



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 06 October 2021

Beginning at 6:30 pm

Regular Session *immediately followed by*
Committee of the Whole*

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency and possible alternative committee referral actions by the Council. 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
Immediately followed by a
COMMITTEE OF THE WHOLE*
WEDNESDAY | 6:30 PM
06 OCTOBER 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/82745369429?pwd=Zy93MUplOEswdjBKZE42OWhGRVBtZz09>

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES *None*

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. EDA Cares Act Grant Update**
- C. Council Committees**
- D. Public****

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

- A. Ordinance 21-34 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending BMC 2.04.420 (Motion to Adjourn or Recess) to Place Greater Limits on the Duration of Council Meetings That They May End at a Reasonable Hour

Committee of the Whole Recommendation (08 September 2021): Do Pass: 4-1-4

- B. Resolution 21-35 - Resolution Proposing an Ordinance Modifying Local Income Tax Allocations in Monroe County and Casting 58.28 Votes in Favor of the Ordinance - Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates Without Changing Other Allocations or the Total Expenditure Tax Rate

Committee Recommendation: N/A

-over-

Posted: 01 October 2021

VII. LEGISLATION FOR FIRST READINGS

- A. Ordinance 21-40 - To Amend Title 6 (Health and Sanitation) of the Bloomington Municipal Code – Re: Removal of Sanitation Fee Expiration Provision Effective November 1, 2020 Contained in Subsection 6.04.090(7) of the Bloomington Municipal Code

Note: This ordinance is being introduced this evening with the possibility that it will be considered for adoption at this same meeting. Unanimous consent is necessary for the Council to consider adoption of an ordinance at the same meeting at which it is introduced and at least a 2/3's vote of those present is required for its passage (I.C. 36-6-4-13; BMC 2.04.300).

- B. Ordinance 21-35 - To Amend the City of Bloomington Zoning Maps by Rezoning 1.31 Acres of Property from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM) - Re: 135, 201, 215 S. Westplex Avenue (Wheeler Mission, Petitioner)

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

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* A meeting of this Committee is scheduled in anticipation of expected actions of the Council during the October 6 Regular Session. At the Regular Session, the Council may refer legislation appearing on its agenda to a different Council committee. Therefore, notice is provided that a committee meeting will occur and will be open for the public to attend, observe, and record what transpires.

** 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 [the Council Website at https://bloomington.in.gov/council](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.

-over-

Posted: 01 October 2021



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
COMMITTEE OF THE WHOLE*
Immediately following the Regular Session
WEDNESDAY | 06 OCTOBER 2021

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

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<https://bloomington.zoom.us/j/82745369429?pwd=Zy93MUplOEswdjBKZE42OWhGRVBtZz09>

Chair: Ron Smith

- A. Ordinance 21-35 - To Amend the City of Bloomington Zoning Maps by Rezoning 1.31 Acres of Property from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM) - Re: 135, 201, 215 S. Westplex Avenue (Wheeler Mission, Petitioner)

Asked to attend: Eric Greulich, Senior Zoning Planner
Representative(s) of Petitioner

- B. Ordinance 21-40 - To Amend Title 6 (Health And Sanitation) of the Bloomington Municipal Code – Re: Removal of Sanitation Fee Expiration Provision Effective November 1, 2020 Contained in Subsection 6.04.090(7) of the Bloomington Municipal Code

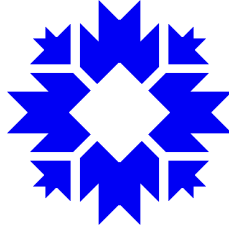
Asked to attend: Adam Wason, Director, Public Works

Note: In the event that this ordinance was not adopted at the Regular Session immediately preceding this committee meeting, it appears on this committee agenda so that it may be discussed during this meeting.

* A meeting of this Committee is scheduled in anticipation of expected actions of the Council during the October 6 Regular Session. At the Regular Session, the Council may refer legislation appearing on its agenda to a different Council committee. Therefore, notice is provided that a committee meeting will occur and will be open for the public to attend, observe, and record what transpires.

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

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

NOTICE

Wednesday, 06 October 2021

Beginning at 6:30pm

**Regular Session *immediately followed by a*
Committee of the Whole***

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/83522114386?pwd=Nm1TTGx3aG1GUGZ6N1BmZ1BObmlRZz09>

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.

*A meeting of this Committee is scheduled in anticipation of expected actions of the Council during the October 06 Regular Session. At the Regular Session, the Council may refer legislation appearing on its agenda to a different Council committee. Therefore, notice is provided that a committee meeting will occur and will be open for the public to attend, observe, and record what transpires.

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.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-34 - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending BMC 2.04.420 (Motion to adjourn or recess) to Place Greater Limits on the Duration of Council Meetings That They May End at a Reasonable Hour

Synopsis

This ordinance is authored by Councilmember Volan and amends Section 2.04.420 of the Bloomington Municipal Code (Motion to adjourn or recess) to provide that any meetings of the Common Council or its committees shall not continue after five and a half hours from the meeting’s call to order or after 11:59 p.m. local time without unanimous consent of the members present.

Relevant Materials

- Ordinance 21-34
- Memo from Councilmember Volan, sponsor
- Proposed amendments to BMC Title 2 shown in context

Summary

Ordinance 21-34 proposes an amendment to Bloomington Municipal Code (“BMC”) Section 2.04.420, which is entitled “Motion to adjourn or recess.” BMC 2.04.420 can be accessed online here:

https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.04COCO_ARTVPRMO_2.04.420MOADRE

The ordinance inserts new provisions into the BMC related to the duration of council meetings and how motions to adjourn or recess should be treated after certain points in time.

Under the Council’s current rules, a motion to adjourn or recess is in order at any time, except:

- when it is repeated without intervening business or discussion;
- when a member is speaking;
- when the previous question has been ordered; or
- during roll call.

Currently, such motions are not debatable and require a majority vote. Under *Robert’s Rules of Order*, a question pending at the time of adjournment should be resumed at the next regular session under the appropriate position in the agenda (e.g., Legislation for Second Readings and Resolutions) at exactly where it was previously interrupted. Similarly, any



items not reached should be taken up at the next regular session under the appropriate agenda item.

While a motion to adjourn is pending or after it has been voted to adjourn but before the chair has declared the meeting adjourned, it is in order to inform the assembly of business requiring attention before adjournment and to make important announcements (among other, less common actions).

Ordinance 21-34 would codify new rules applicable to motions to adjourn or recess made after five and a half hours from the meetings call to order or after 11:59 p.m., whichever occurs first. It states that such meetings should not continue without the unanimous consent of the members present. It does not necessarily require a vote to continue the meeting at such times. Rather, unanimous consent could be assumed until a member moved to adjourn or recess. If a member moved to adjourn after five and a half hours from the meetings call to order or after 11:59 p.m., then there would no longer be unanimous consent to continue and the meeting would end. It also states that a motion to recess to another day is only in order if the meeting's time of resumption is at least twenty-four hours after its initial call to order. Finally, it makes clear that these new rules are not subject to suspension by the Council.

Potential Amendments

Please note that the sponsor of this ordinance, Councilmember Volan, intends to prepare and distribute amendments based on feedback provided at the September 8 Committee of the Whole.

One amendment would have the effect of causing all meetings of the Council to end automatically after five and a half hours (or after the end of the calendar day during which the meeting started, whichever comes first), without requiring a member to trigger adjournment with a motion. Another amendment would require a motion to adjourn (made after five and a half hours or after 11:59 p.m. local time) to receive a second, meaning that two members instead of one would be required to trigger adjournment under the ordinance. These amendments would be mutually exclusive.

Contact

Cm. Steve Volan, 812-349-3409, volans@bloomington.in.gov

ORDINANCE 21-34

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “ADMINISTRATION AND PERSONNEL” – Re: Amending BMC 2.04.420 (Motion to adjourn or recess) to Place Greater Limits on the Duration of Council Meetings That They May End at a Reasonable Hour

- WHEREAS, all meetings of the Bloomington Common Council (“Council”) must be conducted so that the general public may attend, observe, and be fully informed of its proceedings; and
- WHEREAS, meetings that run late into the night discourage participation by the public, and
- WHEREAS, meetings that run late into the night tend to diminish the quality of deliberations by members of the Council; and
- WHEREAS, meetings that run late into the night are at best inconvenient and at worst compromise the well-being of City staff who are required to attend these meetings yet also to return to work early the next morning; and
- WHEREAS, meetings that end at a reasonable hour show respect for all who attend, and no meetings that continue into the next day should be considered reasonable; and
- WHEREAS, meetings used to begin at 7:30 p.m. before Ordinance 16-42 pushed them back an hour, and “the 10:30 rule” in BMC 2.04.420(b), adopted in 1979, implied that meetings should last not much longer than three hours let alone go into the next day; and
- WHEREAS, since January 2015, thirteen meetings have lasted more than five and a half hours, and on March 3, 2021, a meeting lasted nine hours straight without break, ending just after 3:30 a.m. the next day, setting a most undesirable record; and
- WHEREAS, while the Council has always had it in its power to continue its deliberations to a future meeting through motions, rather than continue late into the night, and to put time limits on all participants to reduce the duration of meetings, it has rarely done so; and
- WHEREAS, the Council should make the health and well-being of all who attend its meetings a higher priority than its legislative convenience;

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

SECTION 1. Section 2.04.420 entitled “Motion to adjourn or recess” shall be amended by inserting paragraph (c) to read as follows:

2.04.420 – Motion to adjourn or recess.

(c) No meeting of the council or any of its committees, including committees appointed directly by the Council or its presiding officer, shall continue after five and a half hours from the meeting’s call to order or after 11:59 p.m. local time, whichever occurs first, without unanimous consent of the members present. A motion to adjourn under this paragraph made after five and a half hours from the meeting’s call to order or after 11:59 p.m. local time shall not require a second or a vote, shall take precedence over a motion to recess, and shall have the effect of ending the meeting, regardless of what items on that meeting’s agenda have not yet been voted on or taken up.

(1) A motion to recess to another day, which requires a second and a majority vote, shall not be in order unless the meeting’s time of resumption is at least twenty-four hours after its initial call to order.

(2) Paragraph (c) shall not be subject to suspension under section 2.04.090.

SECTION 2. If any section, sentence, or provision of this ordinance, or application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, and any required publication or other promulgation in accordance with the law.

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 ordinance is authored by Councilmember Volan and amends Section 2.04.420 of the Bloomington Municipal Code (Motion to adjourn or recess) to provide that any meetings of the Common Council or its committees shall not continue after five and a half hours from the meeting’s call to order or after 11:59 p.m. local time without unanimous consent of the members present.

To: Council

From: Steve Volan, Councilmember, District VI

Date: August 27, 2021

Re: Ord. 21-34, defining a “reasonable hour” for the end of meetings

History of Council meeting time rules

The 1979 ordinance that last revised the Council's operating procedures contemplated that meetings would be conducted in roughly what television professionals would call “prime time”. Meetings began at 7:30 pm per BMC 2.04.050(a), and 2.04.420(b) called for a supermajority vote to introduce new legislation after 10:30 pm. When items of legislation remaining on the agenda were not introduced and the remainder of the standing agenda (second public comment, Council schedule) were dealt with, the meeting ended before 11 pm.

Since then, Council has been meeting longer and more frequently than the framers of the 1979 ordinance ever imagined. On at least 13 occasions since 2015, Council meetings have lasted longer than five and a half hours. Two of those occasions were this week, during Budget Week. CM Chopra, who was more sensitive to late hours than most CMs, authored Ordinance 16-42, which simply pushed the Council's standard meeting start time back an hour to 6:30 pm. From the minutes of Nov. 16, 2016:

“[Chopra] said that the reason for the ordinance was that meetings often ended very late. She said that she could not make any guarantees that meetings would not end late, but that the change was a chance to make that less likely to happen. She said late meetings lead to fatigue, insubstantial scrutiny, and shallow deliberations that resulted in poor decisions. She said that several department heads expressed enthusiasm about the ordinance. She said that a good night's sleep was important to the well-being of staff members, who must often stay late and come in early.”

Vote on that ordinance that night was taken at 1:24 am — the next day — after more than four and a half hours of consideration of the project at Hillside and Henderson now known as Park South. That project was on its *Third* Reading; it was the sole subject of a contentious October committee of the whole that itself lasted almost four hours. The minutes also note that Chopra said that “the behavior of councilmembers and effects of [tonight's] late meeting proved the need for the ordinance.” The meeting that night lasted six hours.

CM Chopra later regretted not also setting a maximum meeting length at that time. This proposal remedies that missed opportunity.

Rationale for the ordinance

This ordinance changes BMC Chapter 2.04 to address the problem of Council meetings that last too long.

In a local deliberative body, deliberations should take place under humane circumstances, which include conducting them during normal waking hours. This body has on numerous occasions conducted meetings into the wee small hours of the night. On March 3 of this year, the Council conducted a meeting that lasted nine full hours, a record for a single meeting.

It does not benefit anyone physically to make decisions at such a late hour--members of the public, petitioners, administration staff, clerk staff, council staff, or councilmembers themselves. In the same way that we limit the amount of time an individual can speak to an issue, we must also consider other kinds of limits on public deliberations.

We heard the Clerk report that the frequency of meetings has increased so much since she took office that she has had to ask for a third full-time employee. She gave her report during this most recent Budget Week, when two of the Council's four meeting nights went longer than five and a half hours. That has happened an average of twice a year since 2015.

What the ordinance does

This ordinance extends the spirit of the 10:30 rule by setting a near-absolute limit on a single meeting in a 24-hour period. It adds paragraph (c) to BMC 2.04.420, defining five and a half hours as the maximum reasonable length of time for a Council meeting, and midnight as a "reasonable hour" for the conclusion of Council meetings.

Meetings do not end automatically under normal rules of order; a member make a motion to adjourn, which is not debatable. A motion to adjourn under this ordinance made after 11:59 pm, or after five and a half hours of meeting time if the meeting begins before 6:30 pm, effectively ends the meeting by requiring unanimous consent of the members present. (An abstention in such a vote is not "consent" and thus would be considered a "no" vote.) The ordinance leaves open the possibility, however unlikely, of continuation. It does not, for example, prevent a member from leaving unilaterally instead of moving to adjourn.

Members who believe the meeting needs to be continued must make a motion to recess, which is debatable and requires a second, so that there is time to consider it before five and a half hours triggers the required-adjournment option. Subparagraph 1 requires that a meeting recessed "to another day" not begin until at least 24 hours after its initial call to order, as such a meeting should not be continued to, say, 9 the next morning. Note that this does not affect the ability to recess within the same day: if members want to take a ten-minute break before midnight, they can as normal.

Subparagraph 2 exempts this new rule from being suspended by a two-thirds majority. The ordinance will not be effective if it can simply be suspended.

Effect of the ordinance

In practice, members should think of meetings as having a five-hour time limit. For one thing, there are the inevitable administrative matters at the end of meetings. More importantly, if it becomes evident that a majority will prefer a recess to another day to a sudden end to the meeting, such a motion is debatable and requires time to discuss. At the five-hour mark of any meeting, all members — and not just the chair — should begin thinking about how to continue its business to another day to avoid the hard limit of five and a half hours.

If a councilmember has concern for members of the public who "stayed all night" to speak to an ordinance that didn't get taken up, this ordinance at least assures those members that they know when the meeting will end, and when the Council resumes it will be at a reasonable hour. They may still have to wait through a long meeting, but it won't be in the wee small hours, and when they get to speak it will at least be "pm" and not 2 or 3 am. The Council could also let people sign up to speak, to better manage the public's expectations. These actions require the Council to anticipate the needs of everyone at the meeting, not just the legislative convenience of CMs.

The official timekeeping device may matter with this ordinance. If it is possible that the exact time is in dispute (the analog clock in the Chambers vs Internet time on people's phones and computers), then the Council should identify an official timepiece for that purpose.

Most importantly, the upshot of this ordinance requires the Council to consider every mechanism at its disposal to better control meeting lengths. Timers in Chambers and on Zoom permit everyone to be limited, including CMs. CMs should be responsible for, if not jealous of, the opportunities given to them by the chair for Q&A — if an answerer rambles or delays, the CM must act to "reclaim their time". Perhaps members should be limited to two Q&A periods per legislative item, requiring them to prepare their questions better before the meeting. Members need to consider the fiscal impact of late meetings on Clerk staff, who are hourly, as well as the "social impact" on everyone, of complicated ordinances or multiple amendments and how they're considered.

Conclusion

Regardless of the various options, it is simply inexcusable for the Council to force members of the public, staff of the Mayor, the Clerk, and the Council office itself, to stay up unsustainably late as frequently as we have. We have taken our agenda and our legislative conduct for granted for far too long. Five and a half hours, frankly, is a compromise, a far cry from the spirit of the 10:30 rule. As long as it's part of a hard limit that will prevent further marathons, though, it will be a significant improvement. # # #

Amendments to Bloomington Municipal Code Title 2 proposed by Ordinance 21-34 in context
(additions are shown in **Bold**, deletions are show in ~~strikeout~~)

Section 1 of Ordinance 21-34

2.04.420 Motion to adjourn or recess.

- (a) A motion to adjourn or recess shall be decided without debate and shall be in order at any time, except when it is repeated without intervening business or discussion, when a member is speaking, when the previous question has been ordered, or during roll call. A motion to recess shall take precedence over a motion to adjourn.
- (b) No legislation may be introduced for council action after 10:30 p.m. local time without a two-thirds vote of the members of the council.
- (c) **No meeting of the council or any of its committees, including committees appointed directly by the Council or its presiding officer, shall continue after five and a half hours from the meeting's call to order or after 11:59 p.m. local time, whichever occurs first, without unanimous consent of the members present. A motion to adjourn under this paragraph made after five and a half hours from the meeting's call to order or after 11:59 p.m. local time shall not require a second or a vote, shall take precedence over a motion to recess, and shall have the effect of ending the meeting, regardless of what items on that meeting's agenda have not yet been voted on or taken up.**
 - 1. **A motion to recess to another day, which requires a second and a majority vote, shall not be in order unless the meeting's time of resumption is at least twenty-four hours after its initial call to order.**
 - 2. **Paragraph (c) shall not be subject to suspension under section 2.04.090.**



MEMO FROM COUNCIL OFFICE ON:

Resolution 21-35 - Resolution Proposing an Ordinance Modifying Local Income Tax Allocations in Monroe County and Casting 58.28 Votes in Favor of the Ordinance - Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates Without Changing Other Allocations or the Total Expenditure Tax Rate

Synopsis

Resolution 21-35 proposes an ordinance to the Monroe County Local Income Tax Council that would modify the allocation of tax revenues between two components of the Local Income Tax Expenditure tax rate. This reallocation will affect the public safety answering point (PSAP) and general public safety (Public Safety) rates authorized under Indiana Code § 6-3.6-6-8, without changing other components of the Expenditure Rate or the Expenditure Rate overall. With adoption of the ordinance, the tax rate for the PSAP would increase to 0.0807% (representing 32.285% of the total), and the tax rate for Public Safety would decreased to 0.1693% (representing 67.715% of the total). The reallocation follows the recommendation of the Public Safety Local Income Tax Committee of the County Local Income Tax Council and would go into effect on January 1, 2022.

Relevant Materials

- Resolution 21-35
- Worksheet displaying PS LIT Committee recommendations along with distributions from previous years
- 2022 Central Dispatch Budget Worksheet

Summary

Resolution 21-35 proposes an ordinance for adoption by the Monroe County Local Income Tax (MC LIT) Council that would reallocate the tax rate between two components of the Public Safety Local Income Tax in 2022, without changing any other rates and with no net increase to the local income taxes. It would also cast the City's 58.28 of the MC LIT Council's 100 votes in favor of the ordinance.

