awards for this grant are pending – additional details are included in the memo provided by Beverly Calender-Anderson, CFRD Director); and
- \$221,406 to remain in CFRD's budget category 3 to make additional grants in 2023 to community organizations assisting residents of Bloomington experiencing negative impacts from the opioid crisis.

This would appropriate the entirety of settlement funds received for 2022. Additional settlement funds will be paid to the city through 2038. Distribution estimates for all participating political subdivisions, including Bloomington, can be viewed in spreadsheet provided by the State here: <https://www.in.gov/attorneygeneral/files/Opioids-Estimated-Payments-Revised-10-18-2022.xlsx>.

[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 appropriation requested by [Appropriation Ordinance 23-01](#) should not result in such an increase to the city's tax levy. Please note that a public notice of the proposed additional appropriation has been published pursuant to [Indiana Code 6-1.1-18-5](#) and that the Council must conduct a public hearing (scheduled for April 4, 2023) on the proposal before adoption.

Contact

Beverly Calender-Anderson, CFRD Director, 812-349-3430, andersb@bloomington.in.gov

Beth Cate, Corporation Counsel, 812-349-3426, beth.cate@bloomington.in.gov

Jeff Underwood, Controller, 812-349-3412, underwoj@bloomington.in.gov

APPROPRIATION ORDINANCE 23-01

TO SPECIALLY APPROPRIATE THE CURRENT BALANCE OF THE OPIOID SETTLEMENT FUND TO HELP ADDRESS THE IMPACTS OF THE OPIOID CRISIS ON CITY AND COUNTY RESIDENTS

- WHEREAS, for more than a decade, the opioid crisis has had profound effects and imposed devastating harms on members of the Bloomington community and on the City of Bloomington (“Bloomington”); and
- WHEREAS, on February 9, 2018, Bloomington and Monroe County jointly filed a lawsuit against various manufacturers and wholesale distributors of opioids (“Defendants”) alleging significant harm to the city, the county, and their residents from the Defendants’ actions in flooding markets, including Bloomington, with opioids; and
- WHEREAS, on March 24, 2022, via Resolution 22-08, Bloomington opted to resolve the lawsuit and participate in a settlement negotiated between the Defendants and the State of Indiana (“Initial Settlement”), whereby half of the settlement funds received by the state are provided to political subdivisions and whereby 70% of the settlement funds received by political subdivisions must be spent on treatment, prevention and care programs as described in settlement documents; and
- WHEREAS, Indiana Code 4-6-15 *et seq.* codifies these settlement terms and automatically includes political subdivisions like Bloomington that have chosen to participate in settlement, as parties to and participants in future opioid settlements negotiated by the state; and
- WHEREAS, pursuant to the Initial Settlement, Bloomington is projected to receive approximately \$1.95 million over the course of 18 years (net of attorney fees), and in 2022 received its first payments under the Initial Settlement comprising \$315,334 in “abatement” or restricted funds and \$76,572 in unrestricted funds; and
- WHEREAS, in accordance with the settlement terms and state law, Bloomington has created unique funds to hold and account for abatement and unrestricted settlement funds; and
- WHEREAS, Bloomington, through its Community and Family Resources Department (“CFRD”), recently partnered with Monroe County to apply for a one-time state matching grant opportunity being offered by the Indiana Family and Social Services Administration - Division of Mental Health and Addiction (DMHA) and the Governor’s Office, that if successful would provide additional funds to Bloomington and the County to support evidence-based recovery and treatment programs; and
- WHEREAS, the DMHA matching grant opportunity required Bloomington and the County to provide match funds and Bloomington pledged \$100,000 in abatement funds from its 2022 Initial Settlement balance as its match, to cover the costs of supplying Narcan and providing sharps containers; and

WHEREAS, applicants for the DMHA matching grant had only 28 days to develop and submit proposals to the state, which deadline Bloomington and the County were able to meet through substantial effort and collaboration, and which highlights the importance of Bloomington’s ability to be nimble in committing opioid settlement funds if other similar opportunities arise; and

WHEREAS, in addition to committing the pledged \$100,000 in abatement funds for the DMHA matching grant, CFRD anticipates being able to use in 2023 the remainder of the 2022 opioid settlement fund payments to support various services for which opioid settlement funds may be used under the settlement documents and Indiana Code 4-6-15 et seq.; and

WHEREAS, Bloomington wishes to appropriate the full amount of the 2022 Initial Settlement payments for such uses by CFRD in its ongoing efforts to aid the community in combating the harms caused by the opioid epidemic; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law;

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

SECTION 1: For the purposes of addressing ongoing impacts of the opioid crisis felt by the residents of Bloomington and Monroe County, the following additional sums of money are hereby appropriated and ordered set apart from the two Opioid Settlement Funds – Unrestricted and Restricted – for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED
Opioid Settlement Unrestricted (Fund #162) – Community and Family Resources Classification 3 – Services and Charges:	\$ 76,572
Grand Total Opioid Settlement Unrestricted (Fund #162)	<u>\$76,572</u>
Opioid Settlement Restricted (Fund #163) – Community and Family Resources Classification 3 – Services and Charges:	\$ 315,334
Grand Total Opioid Settlement Restricted (Fund #163)	<u>\$315,334</u>
Grand Total All Funds	<u><u>\$391,906</u></u>

SECTION 2: There is hereby appropriated the sum of \$391,906 Dollars (\$) out of the Unrestricted and Restricted Opioid Funds, for the purpose of making grants in 2023 to community organizations assisting residents of Bloomington experiencing negative impacts from the opioid crisis. Such appropriation shall be in addition to all appropriations provided for in the existing 2023 budget and shall continue in effect until the completion of the described purposes. This appropriation is limited to the 2022 settlement payments into the Opioid Funds and shall not affect the disposition of payments received into those funds in 2023 and subsequent years.

SECTION 3. Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

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

SUE SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates \$391,906 of opioid settlement funds for the purpose of making grants in 2023 to community organizations assisting residents of Bloomington experiencing negative impacts from the opioid crisis.

MEMORANDUM

DATE: March 20, 2023

TO: Members of the City of Bloomington Common Council

FROM: Beverly Calender-Anderson, Director, Community and Family Resources Department

RE: Request for allocation of Opioid Settlement Funds – Appropriation Ordinance 23-01

The Community and Family Resources Department (“CFRD”) is asking the Council to appropriate the current balance of the Opioid Settlement Funds received by the City of Bloomington (“City”), i.e. the payments received for 2022, for use by CFRD to help provide services to residents affected by the opioid crisis. This appropriation would involve only the 2022 payments, a total of \$391,906; it would not affect subsequent payments under the initial settlement reached with certain manufacturers and distributors, or later settlements in which the City participates; those funds would be subject to separate appropriations.

CFRD proposes using the funds as described below.

Each year CFRD coordinates the Downtown Outreach Grant which provides funding for non-profit agencies that support Bloomington’s unhoused residents or those in danger of becoming homeless. The investment of these funds into local non-profits has resulted in outreach staff who work with the City to assure that people living in encampments are getting needed services, including healthcare, and are aware of area resources such as payments for bus tickets and funding for out of towners to return to their home communities, syringe disposal boxes, case management and navigator services.

In the 2023 DTO grant cycle, the request total was \$544,771, more than double the \$250,000 allocated for this grant cycle. The grant selection committee evaluated each grant and though most of the requests were legitimate and fell into the parameters of the grant’s purpose, the committee was able to get the award amount down from the \$544,771 total requested to \$320,660, which was still \$70,500 more than budgeted. The consensus of the committee is that further cuts would not be enough for agencies to implement any part of the programs they’d proposed.

Earlier this month a Memorandum of Understanding was provided to the agencies receiving awards for the Downtown Outreach Grant indicating the total amount for awards that is currently available, \$250,160.

In addition the City and County have collaborated on a matching grant through FSSA to address substance use disorder in Monroe County. The City's portion of this match is \$100,000 and includes a naloxone supply and education program, and drug, medication and syringe disposal apparatus along with educational resources on the proper disposal of medications and syringes.

The City of Bloomington received \$391,906 in 2022 in Opioid Settlement Funds. The State of Indiana is using the Johns Hopkins Bloomberg School of Public Health's five guiding principles to ensure that these funds are used most effectively:

- Spend money to save lives
- Use evidence to guide spending
- Invest in youth prevention
- Focus on racial equity
- Develop a fair and transparent process for deciding where to spend the funds.

In order to collaborate with County government on its upcoming programs addressing substance use disorder and to make the Downtown Outreach Grant selection committee's total of \$320,660 available for the Downtown Outreach Grants, all of which purposes are consistent with the types of "abatement" expenditures approved by the settlement documents and state law for the use of Opioid Settlement Funds, we recommend the Council approve an appropriation of \$391,906 from the Opioid Settlement Funds to Classification -3 Grants within the budget of the Community and Family Resources. \$170,500 will be used for the purposes described above, and the remainder will be available for CFRD to address similar community needs. The funding will at all times be used consistent with local, state and federal law.

