

In Bloomington, Indiana on Wednesday, September 15, 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
15 September 2021

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

ROLL CALL [6:33pm]

Council President Jim Sims summarized the agenda. He noted that all of the ordinances had been previously amended at the May 19, 2021 meeting and that Ordinance 17-12 had been further amended at the August 31, 2021 meeting. He noted that a revised agenda had been distributed ahead of that evening’s meeting to account for an amendment to Ordinance 17-12, which if adopted would affect the ability of the council to consider and adopt the items of legislation on the agenda. He explained that he moved consideration of that ordinance to the beginning of the agenda for the purpose of consideration of Amendment 08 so that if it was adopted the council could consider a motion to recess the special session until a later date. If the amendment fell he suggested that the ordinance be laid on the table and taken up later in the agenda. Sims said that since the resolutions related to the same fiscal plan Bloomington Municipal Code allowed the council to structure discussion to avoid duplicative comments and limit debate.

AGENDA SUMMATION [6:34pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:40pm]

Flaherty moved and it was seconded that Ordinance 17-12 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

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

Flaherty moved and it was seconded to adopt Ordinance 17-12.

Amendment 08 to Ordinance 17-12

Rollo moved and it was seconded to adopt Amendment 08 to Ordinance 17-12.

Amendment 08 Synopsis: This amendment is sponsored by Cm. Smith and Cm. Rollo and would remove the identified parcels from the Area 2 Annexation Territory. It also requests that City Staff initiate a new process for considering the annexation of a portion of the area affected by this amendment.

Smith presented the amendment, and explained that it removed the Heritage Woods parcels from area two of the annexation process and directed the city to add the Cedar Springs neighborhood in a separate process. He said that Heritage Woods would not receive equitable benefits from annexation.

Rollo added that the amendment addressed the problem of continuity that had been lacking the last time the council discussed the issue, and thought that this was the best way forward.

Mike Rouker, City Attorney, said Amendment 08 was the same as Amendment 04 which had been discussed at length and voted down by the council on August 31. He said the only difference was the addition of section two on the amendment, which was a non-binding request for the administration to consider starting a separate involuntary annexation of the Cedar Springs Neighborhood. He noted that staff had previously requested amendments on an earlier deadline so they could be reviewed in a timely manner. He gave the council an overview of all of the activity that was generated as a result of the amendments that were passed on August 31, and told them that all of that work would have to be done again if they passed Amendment 08 that night. He said that it was possible to do all of the necessary adjustments to the proposal before the city reached the statutory time limit for council to vote on annexation but that the adjustments would need to be done in a time pressured environment that increased the probability of sloppiness and mistakes. He said that it would cost additional money and delay staff on other non-annexation related initiatives. Rouker said the administration opposed the amendment because Heritage Woods residents were already receiving municipal utility services, the only way out of the neighborhood was to enter the city of Bloomington, and because Heritage Woods was appreciably different from Edgewood Hills, which the council had removed from the annexation process on August 31, He noted the thoughtful work the council had done on the annexation, but said the administration strongly discouraged any further substantive amendments at that late stage in the annexation process.

Ordinance 17-12 (cont'd)

There were no council questions on Amendment 08 to Ordinance 17-12.

Council discussion:

Bart Farrell spoke in support of the amendment.

Public comment:

Dan Fitzsimmons spoke in support of the amendment.

Ted Ochsner spoke in support of the amendment.

Stefanie Powers spoke for herself and her husband, Kerry Powers, spoke in support of the amendment.

Cathy McManus spoke in support of the amendment.

Janet Cappio spoke in support of the amendment.

Karen Pitkin spoke in support of the amendment.

Dwight Stauffer spoke in support of the amendment.

Melanie and Jeremy Pennington spoke in support of the amendment.

Volan asked if Heritage Woods Road would be held to a higher standard when work needed to be done under city administration.

Council discussion:

Rouker said the city was prepared to add the road to its street inventory, which would include maintenance, plowing, and trash service. He said the owners on the street could choose to continue to have their own private road association, but it was not typical due to the expense.

Ordinance 17-12 (cont'd)

Council discussion:

Volan asked about streetlights and sidewalks. He said that he understood property owners had a responsibility to build or maintain sidewalks, even though the city made an effort to build sidewalks in the city as well. He asked if the city installed streetlights when homeowners did not want streetlights installed.

Rouker said the installation of sidewalks and streetlights where they did not exist was not mandated by city code.

Volan asked if the road was up to the standard of other roads in the city or if it would need to be upgraded in the future.

Rouker said it was likely that it would need to be upgraded, but that was not unusual within the city and in areas that were being annexed due to roads being built in different time periods.

Volan asked how long Heritage Woods Road had been in the two mile fringe or area intended for annexation.

Rouker said that he did not know.

Sgambelluri asked if there was a mechanism by which a city could remove land from within its boundaries.

Steve Unger, outside annexation counsel from Bose, McKinney, and Evans, explained that there was a dis-annexation process outlined in state statute that involved a petition and ordinance process.

Sgambelluri asked if properties had to be tied to the form that they were originally annexed in or if those boundaries still mattered in the dis-annexation process.

Unger said that he did not recall it being tied to the original annexation boundaries.

Sims asked what the timeframe was for dis-annexation.

Unger apologized for not being better prepared for questions related to dis-annexation. He recalled that it was a six-month process several years prior.

Rollo said the amendment was not proposing a new area to be annexed. He took issue with the idea that the areas should have been resolved and thought it showed disdain for the council's deliberative process. He said that Rouker painted an exaggerated picture of what would happen if the amendment was adopted. He said it should not be a complicated matter and if it was an inappropriate annexation the council should do something. He thought the argument that the neighborhood was receiving city water was a spurious argument.

Flaherty said he appreciated the comments from the residents of Heritage Wood Road. He said there were a lot of factors that went into making the most equitable decisions. He thought that Edgewood Hills was meaningfully different than Heritage Woods Road. He said that it was in the long term financial and environmental interests of the area to have sewer brought to their streets.

Smith said there was a lot of information that was subject to interpretation. He said that one of the things he considered most was representing the people being brought in by the annexation. He apologized for the anxiety that he caused by not structuring the amendment differently several weeks prior. He hoped everyone would support the amendment.

Piedmont-Smith said that it was an imperfect process but they had to vote. She did not think that the fears of the residents were going to be realized. She said the residents would save money from maintenance and she was baffled that people thought it would change the character of their street. She said she thought the amendment was the same as Amendment 04, and that she was going to vote no.

Ordinance 17-12 (cont'd)

Sgambelluri acknowledged what Rouker said about the implications of the amendment passing and the additional work that would be required, but did not find it to be a compelling reason to vote against the amendment. She took note of the comments from the residents. She said that it was important to her that there was a process for dis-annexation, but she did not see this amendment as being different from Amendment 04 and would be opposing it.

Volan said that annexation would give the residents in those areas the right to vote in the city. He said the power to annex had been an essential power of cities. He noted that although the residents said their area was rural it abutted an area that was even more rural and there may need to be a new zoning type created, He said that Heritage Woods Road had a strong argument to make an exception, that it was a very close call, but that it had more in common with other areas to be annexed than the residents thought. He said that if dis-annexation was something the neighborhood wanted to entertain they would have time to pursue it in the future.

The motion to adopt Amendment 08 to Ordinance 17-12 received a roll call vote of Ayes: 3 (Rollo, Sandberg, Smith), Nays: 6, Abstain: 0. FAILED

Vote to adopt Amendment 08 to Ordinance 17-12 [7:50pm]

Sims stated that Ordinance 17-12 was laid on the table for consideration later in the evening.

Piedmont-Smith moved and it was seconded to structure debate for that evening by making the following motion:

Motion to structure debate

"I move that the Council consider this package of resolutions in the following manner: First, the City Administration will be given time to make a general presentation, if it wishes, regarding the fiscal plan as a whole. Second, Council members may then ask general questions of the presenters regarding the fiscal plan. Each round of questioning should last no longer than three minutes per councilmember per round. Third, once Council members have finished asking questions about the fiscal plan in general, the Council will consider the resolutions one at a time as they appear on the agenda. After introduction of the resolutions, the City Administration will have an opportunity to address the resolutions and then the Council may ask questions about the particular resolution, with each round of questioning lasting no longer than three minutes per councilmember per round. Fourth, once the Council has finished receiving presentations and asking questions on all seven resolutions, then members of the public will have an opportunity to comment on the resolutions. Members of the public may speak once for up to three minutes and may speak to as many of the resolutions as they wish during that time. However, comments should pertain to one or more of the resolutions. Fifth, after the public has had an opportunity to comment, Council members may ask further questions and hear further answers as necessary before making concluding comments on the resolutions. [Comments should last no longer than three minutes.]"

Finally, the Council will entertain suitable motions, one at a time, in regard to adoption of each resolution."

Motion to structure debate
(cont'd)

Piedmont-Smith emphasized that the proposed procedure was for the resolutions to adopt the fiscal plans for the different areas which had been combined into one document. She explained that when they were done with the resolutions they would then discuss each ordinance in turn.

Sims added that this was the same process by which the council conducted the meeting in August for the resolutions.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to structure debate [7:55pm]

Mayor John Hamilton started his remarks by informing the council that the Bloomington Fire Department received its second upgrade in five years of its public protection classification from the insurance service office (ISO), to the highest possible rating of 1/1x, which made Bloomington one of only four Indiana fire departments to achieve that rating. He thanked the council for supporting the department so residents could enjoy lower insurance rates. He noted that Bloomington was the only city in the state that was served by a fire department with an ISO rating of one and a police department with national clear accreditation. Hamilton gave a brief review of the annexation's history which had led to that evening, and said that the council had the opportunity and duty to consider how to enhance and strengthen the future of Bloomington. He said that virtually all of the areas under consideration that evening had been long planned for annexation and accessing the areas reflected the basic role of city government to provide levels of service appropriate for the areas. He noted that annexation was not just a commercial transaction, but a mechanism through which people who were already part of the community could be fully and fairly included in the political process. He thanked the council for their close attention to public comments and their consideration.

Steve Unger, outside counsel from Bose, McKinney, and Evans, gave an overview of fiscal plan version 5.0. He reminded council of what the fiscal plan was, which addressed the city's approach to each annexation area, as well as the areas as a whole. Unger summarized the changes in the fiscal plan from version 4.0 and highlighted that version 5.0 updated the parcel tax data to reflect 2020, which had been recently certified by the Department of Local Government Finance (DLGF). Unger explained that Reedy Financial and the administration had worked with staff to add narrative information about how services were going to be provided, and updated the cost estimates. He reminded council that the requirement for a fiscal plan was that the city made a credible commitment that it could provide services to the annexation areas within one- to three-years, for capital and non-capital services, following the effective date, and the way in which they were provided to others within the city. He opined and was confident that the city made a credible commitment with the fiscal plan, as was required.

Piedmont-Smith stated that Unger mentioned that some changes incorporated into version 5.0 were received over the summer, and asked for clarification on that feedback.

Council discussion:

Unger said that the updates reflected questions from the county redevelopment commission on the impact on funding, and updates for the certified tax data for 2020.

Philippa Guthrie, Corporation Counsel, added that a parcel was removed that was subject to the agreement in lieu of annexation with Cook.

Piedmont-Smith stated that the adjustments were not minor and not in response to residents' or Monroe County concerns.

Unger explained that there were some minor updates like the city working with some residents of an area regarding their road.

Smith asked Unger to define capital and non-capital services.

Unger responded that there were examples in the state statute, and that he characterized capital costs as long-term costs, like street maintenance and reconstruction, and non-capital costs were things like police protection.

Piedmont-Smith asked for a review of the plans for providing police protection to the annexed areas.

Unger explained that version 5.0 of the fiscal plan proposed adding twenty-three sworn officers, at a minimum, and thirty, at a maximum, and five civilian personnel. He said that assumed that all areas would be annexed, and included associated costs, like computers, etc.

Piedmont-Smith asked when the new officers would start, given that it was difficult to recruit applicants.

Unger clarified that it depended on the areas that were annexed, and on things like remonstrance which could delay the process. He said that once the city knew the areas that were annexed, the process would start soon thereafter.

Rollo asked what the assumed base pay for the officers was.

Unger stated that he didn't have the exact number, but that the assumption was the current base pay with 3% inflation.

Rollo asked for confirmation of the effective date, and that twenty three to thirty five sworn officers would be hired with an inflation rate of 3%.

Unger stated that the effective date was January 1, 2024, and confirmed the other details.

Piedmont-Smith asked if the plan was to hire police to start on January 1, 2024 or to hire them ahead of time, for training.

Unger stated that the proposal was to phase the officers in within the first three years.

Piedmont-Smith asked if the officers would be hired prior to January 1, 2024.

Rouker stated that the fiscal plan addressed what would happen after the annexation became effective.

Piedmont-Smith asked if the fiscal plan only had to legally consider expenditures effective January 1, 2024.

Unger stated that the statute required the city to provide police protection within the first year, and that the fiscal plan required an outline of the plan within that time frame, and how it would be paid for through a credible commitment, based on the tax revenue and other items. He reiterated that the fiscal plan estimated those costs.

Rollo asked if the twenty-three to thirty officers was in addition to the one hundred and five officers that were budgeted for, or the current ninety one officers.

Unger clarified that the fiscal plan was independent of the current officers, either from current staffing or budgeted for. He said that a fiscal plan was an estimate of how many officers would be needed based on financial projections and current calls for services to the area. He summarized factors that contributed to determining the amount of officers that would be hired.

Flaherty moved and it was seconded that Resolution 21-28 be introduced and 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.

There was no presentation from the administration. Guthrie stated that there would not be a presentation for each specific resolution.

Sims asked if each councilmember would have an opportunity to ask questions for each resolution.

Lucas confirmed that they would.

Sims and Flaherty clarified the procedure under the motion.

Rollo asked the administration for clarification on budgeting for police, and how that would be implemented, especially with the diminished department and the required overtime.

Hamilton stated that the administration, the police chief, and others had looked at what was needed to implement the plan, but that it was important to know what areas were annexed first.

Rouker commented that the hiring process would remain the same.

Rollo expressed concern for the city's ability to hire new officers.

Rouker clarified that hiring issues existed and there were strategies for dealing with those issues, but that the fiscal plan was an estimate of the number of officers that would be needed to provide services to the areas once annexed.

Flaherty moved and it was seconded that Resolution 21-29 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.

There was no presentation from the administration.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-30 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.

There was no presentation from the administration.

There were no questions from the council.

Resolution 21-28 - Updating Resolutions 17-16 and 21-09 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South-West A
Bloomington Annexation Area
[8:27pm]

Council discussion:

Resolution 21-29 - Updating Resolutions 17-17 and 21-10 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South-West B
Bloomington Annexation Area
[8:36pm]

Resolution 21-30 - Updating Resolutions 17-18 and 21-11 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South-West C
Bloomington Annexation Area
[8:39pm]

Flaherty moved and it was seconded that Resolution 21-31 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.

There was no presentation from the administration.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-32 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.

There was no presentation from the administration.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-33 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.

There was no presentation from the administration.

There were no questions from the council.

Flaherty moved and it was seconded that Resolution 21-34 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.

There was no presentation from the administration.

There were no questions from the council.

Jennifer Cullett stated that she was in full support of annexation.

Flaherty clarified that the public comment, at the time, should pertain to the fiscal plan and not the annexation areas.

Jamie Ford spoke against annexation.

Paul Post commented on the salaries, hiring, and number of police officers.

Jim Shelton discussed the changes in funding for county Tax Increment Finance (TIF).

Margaret Clements expressed concerns about annexation.

Rita Barrow provided reasons against annexation.

Julie Thomas stated that the Monroe County Board of Commissioners opposed annexation.

Resolution 21-31 - Updating Resolutions 17-19 and 21-12 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South-East Bloomington Annexation Area [8:42pm]

Resolution 21-32 - Updating Resolutions 17-20 and 21-13 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - North Island Bloomington Annexation Area [8:44pm]

Resolution 21-33 - Updating Resolutions 17-21 and 21-14 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - Central Island Bloomington Annexation Area [8:47pm]

Resolution 21-34 - Updating Resolutions 17-22 and 21-15 - An Updated Fiscal Plan and Policy Resolution for Annexing Contiguous Territory to the City of Bloomington, Monroe County, Indiana - South Island Bloomington Annexation Area [8:49pm]

Council discussion:

Public comment:

Charlotte Zietlow questioned the impacts of annexation.

Penny Githens stated she was not opposed to voluntary annexation and questioned the annexation process and implementation.

Stephen Crider spoke against annexation.

Lucas read a Zoom chat comment from Lisa Ridge who questioned annexation.

Lee Jones expressed concerns over annexation.

Sgambelluri acknowledged important public comments, and asked staff to comment on the differences in the fiscal plan and the Baker Tilly report.

Council discussion:

Rouker asked Sgambelluri if she had a specific question regarding the differences.

Sgambelluri stated that there were different assumptions that were used in the projections, and asked staff and consultants to recap the differences.

Tim Stricker, Reedy Financial Group, explained the differences including different industry standard assumptions, though they were typical assumptions. He said that the biggest difference was the assumption that there would be no assessed value growth from 2019, paid 2020, to the assessment year 2024.

Sgambelluri asked for clarification on the differences that produced.

Stricker clarified that it would overinflate the impact, due to annexation, and underinflate the impact, due to natural assessed value growth.

Rollo asked if the Baker Tilly was more current regarding the assessed value assessment.

Rouker stated that the assessed values were updated in fiscal plan 5.0, from 2019-pay 2020, to 2020-pay 2021.

Stricker confirmed that all estimate and taxable databases were updated.

Rouker clarified that meant the most current data was used.

Guthrie stated that the Reedy Financial report assumed 3% assessed value growth, and the other report assumed no growth. She said the projections for the following year should be 5%.

Rollo asked about substantial discrepancies in the county TIF as expressed in a public comment.

Stricker responded that the dollar impact wasn't substantial.

Rollo clarified that he was referring to May 19 being \$304,000, June 16 being \$75,000, and September 10 being \$54,000, which seemed substantial.

Stricker explained that the first estimates did not accurately calculate A, B, and C inside the TIF area, and that version 4.0 did reflect that information. He further explained that version 5.0 included assessed value fluctuations.

Volan expressed concern about the twenty three to thirty five police officers that needed to be hired to serve the new areas, and not needing to have the new officers ready on day one. He asked for a more substantial answer in how the city planned to hire enough police officers by 2024.

Rouker commented on the process including salaries, the budget process, council's role in bargaining agreements, and a resolution recently discussed regarding police salaries. He said

those were appropriate methods for the public discussion, but that a fiscal plan was different, and that it was a credible estimate in what would be needed to provide service post-annexation. Rouker stated that the discussion pertaining to the fiscal plan was not the best for determining an implementation plan.

Hamilton pointed out that there was a lot of planning to be done. He also said that currently there were 145,000 residents receiving law enforcement services from a range of departments, with an understood tax base. Hamilton explained that, in the future, they would receive services from a slightly different mix.

Sims asked Hamilton to elaborate on the question asked by Volan.

Hamilton continued that there was lots of work to be done in determining the plan. He explained that there was public support for law enforcement and its divisions, and that they would increase, but that the demand for services wouldn't dramatically change due to annexation.

Sims stated that the latest fiscal plan was available on the city website, and asked staff to explain to the public how to access it.

Rouker responded indicated that a link to the current fiscal plan was available at bloomington.in.gov/annex.

Smith asked for the amount of parcels in the annexation areas that were eligible for the tax credit pertaining to those individuals over 65 years and who had homes valued less than \$200,000.

Stricker explained that he would have to look that information up and get it to Smith the following day.

Piedmont-Smith asked for clarification on the impacts on the Monroe Fire Protection District (MFPD).

Stricker explained that the biggest impacts on the MFPD would be the circuit breaker impacts, and the way the vehicle excise tax was calculated, and that every unit would be impacted. He also explained that there would be a reduction in their property tax.

Piedmont-Smith asked for the dollar amounts.

Stricker stated that the circuit breaker increase was roughly \$314,662, the other impacts were about \$60,279.

Piedmont-Smith asked if that was per year.

Stricker confirmed that it was per year, and was an estimate.

Piedmont-Smith asked if it was correct that the MFPD was not decreasing its service area.

Stricker confirmed that was correct.

Rollo asked for clarification on the cumulative county impact of \$2.7 million.

Stricker stated that based on gleaned information from the external audit by Baker Tilly report, was that it didn't phase in the income tax over time, which created the greatest dollar difference for the county. Stricker explained that he didn't know how the Baker Tilly report arrived at that number.

Rollo asked what his calculation was.

Stricker stated it was approximately \$1.89 million per year.

Rollo stated that the county noted the difference of about \$800,000.

Piedmont-Smith asked what avenues the MFPD had to make up for the loss in revenue since they were not having a reduction in service area.

Unger explained that Reedy Financial estimated the financial projections to show the net impacts over the three years, assuming conservative growth in Local Income Tax (LIT) and assessed value. He said that MFPD would have a net gain of \$1.1 million in revenues, including the \$374,000 impact, by year one of

Council discussion: (cont'd)

the annexation. He summarized that there would be a reduction in service areas for some units, and that overall, even with the reduction, by the time annexation arrived, they would have a net increase in revenues.

Piedmont-Smith stated that the rising costs needed to be factored in too, and asked if MFPD was at the maximum tax levy.

Stricker stated that he did not have that information right then but would have to get the information to council soon.

Sims asked if staff or the administration had an answer to Piedmont-Smith's questions.

There was no response.

Sandberg commented that striving to right-size Bloomington resulted in down-sizing county colleagues who represented the interests of their constituents. She said that three county colleagues were in opposition based on their comments in the meetings. She expressed concern regarding the non-capital issue of police protection and public safety. Sandberg stated that she would be more inclined to favor incremental annexation over involuntary annexation.

Rollo said that the county commissioners made compelling points. He explained that county government had done a tremendous job in building back up their financial systems from a time of neglect in the 1990s. He further explained that all community members relied on the justice system, the public library, and the Monroe County Community School Corporation (MCCSC) and needed to consider their impacts. He commented that there was a profound discrepancy regarding the addition of twenty three to thirty five police officers, which he thought was implausible. He further commented on the history of recruiting, hiring, and retaining police officers. Rollo concluded that the proposed annexation was spreading the police force even thinner than it currently was, which put the citizens of Bloomington at risk. He stated that some city services were not sufficiently implemented and that annexation needed to be reconsidered to be able to provide services like public safety.

Smith stated that he was generally troubled with the involuntary nature of annexation. He said that Indiana was one of four states that allowed for involuntary annexation, which gave him pause about the process.

Flaherty iterated that council was voting on the fiscal plans and whether it was a responsible and reasonable estimate of what the expected impacts and needs were. He stated that the consultants had done a great job in the estimations and in answering questions and correcting misunderstandings, and poor assumptions based on the audit from the county colleagues. Flaherty said that larger discussions regarding annexation could be had a later time, and that he would be voting in favor of the fiscal plans.

Piedmont-Smith agreed with Flaherty that council needed to focus on the fiscal plans regarding how the city would bring services to annexed areas. She also said that the question of policing was serious, and that the compensation for police officers would need to be substantially increased over the coming years, which would allow for easier hiring of new officers as annexation

progresses. Piedmont-Smith stated that she would be voting in support of the fiscal plans. She also commented on the public comment regarding not believing the city or its plans for providing services, and said that the city had hired experts who had done those kinds of calculations for other cities. She said the experts were bound by law to high professional standards. She also explained that Mayor Hamilton had put forward his reputation and integrity to see through the annexation. She clarified that she believed it was accurate and that the updates that were made with the 2020 property values were in place.

Council discussion: (cont'd)

Volan agreed that this was the time to discuss the fiscal plans but that the comments applied to annexation overall, because it was also the only time to address annexation as a whole, and individual sections would be addressed later. He said that Bloomington was founded in 1818 by the County Commissioners, and commented on the population growth of Bloomington and Monroe County and certain neighborhoods. He reminded everyone that every resident of Bloomington was also a Monroe County resident. Volan stated that some non-city residents resided in areas that had been intended for annexation for three decades, and asked those residents to reconsider saying that they were separate from the city. He commented on the city's bonding power and credit rating that allowed for City of Bloomington Utilities (CBU) to exist, and discussed lot sizes relating to water and sewer services. He clarified that if something catastrophic were to happen, it was the city's credit rating and bonding power that would be called on to guarantee that reconstruction. He said that the city made those neighborhoods outside city limits possible, and that individuals enjoying their affordable homes outside city limits, but with city utilities, was due to the city's efforts. Volan commented on Commissioner Githens' question on preventing sprawl, and on the County Commissioners' recent vote. He said that when a developer gave the commission an option between ninety-five, \$500,000 homes, versus one hundred and ninety paired townhouses at half the price, which was less than the median house price in April, that the commissioners chose the former. Volan explained that Commissioner Thomas stated that the project was too dense for the county. Volan said that was the type of affordable housing that was needed. He said that the commissioners didn't represent just non-city residents and commented that annexation was the appropriate action at this time. Volan said he supported the updated fiscal plan though was concerned about the logistical plan for using that money.

Flaherty moved and it was seconded to adopt [Resolution 21-28](#). The motion to adopt [Resolution 21-28](#) received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Smith), Abstain: 0.

Vote to adopt [Resolution 21-28](#) [9:57pm]

Flaherty moved and it was seconded to adopt [Resolution 21-29](#). The motion to adopt [Resolution 21-29](#) received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt [Resolution 21-29](#) [9:59pm]

Flaherty moved and it was seconded to adopt [Resolution 21-30](#). The motion to adopt [Resolution 21-30](#) received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt [Resolution 21-30](#) [10:00pm]

Flaherty moved and it was seconded to adopt [Resolution 21-31](#). The motion to adopt [Resolution 21-31](#) received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt [Resolution 21-31](#) [10:01pm]

Flaherty moved and it was seconded to adopt Resolution 21-32. The motion to adopt Resolution 21-32 received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt Resolution 21-32 [10:02pm]

Flaherty moved and it was seconded to adopt Resolution 21-33. The motion to adopt Resolution 21-33 received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt Resolution 21-33 [10:03pm]

Flaherty moved and it was seconded to adopt Resolution 21-34. The motion to adopt Resolution 21-34 received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt Resolution 21-34 [10:04pm]

Sims recessed the meeting for five minutes.

Recess [10:06pm]

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.

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 [10:17pm]

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

Motion to adopt Ordinance 17-09

Flaherty moved and it was seconded to adopt Amendment 03 to Ordinance 17-09.

Motion to adopt Am 03 to Ordinance 17-09

Amendment 03 Synopsis: This amendment updates Ordinance 17-09 to remove one additional parcel that is part of a payment in lieu of annexation agreement between the City and Cook, Inc. that was not included when several other such parcels were amended out of the Ordinance 17-09 earlier this year. It further updates the acreage total contained in the fifth whereas clause of the preamble to Ordinance 17-09. Note: This amendment was revised after release in the September 15, 2021 Legislative Packet but before introduction by the Council to revise the corrected acreage total from 3,158 acres to 3,162.54 acres.

Rouker presented Amendment 03. He summarized that it updated the legal description, maps, and overall acreage associated with Ordinance 17-09 to remove one additional parcel from Area 1A.

There were no questions from council on Amendment 03 to Ordinance 17-09.

Council discussion:

There was no public comment.

