

# City of Bloomington Common Council

## Legislative Packet

**Wednesday, 16 December 2015**

## **Regular Session**

*For legislation and background material regarding  
Ordinance 15-26 and Ordinance 15-27 please consult the  
[02 December 2015 Legislative Packet](#).*

*Please note that, along with an agenda, weekly calendar, and minutes, this week's packet  
contains a draft Legislative Index for 2015*

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**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, DECEMBER 16, 2015  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:**

November 26, 2012 (Special Session)	September 11, 2013 (Special Session)
December 19, 2012 (Regular Session)	September 18, 2013 (Regular Session)
March 20, 2013 (Regular Session)	December 18, 2013 (Regular Session)
May 1, 2013 (Regular Session)	April 9, 2014 (Regular Session)
May 15, 2013 (Regular Session)	December 2, 2015 (Regular Session)
May 22, 2013 (Special Session)	December 9, 2015 (Special Session)

*Please note that additional minutes for approval may be forthcoming if submitted to the Council no later than Tuesday, December 15, 2015.*

**IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Ordinance 15-26 To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amending 20.05.020 (“CF-01 [Communication Facility- General]”) and 20.09.320 (“Surety standards – Performance surety”) to Reflect Changes in State Law; Revising the Definition of “Fraternity/Sorority House,” and Correcting Minor Errors

Committee Recommendation:                      Do Pass                      8-0-0

2. Ordinance 15-27 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Stop, Multi-Stop, Yield, and Signalized Intersections; Turning Right on Red; School Speed Zones; Angled Parking, No Parking, Limited Parking, Loading, and Bus Zones; and, Accessible Parking for Persons with Disabilities

Committee Recommendation:                      Do Pass                      8-0-0

**VII. LEGISLATION FOR FIRST READING**

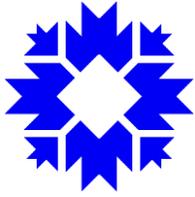
*None*

**VIII. ADDITIONAL PUBLIC COMMENT\*** (A maximum of twenty-five minutes is set aside for this section.)

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



**City of Bloomington  
Office of the Common Council**

To Council Members  
From Council Office  
Re Weekly Calendar – 14 - 18 December 2015

**Monday, 14 December**

11:00 am Board of Public Works – Work Session, Kelly  
5:00 pm Utilities Service Board, Utilities  
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

**Tuesday, 15 December**

4:00 pm Board of Public Safety, McCloskey  
4:00 pm Board of Park Commissioners, Chambers  
5:00 pm Redevelopment Commission, McCloskey  
5:30 pm Animal Control Commission, Kelly  
5:30 pm Board of Public Works, Chambers  
5:30 pm Commission on the Status of Children and Youth, Hooker Room

**Wednesday, 16 December**

9:30 am Emergency Management Advisory Council, Chambers  
2:00 pm Hearing Officer, Kelly  
2:30 pm Affordable Care Act Committee, McCloskey  
4:00 pm Board of Housing Quality Appeals, McCloskey  
5:30 pm Dr. Martin Luther King, Jr. Birthday Commission, McCloskey  
5:30 pm Traffic Commission, Chambers  
6:00 pm Council of Neighborhood Associations, Hooker Room  
7:30 pm Common Council – Regular Session, Chambers

**Thursday, 17 December**

8:00 am Bloomington Housing Authority Board of Commissioners, Bloomington Housing Authority, 1007 N. Summit St., Community Room  
3:30 pm Bloomington Municipal Facilities Corporation, Dunlap  
5:15 pm Monroe County Solid Waste Management District – Citizens Advisory Committee, McCloskey  
5:30 pm Board of Zoning Appeals, Chambers  
7:00 pm Environmental Commission, McCloskey

**Friday, 18 December**

12:00 pm Council Staff – Internal Work Session, Council Library  
12:00 pm Domestic Violence Taskforce, McCloskey  
12:00 pm Economic Development Commission, Hooker Room

NUM	LEGISLATION	TYPE	AMEND CODE	COMMITTEE DATE	COMMITTEE DO PASS	FINAL ACTION DATE	FINAL ACTION	SYNOPSIS
<b>ORDINANCES</b>								
15-01	TO DESIGNATE AN ECONOMIC DEVELOPMENT TARGET AREA (EDTA) - RE: PROPERTY LOCATED AT 338 S. WALNUT STREET AND IDENTIFIED BY THE MONROE COUNTY PARCEL ID NUMBER 015-47812-00 (BIG O PROPERTIES, LLC, PETITIONER)	tax abatement	no	2/11/2015	4- (Granger, Mayer, Sandberg, Sturbaum) 1- (Spechler) 4 (Neher, Rollo, Ruff, Volan	2/18/2015	8-1 (Spechler)	This ordinance designates a parcel owned by Big O Properties LLC and known as 338 S. Walnut Street as an Economic Development Target Area (EDTA). This designation was recommended by the Economic Development Commission and will enable the proposed mixed use redevelopment project, which includes retail/commercial space and upper-story market-rate residential units, to be eligible for tax abatement. Final approval of the real estate property tax abatement for the project will also require the adoption of an initial and confirming resolution, which must designate the lot as an Economic Revitalization Area (ERA), approve the statement of benefits, and authorize periods of abatement and a schedule of deduction.
	Amendment #1		no	2/11/2015	9-0	2/18/2015	8-1 (Spechler)	Amendment #1 to Ordinance 15-01 This amendment makes changes to this ordinance largely as a result of action taken by the Economic Development Commission after the ordinance was tabled on January 14, 2015. Those changes: o reflect the hearing and resolution adopted by the Commission on January 23, 2015; o correct a statutory cite in the first Whereas clause; and o add the name of the Council President to the signature line (which was not formally decided when the legislation was release to the public in the packet the week before).
15-02	A Supplemental Bond Ordinance of the City of Bloomington, Indiana, Supplementing and Amending Ordinance 05-35, Adopted on December 21, 2005, as Previously Amended by Ordinance 06-05, Adopted on March 2, 2006, All for the Purpose of Authorizing the Modification of Certain Contractual Rights of the City of Bloomington, Indiana, the Execution and Delivery of its Amended Sewage Works Revenue Bonds of 2006, Series A-1, and Approving Certain Related Matters in Connection Therewith	bond	no	2/11/2015	9-0-0	2/18/2015	9-0	This is a bond ordinance that supplements and amends previous ordinances of the City regarding Sewage Works Revenue Bonds of 2006, Series A-1, in order to realize a savings in concert with the Indiana Bond Bank.
15-03	A Supplemental Bond Ordinance of the City of Bloomington, Indiana, Supplementing and Amending Ordinance 05-12, Adopted on April 20, 2005, as Previously Amended by Ordinance 06-04, Adopted on March 2, 2006, All for the Purpose of Authorizing the Modification of Certain Contractual Rights of the City of Bloomington, Indiana, the Execution and Delivery of its Amended Waterworks Revenue Bonds of 2006, Series A, and Approving Certain Related Matters in Connection Therewith	bond	no	2/11/2015	9-0-0	2/18/2015	9-0	This is a bond ordinance that supplements and amends previous ordinances of the City regarding Waterworks Revenue Bonds of 2006, Series A, in order to realize a savings in concert with the Indiana Bond Bank.
15-04	TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ANIMALS" Re: Making Various Housekeeping Changes, Creating Three Classifications of "Potentially Dangerous" Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of "Habitual Offender," and Other Changes	animal care	yes	4/1/2015	8-0-0	4/8/2015	9-0	The primary purpose of this ordinance is to streamline Title 7 so that it is more reader friendly, easier for staff to use, and more consistent with other titles in the municipal code. Examples of the streamlining attempt include creating one Chapter to handle all of the Titles fees; creating one Enforcement Chapter; and removing the regulations for potentially dangerous and vicious dogs from the Restraint Chapter and putting them into their own Chapter. Substantive changes include the following: adding three levels to the classification of potentially dangerous; clarifying what reptiles cannot be owned in Bloomington; adding language that requires permittees and breeders to disclose if they have ever been cited for an animal care or control ordinance violation; modifying the definition of a vicious animal; making it unlawful for a person to torture or beat an animal if it causes the animal pain (and not just injury as currently required); adding new tethering requirements; and creating a new violation entitled "Habitual Offender".

15-05	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) <b>AS AMENDED by amendments #1 and #3.</b>	business regulations	yes	3/11/2015	1-0-8 (Spechler)	3/25/2015	8-1 (Ruff)	<p>This ordinance does three things. First, it repeals the chapter regulating itinerant merchants, solicitors and peddlers and replaces it with a chapter regulating only solicitors. Solicitors have been defined to mean a person who requests anything of value for the taking of orders of goods or the immediate delivery of goods. Second, it adds a new chapter to the Title which regulates the licensing of mobile food vendors. Third, it adds a new chapter to the Title which regulates the licensing of pushcart operators. The purposes of these changes are twofold: (1) to streamline the current licensing and permitting process for these types of activities; and (2) to encourage, within necessary perimeters, the development of smaller businesses that enhance the community.</p> <p><i>Please note that the ordinance comes forward as a result of Council consideration of Ord 14-24 over a course of meetings held in late fall of 2014. After adoption of some amendments and discussion of others, the Council adopted a motion to table the ordinance and consider another ordinance in the first quarter of 2015 that reflected the discussions in 2014. This ordinance incorporates additional changes to Title 4 as a result of those deliberations.</i></p>
	Amendment #1			n/a	n/a	3/25/2015	9-0	<p>This amendment to Ord 15-05 is sponsored by Cm. Neher. It adds two Whereas clauses requesting that the Administration explore opportunities for food trucks and pushcarts to congregate on public and private property, evaluate the feasibility, costs and benefits of that kind of initiative, and report its findings and recommendations back to the Council in a reasonable period of time. While the ordinance opens opportunities for food trucks and pushcarts to operate in these areas, the Council foresees benefits in having them congregate and requested that the Administration look into and report upon its prospects.</p>
	Amendment #2 <b>FAILED</b>			n/a	n/a	3/25/2015	3 (Ruff, Rollo, Spechler)-6 (Nehe, Granger, Mayer, Sandberg, Sturbaum, Volan)	<p>This amendment is sponsored by Councilmember Rollo. It changes the minimum distance between the location of a food truck and pushcart and a ground level establishment that sells food or beverages (and any associated outdoor seating area) from 50 feet to 75 feet. <b>FAILED</b></p>
	Amendment #3			n/a	n/a	3/25/2015	5 (Granger, Ruff, Sturbaum, Volan, Spechler) - 4 (Neher, Mayer, Rollo, Sandberg)	<p>This amendment is sponsored by Councilmember Ruff. The ordinance prohibits mobile food vendor units and pushcarts (which sell food or beverages) from operating within a fifty-foot area of any ground level establishment also selling food or beverages. With this amendment, the distance restriction only applies from an hour before the opening time to an hour after the closing time posted by a ground level establishment on the façade of its building.</p>
15-06	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)	Title 20	yes	3/11/2015	8-1 (Volan)	4/1/2015	9-0	<p>This ordinance does three things. First, it aligns the Unified Development Ordinance with the newly amended Title 4 by making it clear that those solicitors, mobile food vendors, and pushcart operators licensed by the City only need to obtain a license, they no longer need to obtain both a license and a Temporary Use Permit. Second, it extends the period of time seasonal farm produce can be sold under a Temporary Use Permit from sixty days to one hundred and eight days. Third, it regulates book buybacks in that property owners must obtain a Temporary Use Permit to hold such a sale, and those sales are limited to no more than two times per year, with each time lasting no more than seven days (or one single sale per year that lasts no more than fifteen consecutive days).</p>
15-07	To Amend the Planned Unit Development District Ordinance and Preliminary Plan to Revise the Approved List of Uses Within the Shortstop Food Mart Planned Unit Development (PUD) - Re: 901 N. Smith Road (Eastside Investments, LLC, Petitioner)		no	4/15/2015	4 (Neher, Granger, Mayer, Sandberg) - 0 - 5 (Ruff, Spechler, Sturbaum, Volan, Rollo)	4/22/2015	5-2 (Rollo, Spechler) Granger and Volan were absent	<p>This ordinance amends the PUD District Ordinance and Preliminary Plan for the Short Stop Food Mart Planned Unit Development located at 901 N. Smith Road. The amendment would revise the permitted use list to include the existing uses as well as all uses permitted within the Commercial Limited zoning district.</p>

15-08	TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" - Re: Changes to Yield Intersections, No Parking Zones, Loading Zones, Accessible Parking Zones, and Traffic Violations <b>AS AMENDED by amendment #1</b>	Title 15	yes	4/1/2015	7-0-2 (Mayer, Rollo)	4/8/2015	9-0	This ordinance makes several changes to the Bloomington Municipal Code. This includes yield intersections, no parking zones, loading zones, and handicapped parking zones. It also adds the recently included prohibition against parking on an unimproved surface to the penalty portion of Title 15.
	Amendment #1			4/1/2015	6-0-3 (Granger, Mayer, Rollo)	4/8/2015	8-1 (Mayer)	This amendment is sponsored by Cm. Sturbaum and would authorize angle parking along North College north of 10th Street. The angle parking is associated with changes in the streetscape for the Tenth and College building. Please note that, in accordance with BMC 12.24.070 – Tree Work Permits), passage of the ordinance with this amendment will have the effect of approving a Tree Work Permit, which includes certain conditions and is available in the Council Office.
15-09	TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC" AND TO MAKE OTHER CHANGES RELATED TO METERED PARKING Re: Shortening the Hours of Enforcement of On-Street and Surface Lot Metered Parking, Eliminating the Credit Card Convenience Fee for Meter Use, Authorizing the Mayor to Declare "Parking Holidays," Extending the Hours of Enforcement for Lot 9 (Fourth Street Garage), and Adding On-Street Metered Spaces along Washington Street from 2nd to 3rd Street <b>AS AMENDED by amendments #1 and #3</b>	Title 15	yes	n/a	n/a	4/8/2015 contd to 4/15/15	9-0	This ordinance is sponsored by Councilmember Neher and makes a number of changes to the City's parking policies. These changes include: shortening the hours of enforcement of Downtown meters; authorizing the Mayor to declare "parking holidays" wherein enforcement of parking meters is suspended; and, eliminating the convenience fee associated with the use of credit cards at parking meters. This ordinance also extends the hours of enforcement at Lot 9 (4th Street Garage) and establishes metered parking on Washington Street from 2nd Street to 3rd Street.
	Amendment #1			n/a	n/a	4/15/2015	5 (Granger, Ruff, Rollo, Volan & Spechler) 4 (Neher, Mayer, Sandberg & Sturbaum)	This amendment is sponsored by Cm.Volan. It removes Section 3 of the ordinance, which eliminates the convenience fee associated with use of credit card for the payment of parking meters.
	Amendment #2 <b>FAILED</b>			n/a	n/a	4/15/2015	4 (Neher, Ruff, Rollo & Sandberg) – 5 (Granger, Mayer, Sturbaum, Volan & Spechler)	This amendment is sponsored by Councilmembers Rollo and Ruff. It shortens the hours of on-street meter enforcement from the proposed 9:00am-9:00pm to 9:00am-8:00pm.
	Amendment #3			n/a	n/a	4/15/2015	7 (Neher, Ruff, Rollo, Sandberg, Sturbaum, Volan & Spechler) 2 (Granger & Mayer)	This amendment is sponsored by Councilmember Rollo and designates certain parking spaces on public streets for use by specially endangered persons. These parking spaces are set forth in a new Schedule S-1 (Parking for specially endangered persons), are subject to certain limitations, and go into effect only after an applicant organization enters into an agreement with the City regarding administration and enforcement of these provisions and signage is in place

