

City of Bloomington Common Council

Legislative Packet – Addendum

(Issued on Wednesday, 02 June 2021)

Wednesday, 02 June 2021

Regular Session at 6:30 pm

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).

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 action of the Common Council and upon recommendation of the Bloomington Economic Development Commission.

SECTION 4. The Common Council finds 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.

Note: This resolution was revised after distribution in the Legislative Packet but before introduction at the June 2, 2021 Regular Session to correct misspelled words in Sections 3 and 4.



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 21-20: 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 \$23,196 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, \$20,833 per affordable unit
Union at Crescent (Mecca):	102 units, \$15,650 per affordable unit
Southern Knoll (Milestone):	31 units, \$17,200 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 vote on Initial Resolution	June 2, 2021
Common Council vote on confirmatory Resolution	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

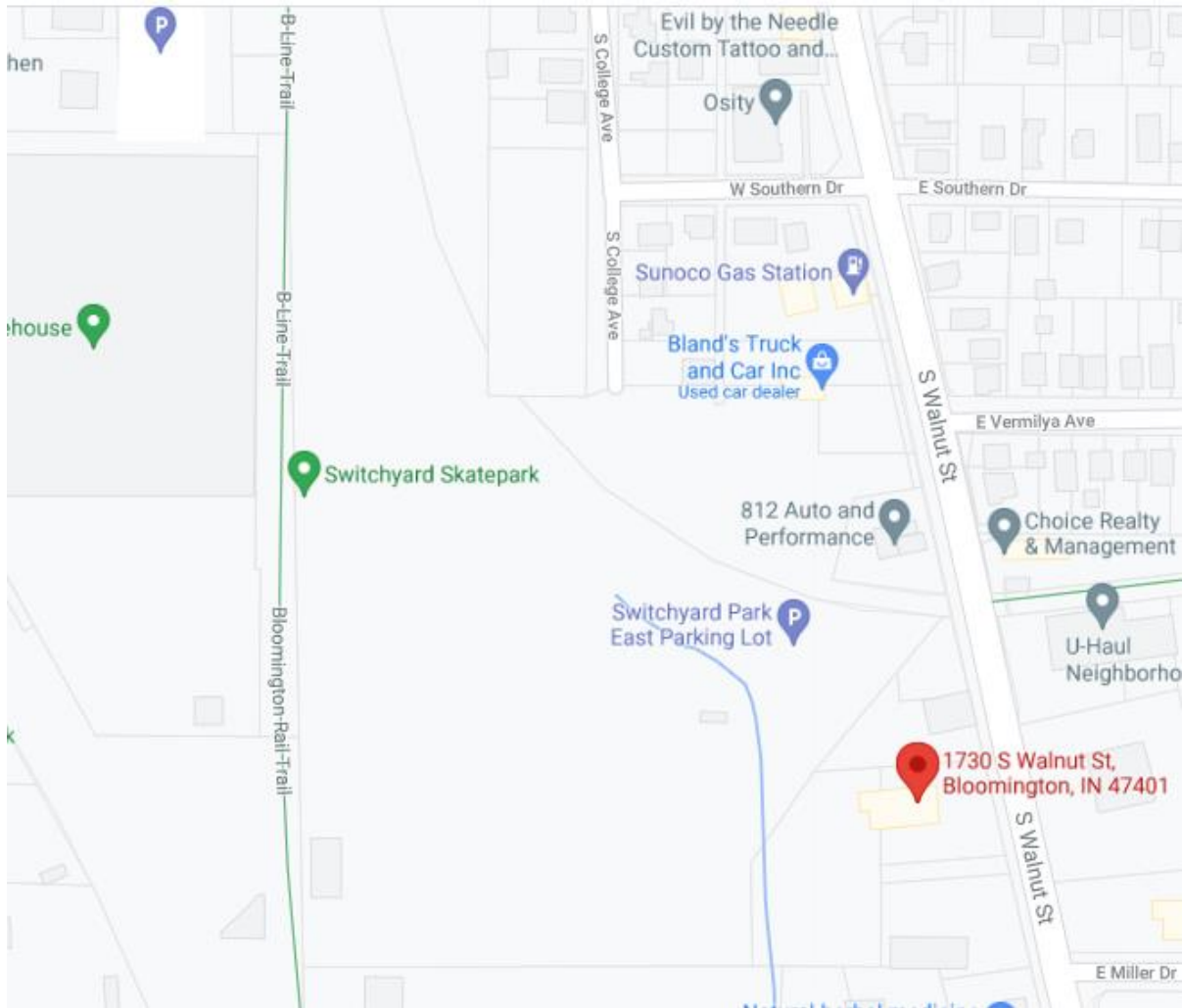
Generally, residential development is not eligible for tax abatement unless it meets one of the following criteria: (1) it is a multifamily development that contains at least 20% units available to low or moderate income tenants, (2) it located in an Economic Development Target Area (EDTA), or (3) the 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.

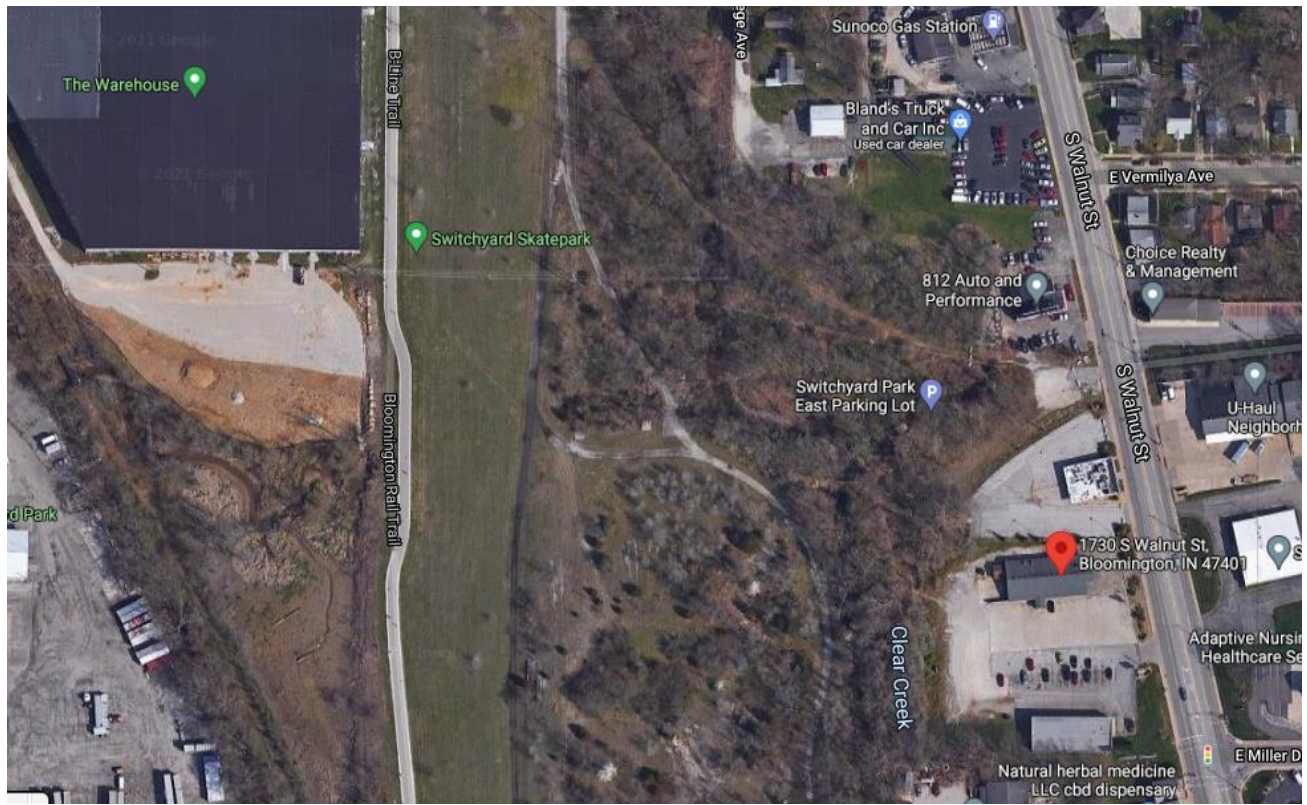
Rationale for Tax Abatement Recommendation

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



Housing Committee City of Bloomington Common Council

Report on Referral of:

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

Referral and Deliberations:

Date	Entity	Action
05/19/2021	Common Council Regular Session	Introduction and referral to Housing Committee
05/26/2021	Council Housing Committee Meeting	Presentation, discussion, public comment, do pass recommendation (4-0)
06/02/2021	Common Council Regular Session	<i>Pending</i>

Summary and Recommendations

The Housing Committee met on Wednesday, May 26, 2021 for approximately one hour to discuss Ordinance 21-30. John Zody, Director of Housing and Neighborhood Development (HAND), gave the staff presentation and responded to questions from committee members. Brent Pierce, Assistant Director of HAND, and Daniel Dixon, Assistant City Attorney, also presented and answered questions.

Zody provided an overview of the ordinance. He explained that the proposed occupancy affidavit requirement would better allow HAND staff to enforce occupancy limits in residential units. There was discussion on how the proposed affidavit would overlap with the City’s existing rental inspection program and how over-occupancy complaints were addressed and documented. Pierce explained the affidavit requirement would ensure that both the property owner and the tenants would be aware of applicable occupancy limits. Zody noted that over-occupancy could be documented in different ways and that the proposed affidavit would further assist the city if enforcement was necessary. Zody said that another purpose for the affidavit was to assist the city with data tracking for the properties subject to the requirement.



City of Bloomington Indiana

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Committee members expressed support for the ordinance, but voiced concern about the ordinance's second whereas clause and whether it accurately reflected the purpose of the ordinance. Committee member Piedmont-Smith also suggested that the affidavit should be required annually from tenants, regardless of whether there was some change in occupancy since the previously-filed occupancy affidavit.

There was no public comment on the proposal. Committee members were in favor of the project. The committee recommended do-pass by a vote of 4-0.

/s/Kate Rosenbarger
Kate Rosenbarger, Chair

06/01/2021
Date

/s/Matt Flaherty
Matt Flaherty

06/01/2021
Date

/s/Isabel Piedmont-Smith
Isabel Piedmont-Smith

06/01/2021
Date

/s/Jim Sims
Jim Sims

06/01/2021
Date

***** Amendment Form *****

Ordinance #: 21-30
Amendment #: Am 01
Submitted By: Cms. Rosenbarger, Piedmont-Smith, Sims, Flaherty
Date: June 2, 2021
Proposed Amendment:

1. Ord 21-30 shall be amended by removing the second Whereas clause as follows:

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

Synopsis

This amendment is sponsored by Cms. Rosenbarger, Piedmont-Smith, Sims, and Flaherty. While it is true that over-occupancy may present certain health and safety dangers, this Whereas clause raises the problematic comparison with owner-occupied units and pre-existing rental units with higher occupancy where unsafe conditions and negative impacts on neighbors due to a high number of occupants may also be an issue.

Committee Recommendation:	N/A
Regular Session Action (06/02/2021):	Pending

***** Amendment Form *****

Ordinance #: 21-30
Amendment #: Am 02
Submitted By: Cm. Piedmont-Smith, Cm. Sims
Date: June 2, 2021
Proposed Amendment:

1. Ord 21-30, Section 1 shall be amended by revising the proposed 16.03.025(c) by deleting the last sentence, as follows:

16.03.025. OCCUPANCY AFFIDAVIT.

(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.~~

Synopsis

This amendment is sponsored by Cm. Piedmont-Smith. If this amendment is adopted, the tenants affected by Ordinance 21-30 would have to sign a new affidavit of occupancy each year, regardless of whether they signed such an affidavit for the same unit in the previous year. The intent is to remind the tenants, as well as the property owner/agent, about the occupancy rules on an annual basis.

Committee Recommendation: N/A
Regular Session Action (06/02/2021): Pending

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, 2020, and approved by the Mayor on October 16th, 2020; 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>	
Community Service 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

Neighborhood Resource 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 Ordinance 20-23, which fixed the salaries of certain City of Bloomington employees for the year 2021, 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.

Note: This ordinance was revised after distribution in the Legislative Packet but before being introduced at the June 2, 2021 Regular Session. The revisions corrected two dates in the second Whereas clause from 2021 to 2020, corrected the title of the four positions that will be renamed within the Police Department, and modified the first sentence of the synopsis to identify the particular ordinance being amended.