



# City of Bloomington Common Council

## Legislative Packet

Containing legislation and materials related to:

Wednesday, 17 January 2024

Regular Session at 6:30pm



# CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:  
REGULAR SESSION  
WEDNESDAY | 6:30 PM  
17 January 2024

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

<https://bloomington.zoom.us/j/83876057554?pwd=K7vVvUL3vdxWE4W77wj4bXGSdhhbM7O.1>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES:**
  - A. March 8, 2023 – Regular Session
  - B. March 29, 2023 – Regular Session
  - C. April 4, 2023 – Regular Session
  - D. April 12, 2023 – 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
  - C. Council Committees
  - D. Public\*
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
  - A. Resolution 2024-01 - To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2024
- VII. **LEGISLATION FOR FIRST READINGS**
  - A. Appropriation Ordinance 2024-01 - To Transfer Funds from the Motor Vehicle Highway Restricted Street Fund into the Motor Vehicle Highway Fund and to Additionally Appropriate ARPA State and Local Fiscal Recovery Fund Expenditures Not Otherwise Appropriated for 2024

*(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.

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

Posted: 12 January 2024

**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: 12 January 2024**



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

**Minutes for Approval**

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08 March 2023 | 29 March 2023

04 April 2023 | 12 April 2023

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, March 08, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 08, 2023

Councilmembers present: Isabel Piedmont-Smith, Dave Rollo, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived at 6:36pm)  
Councilmembers present via Zoom: Matt Flaherty  
Councilmembers absent: Kate Rosenbarger

ROLL CALL [6:30pm]

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda, noting that one set of minutes included for approval were on the agenda by mistake.

AGENDA SUMMATION  
[6:30pm]

Rollo moved and Smith seconded to approve the minutes of April 14, 2021, May 19, 2021, August 04, 2021, August 11, 2021, August 31, 2021, September 15, 2021, and September 22, 2021. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

APPROVAL OF  
MINUTES [6:33pm]

Smith reported on petitions discussed at the recent Plan Commission meeting.

REPORTS [6:34pm]

- COUNCIL MEMBERS

Sims spoke about the upcoming primary election and noted the importance of voting. He encouraged community members to attend candidate forums.

Piedmont-Smith mentioned her upcoming constituent meeting.

Sandberg attended the world premiere of the Anne Frank opera presented by the School of Music at Indiana University (IU). She noted the security that was present include searching of bags as well as scanning for metal objects.

Flaherty spoke about his upcoming constituent meetings which changed days.

Vic Kelson, Director of the City of Bloomington Utilities (CBU), presented a report on CBU location changes to the Winston Thomas plant. He discussed concerns about polychlorinated biphenyls (PCBs), the current facility, and storage issues.

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

Adam Wason, Director of Public Works (PW), spoke about the department's facilities across the city. He gave details on the locations of facilities for street division, fleet maintenance, and the need to have a central site where staff were located. He said the idea was collocating PW staff at the facility that CBU currently occupied.

Kelson added that a master plan was complete but needed to be updated to account for construction and market changes as a result of the pandemic, and more. Bonds through Water Works required approval by the Utilities Service Board (USB), council, and the Indiana Utility Regulatory Commission (IURC). He noted the timeline and process.

Sims asked if PCB testing was done regularly to ensure there was no leaking, and about revenue and rate increases. He asked about the spaces that PW would leave when moving.

Council discussion:

Kelson said CBU did not regularly test and he would confirm about the testing. It was investigated by the Environmental Protection Agency. There would be a water rate case in 2024 to go into effect in 2025. Debt service would be paid out of the current rate. He gave additional details.

Wason said there was much that was still to be determined with the space. He gave details on the structures and said some would need improvements.

Sims asked what the largest structure was.

Wason stated he was not sure and would research and let council know.

Rollo asked what the total estimated cost for the project was and if there were other bonds or funds to be used. He asked for details on the Miller Drive location.

- The MAYOR AND CITY OFFICES (cont'd)

Kelson said it was \$38 million including demolition, cleanup of the current site, and restoration of it to pre-construction state. The work would proceed regardless if a new facility was built because the site was decaying. Staff would seek grant funding, there would be a transfer of funds from PW that would help offset the cost to the utility rate payers, and staff would also seek low interest rate loans. He reiterated that PW would move into the facility.

Piedmont-Smith asked what resources would be used to pay to move PW.

Wason stated that there would be an agreement for the transfer of the property, and that PW would use what was there. The location would be great for PW because of conference rooms, and more. The master plan would determine much of the details, like the cost of moving. He said the goal was to keep the cost to a minimum and bonding or budget approval would go through council. Also, staff was seeking grant funding opportunities.

Piedmont-Smith asked if the transfer of assets from CBU to the city, which were technically separate, required that the city pay for it.

Wason explained that would have to be negotiated with the administration and the USB and may require an interlocal agreement.

Kelson said that the Controller's office was having the facilities on Miller Drive appraised as a starting point for the discussion.

Sgambelluri extended the time for reports without objection.

Volan asked if the new facility would be in city limits and joked that if not, if CBU would opt into annexation. He asked about the water tanks and garages.

Kelson stated it was all in city limits. The water tanks would remain, because the Monroe plant emptied into them and helped maintain pressure in the distribution system. The garages would be for storage of heavy vehicles.

Volan said the current CBU property was owned by rate payers, and would be owned by tax payers when it became PW. He asked about selling the property to the city and that it was not a simple transfer of funds between departments. He asked what was needed for administration at the Winston Thomas plant.

Kelson said the office facilities and garage would be larger, and the laboratory would be new.

Volan asked if the building could be easily added onto in the future.

Kelson said yes and gave some examples.

Rollo asked about service expansion relating to annexation.

Kelson said that CBU had outgrown its current facility and would have to accommodate service expansion as the city grew. There were paper records that needed to be kept and were located at 423 S. Washington Street. He said that property could be used for other activities other than paper storage. He gave additional examples of making better use of spaces that CBU owned.

Rollo commented on the recent Showers West purchase, and asked if the existing space could be used to accommodate CBU and/or PW.

Kelson said that CBU preferred to be collocated and referred to when CBU was inefficiently separated in Showers and Miller Drive. He spoke about the importance of having adequate storage for things like large trucks and pipes. Currently they were uncovered.

Wason said that Showers West was not ideal or feasible for PW and noted the importance of collocating. The Winston Thomas plant and the move for PW to Miller Drive was a great opportunity for both entities to modernize.

Wason presented the pilot program to document scooter parking violations in the downtown area. He noted community partners that were considering the renewal of agreements with the scooter companies. That would be before council in the near future. He discussed temporary staffing that monitored

scooter parking in the pilot program areas. There were six hundred and five total violations from October to December; Bird had two hundred and seventy, Veo had two hundred and forty, and Lime had ninety five. He summarized the violations by company, and type of violation like four hundred and seventy nine violations that blocked sidewalks or American with Disabilities Act (ADA) ramps. He said that nearly all of the violations was done by the user of the scooters and not the companies.

- The MAYOR AND CITY OFFICES (cont'd)

Sims asked about corrective actions for the companies and how many violations were acceptable.

Council discussion:

Wason said that staff took a picture of the violation, got the serial number, documented it in the T2 parking system, and then moved the scooter. Corrective actions for companies were not in the pilot program. He said that no violations were acceptable. The goal of the pilot program was to gather the data, as well as unblocking a sidewalk or ramp, for example.

Sims asked why the companies would not monitor and make corrective actions, like the city had done in the pilot program.

Wason said that was a potential requirement.

Rollo asked if funds for the pilot program and staff had come from city funds. He asked why scooter were not impounded and why the companies were allowed to operate under an expired contract and if the city was liable.

Wason said it was paid by the fees paid to the city by the scooter companies. Impounding was a possibility and could be discussed further. He believed that it was the administration's decision to allow the companies to operate despite the expired contract. Staff from the Legal department could best answer the liability question.

Sandberg noted IU's recommendations to further restrict the operating hours and asked if that was considered. She said IU was impounding scooters and asked how the city could do the same.

Wason noted that the discussion that evening was regarding the pilot program and that additional information was being drafted on things like impounding, time limits, and more. He believed there would be adjustments to operating hours.

Volan asked how many scooters per company were authorized in the city. The relevant information was the number of rides taken per scooter. He asked about data, tracking, and violations.

Wason said staff was gathering that information and believed that Lime had the highest number of deployments, then Bird, and last was Veo. There was not data prior to the pilot program. He believed there were many more violations that were not seen.

Volan said scooters could be under the purview of the Parking Commission (PC) and could participate in tracking data. He asked about scooters not being allowed to park in car spaces.

Wason would follow up with council.

Smith asked if staff had a cost estimate for addressing the violations and about requiring scooter companies to pay the city the cost of monitoring and correcting violations.

Wason responded that the ideal next step was to determine how to best mitigate the violations including the scooter companies.

Sgambelluri thanked Wason for the presentation, and asked who had the right to terminate the contract with the scooter companies, and on what grounds.

Wason believed it was the Board of Public Works (BPW) but would confirm. Sgambelluri asked what else was being explored by the city and its partners. Wason stated that was an ongoing discussion and he could not specify.

Volan asked if there were any councilmembers in the discussion. He said it was not ideal to bring an ordinance before council on changes to the scooters in the city, and then expect a quick turnaround.

Wason understood.

There were no council committee reports.

Paul Post, President of the Fraternal Order of Police (FOP), Lodge 88, updated council on the project for the police and fire headquarters and the FOP's participation. He provided examples of FOP's exclusion from meetings.

Chuck Livingston spoke about his experience in the city with scooter violations. He provided pictures of violations like blocking sidewalks.

Ash Kulak, Deputy Attorney/Administrator, read a statement from Sam Dove submitted via Zoom chat regarding the county's participation in a statewide tornado drill.

Eric Ost discussed scooter violations and said that specific data should have been provided by the companies.

Sgambelluri recommended the appointment of Doris Sims to the City of Bloomington Capital Improvements (CBCI) 501c3 board.

Volan noted that the CBCI had already held a meeting where they created bylaws and selected officers, without waiting for the council appointment.

Sims agreed with Volan and added that only having one council appointment was not ideal. If the council appointment resigned, then the CBCI board would make a new appointment and it would not be council's decision. He did not agree with that process.

Rollo said that the council president could make the appointment which did not require a vote. He agreed with Volan and Sims, and questioned the types of projects funded by the group. He wondered if it would diminish council's role. Rollo questioned the funding, scope, property transfers, and whether the CBCI could enter into contracts. He noted his great respect for Mrs. Sims.

Sandberg believed the entire process had lacked transparency and needed public debate. She said that it was privatization, in a nonprofit manner, to take over decision-making on city assets, like Hopewell and Trades. She was most concerned about arts venues like the Waldron and said that the entities currently managing those venues had not been included in the discussions. She noted her confidence in Doris Sims, but she could not agree with the recommendation because she disagreed with the CBCI's existence. She believed it was a violation of the public's trust.

Piedmont-Smith agreed that the process had not been transparent. She wondered why concerns from councilmembers had not been raised earlier, in council meetings or directly to the administration. She had great confidence in Doris Sims and noted Sims' experience. Piedmont-Smith commented on the bylaws, which could be revised, and the process for ad hoc vacancies.

Sandberg commented that she had been ill and could not attend council's previous meeting. She believed that the CBCI had been decided long before council's opportunity for input.

Volan disagreed that it was privatization but understood Sandberg's sentiments. He noted mayoral actions from previous mayors. He believed it

- The MAYOR AND CITY OFFICES (cont'd)

- COUNCIL COMMITTEES [7:36pm]

- PUBLIC [7:36pm]

- APPOINTMENTS TO BOARDS AND COMMISSIONS [7:46pm]

Council discussion:



was reasonable to have wanted more collaboration. He discussed the composition of the members. He spoke about council’s role in approving plans like Hopewell and questioned the legality of council’s exclusion. Volan believed a nonprofit was better than having a mayor make unilateral decisions.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS (cont’d)

Sims supported Sgambelluri’s recommendation of appointing Doris Sims. He supported the CBCI though he had concerns.

Smith also supported Doris Sims’ appointment. He was disappointed with the administration’s process with the CBCI as well as the Showers purchase.

Flaherty shared his support for Doris Sims’ appointment and concurred with the expressed concerns. He did not believe it was necessary to withhold council’s appointment.

Volan commented on council’s option of not making an appointment, or doing so that evening.

Piedmont-Smith had attended the first meeting of the CBCI. She noted that the CBCI did not schedule a second meeting in order to wait for the council appointment. She referenced the bylaws and amendments. She believed a vacancy should be filled by the appointing entity. She commented on the appointments term lengths.

Sims commented on the Monroe County Democratic Party’s inclusion of Black history in the weekly newsletter. He noted Doris Sims’ expertise and willingness to serve on the CBCI. He said she would not be used as a pawn.

Sgambelluri thanked everyone for their discussion. She discussed actions that council could take that evening. There was brief council discussion on the potential actions and their impact and council’s concerns.

The appointment received a roll call vote of Ayes: 6, Nays: 0, Abstain: 2 (Sandberg, Rollo).

Vote to appoint  
[8:17pm]

There was no legislation for seconding reading or resolutions.

LEGISLATION FOR  
SECOND READING  
AND RESOLUTIONS  
[8:17pm]

There was no legislation for first reading.

LEGISLATION FOR  
FIRST READING  
[8:18pm]

Dave Shapiro reminded everyone that the month was the Disability Month. He eulogized an influential advocate, Judy Hughman, who became the first wheelchair bound teacher in New York. He noted her accomplishments, including civic protests, and participation in advocating for Section 504.

ADDITIONAL PUBLIC  
COMMENT [8:18pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE  
[8:20pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT  
[8:21pm]

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Isabel Piedmont-Smith, 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, March 29, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 29, 2023

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived 6:31pm)  
Councilmembers present via Zoom: none  
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda.

AGENDA SUMMATION  
[6:30pm]

There were no minutes for approval.

APPROVAL OF  
MINUTES [6:32pm]

Smith noted that March was National Disability Awareness month.

REPORTS [6:33pm]  
• COUNCIL MEMBERS

Sims asked citizens to vote and mentioned candidate forums. He commented on yet another school mass shooting and said that prayers gave people hope but was not enough.

Piedmont-Smith provided information on voting, ballots, and encouraged voting. She reaffirmed the human rights of Lesbian, Gay, Bisexual, Transgender, and Queer+ (LGBTQ+) individuals and trans people. The Indiana General Assembly (GA) was attempting to take away their rights and Hoosiers needed to support the LGBTQ+ and trans communities. She asked the community contact the governor and urge him to veto Senate Bill 480.

Sandberg spoke against school shootings, and the recent shooting in Nashville, Tennessee. Having an enacted red-flag law would have prevented the shooting. It was time to acknowledge the nation's gun problem and inactions.

Volan clarified the deadline to register to vote. He discussed the Community Revitalization Enhancement District (CRED) funds totaling \$10 million. The administration was going to request \$3 million for the Trades Center tech building but a better plan was to upgrade the courthouse district's aging electrical and utility structure, or create a Bloomington Transit downtown circulator. He planned to propose \$5 million for the circulator which would connect the district. He commented on meter rates, parking demands on city blocks, and the investment of taxes back into the district they were collected from.

Sgambelluri noted her upcoming constituent meeting.

Mayor John Hamilton provided an update on the City of Bloomington Capital Improvements, Inc. (CBCI) and council questions. CBCI would revise the bylaws to allow the appointing entity to make a new appointment when there was a vacancy. He thanked council for the appointment of Doris Sims to CBCI.

• The MAYOR AND  
CITY OFFICES  
[6:47pm]

Rollo asked how CBCI would derive funds, about property transfers, and council's role.

Council discussion:

Hamilton said there were still some things to be determined. Funding would primarily be from the Redevelopment Commission (RDC), the transfer of contractor expenses from the city budget, or be requested in the 2024 budget as well as revenue generated from the venues. Property transfers were possible and council's role would not change. Council's involvement would be greater since council would have a representative on the CBCI board.

Sims agreed that council had appointed a wonderful board member, Doris Sims. He asked about allowing council to appoint two members to CBCI.

Hamilton had provided a memo to council eleven months ago highlighting the need for a nonprofit entity to help alleviate staff's workload with the management of city-owned properties like Hopewell. CBCI was a direct, operational board and future mayors would have the authority to manage it. He gave additional information on other boards' roles in city administration.

- The MAYOR AND CITY OFFICES (cont'd)

Sims asked if the administration felt it would have less authority if council appointed two seats, as opposed to one. Sims said the community's perception of collaboration would be increased if council had two appointments.

Hamilton said marginally, yes, and provided reasons.

Sandberg believed it was better to have two council appointments. There were several venues that CBCI would manage and two were related to the arts. It was ideal to include someone that was involved with the arts. Having three council appointments, and four mayoral appointments was best.

Volan said the bylaws were drafted before council made their appointment. He asked if there were any provisions for supermajority votes. Volan believed that the bylaws issue was moot because of the composition of the board, with four out of five being mayoral appointments.

Hamilton believed the only provision in the bylaws was in regards to the Open Door Law, and had to be approved by the mayor and council. He reiterated that the bylaws could be adjusted as needed.

Volan asked if the one council appointment was meaningful, given that four of the five seats were mayoral appointments, and thus a supermajority.

Hamilton responded that amendments to the bylaws required a majority vote. He reminded Volan that the bylaws had been shared with council in January. Hamilton and CBCI welcomed suggestions. He clarified that council had more access with the CBCI, in regards to affecting city-owned properties. Previously, all the work of the CBCI was done by the administration only.

Volan asked if it was correct that CBCI would have monetary authority. He said it was a missed opportunity to involve council in the development of Hopewell, for example. He said council's role was limited to a veto of funding. Having more council appointments would have been inclusive of council.

Hamilton hoped CBCI would have a budget but that council could veto that. There would be similar situations to the RDC's contract with The Mill board of directors; a nonprofit that had no mayoral or council appointments and managed the progress of the Trades District. The administration very publicly welcomed input from council and the public, including the early sharing of bylaws. There had been plenty of time for council to provide feedback on the creation of CBCI.

Sgambelluri asked what the mechanism was for changing the composition of CBCI members, and how that would be introduced.

Hamilton said that the bylaws could be amended by a majority vote. Any change to the number or appointment of directors had to be approved by the mayor, and council as well as the board. An amendment could be brought forth by the council, the board, or mayor.

Volan asked Hamilton if he would approve a change in the composition of the board.

Hamilton stated that he would not be in favor that evening, but was happy to continue the discussion on the matter.

Sgambelluri asked when Hamilton would be done discussing the composition of the CBCI.

Hamilton said it was an ongoing conversation, and that much like council, the end of consideration of an item would be a vote or when an agreement was reached.

Flaherty said that RDC would be transferring property or funds, and asked if CBCI would take over some of those responsibilities. He asked if RDC could acquire, sell, or transfer properties which did not require council approval.

- The MAYOR AND CITY OFFICES (cont'd)

Hamilton gave examples of RDC's role in other properties like The Mill and the development of the Trades District which had been primarily handled in the administration. The RDC had a minimal role. He said that RDC could transfer properties, though state statute dictated some RDC actions, like requiring council approval for purchases over \$5 million.

Flaherty noted that RDC had three mayoral appointments and two council appointments. CBCI would have executive functions, and with similar authority to RDC, he believed it was best to mirror RDC's composition. He asked if the appointment of Sarah Bauerle Danzman to both the RDC and CBCI was done intentionally.

Hamilton confirmed that it was and believed it was beneficial. There were some things that would still be determined. He reiterated that staff could not manage projects without significant changes. CBCI was created to alleviate staff's workload.

Volan asked why CBCI was not composed like RDC.

Hamilton again reiterated the reasoning behind the administration's decision on CBCI's board members.

Flaherty moved and it was seconded to extend the time limit on reports from the mayor and city offices until 8:00pm. The motion was approved by voice vote.

Vote to extend time limit [7:18pm]

Alex Crowley, Director of Economic and Sustainable Development (ESD) department, gave a background on shared-use, micro mobility deployments in the city, and recommendations for the future. The main concern was safety, parking, and accessibility in right of ways. There were community members against scooters, and others who frequently used the scooters. He highlighted the timeline of deployments and agreements with scooter companies, concerns with injuries and two fatalities, and accessibility issues.

Hank Duncan, Bicycle and Pedestrian Coordinator in Planning and Transportation (PT), presented in-depth recommendations. He discussed pre-ride educational quizzes, adjusted hours of operation, differences with standup and sit-down scooters, fees paid to the city, operator helmet certification, designated parking corrals, geofencing, incentivizing appropriate parking, and enforcing vehicle fleet caps, fines for improperly parked vehicles, and special protocols for major events like Indiana University (IU) football games. He briefly discussed long term solutions like leading pedestrian intervals, protected intersections, no-right-on-red intersections, scooter and bike racks, and universal charging stations. He noted next steps and a timeline.

Kirk White, Vice Provost for External Relations, IU, thanked everyone involved in analyzing data and drafting recommendations. It was devastating to have lost two students in the first month of the fall semester. Safety was the primary goal. He discussed IU's promotion of multimodal alternatives along with incentives for carpooling, use of bus service, and more. Reducing the hours of operation to times with high visibility and not allowing use of scooters after sunsets was ideal. He commented on geofencing, lowering speed limits, and safety education efforts.

Rollo moved and it was seconded to extend the time limit on Reports from the Mayor and City Offices until 8:30pm. The motion received a roll call vote of Ayes: 6, Nays: 3 (Flaherty, Sims, Volan), Abstain: 0.

Vote to extend time limit [7:55pm]

Smith asked what the cost to the city was, and about the revenue from scooter companies.

Council discussion:

Crowley stated that there would be staff who would monitor violations in the city and implement fines. He discussed projected revenue from fees.

- The MAYOR AND CITY OFFICES (cont'd)

Rollo had understood that infractions would result in fines or impoundment but those things had not occurred. He asked what the duration was of an average ride. He thought scooters were supplanting walking and was alarmed at the disposability of scooters. He asked where the lithium battery was disposed.

Duncan said the average ride was around seven minutes. He noted the sustainability benefit of using scooters. About 40% of riders would have used a car or something like an Uber if scooters had not been available. He would find out about the lithium batteries.

Volan commented on visibility and daylight hours, given Daylight Savings Time, and asked if the hours of operation could be adjusted accordingly.

Crowley said yes, and an appropriate hour would be determined.

Sandberg said the safety concerns were primarily for riders, and asked about pedestrian access to sidewalks. She asked if the Council on Community Accessibility (CCA) been involved in the process, impounding scooters, and imposing fines.

Crowley explained that the safety concerns focused on pedestrians. Creating parking corrals, and imposing fines, helped clear the sidewalks. He said that imposing fines for violations was more cost effective than impounding. Members of the CCA had not participated but could in future discussions.

Piedmont-Smith thanked Crowley, Duncan, and White for their collaborative efforts. She believed that the mayor had opted to not enforce law that was passed by council, and referenced the ordinance allowing scooters in the city, including a penalty of \$20 for users and a possible fine of up to \$2500 for scooter companies, and nonrenewal of contracts, as a consequence of violations. She noted public outreach events, helmets, appropriate parking, and more. She asked if there had been any fines to date.

Crowley responded that after the ordinance was passed, there were two pandemic years with minimal use of scooters. There had not been fines to date, and the city favored imposing fines over impounding. He said it was the appropriate time to implement adjustments and enforcement.

Sims spoke about the lack of imposing fines and asked for clarification. He asked if there was push back on hours of operation being from dusk to dawn.

Crowley said that staff, and BPW, was aware of the ability to impose fines. The goal was to determine the best process for changing bad behavior, including rider education and more. The violations were nearly entirely caused by riders and not the company. Having an ever-changing time was not ideal and was technologically difficult to implement. It was best to choose a period of time where the scooters would not function.

Sims did not understand why it was difficult to have a varying time based on daylight. He asked about areas with high use of scooters. He asked what type of education was planned.

Crowley discussed costs with deploying staff. It was ideal to focus on dense areas of usage. The pilot program had been implemented in the downtown area but future action did not have to be limited there. He said that at some point, riders needed to be accountable. The city could not force every rider to use a helmet, but education would help. He believed that over time, scooters would be seen as a needed mode of transportation, and that riders would take safety more seriously.

Rosenbarger thanked everyone for the presentation. She asked if other cities offered incentives for proof of wearing a helmet, like a photo. She wondered if riders preferred standup or sit down scooters, and if the cost was the same.

Duncan said that had not been discussed with the companies, but there were options for taking a selfie photo showing the helmet. Staff had made recommendations based on feedback from the scooter companies and had compromised on the percentage of standup scooters and e-bikes. The cost was the same.

Rosenbarger asked how geofencing worked when a rider rode to where there were no parking corrals, and had to potentially walk through an unsafe area. She asked for clarification on the study on alternatives to scooters that riders said they would have used.

Duncan said that incentivized, appropriate parking could be done. He said that analyzing more data would inform decisions. Data from Bloomington showed that 40-45% of riders would have driven or used something like Uber.

Flaherty thanked everyone for their work. He was in favor of geofencing and recognized issues regarding safety. He discussed sustainability and recent studies that showed scooters had a lifespan of five years. He asked if there was information from the companies about current scooters.

Duncan said he was not sure and would reach out to scooter companies.

Crowley added that companies were opting to use batteries that could be swapped out instead of picking up scooters for charging.

Volan was greatly concerned that the administration had chosen to enforce some laws and not others.

Crowley reiterated that the fines were not mandated, but were allowed. It was not accurate to state that the administration chose to enforce only some laws. He encouraged council to send additional questions to staff.

There were no reports from council committees.

Sonya Murrall commented on her research regarding injury rates across vehicles, including scooters which had the highest rate. She discussed other studies, unsafe and uncertified helmets, wheels, rider positions, and other safety concerns.

Marc Haggerty noted that it was Vietnam Veteran's Day. He asked how to give dental care to aging veterans. He hoped for laws banning assault weapons. He discussed deaths, and other conditions, at the jail.

Scott Feral spoke about his degenerative eye disease and his inability to drive. He commented on his injuries, and lack of safety, relating to scooters in right of ways and gave reasons against having scooters in the city.

Von Welch commented on the CBCI and the impact it would have on the arts. It was ideal to have another community member on the board, especially one with arts expertise. He was concerned about the CBCI, its purview, and the drafting of bylaws.

Christopher Emge, Greater Bloomington Chamber of Commerce, discussed the micro mobility recommendations, including benefits, costs, and safety. He noted upcoming events.

Natalia Galvan spoke about the removal of Traffic Commission (TC) member, Greg Alexander, who had engaged in negative interactions on social media with some members of the community.

City Clerk Nicole Bolden commented on the unprecedented bills at the Indiana statehouse attacking the LGBTQ+ and same-gender loving Hoosiers. She highlighted proposed bills including a "Don't say gay" bill, banning of essential medical care for trans youth, censorship of books, and the restriction on child

- The MAYOR AND CITY OFFICES (cont'd)

- COUNCIL COMMITTEES [8:32pm]

- PUBLIC [8:32pm]

services, considering abusive home environments for trans youth. There was a rally at the Monroe County courthouse called End Hate: Elevate and Celebrate Trans Joy, on April 02, 2023 at 2pm. Bolden encouraged councilmembers to attend the rally in support.

• PUBLIC (cont'd)

Chuck Livingston thanked council for their serious consideration of scooters in the community. He challenged Greg Alexander's claim that half of the Sidewalk Committee's budget was spent in Rollo's district, and spoke of Elm Heights, where there had only been two projects in the last twenty years.

Eric Ost spoke about Greg Alexander's comments and said it was justified to remove him from the TC. He urged council to remove him.

Stephen Lucas read a statement from Sam Dove submitted via Zoom chat stating problems with scooters blocking sidewalks.

Smith moved and it was seconded to appoint Caleb Poer to seat C-1 on the Commission on the Status of Black Males, and to appoint Rob Council to seat C-3 on the Commission on Aging. The motion was approved by a voice vote.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS  
[9:09pm]

Volan moved and it was seconded to reappoint Mike Allen to seat C-1 on the Digital Underground Advisory Committee, to appoint Da'Ja'Nay Askew to seat C-3 on the Dr. MLK Birthday Celebration Commission, and to appoint Cole Moore to seat C-4 on the Traffic Commission. The motion was approved by voice vote.

Volan moved and it was seconded to remove Luke Swain from seat C-3 on the Environmental Commission due to non-attendance pursuant to Bloomington Municipal Code (BMC) 2.08.020, paragraph 4. He stated, in making this motion, I ask that before a formal decision to remove is reached, that the Council give Mr. Swain at least five (5) business days to provide any extenuating circumstances, in writing, in response to this particular motion.

Lucas recommended that motions to remove commissioners or board members, for any reason, be shared with the appointee and to allow five days for a written response.

Volan noted that Swain last attended a meeting in September, and had since missed six meetings.

Sandberg moved and it was seconded to appoint Alex Hakes to seat C-1 and Justin Vasel to seat C-2 on the Bloomington Commission on Sustainability, and appoint Michael Schnoll to seat C-2 on the Parking Commission. The motion was approved by voice vote.

Volan moved and it was seconded that the question of removal be postponed until the Council's Regular Session on April 12. The motion was approved by voice vote.

Rollo moved and it was seconded that Greg Alexander be removed from the Traffic Commission for cause under BMC 2.08.020, paragraph 4, for the following conduct that demonstrates Mr. Alexander's diminished ability and fitness to perform the duties of his appointment:

Statements at Issue: The following statements were made on the social media site Twitter on the following dates:

- On November 3, 2022, in response to a Twitter thread regarding allocation of City funds for sidewalks, user @GregAlexander8 replies: "with all due respect, taking things away from elm heights \*IS\* exactly how the rest of the city gets help."



- On November 5, 2022, in response to a Twitter thread, in which user @clerkmoore used the words “punching through” to describe a planned infrastructure project within Elm Heights, user 3 @GregAlexander8 replies: “i would really like to know. It sounds like they are going to savagely penetrate your neighborhood and I want to know what they’re going to use to do that?”
- On November 16, 2022, user @GregAlexander8 tweeted the following: “haters gonna hate and bloomington democrats gonna lick the shit out from between elm heights’ neighbors ass cheeks”

The Traffic Commission’s duties are listed in Bloomington Municipal Code Section 2.12.070 Paragraph (1) and are as follows:

**Purpose—Duties.** It shall be the duty of the commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

The statements diminish Mr. Alexander’s ability and fitness to perform these duties of appointment in one or more of the following ways:

- Bias. The statements on Twitter from November 3, 2022 demonstrate bias against one of Bloomington’s neighborhoods. The statement advocates for taking city resources away from this neighborhood. This impacts Mr. Alexander’s ability to impartially discharge the enumerated duties in BMC 2.12.070. The following duties are specifically impacted: (1) receiving complaints from residents of this neighborhood and (2) recommending ways and means for improving traffic conditions and the administration and enforcement of traffic regulations within this neighborhood.
- Chilling public engagement. Members of the public have come forward during public comment portions of Council meetings, including the Regular Sessions on January 25, 2023 and February 1, 2023 and the Special Committee on Council Processes meeting on February 20, 2023, to express concern that Mr. Alexander’s behavior has discouraged Bloomington residents from voicing traffic concerns and interacting with the Traffic Commission. The behavior in question includes Mr. Alexander’s statements on Twitter from November 5th and 16th, 2022 that use references to sexual acts and sexual violence to ridicule public concerns about public infrastructure projects. Members of the public have stated that they feel targeted, bullied, and intimidated by Mr. Alexander. This impacts Mr. Alexander’s ability to engage with the public as is required by several enumerated duties of the Traffic Commission, including: (1) carrying on educational activities and (2) receiving complaints regarding traffic matters.
- Bullying and harassment that would be subject to disciplinary procedures under the City of Bloomington employee personnel manual. Volunteers are subject to the City of Bloomington policy prohibiting harassment in the workplace, in Section 3.04 of the personnel manual. Commission service is a volunteer position with the City. The personnel manual defines several behaviors that constitute conduct for which employees may be discharged immediately, including “any action that, whether or not a violation of a regularly established rule, regulation, or policy, is so deleterious to efficient City operations or to the public interest that discipline or discharge could reasonably be expected to result.” Mr. Alexander’s behaviors, including statements on Twitter on November 5 and 16, 2022 that ridicule public concerns with references to metaphors of sexual violence and depict graphic sexual acts, have interfered with public engagement with the Traffic Commission and the City. Members of the public have come forward to

express feeling intimidated, harassed, and bullied. The chilling effect these statements have had on public engagement with the City and Traffic Commission is so deleterious to the public interest that discipline or discharge could reasonably be expected to result under the City of Bloomington's personnel manual.

Rollo made the following statement:

*"To be clear, I do not make this motion because of Mr. Alexander's substantive criticisms of the city, the Council, or myself. Rather, I make this motion out of concern about Mr. Alexander's fitness to carry out the duties of his appointment to the Traffic Commission.*

*In making this motion, I ask that the Council make no formal decision tonight but instead give Mr. Alexander at least five (5) business days to provide any written comments he would like to offer the Council in response to this particular motion."*

Volan questioned how many times a motion could be postponed. He noted the high praises for Greg Alexander from Sarah Ryterband, a TC member. He believed the motion was invalid and that a better process was to have the Special Committee on Council Processes (SCCP) create rules addressing the situation.

Flaherty explained that SCCP had not received legal guidance stating that the city employee personnel manual applied to board and commission members. SCCP had discussed having the manual apply in the future, through code, and asked for clarification. He asked if it was legally correct that commissioners were considered volunteers.

Lucas clarified that council staff had reviewed the manual which stated that volunteers were subject to the city's policy prohibiting harassment in the workplace. Board and commission members could be considered volunteers but council staff could continue to research that question.

Sandberg moved and it was seconded that the question of removal be postponed until the Council's Regular Session on April 12.

Rollo noted the timeline of the original and revised motions. He said that the motion was relevant.

Volan noted that he had suggested that the motion be referred to SCCP. He had hoped that the parliamentarian of council, Rollo, would not have made the motion for an ad hoc vote, but instead send it to committee to create a process.

Sims commented on the process of making council appointments. He said that council may not have appointed Greg Alexander to TC, when the initial recommendation was made to the full council, if there had been a discussion on the concerns regarding his appointment.

Rosenbarger said it was unfortunate that at least three councilmembers knew about the concerns but did not bring it to the attention of the full council.

Rollo said that other councilmembers were not aware of other interview committees' recommendations prior to a council meeting where the recommendation was made.

Volan pointed out that council had the ability to manage its process. He spoke about time limits, not having exceptions to established rules, and more.

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

Vote to postpone  
[9:37pm]

There was no legislation for second reading, or resolutions.

LEGISLATION FOR  
SECOND READING  
AND RESOLUTIONS  
[9:37pm]

LEGISLATION FOR  
FIRST READING  
[9:38pm]

Rollo moved and it was seconded that Appropriation Ordinance 23-01 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Appropriation Ordinance 23-01 – To Specially Appropriate the Current Balance of the Opioid Settlement Fund to Help Address the Impacts of the Opioid Crisis on City and County Residents  
[9:38pm]

Sgambelluri referred Appropriation Ordinance 23-01 to the Regular Session to meet on April 04, 2023.

Rollo moved and it was seconded that Appropriation Ordinance 23-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 23-02 – To Specially Appropriate Funds from the General Fund for Construction of The Trades District Tech Center and Associated Construction Management Services  
[9:39pm]

Sgambelluri referred Appropriation Ordinance 23-02 to the Regular Session to meet on April 04, 2023

Jamie Scholl noted comments on the NextDoor app pertaining to the discussion that evening regarding Greg Alexander. She commented on pay for councilmembers and how much time they spent in that role. She wondered if council was well compensated.

ADDITIONAL PUBLIC COMMENT [9:40pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [9:42pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [9:43pm]

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Isabel Piedmont-Smith, PRESIDENT  
Bloomington Common Council

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

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, April 04, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
April 04, 2023

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

ROLL CALL [6:30pm]

Councilmembers present via Zoom: none

Councilmembers absent: Dave Rollo

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda.

AGENDA SUMMATION  
[6:30pm]

Piedmont-Smith moved and it was seconded to approve the minutes of June 02, 2021, as amended, April 06, 2022, and April 20, 2022. The motion was approved by a voice vote.

APPROVAL OF  
MINUTES [6:pm]  
• June 02, 2021  
(Regular Session)  
• April 06, 2021  
(Regular Session)  
• April 20, 2021  
(Regular Session)

Piedmont-Smith mentioned her upcoming constituent meeting. She read a poem titled, "Backwards," in honor of National Poetry Month, by Warsan Shire, a Somali British poet.

REPORTS [6:33pm]  
• COUNCIL MEMBERS

Rosenbarger invited the community to her upcoming constituent meeting.

Ryan Robling, Planning Services Manager in the Planning and Transportation (PT) department, presented a report on the Comprehensive Plan. The purpose of tracking data was to measure progress on the plan's goals that informed policies. He provided an overview of the Comprehensive Plan and noted programs, outcome, and indicators. Specifically, he noted details pertaining to community services and economics, culture and identity, the environment, and the downtown. Some topics included real per capita personal income in the city, and compared to Lafayette, Indiana, trends in sector employment, demolition requests, cultural and arts institutions, square footage of green roofs, an increase in assessed value for downtown properties, occupancy rates, commuter data, and motor vehicle crash rates resulting in fatalities and serious injuries in Monroe County.

• The MAYOR AND  
CITY OFFICES  
[6:36pm]

Volan asked for clarification on data on downtown parking.

Council questions:

Robling clarified the data pertained to occupancy rate for downtown commercial spaces and did not involve parking.

Volan asked if PT staff expected that rate and if there were plans to convert unoccupied commercial space to residential.

Robling said the rate was normal, and comparable to similar cities. There were two requests for conversion to residential spaces in the immediate downtown but demand was not an issue.

Sims praised Rosenbarger and other proponents of no-right-turn-on-red for being ahead of the curve. He asked if the data on green roofs directly related to concessions for affordable housing.

Robling stated that it did not, the data was prior to the adoption of the Unified Development Ordinance (UDO).

Sims asked about the downtown overlay and the reference to it being "relatively diverse." Sims asked if that included racial and cultural diversity.

Robling said that the diversity index was issued by the census and of the forty four hundred residents in the downtown overlay, the percentage of diverse residents, as noted by the census, was 48.5%. He said that the

downtown was more diverse than Bloomington as a whole. Some of the factors included race, gender, and more.

- The MAYOR AND CITY OFFICES (cont'd)

Piedmont-Smith thanked Robling for the report. She asked for clarification on the data on motor vehicle collisions in Monroe County.

Robling said that all collisions were tallied, and then were broken out in types such as collisions resulting in injury or fatalities.

Piedmont-Smith asked about the data on waste diverted from landfill and the apparent decrease in diverted waste in 2022 compared to 2018, and if it was only waste collected by Sanitation.

Robling said it reflected all waste that was headed to the landfill. He noted that the decrease was due to more residents eating at home during the pandemic, and an annual increase of 15% in collection of solid and waste recycling.

Flaherty moved and it was seconded to extend the time limit on Reports from the Mayor and City Offices until 7:15pm. The motion was approved by a voice vote.

- Vote to extend time limit [7:02pm]

Flaherty thanked Robling for the presentation and asked if PT staff tracked every indicator, annually.

Robling said no and that staff picked twenty five indicators yearly, and included ones selected before that had a baseline.

Flaherty asked about the interpretation of results and asked how to best use the data to improve policy. He asked if it was not feasible to track every indicator as well as how well equity outcomes were measured.

Robling said that future updates on the Comprehensive Plan would involve goals and objectives, rather than just indicators. A deeper dive on a particular chapter would give better results to inform policy. He confirmed it was not feasible to track every indicator. He noted that many indicators did not take equity into account. Staff could certainly track equity better.

Flaherty asked if staff was open to reporting on indicators and outcomes that was manageable for staff and would help drive more equitable policy outcomes in a more intentional way.

Robling said absolutely, yes.

Smith asked for more information on the demographic profile and the median household income and the home values.

Robling said that 93% of those residents were renters and the majority were students or of student-age.

Sgambelluri asked for clarification on the dramatic change in some industries.

Robling stated that he did not have additional information because the data was compiled by the census bureau.

Volan asked if there was a way to separate non-student groups in the data.

Robling believed that was not easily done since the data was not the city's.

Piedmont-Smith commented on occupancy rate in certain areas in the city and asked if there was additional information on the low counts.

Robling said that many students left during the pandemic, and the census sent a mailer and if there was no response, then it was counted as unoccupied.

There were no reports from council committees.

- COUNCIL COMMITTEES [7:13pm]

Terry Amsler commented on excerpts pertaining to public engagement.

- PUBLIC [7:14pm]
- PUBLIC (cont'd)

Chase Techentin discussed his experience with homelessness in the city. He noted the correlation of affordability and homelessness. He urged council to revisit zoning that restricted supplying more housing.

Eric Ost talked about improving neighborhood involvement with local government, and talked about assessed property value in the city. He appreciated everyone involved in the BeClear data portal.

Sims moved and it was seconded to appoint Emma Williams to seat C-1 on the Human Rights Commission. The motion was approved by a voice vote.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS  
[7:26pm]

LEGISLATION FOR  
SECOND READING  
AND RESOLUTIONS  
[7:27pm]

Piedmont-Smith moved and it was seconded that Appropriation Ordinance 23-01 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Deputy Clerk Susan Stoll read the legislation by title and synopsis.

Appropriation Ordinance 23-01 – To Specially Appropriate the Current Balance of the Opioid Settlement Fund to Help Address the Impacts of the Opioid Crisis on City and County Residents  
[7:27pm]

Piedmont-Smith moved and it was seconded to adopt Appropriation Ordinance 23-01.

Amendment 01 to Appropriation Ordinance 23-01

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Appropriation Ordinance 23-01. Stephen Lucas, Council Attorney, presented Amendment 01.

Amendment 01 Synopsis: A previous item of legislation adopted on January 25, 2023 was numbered Appropriation Ordinance 23-01. This amendment would assign a new number (23-03) to the present appropriation ordinance.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Appropriation Ordinance 23-01 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Appropriation Ordinance 23-01  
[7:28pm]

Beth Cate, Corporation Counsel, presented Appropriation Ordinance 23-03 and reminded council of the appropriation of funds for the opioid crisis to be managed by the Community and Family Resources (CFR) department. She provided details on the city’s participation on the opioid crisis settlement, allowed uses of the funds, and other statutory information.

Beverly Calender-Anderson, Director of the CFR, discussed the appropriation of the 2022 opioid settlement for the city totaling of \$391,906. She explained CFR’s services and outreach, done in conjunction with community nonprofits, to address things like homelessness and more. She noted other programs like naloxone supply and education, and drug and syringe disposal units, and education. She described city efforts in working with the county.

Volan asked why 2022 funding was not appropriated the previous year.  
Calender-Anderson said that the request was being done that evening.

Appropriation Ordinance 23-03  
(cont'd)

Sandberg asked about the partnerships for the use of matching funds, and funding for those seeking treatment.

Council questions:

Calender-Anderson explained that there was a partnership between the city, the county, and the Family and Social Services Administration (FSSA). She said that the city's portion focused on harm reduction. She said treatment options would be forthcoming.

Eric Spoonmore discussed syringe exchange funding and services. It was not an exchange program because only seven hundred and eight were collected and two hundred and sixty four thousand were unaccounted for.

Public comment:

Randy Cassidy spoke about his experience encountering syringes tossed in places like construction sites and if those syringes could be tracked.

Forrest Gilmore commented in support of Appropriation Ordinance 23-03 and said that the funding supported street outreach and assistance at Beacon. He provided additional details and discussed homelessness which had been steady since 2015.

Calender-Anderson reiterated that CFR's program would address proper disposal of syringes, and medication, and was not an exchange program.

Volan asked if staff agreed with the data referenced by Gilmore and if council could see it.

Council comments:

Calender-Anderson stated the information was collected annually via Point in Time counts gathered by the state, and explained how it was aggregated for the city.

Smith asked how treatment for the incarcerated population worked.

Calender-Anderson said that treatment fell under the purview of the county, who had also received funding.

Piedmont-Smith supported the programming, partnerships, and looked forward to hearing about positive outcomes.

The motion to adopt Appropriation Ordinance 23-03 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt  
Appropriation Ordinance 23-03 as amended [7:53pm]

Piedmont-Smith moved and it was seconded that Appropriation Ordinance 23-02 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Stoll read the legislation by title and synopsis.

Appropriation Ordinance 23-02 – To Specially Appropriate Funds from the General Fund for Construction of The Trades District Tech Center and Associated Construction Management Services [7:53pm]

Piedmont-Smith moved and it was seconded that Appropriation Ordinance 23-02 be adopted.

Pat East, Executive Director, The Mill, presented the legislation and provided reasons in support. He gave an expansive history of The Mill, including its initiatives, successes, demographics, and goals as a startup and coworking space.

Appropriation  
Ordinance 23-02  
(cont'd)

John Fernandez, Senior Vice President for Innovation and Strategic Partnerships, The Mill, described the proposed Trades District Tech Center. He referenced the memo submitted to council and highlighted the team working on the center. He described the purpose of the center, like closing wage gaps, creating good-paying jobs, driving regional innovation, capitalizing assets, and partnering with key industries. It would have a positive impact on community members.

Pete Yonkman, President of Cook Group Medical, spoke about his involvement with The Mill, and highlighted the important work and innovation done there. It allowed he and his wife to interact with community members that he might not have done so otherwise. He spoke about the successful work of the staff at The Mill, and gave a summary of his experience with The Mill.

Valerie Peña, Office of University Relations, Indiana University (IU), noted IU's support of The Mill and provided reasons to continue to support the work done there. She noted some partnerships that could be furthered between IU, The Mill, and other organizations.

Volan welcomed back John Fernandez as a former mayor and former councilmember. He asked about the new jobs and the capacity of employees in the building. He asked about other available office space in the city.

Council questions:

Fernandez explained that the total leasable space was twelve thousand five hundred and seventy seven square feet, along with social spaces. He spoke about the benefit of collocating and having quality space.

Ashley Thornberry, Studio Access, explained that building code allowed for up to one hundred and fifty tenants at one time. The setup of the building would allow for expansion within a particular startup.

Sandberg asked about recruiting plans.

Fernandez said that it was early in the planning process, but was being discussed with established stakeholders. The quality of the space was essential to attract talent and create a hub and there would be marketing efforts.

Piedmont-Smith asked if the Community Revitalization Enhancement District (CRED) funds had always been considered as a source of funding.

Alex Crowley, Director of Economic and Sustainable Development (ESD) department, said that there was an initial cost, but the construction design gave greater accuracy of the actual costs. That was when CRED funds were first considered.

Piedmont-Smith said the CRED funds were reverted to the general fund, and asked if they were contained in a separate budget than what was adopted the previous year. She asked how the remaining funds would be used.

Crowley would follow up regarding the CRED funds. The remaining CRED funds did not have a specific plan.

Volan asked about potential tenants.

Fernandez said that there were requirements, including the construction of the building, before going to the bidding process. Funding had to be officially encumbered. There were not tenants currently lined up.

Smith asked about ongoing costs to the city.

Fernandez said the goal was to not have ongoing costs for the city and gave additional details.



Sims asked for additional information on the goals for broader diversity and income levels at The Mill.

East described partnerships with organizations like the Boys and Girls Club to educate on entrepreneurship, and more, with long term goals of working with Kindergarten-12<sup>th</sup> grade students. There was a benefit of staying in Bloomington to improve the city. East gave additional information on diversity and investments into the minority community.

Appropriation Ordinance 23-02 (cont'd)

Council questions:

Sandberg asked about the city's nonprofit, City of Bloomington Capital Improvement (CBCI), and how it would interact with The Mill.

Fernandez said that CBCI would not focus on the Trades District.

Crowley added that the CBCI would not intervene with successful city assets. He provided information on the current, successful management of the Waldron Arts Center, and the Buskirk Chumley theater. He noted that CRED funds were in the general fund and not in a specific line item.

Piedmont-Smith asked if there was no specific tracking for the CRED funds. She asked for further information on the city's ongoing costs for the center.

Crowley explained that the CRED dollar spending was to be determined.

Fernandez said that the cost to the city would be for utilities and would be covered in the future by tenant revenue.

Volan asked for clarification on job creation for those without a baccalaureate. He was concerned with using CRED funds and noted Tax Increment Financing (TIF) funding that could be used. He asked what the plans were for the remaining CRED funds and if they would be spent in the downtown areas.

Crowley referenced the formation of the CRED and its intent. He explained differences with types of CRED; site-specific versus a general downtown area. The administration did not have specific plans for the remaining funds.

Volan gave reasons for the use of downtown CRED funds for infrastructure in the downtown, like a trolley, or alley improvements.

Crowley explained that the proposed center tied in closely with community enhancement, thus aligning with the original intent of the CRED.

Jennifer Pearl, President of the Bloomington Economic Development Corporation (BEDC), said that job creation was the primary goal for the local community. Major local employers, like General Electric, had left the city, and the pandemic had negatively impacted life sciences and other local industries. Job diversity was necessary. The goal was to develop talent pipelines, such as a partnership with Ivy Tech Community College. She said that the tech center was more than just a building, that it was a hub to generate diverse jobs.

Public comment:

Steve Bryant, Ivy Tech and Cook Center for Entrepreneurship, spoke in favor of the proposal and described his role in the process. He noted that some jobs at the tech center would include two-year degrees and certifications, et cetera.

Jean Martin, chaired the first board of The Mill and spoke in favor of it and its operations. She gave reasons in support of the tech center. Bloomington needed a hub like the tech center to close gaps in the core economy. She highlighted The Mill's efforts in supporting entrepreneurship for people of color, women, and the youth.

Eric Spoonmore, Greater Bloomington Chamber of Commerce, believed that the tech center was a good use for the CRED funds. He gave reasons in support.

Randy Cassidy, member of the Redevelopment Commission, and voted in support of the tech center, spoke in support of the partnership for the Trades District and gave reasons for his support.

Volan asked for further clarification on the jobs that would be created, that would require a four-year degree or higher.

Council comments:

East spoke about upskilling and said staff focused on unemployed and underemployed community members for jobs like coding. The technological world was ever-evolving and companies were hiring employees trained through certifications and bootcamps as opposed to having a four-year degree.

Appropriation Ordinance 23-02  
(cont'd)

Volan moved and it was seconded to postpone adoption of Appropriation Ordinance 23-02 until April 12, 2023.

There was brief discussion regarding the postponement of Appropriation Ordinance 23-03 and the source of funding, including CRED and TIF funds.

Volan was concerned about the lack of estimate on new jobs that would not require a four-year degree. He was also concerned with the use of CRED funds.

Smith concurred that further clarification justified postponement though he believed the proposal was wonderful.

Volan asked if council could amend the appropriation to exclude CRED funds.

Lucas stated that appropriations needed to be initiated from the executive branch of the city.

Sgambelluri agreed that it would be helpful to obtain more information, though she believed it was a good proposal.

The motion to postpone adoption of Appropriation Ordinance 23-02 until April 12, 2023 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to postpone  
[9:39pm]

There was no legislation for first reading.

LEGISLATION FOR  
FIRST READING  
[9:40pm]

Dave Askins commented on council processes, amendments, and first readings.

ADDITIONAL PUBLIC  
COMMENT [9:40pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE  
[9:41pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT  
[9:43pm]

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Isabel Piedmont-Smith, PRESIDENT  
Bloomington Common Council

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

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 12, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
April 12, 2023

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived at 6:31pm)  
Councilmembers present via Zoom: none  
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda.

AGENDA SUMMATION  
[6:30pm]

There were no minutes for approval.

APPROVAL OF  
MINUTES [6:32pm]

Smith reported on the petitions at the recent Plan Commission's meeting.

REPORTS [6:33pm]  
• COUNCIL MEMBERS

Rollo requested the total expenditures for annexation.

Piedmont-Smith spoke about the Middle Way House luncheon, and noted that April was Sexual Assault Awareness Month. She expressed her appreciation for Representatives Justin Jones and Justin Pearson, who had been expelled by the Tennessee legislature, in a racist act for their protest against gun violence.

Sgambelluri acknowledged work done by the Alternative Public Safety Outreach Committee, a subset of the Community Advisory on Public Safety (CAPS) commission at a town hall event.

Mayor John Hamilton stated that more detailed information on costs, and public feedback, pertaining to annexation was forthcoming. The total cost to date was \$1.33 million. He noted that half of the annexation costs were due to the Indiana General Assembly (IGA) illegally pausing annexation in 2017. The Indiana Supreme Court found in favor of Bloomington and against IGA. He said it had been twenty years since any annexations were done. Hamilton provided numerous reasons in support of annexation. He briefly discussed Project 46.

• The MAYOR AND  
CITY OFFICES  
[6:44pm]

There was brief discussion regarding annexation costs, litigation, next steps, and the timeline. There was additional discussion regarding Tax Incremental Financing (TIF) funds and Redevelopment Commission (RDC) projects.

Council discussion:

Piedmont-Smith moved and it was seconded to extend the time limit on Reports from the Mayor and City Offices until 7:25pm. The motion was approved by a voice vote.

Vote to extend time  
limit [7:04pm]

Devta Kidd, Innovation Director, thanked council for the participation in the Sidewalk Innovation project. She described the process, problems that were identified, barriers that blocked sidewalks, solutions and ideas, recommendations, and next steps.

There was discussion regarding alternative materials for sidewalks, trash and recycling bins on sidewalks, community feedback, and funding for sidewalks.

There were no reports from council committees.

• COUNCIL  
COMMITTEES  
[7:25pm]

Greg Alexander spoke about sidewalks and his work on the Traffic Commission (TC). He discussed his comments on social media that instigated a motion to remove him from the TC.

• PUBLIC [7:26pm]

Caroline Wilder commented on her project at Indiana University (IU), as a student, and asked how best to engage with councilmembers.

• PUBLIC (cont'd)

Travis Washington noted his goal of planting over one hundred trees in the city in an effort to bring people together regardless of their background.

Piedmont-Smith provided background on the motion to remove Luke Swain at a prior Regular Session. Final action was postponed until the current Regular Session. There were unsuccessful efforts from council staff and Planning and Transportation (PT) staff to contact Swain.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS  
[7:34pm]

Piedmont-Smith moved and it was seconded to remove Luke Swain from seat C-3 on the Environmental Commission due to non-attendance pursuant to Bloomington Municipal Code 2.08.020, paragraph 4. The motion was approved by a voice vote.

Vote to remove  
commissioner  
[7:37pm]

LEGISLATION FOR  
SECOND READING  
AND RESOLUTIONS  
[7:37pm]

Rollo moved and it was seconded that Appropriation Ordinance 23-02 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Appropriation  
Ordinance 23-02 – To  
Specially Appropriate  
Funds from the  
General Fund for  
Construction of the  
Trades District Tech  
Center and Associated  
Construction  
Management Services  
[7:38pm]

Rollo moved and it was seconded that Appropriation Ordinance 23-02 be adopted.

Pat East, Executive Director, The Mill, gave a brief summary of the proposal presented at the previous council meeting.

Volan asked why Tax Incremental Financing (TIF) funds were not selected instead of the Community Revitalization Enhancement District (CRED) funds. He asked what the total TIF funds were.

Council questions:

Cheryl Gilliland, Director of Auditing and Financial Systems, Office of the Controller, said TIF funding was \$26 million. TIF funds supported many projects, though the primary one was Hopewell. It was estimated to cost \$25 million. TIF funds were about \$17 million per year. Staff would provide council with additional details.

Sgambelluri asked for clarification on the tracking of CRED funds.

Gilliland said the CRED funds in the general fund could be tracked.

Volan asked why the administration believed it was not necessary to spend CRED funds in the district from which they were collected.

Alex Crowley, Director of Economic and Sustainable Development (ESD) department, clarified how the city collected CRED funds. It was a benefit for the whole city and was not required to be spent in the district.

Volan explained that he had voted for the CRED with the assumption that the funds would be spent in the district.

Crowley clarified that the district no longer existed so the funds were not restricted to the district. The Thompson CRED expired in 2019 and the downtown CRED expired in 2022. Significant amounts of funds were spent prior to the expirations.

Volan disagreed that the funds did not need to be spent in the district. He asked what some of the expenditures were.

Crowley gave examples of some expenditures.

Sandberg asked what the district was, its boundaries and recipients.

Crowley described the Thompson CRED and the downtown CRED areas. The funding was collected through state sales tax, and payroll tax, and then redistributed by the state. He gave additional details.

Appropriation Ordinance 23-02  
(cont'd)

Rollo asked how much had been spent from the CREDs.  
Crowley said staff would research that and let council know.

Council questions:

Sandberg asked if the downtown merchants were ever consulted on what the funds could be spent on.

Crowley reiterated that the downtown merchants did not contribute to the CRED funds. Sales tax and payroll tax was collected by the state and then shared with the city, by the state. Merchants did not pay into the CRED.

Volan asked if there was a CRED report.

Crowley said a report could be generated from the accounting system.

Flaherty noted that all the information being discussed that evening had been included in a packet from the previous Regular Session.

Crowley stated there was information, but that there was not line item information. Specific council questions had been addressed in the memo.

Flaherty followed up and referenced the previous week's packet that listed the spending of CRED funds.

Piedmont-Smith asked if there was going to be sub accounting of the CRED funds. She said that the systems referenced were not easily available to councilmembers so a report would be useful.

Gilliland reiterated that staff could track CRED fund expenditures without it having to be a sub account. She said a report would be generated for council.

Sandberg asked about plans for the remaining funds.

Crowley stated there were no plans at the time.

Sgambelluri asked if the funding source for expenditures could be identified.

Gilliland stated that staff could differentiate between sources of funds.

Sims asked if it was correct that for any appropriation in the future, staff would prepare the sources of funding.

Crowley confirmed that was correct and was ideal.

Jennifer Pearl, President, Bloomington Economic Development Corporation (BEDC), spoke in favor of the proposal.

Public comment:

Christopher Emge, Greater Bloomington Chamber of Commerce, supported using CRED funds in the project as an economic development project.

Volan commented that the downtown CRED funds were supposed to be used in the downtown and referenced some of the expenditures. He planned to propose a downtown circulator. He regrets not having paid more attention to the CRED funds, and discussed problems with process.

Council comments:

Piedmont-Smith was excited about the proposal and said the building would activate the Trades District. She was pleased with the sustainable design of the building, resulting in a Leadership in Energy and Environmental Design (LEED) certification. She discussed concerns with the process, and said she would have preferred a separate budget process for CRED funds.

Rollo sympathized with Volan's concerns. He expressed concerns with funding for the Showers West plans for public safety offices.

Flaherty noted his support for the proposal and understood councilmembers' concerns about the CRED funds. He referenced expenditures from the CRED

and the remaining \$10 million. He listed some options council could take regarding future appropriations.

Appropriation Ordinance 23-02  
(cont'd)

Smith believed the proposal was a great project. He believed councilmembers had made good points that evening too.

Council comments:

Sandberg agreed that the proposal was important and worthy. She was concerned about transparency and noted that there were funds earmarked for public safety that were not CRED funds. She now understood that CRED funds could be used throughout the community. She wanted a fiscal analysis of the Showers West purchase and collocating public safety.

Rosenbarger supported the proposal and expressed sympathy for Volan's concerns. She noted other projects in the city. She was pleased that Trades District was more than just technology, and appreciated having that space. She said there could be subsidies in the district.

Sims spoke about transparency in the appropriation process. Once a CRED district expired, the rules changed. He supported the proposal and suggested that some of the funding be used for sidewalks.

Volan believed the proposal was worthy. He still believed that the proposal could have been funded by the TIF and not CRED. He reiterated his concerns regarding the use of CRED funds.

Sgambelluri believed the proposal was solid, and would support it, but she share councilmembers' concerns.

The motion to adopt Appropriation Ordinance 23-02 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Volan).

Vote to adopt Appropriation Ordinance 23-02  
[8:43pm]

Rollo moved and it was seconded that Resolution 23-06 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Resolution 23-06 - To Approve the "Project 46" Southern Indiana Regional Climate Alliance [8:43pm]

Rollo moved and it was seconded that Resolution 23-06 be adopted.

Crowley presented the legislation and gave brief details on the project including uniting the regional communities to address the climate crisis.

Sims asked for clarification on the participants and cost.

Council questions:

Crowley said it was Bloomington, Monroe County, Nashville, Columbus, Brown County, and Bartholomew County, if they all approved legislation. Bloomington would contribute \$42,500, annually, from ESD.

Volan asked if there were other participants.

Crowley said Ellettsville could participate. The cost would not be duplicated by incorporated cities.

There was no public comment.

Public comment:

Piedmont-Smith said the project was a great first step for regional climate action. She gave reasons in support and noted her recent interactions with participating elected officials.

Flaherty believed there was opportunity for knowledge-sharing, with the goal of setting targets, regionally. He thanked staff for the work on the proposal.

Sandberg agreed the proposal was a good first step. She noted the Lake Monroe Watershed summit and said regional partnerships were essential.

Sims concurred that the proposal was a good first step, and said that a regional collaboration was crucial.

Resolution 23-06  
(cont'd)

Volan and Rosenbarger agreed with councilmembers' comments.

Council comments:

The motion to adopt Resolution 23-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt  
Resolution 23-06  
[8:57pm]

LEGISLATION FOR  
FIRST READING  
[8:57pm]

Rollo moved and it was seconded that Ordinance 23-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 23-04 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Technical Corrections Set Forth in BMC 20 [8:57pm]

Sgambelluri referred Ordinance 23-04 to the Regular Session to meet on April 19, 2023.

Rollo moved and it was seconded that Ordinance 23-05 be introduced and read by title and synopsis only. The motion was approved by voice vote with a dissent from Volan. Bolden read the legislation by title and synopsis.

Ordinance 23-05 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amendments and Updates Set Forth in BMC 20.03; 20.05; And 20.07 [8:58pm]

Sgambelluri referred Ordinance 23-05 to the Regular Session to meet on April 19, 2023.

Rollo moved and it was seconded that Ordinance 23-06 be introduced and read by title and synopsis only. The motion was approved by voice vote with a dissent from Volan. Bolden read the legislation by title and synopsis.

Ordinance 23-06 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amendments and Updates Set Forth in BMC 20.04 [8:59pm]

Sgambelluri referred Ordinance 23-06 to the Regular Session to meet on April 19, 2023.

Rollo moved and it was seconded that Ordinance 23-07 be introduced and read by title and synopsis only. The motion was approved by voice vote with a dissent from Volan. Bolden read the legislation by title and synopsis.

Ordinance 23-07 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amendments and Updates Set Forth in BMC 20.06 [9:00pm]

Sgambelluri referred Ordinance 23-07 to the Regular Session to meet on April 19, 2023.

Volan moved and it was seconded that Ordinance 23-05, Ordinance 23-06, and Ordinance 23-07 be referred to the Regular Session to meet on May 03, 2023.

There was brief council discussion on the motion including the Plan Commission's unanimous recommendation of the legislation.

Volan withdrew his motion after brief discussion.

Withdrawal of motion  
[9:05pm]

Dave Askins, Be Square Bulletin, asked about the motion to remove Greg Alexander from the Traffic Commission.	ADDITIONAL PUBLIC COMMENT [9:05pm]
Rollo withdrew his motion from March 29, 2023 to remove Greg Alexander from the Traffic Commission.	Withdrawal of motion [9:08pm]
Lucas reviewed the upcoming council schedule.	COUNCIL SCHEDULE [9:08pm]
Sgambelluri adjourned the meeting with no objections.	ADJOURNMENT [9:10pm]

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Isabel Piedmont-Smith, PRESIDENT  
Bloomington Common Council

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

For Approval





## MEMO FROM COUNCIL OFFICE:

**To:** Members of the Common Council

**From:** Ash Kulak, Deputy Council Administrator/Attorney

**Date:** January 12, 2024

**Re:** Resolution 2024-01 - To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2024

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### Synopsis

The City of Bloomington is eligible for a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development estimated to be \$855,868. This resolution outlines program recommendations by the Mayor with input from the Citizen's Advisory Committee and the Redevelopment Commission. Pursuant to federal regulations, CDBG allocations are made across the following general program areas: Social Services Programs, Physical Improvements, and Administrative Services.

### Relevant Materials

- Resolution 2024-01
- Staff Memo - Anna Killion-Hanson, Interim Director, Housing and Neighborhood Development Department
  - Includes Project Summaries and CAC membership
- Redevelopment Commission Resolution 23-104
  - Exhibit A - Physical Improvement Recommendations by Citizens Advisory Committee
  - Exhibit B - Social Service Recommendations by Citizens Advisory Committee
- Citizens Advisory Committee Materials
  - CDBG Eligibility Guidelines
  - Social Services - Application Scoring Criteria
  - Social Services - Final Allocation Worksheet
  - Physical Improvements - Final Allocation Worksheet

### Summary

Resolution 2024-01 approves the Mayor's recommendations for allocating Community Development Block Grant (CDBG) funds for 2024. Information and resources related to the CDBG Program can be found on the [HUD Exchange Explore CBDG Programs webpage](#). More information about eligibility and requirements can be found in the CDBG Program's [Entitlement Program Fact Sheet](#) and a general overview fact sheet [About the CDBG Program](#).



As an “entitlement” city, the City of Bloomington receives CDBG funds from the U.S. Housing and Urban Development Department (HUD). HUD determines the amount of each entitlement grantee’s annual funding allocation by a statutory formula that uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas. The City expects to receive approximately \$855,868 in CDBG funding this year.

### Citizens Advisory Committees

HUD administers and regulates CDBG funds. HUD requires that funding for all projects and programs be tied to HAND’s [Consolidated Plan](#). Additional information made available to applicants can be viewed online at [CDBG Application Information page](#).

The *2020-2024 Consolidated Plan* was used to inform this round of allocations. The City also relies on a CDBG Citizens Advisory Committee (CAC), which is divided into two subcommittees: Social Services and Physical Improvements. The membership of CAC is as follows: two City Council members, two Redevelopment Commission members, and up to 18 community members appointed by the Mayor. The CAC meets as a whole committee only at the beginning of the process for an Organizational meeting. After that, each subcommittee meets separately. These two subcommittees review applications and make recommendations for the allocation of funds.

### Process

The CDBG funding process spans about 10 months from September/October of one year to June/July of the next. Council consideration of allocations has often occurred in February/March and funds may become available in June/July. In the months prior to that, the following occurs:

- In September, application and submission information becomes available for interested agencies.
- In October, agencies must submit a letter of intent outlining their proposal and attend a mandatory training.
- In late November/early December, completed applications are due.
- In January, CAC holds public hearings to consider and make recommendations.
- In February, the Redevelopment Commission reviews the recommendations of CAC and forwards its decision to the Mayor, who then forwards them to the Council.

Note that this year, the Council is being asked to consider allocations earlier than normal, since the CAC met and made its recommendations for allocations for both social services and physical improvements at the end of November of 2023, and the RDC reviewed and approved those recommendations in early December of 2023.



**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)

**Eligibility and Allocation**

HUD regulations require that the city use at least 70% of CDBG funds for the benefit of low-to-moderate income persons. The remaining funds may be used to prevent or eliminate blighted areas or to address community development needs arising from serious and immediate threats to the health or welfare of the community. HUD regulations also require that CDBG funds be allocated among three categories according to the following formula: no more than 15% may be allocated for social service programs; no more than 20% may be used for administrative costs; and at least 65% must be used for physical improvements. The allocation of funds in this resolution is split along those exact criteria.

As noted in the opening paragraph, the funding figure of \$855,868 is an estimate and HUD may send the city more or less than the expected amount of funds. For that reason, the recommendations and resolution specify how funds will be allocated in the event of a surplus or shortfall.

**Contact**

Anna Killion-Hanson, Interim Director, HAND, [anna.killionhanson@bloomington.in.gov](mailto:anna.killionhanson@bloomington.in.gov), 812-349-3420

**RESOLUTION 2024-01**

**TO APPROVE RECOMMENDATIONS OF THE MAYOR FOR DISTRIBUTION OF  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR 2024**

WHEREAS, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the approximate amount of \$855,868 of grant funds for Fiscal Year 2024 pursuant to the Housing and Community Development Act of 1974 as amended; and

WHEREAS, the national objectives of the Community Development Program are:

1. first and foremost, the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and
2. the elimination of slums and blight, and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and
3. the elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities; and
4. the conversion and expansion of the Nation's housing stock in order to provide a decent home and suitable living environment for all persons, but principally those of low and moderate income; and
5. the expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for development of viable urban communities; and
6. the integration of income groups throughout the community by spreading persons of lower income into more prosperous neighborhoods and drawing persons of higher income to declining and deteriorated neighborhoods; and
7. the alleviation of physical and economic distress through the stimulation of private investment and community revitalization; and

WHEREAS, federal guidelines set forth a formula for funding where no more than 15% of the total grant may be allocated for social services programs, no more than 20% of the total grant may be allocated for administering these funds, and at least 65% of the total grant must be allocated for physical improvements; and

WHEREAS, the allocation for administering the grant may be used for a broad range of direct and indirect costs which includes but is not limited to salaries, rent, and fuel; and

WHEREAS, a statement of community development objectives and projected use of the funds has been advertised; and

WHEREAS, said statement and projected use of funds reflects programs recommended by the Mayor with input from the Citizen's Advisory Committee and the Redevelopment Commission and are consistent with local and national objectives of the Housing and Community Development Act of 1974, as amended;

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

SECTION 1. The following programs are approved as follows:

<b>COMMUNITY DEVELOPMENT PROGRAMS SOCIAL SERVICES PROGRAMS FUNDING</b>	<b>FISCAL YEAR 2024 ALLOCATION</b>
Community Kitchen	\$19,600.00
New Leaf New Life	\$18,550.00
Beacon Inc.	\$18,450.00
Middle Way House	\$18,400.00
Hoosier Hills food bank	\$18,350.00
Mother Hubbard’s Cupboard	\$17,900.00
Monroe County United Ministries	\$17,130.20
<b>TOTAL</b>	<b>\$128,380.20</b>

<b>COMMUNITY DEVELOPMENT PROGRAMS PHYSICAL IMPROVEMENTS PROGRAMS FUNDING</b>	<b>FISCAL YEAR 2024 ALLOCATION</b>
Centerstone of Indiana	\$200,000.00
LifeDesigns	\$86,515.00
Monroe County United Ministries	\$48,771.00
New Hope For Families	\$52,500.00
Summit Hill Community Development Corp./Bloomington Housing Authority	\$168,528.20
<b>TOTAL</b>	<b>\$556,314.20</b>

<b>COMMUNITY DEVELOPMENT PROGRAMS ADMINISTRATION FUNDING</b>	<b>FISCAL YEAR 2024 ALLOCATION</b>
Administration of Housing and Neighborhood Development Department	\$171,173.60
<b>TOTAL</b>	<b>\$171,173.60</b>

**TOTAL ALLOCATION** **\$855,868.00**

SECTION 2. In the event the City of Bloomington receives more or less of the anticipated funding, that amount shall be distributed in the following manner:

Social Services: If the 2024 funding level is greater than \$128,380.20, overage funds will be distributed as follows: All receiving agencies will have the excess funds distributed evenly with no amount to exceed \$25,000.

If the 2024 funding level is less than \$128,380.20, funds will be distributed as follows: All agencies will have funding reduced based on a ceiling of \$20,000 multiplied by the average score each agency received from the Citizen Advisory Committee members.

Physical Improvements: If CDBG funding for Physical Improvements exceeds \$556,314.20, the additional funding will be split equally between SHCDC/BHA and New Hope for Families projects.

If CDBG funding for Physical Improvements is less than \$556,314.20, the funding shall be reduced equally between New Hope for Families and SHCDC/BHA but shall not reduce below \$30,000 for New Hope and \$147,848 for SHCDC/BHA. If those thresholds are met, the remaining projects being funded (Centerstone, Life Designs & MCUM) will be reduced proportionally.

SECTION 3. No funds for a project approved herein may be expended prior to the completion of an environmental review required by Part 58 of the federal Code of Regulations (CFR) and a Notice to Proceed being issued by City program staff. The Environmental Review Record (“ERR”) must be completed before any funds are obligated through the execution of a funding agreement between the City of Bloomington and the subrecipient. The responsibility for issuing the Notice to Proceed shall rest with the City of Bloomington. Any activities within the scope of a project approved in this resolution that begin prior to the completion of the environmental review or funding agreement execution may be a risk of a choice limited action that risks funding. Subrecipients are to coordinate with City CDBG program staff to appropriately plan project timelines.

SECTION 4. This resolution 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, 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 \_\_\_\_\_, 2024.

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

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

\_\_\_\_\_  
KERRY THOMPSON, Mayor  
City of Bloomington

### SYNOPSIS

The City of Bloomington is eligible for a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development estimated to be \$855,868. This resolution outlines program recommendations by the Mayor with input from the Citizen’s Advisory Committee and the Redevelopment Commission. Pursuant to federal regulations, CDBG allocations are made across the following general program areas: Social Services Programs, Physical Improvements, and Administrative Services.



**To: Bloomington Common Council**  
**From: Anna Killion-Hanson, Interim Director, Housing and Neighborhood Development Department**  
**Date: January 4, 2024**  
**Subject: Program Year 2024 Community Development Block Grant Funding**

The Community Development Block Grant (CDBG) is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective is to develop viable urban communities by providing low to moderate income individuals with decent housing, a suitable living environment, and expanded economic opportunity. The City of Bloomington is an entitlement community under this program and receives an annual allocation of CDBG funds. The U.S. Department of Housing and Urban Development (HUD) requires entitlement communities to present a Consolidated Plan every five years. The Consolidated Plan outlines the objectives and anticipated program activities for the next five years that will utilize CDBG funds. This document requires the City to analyze its housing policies and practices, as well as evaluate access to housing within the community and make sure there are not discriminatory practices which would prevent access to free and affordable housing choices.

In addition, each entitlement community is required by HUD to develop a citizen participation plan as part of its Consolidated Plan. This plan sets out procedures for public input into the allocation process. The City of Bloomington has an extremely open process for public input. The allocation recommendations are made by the Citizens Advisory Committee (CAC), which is made up of citizens from the community, including members of the Common Council. A membership list is included in this packet. The CAC is divided into two sub-committees; one to review Physical Improvement applications and one to review Social Service applications. In addition to each sub-committee's public hearing, the Redevelopment Commission meeting during which the CDBG funding is considered for approval is also open to public comment.

Each year, an Annual Action Plan (AAP) is developed outlining the programs and activities that will be undertaken with the upcoming year's CDBG funds. The activities that will receive funding are divided into three distinct categories: Physical Improvements, Social Services, and Administration. By law, no more than 15% of the total grant may be used for Social Services and no more than 20% may be used for Administration. The remaining 65% is used for Physical Improvements. Additionally, the City can allocate any program income received. Program income is defined as gross income received by the grantee and its sub-recipients directly generated from the use of CDBG funds.

The fiscal year 2024-2025 estimated allocations are as follows:

<b>Total Allocation:</b>	<b>\$855,868 (approximate total)</b>
<b>Physical Improvements:</b>	<b>\$556,314.20 (65%)</b>
<b>Social Services:</b>	<b>\$128,320.20 (15%)</b>
<b>Administration:</b>	<b><u>\$171,173.60 (20%)</u></b>
<b>Total:</b>	<b>\$855,868</b>

Included in these materials is a brief description of each program and recommended allocation amount. Also attached is the Redevelopment Commission Resolution 23-104, which was approved by the RDC on December 4, 2023. Please note that at the time of the CAC recommendations and the passing of Resolution 23-104, the CDBG annual allocation amount is an estimation. The Redevelopment Commission and Common Council Resolutions outline how funds should be allocated if more or less of the estimated amount is received. If approved, this Common Council Resolution will affirm the recommendations of the CAC, the Redevelopment Commission, and the Mayor.

## **Program Year 2024 Project Summaries**

### **Physical Improvements Projects Summary**

#### Centerstone

Contact- Melissa Brown

Amount- \$200,000

Project- Replacing the sprinkler system at 645 S Rogers.

#### Life Designs Inc.

Contact- Cindy Fleetwood

Amount- \$86,515

Project- Replacing the siding at Housing Options 1 1814-1856 S Covey Ln.

#### MCUM

Contact- Camden Hill

Amount- \$48,771

Project- Modular office spaces and new flooring at 827 W 14<sup>th</sup> Ct.

#### New Hope For Families

Contact- Emily Pike

Amount- \$52,500

Project- Install solar panels on family shelter units at 1140 S Morton St.

#### Summit Hill Community Development Corporation (SHCDC)

Contact- Rhonda Moore

Amount- \$168,528.20

Project- Install playground, playground wall, and fencing at the new Early Learning Center.



### **Social Services Project Summary**

#### Hoosier Hills Food Bank

Contact- Julio Alonso

Amount- \$18,350

Project- Purchase Food for Distribution

#### Community Kitchen

Contact- Vicki Pierce

Amount- \$19,600

Project- Support the agency's ongoing program: free meals service

#### New Leaf New Life

Contact- Jordan McIntire

Amount- \$18,550

Project- Provide direct assistance for formerly incarcerated individuals to aide in their transition back into the community, and advocate for economic, educational, and housing opportunities for the formerly incarcerated.

#### Mother Hubbard's Cupboard

Contact- Erika Wheeler

Amount- \$17,900

Project- Support of Food Pantry Program

#### Middle Way House

Contact- Kloe Timmons

Amount- \$18,400

Project- New Wings Emergency Domestic Violence Shelter

#### Beacon

Contact – Forrest Gilmore

Amount - \$18,450

Project – Friends place Emergency Shelter

#### Monroe County United Ministries

Contact- Camden Hill

Amount- \$17,130.20

Project- Compass Early Learning Center

**Program Year 2024  
Citizens Advisory Committee (CAC) Membership**

Name	Subcommittee	Term Expires
Ron Smith Chair of CAC	Social Services, (Council Appointment)	August 31, 2024
Michelle Gilchrist	Social Services, (Mayor)	August 31, 2024
Chris Hazel	Social Services, (Mayor)	August 31, 2024
Deborah Myerson Redevelopment Commission	Social Services, (RDC appointment on 10/4/21)	August 31, 2024
Jill Jolliff	Social Services, (Mayor)	August 31, 2024
<b>HAND STAFF FOR CDBG SOCIAL SERVICES</b>  Cody Toothman 812-349-3512 <a href="mailto:cody.toothman@bloomington.in.gov">cody.toothman@bloomington.in.gov</a>		

Name	Subcommittee	Term Expires
Kyla Cox Deckard	Physical Improvements (Mayor)	August 31, 2023
Beth Rosenbarger	Physical Improvements (Mayor)	August 31, 2023
Mitch Berg	Physical Improvements (Mayor)	August 31, 2023
Deb Hutton Redevelopment Commission	Physical Improvements RDV Commission	August 31, 2023 Annual BRC appointment
Cory Hawkins	Physical Improvements, (Mayor)	August 31, 2023
Councilmember Kate Rosenbarger	Physical Improvements, (Mayor)	August 31, 2023
<b>HAND STAFF FOR CDBG PHYSICAL IMPROVEMENTS</b>  Matt Swinney 812-349-3580 <a href="mailto:swinney@bloomington.in.gov">swinney@bloomington.in.gov</a>		

**23-104**  
**RESOLUTION**  
**OF THE**  
**REDEVELOPMENT COMMISSION**  
**OF THE**  
**CITY OF BLOOMINGTON, INDIANA**

**WHEREAS**, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the approximate amount of \$855,868 of grant funds for Program Year 2024, and

**WHEREAS**, 15% of the grant can be used for social services, 20% for administration and 65% for physical improvements which allocations are as follows:

\$556,314.20 for Physical Improvements  
\$128,380.20 for Social Services  
\$171,173.60 for the Administration of the program; and

**WHEREAS**, the advice and input of the community as to the allocation of the Community Development Block Grant funds has been solicited and received through the efforts of the Citizens' Advisory Committee; and

**WHEREAS**, the Citizens' Advisory Committee has also made recommendations on how to distribute any funds received that are over or less than the estimated amount since the final allocation amount as not been received; and

**WHEREAS**, the Redevelopment Commission has reviewed the recommendations of the Citizens' Advisory Committee for allocation of funds anticipated to be received;

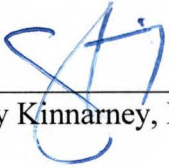
**NOW, THEREFORE, BE IT RESOLVED BY THE BLOOMINGTON REDEVELOPMENT COMMISSION THAT:**

The Bloomington Redevelopment Commission hereby approves:

- 1) The Citizens' Advisory Committee's recommendations of the programs (attached hereto and made a part herein as Exhibit A and Exhibit B) that will best serve the local and national objectives of the program;

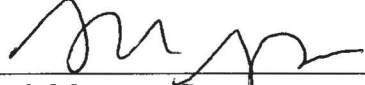
- 2) If the received allocation is more or less than expected, the adjustment will be made to all of the approved social service programs and the approved physical improvement programs in accordance with the recommendations of the Citizens' Advisory Committees as outlined in Exhibit A and Exhibit B.

**BLOOMINGTON REDEVELOPMENT COMMISSION**



\_\_\_\_\_  
Cindy Kinnarney, President

ATTEST:



\_\_\_\_\_  
Deborah Myerson, Secretary

12/4/2023

\_\_\_\_\_  
Date

## Exhibit A

### PHYSICAL IMPROVEMENT RECOMMENDATIONS

	<u>2024 Request</u>	<u>CAC Recommendation</u>
Centerstone of Indiana –	\$200,000	\$200,000
Habitat For Humanity–	\$400,000	\$0,000
LifeDesigns –	\$86,515	\$86,515
MCUM –	\$48,771	\$48,771
New Hope For Families –	\$105,000	\$52,500
Summit Hill Community Development Corp. Bloomington Housing Authority –	\$247,348	\$168,528.20
<b>Physical Improvements Total:</b>	<b>\$1,087,634.00</b>	<b>\$556,314.20</b>

If CDBG funding for Physical Improvements exceeds \$556,314.20, the additional funding will be split equally between SHCDC/BHA and New Hope for Families projects.

If CDBG funding for Physical Improvements is less than \$556,314.20 funding shall be reduced equally between New Hope for Families and SHCDC/BHA but shall not reduce below \$30,000 for New Hope and \$147,848 for SHCDC/BHA. If those thresholds are met the remaining projects being funded (Centerstone, Life Designs & MCUM) will be reduced proportionally.

#### ***Restriction on Project Start Until Completion of Environmental Review and Funding Agreement***

No funds for a project approved by the Redevelopment Commission in this resolution or one approved by the Bloomington Common Council may be expended prior to the completion of an environmental review required by Part 58 of the federal Code of Regulations (CFR) and a Notice to Proceed being issued by City program staff. The Environmental Review Record (“ERR”) must be completed before any funds are obligated through the execution of a funding agreement between the City of Bloomington and the subrecipient. The responsibility for issuing the Notice to Proceed shall rest with the City of Bloomington. Any activities within the scope of a project approved in this resolution that begin prior to the completion of the environmental review or funding agreement execution may be a risk of a choice limited action that risks funding. Subrecipients are to coordinate with City CDBG program staff to appropriately plan project timelines.

## Exhibit B

### SOCIAL SERVICE RECOMMENDATIONS

	<u>2024 Request</u>	<u>CAC</u> <u>Recommendations</u>
Community Kitchen	\$25,000.00	\$19,600.00
New Leaf New Life	\$25,000.00	\$18,550.00
Beacon Inc.	\$25,000.00	\$18,450.00
Middle Way House.	\$25,000.00	\$18,400.00
Hoosier Hills Food Bank	\$25,000.00	\$18,350.00
Mother Hubbard's Cupboard	\$25,000.00	\$17,900.00
Monroe County United Ministries	\$25,000.00	\$17,130.20
Boys & Girls Club	\$25,000.00	\$0.00
New Hope for Families	\$25,000.00	\$0.00
Healing Hands Outreach Center	\$25,000.00	\$0.00
My Sister's Closet	\$25,000.00	\$0.00
Pantry 279	\$25,000.00	\$0.00
<b><i>SUBTOTAL</i></b>	\$300,000.00	\$128,380.20
<b>TOTAL REQUESTED ALL FUNDED AGENCIES</b>	<b>\$300,000.00.</b>	
<b>TOTAL AMOUNT OF FUNDS AVAILABLE</b>		<b>\$128,380.20</b>
<b>TOTAL AMOUNT ALLOCATED</b>	<b>\$128,380.20</b>	

If the 2024 funding level is greater than \$128,380.20, overage funds will be distributed as follows: All receiving agencies will have the excess funds distributed evenly with no amount to exceed \$25,000.

If the 2024 funding level is less than \$128,380.20, funds will be distributed as follows: All agencies will have funding reduced based on a ceiling of \$20,000 multiplied by the average score each agency received from the Citizen Advisory Committee members.

***Restriction on Project Start Until Completion of Environmental Review and Funding Agreement***

No funds for a project approved by the Redevelopment Commission in this resolution or one approved by the Bloomington Common Council may be expended prior to the completion of an environmental review required by Part 58 of the federal Code of Regulations (CFR) and a Notice to Proceed being issued by City program staff. The Environmental Review Record (“ERR”) must be completed before any funds are obligated through the execution of a funding agreement between the City of Bloomington and the subrecipient. The responsibility for issuing the Notice to Proceed shall rest with the City of Bloomington. Any activities within the scope of a project approved in this resolution that begin prior to the completion of the environmental review or funding agreement execution may be a risk of a choice limited action that risks funding. Subrecipients are to coordinate with City CDBG program staff to appropriately plan project timelines.



## CDBG ELIGIBLE AND INELIGIBLE PROJECTS

(Excerpts from the CDBG regulations)

### 570.201 – Basic Eligible Activities

- (a) Acquisition of real property.
- (b) Disposition of real property.
- (c) Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements.
- (d) Clearance activities.
- (e) Public services: Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities; including, but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare, or recreational needs.
- (f) Interim assistance. Activities undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration. And activities to alleviate emergency conditions threatening the public health and safety.
- (n) Homeownership assistance. Acquisition, down payment and closing cost assistance to low- or moderate-income homebuyers.
- (o) Microenterprise Assistance.

### 570.202 – Eligible Rehabilitation and Preservation Activities

- (a) CDBG funds may be used to finance the rehabilitation of :
  - (1) Privately owned buildings and improvements for residential purposes;
  - (2) Low-income public housing and other publicly owned residential buildings and improvements; and
  - (3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations.
  - (4) Nonprofit-owned nonresidential building and improvements not eligible under 570.201 (c).
- (b) Types of assistance. To assist various types of rehabilitation activities, and related cost for buildings and improvements described in paragraph (a) of this section.

- (c) Code enforcement.
- (d) Historic Preservation: CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned.
- (f) Lead-based paint hazard evaluation and reduction.

570.203 – Eligible Special Economic Development Activities

- (a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements.

570.204 – Special Activities by Community-Based Development Organizations (CDBOs)

- (a) Eligible activities.
  - (1) Neighborhood revitalization projects.
  - (2) Community economic development projects.
  - (3) Energy conservation projects.

570.205 – Eligible Planning, Urban Environmental Design and Policy-Planning-Management-Capacity Building Activities

- (a) Costs of data-gathering, studies, analysis, and preparation of plans and identification of actions that will implement such plans.
- (b) Policy-planning-management-capacity building activities.

570.206 – Program Administration Costs

570.207 – Ineligible Activities

- (a) The following activities may not be assisted with CDBG funds:
  - (1) Buildings or portions thereof, used for the general conduct of government;
  - (2) General government expenses; and
  - (3) Political activities.
- (b) The following activities are generally ineligible for CDBG funds:
  - (1) Purchase of equipment;
  - (2) Operating and maintenance expenses; and
  - (3) Construction of new permanent residential structures.

## Social Service CDBG Application Scoring Criteria

Total number of points available is **100**.

- A. Question 3 – Program Need – **35** points total
  - Organization has documented need for program in the community.
  - Organization has described how the program fits within the need of the community.
  
- B. Question 4 – Evaluation Methodology/Outcome Measurement – **30** points total
  - Agency describes how it evaluates its program or has a measurement tool in place to evaluate program effectiveness.
  - Agency provides documentation of program effectiveness within the community using its evaluation or outcome measurement tool.
  
- C. Question 5 – Client Data – **20** points total
  - Agency serves large number/**percentage** of low income individuals (refer to Part I Question 1(b) and 2(b)).
  - A large percentage of their clients are city residents (check Part II, question 1 vs. Part II, question 1(a))
  
- D. Question 6 – Budget Information – **15** points total
  - All requested budget information was provided.
  - Budget information clearly shows how requested funds will be utilized for this program.
  - Budget shows that this program does not rely heavily on CDBG funds for the project (50% or more of funding comes from other sources).

<b>SOCIAL SERVICE ACTIVITIES</b>	<b>2024 Requests</b>	<b>CAC'S FINAL RECOMMENDATIONS</b>
Community Kitchen	25,000	19,600
New Leaf New Life	25,000	18,550
Beacon	25,000	18,450
Middle Way House	25,000	18,400
Hoosier Hills Food Bank	25,000	18,350
Mother Hubbard's Cupboard	25,000	17,900
Monroe County United Ministries	25,000	17,130.20
Boys & Girls Club	25,000	0
New Hope for Families	25,000	0
Pantry 279	25,000	0
Healing Hands Outreach Center	25,000	0
My Sister's Closet	25,000	0

<b>2024 CDBG PUBLIC SERVICE ALLOCATIONS</b>	<b>300,000</b>	<b>128,380</b>
<p>If CDBG funding exceeds the \$128,380.20 anticipated the funding will be allocated as follows: Any additional funding will be split among the 7 agencies recommended for funding evenly with no amount to exceed \$25,000</p>		

If CDBG funding is less than the anticipated \$128,380.20 then the funding will be allocated as follows: All Agencies will have funding reduced based on a ceiling of \$20,000 multiplied by the average score each agency received from the Citizen Advisory Committee Members.

<b>PROJECT</b>	<b>2024 Requests</b>	<b>Final Allocation</b>
Centerstone of Indiana	\$ 200,000.00	\$ 200,000.00
Habitat For Humanity	\$ 400,000.00	\$ -
LIFEDesigns	\$ 86,515.00	\$ 86,515.00
MCUM	\$ 48,771.00	\$ 48,771.00
New Hope For Families	\$ 105,000.00	\$ 52,500.00
SHCDC/BHA	\$ 247,348.00	\$ 168,528.20
<b>TOTAL REQUESTED</b>	<b>\$ 1,087,634.00</b>	<b>\$ 556,314.20</b>
		<b>\$ -</b>



## MEMO FROM COUNCIL OFFICE:

**To:** Members of the Common Council

**From:** Stephen Lucas, Council Administrator/Attorney

**Date:** January 12, 2024

**Re:** Appropriation Ordinance 2024-01 - To Transfer Funds from the Motor Vehicle Highway Restricted Street Fund into the Motor Vehicle Highway Fund and to Additionally Appropriate ARPA State and Local Fiscal Recovery Fund Expenditures Not Otherwise Appropriated for 2024

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### Synopsis

This ordinance corrects an inadvertent closeout on December 21, 2023 of an open purchase order funding a grant agreement between the City and the United Way to address housing insecurity, by additionally appropriating \$1.5 million the City Council approved in 2021 for this purpose, and also makes the annual housekeeping adjustment required by the state Department of Local Government Finance in order to move the funds budgeted in the Restricted Motor Vehicle Highway Fund into the Motor Vehicle Highway Fund.

### Relevant Materials

- Appropriation Ordinance 2024-01
- Staff Memo from Deputy Mayor Gretchen Knapp, Controller Jessica McClellan, and Corporation Counsel Margie Rice
- January 4, 2022 Grant Agreement with United Way
- December 26, 2023 Amendment to Grant Agreement
- State Board of Accounts Directive 2018-2

### Summary

Appropriation Ordinance 2024-01 would do two things.

First, it would appropriate \$1.5 million out of the ARPA Local Fiscal Recovery Fund (Fund #176). As explained in the staff memo, this action would reappropriate funds that had been previously appropriated for combating housing insecurity through the Housing and Neighborhood Development Department's collaboration with United Way. Due to the accidental closure of a purchase order at the end of 2023, the administration is proposing this appropriation to make these ARPA funds available once more.

Second, the ordinance would appropriate just under \$1.75 million out of the Motor Vehicle Highway Fund (Fund #451). This appropriation comes as a result of state guidance on accounting for motor vehicle highway and restricted motor vehicle highway funds. The adopted [2024 civil city budget](#) included \$1,749,319 in the Motor Vehicle Highway Restricted Fund (Fund #456). The Controller's Office has indicated that the proposed appropriation of these funds out of the Motor Vehicle Highway Fund is needed to make use of this already-budgeted money in 2024.



**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)

[Indiana Code 36-4-7-8](#) provides that the legislative body may, on the recommendation of the city executive, make further or additional appropriations by ordinance, as long as the result does not increase the City's tax levy that was set as part of the annual budgeting process. The additional appropriations requested by [Appropriation Ordinance 2024-01](#) should not result in such an increase to the City's tax levy.

[Indiana Code 6-1.1-17-3](#) requires a public hearing to be held before additional appropriations can be made, with a notice to taxpayers sent out at least ten (10) days before the public hearing. The public hearing for this appropriation ordinance is set for the Regular Session on January 24, 2024.

**Contacts**

Jessica McClellan, Controller, 812-349-3412, [jessica.mcclellan@bloomington.in.gov](mailto:jessica.mcclellan@bloomington.in.gov)

Margie Rice, Corporation Counsel, 812-349-3426, [margie.rice@bloomington.in.gov](mailto:margie.rice@bloomington.in.gov)



**APPROPRIATION ORDINANCE 2024-01**

**TO TRANSFER FUNDS FROM THE MOTOR VEHICLE HIGHWAY RESTRICTED STREET FUND INTO THE MOTOR VEHICLE HIGHWAY FUND AND TO ADDITIONALLY APPROPRIATE ARPA STATE AND LOCAL FISCAL RECOVERY FUND EXPENDITURES NOT OTHERWISE APPROPRIATED FOR 2024**

WHEREAS, on August 18-19, 2021, the Common Council of the City of Bloomington (“Common Council”) and Mayor approved an appropriation of \$1.2 million in America Rescue Plan Act of 2021 (“ARPA”) funds granted by the U.S. Department of the Treasury to the City of Bloomington (“City), to be used for a grant to the United Way to address homelessness and housing insecurity; and

WHEREAS, on November 2, 2021, the Common Council and Mayor approved the City’s 2022 budget, including an appropriation of another \$1.565 million in ARPA funds to the Housing and Neighborhood Development Department (“HAND”) to “work with partners to establish resource hubs, help with reunification of the unhoused with families and loved ones, provide dollars for community shelters, and provide additional funding to the Heading Home Initiative”; and

WHEREAS, pursuant to and in accordance with these appropriations by the Common Council, on January 4, 2022 the City entered into a grant agreement (“Grant Agreement”) with United Way of South Central Indiana, Inc. d/b/a United Way of Monroe County (“United Way”), under which the City would provide \$2.7 million in ARPA funds to the United Way to be used exclusively to address housing insecurity by executing long-term, regional strategies defined in Heading Home 2021: A Regional Plan for Making Homelessness Rare, Brief and Non-Repeating (“Heading Home Report”); and

WHEREAS, pursuant to the above appropriations and Grant Agreement, HAND and the City’s Office of the Controller opened Purchase Orders 2021-9127 and 2022-10072 for a total of \$2.7 million and transferred the initially approved \$1.2 million to United Way, with the remaining \$1.5 million to be transferred subsequently; and

WHEREAS, United Way has been performing under the Grant Agreement by engaging in various activities supportive of the strategies in the Heading Home Report, as reflected in prior presentations to the Common Council on; and

WHEREAS, on December 26, 2023, the City and United Way entered into an amendment to the Grant Agreement (“Amendment”) to extend the term of the original agreement through January 31, 2024, to provide for the closeout of United Way’s first phase of activities funded with City ARPA funds identified to the Revenue Loss Category, and to provide for the execution of a Sub recipient Agreement (“Sub recipient Agreement”) governing its future activities using City ARPA funds identified to other expenditure categories; and

WHEREAS, the Amendment provides for transfer by the City of the remaining \$1.5 million upon execution of the Sub recipient Agreement; and

WHEREAS, the City and United Way intend to either execute a Sub recipient Agreement by January 31, 2024 or, if further negotiations are necessary, extend that deadline via an addendum to the Amendment executed on December 26, 2023, a copy of which is attached hereto as Exhibit A; and

WHEREAS, through a clerical error, the City inadvertently closed Purchase Order 2022-10072 on December 21, 2023; and

WHEREAS, the City wishes to ensure that the full amount of funds appropriated by the Common Council and contracted for through the Grant Agreement and Amendment, are made available to United Way to continue implementing the Heading Home Report strategies and addressing critical housing insecurity issues in our community; and

WHEREAS, the Public Works Department for the Motor Vehicle Highway Fund desires to maintain a housekeeping alignment per the Indiana Department of Local Government Finance, in Classification 1 – Personnel Services, Classification 2 – Supplies, Classification 3 – Services and Charges, and Classification 4 – Capital, in order to move the already-budgeted funds from the Restricted Motor Vehicle Highway Fund into the Motor Vehicle Highway Fund;

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

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

**ARPA Local Fiscal Recovery Fund**

ARPA Local Fiscal Recovery Fund –  
HAND

Classification – 3 Services and Charges 1,500,000

Total ARPA Local Fiscal Recovery Fund – HAND 1,500,000

**Grand Total ARPA Local Fiscal Recovery Fund (F176) 1,500,000**

**Motor Vehicle Highway Fund**

Motor Vehicle Highway Fund – Public  
Works Street Division

Classification – 1 Personnel Services 275,622

Classification – 2 Supplies 256,696

Classification – 3 Services and Charges 517,000

Classification – 4 Capital 700,000

Total Motor Vehicle Highway Fund 1,749,318

**Grand Total Motor Vehicle Highway Fund (F451) 1,749,318**

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, 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 \_\_\_\_\_, 2024.

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

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

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance corrects an inadvertent closeout on December 21, 2023 of an open purchase order funding a grant agreement between the City and the United Way to address housing insecurity, by additionally appropriating \$1.5 million the City Council approved in 2021 for this purpose, and also makes the annual housekeeping adjustment required by the state Department of Local Government Finance in order to move the funds budgeted in the Restricted Motor Vehicle Highway Fund into the Motor Vehicle Highway Fund.



## Memorandum

**TO:** Members of the City of Bloomington Common Council

**FROM:** Gretchen Knapp, Deputy Mayor  
Jessica McClellan, City Controller  
Margie Rice, Corporation Counsel

**CC:** Stephen Lucas, Council Attorney

**RE:** Appropriation Ordinance 2024-01

**DATE:** January 10, 2024

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### Summary

Ordinance 24-01 addresses two financial accounting matters.

First, it fixes a clerical error that inadvertently closed a 2022 Purchase Order supplying ARPA funds that the City Council appropriated in late 2021 for a grant to the United Way of Monroe County to implement the Heading Home report strategies for tackling housing insecurity.

Second, it performs the annual task of moving funds already budgeted for the City's Restricted Motor Vehicle Highway Fund, per State Board of Accounts (SBOA) requirements, to a different subaccount that the City must create for such funds in order to comply with the Department of Local Government Finance (DLGF) requirements. The SBOA and the DLGF each have differing requirements related to these funds. In order to try and comply with both SBOA and DLGF requirements, the City budgets the funds into the Restricted Fund and then, at the beginning of each year, transfers the funds to the Motor Vehicle Highway Fund each year via Council approval.

### Background

#### *Additional appropriation of United Way ARPA grant funds*

On January 4, 2022, the City entered into a grant agreement with the United Way of South Central Indiana, Inc. d/b/a United Way of Monroe County ("United Way"), whereby the City would provide United Way with \$2.7 million in America Rescue Plan Act ("ARPA") funds to

implement the long-term strategies for combating housing insecurity defined in Heading Home 2021: A Regional Plan for Making Homelessness Rare, Brief and Non-Repeating (“Heading Home Report”). HAND opened Purchase Orders 2021-9127 and 2022-10072 to fund the grant agreement. The Purchase Orders were supported by two appropriations of ARPA funds made by the City Council in 2021 – an August 2021 appropriation of \$1.2 million specifically for a grant to the United Way for these purposes, and a subsequent appropriation of \$1.565 million as part of the Council’s approval of the 2022 budget for the Housing and Neighborhood Development Department (“HAND”), to enable HAND to “work with partners to establish resource hubs, help with reunification of the unhoused with families and loved ones, provide dollars for community shelters, and provide additional funding to the Heading Home Initiative.” (HAND 2022 Budget Memo).

The City transferred the first tranche of appropriated funds (\$1.2 million) following execution of the grant agreement. \$1.5 million remained in the open 2022 Purchase Order for subsequent transfer.

The City originally expected that the full \$2.7 million for the grant agreement would be funded with City ARPA funds identified to the Treasury Department’s Revenue Loss Category. As the City developed and finalized the 2024 budget, however, it determined that the funds not yet used by the United Way should be identified to other ARPA expenditure categories. Because certain different reporting and other compliance obligations apply to the use of ARPA funds identified to those other expenditure categories, the parties agreed in December 2023 to amend the original grant agreement. The amendment did the following things:

1. Extended the original grant agreement, which was set to terminate on December 31, 2023, through January 31, 2024.
2. Declared the first phase of activity under the grant, funded with \$465,000 in ARPA funds identified to the Revenue Loss Category, completed as of January 31, 2024.
3. Froze the further use of ARPA funds in United Way’s possession, and the transfer of the final \$1.5 million, all of which would be identified to ARPA expenditure categories other than Revenue Loss, pending execution of the parties by January 31, 2024 of a Sub-recipient Agreement that would replace the original grant agreement and contain the necessary terms governing the use of those funds.

In late December 2023, while the City and United Way were reviewing and discussing a draft Sub-recipient Agreement, HAND inadvertently included Purchase Order 2022-10072 on the end-of-year list of PO’s to close out which it provided to the Controller’s Office. The Controller’s Office therefore reflected the closure of Purchase Order 2022-10072 in its end-of-year report to the Indiana Department of Local Government Finance (DLGF). Neither HAND nor the Controller’s Office intended to close out Purchase Order 2022-10072, which they intended to

leave open to allow for the transfer of the remaining grant funds to the United Way per the amended grant agreement and following execution of the Sub-recipient Agreement. The Controller's Office confirmed that per DLGF rules they could not reopen Purchase Order 2022-10072 and that they would need therefore to have the funds additionally appropriated in 2024 and a new Purchase Order opened.

City staff promptly notified the United Way and members of the incoming administration of this clerical error, and advised that the appropriate way to fix this error would be to pursue an additional appropriation in the first quarter of 2024 of the final \$1.5 million in grant funds pledged to support United Way's implementation of the Heading Home Report. Ordinance 24-01 is drafted to accomplish this.

A Sub-recipient Agreement with United Way will either be executed with United Way by January 31, 2024 or United Way and the City will extend that deadline via an Addendum to the Amendment to provide additional time, if necessary, for negotiations.

### ***Movement of already appropriated Motor Vehicle Highway Restricted Funds to subaccount of single MVH Fund***

The Comptroller of the State of Indiana annually distributes funds to the City from the state's Motor Vehicle Highway and Local Road and Street Accounts ("MVH funds"), which are funded through a combination of fuel taxes, vehicle registration costs, and other transportation-related fees.

Per state code, at least 50% of the City's distribution must be spent on construction, reconstruction, or preservation of the City's highways. Ind. Code 8-14-1-5(c). "Highways" is defined to include "roadway, rights of way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts, and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of cities or towns." Ind. Code 8-14-1-1(3).

The City's annual budgeting and expenditure of MVH funds complies with these restrictions – that is, the City reserves at least 50% of its annual MVH funds distribution for restricted uses each year. However, the State Board of Accounts (SBOA), which audits local government expenditures for compliance with state law requirements, and the Department of Local Government Finance (DLGF), which reviews and approves property tax assessments and local government budgets, do not agree on how local governments should account for such funds. Specifically, the SBOA requires local governments to create two separate "funds," called the MVH Fund and MVH Restricted Fund, to house the respective allocations approved by City Council, while the DLGF requires local governments to maintain a single MVH Fund with restricted and unrestricted sub-accounts that are not listed on the City's annual financial and operational reports as "funds."

To accommodate both agencies, the City annually performs the following steps:

1. Develops its proposed budget for Council approval with appropriations for an MVH Fund and MVH Restricted Fund
2. Following approval of the budget, requesting Council to appropriate or transfer the already-budgeted funds for the MVH Restricted Fund into the MVH Fund, after which the Controller's Office records the moved funds in a restricted sub-account.

Since the movement of MVH restricted funds into a single "MVH Fund," requires Council action, as does the additional appropriation of the ARPA funds discussed above, we have combined the two matters into this one additional appropriation Ordinance for efficiency. The movement of MVH funds only requires a transfer and not an additional appropriation; however, it can be accomplished through this single Ordinance.

Attachments:

January 4, 2022 Grant Agreement with the United Way

December 26, 2023 Amendment to the Grant Agreement

SBOA Directive 2018-2

**GRANT AGREEMENT**  
between the  
**CITY OF BLOOMINGTON**  
and  
**UNITED WAY OF MONROE COUNTY**  
TO  
**SUPPORT A LONG-TERM REGIONAL RESPONSE TO HOUSING INSECURITY**

This agreement, entered into this 4<sup>th</sup> day of ~~December, 2021~~ <sup>January, 2022</sup>, by and between the City of Bloomington ("City") and United Way of Monroe County ("Grantee"), WITNESSETH THAT:

WHEREAS, in response to the global pandemic COVID-19, the City has received funds as a result of the American Rescue Plan Act ("ARPA") for use in the economic recovery of our community; and

WHEREAS, Grantee is a Bloomington-based non-profit organization that is, under this program, working to support a long-term regional response to housing insecurity based on the 2021 review of the Heading Home Plan and community input; and

WHEREAS, this program will execute a long-term, regional strategies defined in Heading Home 2021: A Regional Plan for Making Homelessness Rare, Brief and Non-Repeating; and

WHEREAS, the City has certain funds available to grant for purposes of community and economic development.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Term of Agreement. This Agreement shall become effective upon execution and continue through December 31, 2023, unless terminated prior to that date pursuant to Section 11 or extended pursuant to Section 15 herein.
2. Activities to be Performed by Grantee. During the Term of Agreement, Grantee agrees to use the Funds to support activities in the City of Bloomington as reflected in its project proposal, which is attached to this Agreement as Exhibit A.
3. Funding, and Activities to be Performed by City. City agrees to the following:
  - (a) Provide funding to Grantee in the total amount of two million, seven hundred thousand dollars (\$2,700,000.00) to be used exclusively for activities described herein and subject to the terms of this agreement;

The City's funding contribution is subject to the appropriation and availability of funds. If funds for the City's contribution are not forthcoming or are insufficient, through the failure of any entity—including the City—then the City shall have the right to terminate its contribution without penalty.



4. Amendments, Evaluation and Outcomes. The parties mutually agree that by no later than January 31, 2022, they will approve an amendment to this agreement to provide for more additional specifics about the work to be undertaken by United Way under this agreement.
5. Misuse of Grant and Repayment. If the City determines that the grantee has failed to comply with any material term, condition, or obligation of the Grantee in this Agreement, including but not limited to the Grantee not using any part of the Grant for the project in accordance with Section 2, or the Grantee making material false or misleading statement or other written or oral representation furnished to or made to the City as part of the terms of this Agreement, the City may rescind the Grant by written notice to the Grantee in accordance with the terms of this Agreement.

In the event that the City rescinds the Grant by written notice to the Grantee, the Grantee shall be obligated to return an amount equal to all Grant payments received pursuant to this Agreement.

The City may also require the Grantee to take any action at law whatsoever to recover any Grant funds not used for the payment of costs related to the Project and consistent with the project budget, as provided in Exhibit A. Additionally, the City may take any judicial action as is necessary to collect any amounts owed to the City by the Grantee, including but not limited to legal action for breach of this Agreement.

6. Supervision and Independent Contractor Status. The status of Grantee employees providing services pursuant to this Agreement as employees of the Grantee shall not be affected in any way by this Agreement. Said employees shall be subject solely to supervision by their Grantee supervisors.

During the entire term of this Agreement, Grantee shall be an independent contractor, and in no event shall any of its personnel, agents or sub-contractors be construed to be, or represent themselves to be, employees of the City. Grantee shall be solely responsible for the payment and reporting of all employee and employer taxes, including social security, unemployment and any other federal, state or local taxes required to be withheld from employees or payable on behalf of employees.

7. Indemnity. To the extent allowed by Indiana law, Grantee shall indemnify and hold the City harmless against all claims, actions, damages, liability and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of acts or omissions by its officers, directors, agents, employees, successors and assigns, in the performance of this Agreement.
8. Waiver or Breach. The Waiver by either party or breach of any provision of this Agreement by the other party, shall not operate or be construed as a waiver of any subsequent breach by the parties. No waiver shall be valid unless it is in writing and signed by an authorized officer of the waiving party.

9. Attorney's Fees. If any action is brought to enforce this Agreement, the prevailing party shall be entitled to recover reasonable costs of enforcement, including court costs and attorney fees.
10. Records. Each party shall retain all records related to this Agreement for a period of at least three years from the termination of this Agreement. Each party shall permit the other access to all records relating to this Agreement at all reasonable times for review and audit purposes.
11. Termination of Agreement. This agreement may be terminated in whole or in part by either party at any time for any reason by sending the other party written notice via certified mail, return receipt requested, at least thirty (30) days prior to the date of termination. Termination of the Agreement shall not affect any liabilities that accrued between the parties prior to the date of termination.
12. Nondiscrimination. As part of this Agreement, Grantee shall comply with City of Bloomington Ordinance 2.21.020 and all other federal, state and local laws and regulations regarding non-discrimination in all regards, including but not limited to employment practices.

Grantee understands that the City of Bloomington prohibits its employees from engaging in harassment or discrimination of any kind, including harassing or discriminating against independent contractors doing work for the City. If Grantee believes that a City employee engaged in such conduct towards Grantee and/or any of its employees, Grantee or its employees may file a complaint with the City department head in charge of the work, and/or with the City human resources department or the Bloomington Human Rights Commission. The City takes all complaints of harassment and discrimination seriously and will take appropriate disciplinary action if it finds that any City employee engaged in such prohibited conduct.

13. Notice to Parties. Whenever any notice, statement or other communication shall be sent to the City or Grantee, it shall be sent to the person and address named below, unless otherwise advised in writing by a party:

Notice to Grantee: Efrat Feserman  
United Way of Monroe County  
431 S. College Avenue  
Bloomington, Indiana 47403

Notice to City: John Zody  
Housing & Neighborhood Development

City of Bloomington  
P.O. Box 100  
Bloomington, IN 47402

Copy To: Daniel Dixon  
City of Bloomington Legal Department  
P.O. Box 100  
Bloomington, IN 47402

14. Amendment and Modification. This Agreement may be amended at any time by mutual written and signed agreement of the authorized representative of the parties, but may not be modified in any other manner, except as expressly provided by this Agreement.
15. Extension and Renewal of Agreement. This Agreement may be renewed, renegotiated or extended upon its expiration by mutual written consent of the parties.
16. Governing Laws. This agreement shall be construed in accordance with and governed by the laws of the State of Indiana and suit, if any, must be brought in Monroe County, Indiana.
17. Severability. If any part of this Agreement is invalid or unenforceable under any statute, regulation, ordinance, executive order or other rule of law, such term shall be deemed reformed or deleted, but only to the extent necessary to comply with such statute, regulation, ordinance, order or rule and the remaining provisions of this agreement shall remain in full force and effect.
18. Force Majeure. Neither the City nor Grantee shall be liable to perform its respective obligations hereunder when such failure is caused by fire, explosion, water, act of God, civil disorder or disturbance, strikes, vandalism, war, sabotage, weather and energy related closings, governmental rules or regulations, or like cause beyond the reasonable control of such party, or for real or personal property destroyed or damaged due to such causes.
19. Verification of New Employees' Immigration Status. Grantee shall comply with provisions in Indiana Code § 22-5-1.7-11(b) which requires the City of Bloomington to obtain the following from business entities that receive grants from the City of Bloomington which total more than \$1,000.00:
  - A sworn affidavit that affirms that the business entity has enrolled and is participating in the E-Verify program.
  - A sworn affidavit that affirms that the business entity does not knowingly employ an unauthorized alien.
  - Documentation that the business entity has enrolled and is participating in the E-Verify program.

The required affidavit is attached to this Agreement as Exhibit B.

20. Entire Agreement. The parties agree that this Agreement contains all of the agreements, representations, and conditions made between the parties. This Agreement may not be modified except by written agreement and signed by both parties.


In witness of acceptance of all conditions contained in this agreement, the parties execute this agreement on the date entered on the first page hereof.

CITY OF BLOOMINGTON

UNITED WAY OF MONROE  
COUNTY

BY:

BY:

  
Michael Rouker, Interim Corp. Counsel

  
Efrat Feferman

Date: 1/4/2022

Date: 1/20/2022

  
John Zody, Director  
Housing and Neighborhood Development

Date: 1/4/2022

CITY OF BLOOMINGTON  
Legal Department  
Reviewed By: BEM  
DATE: 12/27/21

11/30

★

- ① Contract initiation by EOY.: \$1.5 M out: with contracts done
- ② Reporting structure → past: (RC talk to Austin)
- ③ Reporting structure → future: in contracts

**EXHIBIT A  
PROGRAM PROPOSAL**

JZ Send to

**Purpose:** Randy, MRM & Chris Hazel

This understanding is made and entered into as of December 2021 by and between the City of Bloomington (COB) and United Way of Monroe County (UWMC) to enter into a collaboration to provide our community with a long-term regional response to housing insecurity based on the 2021 review of the Heading Home Plan and subsequent input from community partners including funders, providers, and elected officials and community leaders.

**Period of Performance:**

Beginning October 2021 with eligibility for ongoing renewal in 2 years – no later than December 31, 2023.

→ Do we lose the \$ if we don't do an extension?

**Background:**

In January, 2020 leadership from UWMC and Community Foundation of Bloomington Monroe County convened a working group which included service providers, funders, and other key partners to assess housing insecurity issues in our region; examine and bolster existing assets with the goal of supporting community stakeholders in reaching a shared understanding of the challenges we face; creating a vision for moving forward to address both acute and chronic issues related to or that impact homelessness and supporting long-term strategies to reduce homelessness and provide effective and expeditious strategies for addressing acute housing issues.

In May, 2021, the Housing Insecurity Working Group completed “HEADING HOME 2021: A Regional Plan for Making Homelessness Rare, Brief, & Non-Repeating.” This was a result of a substantive review and updating of the Heading Home Plan created by the South Central Housing Network in 2019. This report took into consideration changes in the community; accomplishments from the original report and current gaps in service.

**Goals of Collaboration:**

The goals of this collaboration include:

- To collectively develop and implement a community vision/strategy for making homelessness brief, rare and non-repeating in Monroe County and the surrounding region.
- Partner with local agencies to expand the work of rapid rehousing in Monroe County and beyond.

**Deliverables:**

In accordance with this Memorandum of Understanding, UWMC will provide:

- Site hosting and staff program professionals to execute long-term, regional strategies defined in “HEADING HOME 2021: A Regional Plan for Making Homelessness Rare, Brief, & Non-Repeating;”
- Build an active cross-sector coalition (Guiding Group) to coordinate and monitor progress of strategies which will include two City representatives;

- Develop live data set for monitoring progress on homelessness and housing insecurity and a dashboard accessible to the public;
- Develop relationships and provide incentives for landlords to house the community's most vulnerable residents through the development of a risk mitigation fund and/or other tools as appropriate.
- Incentivize the development of a range of housing options.

**Compensation:**

COB will provide \$1.2M f/y 2021 and \$1.5M f/y 2022 for a total of \$2.7M to UWMC to support expenses related to this initiative.

EXHIBIT B

STATE OF INDIANA)
) SS:
COUNTY OF MONROE )

E-VERIFY AFFIDAVIT

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

- 1. The undersigned is the Executive Director of United Way of Monroe County
[Title] [Organization]
2. The company named herein that employs the undersigned has received or is seeking a grant from the City of Bloomington of more than \$1,000.
3. The company named herein that employs the undersigned is enrolled in and participating in the E-Verify program.
4. Documentation that the company named herein has enrolled and is participating in the E-Verify program is attached to this Affidavit as Exhibit 1.
5. The undersigned hereby states that, to the best of his/her knowledge and belief, the company named herein does not knowingly employ an "unauthorized alien," as defined at 8 United States Code 1324a(h)(3).

[Signature]
Signature

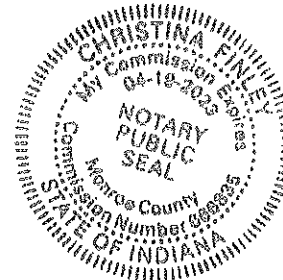
Eliat Ferman
Printed name

STATE OF INDIANA)
) SS:
COUNTY OF Monroe )

Before me, a Notary Public in and for said County and State, personally appeared Eliat Ferman and acknowledged the execution of the foregoing this 20 day of January, 2021.

Christina Finley
Notary Public
Christina Finley
Printed name

My Commission Expires: 4-19-23
County of Residence: Monroe



**AMENDMENT**  
**to the Grant Agreement between**  
**the City of Bloomington and**  
**United Way of Monroe County**  
**to Support a Long-Term Regional Response to Housing Insecurity**

This Amendment to the Grant Agreement (“Original Agreement”) entered into on January 4, 2022, is made by and between the City of Bloomington (“City”) and United Way of South Central Indiana, Inc. d/b/a Monroe County United Way (“Grantee” and with the City collectively, “Parties”).

WHEREAS, the purposes of this Amendment are to (1) declare that the first phase of Grantee’s activities will be complete as of January 31, 2024; and (2) to extend the term of the Original Agreement through January 31, 2024, for the purpose of allowing Grantee to complete that first phase and for the Parties to execute a Subrecipient Agreement, in substantially the form and attached hereto as Exhibit A (the “Subrecipient Agreement”), to govern the second phase of Grantee’s activities and to set out the terms of the Grantee’s administration of the remaining \$2.235 Million of funds provided under the Original Agreement; and

WHEREAS, the Original Agreement contemplated that the City would transfer a total of \$2.7 million in funds received by the City pursuant to an award of funds from the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act (“ARPA” and such funds “ARPA Funds”) to the Grantee to support long-term regional responses to housing insecurity as more fully described in the Original Agreement (the “Project”); and

WHEREAS, Grantee will have completed a first phase of the Project by January 31, 2024 and will have expended up to \$465,000 in ARPA Funds (“Phase 1 Funds”); and

WHEREAS, the City has identified the Phase 1 Funds as having been expended in Expenditure Category 6.1 (Revenue Replacement: Provision of Government Services) as described in the United States Department of Treasury’s Coronavirus State and Local Fiscal Recovery Funds: Project and Expenditure Report Use Guide, as amended (“Revenue Loss Category”); and

WHEREAS, the City has determined that the second phase of Grantee’s activities on the Project are eligible to be funded with ARPA Funds identified to one or more APRA expenditure categories other than the Revenue Loss Category; and

WHEREAS, in recognition of the differential compliance and reporting obligations that arise from the identification of funds for Grantee’s second phase of activities on the Project, in one or more expenditure categories other than the Revenue Loss Category, the Parties wish to enter into the Subrecipient Agreement to govern the expenditure of the remaining ARPA Funds awarded under the Original Agreement; and

WHEREAS, a brief extension of the Original Agreement will allow Grantee to close out the first phase of its activities and the Parties the necessary time to execute such a Subrecipient Agreement for Phase II; and



WHEREAS, Sections 14 of the Original Agreement permits amendments, and Section 15 of the Original Agreement permits renewal, renegotiation, or extension, by mutual written consent of the Parties.

NOW, THEREFORE, the Parties agree as follows:

1. The first phase of Grantee's activities contemplated by the Original Agreement, consisting of the activities described above, for which Phase 1 Funds up to \$465,000 will have been expended by January 31, 2024, will be complete as of that date.
2. By not later than January 31, 2024, Grantee will provide a report to the City:
  - a. listing and discussing the activities performed during the first phase of its activities
  - b. describing how the activities furthered the goals of the City regarding housing insecurity
  - c. discussing successes, challenges, and/or lessons learned from the activities to date that will inform the second phase of Grantee's activities
  - d. accounting for expenditures made of all Phase 1 Funds.
3. The term of the Original Agreement is extended through January 31, 2024, for the purposes of completing Phase I and of completing and executing a Subrecipient Agreement in substantially the form attached hereto as Exhibit A, to govern Phase II. Upon execution by the Parties of such a Subrecipient Agreement:
  - a. the Subrecipient Agreement shall replace the Original Agreement and constitute the sole and complete terms governing all further Grantee expenditures of ARPA Funds to advance Project activities using the \$2.235 Million in remaining ARPA Funds provided by the City under the Original Agreement; and
  - b. the City shall transfer the remaining \$1.5 Million reflected in the Original Agreement, to Grantee subject to the terms of the Subrecipient Agreement.
4. While Grantee shall remain in possession of the \$735,000 in non-Phase I ARPA Funds already provided by the City under the Original Agreement, Grantee shall not make any expenditures of those funds until such time as the Parties shall have executed the Subrecipient Agreement described in Section 3 of this Amendment. Any funds expended in violation of this term are subject to immediate recoupment by the City.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date last signed below.

CITY OF BLOOMINGTON

UNITED WAY OF SOUTH CENTRAL  
INDIANA, d/b/a Monroe County United  
Way

By: Beth Cate  
Beth Cate, Corporation Counsel

By: [Signature]

Date: 12/22/23

Date: 12/26/23

By:   
John Zody, Director  
Housing and Neighborhood Development

Date: 12/22/23

**ADDENDUM**  
**to the Grant Agreement between**  
**the City of Bloomington and**  
**United Way of Monroe County**  
**to Support a Long-Term Regional Response to Housing Insecurity**

This Federally-funded subaward and funding assistance agreement (the “Agreement”) is entered into by the City of Bloomington, Indiana (the “City”) and United Way of South Central Indiana, Inc. d/b/a Monroe County United Way, an Indiana nonprofit corporation (the “Subrecipient”) (collectively, the “Parties”).

On March 11, 2021, the American Rescue Plan Act of 2021, Public Law No: 117-2 (“ARPA”) was signed into law. Section 9901 of ARPA amended Title VI of the Social Security Act (the “Act”) to add section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (collectively, with the Coronavirus State Fiscal Recovery Fund established by section 602 of the Act, the “SLFRF”). The SLFRF program under ARPA was intended to provide funding to state and local units of government to support efforts to respond to and recover from the impacts of the Coronavirus Disease 2019 (“COVID-19”) public health emergency. ARPA provides that funds provided under the SLFRF program may be used for the following purposes:

- a. to respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b. to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- c. for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or
- d. to make necessary investments in water, sewer, or broadband infrastructure

(each an “Eligible Use” and collectively, the “Eligible Uses”).

WHEREAS, The City has received an award of Federal funds pursuant to ARPA from the SLFRF program (the “Award Funds”); and

WHEREAS, The City has identified certain project proposals by entities operating within the City which would qualify as an Eligible Use of the Award Funds because such projects would respond to the negative economic impacts of the COVID-19 public health emergency by providing programs or services which promote various benefits to residents of the City which advance long term housing security and which provide services to unhoused persons; and



**STATE EXAMINER DIRECTIVE 2018-2**

Date: December 20, 2018  
Subject: Motor Vehicle Highway Account  
Authority: IC 5-11-1-2, -9, -10, -21, -24; IC 8-17-4.1-2, -3, -4, -6  
Application: This Directive applies to all local governmental units that receive distributions from the Motor Vehicle Highway Account  
From: Paul D. Joyce, CPA, State Examiner

The purpose of this Directive is to authorize and require counties, cities, and towns that receive distributions from the State Motor Vehicle Highway Account to **create a new sub-fund within the MVH Fund** to properly manage and account for the usage restrictions that were included in House Enrolled Act 1002-2017 and House Enrolled Act 1290-2018.

The sub-fund will be referred to throughout this Directive as “MVH Restricted” and will be used to account for MVH monies which have been statutorily restricted for construction, reconstruction, and preservation purposes.

On the chart of accounts, the MVH Fund and MVH Restricted sub-fund shall be shown as follows:

Counties

Fund 1176      MVH  
Fund 1173      MVH Restricted

Cities and Towns

Fund 201      MVH  
Fund 203      MVH Restricted

**Together, MVH and MVH Restricted shall constitute the total MVH Fund.** MVH and MVH Restricted will be shown separately on the Annual Financial Report and Annual Operational Report.

Starting on January 1, 2019, the political subdivision must post at the time of receipt of the distribution from the State Motor Vehicle Highway Account fifty percent (50%) of the distribution to MVH Restricted.

The political subdivision, by ordinance or resolution, may elect to allocate more than fifty percent (50%) of the distributions to MVH Restricted. During the same fiscal year, the political subdivision may transfer, by ordinance or resolution, the amount allocated in excess of the 50% requirement from MVH Restricted to

**MVH. *In no event can any transfers from MVH Restricted to MVH reduce the fiscal year distributions from the State Motor Vehicle Highway Account below the 50% requirement for MVH Restricted.***

***Any amounts allocated in excess of the required 50% of distributions which remain in MVH Restricted at the end of the fiscal year must remain in MVH Restricted until expended for construction, reconstruction, or preservation.***


Qualified expenditures will then be entered accordingly to MVH and MVH Restricted:

MVH: Permissible uses of the State Motor Vehicle Highway (MVH) Account distributions are outlined in Indiana Code 8-14-1-4 for counties and in Indiana Code 8-14-1-5 for cities and towns.

MVH Restricted: Effective July 1, 2018, Indiana Code 8-14-1-4(b) and Indiana Code 8-14-1-5(c) requires at least 50% of the MVH distributions to be used for construction, reconstruction and preservation of the unit's highways. (Maintenance expenditures no longer count toward the 50% requirement.)

Accounting for distributions from the State Motor Vehicle Highway Account in MVH and MVH Restricted will promote the transparency and accountability of public funds. This will also assist counties and municipalities with more than 15,000 residents in completing and filing the Annual Operational Report required under Indiana Code 8-17-4.1.

This Directive may be amended from time to time and may be rescinded at any time in writing by the State Examiner or a Deputy State Examiner.

  
Paul D. Joyce, CPA  
State Examiner