In the Council Chambers of the Showers City Hall on Wednesday, April 23, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 23, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler
Absent: None

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

REPORTS

- COUNCIL MEMBERS

Dave Rollo asked the council to accept his Disclosure of a Possible Conflict of Interest due to his partnership in Stranger's Hill Organics, a vendor at the Farmers' Market.
It was moved and seconded that Rollo's Disclosure of a Possible Conflict of Interest be accepted.
The motion was approved by a voice vote.

Dorothy Granger said she was happy that spring had arrived.

- The MAYOR AND CITY OFFICES

It was moved and seconded to amend the regular time limits for the mayor's report to the council.
The motion was approved by a voice vote.

Mayor Mark Kruzan said that the alleged illegal action by city employees was ultimately his responsibility as was creating rigorous controls to prevent these actions. He said that 2011 and 2012 State Board of Accounts (SBOA) audits had found cash discrepancies that had been shown to be a computer error instead of misuse of funds. The SBOA had recognized that action had been taken to correct the errors they had found. He outlined a plan to implement sound fiscal controls:

- Structural reorganization that gave the Legal and Controller Departments citywide policy authority which afforded greater accountability
- Legislative oversight that would be integral to managing the budget and creating fiscal policy
- Creation of a new financial policies manual to detail the required steps in fiscal management

John Whikehart, Deputy Mayor, detailed the history of fiscal control in the city with purchasing agents and a de-centralized financial structure. He said the new financial policies manual would bring all financial expenditures under the authority and review of the city controller. He added that separation of duties was a fundamental internal control that had been made a central point of the manual. He reviewed the policies of revenue management, debt service, and procurement of services and contracts. He detailed the creation of a purchasing manager position, reorganization of city departments, and approval of electronic payments for services rendered through an ordinance that would come before the council. He said he hoped that the council would formally adopt the financial policy manual and review it every year during budget hearings.

Neher asked if the new policies would have prevented the alleged embezzlement of funds that had occurred earlier in the year. Kruzan explained that there were three investigations and reviews occurring simultaneously into the alleged theft. He said he believed these policies would have prevented or detected the malfeasance by having more individuals involved in the approval of expenditures, and it would have prevented upfront approval of appropriation of funds. He said the theft was an isolated incident that, unfortunately, called into question the work of every city employee.

Granger asked how long the financial policy manual had been worked on. Kruzan explained that the process had begun eleven years prior with approved vendors.

Report from the Mayor *(cont'd)*

Granger asked how many employees were engaged in creating the financial policies. Kruzan said that all department heads were involved in the process. He estimated that there were a dozen people at the minimum and upwards of a hundred at the maximum.

Granger asked if employees were given the opportunity to weigh in on the new controls and their viability in day to day work. Kruzan said that each department head worked with their staff in order to get feedback on the policies. He said that accountability trumped convenience in the new policies.

Spechler asked what the reorganization would cost the city. Whikehart said that the realignment of the controller's office would not create additional cost. Whikehart said that the new position that was created replaced an eliminated position and had a lower salary grade.

Spechler asked if Tax Increment Financing (TIF) funds would be affected by the new financial policies. Kruzan said that all funds would be affected by the new policies.

Volan asked how the administration would offset the challenge of relying on purchase orders. Sue West, Controller, said that purchase orders would be done electronically instead of using physical paper.

Volan sought to confirm that the new manual would integrate several policy documents. Whikehart said that it would; it was the creation of new policies and integration of previous policies.

Volan asked if more consolidation of policies would be worked on. Whikehart said that both an IT policy manual and personnel policy manual would be created.

Volan asked how the council should adopt the policies. Whikehart said that the policy was still in progress, but he felt that the council should have input on the writing process. He said that he hoped the council would remain involved in reviewing and amending the manual.

Volan asked if large appropriations should be broken down into smaller pieces in order to reduce the risk of money being misused. Whikehart said both physical and financial progress of projects would be reviewed quarterly, and he believed this would be sufficient in keeping track of expenditures.

Volan said that he felt that one bad apple had damaged the reputation of all city employees. He said the policies were to ensure that one person did not have to keep track of every dollar spent by the city.

Sandberg asked about the state of employee morale and how employees were handling the policy changes. Kruzan said that he could not speak to the morale of all 700 employees of the city, but said he, himself, would feel heartbroken and angry if a colleague had systematically stolen from the city. He said he hoped that staff felt that the administration was working to restore their reputation.

Neher asked if this policy would create mutual accountability with the administration and council. Kruzan said that the mayor could propose ideas but only the council could enact them into law. He said that the intent was to formalize and institutionalize these policies to prevent any future errors or malfeasance.

- COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

- PUBLIC

President Neher called for public comment.

Scott Wells spoke about Indianapolis Public Schools and lagging graduation rates. He said that charter schools were dangerous for public education because they siphoned state funding from public, accountable schools.

Karen Heminger spoke on behalf of two hundred volunteers who would support a low barrier shelter for homeless individuals in the summer months. She called out Spechler for saying that the homeless population

Public Comment *(cont'd)*

was "unattractive, dirty, problematic, and unwilling to seek help." She dared the council to care and recited a poem she wrote on the issue.

Aaron Rincon spoke against Rape Culture and protests from IU TradYouth. He asked for the council to issue a declaration against fascism and racism.

Glenn Carter spoke in favor of a low barrier homeless shelter during the summer months. He said that homeless individuals who suffered from addiction were unable to find housing at many shelters in the community. He spoke in favor of establishing a detox center and shared his personal experience with such a center.

Marc Haggerty spoke about the partisan history of Bloomington government and PCBs in the community. He said that necessary testing for PCBs was not done for a recent Habitat for Humanity development.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that the following appointments and reappointments be made:

- Sue Sgambelluri appointed to the Redevelopment Commission
- Ryan Strauser reappointed to the Board of Housing Quality Appeals
- Carrie Albright reappointed to the Environmental Commission
- Jacob Clough appointed to the Traffic Commission
- Scott Wickersham appointed to the Traffic Commission
- Giancarlo Huapaya appointed to the Commission on Hispanic and Latino Affairs
- Joseph Kieler appointed to the Commission on Sustainability

The appointments and reappointments were approved by a voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 14-04 To Amend Title 14 of the Bloomington Municipal Code Entitled "Peace and Safety" Re: Amending Chapter 14.20 (Firearms – Deadly Weapons) to Allow for the Discharge of Firearms at the Griffy Lake Nature Preserve for the Purpose of Deer Reduction via Sharpshooting

It was moved and seconded that Ordinance 14-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting the history of the legislation as:

- Committee Recommendation (4/2): Do Pass 5-0-4
- Final Action (4/9): Passed 6-2-1
- Veto (4/11)

Clerk Moore read Mayor Kruzan's veto message that had accompanied Ordinance 14-04 when the mayor returned it to her unsigned.
It was moved and seconded that Ordinance 14-04 be adopted overriding the mayor's veto.

Motion to limit debate

It was moved and seconded that the council limit debate on this issue to allow the public three minutes to speak one time, and then return to the council after public comment for additional questions.

Volan said there were more attendees the last time the ordinance was discussed, and he proposed that the public be given more time to speak and that the council be limited to five minutes of final comments.

Spechler said that he supported the motion because allowing a full five minutes per member of the public would cause the meeting to go until 1:00 am. He said that the council did not think as well at 1:00 am as they did earlier in the evening.

Sandberg said she would support the motion because the ordinance was a well vetted issue. She said three minutes was adequate time for people to speak their piece.

Sturbaum suggested the councilmembers limit their comments voluntarily.

The motion received a roll call vote of Ayes: 7, Nays: 1 (Volan), Abstain, 1 (Rollo)

Second motion to limit debate

It was moved and seconded that final comments by councilmembers be limited to five minutes each.