In particular, the ordinance would increase the tax rate percentage for the Unified Central Dispatch, otherwise referred to in statute as the Public Safety Answering Point (PSAP), from 0.0594% to 0.0807% and decrease the tax rate percentage for general public safety purposes (Public Safety) from 0.01906% to 0.1693%. The total Public Safety Income Tax rate would remain at 0.25% and the Local Income Tax Rate would remain at 1.345%.



On August 13, 2021, the PS LIT Committee made the following recommendations to the members of the Monroe County Local Income Tax Council regarding PS LIT rates and revenues in 2022:

- 1) accept the recommendation of the Policy Board regarding the PSAP budget and resulting tax rate for the operation of the Unified Central Dispatch; and
- 2) acknowledge the allocation of the remaining tax rate and revenues by operation of law in accordance with IC 6-3.6-6-8(c).

Please note that this matter is scheduled for a public hearing at the Council's Regular Session on Wednesday, October 6th.

Context and History of Public Safety Local Income Tax (PS LIT)

In 2015, the General Assembly consolidated local income taxes and, among other things, enabled localities to impose a new Public Safety Local Income Tax (PS LIT). Public safety is defined by statute and refers to the following:

1. a police and law enforcement system to preserve public peace and order;
2. a firefighting and fire prevention system;
3. emergency ambulance services;
4. emergency medical services;
5. emergency action (as defined by IC 13-11-2-65, which is dealing with the uncontrolled release of a hazardous material);
6. a probation department of a court;
7. confinement, supervision, services under a community corrections program;
8. a juvenile detention facility under IC 31-31-8;
9. a juvenile detention center under IC 31-31-9;
10. a county jail;
11. a communications system, an enhanced emergency telephone system, a PSAP, that is part of the statewide 911 system, or the statewide 911 system;
12. medical and health expenses for jailed inmates or other confined persons;
13. pension payments for certain public safety personnel (including police and fire); and
14. law enforcement training.

In 2016, Monroe County authorized a PS LIT with an additional 0.25% in the LIT rate. This additional tax rate was then allocated between a tax rate percentage for Public Safety Answering Point (PSAP) (IC 6-3.6-2-13.5; IC 36-8-16.7-20), which now provides primary funding for the Unified Central Dispatch, along with E911 revenues, and a tax rate percentage for other public safety purposes (General Purpose Public Safety defined in IC 6-3.6-2-14). The Bloomington Common Council's deliberations on [Resolution 16-05](#) and the initial adoption of the PS LIT are contained in the Council's [June 1, 2016 Regular Session Minutes](#).



In addition, and as a result of a change in state law, the legislation depicted all of the local income taxes and affirmed the rates existing prior to adoption of the ordinances ([Res 16-16](#)). Since that time, the PSAP and General Public Purpose Public Safety LIT have continued, with the allocation of rates between them changing from year to year, following the recommendation of the PS LIT Committee and adoption by the MC LIT Council ([Res 17-37](#), [Res 18-16](#), [Res 19-14](#), [Res 20-14](#)).

The following table lists the tax rates in effect in 2021 (as depicted in the MC LIT Council October 2020 Ordinance) and highlights the proposed changes for 2022:

Local Income Tax Type		Existing Rate		Proposed Changes in 2020
Property Tax Relief Rate (Indiana Code 6-3.6-5)		0.0518%		No Change
Total Expenditure Rate (Indiana Code 6-3.6-6)		1.1982%		No Change
<i>Components of Total Expenditure Rate</i>	Correctional and rehabilitation Facilities (IC § 6-3.6-6-2.7)		N/A	0.000%
	Public Safety		0.1906%	0.1693%
	Public Safety Answering Point (PSAP)		0.0594%	0.0807%
	Economic Development		0.0000%	No Change
	Certified Shares		0.9482%	No Change
Special Purpose Rate (Juvenile Local Income Tax) (Indiana Code 6-3.6-5)		0.095%		No Change
Total:		1.345%		No Change

Public Safety Local Income Tax – Components and Distribution

For purposes of explaining the changes proposed in [Res 21-35](#), this memo will focus on the Public Safety and PSAP components of the Expenditure Rates set forth in the above table.

Pursuant to Indiana Code (IC 6-3.6-6-8) the revenue associated with these rates are directed in a specified order and manner:

- First, any of the rate dedicated to PSAP is directed exclusively toward this purpose;
- Second, any amounts specified by resolution of the MC LIT Council under Indiana Code § 6-3.6-6-8(c) are directed to Qualifying Service Providers who apply for funds before July 1st (There are no funds directed to Qualifying Services Providers for 2021); and
- Third, the remainder of these revenues are directed via the certified distribution to taxing units who are members of the Monroe County Local Income Tax Council as set forth under Indiana Code § 6-3.6-6-8(b).



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

PS LIT Committee Recommendations

The PS LIT Committee met on June 10, 2021 and on August 13, 2021 and made the following funding recommendations:

1. \$2,913,929 for Unified Central Dispatch; and
2. The remainder of the public safety LIT revenue (est. \$6,111,753) to be distributed as certified shares to the four eligible taxing units.

Contact

Council Administrator/Attorney Stephen Lucas, 812-349-3409, lucass@bloomington.in.gov

RESOLUTION 21-35

RESOLUTION PROPOSING AN ORDINANCE MODIFYING LOCAL INCOME TAX ALLOCATIONS IN MONROE COUNTY AND CASTING 58.28 VOTES IN FAVOR OF THE ORDINANCE

- Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP)
and General Public Safety Purposes Tax Rates
Without Changing Other Allocations or the Total Expenditure Tax Rate**

WHEREAS, the Monroe County (“County”) Local Income Tax Council previously imposed a County Option Income Tax in the County (under Indiana Code 6-3.5) which, pursuant to Indiana Code 6-3.6, was transformed into a Local Income Tax; and

WHEREAS, pursuant to Indiana Code § 6-3.6-3-1, having previously adopted the County Option Income Tax in the County under Indiana Code 6-3.5-6, the County Local Income Tax Council continues to serve as the adopting body for the Local Income Tax and with the same membership; and

WHEREAS, Indiana Code 6-3.6 permits Local Income Taxes to be imposed for various specified purposes, including one for public safety (“Public Safety Income Tax”) and, pursuant to Indiana Code §6-3.6-6-8, a portion of the Public Safety Income Tax may be used to fund a public safety answering point (“PSAP”) and the remainder may be used for other public safety (General Public Safety) purposes as defined in Indiana Code §6-3.6-2-14; and

WHEREAS, pursuant to Indiana Code § 6-3.6-11-4, the tax revenues for PSAP shall be allocated and distributed to the PSAP before allocation and distribution to any taxing units; and

WHEREAS, in September 2016, after notice and a hearing and in support of public safety for all county residents, the Monroe County Local Income Tax Council adopted an ordinance that increased the local income tax expenditure rate by twenty five hundredths percent (0.25%) (“2016 Increased Expenditure Rate”) from nine thousand four hundred eighty two ten-thousandths percent (0.9482%) (“Previous Expenditure Rate”) to one and one thousand nine hundred eighty two ten-thousandths percent (1.1982%) pursuant to Indiana Code § 6-3.6-6-2; and

WHEREAS, upon adoption of that ordinance, the total Local Income Tax Rate rose to one and three hundred forty five thousandths percent (1.345%), with the 2016 Increased Expenditure Rate allocated to and used for public safety purposes pursuant to Indiana Code § 6-3.6-6-8 (“Public Safety Income Tax”), and the Previous Expenditure Rate remaining allocated to Certified Shares pursuant to Indiana Code § 6-3.6-6-10; and

WHEREAS, the Public Safety Income Tax generated by the aforementioned 2016 Increased Expenditure Rate is composed of two tax rates, one of which directs tax revenues to PSAP and the other of which directs tax revenues to General Public Safety purposes; and

WHEREAS, along with authorizing the 2016 Increased Expenditure rate, the September 2016 ordinance also divided this rate and associated revenue between these two purposes for the fiscal year 2017, and, these rates were subsequently modified by the County Local Income Tax Council for fiscal year 2018, 2019, 2020, and 2021 with the adoption of ordinances in October 2017, October 2018, September 2019, and October 2020; and

WHEREAS, the allocations made by ordinance in September 2016, as modified by the ordinances in October 2017, October 2018, September 2019, and October 2020 are depicted in the following table and, pursuant to Indiana Code § 6-3.6-6-4, continue in effect until rescinded or modified:

Local Income Tax Type		Existing Rate	
Property Tax Relief Rate (Indiana Code 6-3.6-5)		0.0518%	
Total Expenditure Rate (Indiana Code 6-3.6-6)		1.1982%	
<i>Components of Total Expenditure Rate</i>	Public Safety		0.1906%
	Public Safety Answering Point		0.0594%
	Economic Development		0.0000%
	Certified Shares		0.9482%
Special Purpose Rate (Juvenile Local Income Tax) (Indiana Code 6-3.6-5)		0.095%	
Total:		1.345%	

- WHEREAS, in 2018, with enactment of P.L. 184-2018, a Correctional Facility Rate as set forth in IC § 6-3.6-6-2.7, was added as another component of the Total Expenditure Rate, but is not included in the above table because the Monroe County Council, as fiscal body for Monroe County, serves as the adopting body per IC § 6-3.6-3-1 and, it should be noted, has not adopted this rate; and
- WHEREAS, Indiana Code § 6-3.6-6-8(c) requires the Monroe County Local Income Tax Council to review, but not necessarily fund, timely applications submitted for a distribution of Public Safety Income Tax revenues from fire departments, volunteer fire departments, and emergency medical services providers that: (1) provide fire protection or emergency medical services within Monroe County and (2) are operated by or serve a political subdivision that is not otherwise entitled to a distribution of Public Safety Income Tax (“Qualifying Service Providers”); and
- WHEREAS, pursuant to Indiana Code § 6-3.6-6-8(c), any specified amounts of Public Safety Income Tax revenues directed by resolution of the Monroe County Local Income Tax Council to the aforementioned Qualifying Service Providers shall be distributed before the remainder of public safety revenue is directed by certified distribution to the jurisdictions represented on the Monroe County Local Income Tax Council; and
- WHEREAS, in June and in August of this year, representatives from the members of the County Local Income Tax Council convened as the Public Safety Local Income Tax (PS LIT) Committee (of the County Local Income Tax Council) to review PS LIT expenditures and estimated revenues, review any applications for funding by Qualifying Service Providers under the above statutory provision, and consider recommendations from the Dispatch Policy Board regarding the 2022 Budget for Unified Central Dispatch (which is primarily funded by the local PSAP); and
- WHEREAS, no applications for funding were submitted from Qualifying Service Providers under IC 6-3.6-6-8(c); and
- WHEREAS, at its meeting on August 13, 2021, the PS LIT Committee made the following recommendations to the County Local Income Tax Council regarding PS LIT rates and revenues in 2022: 1) accept the recommendation of the Policy Board regarding the PSAP tax rate for the operation of the Unified Central Dispatch; and, 2) acknowledge the allocation of the remaining tax rate and revenues by operation of law in accordance with the aforementioned statute; and
- WHEREAS, the Bloomington Common Council is a member of the County Local Income Tax Council, was represented on the PS LIT Committee, and is adopting this resolution in order to propose to the other members of the County Local Income Tax Council the following ordinance that reflects the recommendations of the PS LIT Committee and, in so doing, also to cast its fifty-eight and twenty-eight hundredths (58.28) votes as a member of the Monroe County Local Income Tax Council in favor of this proposed ordinance; and

WHEREAS, pursuant to Indiana Code § 6-3.6-3-7, before a member of the Monroe County Local Income Tax Council may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and: 1) provide notice to the public with the time and place where the public meeting will be held in accordance with Indiana Code 5-3-1 and include the proposed ordinance or resolution to propose an ordinance in that notice; and 2) provide a copy of that notice to all the taxing units in the county at least ten days in advance of the hearing; and

WHEREAS, the Bloomington Common Council has provided notice in accordance with Indiana Code 5-3-1 and Indiana Code § 6-3.6-3-7.

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

SECTION 1. A need now exists in Monroe County, Indiana, to modify the allocation of the previously imposed expenditure rate under Indiana Code 6-3.6-6. As a member of the Monroe County Local Income Tax Council, the Common Council of the City of Bloomington is adopting this resolution in order to propose the ordinance below to the other members of the Monroe County Local Income Tax Council.

**ORDINANCE OF THE MONROE COUNTY LOCAL INCOME
TAX COUNCIL MODIFYING LOCAL INCOME TAX
ALLOCATIONS IN MONROE COUNTY**

- Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP)
and General Public Safety Purpose Tax Rates without Changing Other Allocations
or the Total Expenditure Tax Rate**

**BE IT ORDAINED BY THE LOCAL INCOME TAX COUNCIL OF MONROE
COUNTY, INDIANA, THAT:**

1. A need now exists to modify the allocation of the portion of the Local Income Tax used for public safety purposes (“Public Safety Income Tax”). At present, the Public Safety Income Tax (0.25%) is divided between the Public Safety Answering Point (0.0594%) and General Public Safety (0.1906%).

2. For the avoidance of doubt, no change to the other existing tax rates is intended or authorized by this Ordinance. Those other existing tax rates include: (1) the special purpose tax rate imposed by the Monroe County Council under Indiana Code § 6-3.6-7-16 (“Juvenile Local Income Tax”) (which is currently ninety five one thousandths percent [0.095%]); (2) the property tax rate under Indiana Code 6-3.6-5 (“Property Tax Relief Rate”) (which is currently five hundred eighteen ten thousandths percent [0.0518%]); (3) the tax rate under Indiana Code § 6-3.6-6-10 (Certified Shares) (which is currently nine thousand four hundred and eighty two ten thousandths percent [0.9482%]); and, (4) the total tax rate under Indiana Code 6-3.6-6 (“Expenditure Tax Rate”) (which is currently one and nineteen hundred and eighty-two ten thousandths percent [1.1982%]).

3. In order to support public safety for all county residents, the Monroe County Local Income Tax Council hereby reallocates the Public Safety Income Tax as follows: The Public Safety Answering Point Rate, which is directed to the public safety answering point, shall be increased from 0.0594% to 0.0807% and the General Public Safety Rate, which shall be used for other public safety purposes under Indiana Code § 6-3.6-6-8, shall be decreased from 0.1906% to 0.1693%. The total Public Safety Income Tax shall remain at 0.25% and the total Local Income Tax Rate shall remain at 1.345%.

4. As a result of the actions in this Ordinance, the Public Safety Income Tax will be divided as follows, beginning on January 1, 2021:

Allocation Rate Category	Existing Rate	Proposed Rate
Public Safety Rate (IC 6-3.6-6)	0.1906%	0.1693%
Local Income Tax Type	Existing Rate	Proposed Rate
Public Safety Answering Point Rate	0.0594%	0.0807%

Further, pursuant to Indiana Code § 6-3.6-6-8, the revenue associated with these rates shall be directed in the following manner. First, these revenues will be directed to the PSAP. Second, the remainder of these revenues shall be directed via the certified distribution to taxing units who are members of the Monroe County Local Income Tax Council as set forth under Indiana Code § 6-3.6-6-8(b).

5. For further avoidance of doubt, no other change in the ordinance adopted in September 2016 is intended or authorized. In that regard, the ordinance affirms and clarifies that, pursuant to Indiana Code § 6-3.6-6-4, the Monroe County Local Income Tax Council continues to retain the right to change the allocation of the existing taxes comprised within the expenditure rate on an annual basis. At this time in Monroe County, the components of the expenditure rate that may be affected by this allocation include the PSAP rate, Public Safety rate and Certified Shares rate. Any future change to the allocation of the three applicable local income taxes mentioned above must be done via an ordinance of the Monroe County Local Income Tax Council in a manner and with an effective date as set forth Indiana Code § 6-3.6-3-3, as may be amended by the Indiana General Assembly from time to time. Currently, the effective date for an ordinance changing the allocation of the local income tax adopted after August 31st and before November 1st of the current year is January 1st of the following year.

6. This ordinance shall take effect upon passage and in accordance with Indiana Code 6-3.6-3.

7. The Monroe County Auditor shall, pursuant to Indiana Code § 6-3.6-3-5, record all votes taken on this ordinance and not more than ten (10) days after the vote, send a certified copy of the results to the commissioners of the department of state revenue and department of local government finance in an electronic format approved by the commissioner of the department of local government finance.

8. Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this legislation, to the extent feasible, shall remain in full force and effect.

SECTION 2. BE IT FURTHER RESOLVED that by adopting this resolution, the City of Bloomington Common Council is casting all of its fifty-eight and twenty-eight hundredths (58.28) votes as a member of the Monroe County Local Income Tax Council in favor of the proposed ordinance.

SECTION 3. BE IT FURTHER RESOLVED that a public hearing was held on this resolution and the proposed ordinance at a Regular Session on Wednesday, October 6, 2021. Proper notice of the public hearing was provided in accordance with IC 5-3-1 and IC 6-3.6-3-7.

SECTION 4. This resolution 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.

Duly adopted by the following vote of the members of said Common Council of the City of
Bloomington, Monroe County, on this _____ day of _____, 2021.

<u>Name</u>	<u>(circle one)</u>			<u>Signature</u>
Jim Sims, President	Aye	Nay	Abstain	_____
Sue Sgambelluri, Vice President	Aye	Nay	Abstain	_____
Matt Flaherty, Parliamentarian	Aye	Nay	Abstain	_____
Isabel Piedmont-Smith	Aye	Nay	Abstain	_____
Dave Rollo	Aye	Nay	Abstain	_____
Kate Rosenbarger	Aye	Nay	Abstain	_____
Susan Sandberg	Aye	Nay	Abstain	_____
Stephen Volan	Aye	Nay	Abstain	_____
Ron Smith	Aye	Nay	Abstain	_____

ATTEST:

<u>Name/Office</u>	<u>Date</u>	<u>Signature</u>
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

Attest: _____, Fiscal Officer

SYNOPSIS

Resolution 21-35 proposes an ordinance to the Monroe County Local Income Tax Council that would modify the allocation of tax revenues between two components of the Local Income Tax Expenditure tax rate. This reallocation will affect the public safety answering point (PSAP) and general public safety (Public Safety) rates authorized under Indiana Code § 6-3.6-6-8, without changing other components of the Expenditure Rate or the Expenditure Rate overall. With adoption of the ordinance, the tax rate for the PSAP would increase to 0.0807% (representing 32.285% of the total), and the tax rate for Public Safety would decreased to 0.1693% (representing 67.715% of the total). The reallocation follows the recommendation of the Public Safety Local Income Tax Committee of the County Local Income Tax Council and would go into effect on January 1, 2022.

PS LIT
Distribution for 2018, 2019, 2020, 2021

															PS LIT Committee Recommendations		
		2018			2019			2020			2021			2022			
		Revenue	Tax Rate	% of Revenue	Revenue	Tax Rate	% of Revenue	Revenue	Tax Rate	% of revenue	Revenue	Tax Rate	% of revenue	Revenue estimate	Tax Rate	% of revenue	
	Public Safety Revenue (Tax Rate) = Total of 1) + 2) +3)	7,848,979	0.250%	100%	8,240,880	0.250%	100%	8,654,679	0.250%	100%	9,459,193	0.250%	100%	9,025,682	0.250%	100%	2022 Estimated Revenue - Per DLGF Report
PSAP	1) PSAP Revenue (Tax Rate)	2,875,866	0.092%	36.64%	3,019,458	0.0916%	36.64%	2,263,238	0.065%	26.150%	2,247,490	0.059%	23.760%	2,913,929	0.081%	32.285%	PS LIT portion of 2022 Dispatch Budget
PSAP Unappropriated								826									
GENERAL PURPOSE PUBLIC SAFETY	2) Allocation to Qualified Providers	0		0.00%	360,000	0.0109%	4.37%	389,461	0.011%	4.50%	0		0.00%	0		0.00%	No qualifying service providers applied for 2022 funding.
	3) Public Safety Certified Shares ²	4,973,113	0.158%	63.36%	4,861,422	0.1475%	58.99%	6,001,154	0.173%	69.34%	7,211,703	0.191%	76.240%	6,111,753	0.169%	67.715%	
	Monroe County	2,239,953	45.04%		2,247,166	46.22%		2,757,687	45.95%		3,308,689	45.88%		2,804,038	45.88%		Note: these estimated percentages apply to the Public Safety Certified Shares
	City of Bloomington	2,583,911	51.96%		2,473,382	50.88%		3,071,734	51.19%		3,696,214	51.25%		3,132,457	51.25%		
	Town of Ellettsville	148,330	2.98%		140,013	2.88%		170,688	2.84%		205,552	2.85%		174,200	2.85%		
	Town of Stinesville	919	0.02%		861	0.02%		1,046	0.02%		1,246	0.02%		1,056	0.02%		

Dispatch Budget Spreadsheet 2022

Central Dispatch Budget			2021	2021	2021	2021	2021	2022	2022	2022	2022	2022
Major Category	Account Number	Minor Category	Public Safety	E911 Funds Total	Total Proposed	Proposed change	Incr./Decr.	Public Safety LIT	E911 Funds Total	Total Proposed	Proposed change	Incr./Decr.
Personnel Services	51110	Salaries and Wages	1,049,887.00	720,000.00	\$1,769,887.57	\$252,592.45	increase	1,421,361.69	700,000.00	2,121,361.69	351,474.12	increase
	51130	salaries and Wages Overtime	120,000.00	above is city	120,000.00	-77,648.88	decrease	197,000.00	above is city	197,000.00	77,000.00	increase
	51210	FICA	144,576.00	interlocal	144,576.00	13,382.78	increase	162,284.17	interlocal	162,284.17	17,708.17	increase
	51220	PERF	268,364.00		\$268,364.00	\$24,841.95	increase	301,233.36		301,233.36	32,869.36	increase
	51230	Health and Life nsurance	\$542,412.00		\$542,412.00	\$57,096.00	increase	615,000.00		615,000.00	72,588.00	increase
Total Personnel Services			\$2,125,239.00	\$720,000.00	\$2,845,239.57	\$270,264.30	increase	2,696,879.22	\$700,000.00	\$3,396,879.22	\$551,639.65	increase
Supplies								0.00			0	
	52110	Office Supplies	700.00		\$700.00	\$0.00		700.00		\$700.00	\$0.00	
	52210	Institutional Supplies	3,000.00		\$3,000.00	\$1,000.00	increase	2,000.00		\$2,000.00	-\$1,000.00	decrease
	52310	Building Materials and Supplies	2,000.00		\$2,000.00	\$1,000.00	increase	700.00		\$700.00	-\$1,300.00	decrease
	52340	Other Repairs and Maintenance	1,000.00		\$1,000.00	\$0.00		1,000.00		\$1,000.00	\$0.00	
	52420	Other Supplies	33,000.00		\$33,000.00	\$0.00		20,000.00		\$20,000.00	-\$13,000.00	decrease
Total Supplies			\$39,700.00	\$0.00	\$39,700.00	\$2,000.00	increase	24,400.00	\$0.00	\$24,400.00	-\$15,300.00	decrease
Other Services and Charges											0	
	53140	Exterminator Services	550.00		\$550.00	-\$200.00	decrease	750.00		\$750.00	\$200.00	increase
	53150	Communications Contract		575,000.00	\$575,000.00	-\$45,000.00	decrease		620,000.00	\$620,000.00	\$45,000.00	increase
	53160	Instruction		20,000.00	\$20,000.00	\$5,000.00	increase		25,000.00	\$25,000.00	\$5,000.00	increase
	53210	Telephone	\$3,500.00		\$3,500.00	\$0.00		2,600.00		\$2,600.00	-\$900.00	decrease
	53410	Liability/Casualty Premiums	\$14,000.00		\$14,000.00	\$3,000.00	increase	15,000.00		\$15,000.00	\$1,000.00	increase
	53510	Electrical Services	\$35,000.00		\$35,000.00	-\$5,000.00	decrease	36,500.00		\$36,500.00	\$1,500.00	increase
	53530	Water and Sewer	\$1,500.00		\$1,500.00	\$0.00		1,200.00		\$1,200.00	-\$300.00	decrease
	53610	Building Repairs	\$20,000.00		\$20,000.00	\$5,000.00	increase	29,000.00		\$29,000.00	\$9,000.00	increase
	53630	Machinery and Equipment Repairs	\$6,000.00		\$6,000.00	\$0.00		6,000.00		\$6,000.00	\$0.00	
	53650	Other Repairs and Maintenance			\$0.00	\$0.00	increase			\$0.00	\$0.00	
	53990	Other Services and Charges	\$2,000.00		\$2,000.00	-\$1,000.00	increase	4,000.00		\$4,000.00	\$2,000.00	increase
Total Other Services and Charges			\$82,550.00	\$595,000.00	\$677,550.00	-\$38,200.00	decrease	\$95,050.00	\$645,000.00	\$740,050.00	\$62,500.00	increase
City Interlocal	1222.31065.000.0000	City Interlocal		\$720,000.00					\$700,000.00			
				applied in salaries					applied in salaries			
Capital Outlays												
	54510	Other Capital Outlays		50,000.00	50,000.00	(250,000.00)	decrease	97,600.00		97,600.00	47,600.00	increase
Total Capital Outlays			\$0.00	\$50,000.00	\$50,000.00	-\$250,000.00	decrease	\$97,600.00	\$0.00	\$97,600.00	\$47,600.00	increase
Total Budget			\$2,247,489.00	\$1,365,000.00	\$3,612,489.57	-\$15,935.70	decrease	\$2,913,929.22	\$1,345,000.00	\$4,258,929.22	\$646,439.65	increase



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-40 – To Amend Title 6 (Health and Sanitation) of the Bloomington Municipal Code – Re: Removal of Sanitation Fee Expiration Provision Effective November 1, 2020 Contained in Subsection 6.04.090(7) of the Bloomington Municipal Code

Synopsis

Ordinance 21-40 eliminates subsection 6.04.090(7) of the Bloomington Municipal Code, which had set an expiration date of November 1, 2020, for Bloomington's sanitation fees. Ordinance 21-40 does not alter existing sanitation rates, but instead ratifies the billing and collection of service fees from November 1, 2020, and authorizes the City to continue providing sanitation services at the rates contained in subsections 6.04.090(1) and (2).

Relevant Materials

- Ordinance 21-40
- Staff Memo – Larry Allen, Assistant City Attorney

Summary

Ordinance 21-40 amends Title 6 of the Bloomington Municipal Code (BMC) by deleting subsection (7) under [BMC 6.04.090](#). In 2017, the Council considered and adopted [Ordinance 17-06](#), which repealed and replaced all of BMC Chapter 6.04 (now titled "Solid Waste, Recycling and Yard Waste Collection by the City"). During consideration of Ordinance 17-06, the Council adopted Amendment 02a thereto, which added BMC 6.04.090(7) and set an expiration date for sanitation fees to require amendment of BMC Chapter 6.04 by the Council for new fees to be imposed. Ordinance 21-40 deletes BMC 6.04.090(7) to remove the expiration date.

The fees listed in BMC 6.04.090 under part (1)(A) and part (2)(A) to (2)(E) are as follows:

BMC 6.04.090(1)(A):

- (i) Thirty-five gallon solid waste cart fee range: \$4.82—\$6.51.
- (ii) Sixty-four gallon solid waste cart fee range: \$8.60—\$11.61.
- (iii) Ninety-six gallon solid waste cart fee range: \$13.72—\$18.52.

BMC 6.04.090(2)(A)-(E):

- (A) Additional carts will cost the full amount of the solid waste cart fee set forth in the fee schedule approved by the board of public works.
- (B) Yard waste: \$1.00 per approved container, bag or bundle.
- (C) Large items: \$10.00 per approved large item.
- (D) Appliances: \$10.00 per approved appliance.
- (E) Additional pickup requests: one hundred twenty-five (125) percent of regular weekly solid waste charges based on four and three-tenths weeks on average per month, per year.



City of Bloomington Indiana

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Ordinance 21-40 also ratifies the billing and collection of sanitation service fees charged pursuant to the rates listed above from and after the expiration date of November 1, 2020. Under Indiana Code 36-1-4-16, a unit of government “may ratify any action of the unit or its officers or employees if that action could have been approved in advance.” Ratification of an action must be made by the same procedure (in this case, by ordinance) that would have been required for approval of the action in advance.

A record of the Council’s deliberation on Ordinance 17-06 and the discussion surrounding Amendment 02a thereto can be found in the [March 22, 2021 Regular Session Minutes](#).

Because the expiration date has passed, the administration is requesting quick action by the Council in making these changes. It is possible for the Council to adopt Ordinance 21-40 at the same meeting at which it is first introduced by the following procedure:

1. Requires unanimous consent of the members present to hear and consider the ordinance in one night; and
2. Requires a two-thirds vote of all the elected members to pass the ordinance.¹

Contact

Adam Wason, Director, Public Works, wasona@bloomington.in.gov, 812-349-3410

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

¹ [IC 36-4-6-13](#); [BMC 2.04.300](#)

ORDINANCE 21-40

**TO AMEND TITLE 6 (HEALTH AND SANITATION) OF THE BLOOMINGTON
MUNICIPAL CODE – Re: Removal of Sanitation Fee Expiration Provision Effective
November 1, 2020 Contained in Subsection 6.04.090(7) of the Bloomington Municipal
Code**

WHEREAS, on March 22, 2017, the Bloomington City Council passed Ordinance 17-06, which included Section 6.04.090 of the Municipal Code, titled “Fees and Billing”; and

WHEREAS, Section 6.04.090 sets fees and rates for the City’s municipal sanitation service; and

WHEREAS, Amendment 02a to Ordinance 17-06, which was adopted on March 22, 2017, added subsection (7) to Section 6.04.090 and set an expiration date of November 1, 2020 for said sanitation fees; and

WHEREAS, the administration and the Common Council now desire to ratify the sanitation service fees billed and collected from and after November 1, 2020, and to eliminate the expiration date for said sanitation rates;

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

SECTION 1. Section 6.04.090 of the Bloomington Municipal Code is hereby amended to eliminate subsection (7) in its entirety and without replacement.

SECTION 2. Pursuant to Indiana Code Section 36-1-4-16, this ordinance is intended to take all steps necessary and proper to authorize the sanitation service fees billed and collected by the City from and after November 1, 2020. To that end, this ordinance ratifies the sanitation service fees billed and collected from and after November 1, 2020, pursuant to the rates contained in subsections 6.04.090(1) and (2).

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 November 1, 2020.

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 this ____ day of _____, 2021

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 21-40 eliminates subsection 6.04.090(7) of the Bloomington Municipal Code, which had set an expiration date of November 1, 2020, for Bloomington’s sanitation fees. Ordinance 21-40 does not alter existing sanitation rates, but instead ratifies the billing and collection of service fees from November 1, 2020, and authorizes the City to continue providing sanitation services at the rates contained in subsections 6.04.090(1) and (2).



MEMORANDUM

CITY OF BLOOMINGTON LEGAL DEPARTMENT

TO: Common Council
FROM: Larry Allen, Assistant City Attorney
RE: Ordinance 21-40 – Amending Title 6 and Ratifying City Action
DATE: October 1, 2021

The Bloomington Common Council passed Ordinance 17-06 on March 22, 2017, which added fees and rates for the City's sanitation pickup service. Amendment 02a to Ordinance 17-06, which was adopted, set an expiration date of November 1, 2020, on the sanitation fees. Ordinance 21-40 amends Title 6 to remove the expiration date for sanitation fees and rates as found in Bloomington Municipal Code 6.04.090. Pursuant to the City's authority under Indiana Code Section 36-1-4-16, Ordinance 21-40 ratifies the City's action of collecting the fees and rates set out in B.M.C. 6.04.090 and sets the effective date of the Title 6 amendment as November 1, 2020.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-35- To Amend the City of Bloomington Zoning Maps by Rezoning 1.31 Acres of Property from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM) –
Re: 135, 201, 215 S. Westplex Avenue (Wheeler Mission, Petitioner)

Synopsis

Ordinance 21-35 rezones 1.31 acres from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM).

Relevant Materials

- Ordinance 21-35
- Certification of Ord 21-35 by Plan Commission
- Staff Memo from Eric Greulich
- Map of Surrounding Zoning and Aerial Map
- Petitioner's Statement
- Illustrative Site Plan Context
- Written Comment from Community Member
- Notice of Public Hearing

Certified by Plan Commission

Ord 21-35 was certified by the Plan Commission to the Council on August 18, 2021 and was given a recommendation of approval by a vote of 8-1 with the following conditions:

1. A compliant site plan, including a landscape plan, shall be submitted for each location with submittal of the associated building permit application. All improvements shall be installed before final occupancy is issued for each site.
2. A plan for the correction of any deficiencies to existing sidewalk ramps and facilities along this road frontage of the petition properties will be submitted of the building permit application and will be installed before final occupancy is issued.
3. Right- of-way dedication consistent with the Transportation Plan is required within 180 days of approval by Common Council.

Background

This petition encompasses three properties that are currently zoned Mixed-Use Employment. The properties located at 135 S. Westplex Ave. and 215 S. Westplex Ave. are currently developed with several office buildings that house a variety of uses by the petitioner including office space, community meeting space, and sleeping facilities. The Petitioner recently acquired the building at 201 S. Westplex Avenue and would like to expand its use into that building.



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

The UDO identifies the petitioner's land use as "supportive housing", which is not a permitted or conditional use in the current Mixed-Use Employment district. For petitioner's properties located at 135 S. Westplex Ave. and 215 S. Westplex Ave. the "supportive housing" land use was grandfathered into the UDO as non-conforming use. However, the property located at 201 S. Westplex (recently acquired by petitioner) cannot be used as "supportive housing" because it is not a permitted or conditional use in the current Mixed-Use Employment district. Rezoning the properties to Mixed-Use Medium Scale would allow petitioner to expand its use on the 201 S. Westplex Ave. site and would match the zoning of the adjacent properties.

Planning staff and the petitioner believe the petition furthers a number of goals of the Comprehensive Plan, most specifically:

Goal 5.1 Housing affordability – Improve access to affordable housing for a continuum of needs in Bloomington, including people experiencing homelessness, low-income, and moderate-income households.

Summary

The Council's review of a proposal to change the city's zone maps is guided by state statute.¹ Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal.² If the Council fails to act on the proposal within 90 days after certification, the ordinance would take effect as if it had been adopted as certified by the Plan Commission.³

In preparing and considering zoning proposals, Council shall pay reasonable regard to the following⁴:

- the [comprehensive plan](#);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; and
- responsible development and growth.

Zoning Commitments

As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use of development of

¹ IC 36-7-4 et. seq.

² IC 36-7-4-608(f)

³ IC 36-7-4-608(f)(4)

⁴ IC 36-7-4-603



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that parcel.⁵ Commitments are subject to a number of statutory provisions as to form, binding effect, modification or termination, and effectiveness. Indiana Code provides that commitments shall be recorded and that, after recording, commitments are binding on subsequent owners or any other person who acquires an interest in the property. Commitments may contain terms providing for their expiration or terms that provide that the commitment automatically terminates. During the time a rezoning proposal is being considered by the Council, it is possible for an owner to make a new commitment or modify the terms of a commitment that was made when the proposal was being considered by the Plan Commission.

Contact

Eric Greulich, Senior Zoning Planner, greulice@bloomington.in.gov, (812) 349-3526

⁵ IC 36-7-4-1015

ORDINANCE 21-35

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY REZONING 1.31
ACRES OF PROPERTY FROM MIXED-USE EMPLOYMENT (ME) TO MIXED-USE
MEDIUM SCALE (MM)**

**- Re: 135, 201, 215 S. Westplex Avenue
(Wheeler Mission, Petitioner)**

WHEREAS, Ordinance 20-06 repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, “Unified Development Ordinance”; and

WHEREAS, the Plan Commission has considered this case, ZO-22-21, and recommended that the petitioner, Wheeler Mission, be granted an approval to rezone 1.31 acres from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM); and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.06 of the Bloomington Municipal Code, the zoning for the properties located at 135, 201 and 215 S. Westplex Avenue shall be amended to be zoned as Mixed-Use Medium Scale (MM). The properties are further described as follows:

Lot Number Eight (8) in WESTPLEX PARK, an Addition to Monroe County, Indiana, as shown by the recorded plat thereof recorded in Plat Cabinet C, Envelope 14, in the office of the Recorder of Monroe County, Indiana

LOT NUMBER NINE (9) IN WESTPLEX PARK, AN ADDITION TO MONROE COUNTY, INDIANA, AS SHOWN BY THE RECORDED PLAT THEREOF, RECORDED IN PLAT CABINET "C", ENVELOPE 14, IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.

Lot Number 10 of Westplex Park, as shown by the Plat thereof, recorded in Plat Cabinet "C", Envelope 14, in the Office of the Recorder of Monroe County, Indiana.

Subject to any and all easements, agreements, and restrictions of record.

SECTION 2. This rezoning shall be approved and the zoning maps amended.

SECTION 3. 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 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 upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

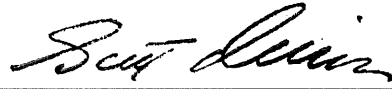
SYNOPSIS

Ordinance 21-35 rezones 1.31 acres from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM).

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-35 is a true and complete copy of Plan Commission Case Number ZO-22-21 which was given a recommendation of approval by a vote of 8 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 9, 2021.

Date: August 18, 2021



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 18th day of August, 2021.



Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No ✓

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Interdepartmental Memo

To: Members of the Common Council
From: Eric Greulich, Senior Zoning Planner
Subject: ZO-22-21
Date: August 18, 2021

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-22-21. The Plan Commission heard this petition at August 9, 2021 hearing and voted 8-1 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

REQUEST: The petitioner is requesting to rezone 1.31 acres from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM).

BACKGROUND:

Area:	1.31 acres
Current Zoning:	Mixed-Use Employment (ME)
Comp Plan Designation:	Urban Corridor
Existing Land Use:	Office and Homeless Shelter
Proposed Land Use:	Office and Homeless Shelter
Surrounding Uses:	North – Office and light manufacturing South – Office and light manufacturing East – Office West – Office and retail

REPORT: The petition site encompasses three properties that total 1.31 acres and are located at 135, 201, and 215 S. Westplex Ave. The properties are zoned Mixed-Use Employment (ME). The property is currently developed with several office buildings that house a variety of uses by the petitioner including office space, community meeting space, and sleeping facilities. Surrounding land uses include other commercial offices and manufacturing buildings.

The petitioner recently acquired the building at 201 S. Westplex Avenue and would like to expand their use into that building. The building would be used to provide overnight sleeping accommodation for those experiencing homelessness, community meeting and training spaces, as well as on-site office space for staff. The petitioner would also be proposing an addition to combine the existing buildings at 201 and 215 S. Westplex.

The Unified Development Ordinance identifies the petitioner's land use as "supportive housing", which is not a permitted or conditional use in the current Mixed-Use Employment district. The petitioner is requesting to rezone the three properties to Mixed-Use Medium Scale (MM) in order to allow for the expansion of their use on the site.

COMPREHENSIVE PLAN: The Comprehensive Plan designates this site as 'Urban Corridor'. The Urban Corridor district is identified as having excellent access to major roadways, utilities, and other services like transit, fire, and police service. This district generally has high intensity uses and is expected to change by incorporating mixed uses and increasing activity. This petition furthers many goals of the Comprehensive plan by expanding social service uses, providing housing for members of our community experiencing homelessness, and providing services along an existing corridor with

good pedestrian facilities, multi-modal access, and transit service. The Comprehensive Plan specifically addresses this in

Goal 5.1 Housing Affordability- Improve access to affordable housing for a continuum of needs in Bloomington, including people experiencing homelessness, low-income, and moderate-income households.

20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:

The following criteria are those that the Plan Commission must consider when reviewing a zoning map amendment request.

[a] The recommendations of the Comprehensive Plan;

ADOPTED FINDING: The Comprehensive Plan designates the site as Urban Corridor and identifies this area as appropriate for high intensity uses and notes that these areas are well served by existing infrastructure. A diversity of land uses in this district is also encouraged. In addition, providing a mix of housing for residents of the community, including those experiencing homelessness, is encouraged in multiple sections of the Comprehensive Plan.

[b] Current conditions and character of structures and uses in each zoning district;

ADOPTED FINDING: The site has currently been developed with several buildings owned by the petitioner that provide the requested service. The location of the site immediately adjacent to a Bloomington Transit route along 3rd Street as well as recent improvements to 3rd Street for protected bike lanes further increases the multi-modal transportation options for users at this location. Approval of this request would allow for improvements to the existing facilities and allow expanded service offerings for members of the community.

[c] The most desirable use for which the land in each zoning district is adapted;

ADOPTED FINDING: The Comprehensive Plan states that a wide range of land uses is appropriate within this district. The rezoning of this site to Mixed-Use Medium Scale (MM) would also match adjacent land to the east that is zoned the same.

[d] The conservation of sensitive environmental features;

ADOPTED FINDING: There are no known sensitive environmental features on this site.

[e] The conservation of property values throughout the jurisdiction; and

PROPOSED FINDING: The proposed rezoning and expansion of services at this facility is not expected to have any negative impacts on adjacent property values since there is not a proposed increase in the number of beds. In addition, the rezoning of this property would match the zoning of the properties to the east and north.

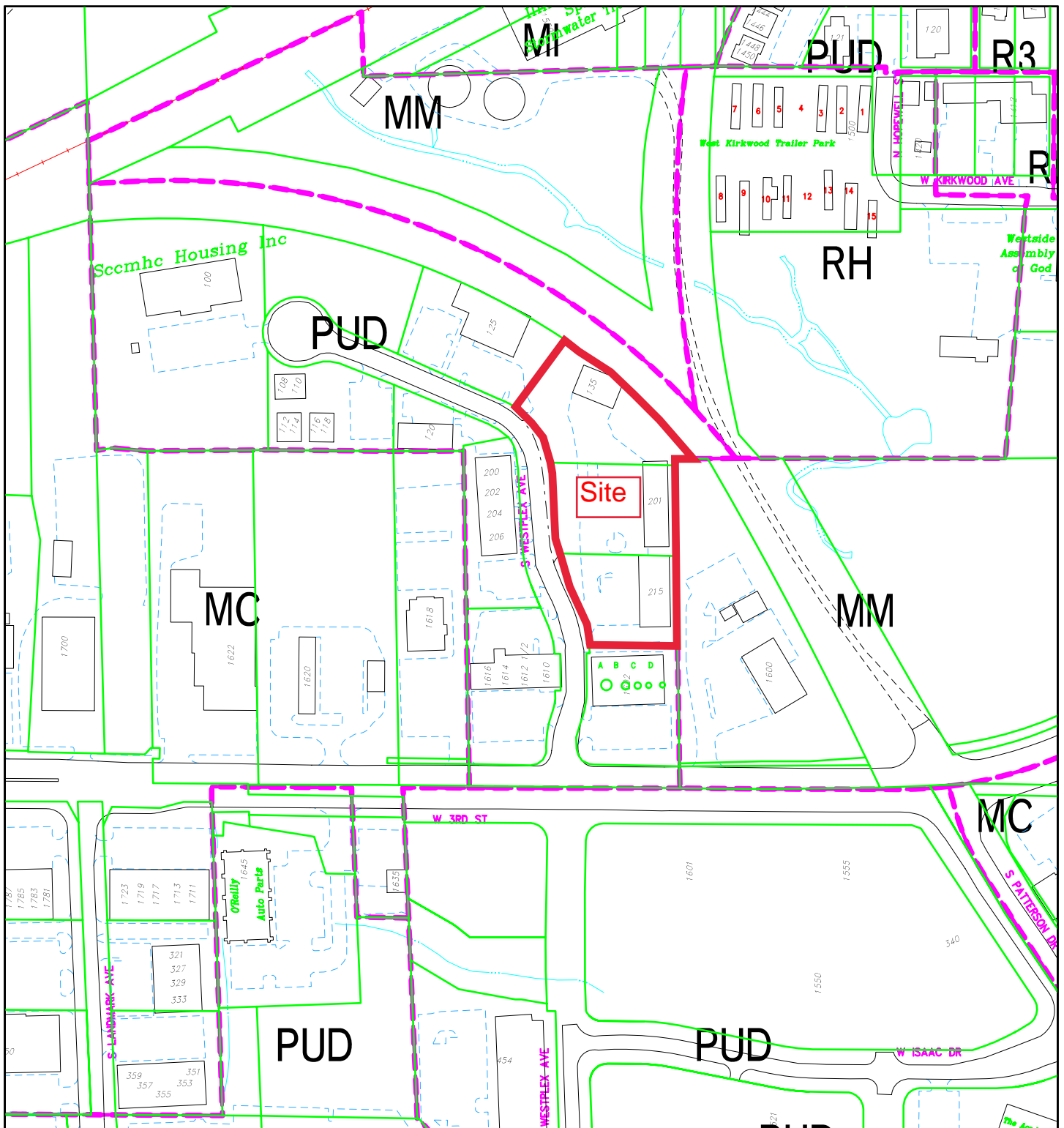
[f] Responsible development and growth

ADOPTED FINDING: The rezoning of this site will help further many goals of the Comprehensive Plan and facilitate additional resources available to the community. The Comprehensive Plan states that this district is appropriate for higher intensity uses and the high level of access to this site makes it even more ideal for different forms of access.

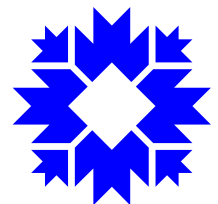
CONCLUSION: The Plan Commission found that the rezoning of this site to Mixed-Use Medium Scale would match the Comprehensive Plan designation and goals of the site as Urban Corridor. Although this site was recently rezoned from a Planned Unit Development to Mixed-Use Employment based on the approved list of uses in the PUD and the Comprehensive Plan, the rezoning of this site to Mixed-Use Medium Scale would match the zoning of adjacent properties and allow for many of the uses originally approved within the previous PUD. The rezoning of these properties to Mixed-Use Medium scale would not affect adjacent businesses and would allow this use to expand and better serve the needs of the overall community in an area that is appropriate and in-line with the Comprehensive Plan.

RECOMMENDATION: The Plan Commission voted 8-1 to adopt the proposed findings and forward this petition to the Common Council with a favorable recommendation and the following conditions:

1. A compliant site plan, including a landscape plan, shall be submitted for each location with submittal of the associated building permit application. All improvements shall be installed before final occupancy is issued for each site.
2. A plan for the correction of any deficiencies to existing sidewalk ramps and facilities along this road frontage of the petition properties will be submitted of the building permit application and will be installed before final occupancy is issued.
3. Right-of-way dedication consistent with the Transportation Plan is required within 180 days of approval by Common Council.

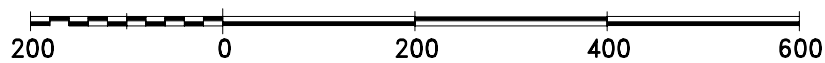


City of Bloomington
Planning



Scale: 1" = 200'

By: greulice
28 Jun 21



For reference only; map information NOT warranted.

Rezone Request

Wheeler Mission Ministries – Petitioner Statement

Subject Properties:

- **135 S. Westplex**
- **201 S. Westplex**
- **215 S. Westplex**
(see Exhibit 1)

Request Description:

We hereby request rezoning of the Subject Properties from the current status, Mixed Use-Employment, to the status, Mixed Use-Medium Scale.

Background:

Since 2002, a homeless shelter has operated at 215 S. Westplex Avenue, here in Bloomington. In 2015, operation of the shelter, originally known as Backstreet Mission, was assumed by Wheeler Mission Ministries, a leading provider of services for our homeless neighbors in Central Indiana for over 100 years. In total, this homeless shelter has occupied the property at 215 S. Westplex Avenue for nearly 20 years.

In 2019, Wheeler Mission acquired the property at 135 S. Westplex, and has modified it to provide services for the homeless.

In 2020, Wheeler Mission began the process of acquiring the property known as 201 S. Westplex Avenue. Due to delays caused by the Covid-19 pandemic, this sale did not close until late May 2021, just a few days after the City of Bloomington officially implemented a new set of Zoning maps under an updated Unified Development Ordinance.

Over the past year, two processes have simultaneously occurred that create the need for the current request:

- Wheeler Mission Ministries, Inc. acquired ownership of 201 S. Westplex Ave., the third of three adjacent properties in a cul-de-sac off South Westplex Avenue. This acquisition was made possible in part by grant funding that was based upon zoning practices that were in place at the time of purchase. These three properties are the Subject Properties of this request.
- The City of Bloomington created and implemented an updated Unified Development Ordinance. As a result, it appears that existing zoning for these properties has been cancelled and replaced with the Mixed Use-Employment classification.

