



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 07 August 2024

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
07 August 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/88937635686?pwd=mkKXX8uKQCqyKYbAGINak4f1aV0QI6.1>

1. **ROLL CALL**
2. **AGENDA SUMMATION**
3. **APPROVAL OF MINUTES:** None
4. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section.)*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - a. Report from the Mayor on encampments and service provider recommendations
 - C. Council Committees
 - D. Public*
5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
6. **LEGISLATION FOR FIRST READINGS:** None
7. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Appropriation Ordinance 2024-02 – To Additionally Appropriate Food and Beverage Tax Funds, General Fund Dollars, and ARPA State and Local Fiscal Recovery Fund Dollars for 2024 and to Approve of a Revised 2024 Budget for the Monroe County Capital Improvement Board of Managers
8. **ADDITIONAL PUBLIC COMMENT ***
(A maximum of twenty-five minutes is set aside for this section.)
9. **COUNCIL SCHEDULE**
10. **ADJOURNMENT**

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed up to three minutes.

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

Posted: 02 August 2024



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: July 26, 2024

Re: Appropriation Ordinance 2024-02 - To Additionally Appropriate Food and Beverage Tax Funds, General Fund Dollars, and ARPA State and Local Fiscal Recovery Fund Dollars for 2024 and to Approve of a Revised 2024 Budget for the Monroe County Capital Improvement Board of Managers

Synopsis

This Ordinance provides permission to spend additional Food and Beverage, General and ARPA funds, in order to provide funds in 2024 for the Capital Improvement Board, for the Clerk of the City of Bloomington, and to ensure that the Housing and Neighborhood Development Department has room in its budget to reabsorb and spend ARPA funds that may be returned by United Way of Monroe County and Heading Home.

Relevant Materials

- Appropriation Ordinance 2024-02
- Exhibit A - Revised 2024 CIB Budget
- Staff Memo from Corporation Counsel Margie Rice

Summary

Appropriation Ordinance 2024-02 would appropriate additional money from three funds and would approve of a revised 2024 budget for the [Monroe County Capital Improvement Board of Managers](#) (CIB).

First, the ordinance would appropriate \$350,702 from the Food and Beverage (F&B) Tax Fund to be used toward a revised 2024 CIB budget. The ordinance would also approve of said CIB budget. This action would follow from the request recently made by the Council via [Resolution 2024-15](#) for a recommendation from the [Food and Beverage Tax Advisory Commission](#) on the use of F&B funds toward the revised CIB budget. The Advisory Commission met on July 22, 2024 and unanimously recommended using F&B funds toward the revised CIB budget. More background information on the F&B tax and Convention Center project being pursued by the CIB can be found in the [June 18, 2024 packet materials](#) for [Resolution 2024-15](#).

Second, this appropriation ordinance would appropriate \$107,508.45 from the General Fund to be used toward a recently-added position in the City Clerk's Office. Please recall that a new position was added to the Clerk's Office and authorized by [Ordinance 2024-15](#). According to the staff memo included herein, this appropriation would fund the expenses associated with that position in 2024.

Finally, this ordinance would appropriate \$500,000 out of the ARPA Local Fiscal Recovery Fund (Fund #176). The staff memo describes the intent behind this appropriation.



City of Bloomington Indiana

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[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 2024-02](#) 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 August 7, 2024.

Contacts

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

Margie Rice, Corporation Counsel, 812-349-3426, margie.rice@bloomington.in.gov

James Witlatch, Bunger & Robertson, Attorney for CIB, jwhit@lawbr.com, (812) 332-9295
(for CIB-related questions)

APPROPRIATION ORDINANCE 24-02

TO ADDITIONALLY APPROPRIATE FOOD AND BEVERAGE TAX FUNDS, GENERAL FUND DOLLARS, AND ARPA STATE AND LOCAL FISCAL RECOVERY FUND DOLLARS FOR 2024 AND TO APPROVE OF A REVISED 2024 BUDGET FOR THE MONROE COUNTY CAPITAL IMPROVEMENT BOARD OF MANAGERS

WHEREAS, the City of Bloomington Administration (“City”) has determined that additional funds must be appropriated in order for specific programs, initiatives, and projects to be properly advanced, which are further described below and herein; and

WHEREAS, the Monroe County Board of Commissioners created a Capital Improvement Board (“CIB”) to assist in the development of an expanded Monroe County Convention Center (“Convention Center”) in downtown Bloomington; and

WHEREAS, the work of the CIB and the expansion of the Convention Center is being funded by City of Bloomington Food and Beverage Tax Funds (“F&B Funds”); and

WHEREAS, the CIB developed a 2024 revised budget and anticipates needing to spend additional F&B Funds for professional and consultant fees; and

WHEREAS, the Clerk of the City of Bloomington has been authorized to hire a Deputy Clerk responsible for Communications and Outreach and will require additional funds in 2024 to pay the salary and benefits for that Deputy Clerk position; and

WHEREAS, the Common Council of the City of Bloomington (“Council”) previously appropriated America Rescue Plan Act of 2021 (“ARPA”) funds, as was described in Ordinance 2024-02, for the Housing and Neighborhood Development Department (“HAND”) to award to United Way to fund the work of Heading Home of South Central Indiana (“Heading Home”) in the boundaries of the City of Bloomington; and

WHEREAS, circumstances have changed, resulting in the necessity of some ARPA funds from the initial distribution being returned to HAND and the intended second distribution to be retained by HAND; therefore, an additional appropriation is requested in order absorb the additional ARPA funds being returned to the HAND Budget.

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

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

Food and Beverage Tax Fund 152 – Controller	Classification – 3 Services and Charges	\$350,702.00
General Fund 101 – Clerk	Classification – 1 Personnel Services	\$104,504.00
	Classification – 2 Supplies	\$3,004.45
ARPA Local Fiscal Recovery Fund 176 – HAND	Classification – 3 Services and Charges	\$500,000.00

SECTION 2. A revised 2024 CIB budget attached hereto as Exhibit A is approved.

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 provides permission to spend additional Food and Beverage, General and ARPA funds, in order to provide funds in 2024 for the Capital Improvement Board, for the Clerk of the City of Bloomington, and to ensure that the Housing and Neighborhood Development Department has room in its budget to reabsorb and spend ARPA funds that may be returned by United Way of Monroe County and Heading Home.

Monroe County Capital Improvement Board
 Revised 2024 Budget

		Approved Budget	Revised Budget	Additional Request
Category 1 - Personnel Services		0	0	0
Category 2 - Supplies		1,000	500	(500)
Category 3 - Services				
	Professional Fees-Internal			
	Legal	90,000	122,858	32,858
	Controller	40,000	46,844	6,844
	Professional Fees - External			
	Owner's Rep	50,000	305,000	255,000
	Architectural & Design Fees	50,000	50,000	0
	Insurance	15,000	0	(15,000)
	Other			
	Website	4,000	500	(3,500)
	CMC preconstruction services	0	75,000	75,000
Category 4 - Capital		0	0	0
Total		250,000	600,702	350,702

Monroe County Capital Improvement Board

Revised 2024 BUDGET MEMORANDUM

To: Members of the City of Bloomington Common Council
From: Eric Spoonmore, Treasurer
Jeffrey Underwood, Controller/Assistant Treasurer

Re: Revised 2024 Budget

As noted during the approval of the initial budget, we are submitting a proposed revised 2024 budget for the Council's review and approval.

This proposal builds on the current budget. The requested additional funds provide funding for the remainder of 2024.

The revised budget request is \$600,702, which is an increase of \$350,702. The increase is broken down as follows.

Category 2 - Supplies: Decrease of \$500

Category 3 – Services: Increase of \$351,202

- **Professional Services-Internal** includes services provided by the Board's Attorney and Controller. This is an increase of \$32,858 and \$6,844 respectively.
- **Professional Services-External** includes services provided by the Owner's Representative and represents an increase of \$255,000. The request also adds funding in the amount of \$75,000 for preconstruction services to be provided by the Construction Manager.
- All agreements for professional services to the CIB stipulate that compensation for such services is contingent upon City Council budget approval.

Please note, the original CIB budget request included funding for insurance, however Monroe County Government has informed the CIB that they will extend their insurance coverage for the CIB at no additional cost. Therefore, we have removed insurance coverage from this request.

"Other" includes services such as, but not limited to, design and maintenance of CIB website and related services. We have now established a website for the CIB and have decreased this request by \$3,500.

Thank you for your consideration and support for our request.



Memorandum

TO: Members of the City of Bloomington Common Council (“Council”)
FROM: Margie Rice, Corporation Counsel
CC: Kerry Thomson, Mayor
Gretchen Knapp, Deputy Mayor
Nicole Bolden, City Clerk
Jessica McClellan, City Controller
Anna Killion-Hanson, Housing and Neighborhood Development Director
Council Staff
RE: Appropriation Ordinance 24-02
DATE: July 26, 2024

Summary

Ordinance 24-02 addresses three additional appropriations, including those for the City Controller, the City Clerk, and the Housing and Neighborhood Development Department. Relevant details for each of the Additional Appropriations are as follows:

CITY CONTROLLER

The City Controller is working in conjunction with the Controller hired by the Capital Improvement Board (“CIB”) towards the advancement of the expanded Monroe County Convention Center. The CIB prepared a revised budget, which includes additional expenses in the Services and Charges Category. While they anticipate, perhaps, spending less in the Supplies Category, they do expect they will spend more in the Services and Charges Category, so an additional appropriation of \$350,702.00 was advertised. A CIB representative will attend the Council meeting to explain in detail; however, the additional expenses are for professional fees, including legal, controller, architectural and design fees, insurance, website, and pre-construction services.

CITY CLERK

As was described in Ordinance 2024-15, the City Clerk was previously authorized to hire an additional Deputy Clerk to oversee communications and outreach and to oversee the operations of boards and commissions. An additional appropriation of \$107,508.45 is being sought to fund the salary and benefits for that position in 2024.

HOUSING AND NEIGHBORHOOD DEVELOPMENT

The Council previously appropriated American Rescue Plan Act (“ARPA”) funds to the Housing and Neighborhood Development Department (“HAND”) to distribute to United Way of South Central Indiana, Inc. d/b/a United Way of Monroe County (“United Way”) in order to fund the work of Heading Home of South Central Indiana (“Heading Home”) inside the City of Bloomington’s boundaries.

Heading Home expects that they may return approximately Two Hundred Thousand Dollars (\$200,000) of the original installment of funds distributed to them, so that those funds may be distributed by HAND to agencies identified by Heading Home. In addition, Heading Home and City staff have determined that the easiest manner in which to administer the second distribution, which was intended to be given to Heading Home, is for HAND to retain that second distribution and distribute it to agencies and for programs as Heading Home recommends. This process will allow the City to consult its ARPA consultants, rather than requiring another layer of ARPA compliance by Heading Home, but will still guarantee that the funds are spent in a manner consistent with Heading Home’s programs, plans, and mission. Agreements will be created with United Way, Heading Home, and any other sub-recipients in order to facilitate the expenditure of these funds. HAND will work with the Legal Department and the Controller’s Office to ensure compliance with federal regulations.

The advertisement and Ordinance were prepared for up to Five Hundred Thousand Dollars (\$500,000) to be returned by Heading Home to HAND, though the figure should be closer to Two Hundred Thousand Dollars (\$200,000). The exact amount of the funds to be returned is not certain, at this time, so we are requesting legal permission to spend up to the greater amount. No more funds can or will be spent than what is actually returned by Heading Home.