

# City of Bloomington Common Council

## Legislative Packet

Containing legislation and materials related to:

Wednesday, 21 June 2023

Regular Session at 6:30pm



# CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:  
REGULAR SESSION  
WEDNESDAY | 6:30 PM  
21 JUNE 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/83386914014?pwd=dWt4NWs0RmJ4VHhpWHVrdnlYbHEydz09>

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES:**

- A. January 12, 2022 – Regular Session
- B. June 15, 2022 – Regular Session
- C. July 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. Greenhouse Gas Inventory Report – McKaylyn Lynch, Sustainability Program Coordinator
  - ii. Report and Hearing on Status of Urban Station Tax Abatement
- C. Council Committees
- D. Public\*

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**

*Note: Resolution 23-11 and Resolution 23-12 relate to the same subject matter and provide the Council with possible alternative actions that could be taken after the “Report and Hearing on Status of Urban Station Tax Abatement”. The Council may consider one or neither of these resolutions at this meeting.*

- A. Resolution 23-11 – To Waive Non-Compliance of New Urban Station, LLC Concerning a Previously-Approved Real Property Tax Abatement
- B. Resolution 23-12 – To Rescind Resolution 16-11, Resolution 16-12 and Resolution 17-26 and Terminate Tax Deduction For Improvements To Real Estate Re: 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washington Street (New Urban Station, LLC, Owner)

*(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.

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Posted: 16 June 2023

- C. Ordinance 23-10 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.03 and 20.04

*Note: This item was last discussed at the May 10, 2023 Regular Session, when the Council adopted a motion to table the ordinance. It appears on tonight's agenda in anticipation of a motion to take the ordinance from the table and place it back in front of the Council for consideration.*

- D. Ordinance 23-12 – An Ordinance To Amend Ordinance 22-26, Previously Amended By Ordinance 22-40, Which Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2023 – Re: To Reflect Updates Needing Implementation in 2023
- E. Ordinance 23-13 – An Ordinance to Amend Ordinance 22-25, Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana for the Year 2023 - Re: To Reflect Increases in Compensation to Certain Firefighters
- F. Resolution 23-10 – A Resolution Requesting an Appropriation Recommendation to Establish Additional Bus Routes Circulating the Greater Downtown of Bloomington

**VII. LEGISLATION FOR FIRST READINGS**

**VIII. ADDITIONAL PUBLIC COMMENT \***

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

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

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

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**Posted: 16 June 2023**



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

**Minutes for Approval**

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12 January 2022 | 15 June 2022 | 20 July 2022

In Bloomington, Indiana on Wednesday, January 12, 2022 at 6:30 pm, Council President Susan Sandberg presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL  
REGULAR SESSION  
Wednesday, January 12, 2022

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

ROLL CALL [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:32pm]

Sgambelluri expressed her appreciation to the Executive Director of Transportation, John Connolly, who participated in her constituent meeting.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Piedmont-Smith announced the Martin Luther King, Jr. (MLK) day of events to be held on that upcoming Monday.

Sims also acknowledged the upcoming MLK day of events and encouraged community members to attend.

Flaherty spoke about his constituent meeting that would be moved to the Tuesday following MLK day.

Rollo noted the joint constituent meeting that he had with Sandberg to be held on the upcoming Saturday.

Mayor John Hamilton gave a brief update on Covid-19 efforts and introduced the new Corporation Counsel for the City of Bloomington, Beth Cate.

- The MAYOR AND CITY OFFICES [6:45pm]

Cate thanked Hamilton and stated that she looked forward to working at the city with the legal team.

Smith reported that the Community Development Block Grant Committee (CDBG) had a total of twelve applicants that applied for the grant and the committee was proceeding with the scoring of the applicants to get the funds.

- COUNCIL COMMITTEES [6:49pm]

Jim Shelton spoke on behalf of the Court Appointed Special Advocates (CASA) to discuss the upcoming winter training for volunteers.

- PUBLIC [6:50pm]

Rollo moved and it was seconded to suspend the rules to conduct appointments to boards and commissions in the following manner:

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:52pm]

- A candidate for appointment to a board or commission may express their interest in the position without the need for a nomination or second by another member.
- All appointments to boards and commissions with only one nominee shall be determined by a single roll-call vote, followed by a separate vote for each office with two or more nominees.
- Members may ask questions and discuss the nominations of any seat before a final vote is taken.

Motion to Suspend the Rules [6:52pm]

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Rollo moved and it was seconded that the following appointments to council positions be made:

Vote to Suspend Rules [6:54pm]

Citizens Advisory Committee-Community Development Block Grants (CDBG)-Social Services - **Sandberg**  
 CDBG-Physical Improvements - **Rosenbarger**  
 Commission for Bloomington Downtown, Inc. - **Sgambelluri**  
 Economic Development Commission (City) - **Flaherty**  
 Economic Development Commission (County) - **Smith**  
 Parking Commission - **Volan**  
 Monroe County Food and Beverage Tax Advisory Commission - **Rollo**  
 Public Safety Local Income Tax Committee - **Piedmont-Smith, Sgambelluri, Sims, Smith**  
 Solid Waste Management District - **Piedmont-Smith**  
 Board of the Urban Enterprise Association - **Rosenbarger**  
 Environmental Resource Advisory Council - **Rollo**  
 Utilities Services Board - **Sims**  
 Bloomington Economic Development Corporation - **Sgambelluri**  
 Bloomington Commission on Sustainability - **Flaherty**  
 Metropolitan Planning Organization - **Volan**

Appointments to Boards and Commissions (cont'd)

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

Vote to accept appointments to Boards and Commissions [6:57pm]

Volan asked Smith if he thought the role of the Plan Commission would be limited to an advisor to the council.

Smith said his role as the representative to the Plan Commission would be to update councilmembers. He also understood that the commission made independent decisions that did not involve council.

Volan asked if Smith understood that the Plan Commission made independent decisions involving land use.

Smith stated he understood.

Smith was elected to the Plan Commission by a roll call vote of Smith: 5 (Rollo, Sgambelluri, Sims, Smith, Sandberg), Piedmont-Smith: 4 (Flaherty, Piedmont-Smith, Rosenberger, Volan), Abstain: 0.

Vote to appoint Councilor to Plan Commission [7:05pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:06pm]

Rollo moved and it was seconded that Resolution 22-03 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, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 22-03 To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2022. [7:06pm]

Rollo moved and it was seconded that Resolution 22-03 be adopted.

Virgil Sauder, Director of Animal Care and Control, presented the legislation. Sauder said the city had an agreement with Monroe County and the town of Ellettsville to provide animal care services.

Sgambelluri asked if the adoption revenue remained with the city. Sauder stated that was correct.

Council questions:

Rollo asked about the animal intake fee for other counties.

Sauder stated the fee remained the same and in 2020 three hundred fifty animals were brought from other counties.

Rollo asked if anyone had ever been turned away from surrendering an animal because of the fee.

Sauder said it had happened but it was rare that someone left without paying the fee. If staff felt like an animal was in danger, they worked with the individual to surrender the animal.

Resolution 22-03 (cont'd)

Sims asked what the main source of the adoption income was.

Sauder stated the adoption income is direct adoption fees.

Sgambelluri asked if there was anything happening that should be of concern.

Sauder stated that animal-friendly housing was concerning and contributed to an increase in animal intakes at the shelter. The catch and release rate for 2021 was 94%.

Geoff McKim spoke in favor of this resolution.

Public comment:

Dave Askins asked for clarification of fees for residents, who lived outside city limits, who were surrendering an animal to the shelter.

Rollo asked for the fees to be clarified.

Council comment:

Sauder stated there was no fee for county residents to surrender animals but there was a \$25 fee per animal for those outside of the county.

The motion to adopt Resolution 22-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. (Clerk Nicole Bolden was present to take the roll call vote)

Vote to adopt Resolution 22-03 [7:21 pm]

Rollo moved and it was seconded that Resolution 22-02 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 22-02 To Establish Four Standing Committees and Abolish Certain Other Standing Committees of the Common Council. [7:22 pm]

Rollo moved and it was seconded that Resolution 22-02 be adopted.

Sandberg passed the virtual gavel to Rollo.

Councilmembers Sandberg, Sgambelluri, and Sims presented the legislation.

Piedmont-Smith asked why the proposal eliminated standing committees, instead of referring items to the Committee of the Whole (COW), while keeping the standing committees for future use.

Council questions:

Sgambelluri stated that it was about reducing the confusion between Regular Session and COW meetings.

Sandberg said it pertained to the way council conducted business. The goal was for council to focus on policy and less on processes.

Sims said it was a different way of getting work done.

Volan asked why Sims thought using the term "ad-hoc committees" was an improper term for special committees.

Sims said the Bloomington Municipal Code (BMC) did not reference ad-hoc committees but mentioned special committees and he wanted to use the term referred to in the code.

Flaherty mentioned that Section 6 of the legislation altered Robert Rules of Order. An ordinance was required to modify Roberts Rules of Order and not resolution. He asked the sponsors for their thoughts.

Sandberg asked council attorney to weigh in.

Stephen Lucas, Council Attorney, stated that Section 6 of the Bloomington Municipal Code (BMC) mirrored language of another ordinance that the council operated on. A part of the ordinance meant the council did not have to consider a separate motion to refer legislation to the COW.

Flaherty said he was concerned that council was trying to combine multiple steps when it came to considering legislation without referring it to the COW. He asked for clarification.

Sgambelluri believed the language in Section 6 gave council flexibility to consider other options besides frequently using the COW.

Rosenbarger asked if the sponsors had reached out to other councilmembers, city administration, or departments about the legislation.

Sandberg stated that the sponsors had reached out to the city administration and staff who would provide feedback during public comment. She also stated prior to the meeting, there was an attempt to contact all councilmembers regarding the legislation.

Sgambelluri said the time spent on managing the standing committees, instead of on legislation, was concerning.

Sims said that the legislation was sent to all councilmembers.

Sandberg noted the legislation was presented at a Work Session.

Rosenbarger clarified that her question was in regards to drafting the legislation. She believed that not all councilmembers were contacted while legislation was in draft form.

Volan echoed Rosenbarger's statement and said he did not know legislation was being drafted. He questioned why not the Public Safety Committee and the Public Safety Local Income Tax (PSLIT) Committee were not merged.

Council comment:

Sgambelluri stated that the sponsors looked at the list of different committees but suggested that creating more of the committees would create more confusion, especially to members of the public.

Volan asked Sgambelluri if council should pause legislation until every member of the public fully understood it.

Sgambelluri said it was not realistic to pause all legislation until every member of the public understood it.

Piedmont-Smith stated that Volan's original question was not answered and asked why not combine the Public Safety Committee and PSLIT Committee.

Sims stated he did not see a value in combining the committees.

Sandberg stated that they could not combine the Public Safety Committee and PSLIT committee because it also belonged to other jurisdictions within Monroe County.

Sgambelluri said PSLIT was a committee of the Monroe County Tax Council and she was hesitant to combine it.

Piedmont-Smith asked for clarification on referring legislation to second reading versus referring it to the COW.

Lucas responded that once legislation was referred to the COW, another councilmember could make a motion to refer the legislation to second reading and cancel the referral to the COW.

Piedmont-Smith asked if council was considering several pieces of legislation and one required more deliberation at the COW meeting and others that could move on to a second reading.

Lucas responded that council could consider legislation at a Regular Session immediately followed by a COW meeting. If there was any indication that a councilmember might defer legislation to



COW or second reading, then staff would communicate the possibilities to the public.

Resolution 22-02 (cont'd)

Flaherty moved and it was seconded that Amendment 01 to Resolution 22-02 be adopted. Flaherty presented the Amendment 01.

Amendment 01 to Resolution 22-02

Sgambelluri asked if the same four councilmembers had the responsibility to fulfill the duties of the special committees.

Flaherty responded it would be reasonable to have the same councilmembers review items.

Natalia Galvan spoke in favor of Amendment 01.

Public comment:

Joseph Wynia commented in support of Amendment 01.

Deborah Myerson commented on retaining the standing committees and supported Amendment 01.

Cory Ray commented on behalf of the Sierra Club Hoosier Chapter in favor of Amendment 01.

Josie Pipkin commented in support of keeping the Climate Committee and supported Amendment 01.

Nejla Routsong commented as a community member in support of Amendment 01.

Mary Catherine Carmichael, Office of the Mayor, stated she reached out to department heads for their opinion on committees and would provide results at the next meeting.

Jacob Schwartz commented in favor of Amendment 01 because it would retain the committee regarding the environment and that he supported the legislation.

Volan asked the sponsors if there was no need for a standing committee on climate, should council always wait for the administration to present legislation.

Council questions:

Sandberg responded that there were different ways in which legislation should be presented.

Volan asked if the primary reason of a standing committee was to exclude five members from an issue.

Sandberg stated no and all nine councilmembers should be present at the same time.

Volan said he was concerned by requiring all nine councilmembers be present, due to the amount of time. He wondered if the sponsors had any empathy with his concern.

Flaherty responded that there were benefits and disadvantages to having all nine councilmembers present. He stated that Amendment 01 would help balance the consideration of legislation.

Flaherty asked if, for example, all nine councilmembers should work on a quarterly basis with Lauren Clements, Assistant Director for Sustainability, on the legislation concerning the Climate Action Plan.

Sandberg stated no but that she intended to speak with all members on that committee.

Flaherty asked if the sponsors of Resolution 22-02 considered climate an ongoing issue, and if so then why not keep the standing committee instead of forming a special committee.

Sandberg stated there was not a timeline for a special committee so it could last for as long as it needed to complete the work.

Resolution 22-02 (cont'd)

Rosenbarger asked why special committees were more desirable for the sponsors of Resolution 22-02.

Sgambelluri stated that climate change was an issue that could be approached in multiple ways that allowed all nine councilmembers to weigh in. A special committee would be one approach to the issue.

Sims reiterated it was a different way for council to operate and there was no ill-will with Resolution 22-02.

Rosenbarger asked why Bloomington residents were confused on how council used certain committees.

Sgambelluri responded that she did not believe residents were confused about committees and their processes. She said that other cities used committees in different ways.

Rollo asked if he was correct in saying Resolution 22-02 would allow climate related items to be referred to the COW in addition to making a special climate action committee for legislation and policies related to climate action.

Sgambelluri responded it was a possibility but also referred to Rosenbarger's question regarding confusion about the committees. She said it could be confusing if the committees were created all at once but she suggested the special committees would be used as a tool on an as-needed basis.

Sandberg commented the mechanism for creating special committees was for councilmembers to use as needed. Any council president could appoint special committees. Sandberg stated that she preferred to consult with councilmembers on their interest before doing so.

Flaherty asked Sandberg why she had not asked him for his thoughts on special committees since he was the chair of the Climate Action Resilience (CAR) Committee.

Sandberg commented she was working on the legislation with the other sponsors and staff and did not think it was appropriate to reach out until legislation was ready to be presented.

Volan asked about the language in the BMC referring to "shall" and if that meant once a special committee submitted a report to the council based on their findings that the committee "shall" end.

Sandberg responded that the work was always ongoing. She noted that the language "shall sunset" or "shall finish" allowed a committee to continue for as long as they needed to.

Volan asked why council had not created a standing committee on affordable housing.

Sandberg responded it was not under her purview to determine specific committees.

Sims stated he was not focused on the word "shall" but instead thought it was important to note when a committee had completed its duties.

Rollo asked if it was correct that Resolution 22-02 passed, legislation concerning climate action would no longer be sent to the CAR Committee but instead would be sent to the COW for consideration.

Sandberg stated that was correct.

Rollo asked if Resolution 22-02 would have legislation heard at COW for all nine members instead of a committee meeting with four members.

Resolution 22-02 (cont'd)

Sandberg said yes.

Rollo asked Flaherty for clarification on his objection to Resolution 22-02.

Flaherty stated he interpreted special committees to be tasked with handling certain items to be reported on and completed. He named Jack Hopkins Social Service Funding (JHSSF) committee and the Sidewalk Committee as examples. Those committees did not consider legislation, and he suggested that they be special committees. Flaherty reiterated local code pertaining to special committees.

Rollo asked Flaherty if he thought it would be an advantage for all nine councilmembers to consider legislation in the COW instead of just four councilmembers.

Flaherty said all nine councilmembers did consider legislation and all committees had uses as he stated earlier.

Piedmont-Smith asked Flaherty if legislation could be referred to the COW if the CAR committee remained in place.

Flaherty stated yes.

Volan commented he agreed with Amendment 01 and wished the sponsors would reconsider Resolution 22-02.

Rollo asked Lucas if council should postpone the consideration of Resolution 22-02 since there were other items were on the agenda prior to the COW that evening.

Lucas noted that city code stated that council had to start the COW meeting no later than 9:45pm. Council could opt to postpone Resolution 22-02.

Sandberg agreed with the postponement of Resolution 22-02 to the January 19, 2022 Regular Session meeting. She asked for clarification on the process since there was a motion on the table for Amendment 01.

Lucas said council could make a motion to postpone the discussion or could conclude the discussion that evening. He recommended that council proceed with the rest of the items on the agenda in order to start COW meeting on time.

Rollo asked Flaherty if he was okay with postponing Resolution 22-02 or if he wanted to conclude with Amendment 01.

Flaherty commented he would like to finish the discussion regarding Amendment 01 but would defer to the chair.

Sgambelluri commented that there was other business to hear and she would support postponing.

Sims said he agreed with Flaherty and preferred concluding the discussion on Amendment 01 but deferred to the chair.

Rollo stated that council could conclude the consideration of Amendment 01 and could then entertain a motion to postpone Resolution 22-02.

Volan stated he would recommend a postponement due to councilmembers being able to speak twice on legislation and wanted to respond to what sponsors said and they wouldn't have time for other items on the agenda.

Rollo commented on the lengthy debate regarding the Resolution 22-02 and asked for someone to make the motion to postpone.

Sandberg moved and it was seconded to postpone consideration of Resolution 22-02 and the related amendment to the council's next Regular Session on Wednesday, January 19, 2022 at 6:30 pm.

Resolution 22-02 (cont'd)

The motion to postpone Amendment 01 and Resolution 22-02 received a roll call vote of Ayes: 7, Nays: 2 (Flaherty, Volan), Abstain: 0.

Vote to postpone Resolution 22-02 as amended [9:20 pm]

Rollo moved and it was seconded that Ordinance 22-01 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING [9:21 pm]

Ordinance -22-01 An Ordinance Establishing and Approving the Expanded Outdoor Dining Program in the Downtown Corridor.

Piedmont-Smith moved and it was seconded to move Ordinance 22-01 to second reading at the next Regular Session and skip the Committee of the Whole.

Rosenbarger asked Piedmont-Smith why she thought Ordinance 22-01 should go to second reading.

Piedmont-Smith stated it had been discussed several times and approved twice, and should go directly to second reading.

Volan said council meetings should be planned better in case legislation immediately goes to second reading and not COW meetings and urged colleagues to support the motion.

Sgambelluri asked Piedmont-Smith if the public would still have ample opportunity to weigh in on items being sent to a second reading in the next Regular Session.

Piedmont-Smith stated that was correct.

Flaherty stated if a majority of the councilmembers were not ready to vote during second reading, that legislation could go for a third reading.

Rosenbarger commented that she would rather hear a presentation on legislation at a Regular Session because minutes were not taken at COW meetings.

Volan stated there would not be a delay in hearing the legislation since the Regular Session was scheduled for the following Wednesday.

The motion to move Ordinance 22-01 to second reading at the next Regular Session and skip the Committee of the Whole received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to postpone Ordinance 22-01 [9:28pm]

Rollo moved and it was seconded that Ordinance 22-02 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 22-02 Amending Ordinance 21-37 Which Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington for 2022 - Re: Covid Premium Pay and Create a New Position in the Department of Economic and Sustainable Development. [9:29pm]

Piedmont-Smith moved and it was seconded to move Ordinance 22-02 to second reading at the next Regular Session and skip the Committee of the Whole.

Sandberg asked Caroline Shaw, Director of Human Resources, for her opinion.

Shaw commented that some of the items in Ordinance 22-02 were time-sensitive, a delay could have a financial impact on employees.

Ordinance 22-02 (cont'd)

Piedmont-Smith thought council could consider Ordinance 22-02 and take action at the second reading.

Volan stated while he understood the concern that Shaw presented, he supported the motion in hearing Ordinance 22-02 at the January 19, 2022 Regular Session meeting.

Rosenbarger commented she had read Ordinance 22-02 and was fine with it being moved directly to second reading.

The motion to move Ordinance 22-02 to second reading at the next Regular Session and skip the Committee of the Whole received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to move Ordinance 22-02 to a second reading [9:35pm]

Rollo moved and it was seconded that Ordinance 22-03 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 22-03 Amending Ordinance 21-36 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington for 2022 - Re: COVID Premium Pay and Retention Pay.

Piedmont-Smith moved and it was seconded to move Ordinance 22-03 to second reading at the next Regular Session and skip the Committee of the Whole.

The motion to move Ordinance 22-03 to second reading at the next Regular Session and skip the Committee of the Whole received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to postpone Ordinance 22-03 [9:37pm]

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [9:38pm]

Rollo moved and it was seconded to cancel the Committee of the Whole scheduled for that evening. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

COUNCIL SCHEDULE [9:40 pm]

Sgambelluri moved and it was seconded to adjourn.

ADJOURNMENT [9:40 pm]

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Sue Sgambelluri, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 15, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
June 15, 2022

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith (left at 11:30pm), Dave Rollo, Kate Rosenbarger (arrived at 6:32pm, left at 11:23pm), Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith  
Councilmembers present via Zoom: Stephen Volan (arrive 6:37, left at 10:10pm)  
Councilmembers absent: none

ROLL CALL [6:31pm]

Sgambelluri moved and it was seconded that the council amend the agenda to change the order of Reports from the Mayor and City Offices to follow the Legislation for Second Readings and Resolutions, and under legislation for Second Readings, the council shall take up the legislation in the following order: Ordinance 22-19, Resolution 22-13, Resolution 22-12, Ordinance 22-18, Ordinance 22-17, and Ordinance 22-15.

Rollo stated he would not support the motion and said the public was expecting the agenda for the meeting as published.

Council discussion:

Sandberg provided options including amending the motion.

The motion to amend the agenda received a roll call vote of Ayes: 6, Nays: 2 (Piedmont-Smith, Rollo), Abstain: 0.

Vote to amend agenda [6:33pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:36pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:37pm]

Sgambelluri mentioned her upcoming constituent meeting.

REPORTS

Piedmont-Smith spoke about the former hospital site, newly named Hopewell. She provided an update on the site and the city's progress.

- COUNCIL MEMBERS [6:37pm]

Flaherty noted his constituent meetings. He provided an update on the Community Voices in Health's Community Health Improvement Plan including think tanks, community health considerations and concerns, and focus areas.

Rollo mentioned his and Sandberg's upcoming joint constituent meeting. He commented on traffic concerns by Maxwell and Sheridan and his disdain for the planned speed bumps.

There were no council committee reports.

- COUNCIL COMMITTEES [6:48pm]

Sandberg limited the public speaker comment period to four minutes.

- PUBLIC [6:48pm]

Sarah Owen commented on her employment in the Parks and Recreation department. She said that there had been a bonus given to employees for in-person work during 2021. She believed she qualified for the bonus but had been denied. She had reached out to the department, as well as Human Resources, with no response.

Jim Shelton spoke about the Court Appointed Special Advocates (CASA), and the Herald Times article about the Oxford House which helped those facing addiction.

- Public (cont'd)

Marc Haggerty noted issues with the basketball courts and posts at Switchyard Park. He also discussed shootings in his neighborhood.

Mike Carmin commented on property owned by the city and the money spent on acquisition, maintenance, and more.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:04pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:04pm]

Rollo moved and it was seconded that Ordinance 22-19 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Deputy Clerk Jennifer Crossley read the legislation by title and synopsis. The do-pass recommendation of Ayes: 1, Nays: 0, Abstain: 5.

Ordinance 22-19 –An Ordinance Authorizing the Entering into of a Conditional Project Expenditure Agreement of the City of Bloomington, Indiana (Meridiam Project), and the Disposition of the Proceeds Thereof to Meridiam, and Authorizing and Approving Other Actions in Respect Thereto [7:04pm]

Rollo moved and it was seconded that Ordinance 22-19 be adopted.

Mayor John Hamilton presented the legislation and highlighted the benefits of digital equity in the community. He provided details on costs, the partnership with Meridiam, and concerns with potential delays. Hamilton also discussed the process and history of the project and the selection of Meridiam.

Rick Dietz, Director of the Information and Technology Services (ITS) department, reviewed the legislation. He discussed open access network, network neutrality, digital equity, fiber optic communications, and objectives, competition, and the history of the project. Dietz detailed the project elements, digital equity impacts, city contributions to the project, and the Public Tax Increment Finance (TIF) and its district. He also outlined the input and feedback from the public throughout the process.

Sandberg asked Dietz to explain why the discussions with Meridiam had been held in private.

Council questions:

Dietz explained that when the city entered into a letter of intent with Meridiam, it included a non-disclosure agreement where Meridiam was able to share proprietary information with the city. He explained the process.

Beth Cate, Corporation Counsel, concurred with Dietz and further explained the purpose of the non-disclosure agreement. She noted that the discussion pertained to the substantive terms of a deal between the city and a partner. It allowed for candid exploration of options.

Rollo was concerned about the imprecision of numbers such as the TIF which had recently changed and asked for clarification.

Dietz said that the TIF number had changed because the term went from twenty-five years to twenty, which was an improvement.

Rollo stated that the agreement provided to council was in draft form and asked if it could be further changed.

Cate corrected Rollo regarding the TIF amount. She also said that there might be editorial or typo corrections to the agreement, but not substantial changes.

Ordinance 22-19 (cont'd)

Sims said that the city committed to twenty years, and asked if Meridiam would be committing to the market for only ten years.

Dietz explained that the agreement was that Meridiam would stay in the market for ten years and not sell, for example. It was an additional provision that there would not be a change in ownership.

Sgambelluri asked what other benchmarks there were to determine the Internet Service Provider (ISP) was successful.

Dietz responded that the goal was that the provider would make the appropriate investment to have the project be a success. One benchmark was achieving a 35% target after five years, specifically in low-income communities, and another was net neutrality. He provided additional information.

Sgambelluri asked if there was a plan to obtain user feedback.

Dietz explained that was not in the contract but that achieving 35% access would be a result of providing quality service.

Rosenbarger asked if the timeline included putting infrastructure in lower-income communities first.

Dietz said that there would be active targeting during the build out, and the city intended to prioritize low-income areas.

Rosenbarger said that residents had not been using the digital subsidy and asked why the administration thought that they would with Meridiam.

Dietz explained that part of Meridiam's ethos was equity and that they would have staff going to households to assist with signing up for the service.

Piedmont-Smith said that the legal agreement was thirty years, but that the TIF was only twenty years. She asked if that meant that the TIF only existed for twenty years, or if that was the reimbursement period.

Larry Allen, Assistant City Attorney, said that the Redevelopment Commission passed the TIF for twenty years, and it could be extended.

Brad Bingham, Barnes & Thornburg representative, explained that the TIF would automatically expire after twenty years, but could be extended for an additional five years.

Piedmont-Smith clarified that the period of the TIF was the same as the period in which the personal property tax would be refunded.

Bingham confirmed that was correct.

Allen clarified that 5% went to the city.

Volan asked if the \$85,000 annual donation was indefinite.

Dietz said it was for the length of the contract and would go into a digital equity fund maintained by the city.

Volan asked if there was a plan to have future providers using the infrastructure also make an annual donation. He asked if the figure would escalate with cost of living.

Dietz said that only Meridiam was bound by the contract, and not future providers. The dollar amount was fixed and would not escalate with cost of living.

Cate added that if the contract was renewed, then the annual donation would grow to \$100,000.

Volan asked when the exclusive provider would be identified.

Dietz said that agreement was still under negotiation.



Scott Layman, Meridian, confirmed that they were in the process of finalizing the contract and would announce in the coming weeks. Ordinance 22-19 (cont'd)

Volan asked if the provider's identity was being withheld until council considered Ordinance 22-19.

Layman said it would be withheld until the negotiation was complete.

Smith asked if neighboring communities would also have TIFs.

Dietz said that other communities had done an abatement.

Flaherty asked how the program would be marketed, especially for low-income households.

Dietz said there was a draft of the marketing plan and that there would be a dedicated person going to households to share information and assist with signing up for the service.

Flaherty asked about the digital strategic plan, the recommendation for a digital equity coalition composed of community members, and how that fit into the city's plans.

Dietz explained that there was not a formal group established yet, but that a coalition would be part of the process.

Sgambelluri commented on nationwide efforts to establish fiber optics, and asked if the city's plan would collaborate with that effort.

Dietz believed that the efforts were rural based and would not impact the city's plans.

Sgambelluri asked who would do upgrades throughout the life of the project.

Dietz understood it was at Meridian's and the ISP's discretion, with the city ensuring that the equipment was updated.

Rollo asked if the project offered something to the city that was not already available and why there was not a requirement of 100% coverage.

Dietz explained the city's authority with requiring 100% coverage from Comcast, for example. He provided additional details.

Rollo asked if things like utility poles could be used, much like electricity having full coverage.

Dietz clarified that not every area had poles, but could be used with certain requirements, criteria, and limitations. Another constraint was private land owners giving permission for the infrastructure to pass through.

Rollo asked if the city would be allowed free access.

Dietz explained the details in the contract. He said it was not entirely free but was a reduced rate.

Sims asked for clarification on possible downsides to residents and businesses even if they were not clear at the time.

Dietz said the underground and aerial installation could be cumbersome. He provided additional examples.

Piedmont-Smith asked about the minimum coverage of 85% and if the provider was required to explain why certain areas could not be covered.

Dietz said that the providers had to demonstrate where they were providing service and that they would need to disclose to the city if there was an area where they could not provide service.

Piedmont-Smith asked if the city had any recourse.

Cate said that the providers were required to provide details to the city and document the area and reasons, satisfactorily to the city and verified by a third party.

Ordinance 22-19 (cont'd)

Piedmont-Smith asked for clarification on the inconvenience of the installation to the community.

Dietz stated that construction and installation had to adhere to city requirements like not obstructing sidewalks. He said that the concentrated period of installation was ideal and the network would be built out as quickly as possible.

Flaherty said that the TIF district was roughly the size of the city, and asked how growth or annexation impacted the district.

Dietz said that the annexation areas were included in the project but the city would go live first.

Allen explained that if the district expanded, the TIF process would restart and the proposal would go to the Redevelopment Commission and council.

Cate further explained that if the build out included areas subject to annexation, prior to the completion of annexation, they would be subject to county approval. For future growth, the parties could opt to include those areas.

Flaherty asked if county approval was required for certain areas.

Cate confirmed that was correct, in the case that the build out was ready prior to the finalization of annexation or if the litigation resulted in some areas not being annexed.

Flaherty asked what would be the funding mechanism if the county wanted the expansion.

Dietz clarified that Meridiam, as a telecom provider, had the right to build in the city and county.

Flaherty asked if the service would be free to the county via the city's TIF.

Dietz explained that the design included those areas, but that there were unknown factors due to litigation on annexation.

Bingham furthered explained the provision for the county.

Christopher Emge spoke in favor of Ordinance 22-19 and voiced concerns on possibility of bankruptcy, et cetera.

Public comment:

Peter Dorfman commented against the exclusivity with Ordinance 22-19 and stated there was not an urgency at the time.

David Wolfe Bender discussed reasons for supporting Ordinance 22-19 and commented on tax abatements.

William Coultier spoke about the process and sudden urgency in drafting Ordinance 22-19 and urged delaying the project.

Matt Kelly spoke as a representative of Comcast and discussed the speeds of service, uploads and downloads, and costs.

Steve Layman commented on fiber technology and his experience with internet services, and against Ordinance 22-19.

Russ Skibo discussed digital equity and the cost of internet service.

Eric Ost believed insufficient time had been given to Ordinance 22-19.

Mike Trotzke spoke in favor of Ordinance 22-19 including the advantages and benefits of citywide fiber.

Cate read a statement from Brad Wheeler in support of TIF financing for the fiber proposal with Meridiam and the city and provided reasons.

Ordinance 22-19 (cont'd)

Rollo reiterated his concern on requiring only 85% coverage and asked if a higher commitment could be achieved.

Council questions:

Dietz explained the current agreement and said that Meridiam agreed to get as close to 100% as possible.

Layman clarified that Meridiam was not prepared to commit to 100% coverage. He also said that other providers, like Comcast, had exclusivity and Meridiam would be coming into a competitive market. The 85% provision was a precaution in case there were areas where infrastructure could not go in, like not being able to dig.

Rollo asked why equal internet speed was not included for low income households.

Dietz explained the internet speeds, and said that the subsidy could be expanded to beyond the current speed offered by providers like Comcast.

Rollo asked if the \$1 million that was being put towards digital equity could be used differently.

Dietz confirmed that was correct, but that the investment with fiber would extend much further than \$1 million. It would be a robust program with equity as the goal.

Cate said that the funds were dedicated to pay for half of the coverage for low income households, and Meridiam was paying the other half. The low income household would not pay anything.

Sgambelluri asked for clarity on what it meant to be a benefit corporation, as Meridiam had been described.

Dietz said that a benefit corporation was not 100% guided by profit. There were other elements for a corporation's board to measure success, like social objectives such as sustainability and equity.

Sgambelluri asked what the mechanism was for measuring that type of success.

Dietz responded that staff had looked closely at that component during negotiations.

Layman stated that Meridiam had committed to 85% coverage and would assure that the construction would go into low-income communities. Those households would then choose which provider to use and could also opt for a higher speed.

Cate said that net neutrality, accountability, and open access were in the contract.

Rollo asked if a service level agreement had been negotiated.

Dietz responded that there were provisions for the city and asked Layman to also address the question.

Layman said that there were service level agreements with the ISP and they had similar commitments with end-user customers.

Rollo asked if that agreement had been shared with the city.

Layman stated that it had not.

Rollo said that there was a 35% take rate, and with twelve to fourteen thousand households in Bloomington, Meridiam stood to make a significant profit.

Dietz said that staff had estimated the overall value of the project which was a multi-layer project including the infrastructure provider, and the ISP. So the profit did not go directly towards one entity. He noted there would be more than one ISP, too.

Rollo asked if a public option had been considered.

Dietz referenced the history of the project, and the request for proposals. He said that the public option was risky because the city did not own the electric utilities. Owning the utility poles was a significant contributing factor for the success of municipal broadband. He said that it was likely that the state would not allow a city to build fiber infrastructure. Also, the city would have to bond,

and without bond capacity would then have to fall back on property taxes and end-user rates. With the agreement, Meridiam was taking on the risks.

Ordinance 22-19 (cont'd)

Rollo believed more time was needed to consider the project. He did not believe that there was sufficient consideration of a public option. The city was intervening with the market. He saw an opportunity for tremendous revenue potential and did not believe it was ideal to lock into an agreement for the next several decades. He would be voting against the legislation.

Council comment:

Sims appreciated the discussion and would be voting in favor of Ordinance 22-19. He wondered how lucrative the revenue had been for the current ISPs. He also wondered why the discussion on digital equity was occurring with this legislation but had not been brought up in the past. He commented that the Bloomington chapter of the National Association for the Advancement of Colored People (NAACP) had discussed things like digital equity, as was questioned by a public commenter. Sims expressed disdain with a public speaker's reference to Brown v. Board of Education as equal to ISPs. He reiterated that the council and administration would hold Meridiam and ISPs accountable.

Piedmont-Smith thanked Dietz and Cate for their work on the proposal. Currently, no one was building a high-speed fiber optic in the city. The proposal put forth by Meridiam, whose values aligned with the city's, would invest \$50 million for infrastructure, offer high speeds to low-income households, and donate \$85,000 per year to the digital equity fund. She believed that the proposal put all the risk on Meridiam and in return the city got a digital fiber network which was more reliable and had better speeds. She agreed with Dietz that the state would likely prohibit the city from building its own municipal broadband. The state had demonstrated they did not believe in Home Rule for certain agendas. Piedmont-Smith would support Ordinance 22-19.

Rosenbarger thanked everyone for their input. She would be voting in favor of Ordinance 22-19. She appreciated that there would be a dedicated person to assist households with signing up. Rosenbarger commented on the history of the project and in reaching an agreement with Meridiam, which had a good mission. She hoped that the areas with little or no access to internet would have service first.

Smith noted his process in considering the project and his discussions with many knowledgeable community members and staff. He determined that it was not possible to have municipal broadband service, and did not see a significant downside to the project. Smith appreciated that there would be a dedicated person to assist households with signing up. He would support Ordinance 22-19.

Volan referenced his experience with being an ISP with his company Blue Marble. He commented on additional ISPs like Comcast who had been a cable provider only, at first. Volan provided a history of ISPs in Bloomington. He noted that internet service was necessary for schools and work and that the current service was inadequate. The three ISPs in Bloomington had the capability of providing better service and speeds but had not done so. Volan said that Meridiam was proposing to provide an expansion of the digital underground at a reasonable price. He appreciated that there would be truer

competition and not a monopoly by the current large telecom companies. Volan commented on the fiber cables which would provide high speed internet, for free to those who qualified, at a higher speed than what he paid \$85 per month for. He believed the deal with Meridiam was a good agreement with little risk to the city and it leveled the playing field in the community. He would be supporting Ordinance 22-19.

Ordinance 22-19 (cont'd)

Sgambelluri thanked everyone for the discussion. She referenced her analysis and consideration of Ordinance 22-19. She believed fiber was ideal and that the proposal had not been rushed. She mentioned the input from commissions and the community, prior to council's consideration. She noted that there were always going to be items that were unknown along with imperfect information. She appreciated that the project facilitated the city's goal of digital equity, and the additional ability to assist those who needed hardware, like computers, through the digital equity fund.

Flaherty stated that he would support Ordinance 22-19. He appreciated all the work on the proposal. He believed it was a good proposal.

Sandberg said it was a difficult decision and appreciated that council had carefully considered the proposal, including the TIF. She understood why the final agreement could not be presented due to council's consideration of the TIF. She noted it would be ideal to allow more time to consider the proposal, especially for the public who might not fully understand the proposal.

Rollo said that since most councilmembers indicated they would support the project, he would not make a motion to postpone. He believed that more time was needed to consider the proposal which had been rushed. He stated that the city commissions' consideration of the project was in favor with the mayor's proposal since they were mostly appointed by the mayor. Rollo said that the infrastructure was essential, different from water and electricity, but that the vast majority of community members needed the service. He did not believe that the commitment to only 85% was equitable. He thought it ideal to have a detailed analysis of the public option. He commented on the exclusivity of the ISPs. Rollo would vote against Ordinance 22-19.

The motion to adopt Ordinance 22-19 received a roll call vote of Ayes: 8, Nays: 1 (Rollo), Abstain: 0.

Vote to adopt Ordinance 22-19 [10:03pm]

Rollo moved and it was seconded that Resolution 22-13 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Crossley read the legislation by title and synopsis. The committee do-pass recommendation of Ayes: 1, Nays: 0, Abstain: 5.

Resolution 22-13 – To Approve and Issue the Plan Commission Order Found in Plan Commission Resolution RS-23-22 Re: Authorizing the Bloomington Redevelopment Commission to Create a New Meridiam Economic Development Allocation Area [10:05pm]

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

Larry Allen, Assistant City Attorney, presented the legislation and highlighted the key components.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comment:

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

Vote to adopt Resolution 22-13 as amended [10:07pm]

Rollo moved and it was seconded that Resolution 22-12 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Crossley read the legislation by title and synopsis.

Resolution 22-12 –Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2022 and Related Matters [10:09pm]

Lucas noted that voice votes were appropriate since Volan had left the meeting.

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

Stephen Lucas, Council Attorney, presented the legislation and noted the criteria, goals, and allocations of the funds. He highlighted the number of applications and funding requests, as well as the total available funding and process undertaken by the committee. Sandberg read the recommended funding allocations to community organizations.

Piedmont-Smith asked about the Open Arms Christian Ministries, Inc., and if there was a religious test for people to receive the support.

Council questions:

Sandberg said that the request was carefully scrutinized and the committee felt it was appropriate to fund.

Piedmont-Smith asked if the families receiving assistance were required to be members of a church.

Sandberg confirmed they did not have that requirement.

Carol Canfield morally objected to funding for Planned Parenthood.

Public comment:

Flaherty thanked the committee for their work.

Council comment:

Sgambelluri thanked the committee and members of the public who had reached out to councilmembers. She had reached out to Planned Parenthood and All-Options and confirmed that no Jack Hopkins funding went to providing abortions.

Sims also thanked the public for their feedback. He believed that funding contraceptives and education helped prevent abortions. He commented on the difficulty for some community members in obtaining resources like contraceptives.

The motion to adopt Resolution 22-12 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-12 [10:27pm]

Rollo moved and it was seconded that Ordinance 22-18 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Crossley read the legislation by title and synopsis. The committee do-pass recommendation of Ayes: 2, Nays: 0, Abstain: 4.

Ordinance 22-18 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: 200 E Kirkwood Ave. (Bloomington National Savings And Loan Association) (Bloomington Historic Preservation Commission, Petitioner) [10:28pm]

Rollo moved and it was seconded that Ordinance 22-18 be adopted.

Gloria Colom-Braña, Program Manager, Historic Preservation in the Housing and Neighborhood Development (HAND) department, presented the legislation. She summarized the historic district nomination and discussed the property and the unique structure.

There were no council questions.

Council questions:

Matt Seddon spoke in favor of the historic district nomination and provided reasons.

Public comment:

Chris Sturbaum commented about preserving architectural forms around Bloomington.

Tim Culver spoke on behalf of the owner of the property and asked council to understand that the property was purchased with the intention of redeveloping. He explained the difficulty with moving forward with the development if the historic nomination passes.

Mike Carmin urged council to not pass Ordinance 22-18.

Sam DeSollar provided reasons to keep the structure in question in Ordinance 22-18.

Duncan Campbell spoke in favor of Ordinance 22-18 and highlighted the importance of keeping the structure.

Rosenbarger asked what the difference was between contributing and notable ratings.

Council comments:

Colom-Braña explained the types of ratings, which was standard nationwide. She said a structure was contributing as a grouping whereas a notable structure had historic value on its own.

Rosenbarger asked about the difference in reviewing the different types of structures.

Colom-Braña clarified that there were restrictions with things like demolition and the percentage of the structure that could be demolished or changed.

Rosenbarger asked if the historic designation decreased the market price of the property.

Campbell said it could possibly change the price and described different scenarios that were possible, as well as studies that were conducted.

Rosenbarger asked why the parking lot was included and if it had to remain the same if designated historic.

Campbell stated that typically the entire property would be included in the historic district but the parking lot did not have to remain the same. He described options the owner could take.

Piedmont-Smith asked for clarification on what the opportunity zone was.

Alex Crowley, Director of the Economic and Sustainable Development (ESD) department, explained that an opportunity zone allowed an investor to develop in an area and have their taxes deferred, for example. It was a national effort and Bloomington had three opportunity zones.

Piedmont-Smith asked if it made financing in the zone easier and if there was a time limit for the zone's designation.

Crowley clarified that it lowered the cost of capital. He believed the designation was for ten years.

Rollo said the building was integral to Kirkwood and thanked the public for their feedback.

Sims stated that he had been concerned with the increase in cost of maintenance regarding historic designations. If the structure was usable, it was important to keep it. He thanked Colom-Braña for her effort in researching any associated racist history with the building. He said it was easy to see the beauty in the structures and overlook some ugly history. It was important to be comprehensive in

knowing the history of properties. He referenced the many deeds in the Monroe County Recorder’s office that explicitly prohibited a property to be sold to “negroes.”

Ordinance 22-18 (cont’d)

The motion to adopt Ordinance 22-18 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-18 [11:17pm]

Rollo moved and it was seconded that Ordinance 22-17 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Crossley read the legislation by title and synopsis. The committee do-pass recommendation of Ayes: 6, Nays: 0, Abstain: 0.

Ordinance 22-17 – An Ordinance to Amend Ordinance 21-36, as Amended by Ordinance 22-03, Which Fixed Salaries for Officers of the Police and Fire Departments for the Year 2022 - Re: Incentives for Police officers and increasing Probationary Officer base pay instead of providing retention pay [11:17pm]

Rollo moved and it was seconded that Ordinance 22-17 be adopted.

Caroline Shaw, Director of Human Resources, presented the legislation and highlighted the key components of the proposed salaries. She reviewed answers to questions from council such as tracking, metrics, and recruiting.

Council questions:

There were no council questions.

Public comment:

There was no public comment.

Council comments:

Rollo supported Ordinance 22-17 as one step forward though more was needed.

Vote to adopt Ordinance 22-17 [11:25pm]

The motion to adopt Ordinance 22-17 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Ordinance 22-15 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Crossley read the legislation by title and synopsis. The committee do-pass recommendation of Ayes: 0, Nays: 2, Abstain: 3.

Ordinance 22-15 – To Vacate a Public Parcel - Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and South of 8th Street (Peerless Development, Petitioner) [11:25pm]

Rollo moved and it was seconded that Ordinance 22-15 be adopted.

Michael Cordaro explained why the petitioner requested the delay including a possible redesign.

Council questions:

Piedmont-Smith moved and it was seconded that Ordinance 22-15 be postponed until the Regular Session on July 20, 2022.

Public comment:

There were no council questions.

Council comments:

There were no public comments.

There were no council comments.

Vote to postpone Ordinance 22-15 [11:28pm]

The motion to postpone Ordinance 22-15 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Crowley explained the requirement for the annual tax abatement report.

- The MAYOR AND CITY OFFICES [11:28pm]

Jane Kupersmith, Assistant Director for Small Business Development, ESD, reviewed the annual report including the compliance review process, roles and responsibilities, general standards, evaluative criteria, authorization process, economic impacts, jobs, and provided details on specific abatements.



Crowley highlighted two items that staff had looked at more closely. First, Urban Station had fewer jobs and lower salary numbers they had committed to. Second, the average wage at Catalent. He provided additional details.

- The Mayor and City Offices (cont'd)

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Sims said that in regards to Urban Station, it seemed unnecessary to list it in the abatement if there were no expectations of compliance.

Council comments:

Allen said it would continue to be listed and noted that compliance was for things under the entity's control and excluded issues out of their control.

Rollo moved and it was seconded to approve the Annual Tax Abatement and Economic Development Commission Report. The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote to approve report [11:48pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [11:48pm]

There was no public comment.

ADDITIONAL PUBLIC COMMENT [11:48pm]

Lucas reviewed the upcoming schedule.

COUNCIL SCHEDULE [11:50pm]

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

ADJOURNMENT [11:52pm]

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, July 20, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
July 20, 2022

Councilmembers present: Isabel Piedmont-Smith, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan  
Councilmembers present via Zoom: Matt Flaherty, Dave Rollo  
Councilmembers absent: Kate Rosenbarger

ROLL CALL [6:30pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:34pm]

Sandberg read the statement titled Local Public Official Statement on the Reversal of Roe v. Wade which was signed by thirty four elected officials in Monroe County on July 01, 2022.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Sgambelluri read the names of the elected officials that signed the statement. **Clerk's note: the signed statement is attached to the minutes.**

Piedmont-Smith met with member of Crisis Assistance Helping Out on the Streets (CAHOOTS) team in Oregon which was a mobile emergency mental health unit. She summarized her meeting and described the unit's funding, creation, and collaboration with other emergency departments. Piedmont-Smith explained how CAHOOTS worked and its impact on the community.

Sims shared that he was able to reflect during council recess. He commented that a child's educational outcome should not be based on their parent's income. IU Health, a nonprofit, had donated \$100 million to Indiana University despite community members not being able to obtain healthcare.

Sgambelluri mentioned her upcoming constituent meeting.

Sandberg noted the passing and funeral service for Bob Loviscek.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:50pm]

Jason Michalek presented the 2022 Annual Report from the Community Advisory on Public Safety (CAPS) Commission. He reviewed key foci, including welcoming speakers and policy experts to inform commissioners on important issues, listening and amplifying marginalized people's voices and recommendations, and facilitating participation in civic processes in an equitable and accessible manner.

- COUNCIL COMMITTEES [6:50pm]

Nejla Routsong reviewed work completed by CAPS including drafting foundational and governance policies, hosting speakers, and creating resolutions condemning Islamophobia and Anti-Muslim violence, and Antisemitism and Anti-Jewish violence. She noted CAPS committees' work, including conflict resolution, alternatives to policing and crisis response, reparations and atonement, housing, and additional research. She summarized the committees' efforts.

Michalek summarized the CAPS Housing Committee and its work such as collaborating with other local organizations to advance safety and more. He also described the CAPS commission's efforts to advance its goals and missions. Michalek provided details regarding demographics of the community, based on the Research Committee's outreach efforts. He reviewed safety concerns, financial security issues, housing insecurity, police interactions, structural limitations, accessibility, mental health resources, and substance use and harm reduction.

Routsong described some recommendations and ongoing research to be conducted.

Greg Alexander commented on parking lot occupancy in the Fourth Street parking garage as well as other garages.

Jim Shelton discussed the Court Appointed Special Advocate (CASA) and the need for additional volunteers. He noted upcoming training.

Mike Carmin spoke about fiscal impact statements.

Chuck Livingston commented on scooters in the community.

David Wolfe Bender expressed concern with anti-Semitic incidents and recent events.

Kamala Brown-Sparks asked Piedmont-Smith to send her information regarding CAHOOTS.

Chris Emge thanked council for their work and spoke about transit access outside of city limits.

Daryl Ruble commented on traffic concerns, quality of the Bloomington Police Department's (BPD) officers.

Smith moved and it was seconded to appoint Linda Hall to seat C-4 and Wendy Rubin to seat C-1 on the Commission on Aging, and James Simon to seat C-2 on the Commission on the Status of Black Males. The motion received a roll call vote of Ayes: 8 (Rosenbarger, absent), Nays: 0, Abstain: 0.

Sims moved and it was seconded to reappoint Kent McDaniel to seat C-3 on the Public Transportation Corporation Board of Directors, and to appoint Monte Rose to seat C-2 on the Housing Quality Appeals Board. The motion received a roll call vote of Ayes: 8 (Rosenbarger, absent), Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Resolution 22-14 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis. The committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Resolution 22-14 be adopted.

- Council Committees (cont'd)

- PUBLIC [7:15pm]

#### APPOINTMENTS TO BOARDS AND COMMISSIONS [7:37pm]

#### LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:40pm]

Resolution 22-14 – To Approve an Amendment to the 2019 Revised Cooperation Agreement Between the City of Bloomington ("City") and the Bloomington Housing Authority ("BHA") for Provision and Operation of Low Income Housing Units and Associated Payment in Lieu of Taxes by BHA

Larry Allen, Assistant City Attorney, summarized Resolution 22-14 which was an update to the cooperation agreement primarily concerning financing of the Bloomington Housing Authority (BHA).

in Exchange for City Services [7:40pm]

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comment:

The motion to adopt Resolution 22-14 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-14 [7:47pm]

Rollo moved and it was seconded that Ordinance 22-15 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 0, Nays: 2, Abstain: 3.

Ordinance 22-15 – To Vacate a Public Parcel – Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and the South of 8th Street (Peerless Development, Petitioner) [7:48pm]

Beth Cate, Corporation Counsel, provided an update to the process and negotiation with Peerless Development (Peerless). She stated that the city had not reached an agreement with Peerless pertaining to an installation of artwork.

Michael Cordaro, Peerless representative, stated that Peerless was considering relocating the alley in question instead of a financial donation for artwork.

Volan asked how complicated it was to relocate the alley.

Council questions:

Eric Greulich, Senior Zoning Planner, said that the overall subdivision proposal would not be difficult to move forward. There were not major complications or hindrances with the proposal. He said that staff was neutral and the vacation was up to council.

Volan asked if there was any conflict with the Johnson Creamery historic designation issue with moving the alley.

Greulich stated there was none that staff could identify.

Piedmont-Smith asked about the any infringement of the proposed new alley on the historic district.

John Zody, Director of the Housing and Neighborhood Development (HAND) department, believed that the existing alley was within the district.

Piedmont-Smith asked if it was acceptable to have a right of way in a historic district.

Zody stated that he would look at the official map and clarify. He noted that the Historic Preservation Commission (HPC) meeting had not discussed the new proposal. He stated that a certificate of appropriateness might be necessary, but would have to check. He clarified that changing the appearance of the building would trigger a different process. He said it would not disrupt the historic district in its current form if it was just a new right of way.

Cordaro believed that the historic district stopped at the edge of the parking spaces on the lot. He said there was room for Peerless to move the alley if needed.

Sims asked if Peerless had had an opportunity to work with the HPC.

Zody stated that the HPC had not known about the new proposal which had only been shared with council earlier that week.

Sims asked for an update on Peerless's claim against the title company regarding the right of way.

Cordaro responded that the title company denied the claim.

Smith asked how the new proposal impacted the donation for public art.

Cate stated that it did not affect the administration's opinion on the appropriate value in exchange for the right of way vacation. The city's request was within the scope of other art projects and was reasonable. The new proposal requested the alley vacation without a commitment for public good from Peerless. Cate believed that the historic district was just below the current alley which provided a buffer. She explained that if the alley was within the historic district, then it was an encumbered area.

Sandberg asked what Peerless would do if the council opted not to vacate the alley.

Cordaro responded that it would set Peerless and its investors back, so selling the property would be a higher priority rather than building. A redesign was most likely not feasible.

Sandberg asked why it was not feasible.

Cordaro explained that Peerless had already paid for, and taken the time for, designing the building, twice. A third time would not be possible.

Flaherty commented on the commitment from Peerless as a condition for the vacation, and inquired about the legality.

Stephen Lucas, Council Attorney, described options that council could take, including postponing action, tabling Ordinance 22-15 until a motion to take it off the table for consideration at a later date, or to tabling it to allow the petitioner to proceed with the Plan Commission. He recommended that council wait to take action on any vacation until a new plat was approved.

Cate concurred with Lucas.

Sgambelluri asked if the petitioner was requesting the vacation without a commitment for public art in the surrounding area.

Cate said that was her understanding. The request was to swap one piece of land for another. She reiterated that the building would be a market-rate rental property without any affordable housing.

Volan asked if there was a visual map illustrating the new proposal.

Cordaro displayed the map and explained the new proposal.

Volan asked if the area south of the new proposal was parking, and if there would have to be a driveway for those spaces to be used.

Zody confirmed that was correct.

Volan asked if the parking spaces were part of the historic use of the Johnson Creamery.

Zody said they were not.

Cordaro said they were existing parking spaces and would remain.

Volan asked if there had been anything other than parking there.

Zody believed it had only been parking, but that staff would have to confirm. The district line went through the alley so when council adjusted the map it included the parking area as a buffer.

Volan pointed out that the smokestack had been built on the alley so he did not see any harm in moving the alley.

Ordinance 22-15 (cont'd)

Sims reviewed the new proposal and asked where the request for public art fit in. He said it appeared that the petitioner was attempting to circumvent the city's request.

Cate understood that the new proposal was in lieu of any public art investment in exchange for the current right of way.

Cordaro confirmed that was correct. He said that the new request was that the city not give up a right of way, since the alley was not being used, and moving the alley allowed for more use of it.

There was no public comment.

Public comment:

Flaherty expressed concern about the process, and what code dictated regarding a public good and an alley vacation. There was not a nexus with the city's request for the art installation. He said that the ongoing negotiation was for the administration's support for the vacation, though the council was the body that authorized a vacation. He noted that council had not been included in the negotiation process and what would be an appropriate public benefit.

Council comment:

Cate mentioned that staff had first indicated in a council work session that the administration believed it was appropriate and within the guidelines to negotiate a commitment to public good in exchange for right of way vacation. The petitioner was building market-rate housing. She explained the guidelines from 1987, the Comprehensive Plan, and other documents, that guided the city's growth and development pertaining to right of way vacations. Council was not limited by statute and had guiding documents listing public art, for example, as appropriate. The city often negotiated with private property owners. Cate agreed that ultimately it was council's decision and that staff was and continued to be willing to hear council's opinions.

Piedmont-Smith said that Resolution 87-02 which guided right of way vacations had two considerations. One, current status and access to the property, and two, the necessity of the vacation for the growth of the city. There was a reference to master plans like thoroughfares. The smokestack was in the way of the alley so it was not necessary for access. She did not see if vacating the alley was necessary for the city's growth nor how an art installation was appropriate.

Cate said that the guidance for growth included values like a public space for cultural activities in all areas including downtown and village centers, as referenced in the Comprehensive Plan. Also listed was preserving and celebrating culturally significant spaces, and encouraging a partnership for the public, private, and nonprofit sectors to engage in creative place-making projects and art for neighborhood identities. She provided many additional examples and details supporting the administration's request to Peerless for the art installation. Cate reiterated that Flaherty was right in that the decision was council's and that the administration was simply making a recommendation.

Piedmont-Smith clarified her understanding of the guidelines for alley vacation requests. She understood that there was some subjectivity with the guidance and expressed concern with vacating the alley only if there was a commitment for the art installation. She failed to see the connection.

Flaherty appreciated the administration's point regarding the public good, but still had difficulty with a nexus between the alley vacation and the request for public art. He asked about a request for

\$200,000 for art on Kirkwood as opposed to within the historic district.

Cate said that the administration's request looked at the historic district and its area specifically since that was where the vacation request was. It was an effort to honor the Johnson Creamery historic district.

Flaherty asked about requiring a green roof in exchange for the alley vacation.

Cate responded that staff would need to look back at the guiding documents, and said that the city did value environmental sustainability with growth. She simplified the petitioner's request as building market-rate housing within the city's right of way.

Volan asked if Peerless would commit to \$75,000 and moving the alley since the petitioner had identified that figure as the value of the alley.

Cardaro stated they would not be willing to commit to that figure as well as moving the alley.

Smith found it difficult to connect the alley vacation with the administration's request for public art. He believed it was ideal to delay council's action.

Volan understood the administration's request and also that there was not a direct nexus. He believed that moving the alley would be sufficient and reasonable. He would be willing to postpone until a compromise was attained.

Rollo did not see a public benefit for a large building along the B-Line. He explained some complexities with alley vacations. He saw public art as ancillary and believed the city should keep the alley. He would be voting against the alley vacation.

Flaherty thanked everyone for the discussion. He commented on the benefits of alleys, access, connectivity, the building's design, and said that market-rate housing in the downtown, walkable area with a lower carbon footprint, was important for growth. He did not see the administration's recommendation as consistent with the guidance. He saw the alley vacation as facilitating the public good for additional housing. He advocated for tabling Ordinance 22-15 so the petitioner could go through the Plan Commission process.

There was brief council discussion regarding postponing versus tabling the legislation.

Sims said there was subjectivity with alley vacations. He commented on how the alley right of way had been discovered. He did not appreciate the negotiation and the different figures. He commented on affordable and market-rate housing and what the city needed. He believed the alley had value and did not support vacating the alley without something in return from the petitioner.

Sgambelluri commented on the awkwardness of the discussion and how the alley right of way was discovered. She believed that the city was giving up something and that the alley had value. The project provided housing but was not a true public benefit like affordable housing. She believed it was reasonable to request a public good from the petitioner.

Sandberg was not compelled with the art installation request, and would have preferred more affordability or sustainability features.

Moving the alley might improve connectivity and increase usage. Laying Ordinance 22-15 on the table was the ideal next step.

Ordinance 22-15 (cont'd)

Piedmont-Smith believed that any city right of way had value, and that it was unfortunate that there were inadequate records regarding the alley. That was a mistake from a long time ago. She was inclined to support the alley vacation if the dedication of a new right of way proceeded through the normal process of approvals. She also said that she did not appreciate monolithic buildings next to areas like the B-Line, but that she did not believe the petitioner's design was monolithic. She was in favor of tabling Ordinance 22-15.

Rollo agreed that the alley had value, and commented on the largeness of the proposed structure. He was not in favor of the alley vacation.

Volan stated that council had approved buildings of similar sizes near Switchyard in the recent past. Tabling the legislation allowed the petitioner more time to ensure that moving the alley was doable and was not just a promise.

Flaherty clarified that public right of ways always had value, and an equivalent value in exchange was proper. He also commented on the size of the proposed structure.

Piedmont-Smith moved and it was seconded to table Ordinance 22-15.

Vote to table Ordinance 22-15 [9:09pm]

The motion to table Ordinance 22-15 received a roll call vote of Ayes: 6, Nays: 2 (Rollo, Sims), Abstain: 0.

LEGISLATION FOR FIRST READING [9:11pm]

Rollo moved and it was seconded that Ordinance 22-20 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 22-20 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Amending Section 15.12.030 to remove three signalized intersections and add three signalized intersections; Section 15.20.010 by deleting the reference to restricted turn intersections; Section 15.24.020 by changing speed limits at four locations; Section 15.32.030 to change parking on Lincoln Street between Smith and Third to back-in angle parking and to add pull-in parking on S. Morton Street from W. Patterson Drive and Grimes Lane to 190' north of W. Patterson Drive and Grimes Lane; Section 15.32.050 to allow for prohibiting parking in municipal parking lots to respond to weather and maintenance issues; Section 15.32.080, to remove no parking spaces on S. Morton Street and S. Rogers Street and to add no parking spaces on Lincoln Street and N. Park Avenue; Section 15.32.100 to add two loading zones

Sandberg referred Ordinance 22-20 to the Committee of the Whole to meet on July 27, 2022 at 6:30pm.



on E. 4th Street; Section 15.37.020, to change the boundaries of the Garden Hill Residential Neighborhood Permit Parking Zone; Section 15.040.010, to add paid parking spaces and the Trades District Garage; and Section 15.48.020 to add an administrative towing fee when vehicles are towed for reserved parking or outstanding citation violations

Volan moved and it was seconded to discharge Ordinance 22-20 from Committee of the Whole.

Flaherty noted that the legislation could go to a third reading if needed and as concerns arose.

Piedmont-Smith said that she supported Ordinance 22-20 going directly to a second reading and possibly canceling the Committee of the Whole.

The motion to discharge Ordinance 22-20 from the Committee of the Whole received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to discharge Ordinance 22-20 [9:16pm]

Marc Haggerty spoke about the basketball courts and bathrooms at Switchyard park. He also discussed shootings in the city.

ADDITIONAL PUBLIC COMMENT [9:17pm]

Volan moved and it was seconded to cancel the Committee of the Whole on July 27, 2022 at 6:30pm. The motion received a roll call vote Ayes: 8 (Rosenbarger, absent), Nays: 0, Abstain: 0.

COUNCIL SCHEDULE [9:20pm]

Vote to cancel Committee of the Whole [9:21pm]

Lucas reviewed the upcoming council schedule.

McDowell noted a potential correction to the appointment of James Simon to the Commission on the Status of Black Males. Lucas explained the options.

Smith moved and it was seconded to retract the appointment of James Simon to seat C-2 on the Commission on the Status of Black Males. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to retract appointment [9:24pm]

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

ADJOURNMENT [9:27pm]

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

## **Resolutions 23-11 & 23-12**

Additional materials related to Resolutions 23-11 and 23-12 may be forthcoming in a Packet Addendum.

**RESOLUTION 23-11**

**TO WAIVE NON-COMPLIANCE OF NEW URBAN STATION, LLC CONCERNING A PREVIOUSLY-APPROVED REAL PROPERTY TAX ABATEMENT**

WHEREAS, the City of Bloomington, by Resolution 16-12 as amended by Resolution 17-26, previously granted a 10-year real property tax abatement pursuant to Indiana Code 6-1.1-12.1 *et. seq.* to H.M. Mac Development, LLC for properties now owned by New Urban Station, LLC at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washington Street, Bloomington, Indiana, including the parcels:

- 53-08-04-200-037.000-009 (Alt Parcel Num: 015-35020-00)
- 53-08-04-200-088.000-009 (Alt Parcel Num: 015-35010-00)
- 53-08-04-200-021.000-009 (Alt Parcel Num: 015-35030-00)
- 53-08-04-200-185.000-009 (Alt Parcel Num: 015-10000-00)
- 53-08-04-200-203.000-009 (Alt Parcel Num: 015-33130-00); and

WHEREAS, the owner of said real property is under a statutory duty to file a Compliance with Statement of Benefits (“CF-1”) form with the Common Council of the City pursuant to Indiana Code 6-1.1-12.1 *et. seq.* on or before May 15 of each year in which said deduction from property taxes is allowed; and

WHEREAS, the property owner for the properties listed above did not timely file the CF-1 form for 2023 taxes payable in 2024 but has since filed such form and requests that this form be accepted by the Common Council as if timely filed; and

WHEREAS, the Common Council, pursuant to Indiana Code 6-1.1-12.1-9.5(b) may, by resolution, waive non-compliance with a filing deadline applicable to a Statement of Benefits or another document required to be filed under that chapter;

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

SECTION 1. The Common Council finds that the Compliance with Statement of Benefits (CF-1) form for 2023 for the properties identified above has been filed by the property owner with the Common Council before the adoption of this resolution.

SECTION 2. The Common Council finds that granting New Urban Station, LLC relief from the CF-1 form filing deadline will not result in a delay in the issuance of tax bills, require the recalculation of tax rates or tax levies, or otherwise cause an undue burden on a taxing unit.

SECTION 3. The Common Council now waives the filing deadline for said form, which shows compliance with the Statement of Benefits originally provided as part of the abatement application. By this action, the Common Council intends that the property owner shall be treated as if the property owner had timely complied with the procedural requirements of Indiana Code 6-1.1-12.1, *et. seq.*

SECTION 4. The City Clerk is directed to provide a certified copy of this Resolution to the property owner and the Department of Local Government Finance.

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 resolution waives non-compliance with a filing deadline applicable to New Urban Station, LLC as owner of properties subject to a real property tax abatement.

**RESOLUTION 23-12**

**TO RESCIND RESOLUTION 16-11, RESOLUTION 16-12 AND RESOLUTION 17-26  
AND TERMINATE TAX DEDUCTION FOR IMPROVEMENTS TO REAL ESTATE**

**Re: 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue;  
and 404 S. Washington Street  
(New Urban Station, LLC, Owner)**

- WHEREAS, in 2016, the Common Council adopted Resolution 16-11 and Resolution 16-12 (as amended by Resolution 17-26) designating the property at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washington Street as an Economic Revitalization Area (ERA), approving a Statement of Benefits, and granting a 10-year tax abatement for real estate improvements; and
- WHEREAS, the decision to grant the tax abatement in 2016 was based upon the application for tax abatement, the Statement of Benefits forms, and other material submitted to the Council by the petitioner, which indicated that the owner was intending to build two four-story mixed use buildings, including approximately 8,000 square feet of retail or commercial space and 54 residential units that included dedicated bedrooms for Workforce Housing; and
- WHEREAS, according to Indiana Code 6-1.1-12.1-5.1, the property owner wishing to keep the abatement on real estate must file a Compliance with Statement of Benefits (“CF-1”) form annually before May 15 indicating what progress has been made in meeting the commitments set forth in the Statement of Benefits; and
- WHEREAS, the Common Council then reviews the form to determine whether the owner of the property has substantially complied with the terms of the resolution and the Statement of Benefits, and if the Council determines that the property owner has failed to make reasonable efforts to comply with the terms of the abatement and has not been prevented by factors beyond its control, then the Council may rescind the tax abatement and terminate the tax deduction; and
- WHEREAS, the City of Bloomington Tax Abatement Program General Standards provide that one factor within the control of the property owner that may contribute to noncompliance is an incomplete, inaccurate, or missing CF-1 form; and
- WHEREAS, on June 14, 2016, the Director of Economic and Sustainable Development, Alex Crowley, along with Assistant Director – Small Business Development, Andrea de la Rosa, presented an Annual Tax Abatement Report to the Common Council indicating that the owner of the property identified above had not filed the required CF-1 form and, for that reason, a recommendation on the property owner’s compliance could not be provided; and
- WHEREAS, at that meeting and based upon the inability of the Economic Development Commission or city staff to provide a recommendation on compliance, the Council adopted a motion to hold a hearing to further consider New Urban Station, LLC’s compliance with the statement of benefits provided as part of the tax abatement granted by Resolution 16-12; and
- WHEREAS, pursuant to Indiana Code 6-1.1-12.1-5.9, the Council Attorney mailed notice of a hearing to the property owner within 30 days of its occurrence and, on June 21, 2023, the Common Council held the hearing and determined that the owners of the improvements to real estate were not in substantial compliance with the statement of benefits and the failure to comply was not the result of factors beyond their control; and
- WHEREAS, the Common Council finds that the property should not be designated as an Economic Revitalization Area (ERA);

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

SECTION 1. Resolution 16-11, Resolution 16-12, and Resolution 17-26 shall be rescinded and the tax deduction for the improvements to real estate at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washington Street shall be terminated.

SECTION 2. The City Clerk is directed to mail a certified copy of this resolution to the property owner, the Auditor of Monroe County, and the Assessor of Monroe County.

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 resolution rescinds Common Council Resolution 16-11, Resolution 16-12, and Resolution 17-26 and, thereby, terminates the tax abatement as well as removes the ERA designation for the improvements to real estate at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue and 404 S. Washington Street.



**MEMO FROM COUNCIL OFFICE ON:**

**Ordinance 23-10 – To Amend Title 20 (Unified Development Ordinance) of the  
Bloomington Municipal Code –  
Re: Amendments and Updates Set Forth in BMC 20.03 and 20.04**

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**Synopsis**

This petition contains amendments in Chapter 3 of the UDO related to chicken flocks and Chapter 4 of the UDO related to maximum parking standards.

**Relevant Materials**

- Ordinance 23-10
- Certification form from Plan Commission
- Attachment A & staff memo, with redline amendments showing proposed changes
- [*new material*] Amendment 01 to Ordinance 23-10
- [*new material*] Amendment 02 to Ordinance 23-10
- [*new material*] Parking Commission Meeting Memorandum from June 8, 2023

**Update for June 21, 2023 Regular Session**

This item was introduced for first reading on May 3, 2023, and was subsequently considered by the Council on May 10, 2023, at which time the ordinance was tabled to give the Parking Commission time to consider the proposed changes and make a recommendation to Council. The ordinance now appears on the Council's June 21, 2023 Regular Session agenda in anticipation of a motion to take the item from the table in order to place it back in front of the Council for consideration and possible final action.

The Parking Commission considered the changes to the maximum parking standards at its meetings on May 25 and June 8, 2023. At its June 8th meeting, the Parking Commission discussed the proposed UDO modifications and voted in support of the parking maximums as proposed and recommended by the Plan Commission. The Parking Commission considered but ultimately did not adopt a resolution recommending that the parking numbers should not be changed for Restaurant and Fitness Center uses. The resolution failed 4-1-3.

Additionally, Councilmember Piedmont-Smith is sponsoring two proposed amendments to this ordinance, which would alter maximum vehicle parking allowances for Restaurant and Stadium uses. Amendment 01 would revert the maximum vehicle parking for restaurants to the current number of 10 spaces per 1,000 square feet GFA, while Amendment 02 would decrease the maximum vehicle parking allowance for stadiums to 1 space per 8 seats. The Plan Commission's proposed change is 15 spaces per 1,000 square feet for Restaurant uses and 1 space per 4 seats for Stadium uses. Currently, there is no limit on parking allowances for Stadium uses.



## Background

On April 10, 2023, the Plan Commission considered a proposal brought forward by city planning staff to make amendments to the UDO related to chicken flocks and maximum parking standards. The Plan Commission Case ZO-12-23 was given a recommendation of approval by a vote of 9-0-0. The April Plan Commission meeting can be viewed online here: <https://catstv.net/m.php?q=12305>).

## Summary

The administration is proposing text amendments to the city's Unified Development Ordinance ("UDO") as an addendum to its annual update and amendment to the UDO, which was previously brought forward in four ordinances (Ordinances 23-04 through 23-07) that were adopted during the April 19, 2023 Regular Session.

The amendments within Chapter 4 (Development Standards and Incentives) of the UDO follow Plan Commission discussions regarding parking maximums during its March and April 2023 meetings. The Planning & Transportation Department proposed and the Plan Commission recommended the addition of new parking maximums for nearly 70 land uses in order to align the code with the City's Comprehensive Plan. The staff memo details additional information on this proposal.

One additional change in Chapter 3 (Use Regulations) of the UDO was proposed in anticipation of amendments to Title 7 (Animals) of the Bloomington Municipal Code (BMC) related to chicken flock regulations. A number of councilmembers have expressed interest in proposing an ordinance to increase the number of chicken flocks allowed within city limits. Such a change within Title 7 would necessitate an update to UDO use-specific standards regarding chicken flocks, which currently allow for one chicken flock as an accessory use. The amendment to the UDO does not, by itself, allow for additional chicken flocks. If amended, the UDO use-specific standards would no longer foreclose the possibility of additional chicken flocks if and when Title 7 of the BMC is revised.

## General Information about UDO Updates:

General information about the UDO, including the complete text of the current UDO, can be found here: <https://bloomington.in.gov/planning/udo>. For information about the Council's 2019 repeal and replacement of the UDO, please visit the following site: <https://bloomington.in.gov/council/plan-schedule>. Finally, councilmembers and the public can find the city's Comprehensive Plan online here: <https://bloomington.in.gov/planning/comprehensive-plan>.





Proposals to amend the text of the UDO are governed by state law under Indiana Code (IC) 36-7-4 in the “600 Series – Zoning Ordinance.” As a threshold matter, state law provides that the purpose of the local planning and zoning laws are “to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.”

Further, in considering UDO text amendments, both state and local codes require the legislative body to pay reasonable regard to:

1. the Comprehensive Plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of sensitive environmental features (a local criteria);
5. the conservation of property values throughout the jurisdiction; and
6. responsible development and growth.

Importantly, these are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (2005).

IC 36-7-4-607 provides the following procedure that applies to a proposal to amend or partially repeal the text of the UDO:

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. This proposal received a favorable recommendation by the Plan Commission of 9-0. The Council must consider the Commission recommendation before acting on the proposal.



**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](mailto:council@bloomington.in.gov)

- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification, the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

**Contacts**

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**ORDINANCE 23-10**

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)  
OF THE BLOOMINGTON MUNICIPAL CODE –  
Re: Amendments and Updates Set Forth in BMC 20.03 and 20.04**

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, on April 10, 2023, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on April 18, 2023; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

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

SECTION 1. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION 2. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-12-23 (“Attachment A”)
  - (B) Any Council attachments thereto (“Attachment B”)

SECTION 3. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

SECTION 4. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SUE SGAMBELLURI, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to 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 petition contains amendments in Chapter 3 of the UDO related to chicken flocks and Chapter 4 of the UDO related to maximum parking standards.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 23-10 is a true and complete copy of Plan Commission Case Number ZO-12-23 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 10, 2023.



Date: April 18, 2023

\_\_\_\_\_  
Scott Robinson, Secretary  
Plan Commission

Received by the Common Council Office this 18th day of April, 2023.



\_\_\_\_\_  
Nicole Bolden, City Clerk

Appropriation Ordinance #	_____	Fiscal Impact Statement Ordinance #	_____	Resolution #	_____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/- )	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

\_\_\_\_\_  
Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-12-23 amends the Unified Development Ordinance (UDO), with amendments and updates to processes and procedures related to chicken flocks and maximum parking standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

## Case # ZO-12-23 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Development Services Manager

**Date:** April 18, 2023

**Re:** Text Amendments to Unified Development Ordinance: Parking Maximum and Chicken Flock

---

The Plan Commission heard case ZO-12-23 on April 10, 2023 and voted to send the petition to the Common Council with a positive recommendation with a vote of 9-0.

The Planning and Transportation Department proposes an addendum to its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code.

At its March 2023 hearing, the Plan Commission discussed the annual UDO text amendment update. The Department proposed parking maximums for just under 70 uses that currently have no maximum in Table 04-10. A member of the public appeared at the hearing with concerns about adding maximums, and the Plan Commission voted to remove the parking maximum proposal. More information about that proposal is included below. The Common Council is working on an update to regulations related to chicken flocks, and a Title 20 update needed to be done to align with the proposed changes. No changes to proposed uses or zoning districts are included in this update.

That petition is as follows:

1. ZO-12-23 | UDO Chapter 3, Use Regulations; UDO Chapter 4, Development Standards & Incentives

### ZO-12-23 UDO Chapter 3, Use Regulations; UDO Chapter 4, Development Standards & Incentives

There is one amendment proposed for Chapter 3 related to the accessory use, ‘chicken flock’ that is a technical amendment to align Title 20 with Title 7 changes that are being brought forward by the Common Council. The Council is proposing to allow more than one flock per parcel, so the Title 20 amendment changes the reference in the Use-Specific standards from ‘one flock’ to ‘flocks.’

The amendments in Chapter 4 are related to Table 04-10, which addresses the Maximum Parking Standards for uses in the UDO. When the UDO was repealed and replaced after the 2019-2020 Update process, a number of uses were left with ‘no limit’ as their parking maximum. The

Department is proposing to add maximums to those uses that do not currently have maximums in order to align the code with the Comprehensive Plan, provide that all uses have maximums for consistency of regulation, and still allow for the uses to be developed with necessary associated parking. The limits in Table 04-10 are for surface parking on a site. If a 'parking garage' use is also allowed in the developing zoning district, structured parking can be built. In the Downtown, the Comprehensive Plan prefers structured parking. The Land Development Policy Guidance for the Downtown says on page 86: "Land dedicated to parking should be minimized by building, preferring multi-story parking garages to surface parking lots, and by encouraging active transportation (bicycling and walking)." Additionally, in the Urban Corridor Site Design portion on page 90, the Comprehensive Plan states that "Strategies for parking will become more important in order to avoid large open areas of asphalt."

The Department used a number of resources to arrive at the maximums presented, including the Report described below, as well as researching similar uses in other locations, and looking internally at similar uses. Since March, the Department has re-visited the proposed maximums and altered a few.

The Department utilized American Planning Association's Planning Advisory Service (PAS) Report 510-511, Parking Standards, to compare uses to standards being used by other communities across the country. The Report is from 2002, so general guidance and thinking related to surface parking has shifted in the last two decades, but the numbers are a good guide to determine whether or not the proposed numbers are in the ballpark, and was also useful to suggest items to incorporate. For example, a cemetery regulation is often based on the buildings on the property and their size, not the acreage of the property, so we adjusted our recommendation accordingly.

Jail: The Department was able to find information about 3 of the jails that were identified in Monroe County's RFQ for a New Criminal Justice Center. While the Indianapolis facility houses more than the jail, including the majority of the court system and offices, the other facilities are smaller scale. Under the proposed provision, both Allen County and Lawrence County would be able to build the number of desired vehicular parking spaces.

Location	Square footage	Allowed under proposed maximum	Allowed under previous maximum*	Actual number of spaces
Allen County, IN	242,000	484	413 (1100 bed 275 employees)	326 (proposed)
Lawrence County, SD	64,200	128	45 (120 beds 30 employees)	84 (proposed)
Indianapolis-Marion County Community Justice Center	750,000 (Detention Center only)	1500	1,125 (3,000 beds 750 employees)	2067 (entire site)

\*assuming "largest shift" meets BJS inmate-to-correctional officer ratio of 4 to 1

Stadium: The Department looked at 4 stadiums in Indiana to determine how many spaces would be allowable for facilities of comparable size under the proposed regulations. The stadiums listed offer shared parking options with nearby structured parking. However, the proposed maximums allow plenty of opportunity for on-site parking. Indiana University facilities built on State-owned land are not subject to the parking maximums in Title 20. For stadium, we confirmed in the PAS Report that one space per four seats is a standard regulation used.

Location	Number of seats	Allowed under proposed maximum	Actual number of spaces on-site
Victory Field - Indianapolis	12,230	3,057	286
Loeb Stadium - Lafayette	7,500	875	0
Kokomo Municipal Stadium - Kokomo	4,000	100	63
Parkview Field - Fort Wayne	8,100	2,025	51

General Uses: For many of the general uses that did not have maximums, we applied our larger typical maximum of 3.3 spaces for every 1,000 square feet of GFA, as the vehicular uses of those sites are similar, such as kennel or pet grooming. This is the maximum that we currently use successfully for office, and our larger retail uses. We propose to utilize the number for some of our manufacturing uses, as they are often larger sites with commuting workers, and the average square footage per employee for manufacturing is very similar to office. For sites that may be



uses that are less commute-heavy, we applied the 2.5 spaces for every 1,000 square feet of GFA maximum, such as for an amenity center that would be accessory to a primary use by definition. We utilized a smaller maximum of 1.25 spaces per either 0.5 acres or 1 acre for uses that primarily take place outside of a supportive building, such as quarry or transportation terminal.

Based on the definition of ‘parking space’, the space for larger vehicles required by some uses, such as semi-trucks are not counted as part of the parking maximum total. So, manufacturing and other uses do not provide for extra space for those vehicles. However, we propose extra allowance for uses that utilize fleets of small vehicles, such as a contractor’s yard or police, fire, or rescue station.

The Department believes that adding maximums to the allowable amount of surface parking for all uses is in line with City goals that work to encourage green space and less automobile dependence, while still allowing room for necessary on-site parking for new and redeveloping uses.

**Table 03-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply  
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Utility substation and transmission facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20.03.030(f)(3)
Wind energy system, large												P*				P*		20.03.030(f)(4)
Wind energy system, small	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	20.03.030(f)(5)
<b>ACCESSORY USES</b>																	20.03.030(g)(1)	
Chicken flock	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		P*	20.03.030(g)(2)
Detached garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								20.03.030(g)(3)
Drive-through										A*	A							20.03.030(g)(4)
Dwelling, accessory unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(g)(5)
Electric vehicle charging facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Greenhouse, noncommercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(6)
Outdoor retail and display									T*	T*	T*			T*		A*		20.03.030(g)(7)
Outdoor trash and recyclables receptacles					A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		20.03.030(g)(8)
Recycling drop-off, self-serve					A	A		A	A	A	A	A	A	A	A	A		
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20.03.030(g)(9)
<b>TEMPORARY USES</b>																	20.03.030(h)(1)	
Book buyback								T*	T*	T*	T*		T*	T*				20.03.030(h)(2)
Construction support activities	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	20.03.030(h)(3)
Farm produce sales	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(4)
Real estate sales or model home	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		20.03.030(h)(5)
Seasonal sales								T*	T*	T*	T*	T*	T*	T*				20.03.030(h)(6)
Special event	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			T*	23.03.030(h)(7)

## 20.03.030 Use-Specific Standards

### (a) Generally

- (1) The Use-Specific Standards listed in this Section 20.03.030 apply to those uses listed on the same line of Table 3-1, regardless of whether those uses are shown as Permitted, Conditional, Conditional Accessory, Accessory, or Temporary uses. These Use-Specific standards cannot be modified through the Conditional Use approval process in Section 20.06.050(b) (Conditional Use Permit), but relief may be granted through the Variance process in Section 20.06.080(b) (Variance).

(2) **Chicken Flocks**

~~One~~ Chicken flocks as defined in the Bloomington Municipal Code Section 7.01.010, may be kept as an accessory use to a permitted principal use, provided that such use is permitted by and complies with all regulations of Title 7 (Animals) of the Bloomington Municipal Code, as amended. The regulations of Title 7 (Animals) of the Bloomington Municipal Code are expressly incorporated into this UDO by reference.

(3) **Detached Garage Design**

- (A) For detached garages accessory to residential uses, exposed or corrugated metal facades are not permitted. The exterior finish building materials used for a detached garage shall comply with the standards in Section 20.04.070(d)(3)(B) (Materials).
- (B) Detached garages and carports shall be located a minimum of 10 feet behind the primary structure's front facade and five feet from side and rear property lines, except for exceptions listed in Section 20.04.020(e)(3) (Exceptions to Setback Requirements).

(4) **Drive-Through**

- (A) In the MM district, all uses, except for financial institutions shall be limited to one drive-through bay. Financial institutions shall be allowed up to three drive-through bays.
- (B) In the MC district, all uses, except for financial institutions shall be limited to two drive-through bays. Financial institutions shall be allowed up to three drive-through bays.

(5) **Dwelling, Accessory Unit**

(A) **Purpose**

These accessory dwelling unit ("ADU") standards are intended to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the City's workforce, seniors, families with changing needs, and others for whom ADUs present an affordable housing option.

(B) **Generally**

- i. This use shall be accessory to a single-family or duplex dwelling that is the principal use on the same lot or parcel.
- ii. Not more than one ADU may be located on one lot.
- iii. ADUs shall not contain more than two bedrooms.
- iv. No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date. For purposes of this section, attached ADUs with internal access that were approved under this ordinance shall be considered one dwelling unit.
- v. A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department if no building permit is processed for the ADU.

**(d) Minimum Vehicle Parking Requirement**

**(1) Applicability**

**(A) Generally**

Each development or land use subject to this section pursuant to Section 20.04.060 shall provide at least the minimum number of vehicle parking spaces required for each land use listed in Table 04-9: Minimum Vehicle Parking Requirements.

**(B) MD District**

Minimum parking requirements do not apply to development in the Courthouse Square Character Area or the Downtown Core Character Area south of 4<sup>th</sup> Street.

**Table 04-9: Minimum Vehicle Parking Requirements**

DU = dwelling unit

	All Other Zoning Districts	MD Zoning District
Dwelling, single-family (detached)	No requirement	
Dwelling, single-family (attached)		
Dwelling, duplex [3]	0.5 spaces per DU [1]	No requirement
Dwelling, triplex [3]		
Dwelling, fourplex [3]		
Dwelling, multifamily [2]	Studio: 0.5 space per DU 1 bedroom: 1 space per DU 2 bedrooms: 1.5 spaces per DU 3 bedrooms: 2 spaces per DU	
Dwelling, live/work	No requirement	
Dwelling, cottage development	1 space per DU	
Dwelling, mobile home	1 space per DU	
Manufactured home park		
Noncommercial urban agriculture	2 spaces per lot	
Student housing or dormitory	0-10 bedrooms: no requirement 11 or more bedrooms: 0.5 spaces per bedroom	

**NOTES:**

[1] See Section 20.04.110 (Incentives) for alternative standards.

[2] Minimums shall only apply to multifamily development within or adjacent to the R3 zoning district and all multifamily development in the MD zoning district.

[3] Minimum parking for duplexes, triplexes, and fourplexes only applies in the R1, R2, R3, and R4 districts.

**(e) Maximum Vehicle Parking Allowance**

In no case shall any land use or development subject to this Section 20.04.060 provide more than the maximum number of vehicle parking spaces allowed for each land use listed in Table 04-10: Maximum Vehicle Parking Allowance.

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
<b>RESIDENTIAL USES</b>	
<b>Household Living</b>	
Dwelling, single-family (detached)	No limit
Dwelling, single-family (attached)	
Dwelling, duplex	2 spaces per DU
Dwelling, triplex	
Dwelling, fourplex	
Dwelling, multifamily	125 percent of the <del>potential required</del> minimum, or 1.25 spaces per bedroom, whichever is less. <u>When there is no required minimum number of spaces, the number of spaces listed per DU in Table 04-9 shall be used in the 125% calculation.</u>
Dwelling, live/work	1 space per DU
Dwelling, cottage development	2 spaces per DU
Dwelling, mobile home	2 spaces per DU
Manufactured home park	2 spaces per DU, plus 1 visitor space per 2 DUs
<b>Group Living</b>	
Assisted living facility	1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units; plus 1 space per 3 <del>DUs</del>
Continuing care retirement facility	
Fraternity or sorority house	0.8 spaces per bed
Group care home, FHAA small	<u>2.5 spaces per 1,000 square feet GFA</u> <del>1 space per 4 persons design capacity</del>
Group care facility, FHAA large	
Nursing or convalescent home	<u>1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units</u>
Opioid rehabilitation home, small	<u>2.5 spaces per 1,000 square feet GFA</u>
Opioid rehabilitation home, large	
Residential rooming house	2 spaces; plus 1 space per guest room
Student housing or dormitory	0.75 spaces per bedroom
Supportive housing, small	<del>No limit</del> <u>2.5 spaces per 1,000 sq. ft. GFA</u>
Supportive housing, large	
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>	
<b>Community and Cultural Facilities</b>	
Art gallery, museum, or library	2 spaces per 1,000 sq. ft. GFA
Cemetery or mausoleum	<u>1 space per 4 seats in chapel or assembly area</u> <del>No limit</del>
Club or lodge	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Community center	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Conference or convention center	2 spaces per 1,000 sq. ft. GFA <del>for surface parking</del> <u>No limit for structured parking</u>

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Crematory	3.3 spaces per 1,000 sq. ft. GFA
Day-care center, adult or child	3.3 spaces per 1,000 sq. ft. GFA
Government service facility	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Jail or detention facility	<u>2 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Meeting, banquet, or event facility	4 spaces per 1,000 sq. ft. GFA
Mortuary	3.3 spaces per 1,000 sq. ft. GFA
Park	<u>5 spaces per 1 acre plus 2.5 spaces per 1,000 sq. ft. of site used for recreational equipment area</u> <del>No limit</del>
Place of worship	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Police, fire, or rescue station	<u>4 spaces per 1,000 sq. ft. GFA plus 1 space per each vehicle used for police, fire, and rescue</u> <del>No limit</del>
Urban agriculture, noncommercial	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
<b>Educational Facilities</b>	
School, college or university	<u>4 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
School, public or private	<u>4 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
School, trade or business	4 spaces per 1,000 sq. ft. GFA
<b>Healthcare Facilities</b>	
Hospital	1 space per patient bed design capacity
Medical clinic	5 spaces per 1,000 sq. ft. GFA
Methadone treatment facility	3.3 spaces per 1,000 sq. ft. GFA
Opioid rehabilitation facility	3.3 spaces per 1,000 sq. ft. GFA
<b>COMMERCIAL USES</b>	
<b>Agricultural and Animal Uses</b>	
Kennel	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Orchard or tree farm, commercial	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Pet grooming	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Plant nursery or greenhouse, commercial	3.3 spaces per 1,000 sq. ft. of GFA retail sales
Veterinarian clinic	3.3 spaces per 1,000 sq. ft. GFA
<b>Entertainment and Recreation</b>	
Amenity center	<u>2.5 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Country club	<u>2 spaces per golf hole plus 2.5 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Recreation, indoor	Bowling alley: 3 spaces per lane Theater: 1 space per 4 seats in assembly areas All other: 4 spaces per 1,000 sq. ft. GFA
Recreation, outdoor	Golf course: 2 spaces per golf hole Mini golf course: 1 space per golf hole Golf driving range: 1 space per tee box All other: 2.5 spaces per 1,000 sq. ft. of site area used for recreation
Sexually oriented business	5 spaces per 1,000 sq. ft. GFA

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Stadium	<del>1 space per 4 seats</del> <del>No limit</del>
<b>Food, Beverage, and Lodging</b>	
Bar or Dance club	4 spaces per 1,000 sq. ft. GFA
Bed and breakfast	1 space per guest bedroom
Brewpub, distillery, or winery	Indoor tasting/seating area: 10 spaces per 1,000 sq. ft. GFA; Outdoor tasting/seating area: 5 spaces per 1,000 sq. ft. of
Hotel or motel	1 space per guest room
Restaurant	Indoor seating area: <del>15</del> 40 spaces per 1,000 sq. ft. GFA; Outdoor seating area: 5 spaces per 1,000 sq. ft. of
<b>Office, Business, and Professional Services</b>	
Artist studio or workshop	1 space per 1,000 sq. ft. GFA
Check cashing	4 spaces per 1,000 sq. ft. GFA
Financial institution	4 spaces per 1,000 sq. ft. GFA
Fitness center, small	<del>4.3</del> 3 spaces per 1,000 sq. ft. GFA
Fitness center, large	<del>4.5</del> 5 spaces per 1,000 sq. ft. GFA
Office	3.3 spaces per 1,000 sq. ft. GFA
Personal service, small	3.3 spaces per 1,000 sq. ft. GFA
Personal service, large	3.3 spaces per 1,000 sq. ft. GFA
Tattoo or piercing parlor	3.3 spaces per 1,000 sq. ft. GFA
<b>Retail Sales</b>	
Building supply store	2 spaces per 1,000 sq. ft. GFA
Grocery or supermarket	5 spaces per 1,000 sq. ft. GFA
Liquor or tobacco sales	3.3 spaces per 1,000 sq. ft. GFA
Pawn shop	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, small	4 spaces per 1,000 sq. ft. GFA
Retail sales, medium	4 spaces per 1,000 sq. ft. GFA
Retail sales, large	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, big box	3.3 spaces per 1,000 sq. ft. GFA
<b>Vehicles and Equipment</b>	
Equipment sales or rental	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/ office area; plus 1 space per service bay
Transportation terminal	<del>1.25 spaces per 0.5 acres</del> <del>No limit</del>
Vehicle fleet operations, small	<del>1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA</del> <del>No limit</del>
Vehicle fleet operations, large	<del>1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA</del> <del>No limit</del>
Vehicle fuel station	5 spaces per 1,000 sq. ft. GFA
Vehicle impound storage	<del>1.25 spaces per 0.5 acres</del> <del>No limit</del>
<del>Vehicle parking garage</del>	<del>No limit</del>
Vehicle repair, major	2.85 spaces per 1,000 sq. ft. of indoor sales/leasing/ office area;

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Vehicle repair, minor	plus 1 space per service bay
Vehicle sales or rental	
Vehicle wash	<u>2.5 spaces per 1,000 sq. ft. of indoor sales/office area plus 1 space per service bay</u> <del>No limit</del>
<b>EMPLOYMENT USES</b>	
<b>Manufacturing and Processing</b>	
Commercial Laundry	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Food production or processing	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Manufacturing, artisan	<u>2.5 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Manufacturing, light	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Manufacturing, heavy	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Salvage or scrap yard	<u>1.25 spaces per 0.5 acres plus 2.5 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
<b>Storage, Distribution, or Warehousing</b>	
Bottled gas storage or distribution	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Contractor's yard	<u>3.3 spaces per 1,000 sq. ft. GFA plus 1 space per each company vehicle up to a maximum of 30 company vehicles</u> <del>1 parking space per approved building occupancy</del>
Distribution, warehouse, or wholesale facility	<u>3.3 spaces per 1,000 sq. ft. GFA</u> <del>No limit</del>
Storage, outdoor	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Storage, self-service	2.85 spaces per 1,000 GFA of indoor sales/leasing/office space
<b>Resource and Extraction</b>	
Gravel, cement, or sand production	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Quarry	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Stone processing	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
<b>UTILITIES AND COMMUNICATION</b>	
Communication facility	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Solar collector, ground- or building-mounted	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Utility substation and transmission facility	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Wind energy system, large	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
Wind energy system, small	<u>1.25 spaces per 1 acre</u> <del>No limit</del>
<b>ACCESSORY USES</b>	
Chicken flock	<u>No additional parking</u> <del>No limit</del>
Crops and pasturage	<u>No additional parking</u> <del>No limit</del>
Detached garage	<u>No additional parking</u> <del>No limit</del>
Drive-through	<u>No additional parking</u> <del>No limit</del>
Dwelling, accessory unit	<u>No additional parking</u> <del>No limit</del>
Electric vehicle charging facility	<u>No additional parking</u> <del>No limit</del>



**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Greenhouse, noncommercial	No additional parking No limit
Home occupation	No additional parking No limit
Outdoor retail and display	No additional parking No limit
Outdoor trash and recyclables receptacles	No additional parking No limit
Recycling drop-off, self-serve	No additional parking No limit
Swimming pool	No additional parking No limit
<b>TEMPORARY USES</b>	
Book buyback	No additional parking No limit
Construction support activities	No additional parking No limit
Farm produce sales	No additional parking No limit
Real estate sales or model home	No additional parking No limit
Seasonal sales	No additional parking No limit
Special event	No additional parking No limit

**(f) Accessible Parking**

- (1) Accessible spaces shall be provided and designed as required to meet the requirements of the Americans with Disabilities Act (ADA) and the Indiana Building Code (IBC).
- (2) Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for persons with disabilities.
- (3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices.
- (4) Required accessible spaces shall count towards the number of maximum parking spaces permitted, unless the maximum allowed number of parking spaces is 25 spaces or less.

**(g) Adjustments to Minimum Parking Requirements**

The amount of vehicle parking required pursuant to Table 04-9: Minimum Vehicle Parking Requirements, may be adjusted by the factors listed in this Section 20.04.060(g). These adjustments may be applied as part of the calculation of parking requirements and do not require discretionary approval by the City.

**(1) Shared Parking Facilities**

**(A) Generally**

- i. When reviewing a shared parking proposal, the City Planning and Transportation Department shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to subsections (2) through (5) below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the City Planning and Transportation Department.

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 23-10  
**Amendment #:** Am 01  
**Submitted By:** Cm. Piedmont-Smith  
**Date:** June 21, 2023

**Proposed Amendment:** (additions are shown in **bold** and deletions in ~~strikethrough~~)

1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 23-10 as “Attachment A” (ZO-12-23) shall be amended as follows (only affected portions of the proposal are shown below):

**Table 4-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit      sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
<b>COMMERCIAL USES</b>	
<b>Food, Beverage, and Lodging</b>	
Restaurant	Indoor seating area: <del>15</del> <b>10</b> spaces per 1,000 sq. ft. GFA; Outdoor seating area: 5 spaces per 1,000 sq. ft. of

**Synopsis and Reason for Amendment**

This amendment is sponsored by Cm. Piedmont-Smith and reverts the maximum vehicle parking allowance for restaurants to the current amount of 10 spaces per 1,000 sq. ft. GFA. As there is currently no different parking maximum for a restaurant located near public parking than for a restaurant with no nearby public parking, the increase in maximum proposed by staff may not be appropriate in all areas. If the property owner of a restaurant can make a good case for additional surface parking beyond the current maximum (for example, if there is no public parking nearby), they can still request a variance.

**Regular Session Action (06/21/23):** Pending

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 23-10  
**Amendment #:** Am 02  
**Submitted By:** Cm. Piedmont-Smith  
**Date:** June 21, 2023

**Proposed Amendment:** (additions are shown in **bold** and deletions in ~~strikethrough~~)

1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 23-10 as “Attachment A” (ZO-12-23) shall be amended as follows (only affected portions of the proposal are shown below):

**Table 4-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit    sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
<b>COMMERCIAL USES</b>	
<b>Entertainment and Recreation</b>	
Stadium	<b>1 space per 8 seats</b> <del>No limit</del>

**Synopsis and Reason for Amendment**

This amendment is sponsored by Cm. Piedmont-Smith. It decreased the maximum vehicle parking allowance for stadiums to 1 space per 8 seats from the proposed maximum of 1 space per 4 seats. Comparisons with stadiums in other cities show that 1 space per 4 seats is more than necessary. Also, the City should encourage structured parking in place of surface parking in situations where a lot of parking is required, in order to reduce permeable surface coverage and thus curb the urban heat island effect and potential stormwater runoff issues in an era of climate change.

**Regular Session Action (06/21/23):** Pending

# PARKING COMMISSION MEETING

## Memo

June 8, 2023, 5:30 PM — 7:00 PM

- I. Call to Order
  - A. Present: In person: Wanninger, Emge, Dolton, Cox, Volan. Online: Schnoll, Binder, Wolfe Bender
- II. Approval of Minutes
  - . None
- III. Reports from Commissioners and City Offices
- IV. Reports from the Public
  - . 222 S. Rogers / 508 W. 3rd Street on-street parking (Lyndsi Thompson)
    - i. Thompson gave a brief presentation on the background of the request for limited parking. Discussion ensued. Thompson will report back next semester with additional details.
- V. Discussions of Resolutions
  - A. 23-0:1 Resolution Regarding a Downtown Shuttle (Cm. Volan)
    - i. Volan presented updated information regarding the resolution. Discussion ensued. Additional details were requested in order to help make a determination on a resolution.
  - B. 23-02: Memo regarding: Ordinance 23-10: Text Amendment to Unified Development Ordinance: Parking Maximum
    - . No Presentation. Discussion ensued regarding the role of the Commission, specific uses identified in the change, and potentially making proposed changes to the ordinance. Proposed resolution drafted by Volan which would support the ordinance but recommend not increase parking numbers for Restaurant and Fitness Center uses. Binder moved to adopt the proposed resolution, Volan seconded. Yeas: Dalton, Binder, Volan, Wanninger. Neas: Emge. Abstentions: Cox, Schnoll, Wolfe Bender.
- VI. Discussions of Topics Not the Subject of Resolutions
- VII. Topic Suggestions for Future Agendas
  - A. Adjusting parking rates
- VIII. Member Announcements
- IX. Commission Schedule (Regular Meeting and Work Session)
- X. Adjournment 7:02 PM



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 23-12 – An Ordinance To Amend Ordinance 22-26, Previously Amended By Ordinance 22-40, Which Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2023 – Re: To Reflect Updates Needing Implementation in 2023**

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#### **Synopsis**

This ordinance amends Ordinance 22-40, which set the maximum 2023 salary for all appointed officers, non-union, and A.F.S.C.M.E. employees for all the departments of the City of Bloomington, Indiana. The amendment reflects changes to job titles, a change to a job grade, and additional FTEs.

#### **Relevant Materials**

- Ordinance 23-12
- Staff Memo from Emily Fields, Interim Human Resources Director

#### **Summary**

Ordinance 23-12 proposes to amend Ordinance 22-40, itself an amendment to Ordinance 22-26, which set pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees for the year 2023. This ordinance is often referred to as the Civil City salary ordinance, which is originally adopted as part of the budget process for the upcoming year. Under Indiana Code 36-4-7-3, the city executive is authorized, subject to the approval of the legislative body, to fix the compensation of each appointive officer, deputy, and other employee of the city. In order to consolidate the changes proposed by Ordinance 23-12 with the changes previously made by Ordinance 22-40, this legislation replaces the entire text of the original Civil City salary ordinance.

The staff memo provided in this packet describes the proposed updates to the salary ordinance and their expected fiscal impact, which include:

- four new positions (one in the Engineering Department and three in the Fire Department)
- updates to job titles in the Legal Department,
- an increased job grade for one position in the Utilities Department, and
- the addition of clarifying text to Section 2 I of the ordinance to better reflect the A.F.S.C.M.E. union's ability to propose pay for additional certifications under the current bargaining agreement and the addition of one such certification.

#### **Contact**

Emily Fields, Interim Human Resources Director, [pierson@bloomington.in.gov](mailto:pierson@bloomington.in.gov), 812-349-3541

**ORDINANCE 23-12**

**AN ORDINANCE TO AMEND ORDINANCE 22-26, PREVIOUSLY AMENDED BY ORDINANCE 22-40, WHICH FIXED THE SALARIES OF APPOINTED OFFICERS, NON-UNION, AND A.F.S.C.M.E. EMPLOYEES FOR ALL THE DEPARTMENTS OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA FOR THE YEAR 2023 – Re: To Reflect Updates Needing Implementation in 2023**

WHEREAS, Indiana Code § 36-4-7-3 authorizes the Mayor, subject to the approval of the Council, to fix the annual compensation of appointed officers, non-union, and A.F.S.C.M.E. employees; and

WHEREAS, salaries for appointed officers, non-union, and A.F.S.C.M.E. employees for all departments of the city were fixed by Ordinance 22-26, which was adopted on October 12, 2022; and

WHEREAS, execution of a Collective Bargaining Agreement between the City of Bloomington and LOCAL 2487 CBME, A.F.S.C.M.E. was reflected in Ordinance 22-40, which amended Ordinance 22-26; and

WHEREAS, changes in pay grades, titles, and additional FTEs are reflected in this Ordinance 23-12; and

WHEREAS, in the interest of including all relevant salaries in one document, these changes are incorporated into Ordinance 22-26 by deleting and replacing the text of the entire ordinance, but such deletion and replacement is not intended to change the status of unaffected job titles or provisions;

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

Ordinance 22-40, which amended and replaced Ordinance 22-26 and which fixed salaries for appointed officers, non-union, and A.F.S.C.M.E. employees for all departments of the city, is hereby deleted in its entirety and replaced as follows:

SECTION 1: From and after the first day of January 2023, the salary and pay schedule for the following appointed officers and employees of the City of Bloomington, be fixed as follows:

**SALARY SCHEDULE AS PRESENTED BY MAYOR JOHN HAMILTON TO THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON:**

I, John Hamilton, Mayor of the City of Bloomington, Indiana, as required by Indiana Code § 36-4-7-3, hereby fix the salaries and pay schedule for the following appointed officers and employees of the City of Bloomington, Indiana, beginning January 1, 2023, and continuing thereafter until duly changed, and request that such salary rates be approved by the Common Council of said city.

In addition to the salaries of appointed officers and employees of the Civil City, this ordinance also contains the salaries of the appointed officers and employees of the City Utilities Department, which have been approved by the Utility Services Board pursuant to Indiana Code § 36-4-7-3.

For employees not covered by a collective bargaining agreement (non-union), the maximum rates listed below reflect the maximum annual salary for each job grade for a regular full-time employee. These ranges are based on full-time hours worked and will be prorated for part-time employees.

For Labor, Trades and Crafts employees, the maximum rates listed below reflect the maximum longevity-based hourly rate for each job grade in accordance with the Step Charts continued in the Work Agreement between City of Bloomington and Local 2487 CBME, A.F.S.C.M.E.

Where more than one position share the same job title in the department indicated, the number of positions that share the job title is given in parentheses after the job title.

<u>Department/Job Title</u>	<u>Grade</u>
<b><u>Board of Public Safety</u></b>	
Board Members	
<b><u>Clerk</u></b>	
Chief Deputy Clerk	6
Deputy Clerk (2)	5
<b><u>Common Council</u></b>	
Council/Administrator Attorney	12
Deputy Administrator/Deputy Attorney	9
Assistant Administrator/Legal Research Assistant (.80)	5
<b><u>Community and Family Resources Department</u></b>	
Director	12
Director – Safe & Civil City	7
CBVN Coordinator	7
Special Projects Coordinator	7
After Hours Ambassador	7
Latino Outreach Coordinator	6
Special Projects Coordinator (3)	6
Office Manager/Program Assistant	3
<b><u>Controller’s Department</u></b>	
Controller	12
Deputy Controller	10
Director of Auditing and Financial Systems	10
Accounting and Procurement Manager	8
Data Analyst and Manager	8
Purchasing Manager	8
Grant Research and Sourcing Manager	6
Payroll Systems Manager	6
Senior Accounts Payable/Revenue Clerk	5
Accounts Payable/ Revenue Clerk (3)	4

**Department of Economic and Sustainable Development**

Director	12
Assistant Director of Sustainability	8
Assistant Director for Small Business Development	8
Assistant Director for the Arts	8
Special Projects Manager	8
Transportation Demand Manager	7
Sustainability Program Coordinator	6
Administrative Assistant	4

**Engineering Department**

City Engineer	12
Senior Project Engineer	10
Project Engineer	9
Senior Project Manager	8
Project Manager (3)	7
Public Improvements Manager	7
Engineering Field Specialist (2)	6
Engineering Technician	4
Transportation Technician	4
Administrative Assistant (0.5)	4

**Fire Department**

Fire Marshal	7
Community EMT / Community Paramedic (7)	6
Administrative Assistant (1.5)	3

**HAND Department**

Director	12
Assistant Director	10
Program Manager (6)	7
Neighborhood Compliance Officer (6)	5
Financial Specialist	5
Rental Specialist 1	3
Rental Specialist 2 (2)	3



**Human Resources Department**

Director	12
Assistant Director	10
Director of Compensation and Benefits	10
Benefits Manager	8
Talent Manager	8
Human Resources Generalist	7
Talent Acquisition Specialist	6
Payroll Coordinator	3
Talent Coordinator	3

**Information and Technology Services Department**

Director	12
Assistant Director of Operations	10
Assistant Director for Enterprise Applications	10
GIS Manager	10
Technology Support Manager	10
Applications Infrastructure Analyst	8
Network and Security Administrator	8
Systems Administrator	8
Applications Analyst (3)	7
Accounts and Training Specialist	5
Digital Equity Specialist (.5)	5
GIS Specialist (2)	5
Technology Support Specialist (5)	5
Office Manager	5

**Legal Department**

**Legal**

Corporation Counsel	12
City Attorney	11
Assistant City Attorney (6)	10
Paralegal/Administrative Assistant	5
Administrative Assistant	4

**Risk Management**

Risk Manager	9
Director of Safety and Training	6
Risk Administrative Assistant	4

**Office of the Mayor**

Deputy Mayor	12
Communications Director	9
Director of Innovation	9
Director of Community Engagement	9
Chief of Staff	7
Digital Brand Manager	8
Administrative Coordinator	4

**Parks Department**

Administrator	12
Operations and Development Director	10
Recreation Services Director	9
Sports Services Director	9
Operations Superintendent	8
General Manager, Twin Lakes Recreation Center	8
General Manager, Switchyard Park	8
Community Relations Manager	8
Community Events Manager	7
Golf Facilities Manager	7
Coordinator-AJB	7
Natural Resources Manager	7
Sports Facility/Program Manager	7
Urban Forester	7
Urban Greenspaces Manager	7
Membership Coordinator	6
Program/Facility Coordinator (5)	6
Golf Programs Coordinator	6
Health/Wellness Coordinator	6
Natural Resources Coordinator	6
Community Relations Coordinator	6
Sports/Facility Coordinator	6

Golf Course Superintendent	6
Market Master Specialist	5
Program Specialist (2)	4
Community Relations Specialist	4
Office Manager	4
Operations Office Coordinator	4
Sports Specialist	4
Administrative Assistant	3
Customer Relations Representative (3)	3
Crew Leader	110
Equipment Maintenance Mechanic	108
Equipment Maintenance Mechanic (Facilities)	108
Working Foreperson (9)	108
Apprentice MEO/Master MEO (3)	104/108
Laborer (8)	104
Custodian	101

### **Planning and Transportation Department**

#### **Planning and Transportation Administration**

Director	12
Assistant Director	10
Office Manager	5
Administrative Assistant	3

#### **Planning Services Division**

Planning Services Manager	9
Senior Transportation Planner	8
MPO Transportation Planner	7
Long Range Planner	6
Bicycle and Pedestrian Coordinator	6

#### **Development Services Division**

Development Services Manager	9
Senior Zoning Compliance Planner	7
Senior Zoning Planner	7
Senior Environmental Planner	7
Zoning Planner (.5)	6

Zoning Planner and GIS Analyst	6
Zoning and Long Range Planner	5
Zoning Compliance Planner	5

**Police Department**

**Administration**

Director of Civilian Operations	10
Crime Scene Technician and Property Manager (2)	8
Social Worker (3)	8
Community Affairs and Accreditation Specialist	7
Executive Assistant	6
CAD/RMS Administrator	6
Data Analyst (2)	6
Community Service Specialist (11)	5
Office Manager	4
Evidence Room Clerk	2
Custodian	1

**CEDC**

Telecommunications Manager	9
Social Worker	8
Telecommunications Assistant Manager	8
Telecommunications Supervisor (6)	7
Telecommunicators (32)	6

**Records**

Records Supervisor	8
Records Assistant Supervisor	6
Special Investigations Clerk	5
Records Clerk (11)	5
Front Desk Clerk I	4

**Public Works Department**

**Public Works Administration**

Director	12
Data Analyst and Manager	8
Special Projects and Operations Manager	8
Special Projects Coordinator	6
Office Manager	4
Customer Relations Representative	3
Board Members	

**Animal Care and Control**

Director	9
Outreach Coordinator	6
Shelter Manager	7
Volunteer Program Director	6
Administrative Assistant (4)	2
Animal Control Officer (3)	107
Animal Care Technician (9)	106

**Operations and Facilities**

Director	9
Downtown Specialist	4
Maintenance/Custodian (2)	107

**Fleet**

Fleet Maintenance Manager	8
Administrative Assistant	3
Inventory Coordinator	3
Apprentice Master Technician/Master Technician (8)	109/112
Shop Foreperson	113

**Parking Services Division**

Director	9
Enforcement Supervisor	8
Garage Manager	8
Garage Assistant Manager	5
Garage Shift Supervisor	4

Team Leader	4
Meter Technician (3)	3
Enforcement Officers (7)	3
Customer Service/Security Specialist (10)	3
Customer Relations Representative (2)	3

**Sanitation**

Director	9
Office Manager	3
Crew Leader (2)	110
Apprentice MEO/Master MEO (17)	104/108
Laborer (3)	104

**Street Operations**

Director of Street Operations	10
Deputy Director	8
Traffic Manager	7
Street Maintenance Supervisor	7
Asset Clerk/Emergency Grants Coordinator	4
Asset Clerk	3
Crew Leader (5)	110
Apprentice MEO/Master MEO (16)	104/108
Laborer (12)	104

**Utilities**

**Accounting and Finance**

Utilities Assistant Director – Finance	11
Finance Manager	8
Accounting Manager	7
Accounts Receivable Manager	6
Associate Accountant	5
Web/Information Manager	5
Account Collections Specialist	5
Accounting Clerk	4
Accounts Payable Clerk	4
Office Manager	3
Customer Service Representative (2)	3
Assistant Accounts Payable Clerk	2

**Administration**

Director	12
Assistant Director of Operations	10
Communications Manager	8
Conservation and Energy Resource Manager	8
Data Analyst	7
Administrative Assistant	4
Administrative Assistant	3
Communications Operator (7)	2
Board Members	

**Environmental**

Assistant Director of Environmental Programs	9
Water Quality Coordinator	8
Pretreatment Program Coordinator	8
MS4 Coordinator	8
Hazardous Materials Coordinator	7
Pretreatment Program Inspector	6
Water Specialist (.75)	5
Education Specialist	4
Specialized Crew Leader	U-119
Utilities Specialist I/II/III (1.75)	U-111/113/115

**Blucher Poole**

Superintendent	9
Assistant Superintendent	7
Maintenance Coordinator	7
Wastewater Plant Operator (9)	U-106
Apprentice/Master MEO	U-104/108
Utilities Specialist I/II/III	U-111/113/115

**Customer Relations**

Customer Relations Manager	6
Customer Relations Representative (4)	3

**Dillman**

Superintendent	9
Assistant Superintendent	7
Maintenance Coordinator	7
Solids Handling Supervisor	7
Administrative Assistant	2
Plant Maintenance Mechanic Apprentice/Mechanic (4)	U-113/118
Wastewater Plant Operator (10)	U-106
Apprentice MEO/Master MEO	U-104/108

**Engineering**

Utilities Assistant Director – Engineering	11
Utilities Engineer (3)	10
Capital Projects Manager	9
Capital Projects Coordinator	8
Environmental Program Coordinator	7
GIS Coordinator	7
Senior Project Coordinator (2)	7
Assistant GIS Coordinator	6
Project Coordinator (2)	6
Utilities Inspector (3)	6
Utilities Technician (3)	5
Administrative and Project Coordinator	4

**Laboratory**

Chemist	8
Lab Technician I (3)	U-109

**Meter Services**

Assistant Superintendent	7
Meter Services Representative/Management Technician	5
Meter Technician II	U-107
Meter Serviceperson (6)	U-105
Meter Service Laborer (4)	U-103



**Monroe Plant**

Superintendent	9
Assistant Superintendent	7
Maintenance Coordinator	7
Plant Maintenance Mechanic Apprentice/Mechanic (2)	U-113/118
Water Plant Operator (10)	U-106

**Purchasing**

Purchasing Manager	7
Inventory Coordinator	4
Purchasing Buyer	4
Working Foreperson	U-108
Laborer (2)	U-104

**Transmission and Distribution**

Utilities Assistant Director – T&D	11
Assistant Superintendent (5)	7
Engineering Field Technician (5)	5
T&D/Meter Operations Coordinator	4
Administrative Assistant	3
Specialized Crew Leader (8)	U-119
Lift Station Mechanic Apprentice/Lift Station Mechanic (4)	U-113/118
Heavy Equipment Operator I/II (11)	U-116/118
Laborer/Utilities Specialist I/II/III (16)	U-104/111/113/115

SECTION 2 A. Non-Union Positions. The minimum and maximum rates listed below reflect the salary ranges for each job grade for a regular full-time employee. These ranges are based on full time hours worked and will be prorated for part-time employees. Employees whose 2023 salary is higher than the maximum of the salary range due to past merit/market increases or attraction/retention, shall nonetheless continue to receive their total salary.

**NON-UNION**

<b><u>Grade</u></b>	<b><u>Minimum</u></b>	<b><u>Maximum</u></b>
1	\$35,721.22	\$46,437.58
2	\$36,792.85	\$47,830.94
3	\$37,896.54	\$49,265.51
4	\$39,033.44	\$62,453.75
5	\$40,204.69	\$64,326.81

6	\$42,215.15	\$67,544.01
7	\$44,325.23	\$70,920.36
8	\$47,427.92	\$75,885.83
9	\$52,171.30	\$93,907.87
10	\$57,388.65	\$103,298.43
11	\$65,996.09	\$118,793.65
12	\$79,855.24	\$143,740.12

Pension Secretaries	\$4,000
Board of Public Works Member	\$2,100
Board of Public Safety Members	\$635
Utility Services Board Members	\$4,279

SECTION 2 B: Police Shift Differential. Employees working in the Police Department as dispatchers and clerks shall receive a twenty-six cents (\$0.26) per hour premium shift differential for working the evening shift.

SECTION 2 C: Labor, Trades, and Crafts Positions. Any employee who transfers laterally or is promoted to another position in the Pay Plan shall be paid at the wage for the new position in accordance with the relevant longevity step as determined by the Step Charts contained in the Work Agreement and Memorandum of Understanding between City of Bloomington and Local 2487 CBME, A.F.S.C.M.E. Provided, however, no current employee shall receive a pay reduction upon lateral transfer or promotion, but will not receive an additional increase due to promotion or longevity until so merited with the step pay system for the job classification. An employee who is demoted for disciplinary reasons or in lieu of layoff shall receive the wage for the relevant step within the job classification to which the employee is demoted. Also, the employee's longevity of service is "carried" to the new position. Internal promotions shall be paid at ninety-five percent (95%) of the salary of the relevant grade and step for the first thirty (30) days after promotion. Employees who transfer to a pay grade below their current pay grade shall be paid at the relevant grade and step for the new position.

Employees whose present rate of pay is higher than indicated by the Step Charts, based on the employee's pay grade and longevity, will not receive a pay cut, but will not receive any increase due to longevity until the step chart for the year in question shows an amount greater than the employee's current wage rate plus any across-the-board increase for the year in question. The rates shown below for the pay grades and job classification for Labor, Trades, and Crafts positions are the minimum and maximum rates:

#### LABOR, TRADES, AND CRAFTS

Animal Shelter	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Animal Care Technician	106	20.24	20.8	21.38	21.94	22.5	22.91	23.3	23.69	24.09	24.49	24.89
Animal Control Officer	107	20.38	20.95	21.52	22.08	22.65	23.03	23.44	23.84	24.23	24.66	25.06
Facilities	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Maintenance/Custodian	107	20.38	20.95	21.52	22.08	22.65	23.03	23.44	23.84	24.23	24.66	25.06
Fleet Maintenance	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Apprentice Master Technician	109	20.66	21.23	21.8	22.37	22.93	23.33	23.72	24.12	24.52	24.94	25.34
Master Technician	112	22.44	23	23.57	24.13	24.7	25.09	25.5	25.9	26.28	26.68	27.08
Shop Foreperson	113	23.44	24.01	24.56	25.14	25.7	26.11	26.5	26.89	27.29	27.7	28.1

Parks & Recreation	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Custodian	101	19.54	20.1	20.66	21.23	21.8	22.21	22.59	22.99	23.38	23.79	24.19
Laborer	104	19.96	20.53	21.09	21.65	22.23	22.62	23.01	23.41	23.8	24.23	24.63
Motor Equipment Operator Apprentice	104	19.96	20.53	21.09	21.65	22.23	22.62	23.01	23.41	23.8	24.23	24.63
Equipment Maintenance Mechanic	108	20.53	21.09	21.65	22.23	22.79	23.18	23.59	23.98	24.38	24.77	25.17
Working Foreperson	108	20.53	21.09	21.65	22.23	22.79	23.18	23.59	23.98	24.38	24.77	25.17
Master Motor Equipment Operator	108	20.53	21.09	21.65	22.23	22.79	23.18	23.59	23.98	24.38	24.77	25.17
Crew Leader	110	20.8	21.38	21.94	22.5	23.08	23.46	23.86	24.26	24.66	25.07	25.47
Sanitation	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Laborer	104	19.96	20.53	21.09	21.65	22.23	22.62	23.01	23.41	23.8	24.23	24.63
Motor Equipment Operator Apprentice	104	19.96	20.53	21.09	21.65	22.23	22.62	23.01	23.41	23.8	24.23	24.63
Master Motor Equipment Operator	108	20.53	21.09	21.65	22.23	22.79	23.18	23.59	23.98	24.38	24.77	25.17
Crew Leader	110	20.8	21.38	21.94	22.5	23.08	23.46	23.86	24.26	24.66	25.07	25.47
Street	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Laborer	104	19.96	20.53	21.09	21.65	22.23	22.62	23.01	23.41	23.8	24.23	24.63
Motor Equipment Operator Apprentice	104	19.96	20.53	21.09	21.65	22.23	22.62	23.01	23.41	23.8	24.23	24.63
Master Motor Equipment Operator	108	20.53	21.09	21.65	22.23	22.79	23.18	23.59	23.98	24.38	24.77	25.17
Crew Leader	110	20.8	21.38	21.94	22.5	23.08	23.46	23.86	24.26	24.66	25.07	25.47
Utilities - Laboratory & Environmental Services	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Laboratory Technician I	U-109	20.66	21.23	21.8	22.37	22.93	23.33	23.72	24.12	24.52	24.94	25.34
Laboratory Technician II	U-110	20.8	21.38	21.94	22.5	23.08	23.46	23.86	24.26	24.66	25.07	25.47
Utilities Specialist I	U-111	21.12	21.66	22.2	22.74	23.28	23.66	24.04	24.42	24.8	25.18	25.56
Utilities Specialist II	U-113	21.9	22.44	22.98	23.52	24.06	24.44	24.82	25.2	25.58	25.96	26.34
Utilities Specialist III	U-115	22.94	23.48	24.02	24.56	25.1	25.48	25.86	26.24	26.62	27	27.38
Specialized Crew Leader	U-119	24.5	25.04	25.58	26.12	26.66	27.04	27.42	27.8	28.18	28.56	28.94
Utilities - Plants	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Motor Equipment Operator Apprentice	U-104	19.96	20.53	21.09	21.65	22.23	22.62	23.01	23.41	23.8	24.23	24.63
Wastewater Plant Operator	U-106	20.24	20.8	21.38	21.94	22.5	22.91	23.3	23.69	24.09	24.49	24.89
Water Plant Operator	U-106	20.24	20.8	21.38	21.94	22.5	22.91	23.3	23.69	24.09	24.49	24.89
Utilities Specialist I	U-111	21.12	21.66	22.2	22.74	23.28	23.66	24.04	24.42	24.8	25.18	25.56

Master Motor Equipment Operator	U-108	20.53	21.09	21.65	22.23	22.79	23.18	23.59	23.98	24.38	24.77	25.17
Plant Maintenance Mechanic Apprentice	U-113	21.9	22.44	22.98	23.52	24.06	24.44	24.82	25.2	25.58	25.96	26.34
Utilities Specialist II	U-113	21.9	22.44	22.98	23.52	24.06	24.44	24.82	25.2	25.58	25.96	26.34
Utilities Specialist III	U-115	22.94	23.48	24.02	24.56	25.1	25.48	25.86	26.24	26.62	27	27.38
Plant Maintenance Mechanic	U-118	23.98	24.52	25.06	25.6	26.14	26.52	26.9	27.28	27.66	28.04	28.42
Utilities - T&D and Purchasing	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
Meter Service Laborer	U-103	19.82	20.38	20.95	21.52	22.08	22.48	22.87	23.26	23.67	24.08	24.48
Laborer	U-104	19.96	20.53	21.09	21.65	22.23	22.62	23.01	23.41	23.8	24.23	24.63
Meter Serviceperson	U-105	20.1	20.66	21.23	21.8	22.37	22.76	23.16	23.55	23.95	24.35	24.74
Meter Technician II	U-107	20.38	20.95	21.52	22.08	22.65	23.03	23.44	23.84	24.23	24.66	25.06
Working Foreperson	U-108	20.53	21.09	21.65	22.23	22.79	23.18	23.59	23.98	24.38	24.77	25.17
Utilities Specialist I	U-111	21.12	21.66	22.2	22.74	23.28	23.66	24.04	24.42	24.8	25.18	25.56
Lift Station Mechanic Apprentice	U-113	21.9	22.44	22.98	23.52	24.06	24.44	24.82	25.2	25.58	25.96	26.34
Utilities Specialist II	U-113	21.9	22.44	22.98	23.52	24.06	24.44	24.82	25.2	25.58	25.96	26.34
Utilities Specialist III	U-115	22.94	23.48	24.02	24.56	25.1	25.48	25.86	26.24	26.62	27	27.38
Heavy Equipment Operator I	U-116	23.07	23.61	24.15	24.69	25.23	25.61	25.99	26.37	26.75	27.13	27.51
Heavy Equipment Operator II	U-118	23.98	24.52	25.06	25.6	26.14	26.52	26.9	27.28	27.66	28.04	28.42
Lift Station Mechanic	U-118	23.98	24.52	25.06	25.6	26.14	26.52	26.9	27.28	27.66	28.04	28.42
Specialized Crew Leader	U-119	24.5	25.04	25.58	26.12	26.66	27.04	27.42	27.8	28.18	28.56	28.94

**SECTION 2 D: Gainsharing.** This section applies to Labor, Trades, and Crafts (LTC) positions. Management and employees of the City of Bloomington may design and implement a gainsharing program whereby the City can provide, and the employees can be rewarded for, the highest quality and most cost-effective public service possible for the citizens of Bloomington. In the event that a gainsharing program is implemented, the terms of application of such program shall be approved by Ordinance of the Bloomington Common Council.

**SECTION 2 E: Emergency Call Out.** This section applies to Labor, Trades, and Crafts (LTC) positions. Whenever it becomes necessary for a Department to call out an employee for emergency work at times other than such employee's regular shift period, such employee shall receive not less than three (3) hours. This provision shall prevail for each time an employee is called out by a Department at periods other than his/her regular shift. The rate of pay for emergency call out shall be one and one-half (1 ½) times the regular hourly rate except on Sundays and holidays, when the rate of pay for emergency call out shall be two (2) times the regular hourly rate. Any such payment for emergency call out shall be in addition to the employee's daily wages, if any, and in addition to any on call pay to which the employee is entitled.

**SECTION 2 F: On Call Status.** Any employee with a Labor, Trades, and Crafts (LTC) position, who is required to be on call shall be paid forty-seven dollars (\$47.00) per 24-hour period. Fire Inspectors receive \$100 per week when in an on-call status.

**SECTION 2 G: Temporary Reassignment.** This section applies to Labor, Trades, and Crafts (LTC) positions. An employee who is temporarily assigned to perform the duties of a job classification in a pay grade above the employee's normal pay grade shall be compensated at the rate in effect for the higher pay grade as follows:

- 1) If the assignment exceeds two (2) consecutively scheduled work days, the employee shall be paid the higher rate for all consecutive days worked in the higher classification, including the first two (2) consecutive days; or
- 2) If the assignment exceeds thirty-two (32) hours in a payroll period, the employee shall be paid the higher rate for all hours worked in the higher classification during the payroll period.

SECTION 2 H: Tool Allowance and Automotive Service Excellence Testing Reimbursement. This section applies to Labor, Trades, and Crafts (LTC) positions. Employees classified as mechanics in Fleet Maintenance shall be reimbursed up to one thousand dollars (\$1000.00) in any calendar year for either (1) the purchase of tools or (2) the cost of Automotive Service Excellence (ASE) testing, provided that the technician passes the test.

SECTION 2 I: Licenses and Certifications. This section applies to Labor, Trades, and Crafts (LTC) positions. Wastewater Plant Operators shall receive two dollars (\$2.00) per hour for obtaining a Class I certification. Wastewater Plant Operators who receive a Class II certification shall receive three dollars (\$3.00) per hour. Wastewater Plant Operators who receive a Class III certification shall receive four dollars (\$4.00) per hour. Wastewater Plant Operators who receive a Class IV certification shall receive five dollars (\$5.00) per hour.

Specialized Crew Leaders who obtain (DSL) certifications, issued by the State of Indiana, Department of Environmental Management, shall receive an additional one dollar (\$1.00) per hour.

Lift Station Mechanics and Apprentice Lift Station Mechanics who obtain Collection System Class II Certification, issued by the Indiana Water Pollution Control Association, shall receive an additional one dollar (\$1.00) per hour. Plant Maintenance Mechanics who obtain a Class II Collection Systems Certification shall receive an additional one dollar (\$1.00) per hour.

Water Plant Operators who qualify as a grade operator in training (O.I.T.) as defined by 327 IAC 8-12-3.2 will receive an additional two dollars (\$2.00) per hour. After one year of service as an O.I.T., Water Plant Operators shall receive an additional one-dollar (\$1.00), for a total of three dollars (\$3.00) per hour. Water Plant Operators who obtain a grade WT-5 certification will receive additional pay in the amount of two dollars (\$2.00) per hour for a maximum of five dollars (\$5.00) per hour.

Specialized Crew Leaders, Heavy Equipment Operators (both Class I and II), Lift Station Mechanics, and Utilities Specialists (Classes I, II, and III) who are not required to hold a DSL or a Class II collection systems certification may nonetheless obtain such license or certification and will receive an additional fifty cents (\$0.50) per hour for each such non-required certification. Additionally, up to two additional fifty cent (\$0.50) incentive premiums may be awarded to water plant operators and wastewater plant operators for obtaining the following licenses, provided that the below-listed license is not a required license:

- (1) Water Treatment 5 (WT5);
- (2) Wastewater Class I, Class II, Class III, or Class IV (only one Class at a time is payable);
- (3) Distribution Systems License;
- (4) Collection Systems License.

Where an employee is required to obtain a Class B CDL, he/she will receive eighty cents (\$0.80) per hour additional compensation. Where an employee is required by Employer to obtain a Class A CDL, he/she will receive one dollar (\$1.00) per hour additional compensation. Employees classified as mechanics in Fleet Maintenance that obtain the certification of (ASE) Automotive Service Excellence (ASE) will receive an additional forty cents (\$0.40) per hour for each test passed. A maximum of eight (8) certificates or three dollars twenty cents (\$3.20) shall apply.

Employees who possess the following certifications shall receive twenty-five cents (\$0.25) per hour additional compensation provided said certifications remain current and are considered an essential requirement or function of an employee's job:

- 1) International Municipal Signal Association—Traffic Signal Technician, Level 1;
- 2) International Municipal Signal Association—Sign and Pavement Marking Technician Level 1;
- 3) American Concrete Institute—Flatwork Finisher and Technician;
- 4) Certified Arborist;
- 5) Certified Pool Operator;
- 6) Euthanasia Certificate;
- 7) Registered Pesticide Technician;
- 8) Certified Pesticide Applicator;
- 9) Tree Risk Assessment Certification;
- 10) Certified Playground Inspector;
- 11) Certified Bucket Truck Operator.\*

\*Bucket truck operator certifications shall be limited by department as follows:

Parks Department: Two (2) employees who are primarily assigned to the Department’s tree crew.

Street Department: Eighteen (18) employees. Those employees who are primarily assigned to the tree crew or the traffic signal crew must be bucket truck certified. Necessary backup employees who are not primarily assigned to the tree crew or traffic signal crew may also receive pay for bucket truck certification. However, in no case shall the total number of Street Department employees receiving bucket truck certification pay exceed eighteen (18) employees. Eligibility for bucket truck certification pay for Street Department employees who are not primarily assigned to the tree crew or traffic signal crew shall be offered to backup employees based upon seniority.

The Union may propose that new certifications and licenses be considered for additional pay. Addition of new certifications and corresponding additional pay is subject to approval by the City of Bloomington. The City of Bloomington has approved an additional fifty cents (\$0.50) per hour premium for Master Equipment Operators assigned to the Dillman Road Wastewater Plant who hold a landfill/solids certification.

At no time shall any employee receive compensation for more than three (3) certifications or specialty pay bonuses, unless otherwise provided for in this Agreement.

SECTION 2 J: Night and Swing Shifts. This section applies to Labor, Trades, and Crafts (LTC) positions. In accordance with Article 4 of the Work Agreement and Memorandum of Understanding between the City of Bloomington and Local 2487 CBME, A.F.S.C.M.E., employees working on the evening or night shift shall receive seventy-five cents (\$0.75) per hour premium. Employees working on a swing shift shall receive an eighty cents (\$0.80) per hour premium.

SECTION 2 K: Holiday Pay. This section applies to Labor, Trades, and Crafts (LTC) positions. For all paid legal holidays worked, the employee will receive a holiday allowance of two times regular pay, plus regular pay over a 24-hour period, and employees not working will receive regular pay.

Section 2 L: Common Law Positions. All positions that are filled on an ad hoc basis and are of temporary or seasonal nature are considered “Common Law Positions”, which are listed below. The rate ranges in the table are hourly rates, except as otherwise listed.

#### COMMON LAW POSITIONS

<u>Job Title</u>	<u>Minimum</u>	<u>Maximum</u>
Administrative Assistant	\$15.29	\$15.29
Attendant	\$15.29	\$15.29
Crossing Guard	\$15.29	\$15.29
Intern	\$15.29	\$15.29
Laborer	\$15.29	\$15.29

Law Clerk	\$15.29	\$15.29
Leader	\$15.39	\$15.59
Lifeguard	\$15.44	\$15.64
Motor Equipment Operator	\$15.29	\$15.29
Specialist	\$15.29	\$50.00
Staff Assistant	\$17.03	\$17.23
Supervisor	\$15.49	\$15.69
Meter Reader	\$15.29	\$15.29

Section 2 M. Longevity Recognition Pay. Any employee with the City of Bloomington who has completed upon their anniversary date said years of service as outlined below, shall receive the below compensation. This compensation is in addition to their regular pay as outlined in this ordinance.

Five (5) years	\$25.00
Ten (10) years	\$50.00
Fifteen (15) years	\$75.00
Twenty (20) years	\$100.00
Twenty-five (25) years	\$150.00
Thirty (30) years	\$200.00
Thirty-five (35) years	\$250.00
Forty (40) years	\$300.00
Forty-five (45) years	\$350.00
Fifty (50) years	\$400.00

SECTION 2 N: Dispatch Trainer Incentive Pay. Dispatchers may earn a maximum of \$525 per year for training other, less experienced dispatchers.

SECTION 2 O: CDL Physicals. Employees required to hold a CDL will be reimbursed up to one-hundred dollars (\$100) for the medical physical examination required to maintain a CDL.

SECTION 2 P. \$1,000 Payment. Regular employees will receive \$1,000 which will be distributed in two, \$500 payments. Those who are current employees at the time of payment are eligible to receive the payment.

SECTION 3: The rates shown as wages and salaries for the positions listed above are maximum rates.

SECTION 4: This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

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

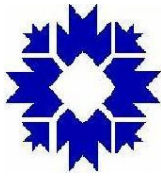
SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 22-40, which set the maximum 2023 salary for all appointed officers, non-union, and A.F.S.C.M.E. employees for all the departments of the City of Bloomington, Indiana. The amendment reflects changes to job titles, a change to a job grade, and additional FTEs.





City of Bloomington  
Human Resources Department

MEMORANDUM

To: City Council members

From: Emily Fields, Interim Human Resources Director

CC: Mayor John Hamilton, Deputy Mayor Mary Catherine Carmichael, Controller Jeff Underwood, and Council Administrator Stephen Lucas

Date: May 29, 2023

Re: 2023 Salary Ordinance 23-12 for Appointed Officers, Non-Union, and AFSCME Employees

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Ordinance 23-12 amends and replaces Ordinance 22-26, which set 2023 pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees.

Requested position and grade changes from the current salary ordinance are explained below. You will also find justification for new positions. Consistent with past practice, grade classifications were determined and re-evaluated by a job evaluation committee<sup>1</sup>, and the estimated fiscal impact is included. The midpoint of the pay grade was used to determine the fiscal impact.

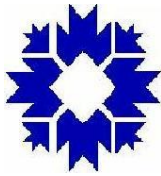
**Engineering** requests adding a third **Project Manager** (Grade 7) to assist in overseeing the construction of City-led capital projects. The fiscal impact is approximately \$84,488 per year which is less than the approximately \$138,000 per year the City currently pays in consultant fees for the same work.

**Fire** seeks to add three (3) Community Paramedics/Community EMTs. Additional FTEs will address medical related calls, allowing firefighters to focus on other essential duties. The fiscal impact is approximately \$243,432.

**Legal** requests updates to two position titles due to Human Rights responsibilities shifting to the Community and Family Resources Department. Human Rights Director/Attorney will become Assistant City Attorney, and the Human Rights Administrative Assistant will

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<sup>1</sup> The job evaluation committee evaluates a job using seven criteria. Points are assessed in each category, and a grade is assigned based on the cumulative score.



City of Bloomington  
Human Resources Department

become Administrative Assistant. These are title changes only, and there is no fiscal impact.

**Utilities-Environmental's Program Specialist** (Grade 6) position was revisited, and it was determined that it should receive a pay grade increase to Grade 7, in addition to a title change to Hazardous Materials Coordinator to better reflect the duties of the position. The fiscal impact is \$5,877.26.

Finally, text was changed in the second to last paragraph of Section 2I. The collective bargaining agreement between AFSCME and the City outlines a process for AFSCME to propose pay for additional certifications, not only at \$.25 per hour, which the previous text indicated, but at higher amounts. In accordance with this provision, the amended ordinance adds a landfill/solids certification at \$.50 per hour for the Master Motor Equipment Operator in Utilities-Dillman.

Thank you for your thoughtful consideration of Ordinance 23-12. I would be happy to answer any questions you have about these changes from the previous Salary Ordinance. My direct line is 349-3541.



## MEMO FROM COUNCIL OFFICE ON:

### **Ordinance 23-13 – An Ordinance to Amend Ordinance 22-25, Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana for the Year 2023 - Re: To Reflect Increases in Compensation to Certain Firefighters**

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#### **Synopsis**

This ordinance amends and replaces Ordinance 22-25, which set the minimum and maximum salary rates for all sworn fire and police personnel for the year 2023 in accordance with Council-approved collective bargaining agreements, by adding an Assistant Chief of Operations position and amending one other job title within the Fire Department and by adding Sections I F (Retention Pay), I G (Kelly Day Vacation Buyback), and I H (Premium Payments for Battalion Chiefs) to the ordinance.

#### **Relevant Materials**

- [Ordinance 23-13](#)
- Staff Memo from Emily Fields, Interim Human Resources Director
- Amendment 1 to [Ord 23-13](#)

#### **Summary**

[Ordinance 23-13](#) proposes to amend [Ordinance 22-25](#), which fixed the salaries of officers of the police and fire departments for the City of Bloomington for 2023. [Indiana Code 36-8-3-3](#) provides that the annual compensation of police and fire department members and other appointees shall be fixed by ordinance of the legislative body. [Ordinance 22-25](#) was adopted in October 2022 as part of the 2023 budget process.

The staff memo provided in this packet describes the proposed updates to the salary ordinance and their expected fiscal impact, which include one new position and one job title revision in the Fire Department and the addition of Sections I F (Retention Pay), I G (Kelly Day Vacation Buyback), and I H (Premium Payments for Battalion Chiefs) to the ordinance.

The new sections reflect efforts to improve retention of Fire Department employees by:

- providing additional premium pay to qualifying Firefighters 1<sup>st</sup> Class, Chauffeurs, and Captains who performed essential work during the COVID-19 public health emergency;
- providing an opportunity for the city to “buy back” paid, scheduled days off (Kelly Days) when firefighters request and get approval to work on those days, and
- by providing \$100 premium payments to Battalion Chiefs who work a non-scheduled 24-hour shift.

#### **Contact**

Emily Fields, Interim Human Resources Director, [piersone@bloomington.in.gov](mailto:piersone@bloomington.in.gov), 812-349-3541

**ORDINANCE 23-13**

**AN ORDINANCE TO AMEND ORDINANCE 22-25, WHICH FIXED THE SALARIES OF OFFICERS OF THE POLICE AND FIRE DEPARTMENTS FOR THE CITY OF BLOOMINGTON, INDIANA FOR THE YEAR 2023 -  
Re: To Reflect Increases in Compensation to Certain Firefighters**

- WHEREAS, Indiana Code § 36-8-3-3(d) authorizes the Council to fix by ordinance the annual compensation of members of the Police and Fire Departments; and
- WHEREAS, salaries for Police and Fire officers for all were fixed by Ordinance 22-25, which was adopted on October 12, 2022; and
- WHEREAS, the Mayor seeks to add a new position in the Fire Department, to increase the compensation of certain firefighters, to allow the City to buy-back Kelly Days, and to compensate Battalion Chiefs for working extra shifts; and
- WHEREAS, in the interest of including all relevant salaries in one document, these changes are incorporated into Ordinance 23-13 by deleting and replacing the text of the entire ordinance, but such deletion and replacement is not intended to change the status of unaffected job titles or provisions;

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

Ordinance 22-25, which fixed salaries for officers of the Police and Fire departments, is hereby deleted in its entirety and replaced as follows:

SECTION I A. From and after January 1, 2023, pursuant to Indiana Code § 36-8-3-3 (d), the salary and pay schedule for the officers of the Fire Department of the City of Bloomington, Indiana, shall be fixed as follows, to wit:

**FIRE DEPARTMENT EMPLOYEES**

<b><u>Job Title</u></b>	<b><u>Grade</u></b>
Chief	12
Deputy Chief	10
Assistant Chief of Administration and Planning	9
Assistant Chief of Operations	9
Battalion Chief of Operations (3)	9
Battalion Chief of Training	9
Community Engagement Officer	7
Deputy Fire Marshal (2)	7
Fire Logistics Officer	7
Probationary Officer	5

**CONTRACTUAL SALARIES**

Captain	\$63,596
Chauffeur	\$59,078
Firefighter 1 <sup>st</sup> Class	\$56,832

In addition to the salary and pay schedule listed above, the City also shall contribute four percent (4.0%) of the salary of a fully paid Firefighter 1<sup>st</sup> Class with twenty years of longevity (equal to an additional \$12,500) to the Public Employees Retirement Fund on behalf of each firefighter under the authority of I.C. §§ 36-8-7-8 and 36-8-8-8.

**SECTION I B. Additional pay for all job positions except Fire Department Administration.**

Effective January 1, 2023, increases to the base salary described above on the basis of longevity, professional assignment, certification, and education shall be paid as reflected below.

**Longevity:**

Additional pay for longevity shall be credited on the firefighter’s anniversary date of hire after the completion of years of service as reflected in the chart below.

<u>Years of Service</u>	<u>Amount</u>	<u>Years of Service</u>	<u>Amount</u>	<u>Years of Service</u>	<u>Amount</u>	<u>Years of Service</u>	<u>Amount</u>
1	\$0	6	\$800	11	\$1,300	16	\$1,800
2	\$400	7	\$900	12	\$1,400	17	\$1,900
3	\$500	8	\$1,000	13	\$1,500	18	\$2,000
4	\$600	9	\$1,100	14	\$1,600	19	\$2,100
5	\$700	10	\$1,200	15	\$1,700	20+	\$3,750/ \$12,500*

\*Longevity is capped at \$3,750; however, pension contributions are made at the full 20+ longevity rate of \$12,500.

**Certification:**

Firefighters who have achieved one or more of the 51 qualifying certifications listed in the Department’s Professional Standards and Promotion Guide shall be eligible for additional compensation in accordance with the table set forth below:

<u>Number of Certifications</u>	<u>Amount per Certification</u>
1	\$100
2	\$200
3	\$300
4	\$400
5	\$500
6	\$600
7	\$700
8	\$800
9	\$900
10	\$1,000
11	\$1,100
12	\$1,200
13	\$1,300
14	\$1,400
15	\$1,500

Maximum of fifteen (15) certificates or one thousand, five hundred dollars (\$1,500.00) shall apply. Any and all certifications must be current and on file at Headquarters to receive certification pay.

**Professional & Command Classifications:**

Additional pay for professional and command appointments shall be as follows:

Squad Officer	\$	1,800
Headquarters Captain	\$	1,000
Station Captain	\$	1,000
Squad Driver	\$	900
Engineer	\$	900
Shift Training Instructor	\$	800
Sergeant	\$	500
Shift Logistics Technician	\$	500
Rescue Technician	\$	200
Headquarters Station Differential	\$	100

**Education:**

Education Pay shall be paid to firefighters with advanced degrees from accredited institutions at two levels:

Level 1	Associate 2-year degree	\$	500
Level 2	Bachelor 4-year or higher level degree	\$	1,200

**Other:**

Unscheduled Duty Pay*	Paid at employee’s regular hourly rate. Minimum 2 hours. No maximum.
Holdover Pay	Paid at employee’s regular hourly rate. Minimum .5 hours. No maximum.
Mandatory Training Pay	Paid at employee’s regular hourly rate. Minimum 2 hours and maximum 8 hours.
Holiday Pay**	\$100 per day
Clothing Allotment	\$500
Reassignment Pay	\$10 per tour of duty
On-Call Pay***	\$100 per week spent on on-call status.
Acting Pay	Base salary increased to the base salary of the higher rank if time spent in acting capacity exceeds 30 consecutive calendar days.

\* Unscheduled Duty Pay shall also be paid to Probationary Officers.

\*\* Holiday Pay shall also be paid to Battalion Chiefs of Operations and Probationary Officers.

\*\*\*On-Call Pay shall be paid only to Fire Prevention Officers and Fire Inspection Officers.

**SECTION I C. Increases for salaries not set by the contract**

Effective January 1, 2023, subject to the maximum salaries set by this ordinance, an increase may be included in those salaries not set by a collective bargaining agreement, and this increase is based on the compensation plan for non-union employees.

SECTION I D. \$1,000 Payment

Fire personnel will receive \$1,000 which will be distributed in two, \$500 payments. Those who are current employees at the time of payment are eligible to receive the payment.

SECTION I E. Longevity Recognition Pay

Any sworn fire personnel with the City of Bloomington who have completed upon their anniversary date said years of service as outlined below, shall receive the below compensation. This compensation is in addition to their regular pay as outlined in this ordinance.

Five (5) years	\$25.00
Ten (10) years	\$50.00
Fifteen (15) years	\$75.00
Twenty (20) years	\$100.00
Twenty-five (25) years	\$150.00
Thirty (30) years	\$200.00
Thirty-five (35) years	\$250.00
Forty (40) years	\$300.00
Forty-five (45) years	\$350.00
Fifty (50) years	\$400.00

SECTION I F. Retention Pay

Active Firefighters 1st Class, Chauffeurs, and Captains who performed at least one-hundred fifty (150) hours in-person work for the City during the COVID-19 public health emergency are deemed to have performed essential work as essential workers and shall receive an additional premium payment up to the equivalent of three percent (3%) the 2022 base salary of their position as of July 1, 2023. In order to be eligible for premium pay, officers must be active qualifying Firefighters 1st Class, Chauffeurs, and Captains during the pay period when the premium pay is issued. Said premium shall be calculated as one-hundred fifty (150) hours paid at an hourly rate indicated in the table below.

Position	Premium Rate
Firefighter First Class	\$11.14
Chauffeur	\$11.58
Captain	\$12.47

SECTION I G. Kelly Day Vacation Buyback

Firefighters must provide notice of their intent and must receive approval to work on any of their scheduled Kelly Days. Firefighters who work on a scheduled Kelly Day will receive (1) compensation for hours worked on the Kelly Day at their normal hourly rate of pay, plus any overtime required pursuant to the Fair Labor Standards Act; and (2) a year-end buyback payment for each Kelly Day worked. The year-end buyback payment will equal the number of Kelly Days worked multiplied by five hundred dollars (\$500). In order to be eligible for the year-end buyback, a firefighter must remain employed by the Department through December 15, 2023. The year-end buyback for Kelly Days shall be issued on the City's final 2023 pay date.

SECTION I H. Premium Payments for Battalion Chiefs

In addition to their regular compensation, Battalion Chiefs who work a non-scheduled, 24-hour shift will receive \$100 for each such non-scheduled 24-hour shift.

SECTION II A. From and after January 1, 2023, pursuant to I.C. § 36-8-3-3 (d), the salary and pay schedule for the officers of the Police Department of the City of Bloomington, Indiana, shall be fixed as follows, to wit:

<b><u>POLICE DEPARTMENT</u></b>	
<b><u>Job Title</u></b>	<b><u>Grade or Max Base Salary</u></b>
Chief	12
Deputy Chief	10
Captain	10
Lieutenant	9
Supervisory Sergeant	\$78,750
Probationary Officer First Class	5
<b><u>CONTRACTUAL SALARIES</u></b>	
Senior Police Officer	\$69,263
Officer First Class	\$66,327

In addition to the salary and pay schedule listed above, the City shall also contribute four percent (4%) of the salary of a fully paid Officer First Class plus \$5,000 (equal to \$71,327) to the Public Employees Retirement Fund on behalf of each police officer under the authority of I.C. §§ 36-8-6-4 and 36-8-8-8.

SECTION II B. Additional pay for Supervisory Sergeants, Senior Police Officers, Officers First Class, and Probationary Officers, if eligible.

Effective January 1, 2023, additional pay shall be added to the base salary described above on the basis of longevity, specialty pay, training, and education as reflected below. The maximum additional annual pay total except for longevity and other pay, under Section II B. is \$4,800.00.

**Longevity:**

Longevity pay shall be credited on a member's anniversary date of hire after the completion of years of service as reflected in the table below.

<b>Years of Service</b>	<b>Longevity Pay</b>		<b>Years of Service</b>	<b>Longevity Pay</b>
1	\$200		11	\$2,200
2	\$400		12	\$2,400
3	\$600		13	\$2,600
4	\$800		14	\$2,800
5	\$1,000		15	\$3,000
6	\$1,200		16	\$3,200
7	\$1,400		17	\$3,400
8	\$1,600		18	\$3,600
9	\$1,800		19	\$3,800
10	\$2,000		20 or more	\$5,000



**Training:**

For every 20 hours per year in training = \$100

Training must be completed during the year for credit on next year’s pay. Credit for training is not cumulative.

**Specialty Pay**

Specialty pay is divided into three levels:

Category 1 = School Liaison Officer, Training Instructor, Breath Analyzer, Canine Officer, Bike Patrol, Motorcycle Patrol, Civil Disturbance Unit, Accident Reconstructionist, Honor Guard, Downtown Resources Officer, and Drug Recognition Expert

Category 2 = CIRT Officer, Hostage Negotiator, Dive Team

Category 3 = Field Training Officer and/or Detective

Category 1 = \$500 in pay

Category 2 = \$1,000 in pay

Category 3 = \$1,600

Employee must maintain and/or hold classification to keep associated pay.

**Education:**

Education pay divided into three levels:

2 year degree = \$600 in pay

4 year degree = \$1200 in pay

Masters, Law or Doctorate degree = \$1600 in pay

**Other:**

Off-Duty pay is received at a minimum of 2 hours.

<u>Shift Pay Differential:</u>	
Afternoon Shift	\$16/week
Night Shift and High Intensity Patrol	\$20/week
Afternoon Shift*	\$50/week*

\*The \$50 per week shift differential shall only apply to (1) senior police officers who (2) successfully bid for afternoon shift as their first or second choice in accordance with Section VIII of the Collective Bargaining Agreement between the City of Bloomington and the Fraternal Order of Police, Don Owens Memorial Lodge 88. For non-senior police officers or senior police officers who do not bid for afternoon shift as their first or second choice, the standard \$16 per week afternoon shift differential shall apply.

**SECTION II C. Clothing Allotment**

All sworn officers will receive a clothing allotment of \$500.

**SECTION II D. Increases for salaries not set in the contract**

Effective January 1, 2023, subject to the maximum salaries set by this ordinance, an increase may be included in those salaries not set by a collective bargaining agreement. Supervisory Sergeants will receive the same percentage increase as Senior Police Officers, and other staff will receive an increase based on the compensation plan for non-union employees.

SECTION II E. \$1,000 Payment

The Chief, Deputy Chief, Captains, Lieutenants, and Probationary Officers will receive \$1,000 which will be distributed in two, \$500 payments. Those who are current employees at the time of payment are eligible to receive the payment.

SECTION II F. Longevity Recognition Pay

Any sworn police personnel with the City of Bloomington who have completed upon their anniversary date said years of service as outlined below, shall receive the below compensation. This compensation is in addition to their regular pay as outlined in this ordinance.

Five (5) years	\$25.00
Ten (10) years	\$50.00
Fifteen (15) years	\$75.00
Twenty (20) years	\$100.00
Twenty-five (25) years	\$150.00
Thirty (30) years	\$200.00
Thirty-five (35) years	\$250.00
Forty (40) years	\$300.00
Forty-five (45) years	\$350.00
Fifty (50) years	\$400.00

SECTION II G. Recruitment Incentives

Eligible officers who refer a candidate who is hired as a police officer will receive \$1,000 in accordance with the procedures and requirements outlined in the Employee Referral Program. Newly hired certified police officers will receive \$5,000 within the first year of employment. Those newly hired officers who are not certified police officers will receive \$3,000 within the first year of employment. Those who have previously been employed by the City must have a year gap in full time employment with the City to be eligible for this incentive.

SECTION III. Pay Grades and Salary Ranges

The minimum and maximum rates listed below reflect the salary ranges for each job grade for a full-time officer of the Police and Fire departments. These ranges are based on full time hours worked and will be prorated for part-time employees.

<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
1	\$35,721.22	\$46,437.58
2	\$36,792.85	\$47,830.94
3	\$37,896.54	\$49,265.51
4	\$39,033.44	\$62,453.75
5	\$40,204.69	\$64,326.81
6	\$42,215.15	\$67,544.01
7	\$44,325.23	\$70,920.36
8	\$47,427.92	\$75,885.83
9	\$52,171.30	\$93,907.87
10	\$57,388.65	\$103,298.43
11	\$65,996.09	\$118,793.65
12	\$79,855.24	\$143,740.12

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

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

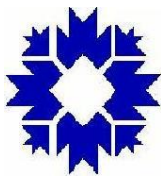
\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends and replaces Ordinance 22-25, which set the minimum and maximum salary rates for all sworn fire and police personnel for the year 2023 in accordance with Council-approved collective bargaining agreements, by adding an Assistant Chief of Operations position and amending one other job title within the Fire Department and by adding Sections I F (Retention Pay), I G (Kelly Day Vacation Buyback), and I H (Premium Payments for Battalion Chiefs) to the ordinance.



City of Bloomington  
Human Resources Department

## MEMORANDUM

To: City Council members

From: Emily Fields, Interim Human Resources Director

CC: Mayor John Hamilton, Deputy Mayor Mary Catherine Carmichael, Controller Jeff Underwood, and Council Administrator Stephen Lucas

Date: May 29, 2023

Re: Amendment to Ordinance 22-25 which fixed the 2023 salaries for police officers and firefighters

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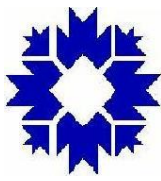
Attached for your review and approval is Ordinance 23-13. This ordinance amends and replaces Ordinance 22-25 which outlines the 2023 compensation for officers of the Police and Fire Departments.

Fire seeks to implement strategies to address staffing shortages, which are included in Sections IF, IG, and IH of Ordinance 23-13 and explained below. The fiscal impact of these strategies is approximately \$159,000.

Firefighters First Class, Chauffeurs, and Captains will receive two payments, so that they effectively receive an additional 3% of their position's 2022 base salary. Firefighter First Class, Chauffeur, and Captain base salaries increased by 2% from 2022 to 2023, and non-union, Civil City salaries increased by 5%. The additional 3% puts the firefighters' increase in line with other City staff increases.

Firefighters First Class, Chauffeurs, and Captains have paid, scheduled days off built into their work rotation, and these days are called Kelly Days. Because of staffing shortages, Fire calls out others to fill in for those taking a Kelly Day. The City wishes to buy-back these Kelly days at the firefighters' request, allowing them to work on their previously scheduled day(s) off, in addition to being paid for the hours that they work. This provides scheduling predictability for the firefighters.

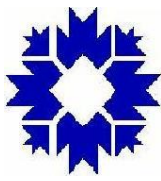
Fire would like to compensate its three Battalion Chiefs with \$100 when they work non-scheduled shifts. Battalion Chiefs are exempt, grade 9 employees and do not earn overtime. Therefore, the city would like to give them \$100 for each non-scheduled shift that they take.



City of Bloomington  
Human Resources Department

In addition to these strategies, the department seeks to add an Assistant Chief of Operations (Grade 9). This position will assess safety risks to firefighters during structural fires in addition to administering the department's health and safety program, which includes tasks related to firefighter injuries, OSHA requirements, and firefighters who return to work from medical leave. The annual fiscal impact of adding this position is approximately \$118,000. To differentiate this position from the current Assistant Chief position, the current Assistant Chief's title will change to Assistant Chief of Administration and Planning.

Your approval of Ordinance 23-13 is requested. Please feel free to contact me if you have any questions at 349-3541.



City of Bloomington  
Human Resources Department

**MEMORANDUM**

To: City Council members

From: Emily Fields, Interim Human Resources Director

CC: Mayor John Hamilton, Deputy Mayor Mary Catherine Carmichael, Controller Jeff Underwood, and Council Administrator Stephen Lucas

Date: June 14, 2023

Re: Amendment to Ordinance 23-13 which amends Ordinance 22-25 which fixed the 2023 salaries for police officers and firefighters

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Fire would like to pay its new firefighters a one-time signing bonus of \$5,000 within their first year of employment. This ordinance adds this compensation in Section I I to Ordinance 23-13 which amends Ordinance 22-25. Ordinance 22-25 fixed the 2023 compensation for police officers and firefighters.

Your approval of this ordinance is requested. Please feel free to contact me if you have any questions at 349-3541.

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 23-13  
**Amendment #:** Am 01  
**Submitted By:** Cm. Piedmont-Smith (at request of HR Department)  
**Date:** June 21, 2023

**Proposed Amendment:**

1. Ordinance 23-13 shall be amended inserting a new Section I I that reads as follows:

Section I I. Recruitment Incentives

Newly hired firefighters will receive \$5,000 within the first year of employment. Those who have previously been employed by the City must have a year gap in full time employment with the City to be eligible for this incentive.

**Synopsis**

This amendment would add a new section to the ordinance to provide for a \$5,000 recruitment incentive for newly-hired firefighters.

**Regular Session Action (06/21/23):** Pending



## MEMO FROM COUNCIL OFFICE ON:

### **Resolution 23-10 – A Resolution Requesting an Appropriation Recommendation to Establish Additional Bus Routes Circulating the Greater Downtown of Bloomington**

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#### **Synopsis**

This resolution is sponsored by Councilmember Volan and is a vehicle to express the Council's interest in a recommendation from the Mayor regarding appropriations to assist with the creation of a "Greater Downtown Circulator" bus route.

#### **Relevant Materials**

- [Resolution 23-10](#)
- Memo from Sponsor Councilmember Volan
- Downtown Shuttle and Circulator Conceptual Plan from Bloomington Transit
- Bloomington Industrial Development Advisory Commission Resolution 23-01

#### **Summary**

[Resolution 23-10](#) is sponsored by Councilmember Volan and would formally request a recommendation from the Mayor for an appropriation of \$5 million in former Industrial Development Fund dollars to support estimated capital costs and first-year operating costs for a new Bloomington Transit downtown circulator route.

The Bloomington Industrial Development Fund ("IDF") and the Bloomington Industrial Development Advisory Commission ("BIDAC") were created in 1997 through adoption of [Ordinance 97-22](#). Earlier in 2023, the BIDAC, pursuant to procedures contained in [Indiana Code 36-7-13](#), adopted its Resolution 23-01 (included herein) to declare Bloomington's former Community Revitalization Enhancement Districts terminated, to declare the purposes of the IDF accomplished, and to dissolve the BIDAC. Following this action, the balance of funds remaining in the IDF were transferred to the City's general fund and are now available for appropriation by the City out of that fund. BIDAC Resolution 23-01 also contained a history of the past uses of IDF monies.

[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. This non-binding resolution would request such a recommendation from the Mayor, which could come to the Council in the form of an additional appropriation ordinance or as part of the annual budgeting process.





**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](mailto:council@bloomington.in.gov)

If the Mayor is amenable to this request for an appropriation recommendation, additional coordination would be required between the City and the Bloomington Public Transportation Corporation. [Indiana Code 36-9-4-35.1](#) gives the board of directors of a public transportation corporation the authority to make rules governing the use, operation, and maintenance of the transit system and allows the board to determine all rates, routings, and hours and standards of service.

The Council will recall that the City and the Bloomington Public Transportation Corporation recently entered into an interlocal cooperation agreement (approved by the Council via [Resolution 23-03](#)) regarding the distribution of economic development income tax funds to support transit projects described in that agreement. The addition of downtown circulator routes as envisioned in [Resolution 23-10](#) would similarly require the support of Bloomington Transit and its board of directors.

Bloomington Transit has prepared a Downtown Shuttle and Circulator Conceptual Plan (last updated in March 2023 and included in this packet) that shows potential service routes, frequencies, and costs. While [Resolution 23-10](#) calls for the initial capital costs and first-year operating costs of a downtown circulator to be paid for with former IDF dollars, a source of ongoing funding may need to be identified, as there is no longer revenue generated by the Community Revitalization Enhancement Districts.

**Contact**

Councilmember Stephen Volan, [volans@bloomington.in.gov](mailto:volans@bloomington.in.gov), 812-349-3409

**RESOLUTION 23-10**

**A RESOLUTION REQUESTING AN APPROPRIATION RECOMMENDATION TO ESTABLISH ADDITIONAL BUS ROUTES CIRCULATING THE GREATER DOWNTOWN OF BLOOMINGTON**

- WHEREAS, the Bloomington Common Council (Council) is the elected legislative body with authority to pass ordinances, resolutions, and motions for the government of the city, the control of the city's property and finances, and the appropriation of money; and
- WHEREAS, the Council may pass resolutions expressing the will of the Council; and
- WHEREAS, Indiana Code § 36-4-7-8 states that the city legislative body, on the recommendation of the city executive, make further or additional appropriations by ordinance; and
- WHEREAS, the Industrial Development Fund (IDF) was created in 1997 to, in part, enhance the city's ability to pursue opportunities for economic and industrial development and high-quality employment in or serving the city; and
- WHEREAS, in 2003, the Council adopted Resolution 03-26 to authorize the Mayor to apply for creation of a Community Revitalization Enhancement District for the downtown commercial area meant to help offset obstacles to redevelopment in an effort to keep the downtown area vital; and
- WHEREAS, the IDF has been dissolved and over \$17 million from the IDF has since been transferred the city General Fund according to state statute; and
- WHEREAS, the Bloomington Common Council believes that funds from the Downtown Community Revitalization Enhancement District should be directed towards improvements that align with the original purpose of the fund; and
- WHEREAS, Indiana Code § 36-7-13-12.1 states that significant obstacles to redevelopment in Community Revitalization Enhancement Districts may include transportation or access problems; and
- WHEREAS, Indiana Code § 36-7-13-12.1 contemplates addressing such redevelopment obstacles through expenditures on machinery, equipment, facilities, and operating expenses; and
- WHEREAS, Indiana Code § 36-9-4-35.1 states that the board of directors of a public transportation corporation may determine, among other things, the rates, routings, and hours and standards of service for the transportation system; and
- WHEREAS, the Council supports a strong local public transportation system and believes that public transit options positively impact the economy of Indiana, improve air quality, reduce congestion, improve mobility, increase personal independence, and enhance the quality of life for the community; and
- WHEREAS, the city and local residents would benefit from additional bus routes servicing the greater downtown Bloomington area that would connect parking resources with points of interest in order to reduce reliance on personal vehicles; and
- WHEREAS, such an extension of service would increase participation in public transit, would reduce demand for private car transportation, would make parking resources more accessible and shareable, would make it easier for individuals to access less expensive parking options, would reduce the greater community's carbon footprint, would enhance employment opportunities in the area it newly serves, and would better serve persons who are in need of public transportation; and

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

SECTION 1. The Bloomington Common Council hereby requests the Mayor’s recommendation, made after any appropriate and necessary consultation with the Bloomington Public Transportation Corporation and its board of directors, for an appropriation of \$5 million in former IDF dollars now in the General Fund sufficient to cover capital costs and one year of operating costs for Bloomington Transit to establish a fare-free, trolley-style electric bus line circulating around the greater downtown area.

PASSED AND ADOPTED 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 resolution is sponsored by Councilmember Volan and is a vehicle to express the Council’s interest in a recommendation from the Mayor regarding appropriations to assist with the creation of a “Greater Downtown Circulator” bus route.

**To:** Councilmembers

**From:** Steve Volan, Member, District VI

**Date:** June 16, 2023

**Re: Proposal for a "Greater Downtown Circulator" Bus**

The legislation before you requests that the mayor's administration appropriate funds originally from taxes set aside for the sake of the city's Community Revitalization Enhancement District to create a new Bloomington Transit (BT) bus route: a fare-free trolley-style electric bus line circulating around the greater downtown. This resolution is not an ordinance, let alone an appropriation ordinance. No funds will be disbursed. Instead, it is a vehicle [sic] for the Council to express its interest in a "Greater Downtown Circulator" bus route. It should be seen as an opportunity for Council to discuss what such a service might look like, and how it would be funded.

#### **The basic idea: a downtown trolley**

Unlike typical public transit routes, while it would provide many other benefits, a "Greater Downtown Circulator" would inherently be about parking.

Through a trolley-style service, the city can maximize its downtown parking infrastructure while staying true to its Comprehensive Plan, which calls for reducing our reliance on fossil fuels and emphasizing forms of transportation other than cars. A trolley serving the most visited area of the city — an area so in demand that all the city's garages and parking meters can be found there — can connect those garages and lots with each other, reducing short car trips by drivers visiting more than one downtown destination, and reducing congestion from drivers looking for the most convenient street parking which is always in high demand. In so doing, a trolley would also maximize the efficiency and utility of further-flung garages and lots, and reduce or eliminate the future demand for new publicly-funded parking infrastructure.

#### **Downtown**

Bloomington's downtown has grown. From the Trades District anchoring its north end to the Kroger Seminary Square anchoring its south end is a 20-minute walk. The same is true from either point to IU's Sample Gates at downtown's east end.

Car parking is in very high demand in some parts of downtown. Cruising for parking is a frequent occurrence; many key parking areas (Courthouse Square, University Village) are in very high demand six days a week, especially evenings, while meter prices have not increased since meters were reinstalled throughout downtown in 2013. Yet in other downtown areas, there is almost no parking demand. If the spaces in these areas could be put to better use, they would reduce the perception for a "need" to build expensive structured parking closer to key destinations.

## **The idea**

A "Greater Downtown Circulator" would connect the far ends of downtown with all its parking facilities — Fourth, Walnut, Morton, and IU's Poplars — as well as many points of interest in between, including City Hall, the Courthouse, the Convention Center, the Transit Center, performance venues, hotels, churches, and dozens of restaurants and bars.

Many proposals BT considered a single, roughly T-shaped route on which two buses would run simultaneously. The initial proposal presented here for the sake of discussion is for two separate routes that would cross each other at the Courthouse Square. A north-south route would run on College and Walnut Streets between 1st and 10th. This route could be extended to the Trades District and Hopewell parking garages. An east-west route would run on Kirkwood and Seventh Streets between Rogers and Indiana. It could be extended to the hotel entrance of the Indiana Memorial Union.

While a pair of routes is the current proposal, a single route with two buses is equally practical. One factor the Council must decide is which method of service is more optimal.

## **One-time capital costs: \$4.1 to \$4.5 million**

Regardless of the number of routes, to provide 20-minute service, three buses will have to be purchased. These will be electric and may be new or used, but will be ADA-compliant battery-electric vehicles; two will be in use and one in reserve. These will cost roughly \$1.1 million each according to BT.

In addition, as many as 16 new shelters will be built for the new service. These can cost as little as \$25,000 each. Zac Huneck of BT says that figure "is a rough estimate for amenities and simple construction. Some...will likely require more intensive engineering and design work. Based upon recent procurements, these costs can easily push a single bus stop \$75k+ in the current climate." BT estimates \$800,000 to \$1.2 million for such shelters.

Another factor the Council must decide, based partially on what route is chosen, is how many new shelters should be erected. It's my hope that through judicious choices, the overall figure for capital costs can be kept below \$4 million.

## **Annual operating costs: \$416,000 to \$998,000**

To provide 20-minute service on each of these routes just during regular business hours would cost \$416,000 annually. Bloomington's downtown, however, is more active and in demand in the evenings and on weekends than during the workday. Extending service to 8pm and providing service on Saturdays would cost about \$750,000 a year. Adding "night-owl" service from 8 pm to 3 am would bring the annual operating cost to just under \$1 million. (Adding Sunday service for the east-west route to serve churchgoers would add another \$26,000 annually.)

Demand is returning to the pre-pandemic norm, although the average transaction consistently increasing shows that fewer people are parking on the street for longer periods. This underscores the need for both increasing rates where demand is

	2017	2018	2019	2020	2021	2022
Revenue (millions)	\$2.24	\$2.26	\$2.52	\$1.34	\$1.99	\$2.19
Transactions (millions)	1.95	1.85	1.78	0.95	1.22	1.30
Average Transaction	\$1.15	\$1.22	\$1.42	\$1.41	\$1.63	\$1.68

**Continued funding after the first year: "parking increment financing"**

Because the circulator would, among many other features, connect every public parking venue downtown, the service should be seen as an outgrowth, and a direct benefit, of the city's parking system. The prime option for continued funding of the circulator after its first year would be revenue from adjusted parking meter rates. The incremental revenue from adjusted rates should be devoted to a shuttle that would make parking more efficient and accessible -- in other words, what could be called "parking increment financing".

Meter rates have yet to be adjusted from their original \$1/hour, despite inflation. The Consumer Price Index has increased 29% since August 2013; the city is charging the equivalent of 78¢/hour compared to when the meters were first installed. A modest across-the-board increase of 25¢/hour would restore the incentive to parkers to consider the cost of the most convenient parking spaces to the 2013 level. With the typical annual revenue for parking being about \$2.2 million, a 50¢/hour increase would provide at least \$1 million annually to fund a shuttle.

Revenue in the first 12 months of metering, from August 2013 to August 2014, was \$2.23 million. For the past six calendar years, unaudited estimates of revenue (which do not include a small amount of revenue from surface lots where meters are now used) were:

**Initial funding**

Since the downtown Community Redevelopment Economic District (CREED), pronounced "creed") was established in 2003, the CREED fund grew to \$10 million, but was tapped almost not at all. This money should have been used to serve the downtown business environment that generated those set-aside tax dollars. With the administration's recently taking \$3.1 million for the new class-A office space to be built in the Trades District, there is enough money collected from the CREED to fund the three buses, the 16 new shelters, and one year of maximum operating service without any other subsidy.

It would take about a year for BT to stand up such service. If the administration were to agree to launch such a service, the earliest practical launch date would be January 2025. New funding would have to be identified after January 2026.

greatest, and decreasing rates where it's least. Adjusting rates both up and down for the 2023-2024 academic year, depending on demand in that block, would allow the city to gauge much more precisely what the potential is for parking increment financing in a properly demand-managed meter system.)

### **Other sources of continued funding**

*Partnership with IU:* IU has a natural interest in this service as it abuts downtown and owns several destinations on any proposed route like the Sample Gates and the Poplars Garage. In 2008 upon hearing of the idea of a downtown circulator, an IU official expressed interest in the shuttle service, saying that it would have incentive to build an extension on Woodlawn from 7th Street to the athletic complex in order to move people where they want to go before and after games: downtown. IU would also benefit from a shuttle that could be extended all the way to Showalter Fountain on nights when major events are occurring at the IU Auditorium. It would be reasonable to discuss their participation in contributing funding to this service.

*The Food & Beverage Tax:* Another entity with an interest in co-funding a circulator would be the Convention and Visitors Bureau. Money from the Food and Beverage Tax could be devoted to this route to save the extraordinary cost of building dedicated parking for an expanded convention center. It also would be an excellent way for convention-goers and hotel guests to visit many of the city's downtown attractions.

*State and federal sources:* Finally, the sheer number of opportunities for funding from local sources implies that funding could be leveraged from state and federal sources. If federal transit dollars for capital costs can leverage 3 or 4 buses for every one that the city buys, we stretch these CRED dollars a long way; if federal funding comes because we have committed local funding, we might be able to enlarge the route or increase the frequency of service.

### **Authority for use of CRED revenue**

The city website notes that CRED funds can be used "for economic development purposes within the District. By using these incremental revenues, the City undertakes projects such as the creation of new infrastructure and beautification of the area." The criteria for use of such monies on such a project is contemplated in IC 36-7-13-12.1 (see page 4). The bus will greatly enhance any new convention-center commerce and thus allow the city and county to "retain or expand a significant business enterprise within the area" (a-1-C). The deterioration of the Justice Center and the now all-but-raised old hospital district both qualify as "deterioration of improvements or character of occupancy, age, obsolescence, or substandard buildings" (a-2-H). And to address such "obstacles", the city may expend for machinery (b-8), equipment (b-9), facilities (b-11), and, crucially, operating expenses (b-13), allowing these dollars to fund the first year of service. This will also buy the city time to explore other revenues besides those from increased meter rates, through state grants or the Federal Transit Administration.

While IC 36-9-12-5 limits the spending of dollars from the Parking Meter Fund directly to parking meter operations, which a shuttle doesn't directly qualify for, IC 36-9-12-7

holds that such money can be used for other purposes: "At the end of a calendar year...the municipal legislative body may, by ordinance, transfer any balance in the special fund to the general fund." Such dollars can be used in this manner; it simply requires that Council expressly approve such expenditure with an extra vote.

### **Parking Commission**

This proposal was taken to the May meeting of the Parking Commission, where a resolution regarding it was considered. The vote on it was 4-1-3.

### **Conclusion, and questions for Council**

The Council is not just being asked to decide whether or not the Greater Downtown Circulator is a good idea, but, if so, what its parameters should be. The administration ultimately has to originate the appropriation ordinance that would create and fund it to the Council. The more specific the Council is in proposing such an idea, the better.

If Council believes that the time has come for a shuttle, questions to address include:

- Should a shuttle service be a single route or broken into two routes?
- How frequently should a shuttle run to be of practical value?
- How far out from the Courthouse should a shuttle run to be of practical value?
- How much revenue should come from parking increment financing?
- How much revenue should come from other sources?

### **Appendices**

Three appendices are attached. Appendix 1 enumerates selected destinations on the proposed trolley routes. Appendix 2 shows the relevant state statute governing use of CRED funds. Appendix 3 shows cost data and a model for the two routes from Bloomington Transit.



## Appendix 1: Selected buildings on proposed trolley routes

### Selected buildings within 1 block of proposed north-south route

*(optional route extensions in parentheses)*

#### South on College

- The Mill at the Trades District
- (Trades District Parking Garage)
- Springhill Suites Hotel
- City Hall
- Charlotte Zietlow Justice Center
- Morton St. Garage
- Hilton Garden Inn Hotel
- Bloomingfoods West
- Monroe County Courthouse
- Hyatt Plaza Hotel
- Monroe County Convention Center

#### North on Walnut

- Courtyard by Marriott Hotel
- Ted Jones Playhouse
- Walnut St. Garage
- Bluebird Nightclub
- Buskirk-Chumley Theater
- John Waldron Arts Center
- Comedy Attic
- Fourth St. Garage
- Bloomington Transit Center
- Kroger Seminary Square
- (Hopewell parking garage)

### Selected buildings within 1 block of proposed east-west route

*(optional route extensions in parentheses)*

#### East on Kirkwood

- F.A.R. Center for Contemporary Arts
- Lotus Festival Headquarters
- I-Fell Gallery
- Wonderlab
- Monroe County History Center
- First Christian Church
- Graduate Hotel
- First United Methodist Church
- Monroe County Public Library
- Trinity Episcopal Church
- IU Sample Gates/Old Crescent

#### West on Seventh

- Fairview School
- Bethel A.M.E. Church
- Farmers' Market/City Hall
- Morton St. Garage
- Charlotte Zietlow Justice Center
- Seventh St. Garage
- IU Poplars Garage
- (IU Auditorium/Showalter Fountain)
- (IU IMU/Biddle Hotel Turnaround)
- Dunn Meadow
- Franklin Hall

## Appendix 2: Indiana Code 36-7-13-12.1, on use of CRED funds

IC 36-7-13-12.1

### **Designation of district; resolution; findings; duration; notice requirements; information to taxing units; budget agency proceedings**

Sec. 12.1. (a) If the executive of a city described in section 10.1(a) of this chapter has submitted an application to an advisory commission on industrial development requesting that an area be designated as a district under this chapter and the advisory commission has compiled and prepared the information required under section 11 of this chapter concerning the area, the advisory commission may adopt a resolution designating the area as a district if it finds the following:

- (1) That the redevelopment of the area in the district will:
    - (A) promote significant opportunities for the gainful employment of its citizens;
    - (B) attract a major new business enterprise to the area; or
    - (C) retain or expand a significant business enterprise within the area.
  - (2) That there are significant obstacles to redevelopment of the area due to any of the following problems:
    - (A) Obsolete or inefficient buildings.
    - (B) Aging infrastructure or ineffective utility services.
    - (C) Utility relocation requirements.
    - (D) Transportation or access problems.
    - (E) Topographical obstacles to redevelopment.
    - (F) Environmental contamination.
    - (G) Lack of development or cessation of growth.
    - (H) Deterioration of improvements or character of occupancy, age, obsolescence, or substandard buildings.
    - (I) Other factors that have impaired values or prevent a normal development of property or use of property.
- (b) To address the obstacles identified in subsection (a)(2), the city may make expenditures for:
- (1) the acquisition of land;
  - (2) interests in land;
  - (3) site improvements;
  - (4) infrastructure improvements;
  - (5) buildings;
  - (6) structures;
  - (7) rehabilitation, renovation, and enlargement of buildings and structures;
  - (8) machinery;
  - (9) equipment;
  - (10) furnishings;
  - (11) facilities;
  - (12) administration expenses associated with such a project;
  - (13) operating expenses; or
  - (14) substance removal or remedial action to the area.

# Downtown Circulators

Downtown Shuttle and Circulator Conceptual Plan 2007

- Updated November 2018
- Updated March 2023

Service to be provided by 30' fully ADA-accessible buses with unique branding to differentiate downtown service

**20min Frequency** Each route to operate independently with one vehicle and operator per route

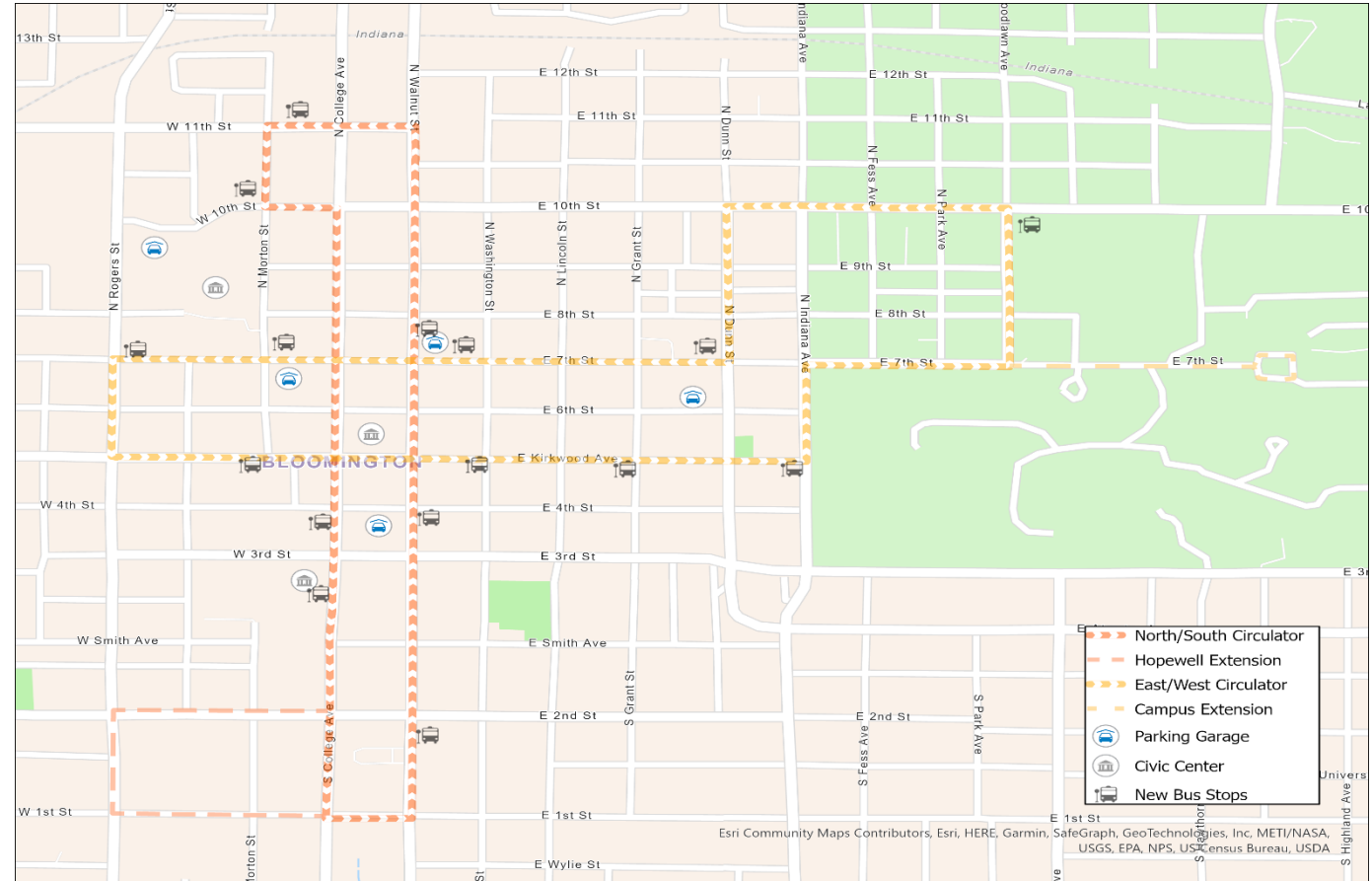
Routes and bus stop locations depicted are subject to adjustments

16 new bus stops are proposed to serve the downtown circulators, including benches, shelters, and digital signage  
**Capital** **\$800,000 - \$1,200,000**

Service spans are calculated in revenue hours (hours when buses are in active service) and depict a range of service options  
**Annual Operating** **\$416,000 - \$998,400**

Annual costs shown are for budgetary purposes and reflect an estimate of fully allocated direct operating costs based upon BT's FY2022 budget. Final costs are subject to financial review, and approval by the BPTC Board of Directors. Costs are subject to annual inflationary increases.

**Direct Operating Costs**  
 Operator, mechanic wages & benefits  
 Parts, tools  
 Fuel, fluids.....**\$100/hour**



Monday-Friday (260 days)	
9:00a-5:00p (16 rev hours)	<b>\$416,000/year</b>
8:00a-6:00p (20 rev hours)	<b>\$520,000/year</b>
8:00a-8:00p (24 rev hours)	<b>\$624,000/year</b>

+Saturday (52 days)	
9:00a-5:00p (8 rev hours)	<b>\$83,200/year</b>
8:00a-6:00p (10 rev hours)	<b>\$104,000/year</b>
8:00a-8:00p (12 rev hours)	<b>\$124,800/year</b>

+Night Owl (156 days) Thursday-Saturday	
8:00p-1:00a (5 rev hours)	<b>\$156,000/year</b>
8:00p-3:00a (8 rev hours)	<b>\$249,600/year</b>

**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, 15-03, Council Resolutions 05-03, 08-11, 08-12, 15-08)
- 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 not later than fifteen (15) years after the income tax incremental amount or gross retail incremental amount is first allocated to the district; and

WHEREAS, both CRED districts were designated for the maximum lifespan allowed by Indiana Code 36-7-13-12.1(d), meaning that each would statutorily expire at the end of the State's fiscal year that is fifteen (15) years after the first allocation of incremental tax funds to that 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 \_\_\_\_\_