



A-1

05-16-2023

Board of Park Commissioners  
Regular Meeting  
Minutes

Regular Meeting: Tuesday, March 28, 2023 4:00 – 5:30 p.m.

Council Chambers 401 North Morton

**CALL TO ORDER - ROLL CALL**

The meeting was called to order by Kathleen Mills at 4:00pm

Present: Kathleen Mills, Israel Herrera and James Whitlatch

Absent: Ellen Rodkey

**A. CONSENT CALENDAR**

- A-1. Approval of Minutes of March 28, 2023
- A-2. Approval of Claims Submitted March 28, 2023 – April 24, 2023
- A-3. Approval of Non-Reverting Budget Amendments
- A-4. Review of Business Report
- A-5. Review/Approval Credit Card Refunds
- A-6. Declaration of Surplus
- A-7. Approval of partnership with Monroe County Fairgrounds for Touch a Truck
- A-8. Approval of partnership with Code and Key for community special event
- A-9. Approval of partnership with Special Olympics
- A-10. Approval of partnership with Lake Monroe Sailing Association
- A-11. Approval of contract addendum with 4 U lawn & Landscape, LLC
- A-12. Approval of partnership for Bug Fest 2023
- A-13. Approval of contract with Bruce Wilds Security for deer hunt at Griffy Lake Nature Preserve
- A-14. Approval of contract with Spear Corporation for maintenance services at Bryan Park Pool and Ralph Mills Pool
- A-15. Approval of partnership agreement with Monroe County United Ministries for use of Mills Pool
- A-16. Approval of service contract with Commercial Services for Banneker Community Center and Allison Jukebox

*Jim Whitlatch* made a motion to approve Consent Calendar A-1 through A-16. *Israel Herrera* seconded the motion. Vote take: unanimously carried 3-0

**Board Comments:** *Kathleen Mills stated:* in interest of time, agenda items would not be presented in order.

**B. PUBLIC HEARINGS/APPEARANCES**

**B-1. Bravo Award**

*Emily Buuck, Community Relations Coordinator* presented Lizzie Johnson with the March Bravo Award for her assistance with finding high school group leaders for Leonard Springs Nature Days events. Over the past year, Lizzie had recruited over 60 or 70 of the best and most reliable students as volunteers. Lizzie ensured the students knew exactly when and where to arrive, as well as making sure the necessary training videos had been reviewed beforehand. Staff was appreciative of her help

The Board thanked Lizzie Johnson for her service.

**B-2. Parks Partner Award – none**

## **C. OTHER BUSINESS**

### **C-1.Review/Approval of Facility Suspension Appeal**

*Mark Sterner, General Manager Twin Lakes Recreation Center* Stewart Eaton had been suspended from Twin Lakes Recreation Center for three a three month period on March 9, 2023 for violation of City Policy 11080 Rules of conduct. Mr. Eaton received a lifetime suspension when he violated the original suspension, when he entered Twin Lakes Recreation Center on March 30, 2023. On April 12, 2023 the one year suspension was amended from a lifetime suspension to a one year suspension. Staff recommend upholding Stewart Eaton's one suspension from Twin Lakes Recreation Center.

**Board Comments:** *Kathleen Milles requested:* history on why Mr. Eaton had been suspended, and if a life time suspension was something Parks would do. *Mark Sterner responded:* lifetime suspension was an option in the City Policy, and tended to align with a major violation. There was a myriad of paperwork associated with Incident Reports (internal process) for documenting issues at facilities. All documents were submitted to Legal and were available to the Board. *Jim Whitlatch inquired:* on circumstances of the original band, and what had occurred the second time. *Mark Sterner responded:* the original band had been from a progressive amount of behavior that caused issues with patrons and primarily staff. There had been several conversations to alleviate the problem with no avail. TLRC continued to receive incident reports from staff and professional staff. It reached a point that action needed to be taken to curb the behavior in some capacity, staff felt a three months suspension would be a good message to accomplish that. Unfortunately, the violation of the three months suspension lead to a different mindset. *Jim Whitlatch inquired:* what happened the second time he came back. *Mark Sterner responded:* Mr. Eaton approached the front desk attendant, the conversation was inappropriate but calm. It incidents were typically calm in nature, it was the contents of the conversation that was the issue. Staff did communicate when they would turn their phones on to record conversations. *Jim Whitlatch inquired:* what type of behavior had occurred: threatening or inappropriate. *Mark Sterner responded:* boiling water in restrooms and fitness rooms, eating in fitness area, soliciting and attempting to sell handbags to staff and spectators, intrusive personal questions to staff and other members, taking pictures of staff, making inappropriate comments as a form of intimidation, such as you can predict when someone would pass away, and bringing in excessive amounts of bags and items that created a hazard to others in the facility and lobby area. Sleeping on stretching mat, using facility dumpsters for personal use, sprawling personal items in multiple spots in parking lot, use of foul language and aggressive speech toward staff.

*Stewart Eaton appealed the suspension.* Mr. Eaton's house had burnt down on September 10, 2020, and had been homeless since then. It had been a very stressful situation. He had been a home buyer since 1979 and had been a taxpayer since that time. Mr. Eaton responded to the accusations against him.

*Jim Whitlatch inquired:* why Mr. Eaton gone back to the facility after he was banned. *Mr. Eaton responded:* he had not received notification that he had been banned. *Jim Whitlatch inquired:* what did Mr. Eaton do when he was at Twin Lakes Recreation Center. *Mr. Eaton responded:* he exercised. *Jim Whitlatch inquired:* if Mr. Eaton had a membership. *Mr. Eaton responded,* yes through Silver Sneakers program. *Jim Whitlatch inquired:* how did Park staff know Mr. Eaton had been notified of the first suspension. *Mark Sterner responded:* it was difficult to communicate with Mr. Eaton, but he had previously responded to emails. The suspension notification had been sent to his email. *Kathleen Mills inquired:* had Mr. Eaton acknowledged that he had received the suspension notice. *Satoshi Kido, Sports Director responded:* several emails were sent, but not acknowledged. *Jim Whitlatch inquired:* what were the dates of the one year suspension. *Mark Sterner responded:* March 9, 2023 through March 9, 2024. *Jim Whitlatch inquired:* if the Board could make a different recommendation. *Paula McDevitt, Administrator responded:* yes. *Jim Whitlatch recommended:* that Mr. Eaton be suspended until December 31, 2023, for a shorter period of time. *Jim Whitlatch recommended to Mr. Eaton:* There were other places that Mr. Eaton could receive services that might be more appropriate to meet his needs.

*Jim Whitlatch* made a motion to suspend Stewart Eaton from Twin Lakes Recreation Center through December 31, 2023. *Israel Herrera* stated he would abstain from voting. *Kathleen stated:* there were not be enough members to vote on the item. Agenda item was tabled.

### **C-2. Review/Approval of Policy #13120 – Memorial Benches in Parks**

*Barb Dunbar, Operations Coordinator* in order to keep policies current, policies were periodically reviewed and updated to meet changes at facilities and to processes. Staff recommended approval of changes made to Policy 13120 (Memorial Benches in Parks). Changes under "Policy" #2 plaque personalization message/text was subject to review and final approval by the Board of Park Commissioners, and #7 in the event of vandalism, or other unanticipated events or acts, benches were warranted for five (5) years against damage. If damaged beyond use within the first five

years, the Department would replace the bench/plaque. Other changes were logistical updates regarding program procedures, plaque specifications and policies. Policy was last updated in 2007.

**Board Comments:** *Kathleen Milles inquired:* previously the Board did not have approval on the text on benches or plaques. *Barb Dunbar responded:* that was correct. *Jim Whitlatch inquired:* what would happen if there was an issue with the person or wording on a plaque already placed. *Barb Dunbar responded:* there was nothing in the policy relating to that issue. *Jim Whitlatch recommended:* at the next policy update to have the following added: any plaque could be removed at the discretion of the Board.

*Jim Whitlatch* made a motion to approve changes to Policy #13120 – Memorial Benches in Parks. *Israel Herrera* seconded the motions. Vote take: unanimously carried 3-0

### **C-3. Review/Approval of Policy#13020 – Commemorative Tree Program**

*Barb Dunbar, Operations Coordinator* in order to keep policies current, policies were periodically reviewed and updated to meet changes at facilities and to processes. Staff recommended approval of changes made to Policy 13020 (Commemorative Tree Program). Changes under “Policy” #2 plaque personalization message/text was subject to review and final approval by the Board of Park Commissioners, and #4 Bloomington Parks and Recreation provides lifetime maintenance of the tree, and would replace tree if they die or otherwise fail within 15 years after planting. Plaques were warranted for five years against theft or damages. Other changes were logistical updates regarding program procedures, plaque specifications and policies. Policy was last updated in 2009.

*Jim Whitlatch* made a motion to approve changes to Policy #13020 – Commemorative Tree Program. *Israel Herrera* seconded the motions. Vote take: unanimously carried 3-0

### **C-4. Review/Approval of Contract with Commercial Service for HVAC Replacement Project**

*Kevin Terrell, Program and Facility Coordinator, Banneker Community Center*, due to condition, age and reoccurring issues, staff wished to have HVAC systems replaced at Banneker Community Center. Vendor would replace four out of the seven HVAC units. Staff recommended approval of contract with Commercial Service, in an amount not to exceed \$58,200. Funding would be from G21005-54420 (Parks ARPA).

*Jim Whitlatch* made a motion to approve Contract with Commercial Services. *Israel Herrera* seconded the motions. Vote take: unanimously carried 3-0

### **C-5. Approval of Partnership Agreement with Trustees of Indiana University on Behalf of Research Team of Stephanie Freeman-Day, PHD student and Dr. Burnell Fisher for Tree Planting Survey**

*Haskell Smith, Urban Forester* to evaluate impacts of city tree planting, maintenance and citizen understanding of urban forestry programs, staff wished to continue to conduct surveys of the Bicentennial Tree Planting project. The purpose of the agreement was to allow IU and the Research Team access to planting information and locations to produce and solicit survey responses of impacted individuals. In turn, IU and the Research Team would provide data and results resulting from the survey process. Staff recommended approval of the partnership with Indiana University on behalf of the Research Team of Stephanie Freeman-Day, PHD student and Dr. Burnell Fisher. Amount was not to exceed \$9,800 and funding source would be 980-18-18018C-54510

**Board Comments:** *Kathleen Mills inquired:* if there was specific information staff would like to find out. *Haskell Smith responded:* one of the surprises from the previous survey, was Urban Forestry was relatively an unknown program in the city. Staff wanted to see if that was a continued trend, and if so adapt the program to better meet the needs. *Jim Whitlatch inquired:* if the survey was related to the next agenda item 2023 Bicentennial Downtown Tree Planting. *Haskell Smith responded:* it was not.

*Jim Whitlatch* made a motion to approve partnership with Trustees of Indiana University. *Israel Herrera* seconded the motions. Vote take: unanimously carried 3-0

### **C-6. Review/Approval of Contract with Davey Resource Group for 2023 Bicentennial Downtown Tree Planting Project.**

*Haskell Smith, Urban Forester*, staff wished to have 90 trees planted in the downtown area. Contractor would plant the trees in locations identified by the City of Bloomington’s Urban Forester. Contractor would visit all planted trees approximately nine months post-planting date. Contractor would provide a report to the Urban Forester of any non-surviving trees. Contractor would provide a warranty for up to one year, which included replanting of trees that did not

survive initial planting. Staff recommended approval of contract with Davey Resource Group in an amount not to exceed \$146,836.00. Funding source would be 980-18-18018C-54510.

*Jim Whitlatch* made a motion to approve contract with Davey Resource Group. *Israel Herrera* seconded the motions. Vote take: unanimously carried 3-0

#### **C-7. Review/Approval of Contract with Spectrum Trail Design for 4 Mile Trail on the Southern Section of Griffy Lake Nature Preserve**

*Steve Cotter, Natural Resource Manager* staff wished to have the south portion of the Griffy Loop Trail between the west end of the pilot trail section and the Griffy dam completed. Contractor would complete project using a combination of construction techniques which included hand jackhammer, excavation, and crib wall construction. The project is depending the approval of DNR, as the south west portion is in a State dedicated nature preserve. Staff recommended approval of contract with Spectrum Trail Design in an amount not to exceed an amount of \$210,625.00. Funding source would be from 980-18-1801B-54510.

**Board Comments:** *Kathleen Mills inquired:* if approval from DNR would be a lengthy process. *Steve Cotter responded:* hopefully it would not take too long. DNR was aware of the project and had already walk the section that had already been built.

*Jim Whitlatch* made a motion to approve contract with Spectrum Trail Design. *Israel Herrera* seconded the motions. Vote take: unanimously carried 3-0

#### **C-8. Review/Approval of Partnership Addendum with Bloomington Football Club**

*Paula McDevitt, Administrator*

In March of 2023 the City of Bloomington Department of Parks and Recreation and Bloomington Football Club entered into a partnership agreement. After some discussions, both parties mutually agreed to amend the original agreement. Additions included: Olcott Park – BFC would have access to store equipment (cones/soccer balls in the Olcott Concession Building; BFC could store soccer goals behind football score tower (parks would not be responsible for lost, stolen or damaged goals/equipment)). Parking would be limited to Olcott parking lot (not on the grass) or Jackson Creek Middle School parking lot.

Bloomington Parks and Recreation had overseen and managed many partnerships for over 20 years. In the process of partnership negotiating, staff and the partner would often times go back and forth outlining what resources were being brought to the table. That communication could happen in person or via email with attachments. In the case with BFC, when the process was in progress a final negotiated partnership agreement was sent to the Jeremy Sweet, President BFC. BPRD received approval by email, the final copy had been approved by Jeremy Sweet. Unfortunately, there had been copies going back and forth and a former draft of the partnership agreement had been put in the Park Board packet in March. That was what had been reviewed and approved, and consequently what had been signed off on by Parks and by BFC. It was brought to Parks attention that what was in the Addendum had not been in either draft. That was the reason the Addendum was being presented. We will stand by the signed partnership agreement, put recommend approval of the addendum.

**Board Comments:** *Kathleen Mills inquired:* what had been added in the Addendum, had been agreed to by both BPRD and BFC. *Paula McDevitt responded:* correct. The Addendum had been sent to Mr. Sweet, he had shared and reviewed it with a newly formed parent committee. PPRD received email confirmation that the Addendum had been approved by BFC. *Jim Whitlatch requested:* clarification, the second agreement in the packet had not been what the Park Board had agreed upon, and was more favorable to BFC. *Paula responded,* correct. BPRD acknowledged the error, and would honor the conversations with BFC. Staff had wanted to move on with the season. *Kathleen Mills inquired:* the section regarding mowing would be provided when reasonably requested. Had the term reasonably requested worked been in other partnerships. *Mark Sterner responded:* yes. Weather could be an obstacle, but otherwise there had not been issues with the way it was worded. *Israel Herrera commented:* both parties knew what to expect from the Addendum. *Paula McDevitt responded:* correct.

*Jim Whitlatch* made a motion to approve Addendum with Bloomington Football Club. *Israel Herrera* seconded the motions. Vote take: unanimously carried 3-0

#### **E. PUBLIC COMMENT**

The Board received public comments regarding the condition, use and availability of soccer fields and senior baseball fields in Bloomington.

**Park Board Comments:** *Kathleen Mills commented:* thanked everyone who provided public comments. BPRD regularly consider the usage of the fields and facilities. There was obviously a delicate balance to meet needs of all the different sports. These were public facilities, to be fair they needed to be open to everyone. The comments of the soccer people were appreciated. At the same time it was not fair for a user group who had an agreement to feel pressured in the middle of their season to give up a facility. The conversation needed to go back to a different place. The Parks Department held regular Work Sessions with the Park Board to discuss long term issues, sports fields would be discussed in greater detail going forward. *Israel Herrera commented:* all sports were very important, and the Board needed to have that conversation, as the community had a passion for both soccer and baseball. A conversation needed to take place regarding a facility to have these fields. The comments were heard and appreciated regarding safety of the children and the players, and that sports shouldn't be divided. There was a need to see what possibilities there were in the future. There had been a request for the Board to form a committee. The correct process would need to be followed, and go through the right channel. *Paula McDevitt responded:* there was a path, items would go through the staff then to the Board.

### **B-3. Staff Introduction**

Shelby Drake, RD had recently accepted the position of Health/Wellness Coordinator. Shelby graduated from IU Bloomington in 2016 with a Bachelor's degree in nutrition and dietetics. She completed her dietetic internship with Marywood University and passed the dietetic licensing exam in 2018. Shelby comes from IU Health, where she worked as a Registered Dietitian five years.

Chris Hamric recently accepted the position of Sports Specialist for Twin Lakes Sports Park and Frank Southern Center. Chris grew up in Bloomington and had coached hockey in the community for the last five years, and coached a travel team based out of Cincinnati. Chris was excited to be working in sports.

Ben Flake was not present. Ben had recently accepted the position of head Sports Laborer at Winslow Sport Complex.

## **D. REPORTS**

### **D-1. Operations Division – none**

### **D-2. Recreation Division**

Community Events 2023 Update – moved to May meeting

### **D-3. Sports Division – none**

### **D-4. Administration Division**

Julie Ramey handed out the final 2022 Annual Report to the Park Board.

Paula McDevitt, Administrator commented: the May meeting will be moved to May 16, 2023.

## **ADJOURNMENT**

Meeting adjourned at 5:23pm.

Respectfully Submitted,



Kim Clapp,  
Secretary Board of Park Commissioners