Ordinance 14-04 *(cont'd)*

Ruff said he intended to limit his comments, but he wanted to have leeway to answer questions during his final comments.

Neher explained to Ruff that the second time for council questions would allow him to answer questions from the public.

Volan said that if someone wanted to speak for longer they could appeal to 2/3 of the council.

Granger said she hoped that suggestion would be unnecessary.

The motion received a roll call vote of Ayes: 4 (Sturbaum, Granger, Neher, Volan), Nays: 3 (Ruff, Sandberg, Mayer), Abstain: 2 (Rollo, Spechler), and therefore was not approved.

Presentation on Ordinance

Rollo said that the argument at hand was that the Griffy Lake Nature Preserve (GLNP) was in danger due to deer overabundance. He said this was first noted in 2008 and further study was recommended. He detailed the damage that had been discovered in the area over the course of the study, and he said that the woodland ecosystem could be altered permanently. He said the Deer Task Force (DTF) found that lethal control of deer populations was the only feasible way to protect the GLNP. He detailed the process the DTF and council used to ensure that the public had the opportunity to share their thoughts on the legislation.

Ruff explained that an offer to process the venison of the deer and give the meat to the Hoosier Hills Food Bank had been made to the Parks Board. He asked the coordinator of Farmers and Hunters Feeding the Hungry to speak on the offer.

Ian Munnoch, Farmers and Hunters Feeding the Hungry, explained that the organization was a national organization that provided over 100,000 high quality protein meals to Hoosiers in the previous year. He said that in Bloomington alone, 106 deer were processed and the meat was donated to the Hoosier Hills Food Bank (HHFB). He said that hunters across the state were limited to three bucks and one doe each year, but he said most hunters only took one or two deer. He said that his organization was committed to working with the Department of Natural Resources to ensure that the deer hunted in the cull would be processed and given to the local foodbank.

Council Questions

Council Questions:
Volan asked staff if a vetoed ordinance could be amended. Dan Sherman, Council Attorney, said that unless the council voted in favor of the ordinance with a 2/3 majority, it would be defeated. He said it could not be amended.

Public Comment

Public Comment:
Daniel McMullen spoke against the ordinance and asked the council to vote no. He said he supported the mayor's veto.

Christine Linnemeier thanked the council for supporting the ordinance before the veto. She said she was at Griffy earlier that day and saw a multitude of deer footprints.

Timothy Baer spoke against the ordinance. He said that problems could not be solved by killing, and he accused the sharpshooters of targeting fawns and does. He said that the ordinance had no way to measure if the cull was successful.

Thomas Visnius spoke in favor of the ordinance. He said that the deer population needed to be managed because the deer no longer had predators.

Scott Wells shared a Powerpoint Presentation demonstrating the foliage damage that deer had done to his property. He included pictures that showed trees cleared of leaves within a deer's reach. He said if something was not done the deer would starve to death.

Richard Linnemeier said he was born and raised in Bloomington, and he said that culling the deer was necessary to prevent the deer population from doubling. He said that deer predators such as coyotes and pumas had been seen in residential neighborhoods. He said a yes vote on the ordinance represented the triumph of reason over sentiment.

Jennifer Mickel said the media had not reported that the ordinance had nothing to do with deer in the city. She said that the DTF had not created an annual deer control plan and said she hoped the council would vote no on the ordinance.

Larime Wilson said she lived near the GLNP, and she saw a recent decline in deer population. She said that the study driving the ordinance was outdated and disputed by other scientists. She said there was not a proven need for sharpshooting, and she asked the council to vote against the ordinance.

Roger Beckman urged the council to override the mayor's veto. He said that diversity in foliage had been reduced by the deer, and he said that sharpshooting was a proven method for controlling deer populations.

Don Berry called for the council to override the mayor's veto. He said the mayor's statement said that science backed up the decision to cull the deer, but he relied on emotion to make a decision. Berry said that the entire ecosystem of Griffy could be destroyed by the deer.

