

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 12, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 12, 2024

Councilmembers present: Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Andy Ruff (arrived at 6:33pm), Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: none
Councilmembers absent: Isak Nti Asare

ROLL CALL [6:31pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:32pm]

Stosberg noted that the revised agenda included Ordinance 2024-13 that had been signed by the mayor that day. Legislation for first reading would precede legislation for second reading, and new guidelines for public comments were three minutes per speaker.

Stosberg moved and Ruff seconded to suspend the rules to consider the minutes for approval. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:35pm]

Flaherty moved and Zulich seconded to approve the minutes of December 13, 2023. The motion was approved by voice vote.

December 13, 2023 (Regular Session)

Daily warned of potentially unkind and insensitive language relating to legislation on gender-affirming care. She noted that council could not violate First Amendment right to free speech. She would be turning her back on speakers that used mean-spirited language.

REPORTS

- COUNCIL MEMBERS [6:37pm]

Rosenbarger was the council representative to the Bloomington Urban Enterprise Association (BUEA), who had awarded a grant to Amethyst House to repair seventeen windows that did not open. That repair went before the Historic Preservation Commission (HPC) who denied the request in 2023. She said it was important to review HPC's processes especially when there were safety concerns.

Stosberg mentioned her upcoming constituent meeting. She spoke about the Plan Commission's recent meeting where two petitions were reviewed. There were concerns with the Unified Development Ordinance (UDO). One petition was for an automobile-centric storage building, by right, next to a greenway. The other was a subdivision for seventeen single family homes on five acres. Early plans had paired homes, which were denser and more affordable. Due to lot size minimums, the developer opted against paired homes. It was important to have the UDO match city goals like housing affordability.

Flaherty agreed that the UDO needed to be updated on an ongoing basis. He noted that staff had gotten into that routine and brought items to council regularly. He mentioned council's efforts to update the UDO like the Hopewell district overlay. He recommended that council draft a resolution to include updates for the UDO to address things like parking minimums.

Zulich and Piedmont-Smith had attended the Capital Improvement Board (CIB) meeting. The CIB planned to expand the Convention Center to the east of the current location. It would be near the 4th Street parking garage and the public transit station. The locally-owned Weddle Brothers construction company would oversee the

expansion. Next steps included a hotel request for proposal, schematic design, and final the contract with Weddle Brothers.

Rollo mentioned his upcoming constituent meeting.

Piedmont-Smith reported on her recent constituent meeting. Some concerns involved scooters blocking sidewalks, a large increase in property tax assessments, displaced and unhoused individuals, and Accessory Dwelling Units (ADUs) and lot size restrictions.

Jane Kupersmith, Director of Economic and Sustainable Development, presented the 2023 Tax Abatement and Economic Development Commission Report. Staff recommended a finding of compliance for all projects receiving a tax abatement. She summarized the tax abatement compliance process including the evaluative criteria and application. The creation of capital investment, as an enhancement to the tax base, and an increase in full-time, permanent, living wage jobs, increased exiting wages, or created affordable housing units were standard. She described the state’s and city’s compliance forms, and the economic impact of tax abatements. There were two thousand, four hundred and six new and retained jobs with an average salary of \$81,182. Kupersmith gave details on Southern Knoll, Union at Crescent, Urban Station, and Woolery Mill Ventures affordable housing units. She described commercial tax abatements including Catalent Indiana, formerly Cook Pharmica. The Retreat at Switchyard was not yet active.

Piedmont-Smith extended the time period for reports from city offices by ten minutes without objection.

Ruff asked if the vacancies were self-reported.

Kupersmith said yes; they were part of a program that Housing and Neighborhood Development (HAND) used for tracking other incentives.

Stosberg asked for clarification on the reporting on affordable units.

Kupersmith said the report included resident income numbers and would be easier to track the following year.

Piedmont-Smith asked if the city’s tax abatement program was considered successful and attracted investment that would not otherwise go to Bloomington.

Kupersmith responded yes and was largely due to the average salary for new and retained jobs. A goal was to have the city’s incentives collaborate more deliberately.

Stosberg moved and Ruff seconded that the Council approve the annual tax abatement report and recommendations. The motion was approved by voice vote.

Piedmont-Smith noted that the Special Committee on Council Processes (SCCP) was looking to revise the council schedule.

Darel Ruble commented on construction on South College Avenue, and praised the City of Bloomington Utilities who repaired storm water drains on South Patterson Drive.

There were no appointments to boards or commissions.

REPORTS

- COUNCIL MEMBERS (cont’d)

- The MAYOR AND CITY OFFICES [6:49pm]

Council discussion:

Vote to approve tax abatement report [7:16pm]

- COUNCIL COMMITTEES [7:16pm]
- PUBLIC [7:17pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:21pm]

LEGISLATION FOR FIRST
READING [7:22pm]

Stosberg moved and Ruff seconded that Ordinance 2024-15 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 2024-15 – Amending Ordinance 23-25, Which Fixed the Salaries of Appointed Officers, NonUnion, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2024 – Re: To Add a Position Requested by City Council to the Clerk’s Office and to Replace the Existing 12-Grade Pay Grade Structure for Non-Union Employees with an Expanded 14-Grade Pay Grade Structure. [7:22pm]

Piedmont-Smith noted that Ordinance 2024-15 would be heard for second reading the following Tuesday.

Stosberg moved and Ruff seconded that Ordinance 2024-16 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 2024-16 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: Amending BMC 2.04.120 (Limits On Debate) [7:23pm]

Piedmont-Smith noted that Ordinance 2024-16 would be heard for second reading the following Tuesday.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:24pm]

Stosberg moved and Ruff seconded that Ordinance 2024-14 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 2024-14 – To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” – Re: Amending Chapter 7.16 (Commercial Animal Establishment Permits); Chapter 7.54 (Fees); and Chapter 7.56 (Enforcement Procedure) [7:24pm]

Stosberg moved and Ruff seconded to adopt Ordinance 2024-14.

Piedmont-Smith passed the gavel to Ruff and presented the legislation. She noted concerns from animal rights activists and gave a background on the legislation. She highlighted Ordinance 21-45 which banned the sale of cats and dogs at pet shops. The state’s House Enrolled Act (HEA) 1412 impacted local code. Changes would include information on the breeder, consumer protection requirements, and deleting the ban on the sale of dogs (per state code) but maintaining the ban on the sale of cats. Pet shops could still show dogs and cats as long as they did not benefit from adoptions. There would be a new commercial animal establishment permit for pet shops that sold dogs as well as revisions to the penalties section.

Virgil Sauder, Director of Animal Care and Control, thanked Piedmont-Smith, Rollo, and council staff for their work. Given the record number of dogs entering shelters nationwide, it was disappointing to allow the sale of dogs. Ensuring proper care while the animals were in pet shops was prudent.

There were no questions from council.

Council questions:

There was no public comment.

Public comment:

Piedmont-Smith thanked Virgil Sauder, the Animal Care and Control Commission, and Deputy Administrator/Attorney Ash Kulak for their work in drafting the legislation.

Ordinance 2024-14 (cont'd)

Council comments:

The motion to adopt Ordinance 2024-14 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 2024-14 [7:34pm]

Ruff passed the gavel back to Piedmont-Smith.

Stosberg moved and Ruff seconded that Resolution 2024-13 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Resolution 2024-13 – Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2024 and Related Matters [7:35pm]

Stosberg moved and Ruff seconded to adopt Resolution 2024-13.

Stosberg reviewed the Jack Hopkins Social Services Funding (JHSSF) committee members and meetings. For Fiscal Year 2024, there was \$350,000 allocated to JHSSF. There were thirty nine funding requests for over \$618,000. The committee's review process resulted in the recommendation of allocating \$359,996.38 to thirty organizations. The city administration said extra funding was available through an additional appropriation.

Piedmont-Smith asked about collaborative applications.

Council questions:

Stosberg stated there were three. Stonebelt and its partners were funded for a job fair. Beacon and Continental did not get funding because Continental was for-profit. The Bloomington Food Policy Council was also not awarded because it had a high cost with a low number of those impacted.

Carol Canfield spoke against All Options and Planned Parenthood because of abortion.

Public comment:

Scott Tibbs opposed funding for Planned Parenthood because of abortions and gender-affirming care.

Zulich clarified that JHSSF funded local branches of All Options and Planned Parenthood and did not fund abortions. She believed it was inappropriate to tell people what they could and could not do with their bodies.

Council comments:

Flaherty thanked the committee. He believed combining the JHSSF application with similar application processes would augment impacts and make it easier for applicants. He personally disagreed with some of the public comments that had been made.

Stosberg explained the requirement to submit receipts to HAND staff for reimbursement. Staff checked the items purchased by the organizations matched what was allowed per the application.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 2024-13 [7:52pm]

Stosberg moved and Ruff seconded that Resolution 2024-14 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Resolution 2024-14 – To Protect Individuals Seeking Gender Affirming Care [7:52pm]

Stosberg moved and Ruff seconded to adopt Resolution 2024-14.

Resolution 2024-14 (cont'd)

Daily presented the legislation and highlighted Indiana Senate Bill 480, passed by the Indiana General Assembly (IGA) and signed by Governor Eric Holcomb in April of 2023, which prohibited physicians from providing gender-affirming care for minors. It became law on July 01, 2023 but the American Civil Liberties Union (ACLU) sued and a temporary injunction was issued. The state appealed and the 7th Circuit Court of Appeals stayed the injunction. She described the impact on youth already receiving the healthcare. The City of Bloomington and Monroe County Human Rights Commission (HRC) passed a resolution on gender-affirming care and asked for council's support. She explained the coordinated efforts by anti-Lesbian, Gay, Bisexual, Transgender, and Queer, + (LGBTQ+) hate groups and legislators that had introduced bills targeting transgender youth. That went against the American medical establishment's recommendations for age appropriate, medically necessary care. There were harmful bills introduced by the IGA which required teachers to report students who wanted to use a different name than what was on record. There were harmful impacts of dead-naming students including depression and suicide. Access to gender-affirming care greatly reduced that harm. The proposed legislation upheld the city's commitment to nondiscrimination.

Ryne Shadday, Chair, HRC, noted the city's history in supporting the LGBTQ+ community. In 1975, council passed an ordinance guaranteeing civil rights to community members regardless of sexual orientation, marital status, or age. In 1978, the state removed HRC's ability to investigate sexual orientation discrimination but in 1993, legislation restored it but transgender identity protections were excluded. He spoke about council's history with rectifying that decision and said no one should be prohibited from receiving adequate healthcare. Gender-affirming care was supported by all major United States medical and mental health associations. He provided information on protecting the transgender community in Indiana and Bloomington.

Flaherty appreciated Shadday's presentation and thanked Daily for her work on the legislation. He noted Bloomington Municipal Code 2.23.110 which established a city policy to not discriminate in the implementation of programs and services based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran. In 2020, council passed a resolution denouncing and condemning white nationalism and white supremacy. He cited the value of intersectional justice in the city. He noted that Senate Bill 480 had pending legal challenges. The Community Advisory on Public Safety (CAPS) and other advisory commissions passed a resolution in November 2023 calling for the city to declare itself a Safe Haven for transgender youth and adopt a corresponding policy. Council received correspondence from the Community and Family Resources department and Michael Shermis, liaison to the HRC, explicitly asking council to pass a resolution. He spoke about the collaborative process in drafting the legislation and wanting to do more. Council had received a letter in support from Mayor Kerry Thomson. Flaherty noted that the legislation was a step forward with more work needing to be done.

There were no council questions.

Council questions:

London Montgomery's pronouns were she/her. She spoke in favor of the legislation and appreciated council's joyful choice to

Public comment:

celebrate justice, change, and hope. She spoke about age-appropriate, gender-affirming care studies as well as alarming statistics for transgender youth.

Resolution 2024-14 (cont'd)

Public comment:

Rick Nagy thanked council for considering the resolution. He discussed misconceptions, harmful attacks, and scapegoating of the transgender community. Those who opposed gender-affirming care did not do so in order to protect children.

Deb Pardue said gender identity was self-determined and no surgeries were occurring on anyone under the age of eighteen in Indiana. She noted that parents of minors were able to make medical decisions for their children so why exclude gender-affirming healthcare.

Beth Clawson shared the harmful effects Senate Bill 480 has had on her family. She stated that it had been a constant fight for her and her children. She supported the legislation as necessary to make her children feel safe and get gender-affirming healthcare.

Kristina Giles said hormone therapy was not just for individuals who may have body dysmorphia. There should be more studies on the biological component. It was inappropriate to deny gender-affirming care.

Lilith Roberts was a transwoman and high school student, who was on Hormone Replacement Therapy, and was a leader of an LGBTQ+ club at Bloomington High School South. She spoke about her experience with Senate Bill 480 and its harmful impact. It was wrong to deprive people of their identity. She was speaking at the meeting to represent her peers too fearful to speak.

Stefanie Sharp was a transwoman who testified against Senate Bill 480 at the statehouse. Resolution 2024-14 was a step in protecting the transgender community against the movement to eradicate that community.

Lilliana Young was a transwoman and was part of group of transwomen in the community. The state's legislative body had given themselves the freedom to dictate how a small group of people were able to live their life, including their healthcare. Resolution 2024-14 was a way to fight against that overreach.

Jennifer Crossley was a mother to a proud, queer teenager with many transgender friends who did not speak that evening due to fear and retaliation. She stated it would be great to pass the resolution at the time, during Pride month. She urged council to pass Resolution 2024-14.

Samuel Ujdak, Deputy Chair, Monroe County Democratic Party, urged council to pass the legislation. The decision of gender-affirming healthcare for trans youth belonged to healthcare professionals, parents, and their children. Laws preventing this care went against nondiscrimination obligations as established by the 14th Amendment, the Affordable Care Act, Title IX, educational amendments of 1972, Omnibus Crime Control and Safe Streets Act of 1968, the Rehabilitation Act of 1973, and the American with Disabilities Act (ADA). He spoke about the risks of denying gender-affirming care.

Aimes Dobbins, Support Local Queers organization, advocated for LGBTQ+ youth. They spoke about their experience with having been denied gender-affirming care as a youth and the leading to post-traumatic stress disorder. Showing support for transgender youth through legislation made a huge difference for them. They urged council to pass the legislation.

Resolution 2024-14 (cont'd)

Public comment:

Nordia McNish was a clinician who worked with teens and children including some who struggled with their identity. She said youth felt it was difficult to find safe spaces. Some parents were withdrawing their children from school to home school them because that was their only safe space. Sometimes even home life was not even safe. Passing legislation in support of transgender youth helped in protecting that community.

Nicole Bolden read a comment from State Senator Shelli Yoder. Gender-affirming healthcare was lifesaving. She urged council to stand with transgender residents as valued and welcomed members of the community who deserved access to all healthcare. Medical associations like the American Medical Association and American Academy of Pediatrics recognized the positive mental health outcomes for youth who received supportive care. There were best practices for providing services. Bolden personally urged council to support the legislation.

Carol Canfield was accountable to God. She said parental authority was being taken away and children were being targeted, like with abortion. She said it was wrong to deny science; that a man has XY chromosomes and a woman has XX. She said people fooled themselves into thinking they were a different sex by taking hormones and more. She urged people be told the truth, that they were made by God to be either man or woman. She claimed that suicide rates were higher after individuals went through gender-affirming care.

Jeanne Smith was transgender and had been in the closet for fifty five years. She spoke about the harm of vilifying the transgender community and her experience with that over the years. She urged council to support the legislation.

Melanie Davis thanked those supporting the legislation and spoke about the suppression of their identity, by their parents, out of love and ignorance on the issue. There had been positive change for transgender youth, followed by backlash. Misinformation stoked fear and perpetuated harm against children. Watching transgender and intersex youth suffer, and negating their care, was unbearable. There was a well-developed and backed media campaign spreading false information designed to confuse people who were unfamiliar with the transgender community.

Timothy Gay spoke about his partner, who was a transgender woman, and his brother who was a transgender man, and the harmful religious persecution and abuse they all suffered. Others received appropriate medical care for things like cancer and dementia. He did not want to have to continuously defend his family against those attempting to control and destroy who they were. He urged council pass the legislation.

Daisy Dinn shared their experience with gender-affirming care and surgery. They felt supported in Bloomington. Protecting transgender youth was crucial and denying their healthcare was

harmful. They urged the public to pay attention to the information from studies and those with experience.

Resolution 2024-14 (cont'd)

Daily thanked everyone who spoke in favor of Resolution 2024-14 and for sharing their stories. She wanted them to feel seen and heard, and she did. She thanked everyone for their work on the legislation.

Council comments:

Zulich stated that she turned eighteen within the last four years and it was not a magical age where one finally knew who one was. It was harmful for others to tell people who they were or were not. She supported the legislation.

Stosberg thanked the public who spoke and shared their vulnerability. She would always stand for individuals to choose their own medical care. She stated that support went beyond gender-affirming care or surgeries and included how someone chose to present themselves. She discussed being a parent and supporting one's children. She supported the legislation.

Rosenbarger thanked everyone for their comments. She regretted that some people believed that Resolution 2024-14 might not pass. A local study showed that some people did not feel welcome in the city/county, whether they lived here by choice or because of their parents or caretakers. It was important for council to show support to everyone in big and little ways. She agreed with Ms. London that passing the legislation could be a celebration.

Rollo thanked Shadday for reminding everyone that council added transgender people as a protected class within the human rights ordinance in 2006. He read a prepared statement written by him and Ruff. While they supported the LGBTQ+ community and equal rights for everyone, they believed it was best to slow the process in order to study concerns. He referenced concerns and debates, mostly in Europe, about safety with chemical and surgical treatment for minors. He and Ruff had urged the sponsors of Resolution 2024-14 to delay its consideration. The packet addendum included materials of what was occurring in Europe. He spoke about other concerns.

Flaherty asked council to support the legislation and thanked the HRC and the mayor for their leadership and support. He said Resolution 2024-14 was about nondiscrimination and supported the LGBTQ+ residents and youth, who were under attack from many fronts including the state. The resolution added depth to existing city policies and supported the transgender community and gender-affirming and life-saving care. It supported agency, bodily autonomy, and the ability for transgender residents and their families to make medical decisions as they saw fit with their healthcare providers. Regardless of the concerns in the medical field, the resolution was about the autonomy to make private healthcare decisions. He clarified that the HRC had first reached out thirteen months prior, so the legislation had not been fast-tracked. He expressed disdain for some councilmembers having used the packet to include materials in opposition of the legislation. It was a significant departure from council norms. He had carefully reviewed the opposition materials and understood that they originated from hate groups. He thanked the public speakers and stated he would be joyfully voting yes.

Ruff spoke about a resolution he had brought before council about a water diversion project in northern Indiana, and how he had willfully delayed its consideration due to concerns from his colleagues. He noted that the Legal department had only reviewed Resolution 2024-14 the previous Wednesday which did not allow for much time for him to meet with certain community members, including one family with a transgender child. He expressed contempt for not delaying the legislation with the attempt to build consensus. He questioned that there was not gender-affirming surgery occurring on minors.

Resolution 2024-14 (cont'd)

Council comments:

Piedmont-Smith thanked the public speakers for sharing their experience. They had more courage than the IGA which was guided by fear. She spoke about a close friend who was a transgender man, and while he was young, he knew who he was. Parents frequently made medical decisions for their children including procedures that had negative and positive impacts. They had to discuss the options with their children and medical providers. She did not believe the resolution had been fast tracked and provided reasons.

Ruff had asked the sponsors directly to delay consideration of Resolution 2024-14. He did not believe it was ideal to make a motion to postpone at the meeting that evening.

Stosberg said parents were under attack and expressed sharp disdain against the belief that parents could not make adequate medical decisions because they did not have the children's best interest in mind. The legislation was for all transgender people and not just minors. It was offensive to assume that because a child was receiving gender-affirming care, that the parents were not making good decisions for the children.

Rollo said the organization he had referenced deprived parents of important information regarding gender-affirming care.

The motion to adopt Resolution 2024-14 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 2024-14 [9:34pm]

Stephen Lucas, Council Attorney/Administrator, read a statement submitted via Zoom chat by Sam Dove about the upcoming Juneteenth celebration at Switchyard Park pavilion.

ADDITIONAL PUBLIC COMMENT [9:35pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [9:37pm]

Piedmont-Smith stated there would be Consensus Building Activities to replace some Regular Sessions which would be structured differently.

Piedmont-Smith moved and Ruff seconded that the Council dispense with the August 14, September 11, and November 13 Regular Sessions and replace each cancelled Regular Session with a Consensus-Building Activities Meeting on the same date and time. The motion was approved by voice vote.

Vote to amend council schedule [9:38]

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [9:39pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2024.

APPROVE:

ATTEST:

Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL