

In Bloomington, Indiana on Tuesday, August 31, 2021 at 6:30pm, Council President Jim Sims presided over a Special Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
August 31, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo (arrived at 6:41pm), Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:32pm]

Council President Jim Sims summarized the agenda and reviewed the structure of the meeting.

AGENDA SUMMATION [6:33pm]

LEGISLATION FOR SECOND
READINGS AND RESOLUTIONS
[6:09pm]

Flaherty moved and it was seconded that Ordinance 17-12 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Rollo arrived 6:41pm). Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 17-12 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-East Bloomington Annexation

Sgambelluri moved and it was seconded to adopt Amendment 02 to Ordinance 17-12. Sgambelluri presented Amendment 02.

Amendment 02 to Ordinance 17-12

Amendment 02 Synopsis: This amendment is sponsored by Cm. Sgambelluri and would remove the identified parcels from the Area 2 Annexation Territory.

Philippa Guthrie, Corporation Counsel, stated that the administration was neutral on Amendment 02 to Ordinance 17-12 because it was five parcels, at least one was Sycamore Land Trust so there was a covenant on it, and one of the five parcels was waived and none had sewer or water.

Volan asked how one of the properties was waived, but did not have City of Bloomington Utilities (CBU) service.

Council questions:

Michael Rouker, City Attorney, responded that a property owner wanted to have the option of sewer extended to them, and for a variety of reasons, they had signed a waiver. He said the city had an obligation to serve them if they agreed to pay the necessary fees to have sewer extended to them.

Volan asked under what circumstances the city extended the sewer main.

Rouker explained that the city would extend sewer mains for municipal residents, and for non-municipal residents, the city's policy was not to extend sewer mains absent exceptional circumstances.

Volan asked if no properties would be extended sewer unless they agreed to be annexed.

Rouker stated that was the current City Utilities Service Board (CUSB) policy, though there were exceptions like the library extension currently being built.

Smith asked Rouker to elaborate on Volan's questions.

Rouker explained that the current threshold for utility services was that 60% of the residents wanted sewer service extended to them, and if they signed an agreement, then the city would extend the service. He said that within the city, if one property was willing to pay for the extension of sewer service, absent statutory credits, the city had a legal obligation to extend sewer main to their property if they were willing to pay for it and the connection fee.

Volan asked if the city extended sewer mains in anticipation of development.

Rouker confirmed that was correct.

Steve Unger, outside counsel, Bose, McKinney, and Evans, clarified that statutory changes subjected the city to the Indiana Utility Regulatory Commission's (IURC) Main Extension Rules which required the city to extend service for free if the cost was less than three years of revenue that the city receive from that area. He said there were other requirements and credits.

Volan asked if the three years revenue was the cost of transmission and not the cost of the water.

Unger explained that it was the total revenue the city would see from that revenue, including water consumption.

Piedmont-Smith asked if a property owner, or group of property owners, wanted sewer service, they would have to pay for it.

Rouker confirmed that was correct, that there were fees that varied in each circumstance.

Piedmont-Smith asked if 60% of property owners of an area had to agree that they wanted sewer service before it would be extended to them.

Rouker stated that if even an individual wanted to pay the full cost of an extension, and if there were no capacity issues, CBU would extend sewer service to that individual if they were in the municipal corporation.

Piedmont-Smith asked if, the requirement was that the city had to provide sewer connection if the cost of extending was less than three years of revenue from those new customers, was only within city limits.

Unger confirmed that was correct.

Piedmont-Smith asked about an individual living outside the city boundaries.

Unger stated that the current policy of the Utility Board that the city would not extend service outside of their boundaries even if the revenue to the city would exceed the cost of the extension.

Volan asked that the five parcels to be identified, and to specify which were protected by the easements with the Land Trust.

Sgambelluri identified the parcels.

Volan pointed out that the two parcels were permanently protected by conservation easements with the Land Trust.

Sgambelluri confirmed that was correct. She also explained that the parcel to the east was partially owned by the Sycamore Land Trust.

Piedmont-Smith stated that the parcels were not going to be developed, and asked if there were similar parcels in other areas to be annexed, like south of Rhorer Road, and why the areas in Amendment 02 were any different than other areas to be annexed.

Sgambelluri stated that those were the parcels that were brought to her attention.

Amendment 02 to Ordinance 17-12 (cont'd)

Council questions:

Guthrie responded that the administration looked extensively at parcels that looked undeveloped, but were prime for development, or were already in development. She said that the five in Amendment 02 had no sewer or water service, and there was only one structure and were unlikely to be developed.

Amendment 02 to Ordinance 17-12 (*cont'd*)

Council questions:

Piedmont-Smith asked about a parcel south of Rhorer Road, west of E. Summer Creek Drive, and east of Jackson Creek Drive that looked very similar.

Sims interceded to ask if it was procedurally relevant to discuss other parcels not pertaining to Amendment 02.

Piedmont-Smith stated that she had been attempting to apply the same logic to other parcels to be able to decide if she was going to support the amendment.

Piedmont-Smith asked if someone from the administration could speak to the undeveloped parcels, and why they did not meet the same criteria as the areas in Amendment 02.

Rouker stated that some areas provided contiguity, and described the need for contiguous parcels, which was a requirement for annexation. He also explained that it was difficult to apply a standards universally.

Piedmont-Smith clarified her reason for asking, including the creek and floodplain, and stated that contiguity made sense.

Flaherty asked if the administration was aware of other parcels that would fit the criteria, both undeveloped and undevelopable because they were protected by land trust.

Rouker stated that they were not aware of parcels like that, but that he did not look at all the restrictive covenants on the thousands of parcels in the annexation areas.

Flaherty said that to Rouker's knowledge, no one had contacted the city with a restrictive covenant.

Rouker confirmed that was correct.

Flaherty stated that there was a case to be made for Amendment 02 and a parcel being undeveloped and undevelopable due to a land trust, but questioned if that precluded something from being annexed. He commented on several parcels, and services, and asked about the notion of fairness among properties, in terms of some paying and others not.

Sgambelluri reiterated that the properties in Amendment 02 had been brought to her attention, and that fairness certainly mattered. She referenced the properties' value and stated that the property tax would not be substantial.

Rouker added that when one lives in proximity to a municipality, it was inevitable to enjoy certain municipal services.

Guthrie stated that nonprofits do not pay additional taxes if they were annexed.

Smith asked about contiguity and if it was broken because of Amendment 02, how would that impact the map.

Guthrie stated that, in reference to the parcel Piedmont-Smith spoke about, the areas needed to be contiguous with the city and each other, and explained what would not be contiguous if that parcel was omitted.

Smith asked for clarification.

Rouker stated that the parcel Piedmont-Smith spoke about was not in Amendment 02.

Jocelyn Bowie discussed reasons against annexation.

Public comment:

Barbara Frey also spoke against annexation.

Janice Wiggins [inaudible].

Amendment 02 to Ordinance 17-12 (cont'd)

Jeremy James spoke against annexation.

Volan asked if it was known what the tax increase would be to property owners affected by Amendment 02.

Council questions:

Rouker stated that he did not know the exact tax increase, but that the gross assessed value of the five parcels was \$379,100 which was not a large figure in the context of the annexation.

Flaherty commented on a public commenter's desire to keep contiguous Sycamore Land Trust under the same jurisdiction. He said that the terms of the conservation easement dictated what could happen and asked the administration to comment on the impact on contiguous protected land under multiple jurisdictions.

Rouker said that he couldn't think of anything that could change.

Guthrie stated that she couldn't think of any impacts either.

Smith said that he supported Amendment 02.

Flaherty stated the he would support Amendment 02 and commented on the parcels.

The motion to adopt Amendment 02 to Ordinance 17-12 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 17-12 [7:28pm]

Sgambelluri moved and it was seconded to adopt Amendment 03 to Ordinance 17-12. Sgambelluri, Sandberg, and Volan presented on Amendment 03.

Amendment 03 to Ordinance 17-12 [7:29pm]

Amendment 03 Synopsis: This amendment is sponsored by Cms. Sgambelluri, Sandberg, and Volan and would remove the identified parcels from the Area 2 Annexation Territory.

Guthrie stated that the administration opposed Amendment 03 because it was adjacent to the city and was the type of neighborhood brought into the city for over 100 years. She explained that there was municipal water, but not sewer, and were appropriate for city services like sanitation, road maintenance, and plowing. Guthrie clarified that the residents there were a part of the city, and worked and grocery shopped in the city. She provided examples of things subsidized by the city, including programming offered by the Parks and Recreation Department (PRD). Guthrie explained that in 2020, over 45% of the individuals using that programming resided outside of the city boundaries, which was a disconnect between usage and funding.

Sandberg asked if a good part of the programming for PRD was covered by fees and asked administration how much was tax-supported, and how much was fees-supported.

Council questions:

Rouker explained that, for example, Bryan Park pool's fees supported about 56% of funding was supported by user fees and the remainder was supported out of the General Fund. He stated that it was far lower for Mills pool, with user fees supporting approximately 20%. He said that for the municipal golf course was funded by user fees totaling approximately 86%. Rouker said that all of the amenities were available for everyone to use without an exorbitant fee, which was common.

Piedmont-Smith asked Volan to clarify what he meant about supporting Amendment 03 because there was no shoulder on the road.

Volan stated that there were a number of reasons why he supported the amendment, like that the neighborhood was unlikely to get sewer because of geographical reasons. He said that the only way for residents to get to the city was on State Road 46.

Piedmont-Smith asked if Lori Lane also had no shoulder.

Volan confirmed that was correct, but that it was not a high speed highway run by the Indiana Department of Transportation (INDOT).

Amendment 03 to Ordinance 17-12 (*cont'd*)

Council questions:

Flaherty stated that there was validity in the points Guthrie made, but that it was also true for all the areas just outside of the current annexation boundary. He said that Amendment 03 would strike Edgewood Hills neighborhood, but also about five to eight parcels on the south side of the road. He said that, in Area 2, none of the parcels on the north side of the road were included nor the development off of Kings Road. He asked for further clarification on what parcels were included or not.

Guthrie stated that she was not sure about the parcels to the north, and said that the neighborhood looked like the rest of the city, was dense enough, and was a logical place to draw the line.

Rouker explained that the goal was to make the municipal boundaries coherent, and were often seen drawn along a roadway.

Smith asked if the area was dense for annexation.

Sgambelluri stated that she met with the Home Owners Association (HOA) which claimed that there was more acreage than houses; there were 58.3 acres with 58 houses, which was fewer than three persons per acre.

Smith asked if the road would ever be amendable to building sidewalks.

Sgambelluri stated that not without taking out many trees, and that the road was very narrow.

Smith asked if the residents all had septic and trash collectors.

Sgambelluri stated that was her understanding.

Smith stated that it didn't make sense for annexation.

Rosenbarger stated that there were very dense areas that didn't have sidewalks, so that wasn't a deciding factor. She asked the sponsors what distinguished the area, and said that State Road 46 seemed like a natural boundary, but that leaving that area out would seem like creating a hole.

Volan stated that the highways made a difference, and that a significant portion of State Road 446 would be entirely within the city. He explained that INDOT did work with the city, but that they ultimately had the final say. Volan clarified that the border of the city would be moved out well past Lori Lane, which the logical border was State Road 446. He said that that all the areas to the south emptied out onto State Road 446.

Sims stated that self-sufficiency was not enough to not consider annexation. He asked how likely it was to get infrastructure into that area, due to the terrain and landscape.

Rouker stated that the neighborhood already had water service, but not sewer. He explained that he had not met with the Utilities Engineering but that there were topographical challenges to providing sewer services, which were typically gravity-fed, and the cheapest way to provide service. He said that for that area it would need something like a low pressure force main which was more complicated and more expensive. He said that if the residents

wanted to have municipal sewer service extended and could afford to pay for the extension, the city would be obligated to provide that service.

Sims asked about user fees, and stated that for PRD programming, there was a fee structure, one for city residents and another for county residents. Sims asked about raising the fees for those not in the city to make it more equitable financially.

Rouker confirmed there were nominal differential rates, between \$5-20 depending on the program and didn't come close to the necessary cost.

Flaherty asked if a neighborhood, or HOA, wanted to develop a force main sewer system that it could be done as part of a voluntary annexation in the future.

Rouker confirmed that was correct, and that an appropriate number of signatures on a voluntary annexation petition, in exchange for sewer extension, would be possible.

Flaherty asked what the percentage of signatures was.

Rouker stated that for super-voluntary annexation was 100% and that for voluntary annexation was over 50%.

Unger confirmed that was correct, and that the process for super-voluntary annexation was much shorter.

Flaherty asked if a super-voluntary annexation happened regardless of what the city wanted.

Unger stated that it was an expedited process but still required an ordinance from the council, and explained the process.

Rollo asked if the threshold for super-voluntary was 100% unanimous.

Unger confirmed that was correct.

Nicki Williamson opposed annexation.

Nolan Westlake spoke in favor of Amendment 03.

Dan Williamson discussed reasons against annexation.

Josh Boyd supported Amendment 03.

Christy Duffy spoke against annexation.

Flaherty asked the administration to clarify the density guidance, which wasn't controlling, and if the three-person per acre, pertained to the annexation as a whole and not to a particular neighborhood.

Unger confirmed that was correct and were factored in during a remonstrance. He said that there were urbanization tests, including three persons per acre, as well as, the percentage of subdivision. He stated that Edgewood Hills satisfied the percentage of subdivision.

Rosenbarger asked what percentage of Bloomington residents, or properties, were on sewer.

Rouker responded that he did not have that information but could inquire with Vic Kelson, Director of Utilities. He said it was not 100% but that it was a large percentage.

Volan commented that there were arguments that opposed annexation that were not convincing to him. He said that everyone in Monroe County was a county resident and that the language to use should be non-city resident or non-city neighborhoods. Volan stated that Bloomington was established as a seat of Monroe County. He further stated that Smith's comments could be applied to

Amendment 03 to Ordinance 17-12 (cont'd)

Council questions:

Public comment:

Council comment:

other portions of the proposed annexations, and that it sounded like Smith would remove significantly more parts of the proposed annexation. Volan explained that there had been arguments against annexation because there was no developable land and also because there was land not yet developed. He clarified that if the city wanted to annex a portion of land, that didn't mean that the city would develop it, just that it could be developable. He explained that the area in Amendment 03 was developed a long time ago to its maximum extent, and had difficult terrain. He commented further about the area and surrounding areas. Volan explained the factors why he was in support of Amendment 03.

Amendment 03 to Ordinance 17-12 (*cont'd*)

Council comments:

Flaherty stated that whether or not an individual property owner felt that they would benefit more than not, by being annexed, was not an appropriate framework for decision making. He said council should be making decisions based on the interest of the city. He also said that there were no contiguity issues, like removing adjacent areas, and that he appreciated Rouker's comment about using roads as logical boundaries. He commented further about other proposed annexation areas. Flaherty said that the extreme difference that Volan pointed out between State Roads 46 and 446 was important. He also referenced the lack of waivers in the area in Amendment 03, and that voluntary annexation was an option in the future. He stated that he would support the amendment.

Smith explained his reasoning for supporting Amendment 03 including that it was a secluded area, and that State Road 446 was a natural boundary. He said that he understood that the city needed to draw lines, but that he didn't know what the benefit to the city would be by including the area.

Piedmont-Smith commented on the background of the area in Amendment 03, and said it was not a neighborhood that was an extension of the city which distinguished it from other areas. She also said that since it only had one access point off of State Road 446 put it outside of the sequential development on the east side of Bloomington. She expressed support for Amendment 03 and stated that she respectfully disagreed with Smith in that the area shouldn't be annexed because it didn't benefit the residents or that they were self-sufficient. She said that those arguments could be applied to various areas in the proposed annexation areas. She singled out the area because it had one access point, rough topography, and was east off of State Road 446.

Rosenbarger indicated that Amendment 03 was difficult for her and that she leaned against the amendment. She stated that it reminded her of the Broadview neighborhood, who didn't have sewer, but wanted it as well as sidewalks. Rosenbarger expressed that the one entry point was not significant, and provided reasons why.

Rollo stated that he was considering many things, extending or over extending city services, and whether or not city services could occur at all, an increase in sprawl, the effect on county finances, and more. He also stated that he wished it to be a cooperative approach, and that it mattered if residents wanted to be annexed.

Volan said he would have found it more persuasive had the city included the houses north of State Road 46 all the way out to Long's Landing, though he understood why the administration chose the straight line. He said he would rather see both sides of a street be included. He stated that there were not rows of homes north of State Road 46.

Sims agreed with Piedmont-Smith in that self-sufficiency was not a reason to not be considered for annexation, but that there were enough other factors, including topography concerns, access, road structure, sewer infrastructure issues that made him support Amendment 03.

Amendment 03 to Ordinance 17-12 (*cont'd*)

Council comments:

The motion to adopt Amendment 03 to Ordinance 17-12 received a roll call vote of Ayes: 8, Nays: 1 (Rosenbarger), Abstain: 0.

Vote to adopt Amendment 03 to Ordinance 17-12 [8:26pm]

Smith moved and it was seconded to adopt Amendment 04 to Ordinance 17-12. Smith presented on Amendment 04.

Amendment 04 to Ordinance 17-12 [8:27pm]

Amendment 04 Synopsis: This amendment is sponsored by Cm. Smith and would remove the identified parcels from the Area 2 Annexation Territory.

Guthrie stated that the administration opposed Amendment 04 and pointed out that the original amendment was to eliminate Heritage Woods Road which would cut contiguity and would eliminate everything north of that road. She explained that the Cedar Springs neighborhood was almost entirely waived and had sewer and water, and that Heritage Woods Road had water but not sewer but was adjacent to the city. She said it met the subdivision requirement and was completely developed. Guthrie said that it had a private road but that sanitation stated they would be able to provide services.

Sims asked how the recently passed Amendment 03 affected Amendment 04 since an area was included in both amendments.

Council discussion:

Lucas explained that Amendment 04 would remove additional area, including the area in Amendment 03. Lucas explained that if Amendment 04 failed, Amendment 03 would still be in effect.

Flaherty asked Smith if the original intent was to remove Heritage Woods Road. He asked staff if Heritage Woods Road would be eligible to receive sanitation services and snow removal because he had heard from residents that they would not be receiving those services.

Guthrie stated that Public Work would service it like other roads in the city. She said that there was concern from residents about the road being too narrow, and explained that there were other city roads where the city trucks went in and completed the work and then backed out.

Flaherty asked if road maintenance was included, like for pot holes and what the associated annual cost was.

Guthrie said that was correct and that she did not know what the annual cost was.

Flaherty stated that certain areas had water but not sewer, since water was provided more extensively, and asked how council members should consider that differently than sewer and other services.

Guthrie stated there were only waivers for sewer.

Unger explained that statewide, most communities only required waivers in exchange for sewer, but that state statute contemplated requiring waivers in exchange for water service.

Piedmont-Smith asked if there were topographical issues on Heritage Woods Road that would prevent sewer from going in if residents asked for it and paid their portion.

Smith responded yes.

Rouker stated that the CBU engineers looked at Heritage Woods Road which was unique because the road was on the ridgeline and the houses were below. He explained that it would not be a traditional gravity fed main, and that the cost estimate from utilities came out to about \$24,000 which was comparable to installing a new septic system.

Amendment 04 to Ordinance 17-12 (cont'd)

Council questions:

Rollo asked about asked for clarification on whether the area to the north of Heritage Woods Road, which had waivers, was contiguous to the city or to the area proposed to be annexed.

Guthrie responded that in order to be annexed, an area must be contiguous with the city boundary as well the area.

Rollo asked if it would have to be a separate area.

Guthrie stated that was correct and needed its own ordinance.

Rollo said it could be explored as its own area, and wouldn't preclude annexing that area.

Guthrie confirmed that was correct, it could be annexed in the future.

Unger stated that annexation laws changed every year, so there was a risk of not being able to annex that area at a later date.

Rouker clarified that it would mean that it could not be a part of the current annexation and would be a separate annexation, starting the process over from the beginning.

Rollo asked if council could draft an ordinance to create it as a separate area.

Rouker confirmed that was correct.

Rollo asked for more clarification.

Rouker stated that it would likely be impermissible to establish a brand new annexation area at the time.

Rollo stated that it was already proposed as one, so it would just need to be a separate number.

Unger responded that, similar to Area 1 where it was discovered that there were areas not contiguous to each other, it would need to be carved out, and an ordinance would need to be drafted as well as a fiscal plan.

Sandberg asked for continuation of Unger's explanation.

Unger explained that there would need to be a separate ordinance and fiscal plan, but that it could be invalidated because of the timing. He said that the new ordinance and fiscal plan would need to be drafted within the 30- to 60-day window and argue that it was carved out because it was a continuation of the process that was already started for that area.

Flaherty asked Smith if the primary intent of Amendment 04 was to remove Heritage Woods Road as part of Area 2.

Smith confirmed that was correct and that upon advice of counsel, the amendment was extended because of the contiguity issue.

Flaherty stated that Amendment 04 would remove Heritage Wood Road, and Edgewood Hill which council already removed, but also portions to the north including the Cedar Springs neighborhood that was different in terms of level of service and waivers. Flaherty asked what Smith opined that council should weigh in deciding to support Amendment 04 or not and asked for further clarification. Clerk's Note: Smith had technical difficulties and could not respond at the time.

Rollo asked if there were any waivers on Heritage Woods Road.

Guthrie confirmed that there were.

Bart Farrell spoke against annexation.

Public comment:

Sally Lexinger discussed reasons against annexation.

Flaherty restated his question to Smith and asked him to clarify.

Council comment:

Smith stated that it as one big piece and that it did not bother him to remove the area since it was bordered by State Roads 46 and 446.

Flaherty asked if the cost of septic replacement was \$18,000.

Smith stated that was the figure that was given to him from a resident of Edgewood Hills.

Sandberg stated that she supported Amendment 04. She explained that at the beginning of the process, she hoped to pare down the ambitious proposal, and had been in the process of meeting with county colleagues to make the proposal more reasonable for both county and city interests. She explained that her desire with the amendments was to pare down the proposed annexation, and discussed certain neighborhoods.

Flaherty stated he would not vote for Amendment 04. He thanked discussion participants. He explained that it was because the city would accept the roads and provide certain services, as well as have an impact on areas to the north because the area in Amendment 04 was not self-contained in its impact. Flaherty explained that proximity mattered and mentioned that State Road 446 was and was not a natural boundary. He continued that not everyone would benefit from everything that taxes supported, and provided examples. Flaherty explained that he appreciated fairness and equally applying criteria across annexation areas. He clarified that there were lots of other areas that met certain criteria and it would not be fair for him to support Heritage Woods Road removal while not considering other areas. He noted that initially he told residents he would likely support the removal of Heritage Woods Road, but that through the discussion and learning of additional information, he moved the other way. He stated he was happy to discuss it further with residents.

Sgambelluri stated that as cities grow, it made sense to annex those areas that were clearly an extension of the city, both land that was developed or land that would be part of the city growth. She explained that simply not wanting sidewalks, parks, or sewer service didn't mean residents were not part of the city. She clarified that it was an ecosystem. Sgambelluri mentioned reasons that were given against annexation and stated that council needed to think of it as part of a system that made sense. She commented that the annexation process had been a very deliberate and thoughtful process, and it was not a random grabbing of parcels. She further commented that council needed to be just as deliberate on voting to include or exclude a property. Sgambelluri commented on the history of the neighborhood relative to the city, connectivity, and extension of city services. She said she would not support Amendment 04 as it was currently written.

Piedmont-Smith stated that she would not support Amendment 04. She said that Cedar Springs should be part of the city, was a new development with wide streets, and was not pedestrian-friendly, and clarified that she hoped to avoid developments like that in the future. Piedmont-Smith said she was in favor of the city to taking over property that was adjacent to the city because the city had very good planning standards in the transportation plan which wouldn't allow such a wide street, and would have a more urban feel. She

reiterated that annexation laws changed frequently and stated that she had no faith in being able to annex anything after the current year. Piedmont-Smith explained that Heritage Woods Road was an extension to the east, despite being a narrow road, and stated that the lack of connectivity was not convincing because it was east of State Road 446.

Amendment 04 to Ordinance 17-12 (*cont'd*)

Council comments:

Smith commented that council should drive on Edgewood Hills and Heritage Woods Road, and see the similarity. He said the area was separate from the city. He thanked everyone for the discussion.

Sgambelluri applauded Smith for bringing forward the amendment because it brought forth a good conversation and addressed residents' concerns.

The motion to adopt Amendment 04 to Ordinance 17-12 received a roll call vote of Ayes: 3 (Rollo, Smith, Sandberg), Nays: 6, Abstain: 0. FAILED.

Vote to adopt Amendment 04 to Ordinance 17-12 [9:11pm]

Flaherty stated that he would be willing to sponsor Amendment 05, since it did not have a sponsor. Flaherty moved and it was seconded to adopt Amendment 05 to Ordinance 17-12.

Amendment 05 to Ordinance 17-12 [9:11pm]

Amendment 05 Synopsis: This Amendment adds an impoundment fund to South-East Bloomington Annexation Area, commonly referred to as Area 2, so that, for a period of three years after the effective date of the annexation, any municipal property taxes collected from the annexation area but not expended are maintained in a special fund and used to provide additional services to the annexation area. The Amendment also establishes an advisory board charged with advising the City Council regarding the expenditure of the impounded funds.

Unger presented Amendment 05 and stated that it added an impoundment fund to Ordinance 17-12 and an advisory board. He explained that an impoundment fund captured the net or excess revenue from an annexation area for the first three years following annexation, to be spent on additional projects or services to that annexation area. He stated that the city would be revenue neutral in that area for the first three years following the annexation. He said it was required when 60% or more of the parcels were one acre or less, or were less than the 3 persons per acre threshold. He clarified that the ordinances for Areas 1B, 1C, 3, 4, and 5 all included impoundment funds based on the review in 2017. He said that based on the current review it was appropriate to include an impoundment fund for Area 2 and in Ordinance 17-09 for Area 1A because both satisfied the thresholds.

Rollo asked if it affected council action modifying the areas.

Unger stated that it did not impact the areas nor did the approved amendments from that evening, and that the impoundment funds should be included.

Piedmont-Smith asked for further clarification about the additional property taxes that the city would receive from Area 2 that was not expended, and was collected in a separate fund.

Unger explained that the net revenue that the city would collect from the particular area, that exceeded the cost of providing services in the fiscal plan, would be collected in a separate fund. He explained that there would be an advisory board that was made up

of appointments, of which most were residents of that area. He also said that the three year capture would have to be spent within five years.

Smith asked Unger to clarify the process.

Unger explained that if the statutory requirements were met, then they had to be included within the annexation ordinance, which was why council was considering adding it to the ordinance.

Sims asked what the makeup of the advisory board was and how it was selected.

Unger clarified that the language in the amendment followed tracked the language that was required by the statute. He said that the makeup of the board was fixed by statute and included the Township Trustee of the largest number of residents in the proposed annexation area, which was Perry Township for Area 2, and one member of the county council that represented the district with the largest number of residents in the annexation territory. He said it also included the City Engineer and two citizen members, appointed by the mayor, who owned property or resided in Area 2, and two citizen members appointed by the County Commissioners, who owned property or resided in the annexation territory.

There was no public comment.

There was no council comment.

The motion to adopt Amendment 05 to Ordinance 17-12 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded that Ordinance 17-09 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Flaherty moved and it was seconded to adopt Amendment 02 to Ordinance 17-09.

Amendment 02 Synopsis: This Amendment adds an impoundment fund to South-West A Bloomington Annexation Area, commonly referred to as Area 1A, so that, for a period of three years after the effective date of the annexation, any municipal property taxes collected from the annexation area but not expended are maintained in a special fund and used to provide additional services to the annexation area. The Amendment also establishes an advisory board charged with advising the City Council regarding the expenditure of the impounded funds.

Unger presented Amendment 02 and stated that it added an impoundment fund and advisory board for Area 1A.

Volan asked for clarification on who would be on the advisory board for the annexation area.

Amendment 05 to Ordinance 17-12 (*cont'd*)

Council questions:

Public comment:

Council comment:

Vote to adopt Amendment 05 to Ordinance 17-12 [9:22pm]

Ordinance 17-09 - An Ordinance of the City of Bloomington, Monroe County, Indiana, Annexing Territory to the City of Bloomington, Placing the Same within the Corporate Boundaries thereof, and Making the Same a Part of the City of Bloomington – South-West A Bloomington Annexation

Amendment 02 to Ordinance 17-09

Unger responded that it would be the Township Trustee of the largest number of residents in the proposed annexation area, which was Van Buren Township for Area 1A, and one member of the county council that represented the district with the largest number of residents in the annexation territory. He said it also included the City Engineer and two citizen members, appointed by the mayor, who owned property or resided in Area 1A, and two citizen members appointed by the County Commissioners, who owned property or resided with Area 1A.

Amendment 02 to Ordinance 17-09 (*cont'd*)

Council questions:

There was no public comment.

Public comment:

There was no council comment.

Council comment:

The motion to adopt Amendment 02 to Ordinance 17-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 17-09 [9:31pm]

Lucas reviewed the upcoming council schedule and the annexation process.

COUNCIL SCHEDULE [9:31pm]

Flaherty moved and it was seconded that the council September 15 meeting be conducted as a Special Session starting at 6:30 p.m. rather than a Regular Session. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to conduct Special Session [9:33pm]


Flaherty moved and it was seconded to adjourn the meeting. Sims adjourned the meeting.


ADJOURNMENT [9:34pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 8 day of March, 2023.

APPROVE:

ATTEST:


Sue Sgambelluri, PRESIDENT
Bloomington Common Council


Nicole Bolden, CLERK
City of Bloomington