Bruce Bundy gave a Powerpoint Presentation on the history of deer hunting in the area. He asserted that the majority of apex predators had gone extinct, and humans must fill that role in their absence. He said that plants that were not ordinarily in a deer's diet were being consumed by the deer which was sound evidence for overpopulation.

Zak Szymanski spoke against the council's process in discussion of the ordinance.

Maria Heslin said the extensive public input from all sides of an issue strengthened the community character. She said that a vibrant quality of life was not assisted by killing healthy animals as a first step in controlling population. She said that the city should use the experts in the community to find a different solution to deer population. She asked for a no vote.

Sandra Shapshay read a prepared statement. She asserted that no one wanted to eliminate all of the deer in GLNP, but she said that the current deer population was unknown. She said that immediate lethal action was not mandated by a dire overpopulation. She said that funding should be found for an aerial count of the deer population before moving forward with a cull.

Anne Sterling continued reading Shapshay's statement. She said a deer population management program should be implemented in order to measure the success of the cull. She reiterated the need for an aerial count of deer.

Andrea Singer encouraged the council to overturn the mayor's veto and said that blueberry plants used to be abundant in the area before the deer overpopulation.

Eric Ost read excerpts from the DTF study and called on the council to research population trends of deer across the state. He asked for all the data and assessment associated with the DTF to be made available to the public. He said he agreed with the mayor's veto.

Dennis O'Brien said that Bloomington should find a unique way to solve the deer problem. He said there were other methods, such as birth control, that could be used.

Andrew Moisey said that humans were the biggest threat to biodiversity and ecosystems. He said that firearms were the least humane way to kill deer.

Claudia Giles said that Bloomington was the perfect place to raise a family, and she shared her daughter's elementary school's statement against the deer cull.

Suzanne Halvorsen said that all life was sacred and her family was against hunting. She encouraged alternative methods to control the deer population.

Marc Haggerty said most of the council had been employed by Indiana University and therefore were too trusting of the IU study on GLNP. He said that we were culturally inclined to solve problems with high powered weapons.

Danna Jackson spoke against the ordinance. She said the deer cull was a short term fix for a long term problem.

Michelle Powell said that long term community members were not listened to by the council because they were not scientists. She said that science was never perfect, as it was always changing and improving with new evidence.

Aaron Rincon spoke against the ordinance.

Jeremy Schott said that GLNP was not the Garden of Eden and the city should not engage in stewardship of the open system. He said that ongoing lethal force should not become part of the ecosystem at Griffy.

Marta Shocket said the ordinance was a matter of competing rights and values. She said that prioritizing deer over the rest of the ecosystem was the wrong approach, and she supported the ordinance.

Armin Moczek said that humane control of animal populations was not for fun but for the necessary protection of ecosystems. He said that deer were evasive and difficult to get an accurate count of their populations. He added that alternative approaches did not work as well as lethal control, but he felt that the science behind a cull was strong, powerful, and consistent. He said the ordinance would correct decades of poor stewardship of GLNP.

Melody Inabinette said she hoped the council would override the mayor's veto. She said there was a serious problem with deer throughout the city of Bloomington.

Oriane Robinson said that biological regrowth of the GLNP after a cull needed to be measured in order to judge success. She expressed her concern that if biological regrowth did not occur, a second cull would be implemented. She said that she hoped that money would not be thrown at a project that did not work, and she was opposed to the ordinance.

Council Comments:
Neher said his decision to support the ordinance was difficult, but he highlighted his concern that killing the deer was considered irrational. He said it was heartening that commenters expressed 'beautiful' passion that evening. He said that ultimately this was a decision to kill the deer, and he valued the stewardship of GLNP. He said he would be in attendance on the first night of the cull to witness it, and he would keep an eye on the effectiveness of the cull.

Spechler said GLNP was essential to human welfare. He said that there was no way to get a competent count on deer population in an open area. He said that birds were just as important as deer to the preserve. He said he would vote to override the mayor's veto because the reasoning behind it was not at all convincing to him.

Ordinance 14-04 *(cont'd)*

Sandberg said that there was an abundance of misinformation about the issue. She said that labeling people during discussions of issues facing the community did not benefit the community character, and she said that many people were working for the greater good. She said the GLNP would not heal without intervention, and it was not acceptable to do nothing while the ecosystem continued to be damaged. She said the council's job was to make the best possible decision for the long term public good, and she would support the veto override.

Sturbaum said he considered the deer as a sustainable herd not as individual animals. He said they would be healthier as a herd if the ecosystem was managed. He said it was a human responsibility to balance the preserve, and his constituents had called on the council to restore the preserve. He said he did not want to kill any animal but, every once in a while, he had to kill a mouse in his pantry. He said he would support the veto override.

Mayer said there was a lot of discussion about what had occurred in state parks in parallel with Griffy. He said it was clear that vegetation had diminished because of deer overpopulation, but any method of controlling deer would have to be recurring. He said that the DNR could keep the public out of the parks during a hunt, and hunters paid for any associated costs through hunting licenses. He said that the city would have to pay for this hunt and would have no way to recoup those costs. He was also concerned about the effect on the parks system's reputation. He said the community had a deer problem, but he did not think the city was ready to solve it yet.

Volan said he voted against the ordinance initially because he felt the council did not deliberate openly enough to support it, not because of the arguments against the ordinance. He said that opponents of the ordinance had not been convincing in their arguments, and he would support the veto override.

Ruff spoke about the removal of invasive species from the community to promote biodiversity. He said the issue was complex and interrelated, and lethal means were not the first resort of the DTF for deer control. He said other methods were found to be unfeasible. He said another study had been released that supposedly contradicted the data behind the ordinance, but the study actually confirmed what the ordinance tried to accomplish. He reiterated that the ordinance did not allow continued hunting in the GLNP, but it was purely for management of the deer population. He said the ordinance would be seen as a good thing because it considered all life in GLNP instead of just deer.

Rollo said that a national study indicated that there was no specific number of deer in the preserve to balance the ecosystem. He said that the destruction of vegetation indicated an overabundance of deer, and the ecosystem needed intervention in order to preserve it. He said an expert told him that waiting to get a count of deer was a waste of time and resources. He said he had empathy for all the organisms in the preserve, and he said that deer could not be held above all else. He said that overriding the veto would maintain community character by protecting the preserve, and it was unfortunate that lethal methods were the most viable method of population control. He reiterated Ruff's statement that lethal methods of deer control were the last resort, and they were the only viable method in an open system. He said the problem was not going to go away and acting at that time would prevent future disasters in the ecosystem.

Granger said that humans were the biggest threat to biodiversity, and the city had a huge population of thinking, caring individuals on both sides of the issue. She said she would vote against lethal methods, but she understood the need to tackle the problem at hand.

Vote on Ordinance 14-04 veto override

Ordinance 14-04 received a roll call vote of Ayes: 7, Nays: 2 (Granger, Mayer)

LEGISLATION FOR FIRST READING

Ordinance 14-07 An Ordinance to Amend Ordinance 13-16 which Fixed Salaries for Certain City of Bloomington Employees for the Year 2014 and to Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: To Centralize City Accounting and Purchasing Functions by Moving Positions to the Office of Controller and to Authorize the Controller to Appoint a Deputy

Ordinance 14-07

Ordinance 14-08 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Chapter 2.26 Entitled "Controller's Department" to Authorize Procedures Necessary for the Fiscal Management and Operations within that Department

Ordinance 14-08

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

Spechler said that the earlier accusation about his statements on the homeless population was libelous and false. He said that emotion was involved in the discussion of the issue, and it was that emotion that clouded people's understanding of his statement.

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday, April 25, 2014.

COUNCIL SCHEDULE

The meeting was adjourned at 11:33 pm.

ADJOURNMENT

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington