



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 02 June 2021

Regular Session

at 6:30 pm

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
02 JUNE 2021

Per IC 5-14-1.5-3.7, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/93288655568?pwd=TkRXNW hnWXJsWEJ5aC8zeXZkVVdaUT09>

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES

- 06 May 2020
- 20 May 2020

IV. REPORTS (*A maximum of twenty minutes is set aside for each part of this section.*)

A. Councilmembers

B. The Mayor and City Offices

- a. Bloomington Arts Commission Annual Report
- b. Annual Tax Abatement Report
- c. Budget Report

C. Council Committees

D. Public*

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

- A. Resolution 21-18 – A Resolution Extending the Term of Ordinance 20-11 and Calling for the Continuation of Other Temporary Regulations
- B. Resolution 21-20 – To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize an Abatement Period for Real Property Improvements - Re: Property at 1730 S. Walnut Street (Retreat at Switchyard) (Real America LLC/Retreat at Switchyard, LP, Petitioner)
- C. Ordinance 21-30 – To Amend Title 16 of the Bloomington Municipal Code Entitled “Residential Rental Unit and Lodging Establishment Inspection Program”

Housing Committee Recommendation (26 May 2021) Do Pass: 4-0-0

VII. LEGISLATION FOR FIRST READINGS

- A. Ordinance 21-25 – To Establish the American Rescue Plan Act Fund (“ARPA Fund”) Supporting the City of Bloomington’s Recovery from the COVID-19 Pandemic

- B. Ordinance 21-28 – An Ordinance to Amend Ordinance 20-23 Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2021 - Re: To Change the Grade of Existing Positions in the Office of the Mayor, the Parks Department, and the Utilities Department and Revise Job Titles Within Both the Police and Fire Departments to Better Reflect the Nature of Those Positions
- C. Ordinance 21-29 – Amending Ordinance 20-22 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington for 2021 - Re: Title Change for Fire Inspector

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

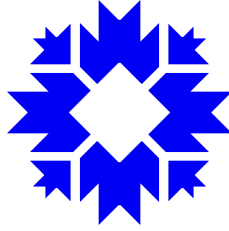
IX. COUNCIL SCHEDULE

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. Citizens 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.

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

Under Indiana Code 5-14-1.5-3.7, during a declared public health emergency, the Council and its committees may meet by electronic means. The public may simultaneously attend and observe this meeting at the link provided above. Please check <https://bloomington.in.gov/council> for the most up-to-date information on how the public can access Council meetings during the public health emergency.



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

NOTICE

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Regular Session
at 6:30 pm

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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



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

Minutes for Approval

06 May 2020 | 20 May 2020

In Bloomington, Indiana on Wednesday, May 06, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL
REGULAR SESSION
May 06, 2020

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

ROLL CALL [6:31pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:33pm]

Councilmember Sims noted that it was Nurses' Day, and gave thanks for all essential workers.

REPORTS [6:34pm]

- COUNCIL MEMBERS

Councilmember Sgambelluri thanked everyone who attended her constituent meeting and note that her next one would be held on June 6th.

Councilmember Sandberg discussed Global Giving Day and the importance of donating to organizations. Sandberg also discussed the upcoming John Hopkins Social Service Funding Committee deliberations.

Volan discussed Indiana Governor Eric Holcomb's five step reopening plan. Volan encouraged Monroe County to delay reopening the county to keep people safe.

Mayor John Hamilton spoke of the decisions made by the governor and county to slowly open the area back up to consumers. Hamilton spoke of the need to limit nonessential travel and activities and the importance of maintaining social distancing to prevent the further spread of COVID-19.

- The MAYOR AND CITY OFFICES

Beverly Calender-Anderson, Community and Family Resources Department Director, provided an update on the COVID-19 Social Services Working Group regarding emergency food provisions, isolation shelters for those experiencing homelessness, childcare, and personal health and safety.

Alex Crowley, Economic and Sustainable Development Director, provided an update on the Economic Stabilization and Recovery Working Group. Crowley spoke of the number of applications started, submitted, and processed. Crowley discussed the funding commitments to approved businesses.

Erin Predmore, President and CEO of the Greater Bloomington Chamber of Commerce, provided an overview of the Bloomington Back to Business initiative. There was brief council discussion following the report.

Sgambelluri said that she invited members of the business community to the council meeting. Sgambelluri introduced Talisha Coppock, Executive Director of the Bloomington Monroe County Convention Center; Mike McAfee, Executive Director of Visit Bloomington; and Mike Campbell, President of the Convention and Visitor Commission.

- COUNCIL COMMITTEES

Campbell spoke of the uses of the innkeeper's tax and the importance of promoting tourism. Campbell provided an overview and prediction of future tax collections.

McAfee said that the market for hotel and short term rental sales have significantly decreased compared to last year. McAfee said that as a college town, Bloomington was dependent on the sales and tourism associated with college students and their families.

Coppock spoke of the changes restaurants and stores had made to maintain some revenue. Coppock spoke of the importance of maintaining trust between consumer and businesses.

Jim Shelton spoke of the need for Monroe County Court Appointed Special Advocates (CASA) volunteers.

There were no appointments.

Piedmont-Smith moved and it was seconded that Resolution 20-06 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Rollo away from room). Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

Piedmont-Smith moved and it was seconded to adopt Resolution 20-06.

Sims read Resolution 20-06. Sims discussed of the importance of Bloomington adopting Resolution 20-06, and advocating for social justice.

Volan moved and it was seconded to adopt Amendment 01 to Resolution 20-06.

Amendment 01 Synopsis: This amendment is sponsored by Cm. Volan and provides additional information about the killing of an Indiana University Student that occurred near the IU Bloomington campus.

Volan presented Amendment 01 to Resolution 20-06.

Piedmont-Smith spoke of the importance of adopting Resolution 20-06 and stated her support for it.

Smith said that Resolution 20-06 was an important message for Bloomington's beliefs.

There was no public comment on Amendment 01 to Resolution 20-06.

The motion to adopt Amendment 01 to Resolution 20-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Sandberg stated her appreciation and support for Resolution 20-06.

Rollo stated his gratitude to Councilmember Sims for taking initiative to create Resolution 20-06. Rollo spoke of the need for the community to take a stance against white supremacy and discriminatory actions.

- PUBLIC

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS [8:00pm]

Resolution 20-06 – Denouncing and Condemning White Nationalism and White Supremacy

Amendment 01 to Resolution 20-06

Vote to adopt Amendment 01 to Resolution 20-06 [8:03pm]

Councilmember Kate Rosenbarger spoke of the importance of creating an inclusive city and condemning white nationalism and white supremacy. Rosenbarger said that policies needed to be changed to prevent systemic discrimination.

Piedmont-Smith spoke of how well written Resolution 20-06 was and the importance of inclusivity within Bloomington. Piedmont-Smith said that action was needed to replace discriminatory policies.

Flaherty stated his support for Resolution 20-06 and spoke of the need to continue making change to dismantle discriminatory policies.

Volan spoke of the importance of a written document and the need for Resolution 20-06.

Sims spoke of the importance of taking action to dismantle the historic and systemic racist practices and structures within society. Sims said that Resolution 20-06 was an important first step in his call to action.

The motion to adopt Resolution 20-06 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 20-06 as amended [8:22pm]

LEGISLATION FOR FIRST
READING AND RESOLUTIONS
[8:23pm]

Piedmont-Smith moved and it was seconded that Appropriation Ordinance 20-02 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Appropriation Ordinance 20-02 – To Specially Appropriate from the Local Income Tax Special Distribution Fund, Motor Vehicle Highway Fund, Motor Vehicle Highway Restricted Fund, and Cumulative Capital Development Fund Expenditures Not Otherwise Appropriated

Piedmont-Smith moved and it was seconded that Ordinance 20-08 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 20-08 – An Ordinance to Amend Ordinance 19-21, which Fixed Salaries for Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City for the Year 2020 - Re: Adding a Position in the Information and Technology Services Department and Changing the Title in One Position and the Grade in another Position for Two Divisions within the Police Department

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Stephen Lucas, Deputy Council Attorney, reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:34pm]

Piedmont-Smith moved and it was seconded to adjourn the meeting. The motion was approved by voice vote.

ADJOURNMENT [8:36pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2021.

APPROVE:

ATTEST:

Jim Sims, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In Bloomington, Indiana on Wednesday, May 20, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL
REGULAR SESSION
May 20, 2020

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

ROLL CALL [6:30pm]

Council Parliamentarian Isabel Piedmont-Smith summarized the agenda.

AGENDA SUMMATION [6:32pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Sandberg spoke in memory of Betty Cockrum, the former CEO of Planned Parenthood.

REPORTS [6:35pm]

- COUNCIL MEMBERS

Volan discussed the recent executive order that allowed council meetings to be held remotely until June 3rd.

Mayor John Hamilton spoke in memory of Betty Cockrum and the positive impact she had in the Bloomington community. Hamilton discussed the recent health orders that allowed restaurants to open up to a 50% maximum capacity and retail stores to open up to a 75% maximum capacity. Hamilton spoke of opening City Hall to the public on May 26th. Hamilton said there were low incidents of positive tests and hospitalization for COVID-19. Hamilton stressed the need to remain vigilant about social distancing.

- The MAYOR AND CITY OFFICES

Alex Crowley, Economic and Sustainable Development Director, discussed the Rapid Response Fund loan program.

Pat East, Dimension Mill Executive Director, discussed the layout of The Mill and its mission to launch new businesses and provide resources to aid businesses through the upcoming economic crisis.

Beverly Calender-Anderson, Community and Family Resources Department Director, provided an update on the COVID-19 Social Services Working Group and spoke of the need for funding, non-perishable food for families in need, door-hangers that explained how to apply for SNAAP and other benefits, and available daycare facilities for essential workers.

Conor Herterich, Program Manager, Historic Preservation, presented to the council about the 2018 City's Historic Sites and Structures Survey.

Steve Wyatt discussed the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) survey from 2015. Wyatt discussed the updated Bloomington houses to be historically preserved based on the SHAARD survey.

There was council discussion following the report.

It was moved and seconded that the Council direct the Clerk of the Council to keep two copies of the City's Historic Sites and Structures Survey (formerly referred to as the Indiana Historic Sites and Structures Survey: 2001 City of Bloomington Interim Report as hereafter amended or replaced) on file in the Office of City Clerk for

public inspection pursuant to IC 36-1-5-4 and BMC 8.08.06. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

There were no council committee reports.

- COUNCIL COMMITTEES
- PUBLIC

Greg Alexander spoke about the need for sidewalks in Bloomington to be fixed.

Randy Paul said he wanted the council sessions to be continued on Zoom when the council returned to meetings in the Council Chambers in City Hall. Paul also discussed concerns about people who did not wear masks on public transit.

Jim Shelton spoke about the need for Monroe County Court Appointed Special Advocates (CASA) volunteers.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:57pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-08 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis giving the committee do-pass recommendation of 4-0-0.¹

Ordinance 20-08 – An Ordinance to Amend Ordinance 19-21, which Fixed Salaries for Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City for the Year 2020 - Re: Adding a Position in the Information and Technology Services Department and Changing the Title in One Position and the Grade in another Position for Two Divisions within the Police Department

Piedmont-Smith moved and it was seconded to adopt Ordinance 20-08.

Caroline Shaw, Human Resources Director, presented the legislation to the council. She discussed the amendments to Ordinance 19-21 that would be encompassed in Ordinance 20-08.

Volan presented the Administration Committee's report to the council.

Piedmont-Smith asked what Shaw meant when she referred to the minimal financial impact after adding a position to the Information and Technology Services Department.

Shaw said there had been an open position for quite some time, which meant that there was available funding. Shaw said she was unsure what the financial impact would be, but she could guarantee that it would be minimal.

Piedmont-Smith asked if it would be less than \$10,000.

Shaw said that the financial impact would depend on the hired person's experience regarding the pay grade.

Piedmont-Smith asked if the maximum difference would be \$4,500.

Shaw said that she did not want to name a figure because the cost would depend on who was replaced and hired for the position.

Piedmont-Smith asked if the position was still vacant.

Shaw said the position was vacant when the Ordinance was proposed, yet she believed someone had been hired.

¹ Administration Committee: Rollo, Sgambelluri, Sims, Volan

Volan asked if the person hired knew that the position was in the process of being upgraded.

Shaw said she did not know.

There was no public comment.

Piedmont-Smith said she was pleased to see a Network and Security Administrator because it was vital to protect the City Hall computer systems from scams.

The motion to adopt Ordinance 20-08 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Appropriation Ordinance 20-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of 2-1-1.²

Rosenbarger presented the Transportation Committee's report to the council. She explained the projects that would be completed through funding from Appropriation Ordinance 20-02.

Jeff Underwood, City Controller, presented the legislation to the council. He discussed the funding distributions for various transportation projects.

Piedmont-Smith asked why the funding to repair College Mall Road repaving was provided by the Cumulative Capital Development Fund as opposed to the regular repaving budget of the city.

Adam Wason, Public Works Director, said that the city had the most funds available from the Cumulative Capital Development Fund.

Piedmont-Smith asked if that money could have been used for other projects instead.

Wason said that funding could have been used for a number of projects.

Piedmont-Smith asked why this funding was not originally used to implement multimodal bicycle and pedestrian lane improvements instead of road improvements.

Wason said that the city did not realize that they would be receiving over \$300,000 in grant funding from INDOT. Wason said they believed that the best ways to utilize that funding was to repair College Mall Road.

Piedmont-Smith asked if the funding was not available in the regular repaving budget.

Wason said that funding for College Mall Road would have taken funding away from other repaving projects already set for 2020.

Flaherty asked if the repaving of College Mall Road would have been funded by the regular repaving budget if Bloomington had not received that grant from INDOT.

Wason said that was correct. Wason discussed the repaving project from 3rd St down to Moores Pike that needed to be completed in 2020. Wason said that most Bloomington construction workers would be diverted to that repaving project. Wason said the grant funding allowed the city to reach out to

Ordinance 20-08 (cont'd)

Vote to adopt Ordinance 20-08
[7:58pm]

Appropriation Ordinance 20-02 –
To Specially appropriate from the
Local Income Tax Special
Distribution Fund, Motor Vehicle
Highway Fund, Motor Vehicle
Highway Restricted Fund, and
Cumulative Capital Development
Fund Expenditures Not Otherwise
Appropriated [7:59pm]

² Transportation Committee: Ayes: 2 (Piedmont-Smith, Smith), Nays: 1 (Rosenbarger), Abstain: 1 (Volan)

private contractors for the repaving of College Mall Road, which would allow the repaving of other Bloomington roads to be more efficient.

Appropriation Ordinance 20-02
(cont'd)

Sgambelluri asked if any other funding sources were considered regarding the funding of this project.

Underwood said that city departments were given discretion in finding funding opportunities to match grant funds. Underwood said that the only funding sources available were the Cumulative Capital Development Fund and the Special Lit fund early in the year.

Sgambelluri asked Wason if College Mall road was being redesigned or maintained.

Wason said it was a pavement maintenance project and was not a road redesign.

Sgambelluri asked if it would be possible to add multimodal forms of transportation in the future.

Wason said that could definitely be considered.

Rosenbarger asked if it would be possible to postpone some of the paving projects until the next summer with the grant money received.

Underwood said it was very unlikely to postpone a project for another year unless there was a definite likelihood that additional funding could be secured in the future.

Wason said that he did not support moving paving projects to next year because the city would have to divert a third of the paving funds to the College Mall Road pavement maintenance.

Rollo asked when the construction of the multiuse path on Sare Road would begin and be completed.

Neil Kopper, Planning and Transportation, said that that project had been awarded to a contractor and construction would begin in 2020 and be completed in 2021.

Volan asked why the College Mall road construction project was not listed as needing pavement maintenance in the report.

Wason said that College Mall road was not placed on the original pavement maintenance list because the city did not have the funding for the project. Wason said the road would have needed reconstruction by 2021.

Volan asked if every road on the list would be under construction during 2020.

Wason said that list was only a list of sections of road that needed reconstruction but the final decision was made in the winter months.

Volan asked if the grant money was an opportunity to move the College Mall Road construction project from 2021 to 2020.

Wason said that was a good characterization.

Volan asked when the list for road maintenance was compiled.

Wason said in the late fall and winter months.

Piedmont-Smith asked how much funding the city might receive from the 2020 Supplemental Local Income Tax (LIT) Distribution from the state.

Underwood said that Bloomington would receive \$1,778,285 and \$325,000 of that total would be diverted to the Public Safety LIT fund.

Piedmont-Smith asked how much of the funding typically came from the LIT fund.

Underwood said about 25% of the LIT fund went to the General Fund.

Appropriation Ordinance 20-02
(cont'd)

Flaherty asked about the decision process in deciding whether to spend limited funds on pavement maintenance or sidewalk maintenance and bicycle lanes.

Wason said it was important to strike a balance in investing in multiple forms of transportation projects.

Flaherty asked if conventional bike lanes could be added to College Mall Road that were not originally included in the transportation plan.

Kopper said that it would be possible to add conventional painted bike lanes to the road as long as the road was wide enough.

Flaherty asked if adding bike lanes was a possibility after the road was repaved.

Kopper said that Planning and Transportation would be looking into it after the construction was near completion.

Volan asked if there would be roads on next year's list needing similar levels of repair.

Wason said that road reconstruction was decided based on traffic levels, among other variables, which determines when roads would be repaved.

Volan made a statement that it seemed that the grant funding was diverted to repaving roads instead of multimodal forms of transportation.

Wason said he wanted to acknowledge that \$1.3 million from the 2020 budget would be diverted to multimodal forms of transportation. Wason said that investing in road construction was necessary because many constituents file complaints about potholes and inadequately paved roads. Wason said that diverting funds to road reconstruction was a necessary response to the community's needs.

Volan said that refilling potholes was answering a problem for something that was already in use as opposed to bicycle lanes that were not being created. Volan asked for Wason's thoughts on that matter.

Wason said that adding additional bike lanes would lead to maintenance in the future, which is why the city had to be deliberate in their projects.

Flaherty asked how Public Works found a balance between meeting the community's needs to address vehicle transportation while also being conscious of the ongoing climate crisis.

Wason said that was not an easy question to answer. Wason said that it was important to invest in projects that were environmentally friendly, yet was also necessary to meet the needs of the community by maintaining roadways.

Geoff McKim said that maintaining pavement infrastructure was important in saving money to prevent roads from being completely reconstructed.

Greg Alexander spoke of the need to divert road construction funding to multimodal projects.

Dave Askins thanked everyone for the publication of the council packet. Askins spoke of what he believed to be an incorrect response written in the council's supplemental packet.

Lucas said that tonight's council meeting served as a public hearing regarding Appropriation Ordinance 20-02 and if the vote was postponed, the public would be made aware of the new voting date.

Appropriation Ordinance 20-02
(cont'd)

Volan moved and it was seconded to recommit Appropriation Ordinance 20-02 to the Transportation Committee.

Volan asked to postpone the vote on Appropriation Ordinance 20-02 because he believed there were issues that needed to be readdressed by the Transportation Committee.

Rollo asked when final action by the council would occur so that city staff understood the time tables and could plan accordingly.

Volan said that the Transportation Committee would have to report their verdict back to the council by June 3rd if the council approved Volan's motion to recommit Appropriation Ordinance 20-02 to the Transportation Committee.

Rollo asked when final action by the council would take place.

Volan said that the council would reevaluate after June 3rd.

Sandberg said that she did not understand what issues Volan could have with the current Appropriation Ordinance 20-02 because she was prepared to vote on the issue tonight.

Volan said that he felt uncomfortable making a decision at the moment because questions were unanswered and the Transportation Committee did not receive enough time to fully evaluate Appropriation Ordinance 20-02.

Sims asked Volan to state his questions concerning Appropriation Ordinance 20-02 so that the city staff could work to answer them.

Volan said that he could try to state his questions. Volan asked Sims if he could chair the meeting while he looked through the supplemental council packet.

Flaherty asked Wason how a two week postponement of Appropriation Ordinance 20-02 affected the grant funding project.

Wason said that the College Mall Road pavement project bid must be awarded by August 1st. Wason said that if this project was delayed, Public Works would be pressed for time to adequately prepare all needed documents. Wason said it was crucial that Public Works start this project as soon as possible.

Flaherty asked if the Administration would entertain a conversation about the source of City funds being used to match the state grant funding.

Wason said that he believed that the City funding proposed was the best option available to match the funds from the INDOT grant.

Underwood said that any changes made to the current funding proposal would further delay the project.

Wason said that the project would not be completed at all if the City funding was reevaluated.

Dave Askins asked for clarification on the difference between recommitting Appropriation Ordinance 20-02 to the Transportation Committee and passing the amendment.

Volan said that there were three options regarding Appropriation Ordinance 20-02. The first option would be to recommit the proposal to the Transportation Committee. The second option

would be to divide the question and the third option would be to hear the amendment as proposed.

Appropriation Ordinance 20-02
(cont'd)

Sims asked Council Parliamentarian Piedmont-Smith if the public comment could also include questions to be answered by the council.

Piedmont-Smith said that it was the council's decision whether to answer questions from the public.

Wason said that he supported Appropriation Ordinance 20-02 and it was essential to move this project forward quickly because if the project was not awarded by August 1st, the city would lose the grant funding.

Rollo said that he believed the questions regarding Appropriation Ordinance 20-02 could be answered tonight but he believed that the project needed to be approved quickly because the pavement construction was needed on College Mall Road. Rollo said that adding bike paths could be added later and the council needed to take action to vote in favor of Appropriation Ordinance 20-02 tonight.

Sandberg said that all of her questions had been answered because she came to the meeting prepared. Sandberg said that the council should vote against the motion to postpone the vote and should vote in favor of Appropriation Ordinance 20-02 because there was a time constraint.

Volan said that he believed that ordinances should be separated to be more easily evaluated. Volan said that he did not believe that the proposal for Appropriation Ordinance 20-02 was clearly defined and explained.

Rosenbarger said that it was the council's responsibility to ask the right questions and fully evaluate the proposals presented to the council. Rosenbarger said that she believed that the City funding proposed should be reevaluated.

Sgambelluri said that she did not believe that the legislation should be sent back to the Transportation Committee and she stated her support for Appropriation Ordinance 20-02.

Piedmont-Smith said that she did not believe it necessary to send the legislation back to the Transportation Committee given the limited time frame available to begin the project.

Flaherty asked for clarification on the length of time a funding decision must be available for public notice.

Underwood said that it had to be a 10 day notice, but also providing ample time for the information to reach the newspaper would equal roughly 14 days.

Smith said that due to the time sensitive issue of approving the project to receive the grant funding, the legislation should be approved by council tonight.

Sims said that he did not believe it necessary to delay Appropriation Ordinance 20-02 because it was important for the Administration to begin further work.

Volan said that he did not believe that council was given proper time to discuss legislation. Volan spoke of his frustration towards the deliberations concerning Appropriation Ordinance 20-02.

Appropriation Ordinance 20-02
(cont'd)

Rollo stated his frustration regarding Volan's statement when the council leadership could have made a decision beforehand to separate the segments of Appropriation Ordinance 20-02 for deliberation.

The motion to recommit Appropriation Ordinance 20-02 to the Transportation Committee received a roll call vote of Ayes: 1 (Volan), Nays: 8, Abstain: 0. FAILED

Vote to recommit Appropriation Ordinance 20-02 to the Transportation Committee [9:52pm]

Flaherty moved and it was seconded to divide the question on Appropriation Ordinance 20-02.

The motion to divide the question on Appropriation Ordinance 20-02 received a roll call vote of Ayes: 4 (Rosenbarger, Volan, Piedmont-Smith, Flaherty), Nays: 5, Abstain: 0. FAILED

Vote to divide the question on Appropriation Ordinance 20-02 [9:58pm]

There was no additional public comment.

Rollo spoke in support of Appropriation Ordinance 20-02. Rollo spoke of the importance of pursuing bike infrastructure and thanked city staff for their work.

Piedmont-Smith spoke of the importance of alternative transportation to motor vehicles and the need to take initiative in providing non-vehicular transportation.

Flaherty said that he had reservations about voting for Appropriation Ordinance 20-02. Flaherty spoke of the need for bike lanes and his concern with the funding source used in Appropriation Ordinance 20-02.

Rosenbarger discussed the importance of innovative thinking when developing climate action and transportation plans. Rosenbarger said that she did not support the source of city funds in matching the state grant.

Volan stated his frustration with council members not voting to divide the question concerning Appropriation Ordinance 20-02. Volan discussed why he could not approve the legislation.

The motion to adopt Appropriation Ordinance 20-02 received a roll call vote of Ayes: 6, Nays: 3 (Rosenbarger, Volan, Flaherty), Abstain: 0.

Vote to adopt Appropriation Ordinance 20-02 [10:23pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST
READING AND RESOLUTIONS

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Stephen Lucas, Deputy Council Attorney, reviewed the upcoming council schedule.

COUNCIL SCHEDULE [10:24pm]

Piedmont-Smith moved and it was seconded to hold a Special Session on May 27, 2020 at 6:30pm. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Volan confirmed that a council work session would be held on May 22, 2020 at noon.

Flaherty moved and it was seconded to adjourn the meeting. The motion was approved by voice vote. ADJOURNMENT [10:29pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2021.

APPROVE:

ATTEST:

Jim Sims, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington



MEMO FROM COUNCIL OFFICE ON:

Annual Tax Abatement Report

Every year the Council hears an Annual Tax Abatement Report, which will be provided this year by Jane Kupersmith, Assistant Director of Small Business Development, Economic and Sustainable Development Department. The *Report* is an analysis of the tax abatements granted by the City and is largely based on the annual Compliance with Statement of Benefit (CF-1) filings by the recipient of an abatement. CF-1 forms for improvements to real estate and the installation of new manufacturing equipment (personal property) are all typically due around May 15 of each year. The Council must act within 45 days from receiving the CF-1s if it intends to exercise its power to rescind a tax abatement.¹ Although there is no recommendation to rescind any of the projects currently receiving a tax abatement, the presentation of the *Report* next week would allow, if necessary, for such action. If councilmembers are interested in the history of any particular tax abatement contained in the *Report*, please reach out to either council staff or to Jane Kupersmith.

Tax Abatements

Tax abatements are a reduction of tax liability on real or personal property that applies to increased assessed valuation due to new investment.² Prior to awarding a tax abatement, the Council must make a determination (in the form of designating an Economic Revitalization Area [ERA] and, for certain uses, an Economic Development Target Area [EDTA]) that the site would not develop under normal market conditions. Although this is a prediction and, therefore, a difficult determination to make, it serves as a check on the awarding of an abatement by providing an initial focus on the nature of the site and whether this tax break is needed to encourage the investments at that location.

Please note that the period of abatement may run from 1 to 10 years and the amount of the abatement is generally determined by a sliding scale which runs from 100% to 0% over the period of abatement. As of 2013, all tax abatements must be accompanied by a schedule which specifies the percentage for each year of the abatement.³

¹ IC 6-1.1-12.1-5.9

² The kinds of investments in real and personal property that may be eligible for tax abatements are largely found in IC 6-1.1-12.1 et seq., which, along with the ones typically authorized by the City, also include ones for distressed residential properties and vacant buildings.

³ IC 6-1.1-12.1-17



Based on phased-in assessed valuation rates governed by State law, the Bloomington Economic Development Commission recommends a term of abatement for each project, which requires the Council authorization. With respect to abatements on new construction and on personal property, the Council may choose to limit the dollar amount of the deduction.

Guidelines for Granting a Tax Abatement

As noted above, tax abatements are governed by both State statute and local rules. In March 2021, the City last revised its local tax abatement guidelines in, which are included herein and available online ([*Tax Abatement Program: General Standards*](#)). These standards supplement the requirements outlined in State law and attach to those projects approved *after* the Local Standards went into effect. Upon determining that a site is distressed per an ERA designation, State statute and *Local Standards* require the Council to find that the benefits asserted by the petitioner are reasonable and probable and justify, in totality, the granting of the abatement. According to State law, those benefits are set forth in a Statement of Benefits (SB-1) and include the estimated cost of the project, number of persons employed, and payroll, along with any locally identified benefits.

Standard of Review

The Council reviews projects under a statutory process that focuses on the CF-1s which compare benefits committed to by the applicant in the Statement of Benefits (SB-1) with the actual benefits delivered by the project. In reviewing the CF-1s (which are available upon request), the Council must determine whether the projects are in “substantial compliance” with the commitments made at the time the abatement was granted. Should the Council determine that a recipient of an abatement is not in “substantial compliance,” it has 45 days from the receipt of the CF-1 to initiate the rescinding of the abatement, which could result in the terminating of the deduction. The decision to terminate the tax deduction should be made only if the Council concludes that the taxpayer has not made reasonable efforts to meet its commitments and was not prevented from complying with the terms of the abatement due to factors beyond its control.⁴ Please note that ESD staff recommend a finding of substantial compliance for all projects in this year’s report.

⁴ IC 6-1.1-12.1-5.9. Also, please know that the local General Standards give the following examples of grounds for terminating a tax abatement: 1) Failure to comply with any terms set forth in the Memorandum of Agreement; 2) An incomplete, inaccurate, or missing CF-1; 3) Petitioner vacates the City of Bloomington during the term of abatement; 4) Fraud on the part of petitioner; and 5) Initiation of litigation with the City of Bloomington.



CITY OF BLOOMINGTON

Economic and Sustainable Development

Memorandum

To: City of Bloomington Common Council
From: Jane Kupersmith, Asst. Director Small Business Development
Cc: Stephen Lucas, City Council Administrator/Attorney
Larry Allen, Asst. City Attorney
Alex Crowley, Director, Economic & Sustainable Development
Don Griffin, Deputy Mayor
Kurt Zorn, President, Economic Development Commission
Date: June 2, 2021
Re: 2020 Economic Development Commission - Abatement Activity Report

Attached please find the Economic Development Commission's 2020 Abatement Activity Summary and summary of other EDC activity. Because of reporting requirements and the time frame in which CF-1s were filed, the Economic Development Commission (EDC) will review this report on June 9, a week after it is presented to Common Council, and will vote to approve the report at that time. At the May EDC meeting, commissioners empowered staff to present the annual report to Council in advance of the EDC, provided all abatements are found to be in compliance. Staff recommends a finding of substantial compliance for all projects in this report.

I look forward to presenting the details of City's tax abatement projects and summarizing the EDC's annual activity to Common Council on June 2, 2021.

Annual Economic Development Commission (EDC) Report

2020 Activity and Tax Abatement Summary



Presentations to:

Economic
Development
Commission
June 9, 2021

Common Council
June 2, 2021



Tax Abatements

- Local economic development tool
 - City authorizes, County administers
 - City of Bloomington General Standards
 - Review criteria adopted 2021 to acknowledge and help facilitate support of affordable housing projects
- Creation of capital investment as an enhancement to the tax base
1. Significantly increases full-time, permanent living-wage jobs;
 2. Significantly increases existing wages; or
 3. Creates affordable housing units.

Department of Economic and Sustainable Development



Tax Abatements

- Evaluative criteria adopted 2021 with references to appropriate planning documents.
 - Quality of Life and Environmental/Sustainability
 - Affordable Housing
 - Community Service
 - Community Character
- Bloomington Common Council requires an Economic Development Commission (EDC) recommendation

Department of Economic and Sustainable Development



Tax Abatements

- Phase-in of new property taxes
 - All or part of **new** assessed value exempted from paying property tax
 - Reduction of tax liability on **added** assessed value (AV) only – from *improvements* only
- Terms from 1 to 10 years
 - Sliding scale from 100% to **no** exemption on the new AV;
 - Designating body may provide an “alternative deduction schedule” (IC 6-1.1-12.1-17)



Authorization Process

- ESD Department
 - Receives Application and Statement of Benefits (IN Form SB-1)
- EDC recommendation
 - Economic Revitalization Area
 - Economic Development Target Area, if appropriate
 - Abatement term and schedule
- Common Council
 - Designating resolution
 - Public hearing and confirmatory resolution
 - Or modifying/confirming or rescinding resolution



Annual Reporting

- Compare estimated “benefits” to actual results
- Taxpayer submits annual Compliance form with Statement of Benefits form (IN Form CF-1)
 - Filed with County Auditor for deduction administration
 - Copied to City Clerk for reporting to Common Council
- Council has given ESD Department the responsibility to compile and report to EDC
 - EDC forwards final report to Council for any action



Economic Impacts

Progress toward new real and personal property investment estimates
(Active Abatements only)

Category	Proposed New Investment (SB-1)	Actual New Investment (CF-1)
Commercial RE	\$ 77,500,000	\$ 55,892,545
Commercial PP	\$ 110,000,000	\$ 43,339,141
Mixed Use	\$ 11,500,000	\$ 14,500,000
Residential	\$ 21,246,130	\$ 28,891,975
Total	\$ 220,246,130	\$ 142,623,562*

**Actual new investment appears low because Catalent 19-04 abatements will not detail final expenditures until the projects are complete in November 2021.*



Economic Impacts

Progress toward new jobs and salary estimates

Proposed New Jobs	Proposed New Salaries	Actual New Jobs	Actual New Salaries	Total Jobs New and Retained	Total Salaries New and Retained
337	\$ 18,314,362	1,126	\$55,756,229	2,016	\$108,095,091
<i>Average Proposed New Salary = \$54,345</i>		<i>Average Actual New Salary = \$49,517*</i>		<i>Average New and Retained Salary = \$53,618*</i>	

Excludes temporary jobs and corresponding salaries from construction.

Excludes unknown salary information from some businesses leasing space in mixed-use developments, non-reported information and commissions/benefits.

Catalent job figures were averaged in order to avoid duplicate reporting across abatements.



Economic Impacts of Active Abatements

Category	Current Assessed Values (Improvements only)
Commercial RE + PP	\$58,130,642
Mixed Use	\$16,074,600
Residential	\$4,416,496
Total	\$ 78,621,374

Southern Knoll/Milestone Ventures
1107 W 3rd St
Resolution: 18-09





Southern Knoll/Milestone Ventures

1107 W 3rd St

Resolution: 18-09

Statement of Benefits

Compliance

Type: Real Estate Improvements

Length of Abatement: 10 years RE /
98% rate

Estimated New Investment RE:
\$4,000,000

Estimated New Employment: 1 FTE

Estimated New Salaries: \$21,372

Benefits: A 31-unit 2-story affordable housing complex. All units affordable to households at or below 80% of the Area Median Income (AMI), at least 75% of the units affordable to households at or below 60% AMI. 7 units set aside as permanent supportive housing for the homeless. (Shalom). 7 units will be set-aside for persons with developmental disabilities. (LifeDesigns)

Summary: Real estate improvements are complete. Property is 100% occupied.

Actual New Investment: 4,417,937

Actual Retained Employees: 0

Actual Retained Salaries: \$0

Actual New Employees: 1 FTE

Actual New Salaries: \$14,731

Current Assessed Value: \$1,033,096

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

The abatement is in year 1 of 10.

Union at Crescent
N. Crescent Road
Resolution: 17-30





Union at Crescent
N. Crescent Rd
Resolution: 17-03

Statement of Benefits

Compliance

Type: Real Estate Property Improvements

Summary: Real estate improvements are complete.

Length of Abatement: 10 years RE

Estimated New Investment: \$17,600,000

Estimated Retained Employment: n/a

Estimated New Job Created: 5

Estimated New Salaries: \$13.00/HR

Benefits: Construction of a new 146-unit, 5-story multi-family mixed affordable and market rate housing development within four attached buildings.

Summary: No less than 70% of the units (102 units) will be allocated to households with incomes at or below 60% of the Area Median Income, and no less than 20% of the units will be Market Rate.

Actual New Investment: \$24,473,938

Actual retained Employment: n/a

Actual New Employment: 5

Actual New Salaries: \$17.50/HR

Current Assessed Value: \$3,429,100
(partial assessment)

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This Real Property abatement is in Year 2 of 10. Abatement is at 100%.

Urban Station
403 South Walnut St.
Resolution: 16-12



Urban Station
403 South Walnut St.
Resolution: 16-12

Statement of Benefits

Type: Real Estate Property Improvements

Length of Abatement: 10 years RE

Estimated New Investment: \$11,500,000

Estimated Retained Employment: 10

Estimated New Job Created: 5

Estimated Retained Salaries: \$400,000

Estimated New Salaries: \$115,000

Benefits: Construction of one new 4 story, mixed-use building with 7,000 sq ft of commercial space on 1st and one new 4 story residential building.

Summary: First City tax abatement project that includes Workforce Housing, including five 1BR and five 2BR units, with a duration of 99 years.

Compliance

Summary: Real estate improvements are complete.

Actual New Investment: \$14,500,000

Actual retained Employment: 4

Actual New Employment: 4

Actual Retained Salaries: \$150,000

Actual New Salaries: \$150,000

Current Assessed Value: \$16,074,600

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

This Real Property abatement is in Year 4 of 10 at 85%.

The Foundry
304 West Kirkwood Ave.
Resolution: 14-15





The Foundry
304 West Kirkwood Ave
Resolution: 14-15

Statement of Benefits

Type: Real Estate and Personal Property Improvements

Length of Abatement: 5 years RE, 10 years PP

Estimated New Investment RE:
\$11,500,000

Estimated New Investment PP: \$400,000

Estimated Retained Employment: 54

Estimated New Jobs Created: 11

Estimated Retained Salaries: \$3,637,099

Estimated New Salaries: \$825,000

Benefits: Construction of a new 4 story, mixed-use building with 12,640 sq ft of commercial space on 1st and 2nd floor.

Summary: Tax Abatement does not include top floor residential units

Compliance

Summary: Real estate improvements are completed. Personal Property has not yet been purchased.

Actual New Investment: \$18,875,710 (RE)

Actual Retained Employees: 54

Actual Retained Salaries: \$3,637,099

Actual New Employees: 5

Actual New Salaries: \$844,251

Current Assessed Value: \$15,373,400

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

The RE abatement is in year 2 of 5 at 80%.
The PP abatement has not yet begun.

Cook Pharmica d/b/a Catalent Biologics (2015)

1300 S Patterson Drive

Resolution 15-06





Cook Pharmica d/b/a Catalent Biologics

1300 S. Patterson Dr.

Resolution: 15-06

Statement of Benefits

Compliance

Type: Personal Property Improvements

Summary: PP investments complete.

Length of Abatement: 10 years

Estimated New Investment: \$25,000,000

Est. Retained Jobs: 550

Est. Retained Salaries: \$31,000,000

Estimated New Jobs Created: 70

Estimated New Salaries: \$3,200,000

Actual New Investment: \$31,869,287

Actual Retained Jobs: 550

Actual Retained Salaries: \$31,000,000

Actual New Employees: 1,237

Actual New Salaries: \$54,965,572

Current Assessed Value: \$64,720,367

Benefits: Investment in building improvements, machinery and equipment in order to expand its capacity to formulate, fill and finish (package) vials and syringes.

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

Summary: 70% personal property tax abatement

This abatement is in year 3 of 10. The rate is 70%.

Catalent Indiana, LLC
1300 S. Patterson Dr.
Resolution: 19-03; 19-04





Catalent Indiana, LLC

1300 S. Patterson Dr.

Resolution: 19-04

Statement of Benefits

Type: Real Estate and Personal Property

Length of Abatement: 10 years

Est. New PP Investment: \$85,000,000

Est. New RE Investment: \$40,000,000

Est. Retained Employees: 839

Esti. Retained Salaries: \$43,926,000

Estimated New Jobs Created: 200

Estimated New Salaries: \$13,312,000

Benefits: Phase 1: Build out 15,000 ft² of manufacturing space to expand packaging capacity and add new capabilities to support specialized device assembly.

Summary: Phase 1 PP/RE investments will be complete by end of 2021. Declining tax abatement, 45% average rate per year, over 10 years on both RE and PP

investments
Department of Economic and Sustainable Development

Compliance

Actual New PP Investment:

\$11,479,874

Actual New RE Investment:

\$1,700,000*

*pending completion of expenditures

Actual Retained Employees: 839

Actual Retained Salaries: \$43,926,000

Actual New Employees: 948

Actual New Salaries: \$42,039,572

Current Assessed Value: \$64,720,367

Remarks: Staff recommends a finding of substantial compliance with layer 1 for PP of the Statement of Benefits.

RE abatement is in year 1 of 10 at 100%.

PP abatement is in year 2 of 2 of 10 at

95%.

Hoosier Energy
2501 South Cooperative Way
Resolution: 13-03





Hoosier Energy
2501 South Cooperative Way
Resolution: 13-03

Statement of Benefits

Type: Real Estate Improvements

Length of Abatement: 10 years

Estimated New Investment:

\$20,000,000

Estimated Retained Employees: 116

Estimated New Employees: 0

Estimated Retained Salaries:

\$11,118,764

Estimated New Employees: 0

Estimated New Salaries: 0

Benefits: Construction of a new multi-story, LEED-certified 80,000+ square foot headquarters building.

Compliance

Summary: Real estate improvements are complete.

Actual New Investment:

\$20,800,000

Actual Retained Employees: 116

Actual Retained Salaries: \$11,118,764

Actual New Employees: 21

Actual New Salaries: \$6,358,275

Current Assessed Value: \$9,741,600

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits.

The abatement is in year 5 of 10 and at 30%.

Woolery Mill Ventures, LLC
Property at 2600 S. Kegg Rd
Resolution: 04-01; 13-14





Woolery Mill Ventures, LLC

Property at 2600 S. Kegg Rd

Resolution: 04-01; 13-14

Statement of Benefits

Type: Real Estate Improvements

Length of Abatement: 10 years

Estimated New Investment: \$6,000,000

Estimated New Employment: 45

Estimated New Salaries: \$762,000

Benefits: Renovation of an abandoned limestone mill into a mixed use facility (42 apts/condos, 55-room hotel, recreational amenities, event space) rehabilitated to the historic standards of the Secretary of Interior.

Phase I includes site improvements and completion of event space.

Compliance

Summary:

Woolery Ventures obtained a building permit for Phase I (event space) and completed the event space in May 2019. They have met their investment and construction timeline for Phase I requirements.

Actual New Investment: \$4,670,977

Actual New Employees: 0*

Actual New Salaries: 0

Current Assessed Value: \$2,670,000

*Employees status affected by COVID-19.

Remarks: Staff recommends a finding of substantial compliance with the Statement of Benefits

Abatement is in year 2 of 10. Rate of abatement is 85%.

Real America, LLC
1730 S. Walnut St.
Resolution: 21-20

Statement of Benefits

Type: Real Estate

Duration: 10 years

Est. New Investment: \$9,777,122

Est. New Jobs Created: 2

Est. New Salaries: \$80,000

Benefits: 48 affordable units with 10 fully ADA units reserved for individuals working with StoneBelt. 6 units at 80% AMI, 6 at 70% AMI, 6 at 50% AMI, and 6 at 30% AMI.

Summary: Declining tax abatement, 49.5% average rate per year, over 10 years. Estimated gross value of the abatement is \$154,170.

- Real America's development of Retreat at the Switchyard LLC is the first recommended abatement from EDC since 2019.
- The recommendation of creation of an ERA and an abatement were approved by EDC resolutions 21-02 and 21-03.
- ESD is presenting EDC's recommendation to council this evening, June 2, 2021.



VIII. Other EDC Activity

- No new tax abatements were recommended during 2020.
- The EDC amended and approved updated abatement guidelines on December 9, 2020, which were approved by Bloomington Common Council in March 2021.
- The EDC did not issue any new bond inducements in 2020. However, the City Council authorized economic development bonds for the renovation of Walnut Woods and Reverend Butler Apartments by Bloomington RAD I, LP. The total amount authorized for the bonds was up to \$11,000,000. Those bonds were authorized by the City Council in Ordinance 20-02.



Limestone Crossing

- Final approval in December 2019 of revenue bonds not to exceed \$26,000,000 to Limestone Crossing
- To facilitate the rehabilitation of Canterbury House (now Limestone Crossing) at 540 S Basswood Drive
- 208 units at 60% AMI
- Site rehabilitations include: new roofs, trash enclosures, parking lot repair, enhanced site lighting and accessibility;
- Unit improvements include: new flooring, countertops, windows, doors, HVAC and appliances; and safety improvements.
- Final re-inspection with HAND on 5/28/21.



Walnut Woods / Rev. Butler Renovations

- BHA received \$11 million bond for renovations for 116 affordable units
- Project renovations are about 65% complete with all 116 unit renovations and site work to be completed by December 2021.
- The weather is now allowing for exterior and site improvements such as adding accessible parking spots, new roofing, landscaping improvements and siding repairs.
- About 27% of the project construction budget has been awarded to Section 3, Women or Minority Business Enterprises.



Thank you for your service!



MEMO FROM COUNCIL OFFICE ON:

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

Synopsis

This resolution extends the term of Ordinance 20-11, which is set to expire under the terms of Resolution 20-19 on August 6, 2021, to October 31, 2021. Ordinance 20-11 waived certain formalities contained in the Bloomington Municipal Code related to signs and seating encroachments. The temporary suspension of these formalities has assisted the local business community as it copes with and recovers from the ongoing COVID-19 pandemic. This resolution also requests that the transportation and traffic engineer issue an additional temporary order to allow for the continued use of pick up/drop off zones and dine-in parklets until and including October 31, 2021.

Relevant Materials

- Resolution 21-18
- Staff Memo from Kaisa Goodman, Special Projects Manager
- Current 180-day order re: Pick up/drop off zones and dine-in parklets

Summary

On June 17, 2020, the Council passed Ordinance 20-11, which recommended that certain portions of the Bloomington Municipal Code related to sign regulations and seating encroachment regulations be temporarily suspended in response to the ongoing COVID-19 pandemic. The ordinance was an effort to help address the economic fallout felt by Bloomington's local business community. It helped facilitate the closure of portions of Kirkwood Avenue to vehicular traffic in order to expand seating capacity into the right-of-way so that local businesses could safely service additional patrons. It also helped facilitate the use of pick up/drop off (PUDO) zones and dine-in parklets in certain parking spaces in the downtown area. A detailed explanation of the particular regulations affected can be found in the Council's [Legislative Packet for the Week of 8-12 June 2020](#).

The suspensions of regulations detailed in Ordinance 20-11 originally extended until September 30, 2020. On September 23, 2020, the Council adopted Resolution 20-15, which extended the term of Ordinance 20-11 to December 31, 2020. On December 16, 2020, the Council adopted Resolution 20-19, which further extended the term of Ordinance 20-11 to August 6, 2021.



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

Ordinance 20-11 provides that “the City Council, at its discretion, may take up a resolution to request that [the suspended regulations] be waived for a longer period of time.”

Resolution 21-18 does just that. The resolution would extend the suspension of the regulations described in Ordinance 20-11 through October 31, 2021. The resolution also states that the Council may, at its discretion, further extend or, in the alternative, earlier terminate the term of Ordinance 20-11 by the passage of another similar resolution.

The resolution would also express the Council’s support for the continued use of PUDO zones and dine-in parklets to continue assisting with economic recovery during the public health emergency.

Contact

Kaisa Goodman, Special Projects Manager, 812-349-3418,

kaisa.goodman@bloomington.in.gov

Larry Allen, Assistant City Attorney, 812-349-3426, allenl@bloomington.in.gov

RESOLUTION 21-18

A RESOLUTION EXTENDING THE TERM OF ORDINANCE 20-11 AND CALLING FOR THE CONTINUATION OF OTHER TEMPORARY REGULATIONS

- WHEREAS, on June 17, 2020, the Common Council passed Ordinance 20-11, which took the proactive step of suspending certain portions of the Bloomington Municipal Code during the ongoing public health emergency caused by the COVID-19 virus; and
- WHEREAS, on September 23, 2020, in Resolution 20-15, the Common Council extended the measures in Ordinance 20-11; and
- WHEREAS, the Common Council further extended the measures included in Ordinance 20-11 through August 6, 2021, in Resolution 20-19; and
- WHEREAS, the public health emergency and the COVID-19 pandemic, as well as their impact on Bloomington's local economy, continue; and
- WHEREAS, in Resolution 20-19, the Common Council reserved the right to "further extend" Ordinance 20-11 by passing "another similar resolution altering the term of Ordinance 20-11"; and
- WHEREAS, Ordinance 20-11, by its own terms, stated that if the declared disaster emergency for COVID-19 continued beyond the stated deadline "the City Council, at its discretion, may take up a resolution to request that [the suspended] formalities be waived for a longer period of time"; and
- WHEREAS, the Common Council therefore wishes to extend the term of the proactive measures it put into place through Ordinance 20-11 to assist the Bloomington business community's recovery; and
- WHEREAS, by virtue of a 180-day order effective February 6, 2021, the City has implemented temporary regulations to allow for parking pick up/drop off (PUDO) zones and dine-in parklets in an effort to increase accessibility for both customers and small, locally-owned businesses during the public health emergency; and
- WHEREAS, that 180-day order is set to expire August 6, 2021; and
- WHEREAS, the Board of Public Works, in Resolution 2020-28, permitted seating encroachment along the closed portions of Kirkwood Avenue, and that encroachment permission is set to expire on June 30, 2021; and
- WHEREAS, the Common Council wishes to express its support for the continued use of the Kirkwood Avenue closure, PUDO zones and dine-in parklets in order to continue assisting with economic recovery during the public health emergency;

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

- SECTION 1. The Common Council hereby extends the recommended suspension of certain portions of the Bloomington Municipal Code described in Ordinance 20-11 through October 31, 2021.
- SECTION 2. The Common Council reserves the right to, at its discretion, further extend or, in the alternative, earlier terminate the term of Ordinance 20-11 so that the provisions of Ordinance 20-11 conclude on a date other than October 31, 2021. If the Common Council desires to modify the term of Ordinance 20-11, it shall pass another similar resolution altering the term of Ordinance 20-11.
- SECTION 3. The Common Council requests that the transportation and traffic engineer issue a subsequent temporary order after the expiration of the current 180-day order to allow for the continued use of PUDO Zones and parklets up to and including October 31, 2021.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, 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 _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution extends the term of Ordinance 20-11, which is set to expire under the terms of Resolution 20-19 on August 6, 2021, to October 31, 2021. Ordinance 20-11 waived certain formalities contained in the Bloomington Municipal Code related to signs and seating encroachments. The temporary suspension of these formalities has assisted the local business community as it copes with and recovers from the ongoing COVID-19 pandemic. This resolution also requests that the transportation and traffic engineer issue an additional temporary order to allow for the continued use of pick up/drop off zones and dine-in parklets until and including October 31, 2021.



MEMORANDUM

To: City of Bloomington Common Council

CC: John Hamilton, Mayor; Donald Griffin, Deputy Mayor; Alex Crowley, Director of Economic and Sustainable Development; Larry Allen, Assistant City Attorney

From: Kaisa Goodman

Date: May 21, 2021

Re: Resolution 20-18 Regarding Kirkwood Conversion, Parklets, and Pickup/Drop-off Zones in the Downtown Corridor

Introduction

In June of 2020, Ordinance 20-11 suspended portions of the municipal code relating to seating encroachment and signage regulations; Resolutions 20-15 and 20-19 extended this ordinance, which is currently set to expire on August 6, 2021. In conjunction with temporary orders from the Department of Public Works, these legislations accommodated pickup/drop-off (PUDO) zones, parklets, and the conversion of several blocks of Kirkwood to a pedestrian and outdoor dining space.

Due to the ongoing economic recovery related to the COVID-19 pandemic, it is City staff's recommendation that the PUDO zone, parklet, and Kirkwood conversion programs continue through October 31, 2021. This will allow local businesses to capture revenue from expanded outdoor seating during the warm weather months, which many patrons still prefer over indoor seating for health-related reasons, as well as to accommodate patrons who still prefer take-out dining.

Background

The PUDO zone, parklet, and Kirkwood conversion programs were implemented in August of 2020.

The PUDO zones have been in place since last August, with some adjustments:

- Zones have been added, moved, and removed over the past 10 months based on requests from local businesses.
- Some PUDO zones are more heavily utilized than others, due to the nature of the businesses near them and since fewer businesses are now relying as heavily on

take-out service. In an effort to balance competing parking needs, staff is currently conducting outreach to businesses to see if their nearby PUDO zone continues to be helpful. The goal is to keep the PUDO zone program in place for those who benefit from it while minimizing the disruption to metered parking.

Both outdoor dining programs continued through the warm weather in 2020 and were relaunched in March of 2021 with some modifications:

- For the Fall 2020 season, the impacted blocks of Kirkwood were closed only on the weekends. Feedback from the Kirkwood Community Association and a survey conducted by Downtown Bloomington, Inc. demonstrated a desire from local businesses to have the Indiana-Dunn, Dunn-Grant, and the west side of the Washington-Walnut blocks of Kirkwood closed to vehicular traffic 24/7. This preference was mirrored by labor concerns from the Department of Public Works, as it took significant staff time to implement and remove the bollards from Kirkwood every weekend. As a result, those blocks of Kirkwood have been closed continuously since mid-March of this year.
- Modifications were made to the parklet application, and all businesses were required to complete the application even if they already had a parklet or had previously had one. These modifications included clearer health and safety guidelines and discretion on the part of the City to remove parklets that were not fully utilized.
- An 11:00pm limit was implemented on serving alcohol in parklets or in the street seating on Kirkwood. This does not impact indoor or regular patio dining.
- Restaurants utilizing space on Kirkwood have been asked to install temporary ramps into their expanded space, provided there are no curb cuts in the section of the street they are utilizing.

The Governor's executive order related to restaurant capacity is ending on May 31, 2021. However, many patrons still are more comfortable dining outside or getting carry-out. As a result, restaurants and bars are still eager for expanded outdoor seating, as they attempt to recoup pandemic-related revenue losses. While City staff had previously recommended a continuation of the PUDO zone, parklet, and Kirkwood conversion programs through June 30, 2021, feedback from downtown businesses, Downtown Bloomington, Inc., the Kirkwood Community Association, and patrons of downtown businesses have caused staff to revise their recommendation to a continuation through October 31, 2021. This decision was made by consensus with input from the following departments:

- Bloomington Transit
- Community & Family Resources
- Economic & Sustainable Development
- Engineering
- Fire
- Legal
- Office of the Mayor
- Parking
- Planning
- Police

- Public Works

Objectives

The objectives of continuing the PUDO zone, parklet, and Kirkwood programs are:

- Provide continuing support to local businesses who are recovering from the economic downturn caused by the COVID-19 pandemic
- Provide expanded space for patrons of local businesses to eat and drink outside
- Provide short-term parking for picking up carryout food or merchandise from local businesses, for both patrons and delivery drivers.
- Provide consistency and predictability for both businesses and patrons, in terms of street closures, dining options, and parking options.

Overview

Resolution 21- 18 asks the Council for their support of continuing the PUDO zone, parklet, and Kirkwood conversion programs in their current form through October 31, 2021. Logistically, this includes:

- Council approval to continue waiving requirements relating to outdoor dining and signage
- Council support of another Board of Public Works resolution to continue Kirkwood closure and encroachments until October 31, 2021
- Council support for another temporary order to allow PUDO zones to continue until at least October 31, 2021

Other Considerations

Impact of COVID-relief Funding

The City had 63 Rapid Response Fund (RRF) borrowers, three of which have repaid in full. Anecdotally, most borrowers used these funds for operating expenses during the hardest parts of the shutdown. A few of them used the funds to shift their business model, and a few others used them for other types of strategic, growth-oriented investing. RRF is still open.

Many Bloomington based service-industry businesses used the Monroe County CARES funding to pay for "non-payroll related expenses," up to \$30,000 per business. Additionally, expenses related to adjusting a business's model to operate more easily during the pandemic--whether investing in web development or a pick-up window--were allowable under the federal Payroll Protection Program (PPP). The CARES Act and PPP funding programs closed on April 30, 2021.

Timeline Clarification

While Resolution 20-19 and the accompanying staff order had legally extended the parklet and Kirkwood conversion program through August 6, 2021, the December 2020 presentation to Council and communications with local businesses had indicated an end date of June 30, 2021. The reason for this discrepancy is that the staff order was for 180 days, the standard length of

time for temporary orders, but at the time of the last presentation it was the recommendation of staff to end these programs on June 30th due to the many unknowns about the pandemic.

Extending the PUDO, parklet and Kirkwood conversion programs before June 30th has two goals:

- To update the Council on staff's recommendations and allow the Council to have input before the previously-stated deadline and early enough to avoid scheduling conflicts with Council meetings later in the month
- To simplify communications with local businesses and give them greater notice about when the outdoor dining modifications will end this year. Many restaurants are building and/or purchasing outdoor furniture, so having more notice and a clearer timeline is very beneficial to them.

180-DAY ORDER

Pursuant to Bloomington Municipal Code § 15.08.040 I hereby issue this 180-Day Order, the details of which are described in detail below, for the following reason(s):

- ☒ To make and enforce temporary regulations;
- ☒ To make and enforce experimental regulations;
- ☐ To make and enforce regulations necessary to deal with emergencies; and/or
- ☒ To make and enforce regulations necessary to deal with special conditions.

This Order is intended to initiate Parking Pick-up/Drop-off (PUDO) Zones. The main goal of this effort is to increase accessibility for both customers and small, locally-owned businesses, as reliable PUDO parking access is critical to economic recovery. This Order also allows for existing parking spaces to be converted into dine-in parklets. After careful review and consideration the Request has been granted and the following actions will be implemented:

PUDO zones will be denoted on commercial blocks in the downtown corridor. Blocks that have PUDO zones will have 1-2 adjacent spaces per block. The exact location of the zones shall be designated by signage. These PUDO zones will be non-metered 15-minute parking spaces. All ADA-accessible parking spaces downtown will have 15 minutes of free parking as well, so that ADA-accessible PUDO spaces are available.

The area within which the PUDO zones may be located is:

- The area bounded by 3rd St., 6th St., Madison St., and Indiana Ave., *plus*
- The area bounded by 6th St., 7th St., Madison St., and N. Washington St., *plus*
- The area bounded by 7th St., 9th St., Morton St., and N. Walnut St.

Dine-in parklet areas may also be implemented by City staff within this area through the use of signage and/or adequate barriers to restrict vehicle entry into parking spaces. PUDO zones and parklets should be mutually exclusive on any given block.

Questions regarding this Order shall be directed to the City Engineer.



Signature of City Engineer

2/5/2021

Date

Effective Date: 8/10/2020

Expiration Date: 8/4/2021

** Reissued by Andrew Cibur 2/5/21 to extend expiration date from 2/6/21 to 8/4/21. see City Council resolution 20-19 for additional support.*

Case Number: 20-04



MEMO FROM COUNCIL OFFICE ON:

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

Synopsis

This resolution designates two parcels located at 1730 South Walnut Street as an Economic Revitalization Area (“ERA”) for Real America LLC (“Petitioner”). This designation was recommended by the Economic Development Commission on May 12, 2021, and will enable the proposed affordable housing redevelopment project to be eligible for tax abatement. The resolution approves Petitioner’s Statement of Benefits, authorizes a ten-year period of abatement for real property improvements and sets its deduction schedule. The resolution also declares the intent of the Council to hold a public hearing on June 16, 2021, to hear public comment on the ERA designation.

Relevant Materials

- Resolution 21-20
- Staff memo from Jane Kupersmith, Assistant Director of Small Business Development
- Economic Development Commission Resolutions 21-02 and 21-03
- Petitioner’s Application for Tax Abatement
 - Letter from Petitioner
 - Statement of Benefits
 - Site Plan, Elevation Renderings, & Floor Plans

Summary

Resolution 21-17 designates two parcels of property along South Walnut Street as an economic revitalization area. An economic revitalization area (“ERA”) is defined as an area within the city that has “become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property.”¹ The resolution describes the boundaries of the area by describing its location by both parcel numbers and legal descriptions. This ERA designation allows for a deduction of property taxes for the redevelopment or rehabilitation of real property in the area.

¹ IC 6-1.1-12.1-1(1)



As mentioned in the staff memo, such deductions are generally not allowed for residential facilities unless the facility is: A) a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals; B) the facility is located in an economic development target area; or C) the area is designated as a residentially distressed area. In this case, the facility would meet the first criteria, as 75% of the planned units would be reserved for low to moderate income residents.

State law provides that the Council may not designate the area as an ERA unless it finds:

- the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature;
- the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
- the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
- any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation
- the totality of benefits is sufficient to justify the deduction.²

In designating the area an ERA, the Council may also impose certain limits, including limits on the time period during which the area shall be designated as an ERA, limits on the type and amount of deductions that will be allowed, and reasonable conditions related to the purpose of the state statute or to the City's general tax abatement standards. The City's tax abatement program general standards (included in this packet as an attachment to the Annual Tax Abatement Report) were last updated in March 2021 via [Resolution 21-06](#).

[Resolution 21-20](#) provides for a ten-year period of abatement and sets a deduction schedule. It also calls for certain other reasonable conditions related to the rehabilitation or redevelopment of the property.

If the Council adopts the resolution, the City Clerk will publish the resolution and a notice of a public hearing in the newspaper announcing that the Council will consider a subsequent resolution on June 16 confirming, modifying, or rescinding the earlier resolution. This notice and additional information will also be filed with the County Auditor, Assessor, and all affected taxing units for the property in question.

Contact

Jane Kupersmith, Assistant Director of Small Business Development, 812-349-3418, jane.kupersmith@bloomington.in.gov

² IC 6-1.1-12.1-3(b)

RESOLUTION 21-20

**TO DESIGNATE AN ECONOMIC REVITALIZATION AREA, APPROVE THE
STATEMENT OF BENEFITS, AND AUTHORIZE AN ABATEMENT PERIOD FOR
REAL PROPERTY IMPROVEMENTS**

**Re: Property at 1730 S. Walnut Street (Retreat at Switchyard)
(Real America LLC/Retreat at Switchyard, LP, Petitioner)**

- WHEREAS, Indiana Code § 6-1.1-12.1-1 *et seq.* specifies that the Common Council may designate an “Economic Revitalization Area” (“ERA”);
- WHEREAS, the Common Council of the City of Bloomington updated and adopted Tax Abatement General Standards in Resolution 21-06 that established the standards to be used in finding an area to be an ERA; and
- WHEREAS, Real America LLC and its successor Retreat at Switchyard, LP (collectively “Petitioner”), have submitted an application in which it seeks to have an area located at 1730 S. Walnut Street, Bloomington, Indiana, (“Property”) and including the following descriptions as recorded in the Monroe County Recorder’s Office, designated as an ERA:
- Parcel Numbers: 53-08-09-208-002.000-009
 53-08-09-208-003.000-009
- Legal Descriptions: 015-50425-00 AUTO PARK LOT A (.60A)
 015-50415-01 AUTO PARK LOT B; (.92A); and
- WHEREAS, Indiana Code § 6-1.1-12.1-1 *et seq.* provides for the designation of ERA within which property taxes may be abated on improvements to real estate; and
- WHEREAS, Petitioner has also applied for a tax abatement and submitted its Statement of Benefits form on the real estate improvements associated with its proposed affordable housing project located at the Property indicated above; and
- WHEREAS, according to its application, Petitioner has proposed investing \$11.8 million to construct an affordable housing development, which would include 64 units in a five-story building with dedicated first-floor retail space (“Project”); and
- WHEREAS, Petitioner has been awarded a 9% Low Income Housing Tax Credit by the State of Indiana for the Project; and
- WHEREAS, of the 64 total housing units in the Project, 48 units (75% of the total units) would be reserved for low to moderate-income residents for a period of 99 years, which represents more than 20% of the total available units for the purposes of Indiana Code § 6-1.1-12.1-3, and the remaining 16 units would be available for lease at the market rate; and
- WHEREAS, the affordable units in the Project would be managed by Retreat at Switchyard, LP; and
- WHEREAS, rent for the affordable units will be in accordance with the U.S. Department of Housing and Urban Development’s housing cost burden guidelines, which stipulate that the cost of housing and non-telecommunication utilities shall not exceed 30% of a resident’s gross income; and
- WHEREAS, Petitioner is also partnering with Stone Belt and will set aside 10 units as housing along with additional service areas within the Project for Stone Belt’s clients; and
- WHEREAS, according to Petitioner’s Statement of Benefits, this Project would create two new full-time, permanent jobs with an estimated total annual payroll of \$80,000.00, with the lower starting full-time wage of \$35,000.00 per year; and

WHEREAS, as required by Indiana Code, Bloomington Municipal Code, and a Memorandum of Understanding to be executed between the Petitioner and the City pursuant to the City of Bloomington Tax Abatement General Standards, the Petitioner shall agree to provide information in a timely fashion each year to the County Auditor and the Common Council showing the extent to which the Petitioner has complied with its Statement of Benefits, complied with the City of Bloomington's Living Wage Ordinance (B.M.C. 2.28), and complied with commitments specified in the Memorandum of Understanding; and

WHEREAS, the Project is located in the Thomson-Walnut-Winslow Allocation Area within the Consolidated Tax Increment Financing ("Consolidated TIF") district, and Indiana Code § 6-1.1-12.1-2(k) provides that when a property is designated as an ERA for tax abatement purposes and is also located in a TIF allocation area, the Common Council must approve the Statement of Benefits by resolution; and

WHEREAS, the Common Council of the City of Bloomington—in Ordinance 97-06—gave the Economic Development Commission the responsibility for making recommendations to the Council regarding requests for tax abatement; and

WHEREAS, on May 12, 2021, the Economic Development Commission determined that the application falls within the statutory qualifications in Indiana Code § 6.1.1-12.1-1 *et seq.* and recommended designation of the Property as an ERA and approval of Petitioner's Statement of Benefits and abatement application in Commission Resolutions 21-02 and 21-03;

WHEREAS, Indiana Code § 6-1.1-12.1-17 authorizes the Common Council to set an abatement schedule for property tax abatements, and the Council has reviewed Petitioner's application and Statement of Benefits, both of which are attached and incorporated into this Resolution;

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

SECTION 1. The Common Council has investigated the area, reviewed the Application and Statement of Benefits, and finds the following:

- a. the estimate of the value of the Project is reasonable;
- b. the estimate of the number of individuals who will be employed can be reasonably expected to result from the Project as proposed;
- c. the estimate of the annual salaries of these individuals who will be employed can be reasonably expected to result from the Project as proposed;
- d. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
- e. the totality of benefits is sufficient to justify the deduction.

SECTION 2. The Common Council determines that the property at 1730 South Walnut Street, composed of the parcels identified above, which is within the Thomson-Walnut-Winslow Allocation Area within the Consolidated Tax Increment Financing Area, is an "Economic Revitalization Area" as set forth in Indiana Code § 6-1.1-12.1-1, *et seq.*

SECTION 3. This designation shall expire no later than December 31, 2035, unless extended by actin of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

SECTION 4. The Common Council find that the Project will not negatively impact the ability of the Consolidated TIF allocation area to meet its debt obligations; and

SECTION 5. Petitioner's Statement of Benefits for its real estate improvements is hereby approved, and the Common Council finds that the proposed capital investment will create affordable housing units within the City.

SECTION 6. The Common Council further finds and determines the Petitioner, or its successors as allowed by the Memorandum of Understanding, shall be entitled to an abatement of real property taxes for the Project as provided in Indiana Code § 6-1.1-12.1-1, *et seq.*, for a period of ten (10) years with the following deduction schedule:

Year 1	100%
Year 2	95%
Year 3	80%
Year 4	65%
Year 5	50%
Year 6	40%
Year 7	30%
Year 8	20%
Year 9	10%
Year 10	5%

SECTION 7. In granting this designation and deductions the Common Council incorporates Indiana Code § 6-1.1-12.1-12 and also expressly exercises the power set forth in Indiana Code § 6-1.1-12.1-2(i)(6) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits, and authorizes the City of Bloomington to negotiate a Memorandum of Understanding with the Petitioner specifying substantial compliance terms and consequences and remedies for noncompliance. In particular, failure of the property owner to make reasonable efforts to comply with the following conditions is an additional reason for the Council to rescind this designation and deduction:

- a. the capital investment of at least \$11.6 million for real estate improvements;
- b. the land and improvements shall be developed and used in a manner that complies with local code;
- c. the Project shall be completed before or within twelve months of the completion date as listed on the application;
- d. the Affordable Units shall be maintained for at least ninety-nine (99) years; and
- e. Petitioner will comply with all compliance reporting requirements in the manner described by Indiana Code, Bloomington Municipal Code, and by the Memorandum of Understanding.

SECTION 8. The provisions of Indiana Code § 6-1.1-12.1-12 are hereby incorporated into this resolution, so that if the Petitioner ceases operations at the facility for which the deduction was granted and the Common Council finds that the Petitioner obtained the deduction by intentionally providing false information concerning its plans to continue operations at the facility, the Petitioner shall pay the amount determined under Indiana Code § 6-1.1-12.1-12(e) to the county treasurer.

SECTION 9. The Common Council directs the Clerk of the City to publish a notice announcing the passage of this resolution and requesting that persons having objections or remonstrances to the ERA designation appear before the Common Council at a public hearing on June 16, 2021.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2021.

Jim Sims, 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 _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution designates two parcels located at 1730 South Walnut Street as an Economic Revitalization Area (“ERA”) for Real America LLC (“Petitioner”). This designation was recommended by the Economic Development Commission on May 12, 2021, and will enable the proposed affordable housing redevelopment project to be eligible for tax abatement. The resolution approves Petitioner’s Statement of Benefits, authorizes a ten-year period of abatement for real property improvements and sets its deduction schedule. The resolution also declares the intent of the Council to hold a public hearing on June 16, 2021, to hear public comment on the ERA designation.



To: City of Bloomington Common Council

CC: John Hamilton, Mayor; Don Griffin, Deputy Mayor; Jeff Underwood, Controller; Larry Allen, Assistant City Attorney; Alex Crowley, Director, Economic and Sustainable Development

From: Jane Kupersmith, Assistant Director of Small Business Development

Date: May 21, 2021

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

Executive Summary: The Bloomington Economic Development Commission, in Commission Resolution 21-02 and 21-03, recommended designation of an Economic Revitalization Area and approval of real property tax abatement for Real America LLC and its successor Retreat at the Switchyard LP (collectively “Real America”) in regard to its Retreat @ Switchyard project to be located at 1730 S. Walnut Street. The total gross value of the abatement over 10 years is estimated to be \$154,370. This project will increase the availability of affordable housing near Switchyard Park, and will contain a mix of 48 affordable and 16 market rate units. Additionally, the Retreat @ Switchyard will partner with Stone Belt for dedicated residential and therapeutic space. The development will also have a dedicated commercial space that will serve its residents and the Park. Under the criteria endorsed by our Common Council and under Indiana Code 6-1.1-12.1, City staff believe that this project is worthy of a tax abatement on the real property improvements.

The Project:

Real America LLC is an Indianapolis-based, WBE-certified property development company. Real America was established in 1995 to develop, design, construct, and manage affordable housing in Indiana. It has since expanded product types with a continued focus on affordable housing. As of January 2020, Real America managed 1,654 affordable units across Indiana, with a significant presence in Fort Wayne as well as properties in Columbus and Nashville and an average pre-pandemic occupancy rate of 97.06%.

Real America proposes to develop a 64-unit, five-story building with first floor retail space at the 1.5-acre site of the former Night Moves building at 1730 S. Walnut Street, adjacent to the 64-acre Switchyard Park. Forty-Eight (48) units will be reserved for low- to moderate-income residents and will be managed by Retreat at the Switchyard, LP. Real America is also partnering with Stone Belt

and has set aside 10 apartments as housing and service areas for their clients within this building. Real America commits to a 99-year term of affordability.

The remaining 16 units will be market rate. The market rate units and the commercial space will be managed by Switchyard MR, LLC. The 16 market-rate units were added at the City's behest to densify and diversify the project. Real America created a separate legal entity to manage the market rate component in order to maximize the impact of their 9% Low Income Housing Tax Credit (LIHTC) award. The development will also include a 3,000 sq.ft. commercial space on the northeast corner of the structure, facing S. Walnut Street. The commercial space may facilitate a retail business that could serve visitors to Switchyard Park, although that is not a development requirement.

This abatement application pertains only to the 48 affordable units managed by Retreat at the Switchyard, LP, which is also the applicant for this abatement.

The breakdown of the 48 affordable units is reflected in the table below.

Type		# of Units	Sq. Feet	Proposed Rents	Max. Allow. Rents
30% RENTS	1 BR	3	850	\$281	\$281
	2 BR	6	1061	\$338	\$338
	3 BR	3	1410	\$389	\$389
	4 BR	0	1600	\$414	\$414
50% RENTS	1 BR	4	850	\$563	\$563
	2 BR	6	1061	\$675	\$675
	3 BR	2	1410	\$778	\$778
	4 BR	0	1600	\$849	\$849
60% RENTS	1 BR	0	850	\$703	\$703
	2 BR	0	1061	\$844	\$844
	3 BR	0	1410	\$973	\$973
	4 BR	0	1600	\$1,066	\$1,066
70% RENTS	1 BR	3	850	\$760	\$844
	2 BR	6	1061	\$912	\$1,013
	3 BR	0	1410	\$1,051	\$1,168
	4 BR	0	1600	\$1,155	\$1,283
80% RENTS	1 BR	5	850	\$887	\$985
	2 BR	9	1061	\$1,064	\$1,182
	3 BR	1	1410	\$1,227	\$1,363
	4 BR	0	1600	\$1,351	\$1,501

MARKET RENTS	1 BR	0	850	\$975	\$0
	2 BR	0	1061	\$1,277	\$0
	3 BR	0	1410	\$1,349	\$0
	4 BR	0	1600	\$1,486	\$0
	Total Units	48			

City's commitment

City staff recommends supporting the development with two commitments:

1. Conveyance of land to Real America for \$1.00 (RDC Approved in Resolution 20-97)
2. Tax abatement for 48 affordable units (see schedule below)—requires EDC/Council approval

Conveyance of Land

In 2017, the City of Bloomington Redevelopment Commission (RDC) purchased the lot and structure for \$800,000. The RDC anticipated that the property's proximity to Switchyard Park, and particularly to the future eastern entrance to the park, would position it well for a future housing development.

The assessed value of the land and structure has appreciated since the 2017 acquisition. At the time of the sale, the total property value was assessed at \$503,600. As of 2020, the property's assessed value increased to \$580,800. In recognition of the property's location adjacent to Switchyard Park and development potential, the property has most recently been appraised at \$975,000.

To fulfill its obligation via the June, 2020 Conveyance Agreement between the RDC and Real America, the RDC will convey the property to Real America for \$1.00.

Tax Abatement (Pending EDC/Council Approval)

According to Real America's pro forma for the LIHTC portion of the development dated 5/7/2021, the developer's total projected investment in the property is approximately \$15.2 million of which \$11.6 million represents costs associated with the construction contract.

Regarding the role of a tax abatement within the developer's pro forma: according to Real America, "the 15-year cash flow must be greater than the amount of the deferred developer fee to be included in eligible basis and not have an issue with the investor and the IRS. The deferred developer fee is estimated at \$589,016. The 15-year cash flow without abatement is only \$423,187. With the abatement, this increases to \$577,556. This is within the margin of error to assume we will be able to repay the deferred developer fee within the 15 years that is required."

Accordingly, City staff recommends providing cashflow support via a 10-year tax abatement on a decreasing schedule, with estimated abatement values as follows:

Year	% Abated	Taxes Abated	Taxes Paid
1	100%	\$28,800	\$0
2	95%	\$28,181	\$1,483
3	80%	\$24,443	\$6,111
4	65%	\$20,456	\$11,015
5	50%	\$16,207	\$16,208
6	40%	\$13,355	\$20,032
7	30%	\$10,317	\$23,972
8	20%	\$7,084	\$28,336
9	10%	\$3,648	\$32,835
10	5%	\$1,879	\$35,698
Gross Value		\$154,370	\$175,690
Net Present Value		\$138,408	\$141,123

The estimated construction start date is August, 2021 and estimated project completion date is December 2022. The first year of abatement, therefore, will be the 2023 tax year payable in 2024. The abatement MOU will require the commencement of construction within the 2021 calendar year.

Comparable Local Support for Affordable Housing - For Reference

The City has supported previous Affordable Housing projects, using a variety of local incentives including Tax Abatement, HOME dollars, funding from the Housing Development Fund, and land value. The mix of incentives will vary depending upon the specific needs of the development.

To normalize the various incentive packages relative to each other, City staff looks at the total net present value of the support on a per Affordable Housing unit basis. The proposed cumulative value of the local support proposed for Real America's Retreat @ Switchyard is approximately \$1.15 million, or \$23,946 per affordable unit. This is calculated using the full \$975,000 appraised value for the property.

In comparison, previous Affordable Housing projects have included the following local support:

B-Line Heights (PedCor):	36 units, \$20,834 per affordable unit
Union at Crescent (Mecca):	106 units, \$15,560 per affordable unit
Southern Knoll (Milestone):	31 units, \$16,394 per affordable unit

Current Status/Outcomes of Commission Reviews

Retreat at the Switchyard, LP must secure a tax abatement by July in order to close on the financing for the development. Bloomington Common Council recesses in July, so this compressed project schedule precludes waiting for final Plan Commission review.

Pending reviews following EDC

Common Council first reading of Tax Abatement	June 2, 2021
Common Council committee review	June 9, 2021
Common Council vote to approve	June 16, 2021
Plan Commission review of final site design	TBD, 2021

Criteria: City of Bloomington Tax Abatement General Standards

Retreat at the Switchyard supports the affordable housing tax abatement standards and evaluative criteria as stated below.

Capital Investment as an enhancement to the tax base

Total estimated project capital investment is projected to be \$11,812,618. Current tax liability is zero as the property is owned by the RDC. Improvements to the property are projected to generate an average of \$33,006 in real estate taxes over the next ten years, excluding an abatement.

Creates affordable housing units.

- A housing development sets aside 50% of the units to be affordable (at, e.g., HUD Fair Market rent) for low income to moderate income individuals
- Affordable housing with handicap-accessible units, and/or the units are designed for occupancy by senior citizens.

Evaluative Criteria

Residential developments with a recorded restriction that requires the housing for a certain number of years to be rented or owned by qualified very low and low income households are considered affordable housing. Projects of this nature may be directed toward specified individuals, for example, first-time homebuyers and persons with disabilities.

Criteria: Indiana Code

Establishing an Economic Revitalization Area and a Term of Abatement

In order for a property to be eligible for tax abatement, it must be designated an Economic Revitalization Area, or must be within an area already designated as an Economic Revitalization Area by the Common Council. An Economic Revitalization Area or “ERA” is an area that has obstacles to “normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors.” (Indiana Code § 6-1.1-12.1-1)

In order to establish an Economic Revitalization Area and authorize a tax abatement term, the Council must find that:

- The estimate of the value of the redevelopment or rehabilitation is reasonable for the projects of that nature.
- The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- The estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
- The totality of the benefits is sufficient to justify the deduction.

City staff finds the estimates and benefits described in the Application and on the Statement of Benefits form are reasonable and that the benefits, as outlined in the application packet and this memo, are sufficient to justify a tax abatement of the recommended term and schedule.

Affordable Housing, Economic Development Target Area, and Residentially Distressed Area

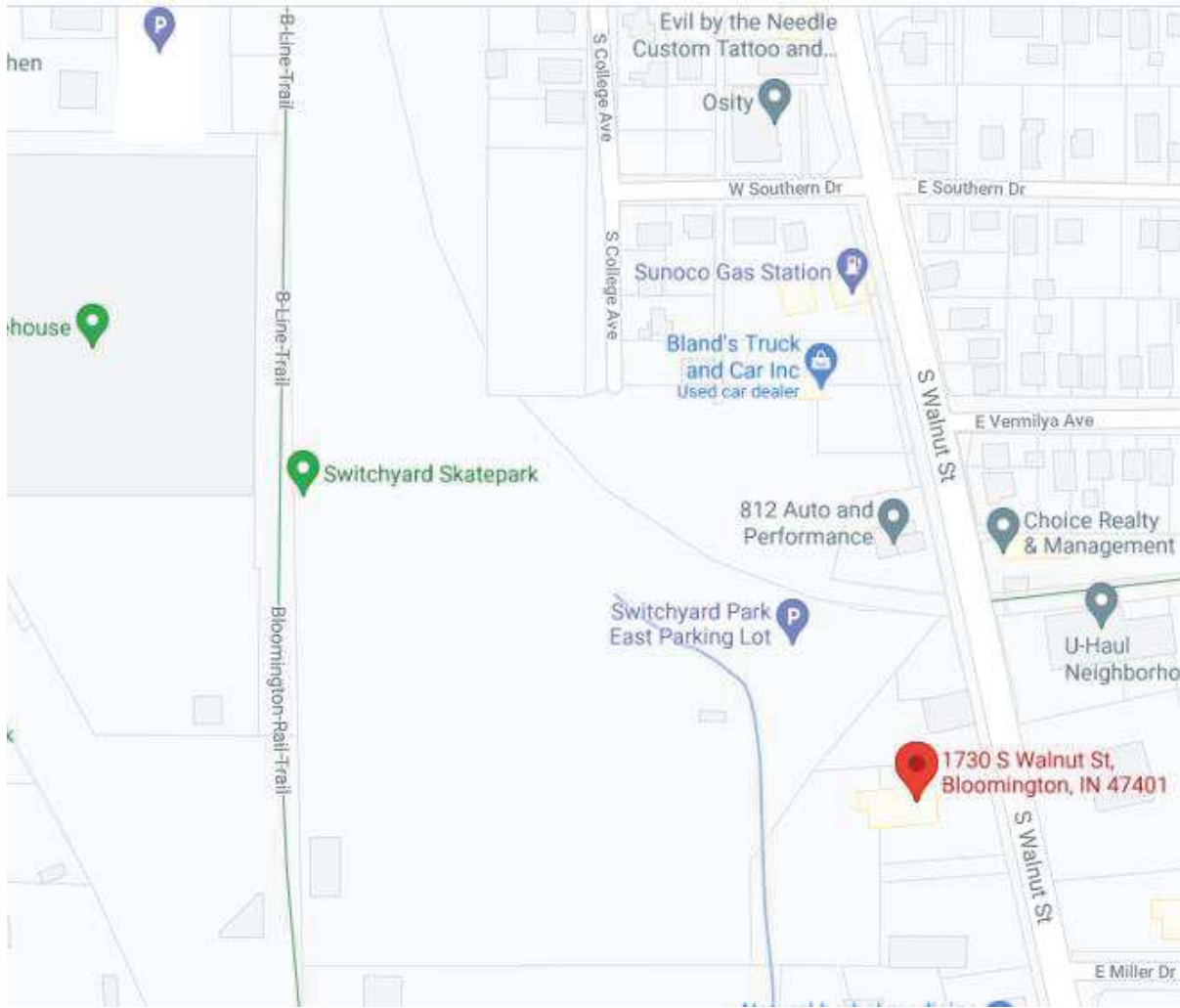
Generally, residential development is not eligible for tax abatement unless it meets one of the following criteria: (1) it is a multifamily development that contains at least 20% units available to low or moderate income tenants, (2) it located in an Economic Development Target Area (EDTA), or (3) the area of the development is designated as a residentially distressed area. *See* Ind. Code § 6-1.1-12.1-3(e)(11). Because this development includes more than 20% affordable housing, it does not require designation as either an Economic Development Target Area (EDTA) or a residentially distressed area.

Rationale for Tax Abatement Recommendation

The 2020 Bloomington Housing Study states that, “Over 60% of renter households and nearly 30% of owner-occupied households in Bloomington are cost burdened. The highest percentage of cost burdened residents mirrors that of census tracts with very high value to income ratios, the measure of an area’s affordability.” Additionally, the Housing Study notes the difficulties in the private market’s development of affordable projects. “These products are very challenging for the private market to produce and will depend heavily upon the housing partnership for funding and the nonprofit development community. Increasing the number of Low Income Housing Tax Credit projects and expanding rental programs will be important to producing these units in addition to preserving the city’s existing stock of affordable housing.” Further, the Housing Study cites the need to construct an average of 236 units (of all kinds) per year to address our community’s housing shortage.

City Staff therefore recommends the approval of an abatement for Retreat at the Switchyard, LP in order to support both a large number of affordable units (48), at a high level of affordability (at or below 80% AMI), and at a prime location (adjacent to Switchyard Park and walkable to many amenities). The approval of this abatement ensures affordability of this property for 99 years.

Appendix 1: Site Images





Attachments: Petitioners Tax Abatement Application, Statement of Benefits, Preliminary site plans

**RESOLUTION 21-02
OF THE
ECONOMIC DEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

DESIGNATION OF AN ECONOMIC REVITALIZATION AREA

WHEREAS, Indiana Code § 6-1.1-12.1-1 *et seq.* specifies that the Common Council may designate an Economic Revitalization Area;

WHEREAS, the Common Council of the City of Bloomington—in Ordinance 97-06—gave the Economic Development Commission the responsibility for making recommendations to the Council regarding requests for tax abatement;

WHEREAS, the Common Council of the City of Bloomington updated and adopted Tax Abatement General Standards in Resolution 21-06 that established the standards to be used in finding an area to be an ERA;

WHEREAS, Real America LLC has submitted an application in which it seeks to have an area located at 1730 S. Walnut Street, Bloomington, Indiana, and including the following descriptions as recorded in the Monroe County Recorder's Office, designated as an Economic Revitalization Area:

Parcel Numbers:	53-08-09-208-002.000-009 53-08-09-208-003.000-009
Legal Descriptions:	015-50425-00 AUTO PARK LOT A (.60A) 015-50415-01 AUTO PARK LOT B; (.92A); and

WHEREAS, the Economic Development Commission of the City of Bloomington, Indiana, has determined that the application falls within the statutory qualifications in Indiana Code § 6.1.1-12.1-1 *et seq.* and has voted to support the designation;

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON THAT:

The Economic Development Commission of the City of Bloomington, Indiana recommends to the Common Council of the City of Bloomington that the application for the above-referenced location to be designated as an economic revitalization area be approved.

APPROVED this 12th day of May, 2021.

DocuSigned by:

C18905A449354A6...
Kurt Zorn, President

WITNESS:

DocuSigned by:

Malcolm Webb

F8EDCBC5D35442D...

Malcolm Webb, Secretary

**RESOLUTION 21-03
OF THE
ECONOMIC DEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

**RECOMMENDATION OF TAX ABATEMENT FOR RETREAT @ SWITCHYARD
LOCATED AT 1730 S. WALNUT STREET**

WHEREAS, the Economic Development Commission of the City of Bloomington, Indiana, recognizes the need to stimulate growth and to maintain a sound economy within the corporate limits of the City of Bloomington, Indiana; and

WHEREAS, Indiana Code § 6-1.1-12.1-1 *et seq.* provides for the designation of “Economic Revitalization Areas” (“ERA”) within which property taxes may be abated on improvements to real estate; and

WHEREAS, in addition to ERA designation, an applicant for tax abatement must receive the Common Council’s approval of the Statement of Benefits regarding the proposed project; and

WHEREAS, the Common Council of the City of Bloomington—in Ordinance 97-06—gave the Economic Development Commission the responsibility for making recommendations to the Council regarding requests for tax abatement; and

WHEREAS, the Common Council of the City of Bloomington updated and adopted Tax Abatement General Standards in Resolution 21-06 that established the standards to be used in finding an area to be an ERA; and

WHEREAS, Real America LLC (“Petitioner”) proposes an affordable housing project on two (2) parcels at 1730 S. Walnut Street, Bloomington, Indiana (“Project”); and

WHEREAS, Petitioner has applied for a tax abatement on the real estate improvements associated with the Project (“Application”); and

WHEREAS, Petitioner’s Application includes a Statement of Benefits; and

WHEREAS, the Economic Development Commission of the City of Bloomington, Indiana, has met and considered Petitioner’s Application and Statement of Benefits, and recommends a ten-year tax abatement on the proposed real estate improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON THAT:

The following recommendations are made to the Common Council of the City of Bloomington, Indiana:

1. As indicated in EDC Resolution 21-02, two (2) parcels be designated an Economic Revitalization Area, which are located at 1730 South Walnut Street, Bloomington, Indiana, and identified by Monroe County as the following parcels:

53-08-09-208-002.000-009;
53-08-09-208-003.000-009.

2. Petitioner's Statement of Benefits regarding the Project at 1730 S. Walnut Street be approved, including a ten-year tax abatement with the following deduction schedule:

Year 1	100%
Year 2	95%
Year 3	80%
Year 4	65%
Year 5	50%
Year 6	40%
Year 7	30%
Year 8	20%
Year 9	10%
Year 10	5%

3. This tax abatement be contingent upon Petitioner beginning physical work on the Project no later than February 1, 2022.

APPROVED this 12th day of May, 2021.

DocuSigned by:

C18905A449354A6...
Kurt Zorn, President

WITNESS: DocuSigned by:

F8EDCBC5D35442D...
Malcolm Webb, Secretary



Application for Designation as an Economic Revitalization Area (ERA): Real Property Tax Abatement

City of Bloomington, Indiana
Department of Economic and Sustainable Development
401 N. Morton St., PO Box 100, Bloomington, Indiana 47402-0100
812.349.3418

INSTRUCTIONS

1. State law and City of Bloomington policy require that the designation application and statement of benefits form (SB-1) be submitted **prior to the initiation of the project** (i.e., prior to filing for building permits required to initiate construction). If the project requires a rezoning, variance, or approval petition of any kind the petitioner must file prior to submission of the tax abatement application, and must be approved prior to a final hearing on the tax abatement request.
2. All questions must be answered as completely as possible and must be verified with a signature on the completed Statement of Benefits Form (SB-1) and last page of this application. Incomplete or unsigned applications will not be accepted as official filings. If attaching additional pages, please label responses with corresponding Section numbers.
3. Return completed Application and **\$100.00 non-refundable Application Fee** (payable to the **City of Bloomington**) to City of Bloomington Department of Economic & Sustainable Development, PO Box 100, 401 N Morton Street, Suite 130, Bloomington, IN 47402-0100 (economicvitality@bloomington.in.gov).

Section 1 – Applicant Information

Name of Company for which ERA Designation is being requested **Retreat at the Switchyard, LP & Switchyard MR, LLC**

Primary Contact Information (for questions concerning this application and the Project)

Name **Jeff Ryan** Job Title **Vice President of Development**
 Phone **(317) 607-2753** ext. Email **Jeff@RealAmericaLLC.com**
 Address **8250 Dean Road**
 (street and/or PO, city, ZIP) **Indianapolis, IN 46240**

Compliance Contact Information (person responsible for completion and timely submittal of mandatory annual compliance forms if designation is granted)

Name **Ken Humphrey** Job Title **Controller**
 Phone **(317) 680-2425** ext. Email **KHumphrey@RealAmericaLLC.com**
 Address **8250 Dean Road**
 (street and/or PO, city, ZIP) **Indianapolis, IN 46240**

Section 2 – Real Property Location and Description

Monroe County Tax Parcel ID Number(s) **53-08-09-208-003.000-009** Township **Perry**

Street Address **1730 S. Walnut** ZIP **47401-**

Current Zoning **MC Mixed-Use Corridor**

Estimated Market Value of Property **\$580,800**
assessed value

Current Use(s) of Property **Vacant gentlemen's club**

Property or Building(s) Listed as Historic on the City of Bloomington [Historical Survey](#)?

☐ Yes ☒ No If yes, check one:

☐ Outstanding
☐ Notable
☐ Contributing

Age of Building(s), if applicable
34 years

Describe any other national or local historical significance or designation, if applicable **N/A**

Please list all owners of the property. **Redevelopment Commission of the City of Bloomington**

Attach additional sheets as necessary to include all relevant property records. The City of Bloomington may require a copy of the property deed.

Section 3 – Criteria for Economic Revitalization Area (“ERA”) or Economic Development Target Area (“EDTA”) Designation

Describe how the project property and surrounding area have become undesirable for normal development and occupancy.

The site is a deteriorating, vacant gentlemen's club with environmental concerns including various PAHs, arsenic, mercury, and naphthalene.

Section 4 – Company Profile

Does your company currently operate at this location? ☐ Yes ☒ No

If yes, how long has your company been at this location?

Will this property be your company's headquarters location? ☐ Yes ☒ No

If no, where is/will be your company's HQ? **Indianapolis**

Company is a: ☒ LLC ☐ LLP ☒ LP ☐ Corporation ☐ S. Corporation ☐ Nonprofit Corporation
☐ Mutual Benefit Corporation ☐ Other-Please describe:

Provide a brief description of your company history, products and services.

The parent company of the ownership entities is RealAmerica. RealAmerica was started 26 years ago to develop, design, construct, and manage affordable housing in Indiana. We have since expanded our product types with a continued focus on affordable housing. Please see attached brochure for more information about RealAmerica.

Please list all persons and/or entities with ownership interests in the company. **Ronda Shrewsbury Weybright and Michael Surak. A to-be-determined investment limited partner will be brought in to purchase the tax credits.**

Current/Retained Jobs and Wages (include only current permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees		Median part-time hourly wage
Number of full-time employees	_____	Average part-time hourly wage
TOTAL current employees (permanent jobs)		Median full-time hourly wage
		Average full-time hourly wage
What is the lowest hourly wage in the company? (inc. PT, FT, other)		
What is the median hourly wage in the company (inc. PT, FT, other)		TOTAL Annual Payroll (current/retained)

New Jobs and Wages As Result of the Proposed Project (include only new permanent jobs, and exclude benefits and overtime from wage values)

Number of part-time employees		Lowest starting part-time wage	
Number of full-time employees	<u>2</u>	Lowest starting full-time wage	\$35,000.00
TOTAL NEW employees (new permanent jobs)	<u>2</u>	TOTAL NEW Annual Payroll (new jobs only)	\$80,000.00

Describe your company's benefit programs and include the approximate value of benefits for existing and new employees on a per hour basis (e.g., benefits are valued at an additional \$3.00 per hour, etc.) **We offer health, life, dental, vision, 401(f) with match, and paid time off. The per hour value is approximately \$2.60.**

Market for Goods and Services; Local Sourcing

To the extent possible, please estimate the relative percentages of your company's reach (via your products or services) into following markets:

_____	Inside Monroe County, Indiana
_____	Outside Monroe County, but inside Indiana
_____	Outside of Indiana
_____	Outside of the United States
100%	

If applicable, list the name and location (City, State) of your five largest vendors or suppliers.

1. **Bynum Fanyo & Associates, Inc., Bloomington, IN**
- 2.
3. **additional vendors will be selected during the construction bidding process**
- 4.
- 5.

Section 5 – Proposed Improvements (the “Project”)

Describe all real estate improvements for which tax abatement on the property is being sought.

Retreat @ the Switchyard will be a mixed-use, mixed-income building with 48 affordable apartments, 16 market rate apartments and 3,000 square feet of commercial space

Estimated Total Project Cost (Capital Improvements only)	\$11,812,618.00	Has Bloomington Planning approval been obtained for the Project?	<input type="checkbox"/> Yes
Estimated Construction Start Date (month-year)	August 2021		<input checked="" type="checkbox"/> No
Estimated Completion Date (month-year)	December 2022		If yes, Case Number:

Will the Project require any City expenditures (for public infrastructure, etc.)? ☐ Yes ☒ No

If yes, please describe

Proposed Use(s) of the property after Project completion. Describe uses for entire Project space, including any uses not of the applicant company (e.g., if portions of space are intended to be leased to other entities, provide details).

64 apartments will be leased out to residents and the commercial space will be leased out to a retailer. Ten of the apartments will be set aside for developmentally or intellectually disabled clients of Stone Belt.

Describe the impact on your business if the proposed Project is **not** undertaken (e.g. loss of jobs, contract cancellations, loss of production, change in location, etc.).

If Retreat @ the Switchyard does not move forward, we would need to reduce the number of people in our construction company and return rental housing tax credits to the State. We would not be able to hire the local construction workers or the permanent employees we plan to hire for the site. Because the tax credits that were awarded to create the affordable housing are only for this site we would not be able to change locations for the development.

Attach renderings, site plans, drawings, etc., of the Project.

Section 6 – City of Bloomington Evaluative Criteria

Describe how the Project will make a significant positive contribution to the community's overall economic vitality in at least one of the following areas which apply. Feel free to add details to any and all other categories which apply. See "General Standards" for explanations and examples.

<input checked="" type="checkbox"/> Quality of Life, Environmental Stewardship, and/or Sustainability	Retreat @ the Switchyard will be designed and constructed to meet the Silver level National Green Building Standard and include dual flush toilets to conserve water
<input checked="" type="checkbox"/> Affordable Housing	Retreat @ the Switchyard will create 48 affordable apartments at rents levels from 30% area median income to 80% of area median income. Ten apartments will be set aside for clients of Stone Belt.
<input type="checkbox"/> Community Service	
<input type="checkbox"/> Community Character	

If applicable, describe any further (not yet described above) beneficial *and detrimental* impact to the community's economic, social or environmental wellbeing, resulting from the Project.

<i>Attach</i> any additional information or documentation you feel to be pertinent to the City's decision to authorize this tax abatement.

Section 7 – Certification:

The undersigned hereby certify the following:

[Initials]

JR

- The statements in the foregoing application for tax abatement are true and complete.

JR

- The person(s) executing this application for tax abatement have been duly authorized by the business entity for which this application is being filed to execute and file this application, and all required approvals by the appropriate board or governing body of the business entity have been received.

JR

- The individual(s) or business entity that is applying for Economic Revitalization Area (ERA) or Economic Development Target Area (EDTA) designation or approval of a Statement of Benefits is not in arrears on any payments, fees, charges, fines or penalties owed to the City of Bloomington, Indiana, including but not limited to, City of Bloomington Utilities, Bloomington Transit, and any other City departments, boards, commissions or agencies.

JR

- I/we understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above area as an ERA, EDTA or of approval of a Statement of Benefits for the above area, whichever occurs later, the Bloomington Common Council shall have the right to void such designation.

JR

- I/we understand that all companies requesting ERA and/or EDTA designation will be required to execute a Memorandum of Agreement (MOA) with the City. The MOA shall contain the capital investment levels, job creation and/or retention levels and hourly wage rates and other benefits that the applicant has committed to the City in order to receive consideration for the designation. The MOA shall also contain information relative to what the City and applicant have agreed upon as "substantial compliance" levels for capital investment, job creation and/or retention and wage rates and/or salaries associated with the project.

Additionally, the MOA shall indicate that the City, by and through the Economic Development Commission and the City of Bloomington Common Council, reserves the right to terminate a designation and the associated tax abatement deductions if it determines that the applicant has not made reasonable efforts to substantially comply with all of the commitments, and the applicant's failure to substantially comply with the commitments was not due to factors beyond its control.

If the City terminates the designation and associated tax abatement deductions, it may require the applicant to repay the City all or a portion of the tax abatement savings received through the date of such termination. Additional details relative to the repayment of tax abatement savings shall be contained in the Memorandum of Agreement.

JR

- I/we understand that if this request for property tax abatement is granted that I/we will be required to submit mandatory annual compliance forms as prescribed by State law and local policy. I/we also acknowledge that failure to do so or failure to achieve investment, job creation, retention and salary levels contained in the final resolution and MOA may result in a loss of tax abatement deductions and the repayment of tax abatement savings received.

JR

- I/we understand that beneficiaries of a city tax abatement are subject to the City of Bloomington's Living Wage Ordinance ([BMC 2.28](#)), and therefore I/we must certify the entity's Living Wage compliance annually during the tax abatement term, if this abatement request is approved.

OWNER(S) OR AUTHORIZED REPRESENTATIVE(S)

SIGNATURE (Print Name Below)

TITLE

DATE

X

Jeffrey A. Ryan

Vice President of Development

4-30-21

X

Printed Name



8250 Dean Road
Indianapolis, IN 46240
O: 317.815.5929
F: 317.815.5930
RealAmericaLLC.com

May 5, 2021

Mr. John Zody
Director, Housing and Neighborhood Development Department
City of Bloomington, IN
401 N. Morton
Bloomington, IN 47404

RE: Retreat @ the Switchyard
Property Tax Abatement

Dear Mr. Zody,

Please find attached the Statement of Benefits for Retreat @ the Switchyard as our application for property tax abatement.

Our development is the new construction of a five-story building on the site of the former Night Moves club. While primarily apartments for low- and moderate-income residents, we will also feature market rate apartments and ground floor commercial space. We are partnering with Stone Belt and have set aside 10 apartments to have appropriate housing and service areas for their clients within the building also. This application for tax abatement is only for the 48 affordable apartments and related common space.

During construction we expect to employ approximately 80-100 construction works. The total payroll during construction is expected to be approximately \$4,000,000. Once we are operational, we will employ two, new on-site employees, a manager and a maintenance tech. We expect to pay them a total of \$80,000 annually plus benefits. Only the two permanent positions are included on the attached Statement of Benefits.

We look forward to continuing to work with you and the City of Bloomington to create this important housing.

Sincerely,

Jeffrey A. Ryan
Vice President of Development



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

20 23 PAY 20 24

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
3. To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
4. A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
5. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Retreat at the Switchyard, LP					
Address of taxpayer (number and street, city, state, and ZIP code) 8250 Dean Road, Indianapolis, IN 46240					
Name of contact person Jeff Ryan		Telephone number (317) 607-2753		E-mail address Jeff@RealAmericaLLC.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body City of Bloomington		Resolution number			
Location of property 1730 S. Walnut Street, Bloomington, IN 47401		County Monroe		DLGF taxing district number 009	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) 48 affordable apartments and related common space at Retreat @ the Switchyard				Estimated start date (month, day, year) August 1, 2021	
				Estimated completion date (month, day, year) December 1, 2022	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number 0.00	Salaries \$0.00	Number Retained 0.00	Salaries \$0.00	Number Additional 2.00	Salaries \$80,000.00
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		1.00		0.00	
Plus estimated values of proposed project		9,777,112.00		1,440,000.00	
Less values of any property being replaced					
Net estimated values upon completion of project		9,777,112.00		1,440,000.00	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) 0.00		Estimated hazardous waste converted (pounds) 0.00			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative				Date signed (month, day, year) 5/5/21	
Printed name of authorized representative Ronda Shrewsbury Weybright				Title President of General Partner	

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed _____ calendar years* (*see below*). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

B. The type of deduction that is allowed in the designated area is limited to:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Redevelopment or rehabilitation of real estate improvements | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Residentially distressed areas | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

C. The amount of the deduction applicable is limited to \$ _____.

D. Other limitations or conditions (*specify*) _____

E. Number of years allowed:

<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input type="checkbox"/> Year 5 (* <i>see below</i>)
<input type="checkbox"/> Year 6	<input type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> Year 10

F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?

☐ Yes ☐ No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)

B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

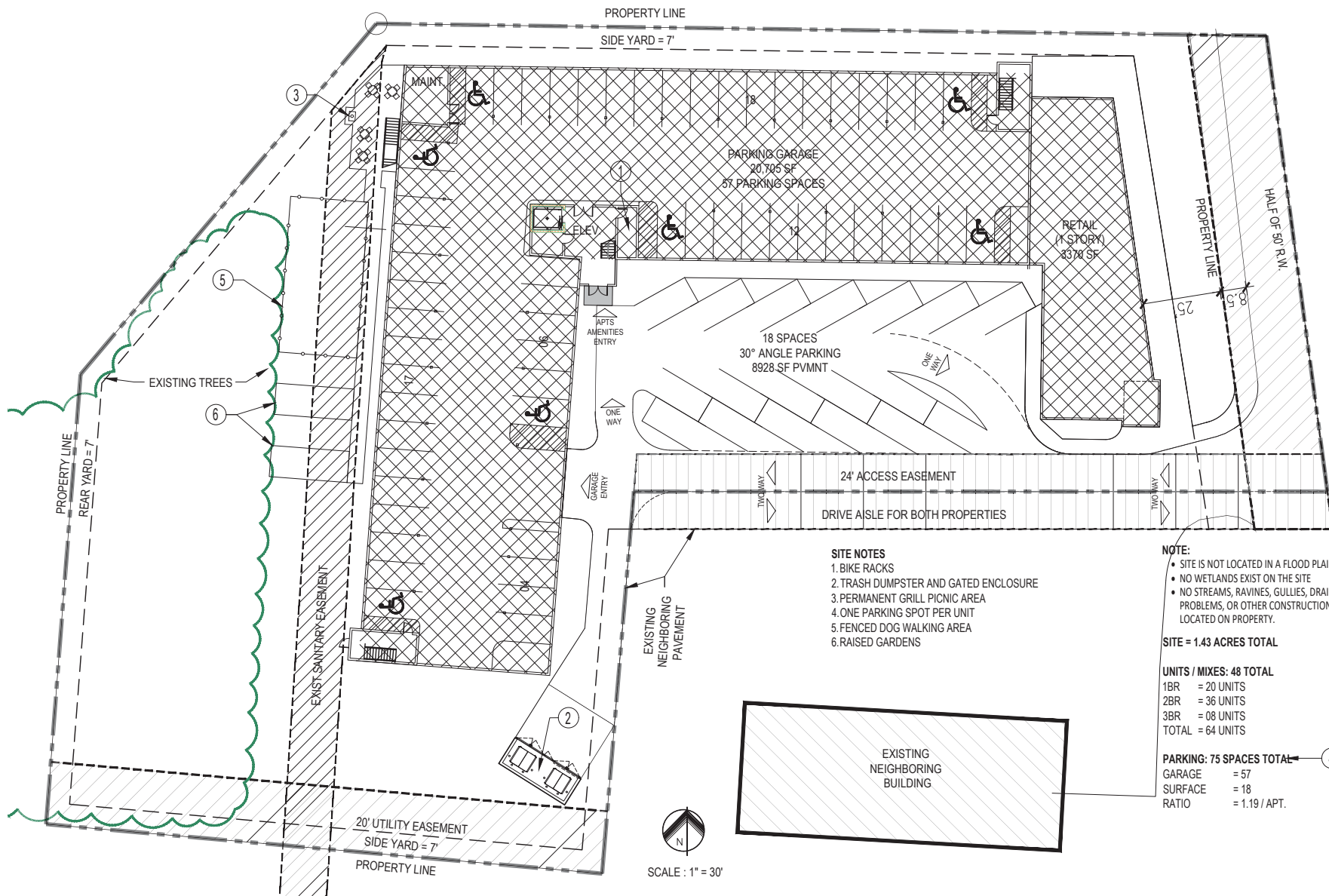
Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



- SITE NOTES**
1. BIKE RACKS
 2. TRASH DUMPSTER AND GATED ENCLOSURE
 3. PERMANENT GRILL PICNIC AREA
 4. ONE PARKING SPOT PER UNIT
 5. FENCED DOG WALKING AREA
 6. RAISED GARDENS

- NOTE:**
- SITE IS NOT LOCATED IN A FLOOD PLAIN
 - NO WETLANDS EXIST ON THE SITE
 - NO STREAMS, RAVINES, GULLIES, DRAINAGE PROBLEMS, OR OTHER CONSTRUCTION DETERRENTS LOCATED ON PROPERTY.

SITE = 1.43 ACRES TOTAL

UNITS / MIXES: 48 TOTAL

1BR = 20 UNITS
2BR = 36 UNITS
3BR = 08 UNITS
TOTAL = 64 UNITS

PARKING: 75 SPACES TOTAL

GARAGE = 57
SURFACE = 18
RATIO = 1.19 / APT.



RETREAT @ THE SWITCHYARD

1730 S. WALNUT STREET
BLOOMINGTON, INDIANA 47401

09.06.2020

2020 LIHTC SUBMITTAL
A011 - SITE PLAN / FIRST FLR
SEPTEMBER 10, 2020



① NORTH PERSPECTIVE
NO SCALE



② NORTH ELEVATION
1" = 20'-0"

EXTERIOR ELEVATION KEY NOTES (X)

1. MEMBRANE ROOFING
2. STONE VENEER
3. VINYL WINDOWS - SEE WINDOW SCHEDULE
4. METAL SIDING
5. FIBER CEMENT HORIZONTAL LAP SIDING
6. STAMPED CONCRETE WALL
7. FIBER CEMENT TRIM AS SHOWN
8. STOREFRONT WINDOW SYSTEM



① EAST PERSPECTIVE
NO SCALE



② EAST ELEVATION
1" = 20'-0"

EXTERIOR ELEVATION KEY NOTES (X)	
1.	MEMBRANE ROOFING
2.	STONE VENEER
3.	VINYL WINDOWS - SEE WINDOW SCHEDULE
4.	METAL SIDING
5.	FIBER CEMENT HORIZONTAL LAP SIDING
6.	STAMPED CONCRETE WALL
7.	FIBER CEMENT TRIM AS SHOWN
8.	STOREFRONT WINDOW SYSTEM



① WEST PERSPECTIVE
NO SCALE



② WEST ELEVATION
1" = 20'-0"

EXTERIOR ELEVATION KEY NOTES (X)

1. MEMBRANE ROOFING
2. STONE VENEER
3. VINYL WINDOWS - SEE WINDOW SCHEDULE
4. METAL SIDING
5. FIBER CEMENT HORIZONTAL LAP SIDING
6. STAMPED CONCRETE WALL
7. FIBER CEMENT TRIM AS SHOWN
8. STOREFRONT WINDOW SYSTEM



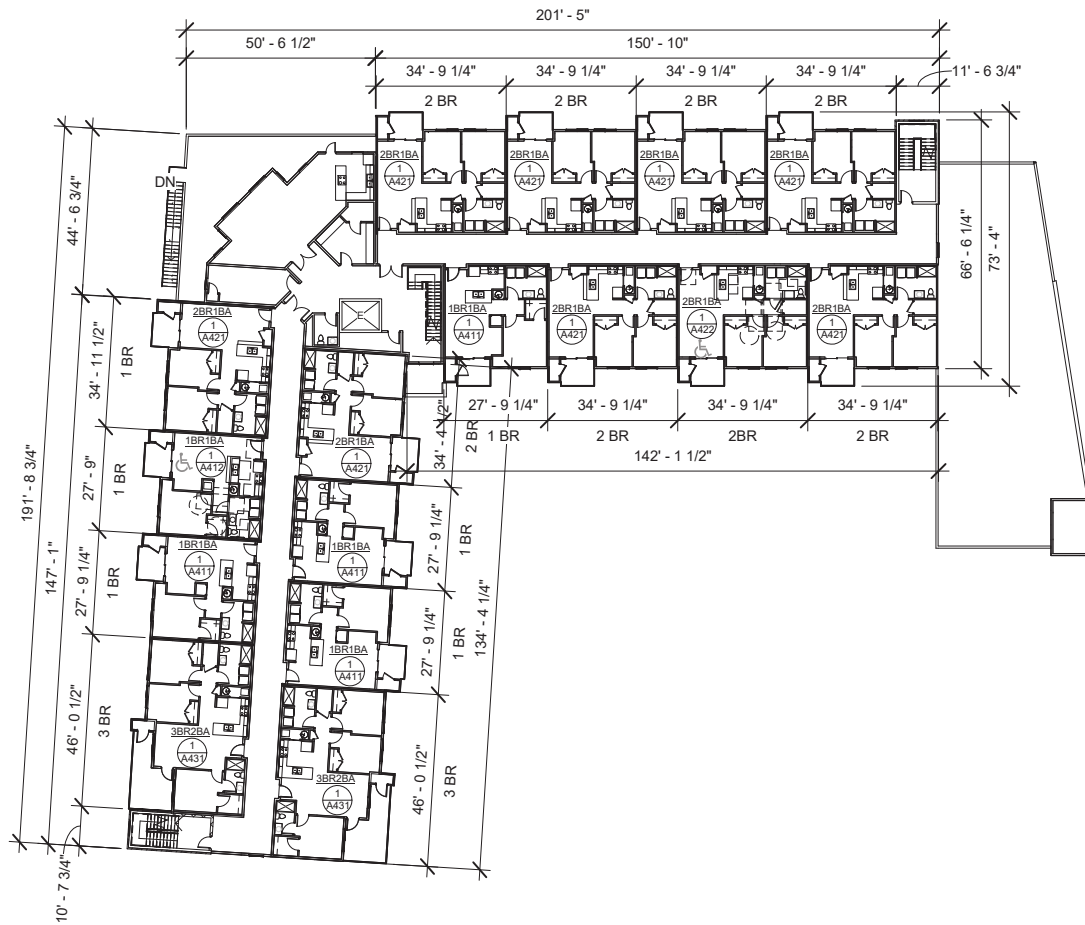
① SOUTH PERSPECTIVE
NO SCALE



② SOUTH ELEVATION
1" = 20'-0"

EXTERIOR ELEVATION KEY NOTES (X)	
1.	MEMBRANE ROOFING
2.	STONE VENEER
3.	VINYL WINDOWS - SEE WINDOW SCHEDULE
4.	METAL SIDING
5.	FIBER CEMENT HORIZONTAL LAP SIDING
6.	STAMPED CONCRETE WALL
7.	FIBER CEMENT TRIM AS SHOWN
8.	STOREFRONT WINDOW SYSTEM

① SECOND FLOOR
1" = 30'-0"

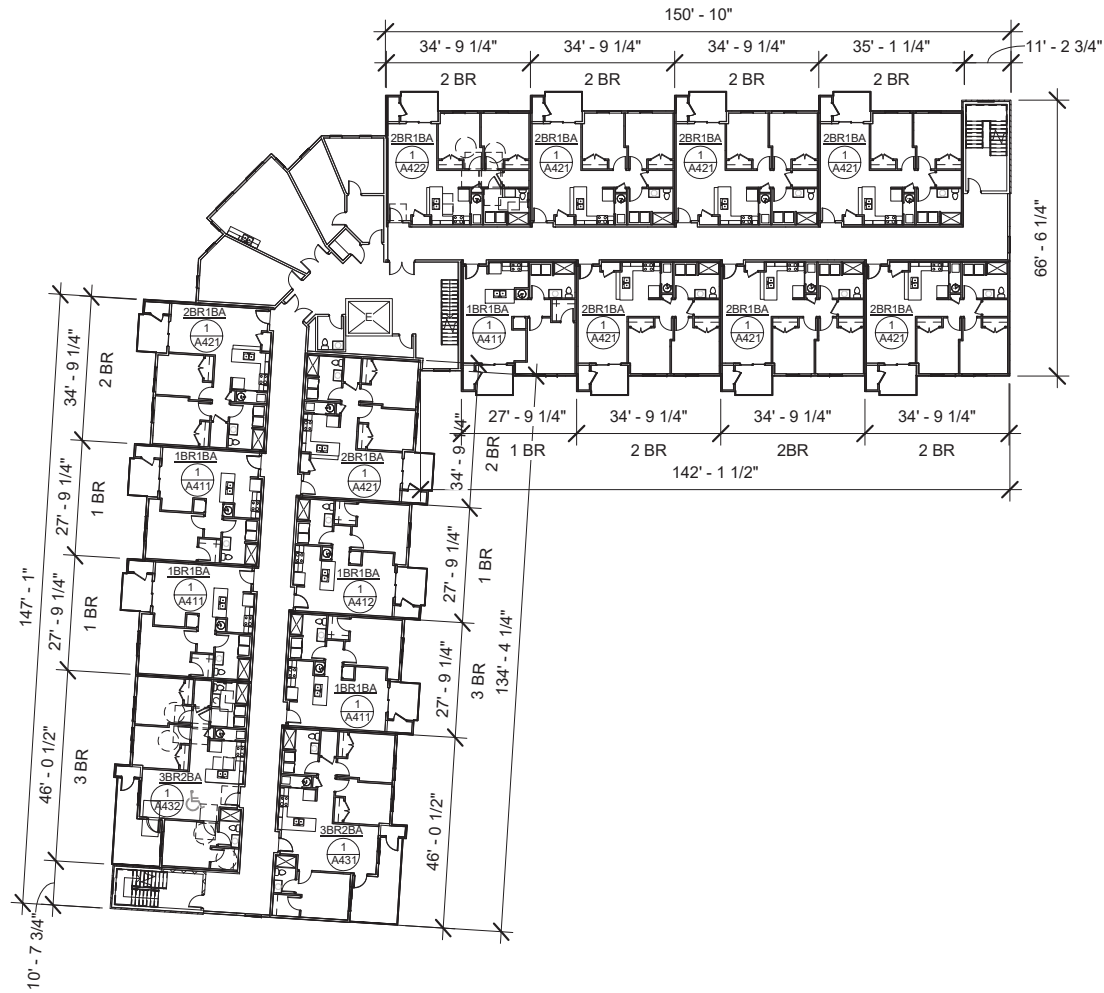


2ND FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (1 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (0 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHERWISE

① THIRD FLOOR
1" = 30'-0"



3RD FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (0 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (1 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHERWISE

**RETREAT AT SWITCHYARD
BLOOMINGTON**

**2020 LIHTC SUBMITTAL
A113 - THIRD FLOOR PLAN**

09/10/20



1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401

150' - 10"

34' - 9 1/4" 34' - 9 1/4" 34' - 9 1/4" 35' - 1 1/4" 11' - 2 3/4"

2 BR 2 BR 2 BR 2 BR

2BR1BA 2BR1BA 2BR1BA 2BR1BA

1 A421 1 A421 1 A422 1 A421

66' - 6 1/4"

27' - 9 1/4" 34' - 9 1/4" 27' - 9 1/4" 34' - 9 1/4" 34' - 8 3/4"

2 BR 1 BR 2 BR 2 BR 2 BR

142' - 1 1/2"

34' - 9 1/4" 27' - 9 1/4" 27' - 9 1/4" 27' - 9 1/4" 46' - 0 1/2" 134' - 4 1/4"

1 BR 1 BR 1 BR 1 BR 3 BR 3 BR

2BR1BA 1BR1BA 2BR1BA 1BR1BA 1BR1BA 1BR1BA 3BR2BA 3BR2BA

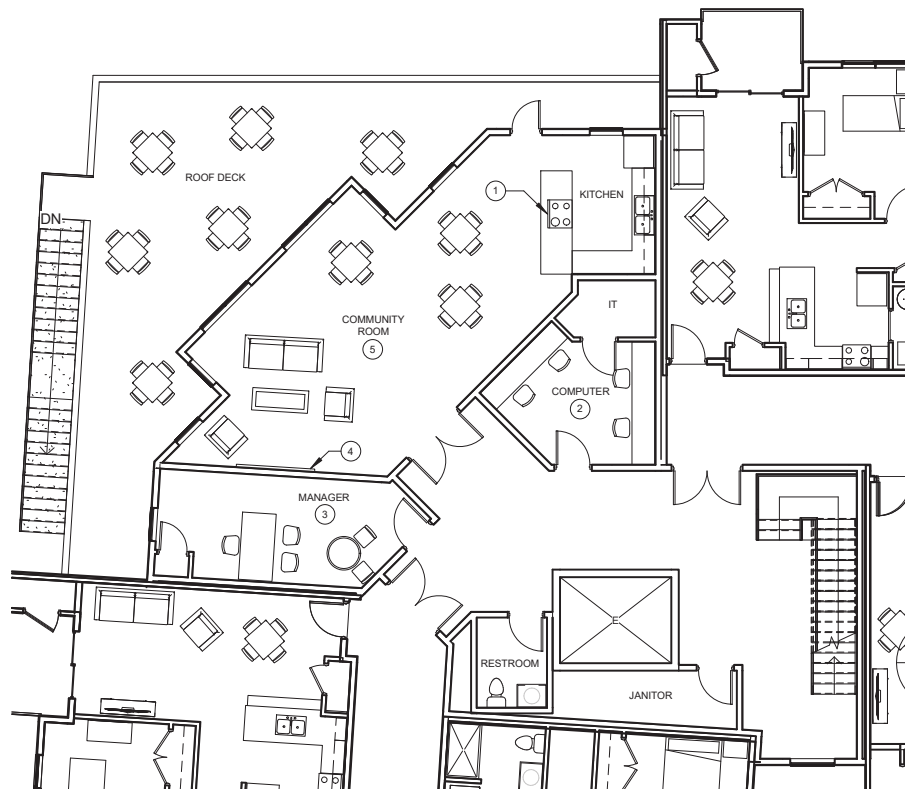
1 A421 1 A411 1 A421 1 A411 1 A411 1 A411 1 A431 1 A431

10' - 7 3/4" 147' - 1"

46' - 0 1/2" 27' - 9 1/4" 27' - 9 1/4" 34' - 9 1/4"

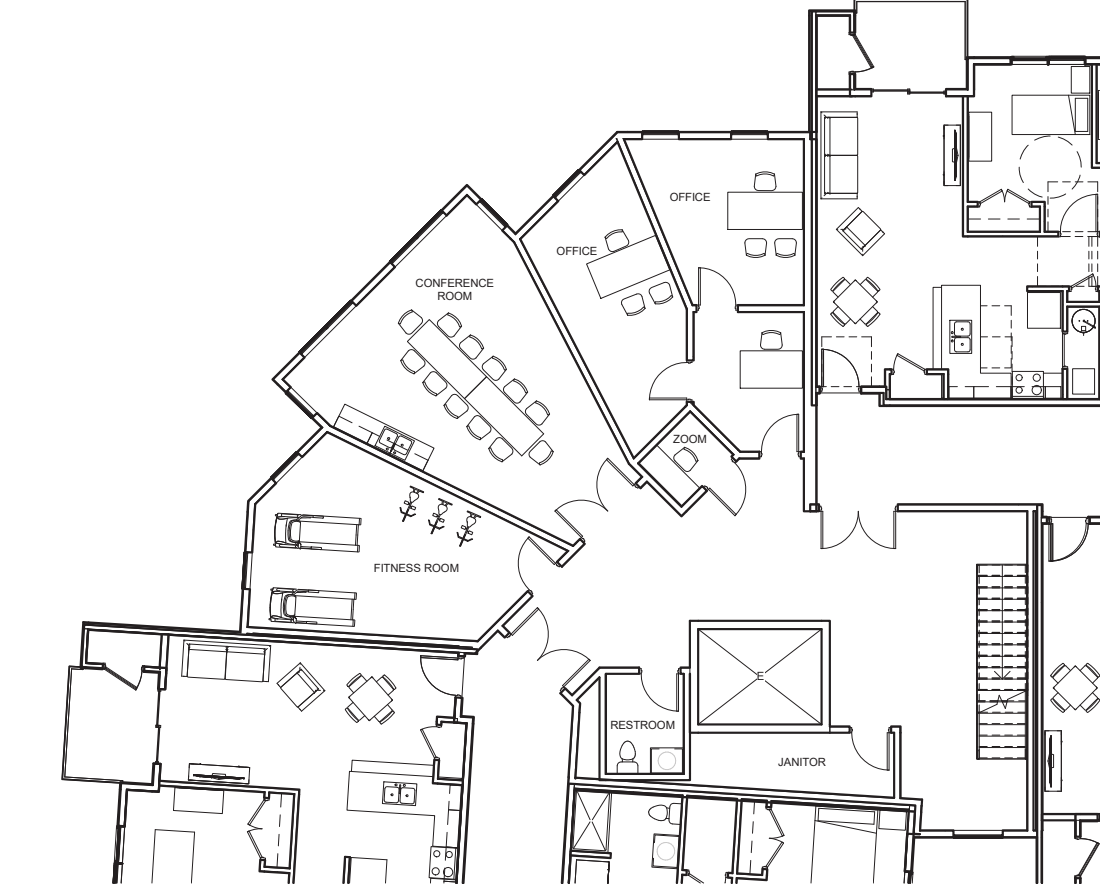
3 BR 1 BR 1 BR 2 BR

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS
NOTED OTHER WISE



① SECOND FLOOR - COMMUNITY SPACE
1" = 10'-0"

COMMUNITY SPACE NOTES	
1.	ISLAND WITH A STOVE FOR DEMONSTRATIONS/ TEACHING
2.	HIGH SPEED INTERNET THROUGHOUT
3.	FULL TIME MANAGER ON-SITE
4.	COMMUNITY ROOM TV (LARGE SCREEN)
5.	COMFORT CONDITIONED COMMON AREAS



① THIRD FLOOR - COMMUNITY SPACE
1" = 10'-0"

**RETREAT AT SWITCHYARD
BLOOMINGTON**

**2020 LIHTC SUBMITTAL
A122 - THIRD FLOOR - COMMUNITY SPACE**

09/17/20



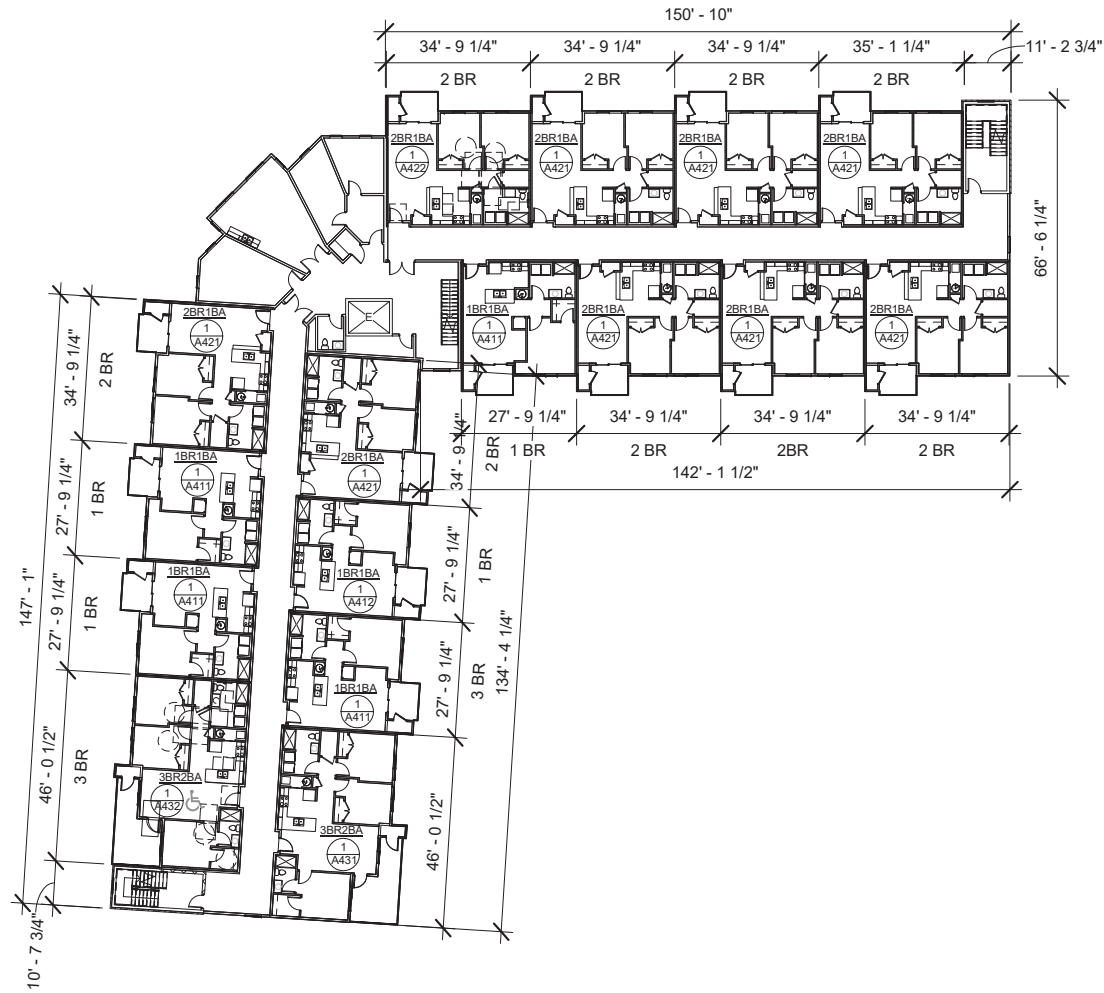
1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401



ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS
NOTED OTHER WISE

1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401

① THIRD FLOOR
1" = 30'-0"



3RD FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (0 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (1 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHERWISE

**RETREAT AT SWITCHYARD
BLOOMINGTON**

**2020 LIHTC SUBMITTAL
A113 - THIRD FLOOR PLAN**

09/10/20



1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401

① **FOURTH FLOOR**
1" = 30'-0"



4TH FLOOR PLAN NOTES:

- 1 BR UNITS = 5 TOTAL (0 TYPE "A" ACCESSIBLE)
- 2 BR UNITS = 9 TOTAL (1 TYPE "A" ACCESSIBLE)
- 3 BR UNITS = 2 TOTAL (0 TYPE "A" ACCESSIBLE)

ALL UNITS TO BE TYPE B ACCESSIBLE UNLESS NOTED OTHER WISE

**RETREAT AT SWITCHYARD
BLOOMINGTON**

**2020 LIHTC SUBMITTAL
A114 - FOURTH FLOOR PLAN**

09/10/20

1730 SOUTH WALNUT STREET
BLOOMINGTON, INDIANA 47401





MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-30 - To Amend Title 16 of the Bloomington Municipal Code Entitled “Residential Rental Unit and Lodging Establishment Inspection Program”

Synopsis

The Ordinance amends Title 16, “Residential Rental Unit and Lodging Establishment Inspection Program” by requiring annual submittal of an occupancy affidavit for certain types of residential rental units and providing notices of violation to be deemed properly served if transmitted by email to the Owner email address registered with HAND on the form described in Section 16.03.020.

Relevant Materials

- [Ordinance 21-30](#)
- Memo from staff
- Occupancy Affidavit Form
- Housing Committee Report (forthcoming)

Summary

[Ordinance 21-30](#) proposes to amend three sections of Title 16 (“Residential Rental Unit and Lodging Establishment Inspection Program”) of the Bloomington Municipal Code (“BMC”), accessible online here: [BMC Title 16](#)

Section 1 creates a new section at 16.03.025 setting forth conditions for submitting occupancy affidavits to HAND.

Section II amends the table to include a penalty for (a) failure to timely submit an occupancy or; (b) for the submission of an incorrect occupancy affidavit.

Section III deletes the owner option of a designation for service of notice by email and replaces it with a provision that deems notice of violation as properly served if a copy is, “Sent by mail to the email address designated by the Owner on the registration form provided under Section 16.03.020.”

On May 26, 2021, the Council’s Housing Committee met to discuss this item. The item received a do-pass recommendation of 4-0 from the Committee. A report from the Committee on its deliberations is forthcoming.

Contact

John Zody, HAND Director, (812) 349-3582, john.zody@bloomington.in.gov

Daniel Dixon, Assistant City Attorney, (812) 349-3426, daniel.dixon@bloomington.in.gov

ORDINANCE 21-30

TO AMEND TITLE 16 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “RESIDENTIAL RENTAL UNIT AND LODGING ESTABLISHMENT INSPECTION PROGRAM”

WHEREAS, the City of Bloomington has a demonstrated problem enforcing over-occupancy in residential rental units; and

WHEREAS, over-occupancy in residential rental units presents dangers to the health and safety of the people living in and around said units; and

WHEREAS, creating and requiring completion of occupancy affidavits for residential rental units will provide necessary support to the City of Bloomington Housing and Neighborhood Development (“HAND”) and Planning and Transportation Departments in enforcing occupancy limits in residential rental units; and

WHEREAS, the HAND Department should be responsible for maintaining an occupancy affidavit as part of its residential rental unit safety inspection program under Title 16 of the Bloomington Municipal Code (“BMC”); and

WHEREAS, given the predominant use of electronic mail communication and the existing requirement for property owners and managers to provide and maintain a valid e-mail address with the HAND Department, Title 16 of the BMC should be updated to permit the HAND Department to serve notices of violation of BMC Title 16 to property owners and managers via the e-mail address provided to HAND on the residential rental property registration form.

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

SECTION I. Chapter 16.03 of the BMC shall be amended by creating a new Section at 16.03.025 setting forth conditions for submitting occupancy affidavits to HAND as follows:

16.03.025. OCCUPANCY AFFIDAVIT.

- (a) No owner of a residential rental unit containing up to four dwelling units per building shall let for occupancy or let any such dwelling unit without first submitting a fully executed occupancy affidavit for said dwelling unit to the HAND department on the form so provided by the HAND department.
- (b) For each dwelling unit, each occupancy affidavit shall include the name of each occupant and identify the familial relationships, if any, among the occupants. The owner or agent shall execute the occupancy affidavit based upon personal knowledge and only after diligent inquiry with respect to the information contained therein. Each tenant shall also sign the occupancy affidavit and affirm that information contained therein is true and accurate.
- (c) For each dwelling unit, the owner or agent shall submit an updated occupancy affidavit and each tenant shall sign the same, as set forth above, not less than once per calendar year during the month of September, and also within 15 calendar days from the date of any change in the occupancy in the dwelling unit. If there is no change in occupancy since the previously filed occupancy affidavit, the owner may indicate "no change in occupants" in space provided on the form for the occupants' names and need not include occupant signatures.
- (d) For residential rental properties containing more than four dwelling units, the requirement to submit a fully executed occupancy affidavit to the HAND department is waived unless a complaint is made about occupancy concerning the residential rental unit.

- (e) Any residential rental unit that is subject to this section but has received from the Board of Housing Quality Appeals a variance from having to obtain an occupancy permit under this Title must still fully comply with this section of this Title.

SECTION II. Section 16.10.030(b) of the BMC is amended to add the following penalty as the last row of the table:

Failure to timely submit and/or submission of an incorrect occupancy affidavit.	Flat fine not to exceed \$500.00.
---	-----------------------------------

SECTION III. Section 16.10.040(c)(4) shall be amended by deleting the language “If the owner so designates on his registration form as being appropriate, sent by email.” and replacing it with “Sent by email to the email address designated by the Owner on the registration form provided under Section 16.03.020.” so that Section 16.10.040(c) reads as follows:

- (c) The notice shall be deemed properly served if a copy thereof is:
- (1) Delivered personally;
 - (2) Sent by certified or first-class mail addressed to the last known address of the responsible party;
 - (3) If the notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the residential rental unit or lodging establishment affected by such notice; or
 - (4) Sent by email to the email address designated by the Owner on the registration form provided under Section 16.03.020.

SECTION IV. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

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

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, 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 _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 16 “Residential Rental Unit and Lodging Establishment Inspection Program” by requiring annual submittal of an occupancy affidavit for certain types of residential rental units and providing for notices of violation to be deemed properly served if transmitted by email to the Owner email address registered with HAND on the form described in BMC Section 16.03.020.



MEMORANDUM

CITY OF BLOOMINGTON LEGAL DEPARTMENT

TO: Common Council
FROM: Daniel Dixon, Assistant City Attorney
RE: Ordinance 21-30 – Amendment to Title 16 related to occupancy affidavits and service of Notices of Violation
DATE: May 10, 2021

The Housing and Neighborhood Development Department (“HAND”), along with staff from the Planning and Transportation Department (“Planning”) have experienced significant difficulty for many years in enforcing occupancy limits in residential rental units throughout the City. The problem in enforcement of occupancy limits primarily arises in smaller residential rental units. These smaller units are typically in residential neighborhoods with stricter zoning limits on the number of occupants who do not share a familial relationship.

HAND staff is typically the first to identify a suspected occupancy violation during routine inspections under Title 16. Unfortunately, without any ability to confirm the identity and familial relationship of the tenants, HAND and Planning are unable to determine whether or not there is actually any violation of a unit’s occupancy limit. As a result, Planning cannot issue or enforce notices of violation for over occupancy and the problem continues to grow.

While the Planning and Transportation Department has responsibility for issuing notices of violation and enforcing occupancy limits, over occupancy in residential rental units also presents life-safety issues for tenants. Additionally, over occupancy in residential rental units is usually first discovered by or reported to HAND staff. Requiring an occupancy affidavit as part of the residential rental unit inspection and registration requirements of Title 16 would further the goals of Title 16. HAND staff would also be able to provide the affidavit to Planning to assist planning in enforcing the occupancy limit for the residential rental unit.

A Title 16 update is necessary to reflect the requirement of an Occupancy Affidavit, to be developed and maintained by HAND, wherein the property owner or manager and tenants attest to the maximum occupancy of the property. The Affidavit must be signed by the property owner or manager and all tenants. This document is necessary to demonstrate a mutual understanding of the maximum occupancy and to provide the City of Bloomington the ability to enforce over-occupancy violations. The update also provides for a fine to be issued by HAND for failure to provide an occupancy affidavit or providing a false affidavit. A draft copy of an occupancy affidavit is attached to this memo.

The second objective of the Title 16 Amendment is to permit notices of violation for Title 16 to be sent to property owners and managers through the email address they register with hand as part of the residential rental unit registration process. This amendment would increase the

efficiency of the administration of Title 16 by reducing lag time from mail. The amendment will also save HAND significant amounts of money in printing, paper, and postage costs. The current version of Title 16 permits property owners to opt-in to email service for notices of violation. The update removes the opt-in option. Providing and maintaining a valid email contact address is already required under BMC 16.03.020(b)(4) and (c).



**CITY OF BLOOMINGTON
RENTAL PROPERTY OCCUPANCY AFFIDAVIT**

**Housing & Neighborhood Development
P.O. Box 100
Bloomington, IN 47401
Phone: (812) 349-3420 Fax: (812) 349-3582
Email: hand@bloomington.in.gov**

As required by Section 16.03.025 of the Bloomington Municipal Code.

Address of Residential Rental Unit (include apt. number): _____

I have made personal and diligent inquiry into the names and familial relationships of all tenants occupying this residential rental unit and I make this affidavit based upon my personal knowledge. The names of each and every occupant residing in this residential rental unit and their familial relationships, if any, to one another (if no relationship, state none) are as follows:

Name:	Familial Relationship to other Tenants:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

For each familial relationship stated above, please provide (in the space provided below) the names, addresses, telephone numbers, email addresses and the relationships of the persons through whom the familial relationship exists (Example: For sibling relationships, please state the names, addresses, telephone numbers and email addresses of their parents).

The lease for this residential rental unit is from _____ to _____.

Initial one of the following:

_____ I am the owner of this residential rental unit.

_____ I am the agent of this residential rental unit.

As set forth in 16.03.025, the owner or agent of a residential rental unit consisting of not more than 4 dwelling units per building shall submit an updated occupancy affidavit for each dwelling unit, and each tenant occupying the dwelling unit shall sign the same, not less than annually and upon any change in occupants. If there is no change in occupancy since the previously filed occupancy affidavit, the owner may indicate "no change in occupants" in space provided on the form for the occupants' names and need not include occupant signatures.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: _____ Signature: _____ Printed: _____
Owner/Agent Owner/Agent

ALL TENANTS OF THIS RESIDENTIAL RENTAL UNIT ARE REQUIRED TO, AND SHALL, COMPLETE PAGE THREE (3) OF THIS OCCUPANCY AFFIDAVIT (UNLESS UNDER THE AGE OF 18 YEARS OR NO CHANGE IN OCCUPANTS SINCE MOST RECENT RENTAL PROPERTY OCCUPANCY AFFIDAVIT).

Tenant Confirmation: I affirm under the penalties for perjury that the foregoing representations are true. Under Indiana law, perjury is a Level 6 felony. A person who commits a Level 6 felony shall be imprisoned for a fixed term of between six (6) months and two and one-half (2 ½) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Date: _____ Signature: _____ Printed: _____

Phone Number: _____

Email Address: _____

Owner/Agent Verification of Refusal to Sign: I certify under penalties for perjury that I have demanded that the tenants sign this occupancy affidavit and the following tenants have refused to do so:

Name (please print legibly):



MEMO FROM COUNCIL OFFICE ON:

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

Synopsis

This ordinance creates an American Recovery Plan Act (ARPA) Fund. The Fund may be used for the purposes permitted by the U.S. Department of the Treasury under its Interim Final Rule for the expenditure of ARPA funds, including: a) responding to the COVID-19 pandemic’s negative economic impacts on households, small businesses, nonprofits, and industries such as tourism, travel, and hospitality; b) to provide premium pay to eligible workers of the City that are performing essential work, or providing grants to employers that have eligible workers who perform essential work; c) to fund government services to the extent of the reduction in City revenues due to the COVID-19 pandemic relative to revenues collected in the fiscal year prior to the emergency (2019); and/or d) to make necessary investments in water, sewer, or broadband infrastructure.

Relevant Materials

- Ordinance 21-25
- Memo from Philippa Guthrie, Corporation Counsel, and Jeffrey Underwood, Controller
- Memo from the State Board of Accounts Re: Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds

Summary

The City of Bloomington is receiving an estimated \$22.1 million in emergency funding from the American Rescue Plan Act of 2021 (“ARPA”). The City received its first distribution of fifty percent (50%) of the funds on May 20, 2021. The remaining fifty percent (50%) of the funds will be distributed in 2022. This funding must be obligated by the end of 2024 and spent by the end of 2026.

All ARPA funding received by the City is subject to the requirements outlined in the U.S. Department of Treasury [Interim Final Rule](#), which was adopted on May 10, 2021. In addition, the Indiana State Board of Accounts, in its memorandum entitled “RE: Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds” (“Memorandum”), requires that the governing body: 1) adopt an ordinance establishing a local ARP Coronavirus Local Fiscal Recovery Fund to receive the allocation; and 2) develop “a plan that will provide the details for use of these funds” (“Plan”).



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

Ordinance 21-25 seeks to establish the ARPA Fund in the Office of the Controller and states that the Council shall adopt a plan, which will provide details for the use of the ARPA funds. This fund will consist of monies allocated to the City under the ARPA and distributed in 2021 (already received) and 2022. ARPA funds must be appropriated by the fiscal body before use in accordance with Section 603 of the ARPA, Ordinance 21-25, and the Plan. All disbursement of ARPA funds will go through a statutory claims process outlined in IC 5-11-10-1.6.

The City will be required to submit reports to the U.S. Treasury in accordance with the Interim Final Rule. These reports will include details of the City's utilization of the ARPA funds.

Contact

Philippa Guthrie, Corporation Counsel, 812-349-3441, guthriep@bloomington.in.gov

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

ORDINANCE 21-25

TO ESTABLISH THE AMERICAN RESCUE PLAN ACT FUND (“ARPA FUND”) SUPPORTING THE CITY OF BLOOMINGTON’S RECOVERY FROM THE COVID-19 PANDEMIC

WHEREAS, the American Rescue Plan Act of 2021 (“ARPA”) was enacted by Congress on March 11, 2021; and

WHEREAS, the ARPA will provide an estimated \$350 billion in emergency funding directly to state and local governments for the purpose of supporting their recovery from the ravages of the COVID-19 pandemic; and

WHEREAS, the City of Bloomington (“City”) has been allocated an estimated \$22.1 million under the ARPA (“ARPA Funds”), which will be distributed in two tranches of fifty percent (50%), one each in 2021 and 2022; and

WHEREAS, the ARPA Funds must be obligated by 2024 and ultimately spent by 2026; and

WHEREAS, the U.S. Department of the Treasury issued an Interim Final Rule (“Rule”) providing guidance on allowable expenditures of the ARPA Funds; and

WHEREAS, the Indiana State Board of Accounts provided additional guidance to Indiana governmental units on accounting for use of ARPA funding in a Memorandum dated May 12, 2021 (RE “Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds”), which mandates that a recipient establish a separate account for its ARPA allocation (“Fund”);

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

SECTION 1. Establishment of Fund. There is hereby established a fund to be known as the ARPA Fund (“ARPA Fund”) in the Office of the Controller.

SECTION 2. Source of Revenues. The Fund shall consist of monies allocated to the City under the American Rescue Plan Act of 2021 and distributed to the City in 2021 and 2022.

SECTION 3. Purpose of Fund. The City shall appropriate and use the Fund only for the following purposes, as permitted by the ARPA, the U.S. Department of the Treasury, and the Rule:

- (A) To respond to the public health emergency with respect to the Coronavirus Disease 2019 (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 City 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 the City due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the City prior to the emergency, that being 2019; or
- (D) To make necessary investments in water, sewer, or broadband infrastructure.
- (E) For any other purpose as may be allowed by Congress or regulations issued by the Department of the Treasury.

SECTION 4. Plan. The Common Council shall adopt a plan which provides details for the use of the ARPA Funds.

SECTION 5. Investment of Fund. The money in the Fund not currently needed to meet the obligations of the Fund shall be invested in the same manner as other public funds may be invested.

SECTION 6. Amendment and Termination. The Fund shall continue in this form until amended or terminated by ordinance.

SECTION 7. Severability. If any section, sentence, or provision of this Ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any other section, sentence, provision or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

Jim Sims, 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 _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance creates an American Recovery Plan Act (ARPA) Fund. The Fund may be used for the purposes permitted by the U.S. Department of the Treasury under its Interim Final Rule for the expenditure of ARPA funds, including: a) responding to the COVID-19 pandemic's negative economic impacts on households, small businesses, nonprofits, and industries such as tourism, travel, and hospitality; b) to provide premium pay to eligible workers of the City that are performing essential work, or providing grants to employers that have eligible workers who perform essential work; c) to fund government services to the extent of the reduction in City revenues due to the COVID-19 pandemic relative to revenues collected in the fiscal year prior to the emergency (2019); and/or d) to make necessary investments in water, sewer, or broadband infrastructure.

**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

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

FROM: Philippa Guthrie, Corporation Counsel
Jeffrey Underwood, Controller

CC: Stephen Lucas, Council Administrator/Attorney

RE: Establishing the Fund to Receive Emergency Funding Under the American Rescue Plan Act (“ARPA”) of 2021

DATE: June 2, 2021

The American Rescue Plan Act of 2021 (“ARPA”) was enacted by Congress on March 11, 2021 to provide economic relief funding for individuals, businesses and non-profits, and local government units across the country trying to recover from the COVID-19 pandemic. The ARPA will provide an estimated \$350 billion in emergency funding directly to state and local governments, and the City of Bloomington’s (“City”) allocation is an estimated \$22.1 million. The funds are being distributed in two tranches of fifty percent (50%) each, one in 2021 and one in 2022. The City applied for its 2021 distribution as soon as it was possible to do so and received the funds via ACH transfer on May 20th.

The ARPA Funds must be obligated by the end of 2024 and ultimately spent by the end of 2026. Allowable uses for this recovery funding are set forth in an Interim Final Rule (“Rule”) promulgated by the U.S. Department of the Treasury. Those allowable uses include the following:

- (A) To respond to the public health emergency with respect to the Coronavirus Disease 2019 (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 City 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 the City due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the City prior to the emergency, that being 2019; or
- (D) To make necessary investments in water, sewer, or broadband infrastructure.

(E) For any other purpose as may be allowed by Congress or regulations issued by the Department of the Treasury.

In addition, the Indiana State Board of Accounts (“SBOA”) provided additional guidance to Indiana governmental units on accounting for use of ARPA funding in a memorandum dated May 12, 2021 entitled “RE: Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds” (“SBOA Memorandum”). The SBOA Memorandum requires that the City establish a separate account for its ARPA allocation, as we were required to do for our distribution of federal CARES Act dollars. This fund will be called the ARPA Fund. In addition, the SBOA Memorandum mandates that the City develop “a plan that will provide the details for use of these funds.” Over the coming weeks and months, the Administration looks forward to working with City Council on developing such a plan for use of the ARPA funds.

Attached to this memo is an ordinance for establishing the ARPA Fund. We request that the Common Council adopt this ordinance so that the City may transfer the first half of its ARPA allocation into this new account.



STATE OF INDIANA
AN EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF ACCOUNTS
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Web Site: www.in.gov/sboa

MEMORANDUM

TO: Counties, Cities, and Towns

FROM: Paul D. Joyce, CPA, State Examiner

RE: Accounting Processes for ARPA Subtitle M-Coronavirus State and Local Fiscal Recovery Funds

DATE: Original March 18, 2021; Updated May 12, 2021

This memorandum has been updated to reflect guidance provided by the U.S. Treasury Interim Final Rule, which may be found at this link: <https://home.treasury.gov/system/files/136/FRF-Interim-Final-Rule.pdf>. We recommend that every recipient of money under the American Rescue Plan Act read this document in its entirety. The U.S. Treasury has also provided a list of Frequently Asked Questions as of May 10, 2021 (FAQ) which may be found at this link: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>.

The purpose of this memorandum is to provide guidance to recipients of funding available under Section 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021 (ARP). The ARPA established the Coronavirus Local Fiscal Recovery Fund (the Fund) and appropriated \$130,200,000,000 to remain available through December 31, 2024, for making payments to metropolitan cities, non-entitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to COVID-19.

The allocations for metropolitan cities, non-entitlement units, and counties may be found on our website at in.gov/sboa. Metropolitan cities and all counties will receive funding directly from the federal government. Cities and towns determined to be non-entitlement units will receive the allocation through the State of Indiana. The information on SBOA website about allocations also provides which cities are determined metropolitan and which cities and towns are designated as non-entitlement units.

The federal government will make the first payment from the Fund to the State of Indiana, the metropolitan cities, and Indiana Counties by May 11, 2021. The State of Indiana will distribute the first payment received from the Fund within 30 days based on the allocation provisions contained in the ARPA. A second payment will be received by the State of Indiana, the metropolitan cities, and the Indiana Counties not earlier than twelve months after the first payment. The State of Indiana will distribute the second payment received from the Fund within 30 days based on the allocation provisions contained in the ARPA.

It is important to follow the prescribed accounting system procedures and documentation requirements for the use of these funds. According to the ARPA, a detailed accounting for the uses of the funds is required. Any unit that fails to comply with the provisions of the ARPA shall be required to repay an amount equal to the amount of funds used in violation of the ARPA. The Secretary of the Treasury may issue additional regulations related to these funds.

Ordinance and Plan. The governing body must adopt an ordinance establishing a local ARP Coronavirus Local Fiscal Recovery Fund to receive the allocation in accordance with State Examiner Directive 2021-1 (Directive). For a county, the ARP Coronavirus Local Fiscal Recovery Fund must be established by ordinance of the County Commissioners. For a city or town, the ARP Coronavirus Local Fiscal Recovery Fund must be established by ordinance of the legislative body. The ordinance should specifically list the uses described in Section 603(c) that are applicable to the unit and that the unit envisions utilizing. The ordinance should reference a plan that will provide the details for the use of these funds. The plan should be laid out in a way that corresponds to the elements as laid out in Section 603 of the ARPA. The ordinance and plan may be amended as any other ordinance or plan as long as the amendment complies with Section 603.

Appropriations and Disbursements. As stated in the Directive, funds must be appropriated by the fiscal body before use in accordance with the Section 603, the ordinance, and the plan. Only local appropriation is required. All disbursements must go through the normal claims process in IC 5-11-10-1.6 and be supported with sufficient documentation. All disbursements must be made directly from the ARP Coronavirus Local Fiscal Recovery Fund. Money in the fund may not be transferred to another fund of the unit.

Fund Uses. The uses of the fund are specified in Section 603(c) as follows:

- "(1) USE OF FUNDS – Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024
 - (A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (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 metropolitan city, nonentitlement unit of local government, or county 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 metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or
 - (D) to make necessary investments in water, sewer, or broadband infrastructure."

Section 603(c)(1)(A). Grants and programs to respond to the public health emergency or its negative economic impacts under Section 603 (c)(1)(A) should be through written agreement with the recipient. Disbursements to grantees and program recipients must be documented and in compliance with the written agreement.

Section 603(c)(1)(B). Premium pay allowed for eligible workers of your unit under Section 601(c)(1)(B) is for work performed during the COVID-19 Public Health Emergency. Premium pay is defined in Section 602(g) as "an amount of up to \$13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed \$25,000 with respect to any single eligible worker." This definition is expanded in the Interim Final Rule on page 134.

Eligible worker is defined in Section 603(g) as "those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each chief executive officer of a metropolitan city, nonentitlement unit of local government, or county may designate as critical to protect the health and well-being of the residents of their metropolitan city, nonentitlement unit of local government, or county." This definition is expanded in the Interim Final Rule on page 131.

The Interim Final Rule defines essential work to mean work that "(1) Is not performed while teleworking from a residence; and (2) Involves: (i) Regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or (ii) Regular physical handling of items that were handled by, or are to be handled by patients, the public, or coworkers of the individual that is performing the work." (Interim Final Rule page 132)

The Interim Final Rule clarifies and provides examples of essential critical infrastructure sectors and eligible workers. Please note that if premium pay increases a worker's total pay above 150% of the greater of the state and county average annual wage, written justification must be maintained to show how the premium pay responds to the needs of these workers. (Interim Final Rule page 49 and FAQ 28). Please see the Interim Final Rule for more information.

Grants to eligible employers under Section 603(c)(1)(B) should be through written agreement with the eligible employer. Disbursements to grantees must be documented and in compliance with the written agreement. The Interim Final Rule defines the terms eligible employer, eligible worker, and essential work starting on page 131. The Interim Final Rule imposes additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided. (Interim Final Rule page 51)

Section 603(c)(1)(C). Section 603(c)(1)(C) allows the funds to be used for costs incurred for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency. The revenues of the full calendar year of 2019 will be used as the base year to determine the reduction of revenue in the full calendar years of 2020, 2021, 2022, and 2023. Over the covered period, costs incurred for the provision of government services will be limited to the total amount of revenue reduction in these years.

Starting on page 51, the Interim Final Rule provides definitions and step-by-step instructions for the calculation of the reduction in revenue. Recipients are to calculate the extent of the reduction in revenue as of four points in time: December 31, 2020, December 31, 2021, December 31, 2022, and December 31, 2023. The four-step process to be used starts on page 58 of the Interim Final Rule.

Information to calculate the revenue reduction for the local income tax revenue may be obtained from the Local Tax Distribution Report available on the Department of Local Government website at www.in.gov/dlgf. Information to calculate the revenue reduction for the MVH/LRS and other state distributions may be obtained from the Auditor of State website at www.in.gov/aos. Information to calculate the revenue reduction for other funds should be obtained from your records. Documentation must be available to show all calculations.

Certain revenues may not be considered in the calculation for the reduction in revenues. According to the Interim Final Rule (page 133), "General revenue means money that is received from tax revenue, current charges, and miscellaneous general revenue, excluding refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and inter-governmental transfers from the Federal government, including transfers made pursuant to section 9901 of the American Rescue Plan Act. General revenue does not include revenues from utilities." (our emphasis).

According to FAQ 18, "Recipients should classify revenue sources as they would if responding to the U.S. Census Bureau's Annual Survey of State and Local Government Finances. According to the Census Bureau's Government Finance and Employment Classification manual, the following is an example of current charges that would be included in a state or local government's general revenue from own sources: "Gross revenue of facilities operated by a government (swimming pools, recreational marinas and piers, golf courses, skating rinks, museums, zoos, etc.); auxiliary facilities in public recreation areas (camping areas, refreshment stands, gift shops, etc.); lease or use fees from stadiums, auditoriums, and community and convention centers; and rentals from concessions at such facilities."

Recipients are to calculate revenue on an entity-wide basis by summing across all revenue streams covered as general revenue. (Interim Final Rule page 54 and FAQ 17)

According to the Interim Final Rule on page 57, any diminution in actual revenue calculated using the prescribed formula would be presumed to have been due to the COVID 19 public health emergency.

The costs incurred for the provision of governmental services may not exceed the total amount of revenue reduction.

Section 603(C)(1)(D). Costs incurred to make investments in water, sewer, or broadband infrastructure under Section 603(c)(1)(D) must be documented and recorded on the capital asset ledger in accordance with the local capitalization policy. The Interim Final Rule clarifies eligible expenses for this category.

Pension Funds. Section 603(c)(2) specifically states the ARP grant fund may not be used to make a deposit into any pension fund. However, payments may be made into a pension fund as a normal part of the employee payroll benefits process if an employee's wages and salaries are an eligible use of Fiscal Recovery Funds. (Interim Final Rule page 80)

Transfers to certain entities or the State. Section 603(c)(3) allows money in the ARP fund to be transferred to a private nonprofit organization, public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government. The term "private nonprofit organization" is defined in 42 USC 11360(17) to mean an organization - **"(A)** no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; **(B)** that has a voluntary board; **(C)** that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the [Secretary](#); and **(D)** that practices nondiscrimination in the provision of assistance." If money is transferred under this section, documentation must exist to show that the nonprofit organization meets the required definition.

Section 603(c)(4) allows money in the ARP Coronavirus Local Fiscal Recovery Fund to be transferred to the State of Indiana.

Prior Costs Incurred. Permitted expenses incurred in the fund of a unit after the passage of ARP (March 3, 2021) but before the receipt of the ARPA funds may be shown as an expense from the ARP Coronavirus Local Fiscal Recovery Fund.

For example, if on March 12, 2021, a city incurred expenses in the amount of \$10,000 from the General Fund in response to the public health emergency, the city may transfer that expense to the ARP Coronavirus Local Fiscal Recovery Fund through a reversing entry. The city will first reverse the \$10,000 expense in the General Fund, which will reinstate the expense appropriation line item and the cash balance of the general fund. The city will then post the \$10,000 disbursement to the ARP Coronavirus Local Fiscal Recovery Fund with a link to the original claim and supporting documentation.

Ineligible Costs. The following items are not eligible uses of the ARP money per the FAQ document (FAQ 23, 24, 26, and 27): payment of interest or principal on outstanding long term or short-term debt; payment of fees or issuance costs associated with the issuance of new debt; contributions to the Rainy Day Fund or reserve funds; payment of settlements or judgments; non-federal match for other federal programs.

Reporting Requirements. The Interim Final Rule, starting on page 110, contains information on the required reports to the U.S. Treasury.

Metropolitan Cities and counties will be required to submit one interim report and thereafter quarterly Project and Expenditure reports. The interim report will include a recipient's expenditures by category at the summary level from the date of the award through July 31, 2021. The interim report will be due on August 31, 2021. The quarterly Project and Expenditure reports will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of the award funds. The initial quarterly Project and Expenditure report will cover two calendar quarters from the date of award to September 30, 2021. The initial quarterly report is due by October 31, 2021. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 days after the end of each calendar quarter.

Non-entitlement units of local government will be required to submit annual Project and Expenditure reports. The initial annual Project and Expenditure report will be due on October 31, 2021. The Project and Expenditure reports will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of the award funds. The initial annual Project and Expenditure report will cover activity from the date of award to September 30, 2021, and must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year.

Metropolitan Cities and counties with a population of greater than 250,000 will also be required to submit annual Recovery Plan Performance report. The initial report will be due August 31, 2021.


The U.S. Treasury will provide additional guidance and instructions on the reporting requirements at a later date.

Internal Controls. Internal controls must be designed, implemented, and documented to provide reasonable assurance that the ARPA funds will be safeguarded and used in accordance with the ARPA. Each of the five components of internal control is necessary to form a complete internal control process: Control Environment, Risk Assessment, Control Activities, Information and Communication, and Monitoring Activities. For more information on the establishment of internal controls, see the *Uniform Internal Control Standards for Indiana Political Subdivisions* and the Best Practice Documents on our website at www.in.gov/sboa.

Counties, Cities, and Towns
May 12, 2021
Page 6

This memorandum is considered to be part of the Uniform Compliance Guidelines of the State Board of Accounts and is intended to provide guidance that will promote transparency and accountability of funds received from the Coronavirus Local Fiscal Recovery Fund pursuant to the American Rescue Plan Act of 2021. This memorandum may be amended or rescinded at any time in writing by the State Examiner or Deputy State Examiner.

Respectfully,


Paul D. Joyce, CPA
State Examiner

SG/DG



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-28 – An Ordinance to Amend Ordinance 20-23 which Fixed Salaries for Certain City of Bloomington Employees for the Year 2021 Re: To Change the Grade of Existing Positions in the Office of the Mayor, the Parks Department, and the Utilities Department and Revise Job Titles within the Police and Fire Departments and the Office of the Mayor to Better Reflect the Nature of Those Positions

Synopsis

This ordinance amends the 2021 Ordinance Fixing Salaries for the City of Bloomington by changing the grade and job title of one existing position in the office of the Mayor, and changing the grade of an existing position in the Parks Department and in the Utilities Department. In addition, this ordinance changes the titles of one existing position in both the Fire Department and the Police Department. All changes were made to more accurately reflect the duties of these positions.

Relevant Materials

- Ordinance 21-28
- Staff Memo from Caroline Shaw, Human Resources Director

Summary

Ordinance 21-28 proposes to amend Ordinance 20-23, which fixed salaries for certain City of Bloomington employees for the year 2021 as follows:

Section I adds the following positions: Fire Marshal to the Fire Department (grade 7); Digital Brand Manager to the Office of the Mayor (grade 7); Golf Course Superintendent to the Parks Department (grade 6); 4 Neighborhood Resource Specialists to the Police Department (grade 5); and an MS4 Coordinator to the Utilities Department (grade 8).

Section II eliminates the following positions: Fire Inspection Officer from the Fire Department (grade 7); Digital Communications Specialist from the Office of the Mayor, (grade 6); Golf Course Superintendent from the Parks Department (grade 5); Community Service Specialists from the Police Department (grade 5); MS4 Coordinator from the Utilities Department (grade 7).

The fiscal impact of these changes is estimated to be \$10,149.00. At this time, staff anticipates that the fiscal impact of this legislation will be absorbed by the existing department budgets, but will review the matter in October/November to determine whether any additional appropriation requests are necessary.

Contact

Caroline Shaw, Human Resources Director, shawcaro@bloomington.in.gov, 812-349-3404

ORDINANCE 21-28

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

WHEREAS, IC §36-4-7-3 authorizes the Mayor, subject to the approval of the Common Council, to fix the compensation of each appointive officer, deputy and other employee of the city; and

WHEREAS, Salaries for City of Bloomington employees were set by Ordinance 20-23, which was passed by the Common Council on October 14th, 2021, and approved by the Mayor on October 16th, 2021; and

WHEREAS, the Mayor desires to make or change appointments within the Parks Department, Office of the Mayor, Utilities Department, Fire Department , and Police Department, which will also require amendments to the salary ordinance.

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

SECTION 1. The Ordinance Fixing Salaries shall be amended so that the following five positions are added in the following Departments:

<u>Department/Division (followed by Job Title)</u>	<u>Grade</u>
<u>Fire Department</u>	
Fire Marshal	7
<u>Office of the Mayor</u>	
Digital Brand Manager	7
<u>Parks Department</u>	
Golf Course Superintendent	6
<u>Police Department</u>	
Neighborhood Resource Specialists (4)	5
<u>Utilities Department/Environmental</u>	
MS4 Coordinator	8

SECTION 2. The Ordinance Fixing Salaries shall be amended so that the following five positions are eliminated from the following Departments:

<u>Department/ (followed by Job Title)</u>	<u>Grade</u>
<u>Fire Department</u>	
Fire Inspection Officer	7
<u>Office of the Mayor</u>	
Digital Communications Specialist	6

Parks Department
Golf Course Superintendent 5

Police Department
Community Service Specialists (4) 5

Utilities Department/Environmental
MS4 Coordinator 7

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, 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 _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me this _____ day of _____, 2021

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the 2021 Ordinance Fixing Salaries for the City of Bloomington by changing the grade and job title of one existing position in the Office of the Mayor, and changing the grade of an existing position in the Parks Department and in the Utilities Department. In addition, this ordinance changes the titles of one existing position in both the Fire Department and Police Department. All changes were made to more accurately reflect the duties of these positions.



City of Bloomington
Human Resources Department

MEMORANDUM

To: City Council members

From: Caroline Shaw, Human Resources Director

CC: Mayor John Hamilton, Deputy Don Griffin, Controller Jeff Underwood, and Council Administrator/Attorney Stephen Lucas

Date: May 24, 2021

Re: 2021 Salary Ordinance 21-28 amending Ordinance 20-23 which set 2021 pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees

Attached for your review and approval is Ordinance 21-28 amending Ordinance 20-23 which set 2021 pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees.

Position and grade changes to the current salary ordinance are explained below. Consistent with past practice, grade classifications were determined and re-evaluated by a job evaluation committee¹, and the estimated fiscal impact is included.

PROPOSED GRADE CHANGES TO CURRENT POSITIONS

The pay grade for the **Parks & Recreation** Golf Course Superintendent was reviewed and will increase from a grade 5 to a grade 6. The role has changed significantly over the years. It now requires additional training, certifications, and employee supervision. This represents an approximate fiscal impact of \$2,742.

The Office of the Mayor Digital Communications Specialist (Grade 6) changed to a Digital Brand Manager (Grade 7) due to the position's changing duties which have increased in scope and complexity. The fiscal impact is \$3,057.

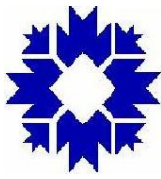
The Utilities MS4 Coordinator's grade increased from a 7 to an 8 after review. After losing two employees to higher paying comparable, public-sector jobs, the job description was revised to include missing information that increased the pay grade. This represents an approximate fiscal impact of \$4,350.

PROPOSED TITLE CHANGES TO CURRENT POSITIONS

The Fire Inspection Officer (Grade 7) becomes a Fire Marshal (Grade 7). Since this is only a title change, there is no fiscal impact.

The four Neighborhood Resource Specialists (Grade 5) have been renamed Community Service Specialists (Grade 5). This is a title change with no fiscal impact.

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



City of Bloomington
Human Resources Department

Thank you for your thoughtful consideration of Ordinance 21-28. I would be happy to answer any questions you have about these changes from the previous Salary Ordinance. My direct line is 349-3578.



City of Bloomington Indiana

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Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-29 – Amending Ordinance 20-22 which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington for 2021

Re: Title Change for Fire Inspector

Synopsis

This ordinance amends Ordinance 21-22, which fixed the salaries of officers in the Police and Fire Department for the year 2021. This changes the title of the Fire Inspection Officer to Deputy Fire Marshal in the Fire Department Administration Table.

Relevant Materials

- Ordinance 21-29
- Staff Memo from Caroline Shaw, Human Resources Director

Summary

Ordinance 21-29 proposes to amend Ordinance 20-22, which fixed salaries of officers in the Police and Fire Departments for the year 2021 by renaming the position “Fire Inspection Officer” to “Deputy Fire Marshal”. There is no proposed change to the job grade or salary range for this position.

Contact

Caroline Shaw, Human Resources Director, shawcaro@bloomington.in.gov, 812-349-3404

ORDINANCE 21-29

**AMENDING ORDINANCE 20-22 WHICH FIXED THE SALARIES OF OFFICERS OF
THE POLICE AND FIRE DEPARTMENTS FOR
THE CITY OF BLOOMINGTON FOR 2021
- Re: Title Change for Fire Inspector**

WHEREAS, as a result of changes in Ordinance 20-22, which fixed the salaries of officers in the Police and Fire departments, a Fire Inspector in the Fire Department was retitled Deputy Fire Marshal in this ordinance;

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

SECTION 1. Section IA of Ordinance 20-22 shall be amended by replacing Fire Inspection Officer with the following position and maximum salary to the Fire Department Administration Table:

FIRE DEPARTMENT ADMINISTRATION

<u>Job Title</u>	<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
Deputy Fire Marshal	7	\$41,087	\$65,735

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, 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 _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Ordinance 20-22, which fixed the salaries of officers in the Police and Fire Departments for the year 2021. This changes the title of the Fire Inspection Officer to Deputy Fire Marshal in the Fire Department Administration Table.



City of Bloomington
Human Resources Department

MEMORANDUM

To: City Council members

From: Caroline Shaw, Human Resources Director

CC: Mayor John Hamilton, Deputy Don Griffin, Controller Jeff Underwood, and Council Administrator/Attorney Stephen Lucas

Date: May 24, 2021

Re: 2021 Salary Ordinance 21-29 amending Ordinance 20-22 to Fix the Salaries of Officers of the Police and Fire Departments

Attached for your review and approval is Ordinance 21-29 amending Ordinance 20-22 which fixed the 2021 salaries of officers of the Police and Fire Departments.

There is one title change in this ordinance amendment. The Fire Inspection Officer becomes a Deputy Fire Marshall. Since this is only a title change, there is no fiscal impact.

Your approval of Ordinance 21-29 is requested. Please contact me at 349-3578, if you have any questions.

Thank you!