

In the Council Chambers of the Showers City Hall on Wednesday, November 12, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
November 12, 2014

Roll Call: Rollo, Ruff, Sandberg, Volan, Granger, Sturbaum, Neher, Spechler, Mayer  
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

Marty Spechler congratulated Bloomingfoods workers on their vote to organize a union. He said wages in the US have been stagnant since the 1970s, which he said was caused by an attempt to destroy American labor unions. He noted the proposed free trade area in the Pacific and said it was needed to protect American workers and protect the environment. He said if the trade agreement did these things, Americans should support President Obama's actions in dealing with global neighbors.

REPORTS

- COUNCIL MEMBERS

Steve Volan noted for the public that if more than nine people wanted to speak about something not on the agenda during this meeting, the second public comment segment of the meeting would come quickly after the general business of the council.

Volan said he was working on an ordinance that would recommend changes in the parking operations overall, meters, garages, and pricing. He said he was eager to hear from people about their suggestions.

Dave Rollo lauded workers and organizers at the food cooperative, Bloomingfoods, and added that the union would be a good fit for the operation.

Rollo noted the presidents of the US and China announced they would coordinate to dramatically reduce carbon emissions by 26 and 28% by 2025 and 2030 respectively.

Rollo also noted that the council had previously acted to allow the Parks Board to reduce the number of deer at Griffy for restoration of the ecosystem. He said the evidence for degradation at Griffy was overwhelming. He said that the question of sharpshooting had arisen, and he said that it was effective; non-lethal methods were ineffective. He said he was sorry about the feelings of those opposed to the cull and acknowledged they were heartfelt. He asked that they consider the other animals in the ecosystem that deserved to live there as well.

Lastly, Rollo said he had been to a number of neighborhood meetings in District 4 to talk with citizens. He noted that while people regretted the cull, they understood the need for it and supported it. He said this made him feel well placed to represent these constituents.

Tim Mayer said he attended the Veterans Day ceremony in the courthouse. He said six of the veterans honored served in WWII. He said each had left the service to lead productive lives, which he said indicated the tenor of the times after that war. He noted the incredible dedication and patriotism of one veteran who served in WWII, Korea, and Vietnam. He said the ceremony was very moving.

Dorothy Granger noted that she had voted against lethal methods for deer management and wanted to reiterate why she did so. She said she wasn't convinced that it was necessary since the deer had nutritious food on the IU side of the property. She said she was bothered that IU was not participating in the activity. She said she was bothered that there was

no population count going into the process. She then said that she felt that killing deer in the city was not the culture that we wanted to be known for in Bloomington.

Granger said that she would have liked to have seen the feedback that the council was getting in the last month, back when the task force was meeting. She said that now the need was to move forward in a productive way. She added that as things change, this may not be the end of the discussion.

Susan Sandberg noted that her mother and father were both veterans from WWII serving in the WAVES (Women Accepted for Voluntary Emergency Service) and US Army. She said that in the past week her father's health care needs allowed her to see the holes in the health care system, and the struggles of families in health care crisis. She lauded Area 10 on Aging for their assistance, and also Kathy Romy, director of Meals on Wheels, for help with her parents' care.

Chris Sturbaum said the community shared his appreciation for the police action in a horrible crime recently committed in the community. He said that he was interested in hearing information and noted that people were exercising their rights to make statements and share information. He said he appreciated the crowd in the council chambers who were going to make comments.

Andy Ruff added his appreciation for the police and the way they responded to the incident and how the police force conducted themselves in general. He added to Sandberg's comments about the health care system, noting that he heard Colonel Colin Powell speak at the IVY Tech O'Bannon Institute about how the country needed a national single payer health care system. Ruff noted that Powell told a story in his talk that indicated that he had seen the deficiencies in the current system up close. He said lawmakers should see the results of a messed up health care system up close, as Powell did.

Ruff noted his agreement with Spechler's comments congratulating management and workers at Bloomingfoods. He said he always felt that management was not as oppositional to the unionization of workers as they were portrayed. He also noted Spechler's comments on the role of labor in providing a way that regular people can share in productivity gains in the economy. He said that without strong collective labor rights it would be hard for people to bargain on their own.

Ruff noted the Trans Pacific Partnership. He said that he and Spechler fundamentally agreed that fair trade agreements could help provide better opportunities and better lives for people. He said this occurred when agreements were structured, not to enhance corporate capital mobility and protection in ways that would benefit the richest in the world, but rather structured in a way to require corporate responsibility and accountability and provide means for people to control capital when it was used in harmful ways. He said that labor and environmental protections needed to be in place.

Darryl Neher said that several threads had come together for him recently. He noted that we take these people who protect us, fire and police personnel, for granted. He said that Veterans Day reminded him that he was grateful for the sacrifice of those who served in the Iraq war, and noted that they and their families made the greatest sacrifice.

Neher closed his comments by saying that he had committed to making himself accountable and responsible for his vote on the approval of the council in allowing sharpshooters to cull deer within the city at Griffy, and therefore would be attending the killing of deer. He noted his specific use of the word "kill."

There were no reports from the Mayor or City Offices at this meeting.

• The MAYOR & CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES
- PUBLIC

President Neher called for public comment, assessed the number of people who wanted to speak, and asked that each speaker speak for a maximum of four minutes. He assigned council member Mayer to keep time.

Susan Bollman, homeowner in an eastside neighborhood, thanked the council for their decision on the deer in the Griffy area. She said that most of her neighbors understood the decision and she was glad that people would be getting high quality meat from the cull. She noted that flyers posted in the city were filled with misinformation, and she said she was frustrated with the last minute derailing of the process.

Jeannette Hiedewald spoke about the Court Appointed Special Advocates program (CASA) and the work that they do on behalf of children who are victims of abuse and neglect in the court system. She said that one out of eight children in our county was a victim of abuse and neglect, with most under the age of five, and 60% under the age of one. She told the council to call the Indiana Child Abuse and Neglect Hotline if abuse or neglect was suspected. She invited the council members and citizens to a Town Hall meeting to talk about child abuse and raising awareness of the topic on Saturday, April 11, 2015.

Natasha, a grade school student, said she didn't think it was good to shoot deer. She said there should be different ways to solve the situation rather than killing deer.

Marisa, a grade school student, held a sign while Natasha spoke, and then stated she didn't think the deer kill was right. She said that killing a mother deer was unfair because the fawns couldn't fare for themselves. She said she didn't like the thought of people with big guns in the forest. She and Natasha together held up a sign that they had their classmates sign that said "Save the Deer."

Natasha and Marisa said they wanted to give the sign to the council so they would remember their advocacy visit, and then thanked the council for listening to them.

Marc Haggerty urged the council to balance experience and education on the topic of deer. He said the council lacked the experience in dealing with the subject. He noted the previous day's observance of Veterans Day, noted that none of the council were veterans, and noted they did not speak up when veterans in this city didn't get the help they needed. He chided the council for not going to Griffy to inspect the area themselves, but supporting the cull from a safe distance with studies from Indiana University claiming a 'looming crisis' there, and said that they needed more education on that study. He questioned the process of gathering information on the Griffy area, and said that the decision was ripping at the emotional fabric of the community. He saw no need for high powered military weapons to be brought into the community. He said the presentation of an alternate point of view should not be relegated to the public comment portion of meetings.

He noted that the council relied too much on education and not enough on experience.

It was moved and seconded that Aurea Young be appointed to the Dr. Rev. Martin Luther King, Jr. Birthday Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The appointment was approved by a voice vote.

There was no legislation for final action at this meeting.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 14-24 To Amend Title 4 of The Bloomington Municipal Code Entitled "Business Licenses and Regulations" - Re: Chapter 4.16 (Itinerant Merchants, Solicitors and Peddlers - *deleted and replaced*); Chapter 4.28 (Mobile Vendors - *added*); and, Chapter 4.30 (Pushcarts - *added*)

LEGISLATION FOR FIRST  
READING  
Ordinance 14-24

Ordinance 14-25 To Amend Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance" (Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

Ordinance 14-25

Kathleen Cerajeski, resident of the northern part of the county outside the city limits, said she studied biology at IU. She explained that her Asian background showed her that living and cooperating with nature was the best way to live. She said, however, the current culture was influenced by the taking of land, buffalo, and moving the native people. She said that decision making, conscious or not, came mainly from this eastern European's history and experience in the country. She said that young people were watching, looking to elders for example, and learning from council members while noting the children who asked the council not to allow the cull. She said that when the treaties were made with the First Nations people, they looked just and right at that time, and we now look back to think differently and have made formal apologies for those policies. She concluded by saying she didn't want the council members to look back on this decision with any regret. She asked the council to put a stay on this action for one year.

ADDITIONAL PUBLIC  
COMMENT

Sandy Shapshay said that for several years, she and many other people had been refuting evidence that there was an ecological problem that would necessitate a deer kill. She said she was happy to hear Sturbaum say he had an open mind on this issue. She noted new information obtained through a Freedom of Information Act (FOIA) request: an email from April 2013 from Angie Shelton to Dave Rollo and Steve Cotter regarding pellet estimates for the IURTP property. Shelton wrote that in order to make an accurate estimate for the Griffy Woods area, a pellet count would have to cover the entire property, and then wrote her suggestion of doing a pellet count in the Parks managed area of Griffy Woods during the winter and early spring of 2014. Shapshay noted this was before the firearms ordinance regarding this issue came to the council.

Shapshay said that this was evidence that Dr. Shelton herself questioned the data and offered to procure more accurate data at a price of \$500. She contrasted this to the \$30,000 cost of the kill. She noted that city officials did not act on this offer.

Shapshay said that the evidence was shakier than ever, noting that data gathered in one place could not be extrapolated to another area. She said it was never too late to do the humane thing. She asked if the council would take political accountability for acting on insufficient or inaccurate data.

Rosalee Trimble, 40 year resident of Bloomington, said she wanted to read an online ongoing petition which she said represented a broad spectrum of people. These are summarized with first names:

- Michael: gunshots to creatures who were there before us is a new low.
- Susan: use non-lethal means to control the deer.
- Jeannie: supporter of wildlife.
- Lucille: the deer are not in abundance, we are.
- Pamela: ashamed to live in a community where a slaughter of wildlife is the answer to inconvenience.
- Bonnie: Griffy is her back yard. There are fewer deer this year.
- Maureen: deer have a right to a life.
- Rosalee: Stop playing god, don't disrespect life.

Julie Ray continued reading comments from the online petition:

- Chad: lives on deer meat, but does not support a mass slaughter.
- Meg: unfairly favors one neighborhood.
- Laramie: Griffy is a nature preserve; let nature be nature.
- Laura: the kill is a drastic measure. For how long will balance be restored?
- Dennis: Deer are living creatures like dogs and cats.
- Vicky: Deer will move in from other areas. How is this success?
- Ted: Waste of tax payer money, does not benefit the taxpayer.
- Colleen: What example are we giving our children?

Julie said the public had spoken and it was never too late to reverse a bad policy.

Maria Heslin, advocate, said she had spoken and written extensively on the issue, and most of her questions had not been answered. She noted a letter to the council questioning the permit application submitted to the Indiana Department of Natural Resources by the city.

She asked about a Long Term Management plan which would authorize up to 10 years of deer killing. She asked who reviewed and authorized the 10 year plan, if the administration had seen or authorized it, and if it was discussed by the council or the Parks Board. She asked if this was the official city policy that had been clearly articulated, not tucked away in an application permit.

Heslin said that a FOIA request showed the Plan had been submitted two different times, the first was eight lines long, the second two pages. She said she had submitted another FOIA request two months earlier and had not received copies of these documents.

Colleen Wells, an eastside resident who said she enjoyed seeing deer in her yard, thanked the council for being respectful in listening to the public comment on this issue, whether they agreed with the statements or not. She noted she was guilty of coming forth in the 11<sup>th</sup> hour on this issue and wished she had gotten involved earlier. She used the well-known statement that a measure of a society is reflected in how it treats animals, and said she was worried about the message we send our children. She concluded by reading a quote from St. Francis of Assisi:

*All creatures are created from the same paternal heartbeat of God. Not to hurt our humble brethren is our first duty to them, but to stop there is not enough. We have a higher mission, to be of service to them wherever they require it. If you have men who will exclude any of God's creatures from the shelter of compassion and pity, you will have men who will deal likewise with their fellow man.*

Danna Jackson said she didn't think the study in question was balanced and fair, but tilted towards botany while weak on zoology. She said that Ball State was doing a population count on fawns and does, but Indiana University had no interest in doing this. She said this indicated that IU had little interest in fawn counts. Jackson said she had attended several meetings on the deer issue, and was dismayed that a member of the Humane Society had volunteered to come to Bloomington to study the issue at her expense and wasn't invited to do so.

Jackson said that despite the council saying this was a one time trial, she said that once the cull occurred, it would go on forever.

Courtney Wennerstrom, doctoral student in English at IU, said she was another person opposed to the cull of deer, and was unconvinced of the necessity for it. She noted that stories woven around the obstacles of a community ultimately defined who we were and who we would become, and that this action did not fit the innovative problem solving she had come to expect from the Bloomington community. She asked if we could live with the narrative that we senselessly terrorized and killed our wildlife using archaic and cruel methods for lack of a long term solution.

Public comment (cont'd)

Hattie Clark noted that many questions were asked of the council at this and other meetings. She said she had never seen any action, answers or promises to get responses for these citizens. She said she noted that the council sat mute and stared into space. She asked if the citizens would get any answers from the council.

Dan Sherman, Council Attorney/Administrator presented the annual Council Schedule for 2015. He highlighted a few instances when the council would not meet in a regular pattern of four meetings a month because of holidays and the budget process.


COUNCIL SCHEDULE

The meeting was adjourned at 9:05 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Darryl Neher, PRESIDENT  
Bloomington Common Council



Regina Moore, CLERK  
City of Bloomington