

In Bloomington, Indiana on Wednesday, December 01, 2021 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted via Zoom.

COMMON COUNCIL
REGULAR SESSION
December 01, 2021

Councilmembers present via Zoom: Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived 6:50pm)
Councilmembers absent: Matt Flaherty

ROLL CALL [6:34pm]

Council President Jim Sims acknowledged the Bloomington area land grants that were occupied and nurtured by the Miami Peoples, the Delaware Peoples, the Potawatomi Peoples, and the Shawnee Peoples.

AGENDA SUMMATION [6:35pm]

Sims summarized the agenda.

Sgambelluri moved and it was seconded to approve the minutes of January 13, January 20, and February 03, 2021. The motion received a roll call vote of Ayes: 7 (Volan arrived at 6:50pm), Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:40pm]

January 13, 2021 (Regular Session)

January 20, 2021 (Regular Session)

February 03, 2021 (Regular Session)

Sims congratulated Council Attorney/Administrator Stephen Lucas and his wife Danielle on the birth of their daughter, Charlotte Kay Lucas.

REPORTS

- COUNCIL MEMBERS [6:41pm]

Piedmont-Smith noted the date and time of her last constituent meeting of 2021.

Rollo commented about Resolution 21-26, which called for the global abolition of nuclear weapons and referenced the current situation between Ukraine, the North Atlantic Treaty Organization (NATO), and Russia. He stated that he would be contacting congressional representatives to urge them to ratchet down the rhetoric.

Sgambelluri spoke about her upcoming constituent meeting. Sandberg noted her upcoming shared monthly town hall meeting with Rollo and asked attendees to email questions to her in advance.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:48pm]

There were no council committee reports.

- COUNCIL COMMITTEES [6:48pm]

Greg Alexander spoke about his concerns with city sidewalks, inaccessible bus stops without sidewalks, bike lanes and bicycling in the city, and the reporting of scooters on sidewalks.

- PUBLIC [6:48pm]

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:51pm]

LEGISLATION FOR FIRST
READING [6:51pm]

Sgambelluri moved and it was seconded that Ordinance 21-46 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

Ordinance 21-46 - To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: the James Faris House Historic District (William Bianco, Owner And Petitioner)

Sims stated that the Ordinance 21-46 had been heard at a Council Work Session, would not be referred to the Committee of the Whole (COW) and that if there was no objection, Ordinance 21-46 would be considered for second reading at the Regular Session on December 15, 2021 at 6:30pm. There was no objection from the council.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:54PM]

Sgambelluri moved and it was seconded that Appropriation Ordinance 21-05 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Appropriate Ordinance 21-05 - To Specially Appropriate from the General Fund, Public Safety LIT Fund, Solid Waste Fund, Cumulative Capital Development Fund, Food and Beverage Tax Fund, Motor Vehicle Highway Fund, Parks and Recreation General Fund, Police Pension Fund, Alternative Transportation Fund, and the Rental Inspection Program Fund Expenditures Not Otherwise Appropriated, and to Appropriate the Proceeds of the Solar Refunding Bonds of 2021 (Appropriating Various Transfers of Funds Within the General Fund, Public Safety LIT Fund, Parks & Recreation General Fund, Alternative Transportation Fund, Cumulative Capital Development Fund, Police Pension Fund, and Appropriating Additional Funds from the General Fund, Food and Beverage Tax, Rental Inspection Fund, Motor Vehicle Highway, Solid Waste Fund, and the Proceeds from the Solar Refunding Bonds of 2021)

Sgambelluri moved and it was seconded that Appropriation Ordinance 21-05 be adopted.

Jeff Underwood, Controller, presented the legislation. He explained that the meeting also served as a public hearing, which had been properly noticed in the newspaper ten days prior to the meeting. He stated that Appropriation Ordinance 21-05 was the comprehensive 2021 year end appropriation. He further explained the funding categories involved in the appropriation and allocations.

There were no questions from the council.

Council question:

There was no public comment.

Public comment:

There were no comments from the council.

Council comment:

The motion to adopt Appropriation Ordinance 21-05 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 21-05 [7:08pm]

Sgambelluri moved and it was seconded that Resolution 21-36 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Resolution 21-36 - A Resolution Supporting the Establishment of a Sibling City Relationship with the City of Palo Alto, California [7:09pm]

Sgambelluri moved and it was seconded that Resolution 21-36 be adopted.

Mayor John Hamilton presented the legislation. Hamilton spoke about Bloomington's two international sister cities, Posoltega, Nicaragua and Santa Clara, Cuba. He discussed the benefits of becoming a domestic sibling city to Palo Alto, California. Hamilton said that Palo Alto had already passed a resolution and there would be annual reports to both Bloomington's and Palo Alto's councils.

Mayor Tom DuBois of Palo Alto, CA, thanked the council for giving him time to speak during the meeting. He said that there were organizations in Palo Alto that were excited for the proposed sibling city partnership with Bloomington. He explained that some goals were to encourage more cities to form partnerships, to heal divisions within the country, and to strengthen ties to create more unity across the country.

Vicki Veenker, Founder of Sibling Cities USA, a national nonprofit, spoke about the purposes of the organization including bridging divides, and moving past the extreme polarization towards a more united America. She explained the framework for the partnerships; community, commerce, civil discourse and referenced the national advisory board of the organization. She noted that the proposed Bloomington and Palo Alto sibling cities was the first city pair, but would not be the last.

Karen Fernandez, Bloomington's Local Coordinator for Sibling Cities, discussed community involvement and actions in anticipation of the sibling city partnership. She talked about Bloomington community members' connections to Palo Alto. She stated that Indiana University's (IU) Assistant Vice President for Strategic Partnerships, Office of the Vice President for Government Relations and Engagement, Kirk White, expressed support for the proposed sibling city partnership. Fernandez explained some of the processes for connecting community members in both cities, and the effort to streamline the intake process.

Volan asked how many other cities were in the queue for partnerships.

Council questions:

Veenker responded that there were a number of individual cities that contacted her and expressed interest in the Sibling Cities USA programs.

Volan asked if it was a self-selecting process or if Sibling Cities USA paired cities together.

Veenker explained that it was self-selecting, and that there were three criteria that were used; that the cities be regionally distant, that the cities be approximately the same size, and that the cities be interested in participating.

Smith asked how citizen participation was occurring and about collecting interest and feedback.

Hamilton responded that there had been a press release to let the community know about the program. He said that they had reached out to school corporations, universities, and more.

Fernandez said that there was a website about the Bloomington-Palo Alto partnership, and they were on LinkedIn, and that community members were already reaching out to the contact information provided on the press release. She explained that the resolution needed to be passed in order to increase community outreach efforts.

DuBois explained that several groups in Palo Alto, like the Rotary Club and Kiwanis that were excited about connecting with Bloomington groups, as well as some local school teachers, and other organizations in the music, art, and gardening communities, too. He hoped there'd be a kickoff event if the resolution passed.

Smith thanked everyone for their response.

Jennifer Pearl, President of the Bloomington Economic Development Corporation (BEDC), spoke in favor of Resolution 21-36. She thanked the individuals involved in the proposal.

Greg Alexander spoke against Resolution 21-36 and provided reasons such as the cost of living, affordable housing, and that the people who work there cannot afford to live there.

Piedmont-Smith said that she believed that the partnership could result in positive outcomes for both communities, and that she looked forward to discussing common problems and solutions. She said it was an opportunity to learn from one another, and that the cultural and social exchanges could be beneficial, including the senior communities, the Rotary Club, and more.

Volan agreed with Piedmont-Smith and said that he generally preferred to consider cities that were like Bloomington, whereas Palo Alto was part of a larger metropolitan area. He also said that Greg Alexander made good points, and that housing was very expensive in Bloomington, too. Volan thought this was a good opportunity to learn from a city that was comparable to Bloomington.

Sims commented that he was excited about Resolution 21-36 and planned to support it. He said that the goal was not to emulate Palo Alto. Sims stated that he was part of the Rotary Club in Bloomington, which had already made contact with Palo Alto's Rotary Club. He explained that he was looking forward to seeing what that group did to support their community. He provided examples of what the Rotary Club did in Bloomington such as support the Teacher's Warehouse.

The motion to adopt Resolution 21-36 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Sgambelluri moved and it was seconded that Ordinance 21-45 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis giving the Committee of the Whole do-pass recommendation of Ayes: 7, Nays: 0, Abstain: 2.

Sgambelluri moved and it was seconded to adopt Ordinance 21-45.

Resolution 21-36 (cont'd)

Council questions:

Public comment:

Council comment:

Vote to adopt Resolution 21-36
[7:41pm]

Ordinance 21-45 - To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: Amending Chapter 7.01 (Definitions); Chapter 7.16 (Commercial Animal Establishment Permits); Chapter 7.54 (Fees); and Chapter 7.56 (Enforcement Procedure)
[7:42pm]

Ordinance 21-45 (cont'd)

Piedmont-Smith presented Ordinance 21-45. She explained the revisions to Title 7 which addressed the inhumane conditions in which puppies and kittens were raised and sourced to then be sold in pet shops. She explained that this was often not clear to customers, and sometimes to the pet shops either. Piedmont-Smith further explained the need for successful business models for pet shops that did not sell cats and dogs. She stated that the effective date would be January 1, 2023.

Samantha Morton, Director of the Indiana Humane Society of the United States, thanked the sponsors. She explained that there were over four hundred localities that had passed similar ordinances, and five states that had passed state laws prohibiting the sale of cats and dogs in pet stores, including Washington and Illinois. She further explained that as a result of the state law in neighboring Illinois, there had been puppy-selling stores opening up in the northwestern region of Indiana. She spoke about the difference between a puppy mill and kitten mill, which were generally large commercial operations where the mental and physical well-being of the animal was valued less than the profit of the animals being sold.

Rollo said the legislation was important for Bloomington and he hoped the restrictions would happen statewide.

Sandberg stated that Ordinance 21-45 was brought to council by constituents out of their concern for the welfare of animals. She said that responsible breeders typically did not want to sell animals to a pet store. Sandberg commented that the legislation did not prevent a community member from working with a breeder to purchase a specific breed. Sandberg stated that giving current pet shops that sell animals one year to change their business model was sufficient.

Sgambelluri asked for clarification on the one-year period to adopt a new business model.

Council questions:

Morton responded that there were a variety of implementation periods, and were typically between six months to one year. She said that those businesses that offered other services, like training and grooming, had an easier time updating their model. Morton said that one year was sufficient.

Sgambelluri asked for more information on the enforcement of the legislation, which was complaint based.

Sandberg explained that the complaint would be under the purview of the Animal Care and Control (ACC) Department, who would conduct an investigation. She explained that there would be a fine if it was found that a pet store was selling animals.

Sgambelluri asked if the process was that a member of the public would make a complaint that would trigger an investigation, and not that there would be a new division within ACC for the purpose of enforcement.

Sandberg stated that was correct and that the process and legislation had been vetted with the ACC professionals.

Stephanie Oy had participated in multiple rescue efforts and spoke in favor of Ordinance 21-45.

Public comment:

Thomas Thompson, employee of Delilah's Pet Shop, said that a solution to puppy mills would be to enforce current laws, and to conduct unannounced inspections. He said that would allow reputable pet shops to continue their current model, and explained some details about Delilah's Pet Shop.

Malcolm Abrams said that pet shops and customers may not know what they were purchasing. He commented on an experience purchasing a pet from a local pet store which had numerous problems including its size and behaviors.

Ordinance 21-45 (cont'd)

Public comment:

Caitlin Snodgrass spoke about rescued animals and in support of Ordinance 21-45 since there were many places to adopt animals.

Donna Dayton spoke in favor of Ordinance 21-45 for all the reasons previously stated, but also that it provided protection to the consumer including college students who might later surrender the animal to the animal shelter.

Allison Jacobs, an animal rescuer, co-founder, and board secretary for Mannered Mutts Rescue, and one owner of Scout's Honor, an animal resort in Bloomington, spoke about rescues she had participated in including pets that were purchased from Anthony's Pets and Delilah's Pet Shop. She explained that the individuals that purchased those pets would not have passed Mannered Mutts Rescue adoption criteria or an ethical breeder's criteria. Jacobs expressed concerns about Delilah's.

Robert Starkey spoke, noting that he was a councilmember in Dyer, IN in Lake County, which was the first municipality to pass a ban on the sale of pets. He said that their legislation included rabbits. He explained the process including the back and forth with community members and businesses.

Misty Shaw supported Ordinance 21-45 and was speaking in favor as a community member. She said that it was not prohibiting the purchase of a specific breed from a reputable breeder.

Ann Sterling also spoke in support of Ordinance 21-45 and thanked the sponsors for bringing the legislation forward.

Allison Zook, owner of the Ranch Cat Rescue, thanked everyone in support of Ordinance 21-45. She stated that there was no shortage of cats, in shelters and rescue groups, and the goal was to keep those numbers low through adoption and education.

Julie Gray had volunteered for many years at the animal shelter. She said that there was widespread support for Ordinance 21-45. She also said that she wanted to see local businesses succeed and that they could have a booming business without selling animals.

Rachel DiGregorio thanked the sponsors of Ordinance 21-45 and voiced her support of the legislation.

Sarah Howell, Manager of T&T Pet Food, stated her support of Ordinance 21-45 and said that T&T Pet Food was proof that a business could succeed without the need to sell animals. She said that the business thrived with the sale of pet food, supplies, and wild bird products. Howell stated that there were over four hundred types of pet food and that T&T Pet Food couldn't carry them all, so there was a market for additional types of pet food in other stores.

Cathy Eagan, Founder and Director of the K9 Express Transport Project, a nonprofit that transported southcentral Indiana shelter dogs and cats to New England, Ohio, northwest Illinois, and northern Indiana because of the decreased animal population due to the public's embrace of spaying and neutering which reduced

euthanasia. She described a recent transport and also spoke about the law to spay and neuter prior to adoption.

Ordinance 21-45 (cont'd)

Sandberg appreciated the public comment that evening and the correspondence that council had received. She also thanked Heather Lacy, Deputy Council Attorney/Administrator for her work on the legislation, as well as the experts that had been consulted.

Council comment:

Sgambelluri discussed her thought process regarding Ordinance 21-45 including her research with local pet shops and constituents. She said that council had a role in ensuring that commerce was conducted in way that was consistent with community values. She also thanked Sarah Howell for her comments about T&T Pet Food's business model. Sgambelluri said that while it might not be possible to completely shut down puppy mills, it was possible to reduce demand. She supported Ordinance 21-45 and thanked the sponsors for bringing the legislation forward.

Volan appreciated hearing about Dyer, Indiana and said that any doubt he had had about Ordinance 21-45 was erased after hearing from Allison Jacobs. He stated his support for the legislation.

Piedmont-Smith thanked Julie Gray, Samantha Howell, Heather Lacy, and her cosponsors. She said that she had reached out to Elizabeth Oreck with Best Friends Animal Society regarding whether legislation like Ordinance 21-45 reduced puppy and kitten mills. Oreck's response was that while it was hard to measure, because there were other factors to consider besides the legislation, it did shrink the market for the animals to be sold, which then reduced the need for the mills. Piedmont-Smith said that Oreck said that since the ordinances were passed, the number of United States Department of Agriculture (USDA) licensed puppy mills had decreased by several thousands. She stated that she hoped the legislation passed and that it was what was best for the community.

The motion to adopt Ordinance 21-45 received a roll call vote of Ayes: 8 (Flaherty, absent), Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-45 [8:48pm]

Heather Lacy read a comment from Sam Dove regarding raising chickens.

ADDITIONAL PUBLIC COMMENT [8:49pm]

Sims commented that there were no items to be considered at the December 8, 2021 Committee of the Whole meeting.

COUNCIL SCHEDULE [8:50pm]

Sgambelluri moved and it was seconded to cancel the Committee of the Whole meeting on Wednesday, December 8, 2021 at 6:30pm. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to cancel Committee of the Whole meeting [8:50pm]

Sims commented that there were no items ready for consideration at the Council Work Session on Monday, December 13, 2021 at 12:00pm.

Sgambelluri moved and it was seconded to cancel the Council Work Session on Monday, December 13, 2021 at 12:00pm. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to cancel Council Work Session [8:52pm]

Lacy commented that the draft annual legislative schedule for 2022 required a majority vote of council, though a councilmember could move to amend the schedule.

Sims said that council could amend the schedule now and later.

Lacy confirmed that was correct.

COUNCIL SCHEDULE (cont'd)

Sandberg moved and it was seconded to adopt the draft legislative schedule for 2022. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt draft legislative schedule for 2022 [8:56pm]

Piedmont-Smith moved and it was seconded to amend the Common Council legislative schedule for 2022 by adding a discussion of the 2023 budget at 6:00pm on Tuesday, June 14, 2022. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to amend the legislative schedule for 2022 [8:58pm]

Sims commented on a meeting that was to be scheduled for the Climate Action & Resilience (CAR) Committee.

Lacy responded that the meeting was to be held on December 13, 2021 at 12:00pm, via Zoom, and would be noticed properly.

Lacy stated that the Governor Eric Holcomb had extended the Public Health Emergency so all remaining meetings would take place via Zoom.

Sims adjourned the meeting.

ADJOURNMENT [9:00pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 21 day of September, 2022.

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington