



# City of Bloomington Common Council

## Legislative Packet – Addendum

Posted on Wednesday, 21 June 2023

Wednesday, 21 June 2023

Regular Session at 6:30 pm

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. This meeting was conducted electronically via Zoom.

COMMON COUNCIL  
REGULAR SESSION  
Wednesday, January 12, 2022

Deleted: Per the Governor's Executive Orders, t

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**

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

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.

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.

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.

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.

Appointments to Boards and Commissions (*cont'd*)

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

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

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

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]

Council questions:

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.

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.

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.

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)

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.

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.

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.

Resolution 22-03 (cont'd)

Public comment:

Council comment:

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

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

Council questions:

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

Resolution 22-02 (cont'd)

Council comment:

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

Amendment 01 Synopsis: This amendment is sponsored by Councilmember Flaherty and removes provisions that would abolish the Council's Administration Committee; Climate Action & Resilience Committee; and Land Use Committee.

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

Public comment:

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

Natalia Galvan spoke in favor of Amendment 01.

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.

Council questions:

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.

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.

Resolution 22-02 (cont'd)

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.

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.

Resolution 22-02 (cont'd)

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.

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.

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

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.

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.

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.

Resolution 22-02 (cont'd)

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

LEGISLATION FOR FIRST READING [9:21 pm]

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

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

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

Meeting Date: 01-12-22 p. 9

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.

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.

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.

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.

There was no additional public comment.

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.

Sgambelluri moved and it was seconded to adjourn.

2022 - Re: Covid Premium Pay and Create a New Position in the Department of Economic and Sustainable Development.  
[9:29pm]  
Ordinance 22-02 (cont'd)

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

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.

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

ADDITIONAL PUBLIC COMMENT [9:38pm]

COUNCIL SCHEDULE [9:40 pm]

ADJOURNMENT [9:40 pm]

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

APPROVE:

ATTEST:

\_\_\_\_\_

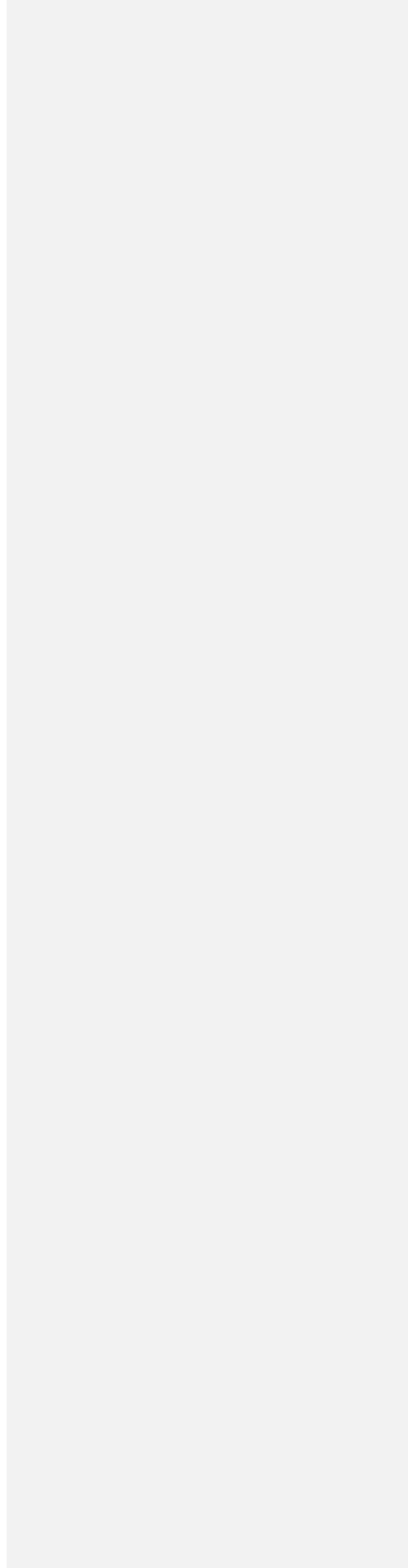
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*p. 10 Meeting Date: 01-12-22*

Sue Sgambelluri, PRESIDENT  
Bloomington Common Council

Nicole Bolden, CLERK  
City of Bloomington

For Approval



In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, 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 per speaker.

- 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 and Human Resources, with no response.

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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, giving 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]

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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, Meridiam, 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 Meridiam'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.

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

Ordinance 22-19 (cont'd)

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 further 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.



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

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,

#### Ordinance 22-19 (cont'd)

#### Council questions:

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.

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.

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, giving the committee do-pass recommendation of Ayes: 1, Nays: 0, Abstain: 5.

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.

There was no public comment.

There were no council comments.

Ordinance 22-19 (cont'd)

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

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]

Council questions:

Public comment:

Council comment:

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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]

Stephen Lucas, Council Attorney, noted that voice votes were appropriate since Volan had left the meeting.

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

Lucas 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.

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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, giving 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]

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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, [Historic Preservation Committee \(HPC\)](#), spoke in favor of the historic district nomination and provided reasons. Public comment:

Chris Sturbaum, [HPC](#), 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, [HPC](#), provided reasons to keep the structure in question in [Ordinance 22-18](#).

Duncan Campbell, [HPC](#), 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

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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."

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

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, giving the committee do-pass recommendation of Ayes: 6, Nays: 0, Abstain: 0.

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.

There were no council questions.

There was no public comment.

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

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, giving the committee do-pass recommendation of Ayes: 0, Nays: 2, Abstain: 3.

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.

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

There were no council questions.

There were no public comments.

There were no council comments.

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.

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.

Ordinance 22-18 (cont'd)

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

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]

Council questions:

Public comment:

Council comments:

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

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]

Council questions:

Public comment:

Council comments:

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

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

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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]

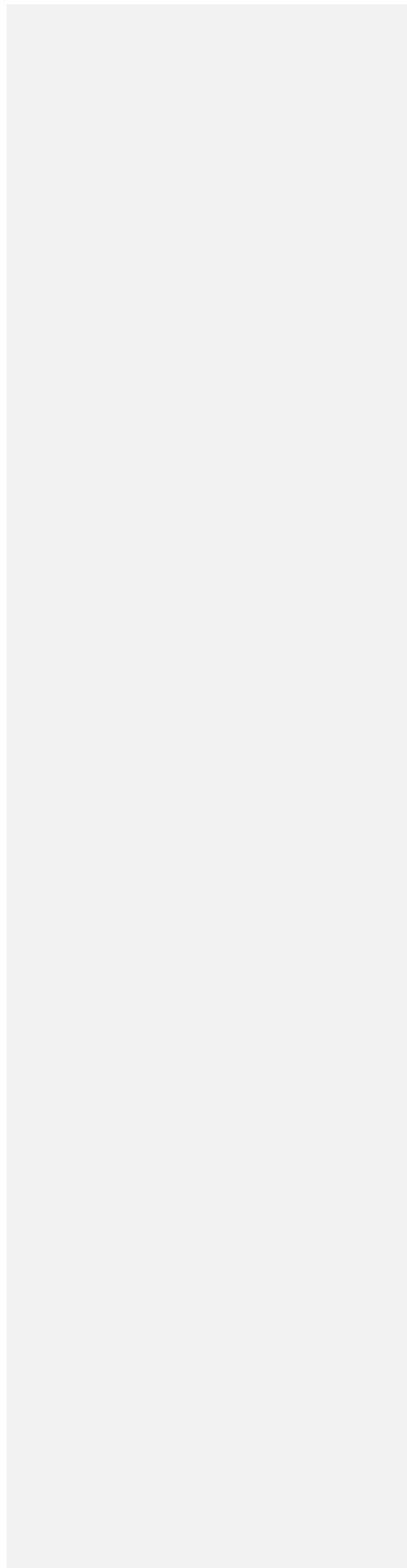
APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_ day of \_\_\_\_\_, 2023.

APPROVE:

ATTEST:

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

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



**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, 2023, 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.

*Note: This resolution was revised after distribution in the Legislative Packet but before introduction on June 21, 2023. The revision corrected the date of the Annual Tax Abatement Report referenced in the sixth Whereas clause.*