Planned Use and Purpose of Zoning Request:

The Subject Properties are presented in EXHIBIT 1.

- The plan for **all three properties** includes a holistic approach to bring Help, Hope, and Healing to those in need by providing...
 - a safe place for our guests both day and night

- emergency shelter
 - meals for the hungry
 - life skills development
 - substance abuse programs
 - spiritual education & encouragement
 - connections with relevant social service agencies
 - connections with employment
 - connections with long-term housing
- **215 S. Westplex** -- Wheeler Mission currently uses this building for administration, sleeping, dining, classes, case management, and counseling.
 - **201 S. Westplex** -- Wheeler Mission Ministries, Inc. purchased the 201 S. Westplex property specifically to provide additional space to provide emergency shelter and temporary housing as well as other services within the scope of our mission.
 - **135 S. Westplex** -- This building is used primarily as a guest services facility that allows for day shelter, training, and overnight shelter during the most extreme conditions

It is our understanding that this zoning change is required in order for us to provide emergency shelter, sleep space, and temporary housing in these buildings.

Site Plan:

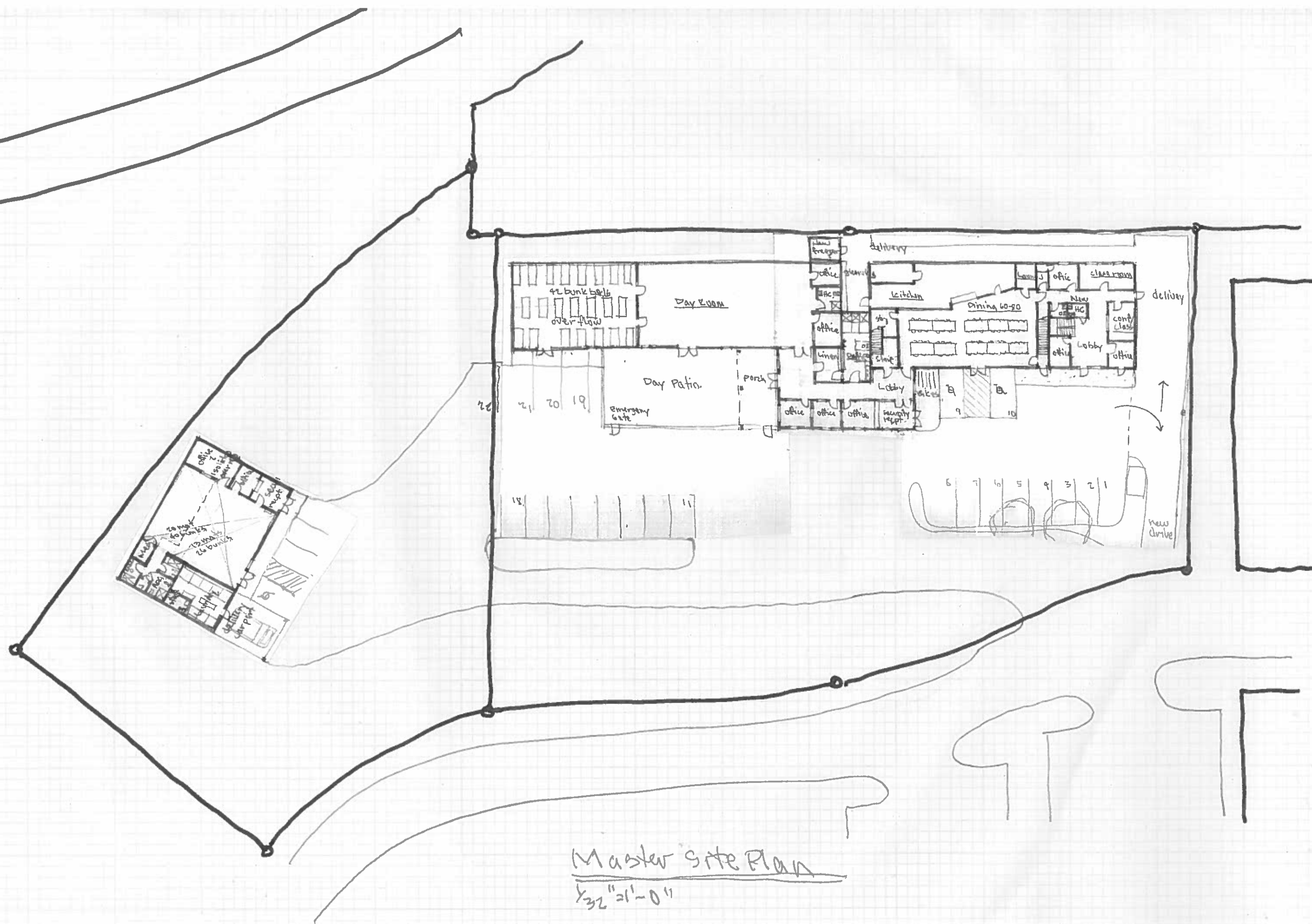
Current plans include...

- Interior Renovation of 201 S Westplex to accommodate lodging and programs in accordance with applicable building and fire codes. (See EXHIBIT 2)
- Future addition of a canopy to provide sheltered passage from 215 building to 201 building in accordance with local building and fire codes.
- Future addition of Outdoor Courtyard, fenced and partially covered, to accommodate relaxation for guests. (Location will be determined pending architectural engineer guidance.)

It is understood that compliance with all applicable building, safety, and fire codes will be an integral part of any plans for improvement, renovation, or development of the Subject Properties.

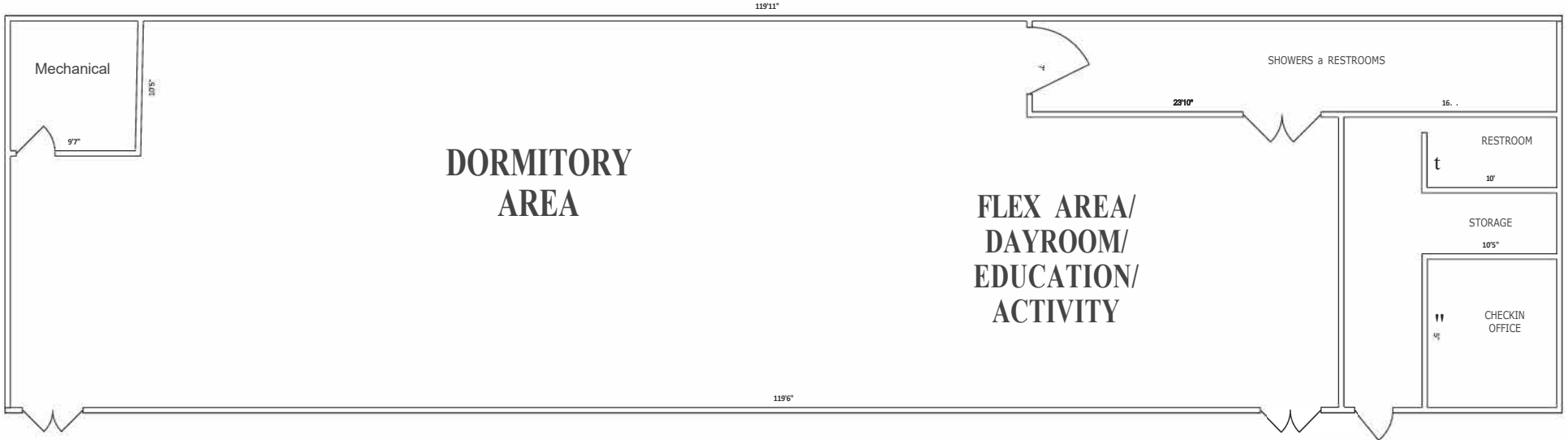
Since we are a Not-For-Profit, and in order to conserve funds, we are providing simple images and drawings for this zoning approval. Our intent is to secure the services of Tabor-Bruce Architecture and Design for final plans immediately upon approval of this rezoning request and prior to any construction or renovation.

Finally, because our operation at Westplex predates the current zoning map and ordinance, and because this process has been somewhat complicated by the recent implementation of the UDO, we would be grateful for anything that could be done to shorten or expedite this process. Please see EXHIBIT 3 to see advice that we received just one year ago (July 2020).





WHEELER WESTPLEX
201 WESTPLEX



<<=== NORTH

I FEEL THIS ZONING REQUEST WOULD BE BETTER IF THE PROPERTY
WAS LOCATED IN THE MAYOR'S BACKYARD.

RECEIVED

AUG - 3 2021



City of Bloomington
Planning and Transportation Department



CITY OF BLOOMINGTON PLAN COMMISSION

Notice of Public Hearing
(2 hearings – with waiver requested)

The City of Bloomington Plan Commission will hold a public hearing at 5:30 p.m., on August 9, 2021, and September 13, 2021 via an online meeting (the meeting link will be listed in the posted packet and on the City's website) and in the Common Council Chambers Room #115 of the City Hall building at 401 N. Morton to consider the petition of: Wheeler Mission Ministries

for the purpose of: a request to rezone 1.31 acres from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (mm)

for the property located at 135, 201, and 215 S. Westplex Ave. and to which you are an adjacent property owner.

Under the provisions of Indiana Law, you may appear and speak on the merits of this proposal at the public hearing to be held at the time and date as set out herein. The hearing may be continued from time to time as may be found necessary. **The petitioner has requested a waiver from the required second hearing.** You may also file written comments with the Plan Commission in the Planning and Transportation Department office (401 N. Morton Street, Suite #130, Bloomington, IN 47404), where the petition is on file and may be examined by interested persons. If you have any questions concerning this matter, you may telephone the petitioner (at the number listed below) or the City Planning and Transportation Department office at 812-349-3423.

Wheeler Mission Ministries, Inc/ Rick Doll-Facility Operation:

Petitioner/Counsel for Petitioner

205 E . New York St.

Address

Indianapolis, IN 46204

City/State/Zip

317.635.3575 Ext.201

Phone

RickDoll@WheelerMission.org

Email