Public comment:

The motion to adopt Amendment 03 to Ordinance 17-09 received a roll call vote of Ayes: 5, Nays: 2 (Smith, Sandberg), Abstain: 2 (Rollo, Volan).

Vote to adopt Am 03 to Ordinance 17-09 [10:24pm]

There were no questions from council.

Council discussion:

Colby Wicker spoke against the amendment and annexation.

Public comment:

Margaret Clements provided reasons against annexation and Ordinance 17-09.

Penny Githens commented against annexation.

Julie Thomas spoke against annexation.

Rita Barrow provided examples against annexation.

Name inaudible asked council to vote against annexation.

Rollo asked about county residents who lived on fixed incomes and would see their rent increase. He commented that he spoke to a landlord who said the costs would be passed on to the renters, and asked if the administration had looked into that impact.

Council discussion:

Rouker responded that the administration had provided a lengthy, parcel-by-parcel tax impact, though it was not required. He said that it estimated the amount of property tax increase on each parcel post annexation. He reiterated that there was no way to know whether any or any portion of increased property taxes would be passed on to a renter.

Rollo asked for the administration to assume that all of the increase was passed on to the renter.

Rouker stated that while it was not likely, but that the administration could look at the properties. He said that a number of taxes were progressive, so the taxes were much lower for someone living in a modest home, with a lower assessed value home, and were higher for someone living in a higher assessed value home.

Rollo asked how many residents, in Area 1A, the administration thought would be impacted that way.

Rouker stated that dataset did not exist.

Rollo asked how many renters there were.

Rouker explained that they did not know, but could know if the area were annexed because of programs within the Housing and Neighborhood Department (HAND) to assist renters.

Rollo asked if the administration thought the impact was minimal or inconsequential for fixed income individuals.

Rouker stated that the effect would vary depending on the assessed value of the home.

Piedmont-Smith stated that the annexation process in Indiana was not ideal, and that she recognized it would be better if residents in annexation areas would be able to vote in the next municipal election. She explained that she understood people not wanting to be annexed, or pay higher taxes, but that they needed to look at the bigger picture and why people lived close to Bloomington. She continued that it had to do with the city, jobs, Indiana University, and more, and that couldn't be disregarded as not being part of the community. She explained that non-city residents also used city roads, and other amenities, and individuals who lived close to city boundaries should be part of Bloomington. Piedmont-Smith mentioned the rental inspection program as a benefit to potential residents. She also explained that people who lived just beyond the boundaries needed to be brought in to the city limits. She said that the areas in Ordinance 17-09 were appropriate to be annexed into Bloomington.

Rollo said that he believed non-city residents were well served by the county, and that it wasn't appropriate to assume city services were better. He stated that as rents had gone up in the city, residents were pushed to the peripheries of the city, and now were being annexed. He said he thought the effects on renters would be substantial. Rollo reiterated that it mattered that the County Commissioners were in opposition to the annexation and that it

Council discussion: (*cont'd*)

would have a severe impact on the county revenues. He also said that the process could have been voluntary, or could have occurred post-pandemic since it would have such a profound change to individuals. Rollo stated that the county had developed a land use plan that was forward-thinking and preserved the character of the county. Rollo said that annexation may be inducing sprawl. He said that his most pressing concern was in currency, and that the city services should be up to speed before presuming to add geographic space. He referenced the issues with police and public safety. He suggested putting off the annexation, having better engagement with county colleagues, having services ready, and having a voluntary process.

Flaherty stated that he believed all the councilmembers had integrity and asked the public not to comment on the character of a councilmember because they disagreed with them. He said that all nine councilmembers were trying their best as elected officials to represent for the greater good of the community. Flaherty commented on voluntary annexation and said the current system could be better. He explained that due to state code, annexation had followed a different system for a long time, and that the city for a decade and a half had acted with reliance on that system. He further clarified that the city would provide sewer service in exchange for a waiver that they would be annexed in the future without remonstrations. Flaherty clarified that if that system wasn't in place, none of those areas would have been built, and voluntary annexation would've occurred at the time they were building. He stated that moving to voluntary annexation at this time was changing the rules halfway through the process, with the city having delivered on the first half of the agreement. He said it was disingenuous to suggest that annexation hadn't been understood as a contractual relationship for an extended period of time. Flaherty stated that it was logical to annex the areas that the city had extended sewer services to, even though some councilmembers may disagree. He explained that, based on state law and city boundaries, it was impossible for the city to only annex those areas that the city had extended sewer to. He said that, as a city grows, there were some areas that would be differentially situated outside the boundary, and included varying density and uses. Flaherty said that proximity and the surrounding context mattered in annexations. He stated that reducing annexation to being a contract of getting city services in exchange for an increase in taxes ignored the many benefits that people outside of city limits enjoyed. He said he would be voting to annex Area 1A.

Sgambelluri said that there were compelling arguments against annexation and provided Edgewood Hills as an example. She stated that the characteristics and nature of an area were compelling, as well as the connectivity to Bloomington, and that an area existed because of Bloomington. Sgambelluri explained that the notion that annexation was just about money, or a land grab, was not compelling because there were connectivity and proximity considerations. She said annexation was about thinking about a community and was not a land grab or money. She explained that the argument that council was not listening was unfounded because all councilmembers had had multiple conversations with constituents and were listening to residents of the proposed annexation areas. She also stated that the argument that council was not thinking about annexation deeply enough was also unfounded, especially with regards to policing and public safety. She said that council thought deeply and critically about issues and progress even

though they might disagree on some outcomes. Sgambelluri assured the public that councilmembers thought seriously about the proposed annexation areas. She underscored that councilmembers were doing their best to discern and sort through the information. Sgambelluri stated that she planned to support annexation for Area 1A.

Council discussion: (*cont'd*)

Volan commented on the two-mile fringe which was renamed to the areas intended for annexation. He said that he didn't know how someone could live in those areas for twenty five years and not be aware that the city was considering the area's annexation. Volan also commented on tax abatements for new businesses proposing to bring jobs to the city, and that the law stated that they couldn't be longer than ten years. He explained that it wasn't a discount, but rather that the city delayed collecting the taxes for a period of time. He said that those living in areas like in Area 1A were given a remarkable gift of sewer service by the city, when their property was built, which was essentially a tax abatement with no expiration date. He stated that there were twelve extra years of a tax abatement under the previous administration, which stopped annexation in 2004. Volan stated that the current administration finally decided to call in the abatement on the areas that benefitted from their proximity to the city. He then explained that was followed with a four year extension, as a result of unconstitutional actions by the statehouse, contradicting the existing law created by the statehouse. Volan clarified that powers like tax abatements and annexation stemmed from the state, which was a democracy. Volan provided examples of ironic arguments made by opponents to annexation who appeared to think of themselves as Bloomingtonians but seemed to not want to participate in the city of Bloomington. He said there were good, extensive discussions on aspects to annexation over the years and that he hoped to take up some good points in other ordinances. Volan urged community members to not only think of their rights as a consumer, but also their responsibilities as a citizen. He explained that if someone stated that their neighborhood was isolated, yet they worked in Bloomington, then they should reconsider their ways in talking about annexation.

Rosenbarger stated that the process had been difficult and that she had learned the history, legal jargon, and rules for annexation. She commented that the state's process for annexation was not ideal, but that Bloomington and Monroe County had to do the best it could with what the state had given. Rosenbarger said that the Unified Development Ordinance (UDO) helped her in her decision making and that it should guide the city and the proposed annexation areas as the city grows. She stated that currently, those areas were in the county and that the city didn't have any input on what could be built. She explained that the UDO was a good guiding document for annexation. She said it was important for the city to annex areas that were urban, a good place for multifamily housing, was on a bus line, or next to a grocery store. She said she would be supporting Ordinance 17-09.

Sims stated that he agreed with Flaherty regarding councilmembers' integrity being impugned and attacked. He said it was okay to disagree. Sims had talked with county colleagues, not just about annexation, but also things like using American Rescue Plan Act (ARPA) collaboratively to maximize impact. Sims was discouraged because of the riff between some county colleagues, some city administrators, and the Office of the Mayor, and said that he didn't

know the cause. He was troubled that elected officials couldn't work together, even if there was a disagreement. Sims said that the council did not bring annexation back, and commented that it had been illegally halted by the state. He explained that the council had a responsibility to periodically review the city boundaries. Sims discounted the argument that councilmembers had already made up their minds regarding annexation. He was troubled by some of the public comments, and reiterated that council was in an unenviable position. Sims mentioned that annexation could have been able to proceed differently. He stated that he planned to support annexation for Area 1A. He further stated that he was depending on the city administration, the mayor and staff, to do what had been proposed and promised moving forward.

Council discussion: (cont'd)

Flaherty moved and it was seconded to adopt Ordinance 17-09 as amended. The motion to adopt Ordinance 17-09 as amended received a roll call vote of Ayes: 6, Nays: 3 (Rollo, Smith, Sandberg), Abstain: 0.

Vote to adopt Ordinance 17-09 as amended [11:16pm]

Lucas reviewed the council schedule.

COUNCIL SCHEDULE [11:17pm]

There was brief discussion.


Piedmont-Smith moved and it was seconded to recess until Wednesday, September 22, 2021 at 6:30pm and to cancel the committee meeting for that evening. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.


RECESS [11:22 pm]

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