The Administration has given the public notice of this proposed additional 2023 appropriation by publication as required under Indiana Code 6-1.1-18-5(a) and Indiana Code 5-3-1-2(b). If, following the public hearing, Council approves the proposed additional appropriation, the Controller will promptly file a certified copy with the Department of Local Government Finance (DLGF) as required by state law, IC 6-1.1-18-5(b) and (e). The DLGF has 15 days to determine in writing whether sufficient funds are available to cover the appropriation. The Administration expects an affirmative ruling from the DLGF.

Council review and approval of this proposed additional appropriation ordinance will also satisfy the requirements of Bloomington Municipal Code 2.26.210, which calls for Council review and approval by resolution of expenditures of at least \$100,000.

EXHIBIT E**List of Opioid Remediation Uses****Schedule A
Core Strategies**

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“*Core Strategies*”).¹⁴

- A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
1. Expand training for first responders, schools, community support groups and families; and
 2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.
- B. **MEDICATION-ASSISTED TREATMENT (“MAT”) DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT**
1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
 2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
 3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
 4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

¹⁴ As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. **PREGNANT & POSTPARTUM WOMEN**

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. **EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)**

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. **EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES**

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA’s “Real Cost” campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

Schedule B
Approved Uses

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (“*OUD*”) and any co-occurring Substance Use Disorder or Mental Health (“*SUD/MH*”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:¹⁵

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“*MAT*”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“*ASAM*”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including *MAT*, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“*OTPs*”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

¹⁵ As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (“*DATA 2000*”) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARP*”);
 2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
 3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
 5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
 6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“*CTP*”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“*NAS*”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children’s Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“*PDMPs*”), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation’s Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment

intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“ADAM”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.



MEMO FROM COUNCIL OFFICE ON

Appropriation Ordinance 23-02 - To Specially Appropriate Funds from the General Fund for Construction of the Trades District Tech Center and Associated Construction Management Services

Synopsis

This ordinance appropriates \$3,061,391 from the General Fund to help pay for construction of the Trades District Tech Center and associated construction management services secured by The Dimension Mill.

Relevant Materials

- Appropriation Ordinance 23-02
 - Exhibit A – Trades District and Technology Center Management Agreement
 - Exhibit B – The Dimension Mill’s March 20, 2023 Memorandum
 - Exhibit C – Bloomington Industrial Development Advisory Commission proposed Resolution 23-01
 - BIDAC Res 23-01 – Ex. A – Thomson CRED District Map
 - BIDAC RES 23-01 – Ex. B – Downtown CRED District Map

Summary

Appropriation Ordinance 23-02 proposes an additional appropriation for 2023 of \$3,061,391 to be paid out of the Economic and Sustainable Development Department’s budget category 3 through the General Fund to pay for construction costs of a Trades District Technology Center, including the cost of construction management services to be secured by The Dimension Mill as an agent of the City and the Redevelopment Commission.

The administration has proposed this appropriation anticipating that funding currently held in the city’s Industrial Development Fund will be transferred to the General Fund after passage of a resolution by the Bloomington Industrial Development Advisory Commission (BIDAC). The BIDAC was scheduled to meet on Friday, March 31, 2023 to consider the proposed BIDAC Resolution 23-01 attached as Exhibit C to the appropriation ordinance and included in this packet. The resolution recites the history of the BIDAC, the history of two Community Revitalization Enhancement Districts (referred to as the Thomson CRED and Downtown CRED), and the history of expenditures out of the Industrial Development Fund.

The potential BIDAC resolution would:

- declare the purposes of the CREDs and the Industrial Development Fund accomplished;
- acknowledge the statutory expiration of both CREDs under state law and declare the districts terminated under [IC 36-7-13-19](#);



- recognize that, when the purposes of the Industrial Development Fund have been accomplished and the CREDs have been terminated, any balance remaining in the Industrial Development Fund should be transferred to the General Fund; and
- state that the Bloomington Industrial Development Advisory Commission is dissolved.

According to the BIDAC resolution, \$22,048,066.55 had been allocated by the State to the Industrial Development Fund as of December 31, 2022, with \$17,269,342.40 remaining in the fund as of the same date.

The administration is proposing an appropriation of \$3,061,391 out of the General Fund to be supported by the anticipated transfer of surplus funds from the Industrial Development Fund. This appropriation would go to support the construction and associated costs of a Trades District Technology Center. As the appropriation ordinance states, the total project cost estimate for construction of the Tech Center is \$8,519,771 (up from a prior estimate of \$5,458,380 in 2020). The administration has identified and is hoping to utilize the following sources of funding to pay for the construction costs:

\$1,958,398 from the Redevelopment Commission from its Consolidated TIF Fund;
\$3,061,391 from the City's General Fund (proposed via [Appropriation Ordinance 23-02](#));
and
~\$3.5 million from a US Economic Development Administration (EDA) CARES Act Recovery Assistance Grant.

Exhibit B to the appropriation ordinance is a memorandum from The Dimension Mill, Inc., which partnered with the City, the Redevelopment Commission, and the Bloomington Economic Development Corporation (BEDC) as co-applicants for the EDA grant. The memo makes the case for the Tech Center's benefits to the Trades District and as a driver of regional economic growth in the technology sector. The memo also details the estimated project budget for construction in its Appendix One.

If funding is approved, the administration anticipates that the Dimension Mill, Inc. (an Indiana nonprofit corporation) will oversee completion of the Tech Center construction, will recruit users and occupants of the facility, will conduct and facilitate programs for the Tech Center, and will provide ongoing leadership to promote and support the Tech Center and Trades District. These expectations are detailed in a Trades District and Technology Center Management Agreement that was made between the City, the Redevelopment Commission, and the Dimension Mill in January 2023, which is attached as Exhibit A to the appropriation ordinance. This agreement provides that the Redevelopment Commission will pay \$200,000 in 2023 and 2024 to the Dimension Mill for fulfilling the duties under the agreement, with payments in 2025 to be determined by mutual agreement of the Commission and the Dimension Mill. Ongoing management of the Tech Center by the Dimension Mill is anticipated in the agreement, which states that the City and Dimension Mill shall negotiate a mutually-acceptable Trades District Management Agreement, subject to final approval by the Redevelopment Commission. The Redevelopment Commission would retain ownership of the Tech Center under the current agreement.



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

Appropriations Generally

[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 appropriation requested by [Appropriation Ordinance 23-02](#) should not result in such an increase to the city's tax levy. Please note that a public notice of the proposed additional appropriation has been published pursuant to [Indiana Code 6-1.1-18-5](#) and that the Council must conduct a public hearing (scheduled for April 4, 2023) on the proposal before adoption.

Contact

Alex Crowley, Director of Economic and Sustainable Development, 812-349-3418, crowleya@bloomington.in.gov

Beth Cate, Corporation Counsel, 812-349-3426, beth.cate@bloomington.in.gov

Jeff Underwood, Controller, 812-349-3412, underwoj@bloomington.in.gov

APPROPRIATION ORDINANCE 23-02

**TO SPECIALLY APPROPRIATE FUNDS FROM THE GENERAL FUND FOR
CONSTRUCTION OF THE TRADES DISTRICT TECH CENTER AND ASSOCIATED
CONSTRUCTION MANAGEMENT SERVICES**

- WHEREAS, the Trades District is a 12-acre portion of the Bloomington Certified Technology Park (“CTP”) owned by the City of Bloomington Redevelopment Commission (“RDC”); and
- WHEREAS, the Trades District is envisaged as a place of innovation, business attraction and job creation and a catalyst to support high technology sector growth; and
- WHEREAS, on October 12, 2021, the US Economic Development Administration (EDA), awarded the City of Bloomington (“City”) as co-applicant with the RDC and the Bloomington Economic Development Corporation (“BEDC”), a \$3.5 million CARES Act Recovery Assistance Grant to support the construction of the Trades District Technology Center (“Tech Center”) as a Class A office building within the CTP to support growth in tech-focused industries and to foster emerging tech startups; and
- WHEREAS, the Tech Center's purpose includes growing industries and fostering emerging startups that are engaged in "high technology activity," as that term is defined in Indiana Code 36-7-32-7; and
- WHEREAS, the Tech Center will be located at Maker Way and North Madison Street in the Trades District and is within a federally recognized Opportunity Zone, which is a development tool designed to attract capital investment to economically distressed areas; and
- WHEREAS, the Tech Center is a proposed three-story 22,000-square-foot building that will house small-to-medium tenant office spaces as well as meeting space and shared amenities; and
- WHEREAS, in addition to the EDA’s multi-million dollar support of the Tech Center as a means of expanding economic development and tech industry growth in Bloomington, the Indiana University Public Policy Institute has indicated the need to diversify the types of jobs available within the local economy, identified technology as an emerging industry sector providing sustainable, higher paying jobs, and concluded that the estimated economic impact of the Tech Center over 10 years is \$218 million, including 866 private sector jobs (530 direct jobs and 336 indirect and induced jobs) and \$51.5 million in leveraged private investment; and
- WHEREAS, construction and activation of the Tech Center will build on and provide support to other key economic development initiatives in the area including the continuing success of The Mill, the City-owned award-winning center for entrepreneurship and coworking space located in the historic Showers Dimension Mill building, one of the fastest growing co-work facilities and the home of IU Ventures, The Flywheel Fund and several successful early-stage tech companies; Eurton Qualified Opportunity Fund, LLC’s purchase and renovation of the Showers Administration Building; the Kiln Collective’s purchase and renovation of the Showers Kiln Building; and achieving full occupancy of the Trades District Parking Garage facility; and

WHEREAS, The Dimension Mill, Inc. is a nonprofit corporation operating within the Trades District with a mission, among other things, to promote and facilitate entrepreneurship, including high technology startups and related industries; and

WHEREAS, on January 27, 2023, the City of Bloomington and the RDC executed a Trades District Management Agreement with The Dimension Mill, to manage the development of the Trades District Tech Center and market the Trades District development, a copy of which Agreement is attached to this Ordinance as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to the Trades District Management Agreement, The Dimension Mill will oversee the development of the Tech Center and engage in broader marketing, promotion and development of the Trades District, which efforts are consistent with the City’s Comprehensive Plan, Certified Technology Park Master Plan, and Unified Development Ordinance, and are being led by former US Assistant Secretary of Commerce for Economic Development and former Bloomington Mayor John Fernandez; and

WHEREAS, as part of these efforts, The Dimension Mill will serve as the City’s and RDC’s agent in securing construction management services for the Tech Center construction; and

WHEREAS, The Dimension Mill has conducted focus groups with numerous local tech companies and other partners to advise on Tech Center design and development; and

WHEREAS, the IU Innovation and Commercialization Office (ICO) and the Ivy Tech Gayle & Bill Cook Center for Entrepreneurship have committed to deliver in-kind consulting and advisory services to companies through the Tech Center, which will contribute to the success of the Tech Center and its tenants; and

WHEREAS, in accordance with the City’s Green Building Program, the Tech Center’s design will meet or exceed LEED Silver Certification and include features, such as solar panels, low-emitting materials, green roofing, and exterior workspaces, that align with and support the City’s sustainability goals, and together with collaboration spaces and social hubs, will also align with evolving needs of companies in the post-COVID work environment; and

WHEREAS, the City and the Dimension Mill expect that the Tech Center will advance Bloomington and the South Central Indiana tech industry employment growth and technology commercialization, contribute to a stronger brand for the region in technology, and connect growing tech companies to Indiana University’s innovation and commercialization assets, NSWC Crane’s tech transfer programs, 16 Tech in Indianapolis and national and international networks; and

WHEREAS, the City and The Dimension Mill expect the public contract bidding process for construction of The Tech Center to begin in late summer 2023, with construction starting in Q3 2023 and the project being completed in 2025; and

WHEREAS, at the time of the City’s grant application to the EDA in 2020, the RDC committed \$1,958,3980 toward the required local funding match from its Consolidated Tax Increment Financing District (“Consolidated TIF”), reflecting a preliminary project cost estimate, prior to completion of the design process, of approximately \$5.5 million; and

WHEREAS, Tech Center development was delayed during the COVID-19 pandemic, and the project has been impacted by the inflationary pressures impacting the construction industry; and

WHEREAS, as a result, based upon updated pre-bid design estimates, the total Tech Center project estimated cost is now \$8,519,771, as further detailed in the budget statement in Appendix 1 to The Dimension Mill's March 20, 2023 memorandum attached to this Appropriation Ordinance as Exhibit B and incorporated by reference herein; and

WHEREAS, this new estimate has resulted in the need for an additional appropriation of \$3,061,391 to fully fund construction of the Tech Center; and

WHEREAS, although the proposed location of the Tech Center lies just outside the boundaries of the Downtown Community Revitalization District ("CRED district"), the purpose, focus, and activities of the Tech Center involve economic development and revitalization with an emphasis on the technology sector, and thus align fully with the purpose of that CRED district and the Industrial Development Fund ("IDF"), which is to enable the City to pursue opportunities for economic and industrial development and high-quality employment in or serving the City; and

WHEREAS, given the statutory expiration of the Thomson and Downtown CRED districts, the Bloomington Industrial Development Advisory Commission ("BIDAC") will meet on March 31, 2023 and in accordance with Indiana Code 36-7-13-19, consider BIDAC Resolution 23-01 declaring the CRED districts terminated, their purpose and the purposes of the IDF accomplished, and all related bonds and other obligations fully paid, and dissolving the BIDAC, a copy of which Resolution is attached hereto as Exhibit C and incorporated by reference herein; and

WHEREAS, following passage of BIDAC Resolution 23-01, the City Controller will transfer the balance of the IDF as of December 31, 2022, totaling \$17,269,342.40, to the City's General Fund, as required by Indiana Code 36-7-13-9, and will similarly transfer any residual amounts that may hereafter be received from the State in connection with any final reconciliation of the IDF; and

WHEREAS, upon transfer to the City's General Fund, the former IDF funds may continue to be appropriated by the Council for use in supporting economic development and revitalization projects, in the former CRED districts and other appropriate locations in the City; and

WHEREAS, for the reasons cited above, the Council supports appropriating \$3,061,391 of the former IDF funds transferred to the General Fund, to leverage the EDA's \$3.5 million grant and establish a Class A, LEED Silver Certified technology startup and accelerator facility;

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law;

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

SECTION 1: For the purposes of enabling the construction of the Trades District Tech Center, the following additional sums of money are hereby appropriated and ordered set apart from the General Fund for the purposes herein specified, subject to the laws governing the same:

		AMOUNT REQUESTED
General Fund (Fund#101)- Economic & Sustainable Development		
	Classification – 3 Services and Charges	3,061,391
	Total Economic & Sustainable Development	3,061,391
	Total General Fund	3,061,391
General Fund (Fund#101)		3,061,391

SECTION 2: There is hereby appropriated the sum of Three Million, Sixty-One Thousand, Three Hundred Ninety-One (\$3,061,391) Dollars (\$) out of the General Fund, to help cover costs of construction of the Trades District Tech Center including the cost of construction management services secured by The Dimension Mill as agent of the City and the RDC. Such appropriation shall be in addition to all appropriations provided for in the existing 2023 budget and shall continue in effect until the completion of the described purposes.

SECTION 3. Each of the Mayor and the Controller is hereby authorized and directed, for and on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

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

SUE SGAMBELLURI, 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 _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates \$3,061,391 from the General Fund to help pay for construction of the Trades District Tech Center and associated construction management services secured by The Dimension Mill.

EXHIBIT A

TRADES DISTRICT & TECHNOLOGY CENTER AGREEMENT

This Agreement made and entered into by and between the City of Bloomington, Indiana (“City”) by its Mayor, the Redevelopment Commission (“RDC”) and the Dimension Mill, Inc., an Indiana nonprofit corporation (“The Mill”), collectively referred to as “the Parties”. This Agreement is effective as of the date of the last signature (“Effective Date”).

WITNESSETH:

WHEREAS, the Trades District is a 12-acre portion of the Bloomington Certified Technology Park that is owned by the RDC; and

WHEREAS, the Trades District is envisaged as a place of innovation, business attraction and job creation and a catalyst to support high technology sector growth; and

WHEREAS, the City and RDC were awarded a \$3.5M grant from the US Economic Development Administration (US EDA) to construct the Trades District Technology Center (“Tech Center”); and

WHEREAS, the Trades District Technology Center, Inc. was created as an Indiana Nonprofit Corporation for the purpose of managing the Tech Center; and,

WHEREAS, the Tech Center’s purpose includes growing industries and fostering emerging startups that are engaged in “high technology activity,” as that term is defined in Indiana Code 36-7-32-7; and

WHEREAS, there is an identified need to develop the local innovation ecosystem, beyond the Tech Center building, and advance the development of the Trades District for innovation, with a focus on high technology activity; and,

WHEREAS, The Mill is a nonprofit corporation operating within the Trades District with a mission, *inter alia*, to promote and facilitate entrepreneurship, including high technology start-ups and related industries, and will partner with the City and RDC to promote the Trades District and oversee the creation of the Tech Center on behalf of the grant applicants;

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions in this Agreement, the City, RDC, and The Mill agree as follows:

1. Purpose of Agreement

The purpose of this Agreement is to establish an operating plan to support the success of the Trades District, the Tech Center and the growth of the Greater Bloomington high technology and innovation employment sector by engaging The Mill to deploy resources including as

contributed herein and its expertise to oversee completion of the Tech Center facility; to recruit users and occupants of the Tech Center facility; to conduct and facilitate programs complementary to the mission of the Tech Center and Trades District, as a whole; and to assume leadership and operational responsibility for the development of the Trades District. Upon completion of the Tech Center facility, the Parties anticipate this Agreement will be replaced, in whole, by a Trades District Management Agreement, detailing The Mill's continued leadership to promote and support the Tech Center and Trades District.

2. Duration of Agreement

This Agreement shall be in full force and effect from and after the Effective Date through December 31, 2025, unless early termination occurs as described in paragraph 9 below or it is otherwise extended by mutual agreement of the Parties.

3. Funding

The City shall provide The Mill with Two Hundred Thousand Dollars (\$200,000) annually to support the purpose of this Agreement for the first two (2) years of the Agreement and may fund this Agreement in the final year by mutual agreement of the Parties. These funds shall be paid to The Mill by the City in quarterly payments commencing as of the Effective Date of this Agreement.

4. Mill Duties

The Mill's duties under this Agreement shall include the following:

A. Tech Center Facility

The funds granted by the US EDA to construct a facility shall be managed and accounted for directly by the City. The Mill shall lead development of the Tech Center by taking the following steps which are necessary and incidental to completing the design and construction of the Tech Center, utilizing architecture services provided by STUDIOAXIS and construction management services provided by STUDIOAXIS or another entity:

i. Design and Development Coordination.

1. Collaborate with the local design review group made up of local stakeholders to provide input and feedback throughout design, cost analysis, and construction of the Tech Center.
2. Coordinate throughout the construction project with BEDC, the RDC, STUDIOAXIS, any entity besides STUDIOAXIS involved with construction management, and appropriate local stakeholders.
3. Liaise with the City, BEDC, and USED A throughout the Tech Center construction to ensure timely information sharing and facilitate necessary compliance reporting.

4. Collaborate with the City and RDC, if necessary, to identify and help develop resources and funding for the Tech Center to help address a potential funding gap for construction costs if USED A grant funding and other available City funding are insufficient to fully cover such costs. The Mill shall not be responsible for direct costs associated with the design, development, and construction of the Tech Center facility.

ii. Tech Center Operations

By no later than completion of construction, The Mill shall produce a plan to activate the Tech Center developed in collaboration with key stakeholders, as determined appropriate by The Mill (e.g. brokers, business development and educational partners). The plan shall include but not be limited to the following:

1. Naming, branding and marketing the Tech Center
2. Determining and recruiting tenancies, including defined tenant mix, rental terms, conditions of facility use and related matters
3. Developing complementary programming for participants and users of the Tech Center

iii. Facility Management Responsibilities.

Upon execution of a Trades District Management Agreement with the RDC, as discussed in Section 8 below, The Mill shall have the exclusive authority to operate and manage the Tech Center, consistent with the terms of the Trades District Management Agreement and EDA grant. Such operation and management shall include the following:

1. Developing: (1) a business plan and annualized budget, and (2) a proforma for ongoing operations of the Tech Center once those calculations may be reasonably determined.
2. Attracting high technology and innovation sector employer tenants for the Tech Center. The Mill will coordinate these efforts with the City, RDC, BEDC and relevant stakeholders.
3. Retaining lease payments for Trades Center tenancies as part of the Tech Center budget and using them to pay operating expenses associated with Tech Center operations.
4. Conducting and facilitating Tech Center programming that supports this Agreement's purpose.

B. Trades District

The Mill will assume primary responsibility for leading and managing advancement of the Trades District consistent with the City's Comprehensive Plan, UDO and its Certified Technology Park Master Plan, all to encourage and promote public and private investment, job creation and high technology business development and expansion opportunities. The Mill's leadership and management duties shall include but not be limited to the following:

1. Commencing upon execution of this agreement, assuming responsibility for leading the development of the Trades District properties, including potential development opportunities under review. The City shall deliver to The Mill necessary materials and communications related to such proposals;
2. Developing a plan for marketing, promoting, and recruiting participation and development in the Trades District as soon as practicable but no later than December 31, 2023 (“Plan”); and
3. Implementing said plan in close collaboration with key stakeholders

The Parties agree and understand that final decision-making and control of the development of parcels within the Trades District is vested in the RDC as owner of the property and in the City through its zoning and related regulatory powers.

5. Innovation Ecosystem Development

The Mill shall include in its Plan for advancing the Trades District required under Section 4(B) above, a roadmap, including key milestones and deliverables schedule, for developing the local innovation ecosystem and accelerating the success of the Bloomington Metro Area’s high technology and innovation economic sector. The Plan will include steps to build collaborations and further partnerships with the City, BEDC, Indiana University, private sector leaders and other key stakeholders.

6. Executive Leadership

The Mill shall employ, at its sole cost and expense, an appropriately qualified and experienced executive director for the Trades District and Tech Center. The Mill shall employ at its sole cost and expense such and other personnel as necessary, in its sole opinion, to successfully execute its obligations included in this Agreement.

7. Reporting and performance indicators

A. The Mill shall provide the City a written annual report, due July 1, and an update to the July 1, 2025 report due December 31, 2025, on its activities and results achieved under this Agreement, using the following topics and metrics as a guideline for reporting:

- i. Implementation of the Plan
- ii. Tech Center occupancy rate for leasable space
- iii. Progress toward financial stabilization goal for Tech Center activities
- iv. Annual Trades District lot sales and related revenue
- v. Development activity within the Trades District, including, but limited to scale of new buildings, uses, net new jobs, capital investment
- vi. Percent of Tech Center and Trades District occupancies comprising innovation/technology entities
- vii. Economic impact

B. The Mill shall provide the City and RDC reports and other data reasonably requested and necessary for the City to complete and remit its required reports under the EDA grant agreement.

8. Tech Center Ownership and Management

The RDC shall retain ownership of the Tech Center. Prior to the completion of Tech Center construction, the City and The Mill shall negotiate a mutually acceptable Trades District Management Agreement, subject to final approval by the RDC.

9. Termination

The City may terminate this Agreement upon giving written notice of the intention to do so six (6) months prior to the intended date of termination. The Mill may terminate this Agreement following a determination by its Board to terminate and by giving written notice of the intention to terminate six (6) months prior to the intended date of termination. If The Mill and the City's contractual relationship is terminated for any reason during the term of a lease agreement that The Mill has with a tenant for the Tech Center, the City will honor the remaining term of such lease and receive a copy of such lease agreement. During the period of notice of termination, the Parties will work together in good faith to complete financial and other reports necessary and incidental to account for the partnership efforts up to the point of termination and other related topics to wind-up the contractual relationship.

Upon termination, subject to limitation by applicable law or regulation expressly including those governing non-profit entities, the City through the RDC shall have the first right of refusal to purchase any The Mill-owned and funded non-fixed assets located as a part of the Tech Center for the depreciated net value or a price mutually agreed upon by the Parties.

GENERAL PROVISIONS

10. **Assignment and Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the executing parties and their respective successors and assigns. The Mill may not assign this Agreement, or its obligations and duties hereunder, without the prior written approval of the City, which shall not be unreasonably delayed or withheld.

11. **Default.** If there is a default arising from this Agreement, the Parties will attempt to informally resolve the matter in dispute before resorting to litigation.

12. **Relationship of Parties.** Nothing contained in this Agreement shall be deemed or construed, either by the parties hereto or by any third party, to create any partnership, joint venture or other association between the Parties.

13. **Notices.** All notices shall be sent by either personal delivery, a reputable overnight courier which keeps receipts of delivery (such as UPS or Federal Express), or through the facilities of the United States Post Office, postage prepaid, certified or registered mail, return receipt requested.

Any such notice shall be effective upon delivery, if delivered by personal delivery or overnight courier, and seventy-two (72) hours after dispatch, if mailed in accordance with the above. Notices to the respective parties shall be sent to the following addresses unless written notice of a change of address has been previously given pursuant hereto:

If to The Mill: Dimension Mill, Inc.
 Attn: Pat East, President
 642 North Morton Street
 Bloomington, IN 47404

Copy to Angela F. Parker
 CarminParker, PC
 116 West 6th Street, Suite 200
 Bloomington, IN 47404

If to the RDC/City: City of Bloomington
 Redevelopment Commission
 Attn: Beth Cate
 City of Bloomington Legal Department
 P.O. Box 100
 Bloomington, IN 47402

14. Consents. Whenever a party is, or may be, called upon to give its consent or approval to any action, except as otherwise specifically provided herein, the consent or approval shall not be unreasonably withheld, conditioned, or delayed.

15. Entire Agreement; Modification. This Agreement (including the Recitals set forth at the beginning of this Agreement, all of which are incorporated herein by this reference) embodies and constitutes the entire understanding between the parties with respect to the transaction contemplated herein. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be waived, modified, discharged, or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge, or termination is sought, and then only to the extent set forth in such instrument.

16. Applicable Law and Jurisdiction. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Indiana. The Monroe Circuit Court sitting in Bloomington, Indiana shall retain original jurisdiction to resolve any legal dispute between the Parties.

17. Headings. Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement.

18. Interpretation. Whenever the context hereof shall so require, the singular shall include the plural, the male gender shall include the female gender and the neuter, and vice versa, and the use

of the terms “include,” “includes” and “including” shall be without limitation to the items which follow.

19. Severability. In case any one or more of the provisions hereof shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

20. Joint Drafting. The parties acknowledge that each has played an equal part in the negotiation and drafting of this Agreement, and in the event any ambiguities should be realized in the construction or interpretation of this Agreement, such ambiguities shall not be construed against either party solely on account of authorship.

21. Time is of the Essence. The parties acknowledge that time is of the essence in the performance of this Agreement.

22. Nondiscrimination. The Mill shall comply with City of Bloomington Ordinance 2.21.020 and all other federal, state and local laws and regulations governing non-discrimination in employment. The Mill shall take affirmative action to insure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity and tends to eliminate inequality based upon religion, race, color, sex, national origin, ancestry, disability, sexual orientation, gender identity, housing status, or status as a veteran. A breach of the obligation to take affirmative action shall be a material breach of this Agreement for which the City shall be entitled, at its option (a) to cancel, terminate, or suspend the Agreement in whole or in part; (b) to declare The Mill ineligible for further city contracts; (c) to recover liquidated damages of a specified sum.

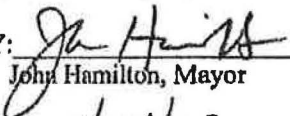
23. E-Verify. The Mill and any subcontractors may not knowingly employ or contract with an authorized alien, or retain an employee or contract with a person that The Mill subsequently learns is an unauthorized alien. The Mill is required to enroll in and verify the work eligibility status of all newly-hired employees through the E-Verify program (this is not required if the E-Verify program no longer exists). The Mill shall sign an affidavit, attached as Exhibit 1, affirming that it does not knowingly employ an unauthorized alien. “Unauthorized alien” is defined at 8 U.S. Code 1324a(h)(3) as a person who is not a U.S. citizen or U.S. national and is not lawfully admitted for permanent residence or authorized to work in the U.S. under 8 U.S. Code Chapter 12 or by the U.S. Attorney General.

The Mill shall require any subcontractors performing work under this Agreement to certify to The Mill that, at the time of certification, the subcontractor does not knowingly employ or contract with an unauthorized alien and the subcontractor has enrolled in and is participating in the E-Verify program. The Mill shall maintain on file all subcontractors’ certifications throughout the term of this Agreement.

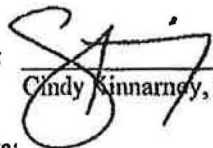
24. Non-Collusion. The Mill is required to certify that it has not, nor has any member, representative, or agent of The Mill, entered into any combination, collusion or agreement with any person relative to the price to be offered by any person nor prevented any person from making an offer nor induced anyone to refrain from making an offer and that this offer is made without reference to any other offer. The Mill shall sign an affidavit, attached hereto as Exhibit 2, affirming that The Mill has not engaged in any collusive conduct.

IN WITNESS WHEREOF, the parties have executed this Agreement effective upon the last date of signature below.

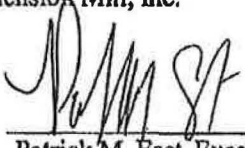
City of Bloomington, Indiana

BY: 
John Hamilton, Mayor
Date: 1/27/23

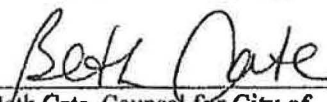
Redevelopment Commission of
Bloomington, Indiana

By: 
Cindy Sinnerney, President
Date: _____

Dimension Mill, Inc.

By: 
Patrick M. East, Executive Director
Date: 1-27-23

APPROVED AS TO FORM:


Beth Cate, Counsel for City of
Bloomington and Redevelopment Commission
Date: 1/23/23

APPROVED AS TO FORM:

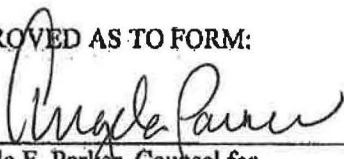
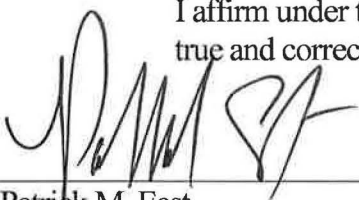

Angela F. Parker, Counsel for
Dimension Mill, Inc.
Date: Jan 27, 2023

EXHIBIT 1
AFFIDAVIT REGARDING E-VERIFY

The undersigned, being duly sworn, hereby affirms and says that:

1. The undersigned is the Executive Director of Dimension Mill, Inc. ("Company")
2. The Company named herein that employs the undersigned has contracted with or is seeking to contract with the City of Bloomington to provide services.
3. The undersigned hereby states that, to the best of his knowledge and belief, the Company named herein does not knowingly employ an "unauthorized alien," as defined at 8 United States Code 1324a(h)(3).
4. The undersigned hereby states that, to the best of his knowledge and belief, the Company named herein is enrolled in and participates in the E-verify program.

I affirm under the penalties of perjury that the foregoing facts and information are true and correct to the best of my knowledge and belief.

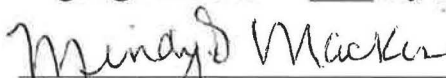


Patrick M. East

STATE OF INDIANA)
)SS:
COUNTY OF MONROE)

Before me, a Notary Public, in and for said County and State, personally appeared Patrick M. East and acknowledged the execution of the foregoing Affidavit this 27th day of January, 2023.

My Commission Expires
3/21/2030


Mindy S. Mackin Notary Public

County of Residence:
Morgan

Commission Number: NP0651563



EXHIBIT 2

AFFIDAVIT REGARDING NON-COLLUSION

The undersigned, being duly sworn, hereby affirms and says that:

Patrick M. East has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by Dimension Mill, Inc., entered into any combination, collusion, or agreement with any person relative to the price to be offered by any person nor to prevent any person from making an offer nor to induce anyone to refrain from making an offer and that this offer is made without reference to any other offer.

I affirm under the penalties of perjury that the foregoing facts and information are true and correct to the best of my knowledge and belief.

Dated this 27th day of January, 2023.

[Signature]
Patrick M. East

STATE OF INDIANA)
)SS:
COUNTY OF MONROE)

Before me, a Notary Public, in and for said County and State, personally appeared Patrick M. East and acknowledged the execution of the foregoing Affidavit this 27th day of January, 2023.

My Commission Expires
3/21/2030

[Signature]
Mindy S Mackin, Notary Public

County of Residence:
Morgan

Commission Number: NP 0651563





Dimension Mill Inc. 642 N Madison Street
Bloomington, IN 47404

TO: City of Bloomington Common Council

FROM: The Dimension Mill

DATE: March 20, 2023

RE: Appropriations Ord 23-02 – encumbering local funding for the US EDA supported Trades District Tech Center

Executive Summary

We write to request that the Bloomington Common Council approve \$3,061,391 of Downtown CRED revenue to advance the US EDA-supported Trades District Technology Center development. The Trades District Technology Center represents a major new investment in our regional innovation ecosystem. This project will be a catalyst for Bloomington's efforts to establish our community as a dynamic hub for our growing tech focused sector, while positioning the City to lever other critical opportunities:

- The federal [US CHIPS and Science Act](#) and [Indiana READ!](#) programs are investing heavily in innovation, tech hubs, and regional vitality;
- New IU leadership and the [IU 2030 plan](#) are focused on leveraging research and innovation as local and statewide economic development drivers;
- Bloomington is a hub for talent and innovation – part of a corridor running from NSWC Crane to Indiana University and Indianapolis.

If done right, we have a once-in-a-generation opportunity to position ourselves for a strong future by growing local innovation and related employment.



Dimension Mill Inc. 642 N Madison Street
Bloomington, IN 47404

Building an innovation ecosystem for our community's future

On October 12, 2021, the US Economic Development Administration (EDA), awarded the City of Bloomington a \$3.5 million CARES Act Recovery Assistance Grant to support the construction of the Trades District Technology Center (“Tech Center”) – a Class A¹ office building to support growth in tech-focused industries and to foster emerging tech startups.

This project is not just about a building – the Tech Center will solidify the Trades District as a major innovation hub for the Bloomington region’s emerging tech-focused economy.

While our community has many economic development and entrepreneurial strengths, the City of Bloomington’s economy has underlying weaknesses. In fact, in a 2020 study by SmartAssets, a web-based financial advisory firm, Bloomington ranked first as the most vulnerable university city impacted by COVID-19.² Compared to other university cities, Bloomington’s vulnerability factors identified in this study included a high dependency on IU employment; and high concentration of service businesses (restaurants and entertainment venues). Moreover, Monroe County’s median household income of \$54,096 is 87% of the state of Indiana median household income, and 78% of the US median income.³

¹ Building Owners and Managers Association (BOMA) defines Class A buildings as ‘the most prestigious buildings competing for premier office users with rents above average for the area. [Class A] buildings have high-quality standard finishes, state-of-the-art systems, exceptional accessibility, and a definite market presence.’

² “College Towns That Are Most Economically Vulnerable during COVID-19 – 2020 Study,” *SmartAssets* (July 22, 2020).

³ <https://www.census.gov/quickfacts/monroecountyindiana>



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Bloomington, IN 47404

Bloomington also lacks resources focused on tech commercialization and integrated support for growth-stage startups. Success in Bloomington’s tech sector startup economy is critically important to future-proofing our economic health and creating higher wage opportunities for our residents. The Tech Center will target resources to emerging tech and mature companies that have progressed beyond the incubation phase and have demonstrated commercial viability. The Mill’s successful operating team is well-positioned to provide program development and operational support for the Tech Center, ensuring that not only are services economically efficient, but importantly, the portfolio of programs complement the existing entrepreneurial services delivered at The Mill.

Tech Center: the physical asset

The US EDA’s \$3.5 million in funding enables the City of Bloomington to develop an \$8.5+ million Class A, sustainably designed building at a cost of approximately \$5 million for the City. The Tech Center building, designed to meet a minimum LEED Silver certification, will have an approximate size of 22,000 gross square feet, and will be located at the southwest corner of Maker Way and Madison Street. The project design team, led by STUDIOAXIS, worked with the City of Bloomington, Bloomington Economic Development Corporation, The Mill and other key stakeholders on the architectural and construction plans. Based upon updated pre-bid design estimates, the total project cost is \$8,519,771.

The project plan anticipates finalizing construction documents in the coming weeks and beginning the public contract bidding process in late summer with construction starting in Q3 2023. The Tech Center construction is to be completed early 2025.



Dimension Mill Inc. 642 N Madison Street
Bloomington, IN 47404

Appropriation request

The Mill, on behalf of the Grant co-applicants (City of Bloomington, City of Bloomington Redevelopment Commission (RDC) and Bloomington Economic Development Corporation (BEDC)), requests approval of a \$3,061,391 appropriation from the City of Bloomington’s Downtown CRED funds to complete the local share of the project’s development costs.

Building on Momentum

- In 2018, the City and BEDC launched The Mill, Bloomington’s award-winning co-work and startup accelerator located in the historic Showers Dimension Mill building. Today, The Mill is one of the fastest growing co-work facilities and the home of IU Ventures, The Flywheel Fund and several successful early-stage tech companies.
- The City opened the Trades District Parking Garage in April 2021, a strategic infrastructure investment to facilitate further development of the Trades District. The garage includes approximately 4000 square feet of commercial space that is being actively marketed.
- In December 2022, Eurton Qualified Opportunity Fund, LLC acquired the former Showers Administration Building and plans to redevelop this facility for office space. Restoration work began in late January 2023.
- Construction has commenced at the historic Kiln building, progressing The Kiln Collective’s adaptive reuse investment.
- In January, the City of Bloomington executed a Trades District Management Agreement with The Mill, to manage the development of the Trades District Tech Center and market the Trades District development. The Mill subsequently announced that former US Assistant Secretary of Commerce for Economic



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Bloomington, IN 47404

Development and former Bloomington Mayor John Fernandez has been engaged to lead these initiatives.

The Tech Center will advance Bloomington and the South Central Indiana tech industry employment growth and technology commercialization, contribute to a stronger brand for the region in technology, and connect growing tech companies to Indiana University's innovation and commercialization assets, NSWC Crane's tech transfer programs, 16 Tech in Indianapolis and national and international networks. [See Figure 1 below.] It will serve tech companies that are beyond the startup phase by providing services and space for growing and mature firms.

Figure 1 – South Central Indiana Innovation Corridor



Why invest in the Tech Center?



Dimension Mill Inc. 642 N Madison Street
Bloomington, IN 47404

The Tech Center will foster future-focused jobs for Bloomington and the region, while helping the local economy to recover from pandemic job and income losses. Recent studies, including a feasibility study conducted by the IU Public Policy Institute (IU PPI), have determined the need to diversify the types of jobs available within the local economy and have identified technology as an emerging industry sector providing sustainable, higher paying jobs. The tech sector also comprises regional innovation assets like Indiana University and NSWC Crane. Growing tech firms and jobs will contribute to a more competitive and resilient local economy.

The Tech Center will be located at Maker Way and North Madison Street in the Trades District [See Figure 2 below.], within a designated Opportunity Zone and the Bloomington Certified Tech Park (CTP). (Opportunity Zones are economic development tools that enable investment in distressed areas. CTP is a designation from the State of Indiana that allows the City of Bloomington to capture incremental income and sales tax and reinvest it in the area.)



Dimension Mill Inc. 642 N Madison Street
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Figure 2 Tech Center Project Site



The City, BEDC and The Mill worked in partnership with Indianapolis-based firms STUDIOAXIS and Rundell Ernstberger Associates (REA) for the preliminary design of the Center. The proposed three-story 22,000-square-foot building will house small-to-medium tenant office spaces as well as meeting space and shared amenities.

Project partners from the IU Innovation and Commercialization Office (ICO) and the Ivy Tech Gayle & Bill Cook Center for Entrepreneurship have committed to deliver in-kind consulting and advisory services to companies through the Tech Center. Numerous local tech companies and other partners participated in focus groups that advised on the Center development.



Dimension Mill Inc. 642 N Madison Street
Bloomington, IN 47404

Return on Investment

As part of the grant application, the BEDC commissioned a feasibility study from IU PPI. Based upon their extensive research, IU PPI concluded that the estimated economic impact includes:

- **866 jobs:** total estimated private sector jobs over 10 years, including 530 direct jobs and 336 indirect and induced jobs.
- **\$51.5 million:** the total estimated private investment to be leveraged over a 10-year project period.
- **\$218 million:** estimated total economic impact over 10 years.

Moreover, the Tech Center investment will be a catalyst for new private investment in the Trades District, thereby generating potential additional revenue from land sales.

A Modern, Sustainably Designed, Purpose Built Office Building

The Tech Center will be a stand-out Class A building for the City of Bloomington, designed to meet or exceed LEED Silver certification. The architectural design features a green roof, solar panel installation, outdoor plaza, social hub and collaboration spaces align with the evolving needs of companies in the post-COVID hybrid work environment. [See Figure 3 below.]

The Tech Center sustainable design features include:

- Exterior workspaces both on the plaza and roof terraces provide opportunities for respite and fresh air.



Dimension Mill Inc. 642 N Madison Street
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- Large window openings throughout the building provide connections to the outdoors and bring natural daylight into the work environment.
- The photovoltaic array canopy on top of the building utilizes PVs already owned by the City to provide a source of renewable energy to the building.
- The third-floor green roof system, permeable site surfaces, and underground storm detention system are designed to minimize stormwater run-off and impacts.
- Low-Emitting materials have been selected for the building finishes to protect the health and wellness of the building occupants.

Figure 3 Tech Center Rendering (North-East Aerial View)





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Bloomington, IN 47404

One fundamental purpose of the Tech Center is to convene and target resources for growth-stage tech companies. The combination of established tech firms and services for emerging growth companies will create a dynamic environment that enables both types of firms to benefit from spatial proximity for the exchange of ideas, expertise, and strategic partnerships.

The Tech Center complements existing resources across our region and will operate as a bridge, bringing together industry-specific offerings from our partners at the Gayle & Bill Cook Center for Entrepreneurship at Ivy Tech Community College, the Indiana University Innovation and Commercialization Office, NSWC Crane and The Mill.

Proposed City Funding – Leveraging US EDA \$3.5 Investment

Based upon updated design and development estimates, the total Tech Center project cost is \$8,519,771. (See Appendix One for the detailed cost estimate.) At the time of the City's Grant application, the RDC, on September 21, 2020, committed \$1,958,398 toward the required local funding match from its Consolidated TIF. The RDC's funding commitment was based on the preliminary construction estimates without the benefit of the more detailed design and development process. The cost of this project, having been delayed during the COVID-19 pandemic, have increased due to the inflationary pressures impacting the construction industry. Nonetheless, the US EDA grant enables the City to create a tremendous new economic development asset at materially discounted cost. Appropriation Ordinance 23-02, requests City Council approval of an additional \$3,061,391 to fully fund the City's share of the project cost.



Dimension Mill Inc. 642 N Madison Street
Bloomington, IN 47404

On behalf of the Grant co-applicants, we respectfully request that the City Council approve this appropriation request.



Dimension Mill Inc. 642 N Madison Street
Bloomington, IN 47404

Appendix One - Estimated Project Budget

Item Description	2/9/23 DD Estimate	
Total Building Gross Square Footage		21,924
Rentable Tenant Area		11,950
Trade Costs		
1 Sitework/Landscaping		\$330,045
2 Structural		\$1,532,369
3 Exterior Shell		\$1,716,975
4 Interiors		\$1,083,627
5 MEP		\$1,618,379
Trade Costs Estimate:		\$6,281,395
Cost/SF:		\$286.51
Other Hard Costs:		
Other Hard Costs:		
General Conditions & Field Overhead (14 Mo x \$22K) 2 General Conditions OH&P + Bond (7%)		
CM - General Conditions & Field Overhead (14 Mo x \$42,857)		\$600,000
CM Fee - Trade Costs Subtotal + General Conditions & Field Overhead (4%)		\$275,256
CM - General Conditions OH&P + Bond - Trades Cost Subtotal + General Conditions + CM Fee (8%)		\$57,253
Other Hard Costs Subtotal:		\$932,509
Cost/SF:		\$42.53
Construction Bid Cost:		\$7,213,904
Cost/SF:		\$329.04
Base Bid & Tenant Improvement - Other:		
Design and Construction Contingency (5%):	5%	\$314,070
Escalation/Bid Market Contingencies (10%):	10%	\$752,797
Contingencies - Previous (PER, SD)		
Base Bid & Tenant Improvement - Other		\$1,066,867
Cost/SF:		\$48.66
Base Bid Construction Costs		\$8,280,771
Tenant T/I Work (\$20/Rentable SF)	\$20	\$239,000
Total Base Bid Construction Bid Costs:		\$8,519,771

**APPROPRIATION ORDINANCE 23-02
EXHIBIT C**

RESOLUTION 23-01

OF THE CITY OF BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION

**TO DECLARE THE THOMSON AND DOWNTOWN COMMUNITY REVITALIZATION
ENHANCEMENT DISTRICTS TERMINATED AND THE PURPOSES OF THE INDUSTRIAL
DEVELOPMENT FUND ACCOMPLISHED, AND TO DISSOLVE THE BLOOMINGTON
INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION**

WHEREAS, in 1997 the Common Council of the City of Bloomington (“Council”), acting under the authority of Indiana Code 36-7-13, passed Ordinance 97-22 which created the Bloomington Industrial Development Fund (“IDF”) and the Bloomington Industrial Development Advisory Commission (“Commission”); and

WHEREAS, Council created the IDF to enhance the City of Bloomington’s (“City”) ability to pursue opportunities for economic and industrial development and high-quality employment in or serving the City, and to minimize the negative effects of the 1998 closure of the Thomson Consumer Electronics, Inc. Bloomington plant, and created the Commission to make recommendations to the Council for expenditures from the IDF; and

WHEREAS, a Community Revitalization Enhancement District (“CRED district”) is a tax allocation area in which the portion of the County Option Income Tax (COIT) and Indiana retail, use and income taxes generated within the district and exceeding a set base amount, is deposited by the State of Indiana into the municipality’s IDF for use by the unit in support of economic development and revitalization; and

WHEREAS, pursuant to their authorities under the Bloomington Municipal Code and Indiana Code 36-7-13, the Commission, Council and Mayor took a series of actions between 1998 and 2004 which resulted in the creation and State Budget Agency approval of two CRED districts covering the Thomson site (“the Thomson CRED district”) and the Downtown area (“the Downtown CRED district”), as shown in Exhibits A and B which are attached and incorporated into this Resolution; and

WHEREAS, the actions taken to establish the CRED districts included:

- Council passage of Resolution 99-15, authorizing the Mayor to apply to the Commission to designate a CRED district containing the former Thomson site

- Commission passage of Resolution 99-01, approving the Mayor’s application, making necessary statutory findings, and designating the Thomson CRED district
- Council passage of Resolution 03-26, authorizing the Mayor to apply to the Commission to designate a CRED district containing the downtown commercial area reflected in Exhibit A to Resolution 03-26
- Commission approval of Resolution 03-04, approving the Mayor’s application, making necessary statutory findings, and designating the Downtown CRED district
- Council approval of Resolution 04-11, ratifying the statutory findings in Council Resolution 03-26 and modifying the boundaries of the original map of the Downtown CRED district in response to recommendations from the State Budget Agency
- Commission approval of Resolution 04-01, reaffirming the statutory findings of Resolution 03-04 and designating the Downtown CRED district with the revised boundaries approved by Council
- Commission submission of the required materials to the State Budget Committee for review and recommendation to the State Budget Agency, resulting in State Budget Agency approval of the Thomson and Downtown CRED districts on September 1, 1999 and June 24, 2004 respectively
- Commission Resolutions 15-01 and 15-02, extending the terms of the Thomson and Downtown CRED districts to reflect changes in state law providing for districts to terminate no later than 15 years after *first allocation of tax increment to the district* instead rather than 15 years after *designation*, and corresponding recommendations of the State Budget Agency
- Commission submission to the Indiana Department of Revenue by certified mail of required statutory information; and

WHEREAS, pursuant to Indiana Code 36-7-13-15(c), the State’s annual allocation to the Thomson CRED district was capped at \$1,000,000.00, and the state’s annual allocation to the Downtown CRED district was capped at \$750,000.00; and

WHEREAS, as of December 31, 2022, the State had allocated a total of \$22,048,066.55 to the IDF, comprising \$11,494,330.55 for the Thomson CRED District and \$10,553,736 for the Downtown CRED District; and

WHEREAS, pursuant to their authorities under state and local code, the Commission and Administration recommended and Council approved the use of IDF funds for (and such IDF funds were expended for) the following economic development and revitalization projects, which created or retained hundreds of jobs in Bloomington:

- Indiana Enterprise Center (IEC) development including the demolition of Building One (\$1.95 million; BIDAC Resolution 03-03, Council Resolutions 01-11, 03-24, 04-14)

- Renovation of IEC space by Cook Pharmica for expansion of its manufacturing facilities; corresponding water main construction and connections; and corresponding physical improvements to the Hillside and Rogers intersection, the Rogers and Patterson intersection, and the Cook Pharmica entrance on Patterson Drive, and stream rehabilitation improvements for improved water flow adjacent to the plant (approximately \$4.77 million; BIDAC Resolutions 05-05, 08-01, 08-02, Council Resolutions 05-03, 08-11, 08-12)
- Renovation in the Fountain Square Mall for the relocation and expansion of Envisage Technologies, Inc., and repayment and foregoing of certain increment generated by Envisage (approximately \$736,500); BIDAC Resolutions 09-01, 09-02, 17-01, Council Resolutions 09-14, 09-15, 17-03)
- Infrastructure improvements in the Northwest portion of the IEC for a new Best Beers Inc. warehouse, including construction of a water main, streetscape and stormwater improvements to Allen Street, and demolition of existing buildings, electric poles, light poles, lines and asphalt pavement on the property (\$100,000; BIDAC Resolution 02-01, Council Resolution 02-37)
- Renovation of the Chase Bank building and corresponding technology improvements and business systems relocation, to bring Cigital operations in Bloomington (\$32,000; BIDAC Resolution 12-01 and Council Resolution 12-02)

WHEREAS, as of December 31, 2022 the balance of the IDF (reflecting State increment allocations, interest income, and certain other items) is \$17,269,342.40, comprising \$6,421,546.80 and \$10,847,795.63 respectively for the Thomson and Downtown CRED districts; and

WHEREAS, the City may receive a residual payment from the State in connection with any final reconciliation of the IDF; and

WHEREAS, pursuant to Indiana Code 36-7-13-12.1(d), the Thomson and Downtown CRED districts must terminate no later than fifteen (15) years after the income tax incremental amount or gross retail incremental amount is first allocated to the district; and

WHEREAS, more than fifteen (15) years have passed since the State of Indiana first allocated tax increment to the Thomson and Downtown CRED districts, and therefore both have statutorily expired; and

WHEREAS, pursuant to Indiana Code 36-7-13-19, when the Commission determines that the purposes for which a CRED district was established have been accomplished and all bonds or other obligations issued in connection with the district have been fully paid, the Commission shall adopt a resolution terminating the district and send a certified copy of the resolution by certified mail to the Indiana Department of Revenue; and

WHEREAS, as indicated above, CRED district funds were used during the statutory lifetime of the CRED districts to support various economic development and revitalization projects and corresponding job creation and retention; and

WHEREAS, any and all bonds and other obligations issued in connection with the Thomson and Downtown CRED districts have been fully paid; and

WHEREAS, pursuant to Indiana Code 36-7-13-9, when the purposes for which the IDF was established have been accomplished and all CRED districts designated by the unit have been terminated under Indiana Code 36-7-13-19, the balance remaining in the IDF shall be transferred to the general fund of the unit; and

WHEREAS, upon transfer to the City's General Fund, the former IDF funds may continue to be appropriated by the Council for use in supporting economic development and revitalization projects, in the former CRED districts and other appropriate locations in the City; and

WHEREAS, upon termination of the CRED districts and transfer of the IDF balance to the City's General Fund, the Commission may dissolve, since its purpose – to make recommendations for the expenditure of IDF funds – shall have been fulfilled;

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION THAT:

SECTION 1. With the expenditures of IDF funds during the Thomson and Downtown CRED districts' statutory lifespans to support various economic and industrial development, revitalization and corresponding job creation and retention in those districts, the full payment of all bonds and other obligations issued in connection with those CRED districts, and the statutory expiration of the CRED districts, the purposes of those CRED districts and the IDF have been accomplished, and the Thomson and Downtown CRED districts are hereby declared terminated.

SECTION 2. With the termination of the Thomson and Downtown CRED districts and the accomplishment of the purposes for which the IDF was established, the balance remaining in the IDF as of December 31, 2022, together with any residual amounts that may hereafter be received from the State in connection with any final reconciliation of the IDF, shall be transferred to the City's General Fund in accordance with state law.

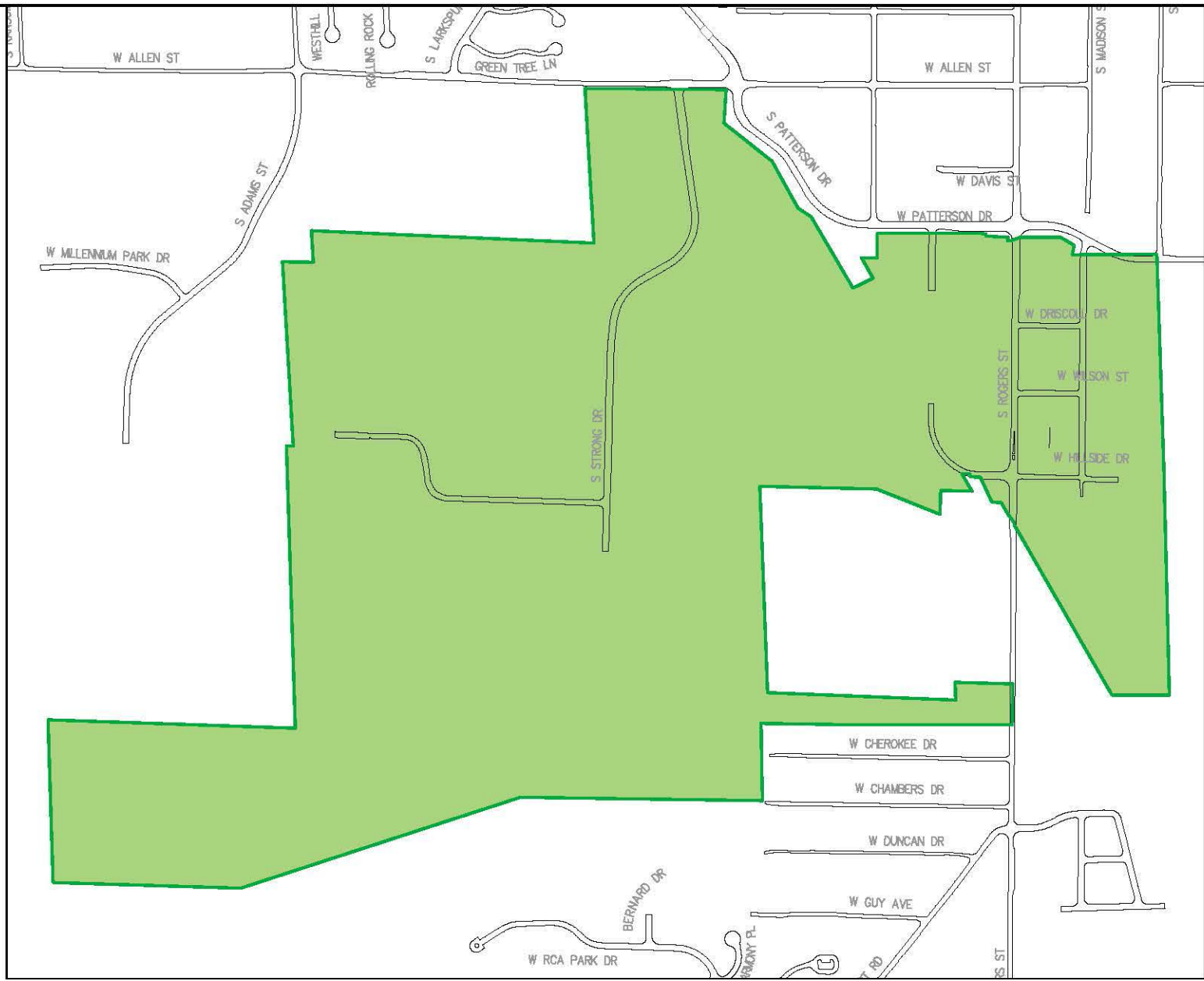
SECTION 3. With the termination of the Thomson and Downtown CRED districts and transfer of the IDF balance to the General Fund, no work remains for the Commission and it shall be dissolved and cease to operate, effective as of the date of signature below.

Approved this _____ day of _____, 2023.

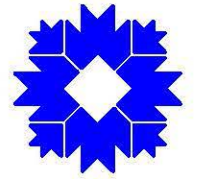
BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION

Commissioner	Yea	Nay	Abstain/Absent
Bruce Calloway			
Beth Cate			
Roger Kent			
Robert King			
Cindy Kinnarney			
Joyce Poling			

Vote Total: Yea_____ Nay_____



City of Bloomington
ITS Department



Geographic
Information System

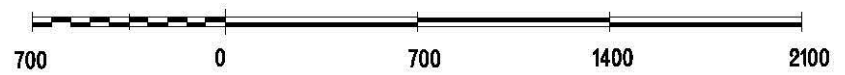


Feb 21, 2011

TthcredL

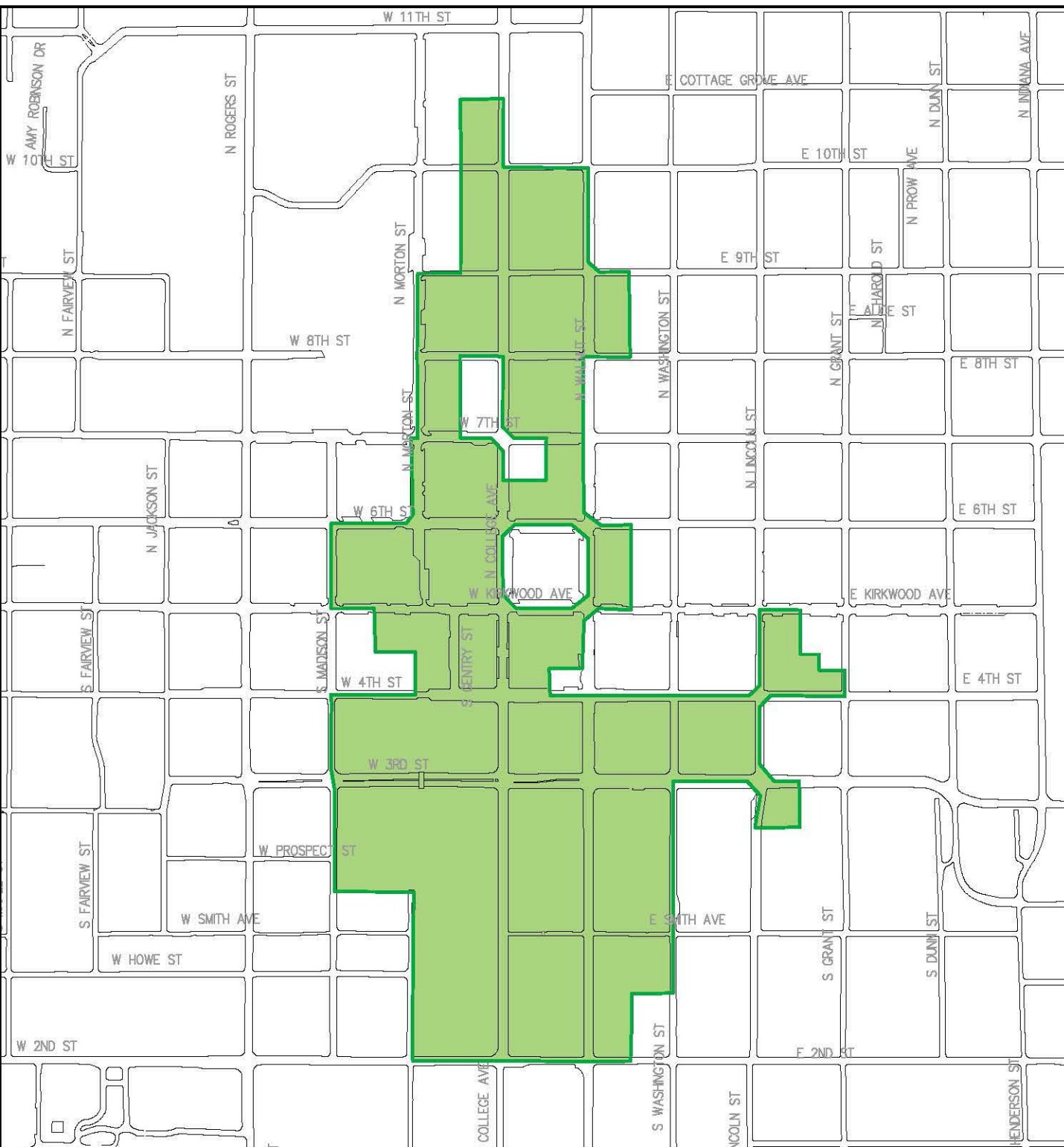
Thomson Community Revitalization & Enhancement District (CRED)

Scale: 1" = 700'



For use as map information only, information is NOT warranted.

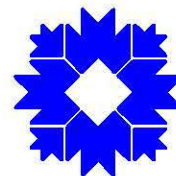
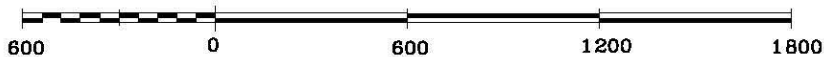
BIDAC RESOLUTION 23-01
EXHIBIT B



Downtown Community Revitalization & Enhancement District (CRED)

City of Bloomington

Scale: 1" = 600'



Apr 26, 2013

For use as map information only. Information is NOT warranted.

Geographic Information System

TdtcredLP