15-10	TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 15 (VEHICLES AND TRAFFIC) OF THE BLOOMINGTON MUNICIPAL CODE (To Improve Parking Management in the Downtown by Imposing a Maximum Charge for On-Street Metered Parking, Setting Forth Actual Times and Fees in an Amended Schedule U, Providing a Period of Free Parking in all Garages, and Establishing a Fee Discount and Waiver Program to be Guided by a New Parking Commission)	Title 2 Title 15	yes	n/a	n/a	4/8/2015 contd to 4/15/15	: On April 15, 2015, the Council divided the question on consideration of this ordinance into three divisions and eventually passed one of the divisions. See divisions below	This ordinance is sponsored by Councilmember Volan and amends Title 15 of the Bloomington Municipal Code (Vehicles and Traffic) after evaluation of expansion of the downtown metered parking established with the adoption of Ordinance 13-03 in March of 2013. It would: improve parking management in the downtown by imposing a maximum charge for on-street metered parking; set forth actual times and fees in an amended Schedule U; provide a period of free parking in all garages; and, establish a fee discount and waiver program to be overseen by a new Parking Commission.
	Divided question 1- Parking Commission and parking meter discounted fees and waivers: Sections 1, 7, 8, 9 <b>FAILED</b>			n/a	n/a	4/15/2015	3 (Ruff, Rollo, Volan)-6	1st Division -- Parking Commission and Parking Meter Discounted Fees and Waiver Provisions (Sections 1, 7, 8) (Section 9 of the ordinance dealing with the waiver of fees for non-profits was ultimately omitted from this section with an unanimous vote)
	Divided question 2- On street meter fee provisions: Sections 2, 3, 4 <b>FAILED</b>			n/a	n/a	4/15/2015	4 (Neher, Ruff, Rollo, Volan)- 5	2nd Division -- On street meter fee provisions: Sections 2, 3, 4
	Divided question 3- Municipal lots and garages: Sections 5, 6; and modifications and promotions of ParkMobile services: Sections 10, 11			n/a	n/a	4/15/2015	8-1 (Mayer)	3rd Division --Municipal lots and garages: Sections 5, 6; and modifications and promotions of ParkMobile services: Sections 10, 11
15-11	TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION" TO ESTABLISH FOUR BUILDINGS AT SIX ADDRESSES AS HISTORIC DISTRICTS - Re: Showers Brothers Furniture Company Complex (Bloomington Historic Preservation Commission, Petitioner)	Title 8	yes	5/6/2015	7-0-1	5/20/2015	7-1 (Spechler) Sandberg absent	This ordinance amends the List of Designated Historic Districts in the City of Bloomington by establishing the Showers Brothers Furniture Complex Historic Districts. In recommending this designation, the Bloomington Historic Preservation Commission (Commission): relied on a survey; held a public hearing on February 26, 2015; and submitted a map and accompanying report to the Council. The map describes four buildings at six addresses as historic districts, classifies those buildings, and is approved by the ordinance. The report demonstrates how these districts meet the necessary criteria. Local designation will provide the protection needed to ensure that these properties are preserved. Each property is its own historic district but for ease of reference, and since the districts all carry a similar theme and are listed together in the National Register, they shall be commonly known as the Showers Brother Furniture Complex Historic Districts.
15-12	TO AUTHORIZE THE ISSUANCE OF BONDS BY THE MONROE COUNTY EDEVELOPMENT COMMISSION PURSUANT TO IC 36-7-14-3.5	bonds	no	5/6/2015	8-0-0	5/20/2015	8-0 Sandberg absent	This ordinance by the City of Bloomington approves Monroe County Redevelopment Commission's issuance of bonds payable with Tax Increment Finance (TIF) from Monroe County's Westside TIF District, a part of which has been annexed by the City. The City's approval for issuing new bonds is required whenever the City has annexed property within a County TIF district and the tax from that property will be used to repay TIF bonds. (See IC 36-7-14-3.5).
15-13	TO AMEND TITLE 16 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "RESIDENTIAL RENTAL UNIT AND LODGING ESTABLISHMENT INSPECTION PROGRAM" Re: Authorizing Special Fees for Saturday Inspection of New Rental Units During the Summer Months	Title 8	yes	6/24/2015	8-0 Rollo absent	7/1/2015	6-0 Sturbaum, Spechler, Sandberg absent	This ordinance amends the Bloomington Municipal Code Title 16 in two ways. First, the ordinance amends Chapter 16.03.040(b) to include the offering of Saturday inspections for newly constructed residential rental units and premises in the City of Bloomington. Second, it amends 16.03.080(g) to provide for reasonable and appropriate fees to be assessed for Saturday inspections.
15-14	TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED ADMINISTRATION AND PERSONNEL - Re: Amending BMC 2.18.050, Regarding the Rules and Bylaws for the Bloomington Redevelopment Commission, to Codify Certain Existing Internal Financial Controls	Title 2	yes	5/27/2015	8-0-0	6/3/2015	5-2 (Granger, Mayer) Spechler absent, Sturbaum out of the room.	This legislation is coming forward from the Mayor in concert with the entire Council. Its primary purpose is to strengthen the City of Bloomington's financial policies and to ensure proper stewardship of taxpayer dollars. This Ordinance makes it a requirement of local law that City of Bloomington Redevelopment Commission follow the City of Bloomington Controllers' financial standards, which ensure proper segregation of duties. It further guarantees that any funding resolution may not be open-ended, but must be specifically tied to a specific contract and vendor and include a definite date when the funding shall terminate.

15-15	Ordinance 15-15 To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan – Re: 2602 E. Creeks Edge Drive (Evergreen Partners II, LLC, Petitioner)	PUD /Planning	no	9/9/2015	8-0-1 (Volan)	9/16/2015	9-0	This ordinance amends the list of permitted uses and development standards of the PUD District Ordinance for Parcel F of the Canada Farm PUD to allow for an “assisted living facility.” It also approves a Preliminary Plan for up to 115 units in a three-story building.
15-16	Ordinance 15-16 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Chapter 2.21 Entitled “Department of Law” to Include “Veteran Status” and “Housing Status” as Protected Classes in the Bloomington Human Rights Ordinance	Title 2	yes	9/9/2015	9-0	9/16/2015	9-0	This ordinance is sponsored by Councilmember Dorothy Granger. It amends Chapter 2.21 of the Bloomington Municipal Code entitled “Department of Law” to recognize veteran status as a legally-protected category and to recognize housing status as a quasi-protected category, adding both to the list of protected classes which currently include the following: race, religion, color, sex, national origin, ancestry, sexual orientation, disability and gender identity. The term “veteran status” is defined as a “veteran of the armed forces of the United States, a member of the Indiana National Guard, or a member of a reserve component.” The term “housing status” is defined as “the type of housing in which an individual resides, whether publicly or privately owned, or the status of not having a fixed residence, whether actual or perceived.” The class of housing status will be subject to voluntary remediation in the same manner as a discrimination complaint based upon sexual orientation or gender identity. The ordinance also expands the list of protected categories in the city’s affirmative action requirements for covered contractors to include veteran status, housing status, gender identity and sexual orientation, as well the current categories, race, religion, color, sex, national origin and ancestry.
15-17	Ordinance 15-17 To Vacate a Public Parcel - Re: Two 12-foot Wide Alley Segments Located at the Southwest Corner of West 11th Street and North Rogers Street	Right of Way Vacation	no	9/9/2015	5 (Neher, Mayer, Rollo, Sandberg, Spechler) - 1 (Volan) - 3 (Granger, Ruff, Sturbaum)	9/16/2015	Withdrawn at the request of the mayor. Motion to accept request 9-0	The petitioner, the City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way at the southwest corner of West 11th Street and North Rogers Street in order to facilitate construction of future housing projects associated with the City’s Certified Technology Park development.
15-18	An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2016	salary	no	9/30/2015	8-0 Spechler absent	10/14/2015	9-0	This ordinance sets the maximum salary rates for all sworn fire and police personnel for the year 2016 in accordance with Council-approved collective bargaining agreements.
15-19	An Ordinance Fixing the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2016	salary	no	9/30/2015	8-0 Spechler absent	10/14/2015	9-0	This ordinance sets the maximum 2016 salary for all appointed officers, non-union, and A.F.S.C.M.E. employees for all the departments of the City of Bloomington, Indiana.
15-20	To Fix the Salaries of all Elected City Officials for the City of Bloomington for the Year 2016	salary	no	9/30/2015	8-0 Spechler absent	10/14/2015	9-0	This ordinance sets the maximum 2016 salary rate for all elected city officials for the City of Bloomington.
15-21	<u>Ordinance 15-21 To Amend Ordinance 14-19</u> Which Fixed Salaries for Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for the Year 2015 And <u>Ordinance 14-18</u> Which Fixed The Salaries of Officers of the Police and Fire Departments for the Year 2015 – Re: To Provide for Longevity Payments for Civil City and Public Safety Employees in Recognition of Their Years of Service to the City of Bloomington	salary	no	9/30/2015	8-0 Spechler absent	10/14/2015	8-0 Volan out of the room	This ordinance provides for longevity recognition pay for all civil city and sworn personnel of the City of Bloomington based on their years of service.
15-22	TO AMEND ORDINANCE 14-18 WHICH FIXED THE SALARIES OF OFFICERS OF POLICE AND FIRE DEPARTMENTS FOR THE CITY OF BLOOMINGTON, INDIANA, FOR THE YEAR 2015 - Re: Reflecting Collective Bargaining Agreement Affecting the Police Department	salary	no	n/a	n/a	10/14/2015	9-0	This ordinance amends the City of Bloomington Police and Fire Salary Ordinance for the year 2015 (Ordinance 14-18) by reflecting changes negotiated in a collective bargaining agreement with the Don Owens Memorial Lodge 88, Fraternal Order of Police, Inc. achieved after the approval of the original salary ordinance.  <i>*NOTE- This ordinance was adopted on first reading by the unanimous consent of the council and with the requisite 2/3 approval.</i>

15-23	TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ORDINANCE AND PRELIMINARY PLAN - Re: 751 E. Tamarack Trail (Jill's House, LLC, petitioner)	planning	no	10/28/2015	4-0-3	11/6/2015	8-1 (Volan)	This ordinance would amend the list of permitted uses of the PUD District Ordinance for 751 E. Tamarack Trail of the Meadowood PUD to allow for "assisted living facility" and "nursing/convalescent home."
15-24	TO AMEND THE BLOOMINGTON ZONING MAPS FOR TWO HUNDRED AND SEVENTY-ONE PARCELS THROUGHOUT THE CITY'S JURISDICTION (The City of Bloomington, Petitioner)	zoning	no	11/10/2015	7-0 Spechler, Mayer absent	11/18/2015	9-0	This ordinance rezones two hundred and seventy-one properties in the City's jurisdiction. The City's Plan Commission provided the Common Council with a certification of a favorable recommendation for rezoning each of these two hundred and seventy-one properties at its meeting on October 12, 2015 via ZO-20-15
15-25	Ordinance 15-25 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: Courthouse Square Historic District (Bloomington Historic Preservation Commissioner, Petitioner) ACTION: The motion to approve received a roll call vote of Ayes: 9, Nays: 0.	Title 8	yes	11/18/2015	9-0	12/2/2015	9-0	This ordinance (Ord 15-25) amends the List of Designated Historic Districts in the City of Bloomington by establishing the Courthouse Square Historic District. In recommending this designation, the Bloomington Historic Preservation Commission ("Commission") relied on a survey; held a public hearing on May 14, 2015; and submitted a map and accompanying report to the Council. The map describes the boundaries of the district, classifies the total number of properties within the district, and is approved by the ordinance. The report demonstrates how this district meets the necessary criteria. Local designation will provide the protection needed to ensure that these properties are preserved.
15-26	To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amending 20.05.020 ("CF-01 [Communication Facility- General]) and 20.09.320 ("Surety standards – Performance surety") to Reflect Changes in State Law; Revising the Definition of "Fraternity/Sorority House," and Correcting Minor Errors	Title 20	yes	12/9/2015	8-0	Vote on 12/16/2015	Vote on 12/16/2015	This ordinance amends Title 20 of the Bloomington Municipal Code (the Unified Development Ordinance) in four key ways. First, it brings the Title into compliance with the newly-created Indiana Code Chapter §8-1-32.3, which governs permits for wireless service providers and providers' ability to erect, alter, and maintain wireless communication towers. Second, it updates the Title to reflect changes in the Indiana Code prescribing requirements for performance bonds. Third, it updates the definition of "fraternity/sorority house" to make it clear that any such house is defined as one that only permits Indiana University, Bloomington students and is officially recognized by the University. Fourth, it amends the Title such that all references to the City of Bloomington Survey of Historic Sites and Structures are consistent.
15-27	To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Stop, Multi-Stop, Yield, and Signalized Intersections; Turning Right on Red; School Speed Zones; Angled Parking, No Parking, Limited Parking, Loading, and Bus Zones; and, Accessible Parking for Persons with Disabilities	Title 15	yes	12/9/2015	8-0	Vote on 12/16/2015	Vote on 12/16/2015	This ordinance seeks to amend several sections of Title 15 of the Bloomington Municipal Code in order to make changes suggested by the following: City of Bloomington Planning & Transportation Department; City of Bloomington Police Department; City of Bloomington Fire Department; Bloomington Transit; and the City of Bloomington Traffic Commission. There are several changes that include adding regulatory signs associated with new developments; removing locations for flashing traffic signals (the determination of which is already delegated to the transportation and traffic engineer); properly identifying all signalized intersections in the City and properly identifying yield intersections. Additional changes include the following: adding a no right turn at a signalized intersection; adding a new school speed zone near Fairview Elementary; adding new no parking locations on North and South Dunn Street; adding new limited parking zones to primarily accommodate new developments; codifying an existing loading zone; adding in new bus zones on 7th Street to meet the needs of Bloomington Transit Corporation; and adding an accessible parking space at a new development on North College Avenue.
15-28	To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: Amending Chapter 2.21 Entitled "Department of Law" to Remove the Voluntary Nature of Investigation and Mediation of Complaints Based on Sexual Orientation Discrimination and Gender Identity Discrimination	Title 2	yes	12/2/2015	9-0	12/9/2015	8-0 (Sturbaum Absent)	This ordinance is sponsored by Councilmember Neher and amends the Bloomington Municipal Code to extend full protection to the classes of "sexual orientation" and "gender identity." This shift is informed by changing judicial and agency interpretation of the laws protecting these categories. Such changing interpretations increasingly locate sexual orientation discrimination and gender identity discrimination within the protected category of sex discrimination. Location of these classes within the protected category of sex provides the City with a defensible position in calling for mandatory, rather than voluntary, compliance with the Bloomington Municipal Code's prohibition against sexual orientation discrimination and gender identity discrimination.
RESOLUTIONS								

15-01	To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Improvement to Real Property - Re: Properties at 338 S. Walnut Street (Big O Properties, LLC, Petitioner)		no	2/11/2015	4- (Granger, Mayer, Sandberg, Sturbaum) 1- (Spechler) 4 (Neher, Rollo, Ruff, Volan)	2/18/2015	7- 1- (Spechler) 1- (Granger)	This resolution designates a parcel owned by Big O Properties LLC and known as 338 S. Walnut Street as an Economic Revitalization Area (ERA). This designation was recommended by the Economic Development Commission and will enable the proposed mixed use redevelopment project, which includes newly constructed retail/commercial and upper-story market-rate residential units, to be eligible for tax abatement. The resolution also authorizes a three-year period of abatement for real property improvements and sets its deduction schedule. The resolution also declares the intent of the Council to hold a public hearing on February 4, 2015 to hear public comment on the ERA designation.
15-02	TO CONFIRM RESOLUTION 15-01 WHICH DESIGNATED AN ECONOMIC REVITALIZATION AREA, APPROVED A STATEMENT OF BENEFITS, AND AUTHORIZED A PERIOD OF TAX ABATEMENT FOR REAL PROPERTY IMPROVEMENTS - Re: Properties at 338 S. Walnut Street (Big O Properties, LLC, Petitioner)	Confirm'g Res for Tax Abatement	no	n/a	n/a	3/4/2015	7-0-1 (Granger) Spechler was absent	This resolution confirms Resolution 15-01 and designates a parcel owned by Big O Properties LLC and known as 338 S. Walnut Street as an Economic Revitalization Area (ERA). This designation was recommended by the Economic Development Commission and will enable the proposed mixed use redevelopment project, which includes newly constructed retail/commercial and upper-story market-rate residential units, to be eligible for tax abatement. The resolution also approves a three-year period of abatement for real property improvements and sets its deduction schedule. The public comment on this resolution at the Regular Session on March 4, 2015 will constitute the statutorily required public hearing on this legislation.
15-03	TO APPROVE AND ISSUE THE PLAN COMMISSION ORDER FOUND IN PLAN COMMISSION RESOLUTION 15-01 - Re: Taking Steps to Authorize the Bloomington Redevelopment Commission to Extend, Expand, and Consolidate Five of the City's Six Economic Development Areas	Tax Abatement	no	2/25/2015	7- 0- 2 (Rollo, Ruff)	3/4/2015	7-1 (Ruff)-0 Spechler was absent	Extension, enlargement, and consolidation of five of the City's six Economic Development Areas (EDAs). History: On February 2, 2015, the Bloomington Redevelopment Commission adopted Resolution 15-05 ("Declaratory Resolution") which: 1. Extended the allocation provisions of the Adams Crossing Economic Development Area, Downtown Redevelopment Project Area, Tapp Road Economic Development Area, Thomson Economic Development Area, Walnut-Winslow Economic Development Area, and Whitehall-West Third Street Economic Development Area, 2. Recharacterized the Downtown Redevelopment Project Area as an Economic Development Area, 3. Created new Economic Development Areas within the City ("Exploration Areas"), 4. Consolidated the Adams Crossing Economic Development Area, Downtown Economic Development Area, Tapp Road Economic Development Area, Thomson Economic Development Area, Walnut-Winslow Economic Development Area, Whitehall-West Third Street Economic Development Area, and the Exploration Areas into the Bloomington Consolidated Economic Development Area ("Bloomington Consolidated Area"), 5. Approved an Economic Development Plan for the Bloomington Consolidated Area (the "Consolidated Plan"), and 6. Submitted the Declaratory Resolution and all supporting data to the Plan Commission for its review. On February 9, 2015, after conducting that review in accordance with Indiana Code § 36-7-14-16(a), the Plan Commission found that the Declaratory Resolution and the Consolidated Plan were consistent with the Growth Policies Plan, and issued an Order—found in Plan Commission Resolution 15-01—stating as such. As required by Indiana Code § 36-7-14-16(b), this Council resolution approves and issues the Order found in Plan Commission Resolution 15-01 (with said Order being attached to the Council resolution).
15-04	CALLING UPON INDIANA UNIVERSITY HEALTH'S LEADERSHIP TO ACCEPT THE CITY'S ONGOING OFFER TO RE-ENGAGE CITY GOVERNMENT AND THE COMMUNITY IN A TRANSPARENT AND MEANINGFUL DISCUSSION ABOUT KEEPING INDIANA UNIVERSITY HEALTH BLOOMINGTON HOSPITAL AT ITS CURRENT LOCATION	Confirm'g Res for Tax Abatement	no	n/a	n/a	2/18/2015	9-0	This amendment makes changes to this ordinance largely as a result of action taken by the Economic Development Commission after the ordinance was tabled on January 14, 2015. Those changes: * reflect the hearing and resolution adopted by the Commission on January 23, 2015; * correct a statutory cite in the first Whereas clause; and * add the name of the Council President to the signature line (which was not formally decided when the legislation was release to the public in the packet the week before).
15-05	To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2015		no	n/a	n/a	3/4/2015	8-0 Spechler absent	The City of Bloomington is eligible for a Community Development Block Grant (CDBG) of \$797,468 from the U.S. Department of Housing and Urban Development. To that figure, the City wishes to add \$16,943 in CDBG program income to the total Fiscal Year 2015 CDBG allocations. This resolution outlines program recommendations by the Mayor with input from the Citizen's Advisory Committee and the Redevelopment Commission. Pursuant to federal regulations, CDBG allocations are made across the following general program areas: Social Service Programs, Physical Improvements, and Administrative Services.

15-06	TO DESIGNATE AN ECONOMIC REVITALIZATION AREA, APPROVE THE STATEMENTS OF BENEFITS, AND AUTHORIZE PERIOD OF ABATEMENT FOR PERSONAL PROPERTY IMPROVEMENTS - Re: Properties at 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)	position	no	3/11/2015	8-0-1 Volan)	3/25/2015	9-0	This resolution designates a parcel owned by Cook Pharmica, LLC and known as 1501 South Strong Drive as an Economic Revitalization Area (ERA). This designation was recommended by the Economic Development Commission and will enable the expansion of Cook Pharmica's vial and syringe filling capacity, creating additional jobs within the City. The resolution also authorizes a ten-year period of abatement for certain personal property improvements at 1501 South Strong Drive and sets its abatement schedule. The resolution also declares the intent of the Council to hold a public hearing on April 8, 2015 to hear public comment on the ERA designation
15-07	To Confirm Resolution 15-06 which Designated an Economic Revitalization Area, Approved a statement of Benefits, and Authorized a Period of Tax Abatement for Personal Property Improvements - Re: Properties at 1501 South Strong Drive (Cook Pharmica, LLC, Petitioner)	CDBG	no	n/a	n/a	4/8/2015	8-0 Sturbaum out of room	This resolution designates a parcel owned by Cook Pharmica, LLC and known as 1501 South Strong Drive as an Economic Revitalization Area (ERA). This designation was recommended by the Economic Development Commission and will enable the expansion of Cook Pharmica's vial and syringe filling capacity, creating additional jobs within the City. The resolution also authorizes a ten-year period of abatement for certain personal property improvements at 1501 South Strong Drive and sets its abatement schedule. The resolution also declares the intent of the Council to hold a public hearing on April 8, 2015 to hear public comment on the ERA designation.
15-08	TO AUTHORIZE EXPENDITURES FROM THE INDUSTRIAL DEVELOPMENT FUND TO SUPPORT AN ECONOMIC DEVELOPMENT PROJECT - Re: Cook Pharmica, LLC, 1501 South Strong Drive	tax abatement	no	3/11/2015	7-0-1 (Volan) Sturbaum was out of the room	3/25/2015	9-0	In accordance with state law, this resolution authorizes payment of up to \$250,000 from the Industrial Development Fund ("IDF") to Cook Pharmica, LLC ("Developer") to assist with the company's expansion of its fill and finish business operations. The resolution also authorizes the City to enter into an economic development financing agreement with the Developer to include the terms and conditions of the compliance and potential clawback of the one-time payment in the event of noncompliance.
15-09	To Endore a Food Charter to Help Guide Community Decisions about Policies and Programs that Affect the Local Food System	Confirm'g Res for Tax Abate-ment	no	n/a	n/a	4/1/2015	9-0	This resolution is sponsored by Councilmembers Rollo and Ruff and endorses the principles and goals set forth in a Food Charter which will help guide community decisions about policies and programs that affect the local food system. The Food Charter is the result of efforts of the Bloomington Food Policy Council to work with various groups and individuals for many years in order to make our local food system more environmentally safe, socially just, and economically sound. While non-binding, this Food Charter is community statement that provides a vision and a set of values and principles that help guide decisions in the community about policies and programs that affect the food system
15-10	Waiving Current Paymenbts in Lieu of Taxes by the Bloomington Housing Authority to the City	authorize use of funds	no	n/a	n/a	4/8/2015	8-0 Sturbaum out of room	This resolution waives the right of the City of Bloomington to receive payments in lieu of taxes from the Bloomington Housing Authority for the year 2014.
15-11	Opposing Enactment of Senate Enrolled Act 101 Otherwise Known as the "Religious Freedom Restoration Act" (RFRA)	position	no	n/a	n/a	4/1/2015	9-0	This resolution is co-sponsored by the entire Council. It opposes the recent enactment of Senate Enrolled Act 101, otherwise known as the Religious Freedom Restoration Act (RFRA). The resolution recounts the City's celebration of diversity and its long and sustained history of protecting the human and civil rights of its residents. It then describes RFRA, how it differs from other such laws around the country, the uncertainties it raises for the status of local ordinances, and its damaging effect within the State and on its reputation across the country. Lastly, the resolution: urges repeal of the RFRA; urges enactment of legislation making sexual orientation and gender identity protected classes in the Indiana Code; declares that local provisions meet the newly codified standards necessary to rebut a challenge under the statute; and, direct the City Clerk to send the resolution to various leaders in the State.
15-12	To adopt the Monroe County Energy Challenge	PILOT	no	n/a	n/a	5/6/2015	9-0	This resolution is sponsored by Councilmember Granger and expresses support for the Monroe County Energy Challenge and adopts the Challenge's Energy Plan and its goals for the City of Bloomington. The resolution supports the facilitation of the Plan, asserts the City's commitment to reduced energy consumption and encourages members of the public to reduce energy consumption in their daily lives.

15-13	TO APPROVE AN ENTERPRISE ZONE INVESTMENT DEDUCTION (EZID) WITHIN A TAX ALLOCATION AREA (OTHERWISE KNOWN AS A TAX INCREMENT FINANCING [TIF] DISTRICT) - Re: ERL-15, LLC, 531 North College Avenue <b>FAILED</b>	EZID	no	4/22/2015	0-3 (Neher, Ruff, Spechler)-3 (Rollo, Mayer, Sandberg) Granger, Volan, Sturbaum were absent	5/6/2015	1 (Volan)-7 Sturbaum did not deliberate	This resolution approves an Enterprise Zone Investment Deduction (EZID) for ERL-15, LLC located at 531 North College Avenue. The EZID allows a property tax deduction for a qualified investment within an Urban Enterprise Zone (Indiana Code 6-1.1-45). In most cases, this deduction (which is similar to a tax abatement) is automatic with the proper and timely application to the County Auditor. However, when the investment is in an allocation area, as defined by Indiana Code § 6-1.1-21.2-3, the deduction must be approved by the legislative body of the governmental unit that established the allocation area. Therefore, an EZID in one of the City's allocation areas must be approved by the Common Council. <b>FAILED</b>
15-14	A RESOLUTION APPROVING THE ISSUANCE OF BONDS OF THE BLOOMINGTON REDEVELOPMENT DISTRICT, ACTING IN THE NAME OF THE CITY OF BLOOMINGTON, INDIANA, IN AN AMOUNT NOT TO EXCEED \$48,000,000 TO FINANCE ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS IN THE BLOOMINGTON CONSOLIDATED ECONOMIC DEVELOPMENT AREA	support	no	5/6/2015	8-0-1	5/20/2015	8-0 Sandberg absent	This resolution approves the Redevelopment Commission Res 15-14 and the issuance of Redevelopment District bonds in an amount not to exceed \$48 million to finance projects that: (1) promote community sustainability and reuse; (2) create and improve public amenities, such as parks, with community wide benefit; (3) develop additional affordable housing within the Consolidated Economic Development Area; (4) improve transportation infrastructure, especially non-automobile transportation infrastructure; and (5) continue the development of the City's urban core
15-15	URGING THE BLOOMINGTON HISTORIC PRESERVATION COMMISSION TO INITIATE THE PROCESS OF ESTABLISHING THE COURTHOUSE SQUARE AS A HISTORIC DISTRICT	Historic Preservat'n	no	n/a	n/a	5/6/2015	9-0	This resolution is sponsored by Councilmembers Sturbaum and Rollo and documents twenty-five years of work to recognize and protect the historic and architecturally-worthy nature of the Courthouse Square. The resolution points out, in light of this steady recognition of the value of the Square, it's designation as a Historic District is long overdue. The resolution encourages the Bloomington Historic Preservation Commission to take steps toward designating the Downtown Square as a local Historic District and requests that the Commission hold more than one public information session to solicit stakeholder feedback on the matter.
15-16	AUTHORIZING THE ALLOCATION OF THE JACK HOPKINS SOCIAL SERVICES PROGRAM FUNDS FOR THE YEAR 2015 AND OTHER RELATED MATTERS	bonds	no	n/a	n/a	6/17/2015	7-0 Rollo, Spechler absent	This resolution brings forward the recommendations of the Jack Hopkins Social Services Funding Program Committee for 2015. The principal task of the Committee is to recommend funding for local social services agencies which offer proposals consistent with program criteria. Each year, the Mayor and City Council have increased funding for the Jack Hopkins initiative. Indeed, since 1993, the Jack Hopkins Committee has granted approximately \$3.41 million to social service agencies who serve our community's most vulnerable residents. Notably, since 2004, Mayor Kruzan and the City Council have more than doubled funding for the Jack Hopkins program. In 2015, the program was increased to \$270,000. This resolution allocates the social services funds to 18 agency programs (including two collaborative projects), approves the funding agreements with these agencies, accepts the report of the Committee, authorizes the chair of the Committee to resolve any questions regarding the interpretation of the agreements, and also authorizes the chair of each year's Committee to appoint the Committee's representatives from other City entities.
15-17	TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY, THE TOWN OF ELLETTSVILLE AND THE CITY OF BLOOMINGTON FOR ANIMAL SHELTER OPERATION FOR THE YEAR 2016	procedural	no	n/a	n/a	6/17/2015	7-0 Rollo, Spechler absent	This resolution authorizes execution, by the Mayor and Director of Animal Care and Control, of the Animal Shelter Interlocal Agreement for Fiscal Year 2016 between the City of Bloomington, Monroe County and Town of Ellettsville. The agreement provides that Monroe County shall pay the City of Bloomington the sum of \$254,011.00 for 2016 in return for the space the City provides to the County and services it renders on the County's behalf. The agreement further provides that the Town of Ellettsville shall provide the City of Bloomington the sum of \$18,586.00 for 2016 in return for the space the City provides the Town of Ellettsville and services it renders on the Town of Ellettsville's behalf.
15-18	TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY, INDIANA IN REGARDS TO 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)	JHSSF	no	n/a	n/a	6/17/2015	7-0 Rollo, Spechler absent	This resolution approves the interlocal agreement between the City and the County for how the 2015 JAG funds are to be utilized. The JAG funds are divided among the City and the County based on violent crime statistics reported to the FBI through the Uniform Crime Report. A three year review of violent crime statistics shows that the City is entitled to 80% of the grant funds, with the County retaining the remaining 20%. The overall JAG award for 2015 is \$23,860.00. The City shall retain \$19,088.00, with the County retaining \$4,772.00. The City shall use all of its award towards the purchase of additional body worn cameras. The County shall use all of its award towards the purchase of an in-car camera.

15-19	TO APPROVE THE THIRD AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY FOR OPERATION OF THE MONROE COUNTY CENTRAL EMERGENCY DISPATCH CENTER	interlocal	no	9/9/2015	8-1 (Volan)	9/16/2015	9-0	This resolution authorizes execution of the Third Amendment to the Interlocal Cooperation Agreement between the City of Bloomington and Monroe County for the operation of the Monroe County Central Emergency Dispatch Center. The Agreement recognizes the differing contributions made by the City to build and Monroe County to equip the new Dispatch Center opened in 2014, provides that the parties will, going forward, equally share in all operational expenses and provides a mechanism for equalization of the contributions made by the parties. The Agreement further provides for equitable sharing of 91 I funds distributed by the State of Indiana to Monroe County, which are intended to be used solely for dispatch operations.
15-20	To Authorize and Approve the Execution of a Collective Bargaining Agreement Between the City of Bloomington and the Fraternal Order of Police	interlocal	no	9/30/2015	8-0 Spechler absent	10/14/2015	9-0	This resolution approves and authorizes the execution of a four-year Collective Bargaining Agreement for the years 2015, 2016, 2017 and 2018 between the City of Bloomington and the Fraternal Order of Police Lodge 88.
15-21	IN SUPPORT OF PLANNED PARENTHOOD OF INDIANA AND KENTUCKY	support statement	no	n/a	n/a	10/21/2015	9-0	This resolution is sponsored by Councilmembers Granger, Sandberg, and Mayer and expresses strong support for the work of Planned Parenthood of Indiana and Kentucky. The resolution documents the far-reaching benefit of Planned Parenthood of Indiana and Kentucky on Bloomington residents, the Bloomington community, and beyond. The legislation resolves that Planned Parenthood of Indiana and Kentucky saves lives, saves money, and improves the quality of life of women, children, and families in our community. The legislation further resolves that the City of Bloomington stands with Planned Parenthood of Indiana and Kentucky in its mission to provide critical and life-saving health care services to women, men, and teens throughout Bloomington and the entire State of Indiana.
<b>APPROPRIATION ORDINANCES</b>								
15-01	AN ORDINANCE AUTHORIZING AN ADDITIONAL APPROPRIATION OF PROCEEDS OF BONDS AND ANY INVESTMENT EARNINGS THEREON	TIF	no	4/6/2015	8-0-1	5/20/2015	8-0 Sandberg absent	This Ordinance appropriates the proceeds of, and any investment earnings from, the City of Bloomington, Indiana Redevelopment District Tax Increment Revenue Bonds of 2015 for the purpose of: (1) promoting community sustainability and reuse; (2) creating and improving public amenities, such as parks, with community wide benefit, (3) developing additional affordable housing within the Consolidated Economic Development Area, (4) improving transportation infrastructure, especially non-automobile transportation infrastructure, and (5) continuing the development of the City's urban core.
15-02	<u>Appropriation Ordinance 15-02</u> To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating \$15,000 for the Operation of the Community Sheltering Project for the Remainder of Appropriation Ordinance 15-02 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating \$15,000 for the Operation of the Community Sheltering Project for the Remainder of 2015)	Additional \$	no	9/9/2015	9-0	9/24/2015	9-0	This ordinance appropriates an additional \$15,000 from the General Fund to the Common Council budget to help pay for the operation of the Community Sheltering Project for the remainder of 2015. These funds shall be expended in the form of a grant to a non-profit entity pursuant to a Memorandum of Understanding with the City
15-03	An Ordinance for Appropriations and Tax Rates (Establishing 2016 Civil City Budget for the City of Bloomington)	bond	no	9/30/2015	8-0 Spechler absent	10/14/2/15	8-1 Spechler	Civil City Budget for 2016
15-04	Appropriation Ordinance 15-04 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service, and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2016	Utilities	no	9/30/2015	8-0 Spechler absent	10/14/2/15	9-0	This ordinance, approved by the Utilities Service Board in August of 2015, sets the water and wastewater budgets for 2016.
15-05	Appropriation Ordinance 15-05 Appropriations and Tax Rates for Bloomington Transportation Corporation for 2016	Transit	no	9/30/2015	8-0 Spechler absent	10/14/2/15	9-0	Public Transit Budget for 2016

15-06	<p>Appropriation Ordinance 15-06 To Specially Appropriate from the General Fund, Risk Management Fund, and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Solid Waste Fund, Alternative Transportation Fund; and, Appropriating Additional Funds from the Municipal Arts Fund, Risk Management Fund, BMFC Showers Bond, Parking Facilities, Police Pension, and Rental Inspection Program Fund:</p>	EOY App	no	11/18/2015	8-0-1	12/2/2015	9-0	<p>This ordinance appropriates various transfers of funds within the General Fund, Alternative Transportation Fund and Solid Waste Fund. It also appropriates additional funds from the Risk Management Fund, BMFC Showers, Municipal Arts Fund, Parking Facilities Fund, Police Pension Fund, and Rental Inspection Program Fund.</p>
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In the Council Chambers of the Showers City Hall on Monday, November 26, 2012 at 6:00 pm with Council President Tim Mayer presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
November 26, 2012

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

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that Ordinance 12-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 4-0-4. She also noted that the public comment section of the deliberation of this ordinance would serve as the publically noticed meeting.

LEGISLATION FOR SECOND  
READING

It was moved and seconded that Ordinance 12-25 be adopted.

Ordinance 12-25 To Vacate a Public Parcel -- Re: Alley Right-of-Way Running East/West Between South Gentry Street and the B-Line Trail, South of Kirkwood Avenue and North of West 4<sup>th</sup> Street (REI Investments, Petitioner)

Tom Micuda, Planning Director, gave key issues of the legislation including the site location, with the actual location of the alley noted on a map. He noted that there had been a concrete one story structure built over the alley and that it presently housed an ATM. He described the petition that drove the request for vacation of this alley: a hotel with 168 rooms, 130 space parking structure, and redirected street traffic on Gentry St. He said that the hotel project was a necessary piece of redevelopment. He said that the project would provide \$350,000 in annual Innkeepers Tax, over forty jobs, and an estimated \$27 million in the downtown Tax Increment Finance district (TIF).

*Public comment segment of this deliberation served as the legally advertised public hearing.*

Jeremy Stevenson, REI Investments, said that his company had a long history of working with the city. He said that White Lodging Services would manage the hotel in addition to another hotel that was under construction in the area.

Council Questions:

Rollo asked why the right of way still belonged to the city and if the utility companies needed the right of way. Micuda said that no utility company needed the alley, and he said that he was unsure how the current building was constructed over the right of way. He suggested that planning that staff twenty years prior may have assumed it had already been vacated.

Rollo asked how much revenue the TIF would receive. Micuda said that he was unsure how much revenue the TIF would receive.

Rollo asked what biking facilities would be available in the development. Micuda said that the development met the code for bicycle rack needs, and he said that future investments in bicycle use could be made if the need was present. Stevenson added that the developer was open to the idea of making bicycle connectivity part of the development. Patrick Shay, Planning Department, said that the developer had added extra bike racks on 4<sup>th</sup> Street and inside the building.

Sturbaum asked who would be responsible for repairing the eastside Gentry Street sidewalk. Micuda said that the developer would go through the Board of Public Works for their construction plan, and they would be responsible for repairs of any public amenities. He said that renovating the sidewalk would be excessively complicated and expensive.

Sturbaum asked if a new streetscape could be part of the development. Micuda said that the excess complications would be an undue burden on the project. He reminded the council that the sidewalk in question was off the developer's site.

Sturbaum asked if the developer would be willing to work with the city on redesigning the sidewalk. Stevenson said that the developer wanted Gentry Street to be as attractive as possible, and he was willing to work the city to develop a plan to work on the sidewalk. He suggested that TIF revenues could be used on the streetscape.

Ruff asked how Hyatt Hotels would be connected to the project. Stevenson said that the hotel would be a franchise hotel and would be subject to some brand standards of the company. He added that Hyatt was not involved in HR policies or wages.

Ruff asked if Hyatt Hotels that had been boycotted were managed by Hyatt directly or were franchised. Stevenson said he could not answer the question, but he guaranteed that White Lodging Services did not manage any of the hotels in question.

Volan asked how wide the 4<sup>th</sup> Street sidewalk would be. Micuda said that it would be 18-20 feet.

Volan asked how many employees would be part time. Stevenson said that 80% of employees would be full time. Chuck LaMotte, Vice President of Human Resources for White Lodging Services, said that the company preferred to have full time associates.

Volan asked if the personnel policies of the company were publically available. LaMotte said that they were in the associate's handbook.

Volan asked if any properties had union representation. LaMotte said that three hotels in Chicago had union workers.

Sturbaum asked if commercial space could be included in the southwest corner of the development. Stevenson said that the developer tried to work commercial space into the corner, but space limitations required the space be used for mechanicals.

Ruff asked if any positions in the hotel would be outsourced to other companies. LaMotte said that the company brought in outside companies to fill the temporary need when their hotels first opened.

Rollo asked where deliveries would be made for the hotel. Shay said that the interior delivery space would be off of Gentry Street near the entrance to the parking garage. Stevenson added that there would not be obstruction of 4<sup>th</sup> Street or Kirkwood Avenue traffic for deliveries.

Volan asked how the city would be able to assess the use of the parking garage. Stevenson said that the developer would work with the city to keep them aware of parking use. He agreed to submit the report annually.

Volan asked if the exchange of parking data could be made mandatory as part of the ordinance. Dan Sherman, Council Attorney, said that it would be unenforceable.

Ruff asked if White Lodging Services would commit to apply the city's living wage ordinance to the operation of the hotel. Stevenson said that White Lodging Services tried to be in the top 10% of wages demanded by the market, but they would not be willing to make a commitment to follow the city's ordinance.

**Public Comment:**

Glenn Carter said that only three hotels managed by White Lodging Services had union employees, and he said that the city should not vacate the right of way if a living wage and right to unionize were not offered to employees.

Ms Sanchez spoke about her negative experience working with a subcontractor hired by White Lodging Services. She said that she was paid fifty dollars for two weeks of work, and she encouraged the council to vote against the ordinance.

Elizabeth Guzman said that she worked for the same subcontractor, and she enjoyed the work. She said that she was also paid only forty dollars for a forty hour work week, and she was unable to take care of her children. She said that housecleaning subcontractors were making it impossible for them to afford to take of their families.

Mike Biskar from Unite Here, the hotel and foodservice union in Indianapolis, said that a lawsuit was brought against HSS, a hotel cleaning

Ordinance 12-25 (cont'd)

agency hired by White Lodging. He said that unfair hours and wages were given, and that the agency worked to blacklist hotel workers when they applied for jobs directly with the hotel. He called for the council to require White Lodging to abide by the living wage ordinance.

Amanda Valentino spoke about her experience with White Lodging. She said that she had a warm and positive experience as a front desk receptionist. She said that she received two internal promotions and a wide range of educational opportunities.

Will Price said that he had a positive experience with White Lodging. He said that he started as a line cook in Indianapolis, and he was given multiple promotions. He said he got to move to Bloomington to take the position as Executive Chef within the company.

Annie Wetzel said that she was recruited to work for White Lodging from Indiana University. She said that she had been given leadership training through the company, and it was a positive boon to her career.

Larry Jacobs, Chamber of Commerce, said that the hotel provided a unique opportunity for Bloomington. He said he was aware of no complaints about local hotels managed by White Lodging. He said that workers in the hotels could unionize.

Catherine Olmer, Executive Director of Wonderlab, said that the hotel would attract a large number of out of town visitors into the downtown. She said that businesses in the area would benefit from this economic catalyst. She said that the hotel was designed to fit into the area and would make the area more attractive.

Mike McAfee, Executive Director of Visit Bloomington, said that another hotel managed by White Lodging would generate more jobs for Bloomington. He said that his interactions with White Lodging had always been positive, and the company had had a positive impact on tourism in the state.

Jim Murphy, President of CFC, said that his company used temporary service agencies during times of peak demand. He said that the right-of-way had not provided any benefit to the downtown for 43 years, and he encouraged the council to see the public benefit of the development. He said that the city had done their due diligence on both companies involved in the development, and they should approve the petition.

Talisha Coppock, Downton Bloomington Convention Center, spoke in favor of the right of way vacation. She said the hotel would be a boon to downtown development.

Danise Alano-Martin, Director of Economic and Sustainable Development, said that a \$27 million investment would create \$500,000 annually for the TIF. She said that TIF revenue could be used for streetscape projects, job training, and infrastructure upgrades. She said the project would bring clear public benefits.

Ron Stanhouse, Crazy Horse, urged the council to support the project. He said that restaurants would benefit from the hotel, and he said that there was an unmet demand for hotel rooms downtown.

Additional council questions:

Volan asked what percent of the project was owned by REI Investments. Stevenson said that the company would own 75% of the project, and White Lodging would own 25%. He said White Lodging was the majority owner of other hotel projects that the companies shared.

Council Comment:

Sandberg said she would support the ordinance because of the public benefit of the development. She said she was concerned about the working

conditions of temporary employees in Indianapolis, and she noted a letter from the White Lodging CEO in which he made the commitment to provide fair wages to those working at the hotel.

Rollo said that wage erosion and union membership decline were going hand in hand. He said that hotel employees were a large part of the working poor, but he said that city government had to be a strong ally for low wage workers. He said that the economic development brought by the hotel could not be ignored, and he would support the ordinance despite his reservations.

Sturbaum said he was critical of the project because he wanted to make it as good as he could. He said the community would benefit from the project, and he hoped that the attention paid to the alleged mistreatment of employees by HSS would guide White Lodging towards working with another agency. He said he wished that the corner commercial space had been included in the project.

Volan said he wanted the building design to be nicer because it would be large enough to be seen from the Sample Gates. He said from a capital construction perspective the project was a good use of the downtown space. He said that Bloomington would keep growing and increase the need for diverse housing options and hotel space. He said White Lodging was a good employer, but he felt that subcontracted cleaning staff were treated unfairly.

Granger said that Bloomington Human Rights Commission could be used to investigate allegations of mistreatment of employees. She said she would support the project.

Ruff said the project was good, but he said that wages in the hotel industry were a huge issue. He said he heard from lower level employees with White Lodging that they had career opportunities and fair wages. However, he was concerned that the developer would not voluntarily follow the Living Wage Ordinance, and he was uncomfortable conveying public property to a hotel chain that was being globally boycotted. He said he could not support a project that would not commit to following the Living Wage Ordinance.

Spechler said he supported the downtown tourism economy. He said the only way to increase wages was to increase demand for labor, and he said the Living Wage Ordinance was nonsense.

Neher said that his conversations with hotel staff had led him to appreciate the discussion of wage equity in the city. He said he would support the ordinance.

Mayer thanked Sandberg for her comments on the ordinance. He said that the community needed to address the problems brought forward that evening, but he felt the public good of the project outweighed the potential negatives.

The motion to adopt Ordinance 12-25 received a roll call vote of Ayes: 8, Nays: 1 (Ruff).

The meeting was adjourned at 8:30 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, December 19, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 19, 2012

Roll Call: Mayer, Neher, Ruff (8:15), Sandberg, Spechler, Volan, Granger, Sturbaum  
Absent: Rollo

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

Minutes from February 1, 2012 (Regular Session), September 19, 2012 (Regular Session), October 3, 2012 (Regular Session), October 17, 2012 (Regular Session and December 12, 2012 (Special Session) were approved by a voice vote.

APPROVAL OF MINUTES

Marty Spechler referred to a recent mass killing of grade school children in Connecticut and said that children all over the country were being killed on a daily basis. He advocated for a ban on assault weapons, clips and ammunition. He hoped citizens would write congressmen and senators on this issue.

REPORTS

- COUNCIL MEMBERS

Dorothy Granger noted that the regular Residents' Breakfast that she holds with former County Council member (now Commissioner) Julie Thomas would not be held in December.

Chris Sturbaum said he agreed with Spechler's statements. He noted that the state of Indiana recently set law to allow guns to be carried into public meetings, and Sturbaum said that this was wrong.

Susan Sandberg said that she attended the vigil held on the courthouse square for victims of the above mentioned shooting. She said the tone was somber, respectful and hopeful. She added she hoped for better protection for children. She said that hopeful tone was carried over to a recent visit to the Cardinal Stage company rehearsal of The Wizard of Oz. She said that the children acting and singing in this production lifted us up in these times of tragedy.

Tim Mayer took time to ask citizens to help those in the community at this time of year. He thanked the council for their work with the administration in discussing and fostering legislation to bring the city forward. He thanked the council and clerk staff, also.

Jacqui Bauer, Sustainability Coordinator, said that city was recognized as a "Green City" by the Indiana Association of Cities and Towns for their efforts in sustainability. She said City Hall was certified through the Leadership in Energy & Environmental Design (LEED) program. She said that the city had exceeded numerous metrics of sustainable energy use in all city buildings.

The MAYOR AND CITY OFFICES

Barry Collins, Facilities Coordinator, detailed energy saving upgrades made to city owned buildings --LED lighting, green cleaning, and heating upgrades.

Volan asked if there was a written report on the LEED certification for the city. Bauer said that there was not a single compiled document, but she would be happy to share the individual reports.

Volan asked how much money was saved through the program. Bauer said that there was no exact figure, but the process and investments would benefit other city buildings.

Sturbaum asked if there were payback options for the energy savings. Collins said that the city was applying for rebates for the improvements.

Spechler asked about solar panels on City Hall. Bauer said that the city applied for a grant for solar panels but did not receive it. She said that solar on City Hall would be an option when the roof would be replaced.

Mayer thanked staff for saving the taxpayers money.

Maggie Sullivan, Chair of the Sustainability Commission, gave a year end report of the commission's activities to the council. She said that the commission focused on energy, transportation, waste reduction, and local food. She said they tried to establish goals for the city to reach by 2014, and they supported initiatives that helped the community reach these targets.

Volan asked if the commission participated in the Growth Policies Plan. Sullivan said that they had commented informally.

Reports from City Offices (cont'd)

Spechler asked for one example of how the sustainability benchmarks would be achieved. Sullivan used the example of the "Beat the Meter" program where a professional went into homes to advise residents on how to reduce their household energy consumption.

There were no reports from council committees.

Chaim Julian said he was a strong advocate for gun control, but said that access to mental health care and medications was the other side of the coin. He said it was harder to get help for these illnesses than it was to get guns and that the stigma of mental illness needed to be eliminated.

It was moved and seconded that Nancy Obermeyer and Keith McDaniel be reappointed to the Public Transit Corporation Board of Directors. The reappointments were approved by a voice vote that was not unanimous.

It was moved and seconded that Ordinance 12-28 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0.

It was moved and seconded that Ordinance 12-28 be adopted.

John Langley, Deputy Director of Utilities, presented on the federal updates to the Sewer Use Ordinance and Local Effluent Limits. He said that the federal Clean Water Act (CWA) was passed in 1972 and was intended to clean and protect water in the country. He said that twelve changes were required to be adopted by local ordinance such as clearly defining terms used in the ordinance, verification sampling, and requiring significant industrial users to notify utilities if production increases or decreases by 20%. He detailed the new limitations of effluent in water after treatment and the Enforcement Response Plan to standardize a broad range of enforcement responses to violations. He said that if the council approved the ordinance, IDEM and the EPA would need to review the changes.

#### Council Questions:

Neher asked what the time frame for responding to complaints was. Langley said that the goal would be to have the out of compliance business present a corrective plan within six months.

Spechler asked if fees other than the homeowner wastewater charge funded these programs. Langley said there were none.

Spechler asked how the wastewater charge was determined. Langley said that it was based off of water usage by the business or home.

Spechler asked if utilities were entirely funded by water rates. Langley said it was, and the state required it to be.

Mayer asked how the new limitations on effluent were determined. Langley said that the EPA told utilities what they needed to monitor.

Mayer asked where food receptors for grease could be placed. Langley said they could be placed in a right of way.

There was no public comment on the ordinance.

#### Council Comment:

Sturbaum said that he appreciated that utilities sought to educate businesses to bring them into compliance rather than charging a fee just to make money.

Mayer thanked staff for their work on the ordinance.

Ordinance 12-28 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded that Ordinance 12-29 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0.

It was moved and seconded that Ordinance 12-29 be adopted.

Sandberg said that the at-large councilmembers were charged with bringing the councilmanic districts into compliance. Districts needed to be contiguous, reasonably compact, and as equal in population as possible. She said that no precincts were divided in the plan.

There were no council questions or public comment.

## COUNCIL COMMITTEES

### PUBLIC

### APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS  
Ordinance 12-28 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" - Re: Revisions to Chapter 10.04 General Rules, Chapter 10.08 Wastewater Rates and Charges, Chapter 10.12 Prohibited Wastewater Discharges and Chapter 10.16 Industrial Wastewater Dischargers and the Addition of Chapter 10.17 Food Service Establishment Wastewater Dischargers

Ordinance 12-29 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" - Re: Amending Article IV of Chapter 2.04 (Common Council) to Establish Councilmanic Districts for the City of Bloomington

Council Comments:

Volan said that precinct lines were ‘arbitrary’ because they were drawn for registered voters rather than population. He said splitting precincts could be against electoral law and was undesirable.

Spechler commended Sandberg on her work on the process. He said that districts were drawn based on census population rather than voting turnout. He said that fewer votes would be cast in student dominated districts.

Sturbaum explained some of the changes in his district.

Mayer thanked Sandberg and Ruff for serving on the committee to determine the new map.

Ordinance 12-29 received a roll call vote of Ayes: 8, Nays: 0

This being the last meeting for the 2012 calendar year, there was no legislation to introduce.

Larry Barker, Executive Director for the Solid Waste Management District, said that the district would make electronic recycling free, keep rural sites open five days a week, and free bulky item drop off.

President Mayer announced that the next meeting of the council would be in the new year, January 9, 2013.

The meeting was adjourned at 9:04 pm.

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

LEGISLATION FOR FIRST READING

PUBLIC COMMENT

COUNCIL SCHEDULE

ADJOURNMENT

for approval

In the Council Chambers of the Showers City Hall on Wednesday, March 20, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
MARCH 20, 2013

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

Minutes from Regular Session meetings of February 6, 2013 and March 6, 2013 were approved by a voice vote.

APPROVAL OF MINUTES

Steve Volan offered his sympathy to Dave Rollo on the passing of his mother.

REPORTS

Tim Mayer, noting the date, welcomed Spring to Bloomington.

- COUNCIL MEMBERS

Andy Ruff announced a forum on “The Attack on Public Education and its Effect on the Teaching Profession” held at the Monroe County Public Library on March 23, 2013 at 10:00 am.

Ruff noted that March 19<sup>th</sup> was the anniversary of the US invasion into Iraq that began on the false pretext that Saddam Hussein was hiding weapons of mass destruction. Ruff related that the council had responded to a community led initiative by passing a resolution asking the US government to not to invade until all diplomatic options had clearly been exhausted and there was better evidence of an actual threat.

He asked people to consider the 200,000 deaths, two-thirds of which were civilians, that occurred as a result of these actions not to mention the ones that resulted from lack of infrastructure and health related problems. He said despite the initial estimate of \$50-60 billion dollars, the true cost of the war was estimated by a panel of experts was \$1.7 trillion dollars. He added that the long term consequences to Iraq with its loss of infrastructure and the cost of soldiers’ complex injuries and mental injuries were staggering. He said we should have learned a hard lesson from this.

Chris Sturbaum said hoped the parking discussion would be civil and sincere.

Susan Sandberg announced a public forum held on “The New Jim Crow” written by Michelle Alexander that was to be held by the Monroe County Chapter of the NAACP on Tuesday, April 2, 2013 at the Second Baptist Church. She said that her interests were in the area of prison reform and that she encouraged people to attend.

Sandberg said her friends in the social service community were sending her information about what the federal government’s sequester meant for local agencies that use federal dollars.

There were no reports from the Mayor or other offices at this meeting.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC

There were no reports from council committees at this meeting.

President Neher called for public comment:

Chaim Julian, Chairman of Democracy of Monroe County, spoke of education policies made by the Indiana State Legislature. He said that his group and others were sponsoring the forum that Ruff mentioned. He invited the public.

There were no appointments made at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Ordinance 13-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the January 23, 2013 committee recommendation of Do Pass 3-0-6.

LEGISLATION FOR SECOND READING AND RESOLUTIONS  
Ordinance 13-03 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Authorizing the Expanded Use of Parking Meters in the Downtown and Related Changes

It was moved and seconded that Ordinance 13-03 be adopted.

MOTION to structure debate

It was moved and seconded that public comment be limited to three minutes, that persons who wish to speak line up at the two podia, that they sign in and state their name, and that they hand to the Clerk any written materials for distribution to the council.

Rollo asked that speakers be allowed to speak for five minutes because of the abbreviated agenda of the meeting. It was moved and seconded to amend the motion to allow speakers to have five minutes. The amendment to five minutes was approved by a roll call vote of Ayes: 9, Nays: 0.

The motion as amended was adopted by a roll call vote of Ayes: 9, Nays: 0.

Mayor Mark Kruzan said he felt that all involved shared two goals: to have better management of parking with the highest turnover and best use of the limited parking spaces that exist and revenue be secured to be invested in downtown improvements as well as parking infrastructure.

Mayor Mark Kruzan's Statement

He said this was not the first chapter of management or revenue, and noted that 2007 saw better garage management, segmenting permits, and shared parking. He noted that incrementally, the city had been addressing these issues, and that the implementation of meters was not the first part of the parking management story, but yet another chapter. He added that this was also not the first part of the revenue story, as savings, efficiencies and cuts had already been made with savings of more than \$6 million. He showed a slide with savings that the city had managed in its overall effort to reduce costs.

He also noted that the lower revenue numbers reflected the slow erosion of the city's ability to provide services. He said there were challenges with providing infrastructure, capital improvements, social services or downtown services. He added that the city was looking at alternative sources of revenue as well as belt-tightening.

He said that the discussions taking place in the city were as a result of the growing pains of the city, noting that the population was now over 80,000. He noted the 'big city amenities and small town charm' was being threatened by stresses on the city. He noted the UDO of a decade earlier centered on a different discussion of one side of town being threatened by another side, and the issue of sprawl. He said that the emphasis of that UDO was to bring people into the downtown, while at this time the question asked if we had tipped the balance too far in that direction. He noted the demographic shift from the IU campus to the downtown. He noted that the challenges of an old chemical plant across from City Hall, and the other blighted areas that were mitigated by policy changes in the UDO had created new challenges. He predicted that these challenges would be met with new policy that would create more affordable housing and non-student rentals in the downtown area. He said this ebb and flow of the community had led to an incredible increase in parking demand. He outlined the new bedrooms, office space and retail space that had been added since the 2007 Walker Parking Study.

Kruzan said that on the horizon of development in the community were projects that would place more demand on the limited parking space available downtown. He said the purpose of the ordinance in question was to get ahead of the demand of the 1276 new beds/residents/cars coming into the downtown as well as the loss of 'unofficial' spaces owned by IU, businesses, and banks that were used on weekends and evenings, but would be developed soon.

Kruzan said that the City of Bloomington was growing at a rate of about 1% per year, but that even that small amount of population growth resulted in significant change after a few years. He said the city was trying to get ahead of the parking challenge, create turnover, and continue to make the downtown manageable.

He said he needed to do a better job of helping people understand that they were getting their money's worth with taxpayer dollars. He noted a list of investments in the downtown in the last 18 months included maintenance and infrastructure, cleanliness and landscaping, economic and community development, arts and economic vitality and public safety that totaled \$22 million dollars. He said the city center would be enhanced by the South Walnut streetscape project and the acquisition of the IU property north of the Showers Complex. He said that the IU land on the open market or 99-year lease would have been used for student apartments and retail centered on the student market. He said he believed that government had a better solution for that land.

Kruzan said that if this ordinance were passed, there were specific plans for the revenue acquired. He showed a list of expenses totaling over \$1 million dollars that would enhance parking structures. He outlined security cameras, restriping, painting, cleanliness, safety, gating and lighting. He said the 24/7 staffing of garages was not included in this list, but said that \$189,000 annually would cover that expense, if needed.

Kruzan said that the improvement of the downtown in general was his goal and showed some \$8 million dollars in downtown expenses that were projected for 2013. He added that Bloomington was a victim of its own success, bringing in more people in the form of housing, visitors and customers.

Kruzan said the discussion of metering had brought up the topic of free parking in areas of the city. He said this proposal had 179 on-street free spaces, and that the Public Works department had suggested that there be some free spaces in city lots, also. He specifically noted the work and collaboration of Darryl Neher, Susie Johnson, Steve Volan, Andrea Roberts, Dan Sherman and Stacy Jane Rhoads on this issue.

He concluded by saying that the city was sincerely trying to do the best thing for downtown to make sure the city continued to be good stewards of the investments already made by our predecessors and to use revenues raised to enhance the downtown.

It was moved and seconded that Ordinance 13-03 be amended by Amendment #1. Neher framed the Amendment by saying that during the previous six weeks many council members had met with groups, individuals, business owners and stakeholders to craft an alternative proposal to the original one. He said the three primary goals were to: insure that a new proposal would reflect a comprehensive proposal of downtown parking, insure that the city would be able to continue to invest in the downtown, and to insure that concerns of stakeholders and persons who made statements be able to be addressed.

Neher said, in the attempt to understand parking issues in other cities, research was done on BEDC benchmarking communities, not just Big Ten communities. He said that in those benchmarking communities, all used paid parking as part of their parking management plan, with only two offering any free parking at all. He said the original proposal fell into the realm of these benchmarking communities. He said the broader discussion included the ability to make a quick stop to make a purchase, some degree of parking equity in having some free spaces in the core of the downtown area rather than just at the fringes of the area, the insurance of garage improvements and a measure of follow-up reporting. He thanked the council members who co-sponsored the amendment and contributed to the discussion.

Neher asked Volan to explain the new measures proposed in the context of an overall parking plan.

Volan noted that the administration's original proposal included 179 free spaces out of over 1200 on-street spaces. He said the amendment increased the free spaces to a minimum of 400 spaces in city parking lots and garages. He said that the language in the amendment was changed to list the parking rate at \$0.25 for fifteen minutes rather than an hourly rate, so that it was clear that a person did not need to purchase a full hour of parking. He said the amendment for a downtown part time employee permit for thirty hours of parking per week was changed to \$25 from the proposed \$32.50.

Neher clarified that the free parking would be limited to a three hour period.

**Council Questions:**

Rollo asked when the amendment was made public. Neher said it was finalized earlier that day, but he said changes had been discussed for a long time.

Ruff asked how other communities used meters. Neher said that similar cities had meters for decades and others had removed meters in response to community backlash. He said that a similar community had found removing the meters to be a disaster.

Ruff asked if that community could really be compared to Bloomington. Neher explained that removing the meters reduced vehicle turnover.

Sandberg asked about the non-commercial stakeholders that were engaged in the policy process. Neher explained that a number of not-for-profits were engaged, and he added that free parking expanded in the evening to accommodate increased attendance at art events.

Rollo asked about the provision that required the city to repair the garages before accruing revenue. Volan explained that the administration was committed to making necessary improvements. Kruzan added that the administration would begin improvements before the plan was implemented.

Amendment #1 to Ordinance 13-03  
This amendment is sponsored by Councilmembers Neher, Volan, Granger, Mayer, Spechler and Sturbaum. It amends Ordinance 13-03 by making changes to the Bloomington Municipal Code and by outlining policy priorities. The amendment:

- shifts the currently-metered parking spaces in three City parking lots and two garages to free, three-hour parking during the day;
- provides for on-street parking at a rate of \$0.25 per fifteen minutes;
- lowers the cost of a non-reserved part-time permit in the City garages from \$32.50 to \$25.00;
- provides for a tiered parking fine structure for Class D violations wherein the first ticket received within a twelve-month period is \$20, escalating to \$40; the second ticket received within a twelve-month period is \$40, escalating to \$80 and all subsequent fines received within twelve-month period are \$100;
- requires the City to retain a consultant to conduct a follow-up study of Downtown metering no later than 15 months after the installation of parking meters; and
- adds two "whereas" clauses that express the City's intent to begin measures to improve the cleanliness, lighting and safety of the garages and to explore the viability of a Parking Commission.

Rollo asked if a special appropriation or bond issuance would be required to begin the improvements. Kruzan explained that the administration would be able to use TIF or General Fund revenue to fund the improvements without an additional appropriation.

Volan asked if the existing parking fund could be used to these improvements. Kruzan said that the parking fund was needed to fund parking management operations. Volan asked if the administration would be willing to spend general fund revenue to install improvements until revenue from parking increased. Kruzan said that the administration would be willing to use general fund dollars, but they would prefer to use TIF revenues. He said that TIFs would be experience an increase in revenue in the following year.

Spechler asked if increased parking fines would apply to neighborhood parking fines and the library lot. Susie Johnson, Public Works Director, said that neighborhood parking fines would not increase without evidence of increased pressure on neighborhood parking. She said that gathering this evidence would be included in the follow up study required by the ordinance. She said that the city could not enforce parking restrictions on the library's lot. Neher added that the increased fines were intended to deter illegal parking.

Spechler asked if the administration felt that increased fines would reduce the number tickets issued, or if it would serve only to increase revenue. Neher said that escalating fines were meant to deter repeated illegal parking. Kruzan added that the number of parking fines issued had reduced in the last three years and that repeat offenders were the exception rather than the rule. He said that all parking ticket offenses, including neighborhoods, would be affected by escalating tickets.

Spechler asked if the escalating fines would create additional revenue. Kruzan said that it would be a very small increase in revenue.

Public Comment:

PUBLIC COMMENT

Janis Starcs, owner of Caveat Emptor, spoke against the amendment. He said his customers would be less likely to shop downtown if there were parking meters, and he was concerned that people would shop online instead of downtown.

Buff Brown, Bloomington Transportation Options for People, said the organization supported the amendment and ordinance. He said that free parking did not work because it was taken up immediately in the morning. He said that additional revenue should benefit downtown merchants. He said that traffic would increase as people looked for cheap parking, and he said that on street, metered parking should be increased.

John McGuigan, employee of Caveat Emptor, said that he had an alternative strategy to parking management and 3,800 signatures of individuals against parking meters. He said working with the council was frustrating, and he asked the council to postpone the ordinance for six months in order to solicit the opinions of residents, business owners, and non-profits.

Jim Bradley, O'Child Boutique, said that people with disabilities and families with children could struggle with paying for meters. He said that there was not adequate signage on free parking.

Chris Cockerham, CFC Properties, read a statement from the president of the organization. He said that the community needed to support downtown commerce and parking meters would not do this. He said that it was unfair to ask citizens, businesses, and visitors to bear the burden of covering the parking garages deficit.

Martha Moore, president of Downtown Bloomington Inc., said the organization supported the care of downtown and fiscal responsibility, and they felt the amendment addressed numerous concerns about the policy.

Bill Milroy, treasurer of Old Northeast Neighborhood Association, said that residents in the neighborhood requested more time to review the amendment before the council voted on the amendment.

Jim Shelton, Greater Bloomington Chamber of Commerce, asked the council to postpone the ordinance in order to allow the members of the chamber to explore the changes.

Amendment #1 to Ordinance 13-03  
(cont'd)

Danna Jackson said that the parking plan was not workable. She said that the whole community should share in the hardship and the gain of any policy. She said that alternative modes of transportation were dwindling in the city.

Sara Laughlin, Director of the Monroe County Public Library, said that local government was fiscally constrained by the state and that there was a parking crisis in the downtown. She said that uncertainty about parking was causing a decrease in patronage of the library facilities. She said that requiring people to pay for parking to visit the library was against their mission of providing free access to information for all Monroe County Citizens. She said the library supported the amendment because it increased the availability of free parking, but she said that parking meters would accelerate the need to construct a second branch of the library where parking could be free.

Allison Chopra, downtown business owner, said that the ordinance would not change people's behavior.

Suzanne Halvorson, founder of By Hand gallery and Yarns Unlimited, spoke against the ordinance and said that this policy would change the charm and unique character of the downtown because small businesses would close.

Liz Irwin, Greater Bloomington Chamber of Commerce, said that the details of the amendment were not made public until that evening. She asked the council to postpone the ordinance in order to create a comprehensive plan that could address the questions and concerns brought forward by the public.

Iris Kiesling, County Commissioner, said that the county had fewer employees in the downtown, but their new health clinic would be opening. She said that a large fines would discourage visitors, and that people doing business with the county would struggle with the meters.

Jean Bridell, owner of Know Yoga Know Peace, said that the garages needed clearer signage, and she asked why the Market Garage did not have free parking. She suggested the city tax alcohol more in order to generate revenue.

Jason Nickey, Landlocked Music, said that the meters needed time limits to increase turnover. He asked for more time to discuss the amendment with his customers, but he felt more comfortable with it than the original proposal.

It was moved and seconded to postpone action until April 3, 2013. Sherman said this would have the effect of postponing the Ordinance until that time.

MOTION TO POSTPONE  
Amendment #1

Spechler said that he would vote against the motion because he felt the ordinance was a comprehensive solution to the parking problems

Volan said there had been many reasonable objections to the ordinance. He said that extended deliberation would make the ordinance stronger, but he said that it was time to move on and pass the amendment.

Sturbaum said he liked the amendment, and would vote against postponement.

Ruff said that the public had asked for more time to review the amendment, and he felt they deserved it. He said there were many reasonable objections, and he would support postponement.

Rollo said the public had not been given enough time to determine the implications of the amendment.

The motion to postpone Amendment #1 until April received a roll call vote of Ayes: 3 (Ruff, Sandberg, Rollo), Nays: 6 and thus failed.

COUNCIL QUESTIONS

Further Council Questions:

Ruff asked if a different firm would perform the follow up parking study. Kruzan said it would be a different firm in order to avoid a conflict of interest.

Volan asked if parking enforcement would be done on Sundays. Kruzan said that Sundays would not be included.

Council Comment:

Sturbaum said he was glad that the high fines were addressed by the amendment. He said he would support the amendment.

Rollo said he would vote against the amendment because the public did not have time to review the amendment.

Volan said that he did not expect people to be willing to pay for an entire day of metered parking. He said that not all students were wealthy enough to afford metered parking, and he used the example parking Zone 10 was created in order to prevent students that lived at Smallwood from parking in the neighborhood. He encouraged the city to consider dynamic pricing for parking that would be set depending on the time of day and day of the week. He added that he was concerned about people driving in circles searching for free parking. He said he would support the amendment.

Granger said that parking was a universal issue, and she appreciated the community's input in parking regulations. She said that the city would not be able to please everyone, but she hoped that the amendment would serve to support the downtown in the best possible way.

Sandberg said she would not support the amendment because it did not accommodate low income individuals. She said meters would not damage the downtown as a whole, but she said they would change the character of the area as small businesses moved elsewhere.

Ruff said that the amendment softened the negative impacts of the ordinance as a whole, but he said it was not consistent with the reasoning or justification behind the policy. He said he could not support the amendment because the public was not given time to review it.

Spechler said that anyone who could afford a car could afford the meters. He said that there was a vibrant bus system, bicycle amenities, and pedestrian walkways for low income individuals. He said he would support the amendment, and he felt that business owners would see more customers when there was higher parking turnover.

Sandberg said that it was expensive to be poor. She said that many people had to live far away from a bus route and needed a vehicle. She said that the bulk of their income went to being able to live and the extra cost of parking was prohibitive.

Neher said he appreciated Volan's comments. He said the process of designing parking management policy had been going on since 2007.

Volan said that Sandberg had explained the situation of lower income individuals eloquently. He said when free parking needed to be eliminated, he hoped the city would be able to provide discounts for people who needed them.

Amendment #1 received a roll call vote of Ayes: 6, Nays: 3 (Ruff, Sandberg, Rollo).

VOTE ON AMENDMENT #1

Council Questions:

Neher asked if the administration supported the ordinance as amended. Kruzan said that they did.

Ordinance 13-03 as amended

Rollo asked how increased demand for parking would affect garage revenues in the future. Susie Johnson, Public Works Director, said that it could balance out costs and use. Kruzan added that the amendment also eliminated revenue streams from the garages. He said that the balance between on-street parking and garages was delicate.

Rollo asked if residents would be more likely to use parking garages. Kruzan said that parking would reach a critical mass that would require the construction of a new facility, and the city would need the revenue generated by this ordinance in order to construct it.

Spechler asked if people would be more likely to use the garage than the street if they intended to park for the entire day. Johnson said they would be.

Volan asked if there was concern that people would abuse disabled parking. Kruzan said that the administration did not assume that someone with a disability would be unable to pay for parking. He said that there would be more disabled parking spaces available after this ordinance was passed.

Rollo asked about phasing in parking meters. Kruzan said people would park in the cheaper areas, and it would negatively affect businesses within the first

phase of meters. He said the policy would pit businesses against one another. Spechler asked if free handicap spots would incentivize acquisition of handicap permits. Kruzan said the city could not issue its own disabled parking permits. He said that it would be possible for some people to seek out permits solely to be able to park for free.

Ordinance 13-03 as amended (*cont'd*)

Public Comment:

PUBLIC COMMENT

Buff Brown said that the ordinance was very good for Bloomington. He said that increased on-street parking would be beneficial for downtown businesses as more customers were able to park in the area. He said the amendment made the policy even better, but he warned that free parking could damage the effort.

Jim Bradley, O'Child Boutique, said that the amendment softened the blow of meters somewhat. He asked that the council vote against the ordinance because all the issues were not adequately addressed. He said social service agencies and churches would leave the downtown. He said developers needed to put in enough parking for their tenants to avoid congestion in on-street parking.

COUNCIL COMMENT

Council Comment:

Sturbaum said growth patterns and changes in the downtown would take a long time. He said that the city needed people to live downtown in order to maintain the businesses. He said this was a positive step for the downtown.

Spechler said that the majority of people would benefit from the ordinance.

Rollo said that the economic crisis was only beginning and discretionary spending would decrease. He said people needing social services would increase and that the downtown was in a precarious situation. He said that the risk of the meters was borne by low income residents, downtown businesses, and churches.

Volan said that all taxpayers had been asked to subsidize downtown parking, and it was unfair. He said that the meters would prevent the downtown from being a burden on people that did not drive. He said that the plan made parking more consistent, and he expected that a smartphone application would be implemented to make paying for parking easier. He said this policy would set the stage for a greater transportation vision of the community.

Ruff said that the city had always been a champion for the unique character of the downtown. He said he did not expect the economic situation to continue in a positive way, and he felt that the use of cars would decrease in the near future. He said uncertainty in the future made investment in metered parking too risky, and he was concerned about altering the character of the downtown. He said he would not support the ordinance at this time.

Sandberg said she assumed the ordinance would pass, and she said the city would do its best to ensure that the experiment would move in a positive direction. She said that the city was growing and new dynamics in the downtown were starting to form. She said she could not bring herself to support the ordinance.

Mayer said that he had supported using general fund money to support parking garages for his entire tenure on council. He said that the city had agreed to maintain the garages in order to facilitate private investments in the downtown. He said that because of declining revenues, the city no longer had the luxury of paying for garages through the general fund because that money was needed for improvements in other parts of the city.

Sturbaum said that the ordinance anticipated growth in the city.

Volan said that the GPP was currently being revised, and he encouraged people to get involved in the process.

Spechler disagreed with Rollo's statements noted above.

Ordinance 13-03 as amended received a roll call vote of Ayes: 6, Nays: 3 (Ruff, Sandberg, Rollo)

Ordinance 13-08 An Ordinance Concerning the Current Refunding by the City of Bloomington, Indiana of Its Sewage Works Revenue Bonds of 2000, Series A Through C, and Sewage Works Refunding Revenue Bonds of 2003; Authorizing the Issuance of Sewage Works Refunding Revenue Bonds for such Purposes; Providing for the Collection, Segregation and Distribution of the Revenues of the Sewage Works and the Safeguarding of the Interests of the Owners of Said Sewage Works Refunding Revenue Bonds; Other Matters Connected Therewith; and Repealing Ordinances Inconsistent Herewith

LEGISLATION FOR FIRST  
READING  
Ordinance 13-08

There was no public comment in this section of the meeting.

PUBLIC COMMENT

Neher reminded the council that there would be a Special Session and Committee of the Whole on Wednesday, March 27, 2013.

COUNCIL SCHEDULE

The meeting was adjourned at 11:40 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

for approval

In the Council Chambers of the Showers City Hall on Wednesday, May 1, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
May 1, 2013

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

ROLL CALL

It was moved and seconded to suspend the rules to re-order the agenda such that the sections titled "Reports" (current section IV) and "Additional Public Comment" (current section VIII) be moved to the end of the agenda, immediately before "Adjournment."

MOTION TO SUSPEND RULES

The motion received a roll call vote of Ayes: 9, Nays: 0

Council President Neher gave the revised Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

It was moved and seconded that Ryan Cobine be appointed to the Traffic Commission. The motion was approved by a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There was no legislation for final action at this meeting.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Ordinance 13-09 be read by the clerk by title and synopsis only.

LEGISLATION FOR FIRST READING

Ordinance 13-09: To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Amending Schedules A and B of BMC 15.12.010 to Authorize a Multi-Way Stop at the Intersection of Moores Pike and Olcott Boulevard

Ordinance 13-09

Darryl Neher said the Homeless Charrette process had unfolded over the last months, meetings had been completed, and the report was almost ready. He said he was hopeful that the report would identify objectives and a true plan for the city. He said it was not easy for organizations to collaborate, but hoped this would lead to the community moving forward together to address issues of homelessness.

REPORTS

- COUNCIL MEMBERS

Marty Spechler said he attended part of the charrette process. He said attendance was good, and support and sympathy for poor and homeless people was indicated by the willingness of people to spend hours mulling over solutions and approaches. He noted the idea that he thought had the greatest attraction was that of rental subsidies which he said worked across the country to move people from the streets to decent housing. He said his experience indicated that this was the most expedient and least expensive way to reduce the number of homeless persons. He said homeless are attracted to Bloomington for reasons that include our sympathy.

Steve Volan said he attended part of the charrette. He admitted that the Shalom Center did not have a prominent place in his mind for many years, but since the recession he had taken more notice of the "problem that everyone is trying to define." He refused to say it was a homelessness problem because most people lumped panhandling, aggression, alcoholism, addiction and violence with homelessness. He said the problem was more an emergency services situation. He asked why a low barrier shelter could not logistically be erected somewhere in the city, adding that when it existed in the past, it was on church grounds. He said it was difficult to accept that a city where more than half the population is not originally from the city would have so much objection to an emergency shelter for homeless because "those people" seem to be from out of town. He said it took a long time for the community to accept someone who moved to Bloomington as a permanent resident. He said the city accepted 42,000 students per year seemed to begrudge less than 100 people a place to sleep at night. He acknowledged that it was a complex problem

Andy Ruff stated that the planet reached a scary milestone in the past week. The carbon dioxide concentration at Mauna Loa Observatory had reached an all-time high of over 400 parts per million. Levels had not been this high since 4 million years ago, when the planet was much different. He said

that increased CO2 levels were largely the result of human activity such as burning fossil fuels. Scientists predicted the levels would continue to rise unless serious efforts were undertaken to reverse this chilling, scary trend.

Chris Sturbaum spoke about local homeless issues and about the terrible disease of addiction that often played a role.

Susan Sandberg, as Chair of the Jack Hopkins Social Service Funding Committee, read a statement about sheltering persons who were homeless or in need of shelter. The statement is an addendum to these minutes.

There were no reports from the Mayor or other offices at this meeting.

There were no reports from council committees at this meeting.

Brianna Underhill spoke as the co-director for the Ubuntu shelter, the proposed low-barrier summer shelter that was seeking a facility. She stated that over 60 homeless neighbors were sleeping without shelter that night. She said that low barrier shelters were grounded in the idea that shelter was the most basic of human needs, at the bottom of Maslow's hierarchy of needs. Most of the individuals who used the interfaith winter shelter would not meet admission criteria for Martha's House or Backstreet Missions due to alcoholism, drug addictions and severe mental illness. Without a year round low barrier shelter, many ended up in jail cells, mental hospitals, alleyways, church steps, bushes, truck beds and wooded areas.

Nicole Johnson, 36 years old, stated that from age 20 to 22 she was indigent and until the age of 27 she was a drug addict. Johnson was now a psychologist and sociologist, and stated that she saw situations from a unique perspective that most people didn't have. She explained that, as a city grew, so its homeless population grew in disproportionate numbers. She asserted that homeless people came to Bloomington because of the social services here that smaller towns lacked.

Marc Cornett commented on the expense of building a recent roundabout and questioned the relative value of investing in roads vs. investing in services for needy people.

Chris Aver, social worker, talked about his personal and professional experience with homelessness and heroin addiction. Aver expressed his disgust with the priorities of local government and referred to the council as oppressive.

Daniel McMullen opined about the city's budgetary discrimination against shelters for the homeless.

Samantha Harrell asked the audience to follow her guided imagery to gain deeper empathy for the challenges faced by homeless persons.

Kathy Byers, social worker, emphasized how important it was for people to have a safe, dry place to sleep at night before they could work on more complex problems. She said that we needed more long term planning for affordable housing in Bloomington.

Haley Bouchart, social worker and secretary of the board of directors of New Hope Family Shelter, talked about having seen people achieve stability after being given shelter. She asked for support for a low barrier year round shelter.

Kelly Miles, former intern, volunteer and board member at New Hope Family Shelter, and now an employee, spoke about the difference it made in people's lives to have a safe place to sleep. She called for the city to take action on providing shelter for the homeless.

Jim Hart, volunteer and board member of the Interfaith Winter Shelter, talked about the sickness of civilization that we had in so many forms. He said that homelessness, as we knew it today, was of a different order that created an enormous challenge for the victims on the wrong end of the economic stratum. He insisted we not wait for an ideal solution, but do *something* about homelessness, specifically providing a low barrier shelter.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC

\*\* This portion was joined with the final public comment segment for a total of 45 minutes of continuous public comment.

Ryan Conway, a political scientist, talked about his recent conversation with two educated homeless persons and his realization that he too was just a step away from being in a similar position, if it weren't for the people in his life that actively cared about him. He found it disturbing that more people didn't engage with people they saw as "different".

Joe Vargas pointed out that the policy prohibiting backpacks in the council chambers meant that homeless people were not able to attend council meetings, and that the excessive police presence also discouraged participation. He referred to Mayor Kruzan as a hypocrite, and called homelessness a humanitarian crisis and an emergency situation. He demanded that the council and administration "find the [expletive deleted] solution."

John Daudarian, social worker, participated actively in the charrette process. He praised the long term planning that took place, but criticized the lack of immediate action toward a short term solution such as a year round, low barrier shelter. He emphasized that this movement for social change was one of unity and collaboration, not meant to be divisive or corruptive to the social service agencies already in place.

Laura Lassertmer, member of Bloomington Catholic Worker / Christian Radical Community, appealed to city council to respond to the urgent need for a low barrier permanent shelter for our brothers and sisters out on the streets. She said it was shameful that this had been a problem unaddressed by the city for so long. She criticized the city for having quashed a community effort to help the homeless while they sat by and did nothing. She urged the council to use all the political power they could to come up with a real solution.

Latina Andrews, social work intern at New Hope Family Shelter, spoke on behalf of homeless veterans, the chronically mentally ill, those who suffered from untreated substance abuse, and the 1 out of 50 children who were homeless. She said that now was the time for the city to either step up or step out of the way.

Peter Oren, 21 years old, told his story of being homeless for one night in Oslo. He said that in the USA, we lived in a society that was unfairly divided for the sake of the dominant class. He stated that economic opportunity should be a basic human right.

Marc Haggerty told council members that they had the power to do whatever they wanted with this public meeting, but that they were missing a real opportunity if they did not work with the passionate advocates present to provide shelter for Bloomington's homeless. He was ashamed to be part of a community that used the law and the police to keep people from having shelter.

Chris McKelly stated that 6,500 people were one paycheck away from being homeless in Bloomington. She criticized Mayor Kruzan for having shut down the temporary tent shelter erected by local citizens for the homeless, and said that political power should be used to help members of the community not divide them.

Maria, 6 1/2 years old, said "let the people put up tents in the parks".

Scheduled for May 8, 2013 was a budget session, special session and committee of the whole.

The meeting adjourned at 8:57 pm.

COUNCIL SCHEDULE

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

For approval

**Statement read at the May 1, 2013 Regular Session of the Bloomington Common Council just before the Public Comment section of the meeting.**

As the current chair of the Jack Hopkins Social Services Fund committee on the Bloomington City Council, I put my personal and professional interests to work in serving the public good. The issue of people experiencing chronic homelessness is something I've faced in front line work as a former case manager with Children and Family Services and as a volunteer with New Leaf/New Life. I currently serve on the advisory committee for Centerstone and their Project Care, a Department of Labor funded program that provides counseling and transitional services for those returning to our community from incarceration. A great contributor to recidivism rates in our society is addiction. This is a difficult disease to manage in the best of circumstances, especially when paired with a variety of other mental illnesses. Homelessness is a hard reality to accept and even more difficult to prevent with so many gaps in federal and state funding for mental health and addiction treatment programs. All social systems struggle for adequate funding to support their missions.

It is a privilege to live in a community like Bloomington filled with activists willing to put their resources, volunteer time and expertise to good use for a number of local nonprofit organizations and programs that serve the underserved. Bloomington is head and shoulders above many other Indiana cities and towns when it comes to supporting social services. We proudly help to fund nonprofit organizations at the very top of what is allowable by law. Where other cities may choose to distribute those funds elsewhere, we invest in programs that serve our greatest needs.

With the CDBG (the federal Community Development Block Grants) decreasing, the Kruzan administration, with the full support of the Bloomington City Council, has steadily increased the Jack Hopkins Social Services Fund. Currently at \$257,500, this is a higher local allocation than we currently receive from the federal CDBG to distribute for social services funding. The Jack Hopkins Fund represents your tax dollars at work to help lift people out of poverty, invest in youth development, support food providers and improve healthcare options. While the Jack Hopkins committee tends to prioritize basic food, shelter and healthcare grant applications, we also recognize innovative non-profit programs that fill gaps and provide long-lasting community benefit to low-income residents. We have invested these funds in both low-barrier shelters AND emergency housing programs with stricter drug and alcohol standards for individuals needing clean and sober shelter.

We are known as a community blessed with a wealth of anti-poverty resources for those who struggle. Many of the social service providers we help to fund work outside of the Bloomington community and into neighboring counties. We take that into fair consideration. One of the Jack Hopkins projects we funded last year was to help gather regional data needed to leverage more state or federal funding. The City of Bloomington, through our limited social service funding resources, attempts to prevent social ills including chronic homelessness.

This year, our Jack Hopkins Social Services Fund committee is reviewing 30 grant applications from local nonprofit service providers. We are facing \$383,786 in social service grant requests for the \$257,500 budgeted to allocate among those worthy applications in 2013. That will leave a disappointing \$127,286 out of the running for many organizations and agencies to receive City of Bloomington grant support. These decisions are always heartbreaking for those of us serving on the grant allocations committees. We always recognize growing need with not enough dollars to distribute, and there's not a single one of us who serves on the CDBG and the Jack Hopkins grant panels who doesn't wish we had more to offer. Not a single one of us!

Even as we face budget shortfalls and look to other funding streams to maintain excellent city services, our commitment, along with the Honorable Mayor Mark Kruzan's commitment to increase Jack Hopkins Social Services funding, has been unwavering. It is a source of great pride that Bloomington is a community that cares about social justice and economic opportunity. As members of the legislative body for Bloomington, we cannot scoff at our own laws that are in place for good reasons – to elevate the common good, to protect and preserve the safe and civil city we all want to build and maintain.

Problem-solving requires civility and a willingness to come together in good faith to discuss reasonable solutions. Thank you to everyone here who is willing to engage in the larger community discussion that requires bigger systems beyond the jurisdiction of the Bloomington City Council.

With all due respect,

In the Council Chambers of the Showers City Hall on Wednesday, May 15, 2013 at 7:30 pm with Council Vice President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
May 15, 2013

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

ROLL CALL

Council Vice President Granger gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Andy Ruff reported that he had spoken with Senator Mark Stoops and Representative Matt Pierce about a recent misleading INDOT statement announcing that money had been “found” for the completion of Sections 4, 5 and 6 of I-69. He said that this money was actually taken from the State’s General Fund which was intended for education, environmental protection and conservation, and other critical services and programs for needy Hoosiers. Ruff alleged that the approach to funding the I-69 project was irresponsible, and that hundreds of millions of scarce dollars were being mis-allocated to new highway construction and diverted from programs with higher priorities.

REPORTS

- COUNCIL MEMBERS

Susan Sandberg reported on the Jack Hopkins Social Services Grant Funding Committee. Thirty applications were reviewed this year for a total allocation of \$257,500. Sandberg encouraged citizens to watch the CATS recording of the hearing to gain a better appreciation for the valuable work done by local non-profit organizations to serve the needy in our community.

Steve Volan read text from the 26<sup>th</sup> Amendment to the United States Constitution. He expressed his concern about college age citizens being referred to as “children”, an attitude which he believed contributed to IU students’ disenfranchisement from local, state and national government.

Dorothy Granger announced that she and County Commissioner Julie Thomas were sponsoring another City/County Residents’ Lunch at Rachel’s Café on Tuesday, May 21, 2013. She noted that the proposed food and beverage tax would be the topic of discussion this month.

Jason Carnes, Assistant Director of Business Relations in the Sustainable and Economic Development Department, gave a report on the national youth program *Lemonade Day*, taking place in Bloomington on Saturday, May 18, 2013. *Lemonade Day* was a 14-step process that taught children how to start, own and operate a small business by building and running a lemonade stand.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Call for public comment:

Pastor Dave Woodcock, Genesis Church and Genesis Shelter, thanked the mayor and city council for their support of the low-barrier Genesis Summer Shelter for homeless adults. He also praised other individuals and organizations for their service to the community on behalf of needy citizens. Rev Woodcock said committed volunteers were vital to running the shelter and emphasized that it was everybody’s responsibility to help the homeless.

- PUBLIC

Kurt Wheeler, Genesis Church, expressed appreciation for the Jack Hopkins Grant funds that were allocated to the Genesis Summer Shelter. He praised the work of the South Central Indiana Housing Network for

seeing the long view and identifying the tools that were needed to solve the problem of homelessness. He made the point that cooperation and collaboration worked far better than complaining ever did.

Daniel McMullen thanked Genesis Church for providing the summer shelter that he used for three weeks last year. He also thanked Susan Sandberg for her work on the Jack Hopkins Social Services Grant committee.

Sarah Ryterband announced that The Chili Woman, long time vendor at the Farmers' Market, was chosen for the Green Business People and Planet Award by GreenAmerica.Org. Ryterband also praised all local sustainable businesses for their environmentally-conscious efforts.

Pastor Woodcock returned to the podium and talked about the high attrition rate of the Genesis Shelter volunteers. He admitted that there were a number of "impolite guests" who were hard on the volunteers. Woodcock stated that one of the reasons they opened a low barrier shelter was to bring more awareness to the issue of homelessness.

There were no appointments made at this meeting.

It was moved and seconded that Ordinance 13-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 2-0-7. It was moved and seconded that Ordinance 13-09 be adopted.

Rollo, sponsor of the amendment, requested that his extensive presentation during the Committee of the Whole on May 8, 2013, be submitted to serve as the presentation of record. A voice vote was taken approving the request.

Rollo referenced a map of the intersection of Moores Pike and Olcott Blvd and stated the primary reason for installing a multi-way stop there was to improve pedestrian, bicycle and vehicular safety. He also announced that he would be asking for a postponement until more information was forthcoming.

On behalf of the engineering staff, Dan Sherman, Council Attorney / Administrator, read a memo in response to questions that had been submitted by council members. Engineering staff asserted that traffic data did not support the need for a stop sign and cited the fact that there had only been 6 accidents in 3 years at that intersection. One of the accidents was a fatality, the cause of which was a distracted driver, not lack of signage. Staff maintained that more rear-end collisions would likely occur if a stop sign was installed at that location, and that the volume of traffic on Olcott Blvd was not significant enough to justify a multi-way stop.

Engineering staff noted that more than 50 other intersections in need of improvements ranked as a higher priority for MPO funding.

Council questions:

Rollo commented that if it was deemed unsafe to install a stop sign, it surely must be unsafe to have pedestrians stepping into a roadway with a "yield to pedestrians" sign. He saw this as a basic conflict that was unresolved by engineering staff's answer.

Volan asked Sherman to speculate about legal ramifications related to making a design change. Sherman stated that he would not second-guess city legal, but he suggested that supporters of the amendment consider allocating resources for the proposed project.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS  
Ordinance 13-09 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Amending Schedules A and B of the BMC 15.12.010 to Authorize a Multi-Way Stop at the Intersection of Moores Pike and Olcott Boulevard.

COUNCIL QUESTIONS

COUNCIL QUESTIONS (cont'd)

Sturbaum asked, if this was an engineering question, why city council had the authority to act, and whether it was in agreement with prescribed engineering guidelines or not.

Sherman replied that under statute, stop signs were done by ordinance, which fell in the lap of city council.

Volan asked if they were legally required to follow the guidelines set forth in the federal Manual on Uniform Traffic Control Devices (MUTCD).

Sherman replied that statute dictated that public agencies "shall follow the MUTCD", but that the manual had some room in terms of what it took to make a decision.

Ruff asked what needed to be included in the requisite traffic study per the MUTCD. Sherman read from the manual regarding multi-way stops.

Volan stated that Olcott Blvd users, after stopping, could not see oncoming traffic well enough to ensure safety in crossing. He asserted that was important criteria for consideration of a stop sign.

Sturbaum said that many existing intersections did not meet the MUTCD warrants. He pointed out that sometimes exceptions were made to engineering rules based on observation and experience.

Sherman advised supporters of Ordinance 13-09 to make the best case they could for their decision to withstand legal scrutiny.

Rollo asked about the liability involved in placing a pedestrian walkway in a place with limited line of sight.

Sherman said that the design proposed by engineering staff was calculated to satisfy engineering judgement.

Public comment:

Claire Robertson summarized the grass roots petition that garnered over 300 signatures from residents in neighborhoods along Moores Pike. The petition alleged that the intersection of Moores Pike and Olcott Blvd was dysfunctional and dangerous. The petitioners requested a 3-way stop at the intersection and "stop ahead" signage with flashers, not just a pedestrian crossing with an island.

Ed Robertson referred to the intersection as scary, due to the line of sight issues. He said that the proposal from engineering only considered vehicular traffic, not bicyclists and walkers.

Wendy Woods spoke from her perspective as a walker, jogger, and bicyclist and pointed out the hazardous nature of the intersection for non-vehicular traffic.

Dave Pizzoni acknowledged that there were a lot of passions involved with this issue, as well as facts, and in this case he believed more than just the cold hard engineering facts should be considered.

Mimi Zwieg spoke in favor of a stop sign at that intersection.

Council comments:

Rollo expressed his preference for postponing the vote on the ordinance.

Sturbaum pointed out that he respected the engineering staff's recommendation, but that this was a situation that warranted an exception.

Ruff agreed that the vote should be postponed in order for the council to get more information.

PUBLIC COMMENT

COUNCIL COMMENT

Volan spoke in favor of taking action to mitigate the dangers of the Moores Pike and Olcott Blvd intersection beyond the engineering staff's recommendation. He also criticized engineering staff for not being present at this council meeting to answer questions.

COUNCIL COMMENT (cont'd)

Mayer pointed out that the unsigned memo regarding the application of engineering principles to this situation was indeed endorsed by the mayor's office. He favored postponing the vote on the ordinance.

Sandberg said that she supported the motion to postpone the ordinance.

Rollo stated that the council was lacking sufficient data on options that prioritized the safety of pedestrians and cyclists. He also suggested asking the police chief to increase patrols for speeding on Moores Pike. Rollo believed that installation of a pedestrian island without stop signs at that intersection was inviting potential disaster.

Rollo made a motion to postpone the decision on Ordinance 13-09 until the council received adequate information to resolve issues regarding pedestrian connectivity and vehicular conflict at Olcott Blvd and Moores Pike, no later than October 16, 2013. Volan seconded the motion.

Volan proposed allowing public comment on the motion to postpone. Roll call vote of Ayes: 7, Nays: 0

Public comment:

Ed Robertson asked that this issue be reviewed in the context of the broader "Complete Streets" policy.

PUBLIC COMMENT

Claire Robertson asked about putting a stop order on the plan to install a pedestrian island at the intersection. Attorney Sherman said that council could informally ask the administration to delay the installation of the pedestrian crosswalk.

The motion to postpone Ordinance 13-09 received a roll call vote of Ayes: 7, Nays: 0

VOTE

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST READING

There was no public comment in this section of the meeting.

PUBLIC COMMENT

Mayer moved that the Council Committee of the Whole not meet on the evening of May 22, 2013. Motion was seconded. The motion received a unanimous voice vote approval.

COUNCIL SCHEDULE

Mayer motioned that the council hold a special session on May 22, 2013 at 7:30pm. Motion was seconded, and approved by a unanimous voice vote.

Council also approved cancelling the work session scheduled for Monday, May 20, 2013 due to the absence of agenda items.

The meeting was adjourned at 9:50pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

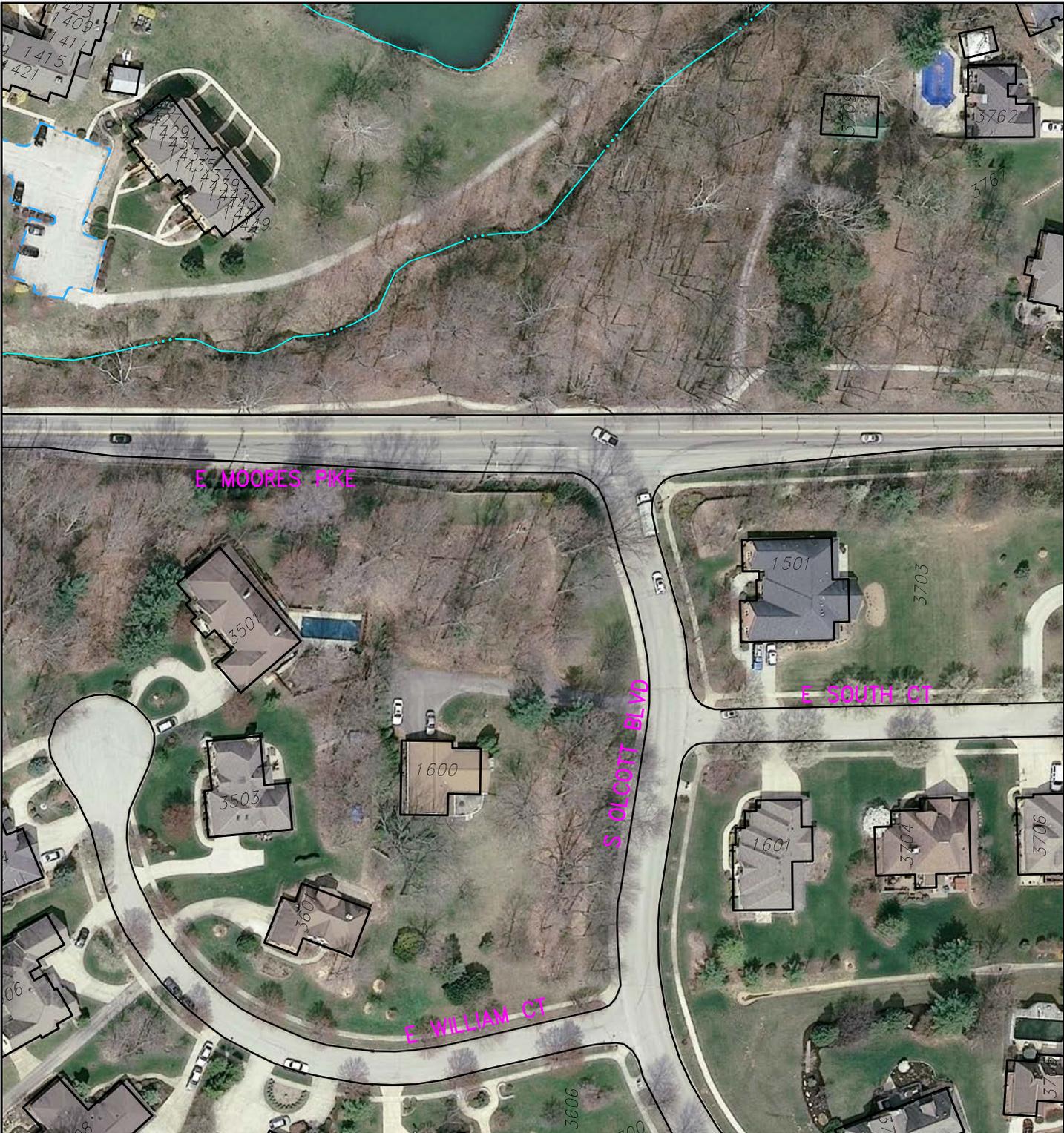
Rollo presentation from May 8, 2013 Committee of the Whole to be included in the minutes of May 15, 2013.

Ordinance 13-09 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Amending Schedules A and B of the BMC 15.12.010 to Authorize a Multi-Way Stop at the Intersection of Moores Pike and Olcott Boulevard.

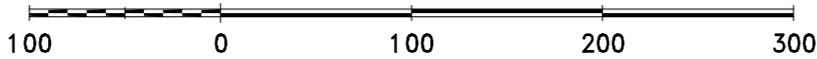
Rollo explained that the three hundred signature petition came from constituents that had brought the petition to the Traffic Commission, but their request was denied. He said that the administration supported the traffic study that indicated that there was no need for a traffic stop in the intersection, but he said that the intersection was hazardous. He said that left bound turns on to Moore Pike would be met with speeding vehicular traffic. He said that the pedestrian walkway was on the north side of the road, away from the residential development on the south side. He said that the road was a major thoroughfare to reach an economic activity center, College Mall, and that Olcott Boulevard was intended to be a bike route in the Bicycle and Pedestrian Traffic Plan.

He said that traffic engineers supported a pedestrian walkway with an island, but his constituents did not believe that this would be an adequate solution to the problem. He said that he agreed that the walkway would fail the test of safety. He said that pedestrian connectivity in the downtown and core neighborhoods were a priority to the council but neighborhoods on the periphery of the city were neglected.

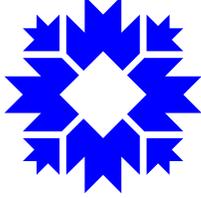
The following two maps were used during Rollo’s presentation.



By: kehrberg  
16 May 11

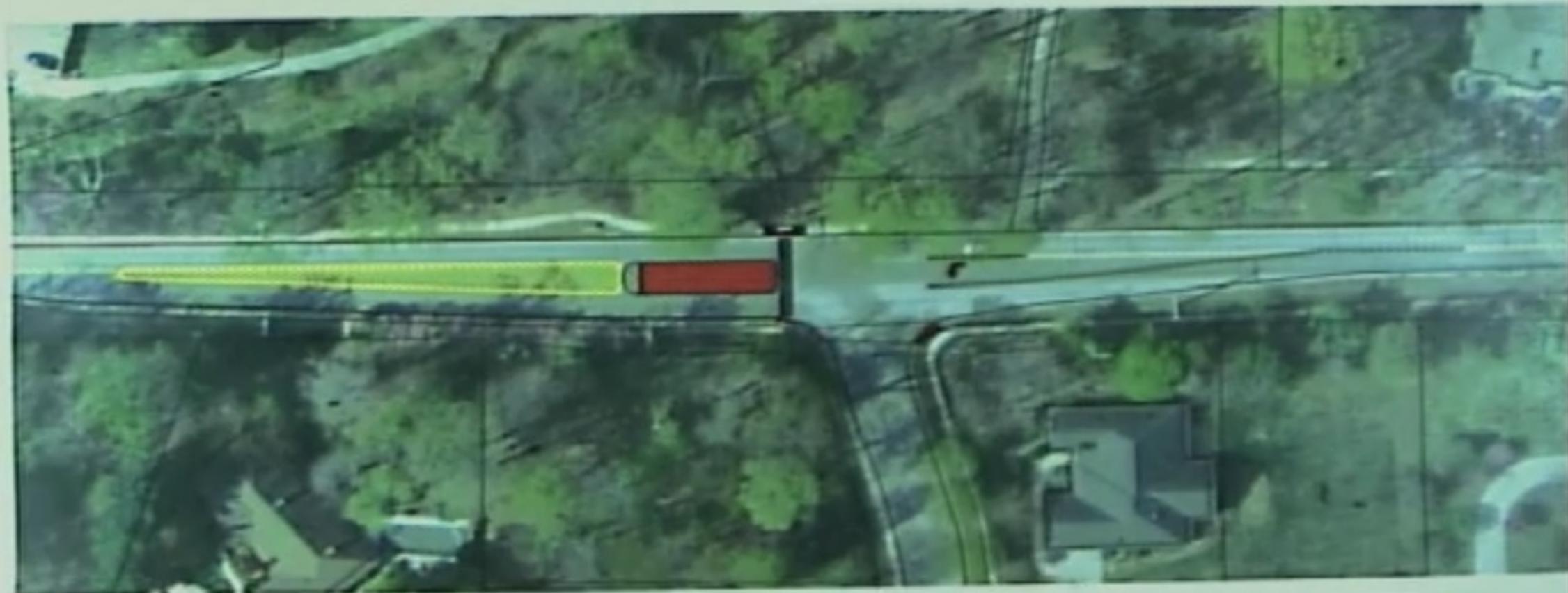


City of Bloomington  
Engineering



Scale: 1" = 100'

For reference only; map information NOT warranted.



In the Council Chambers of the Showers City Hall on Wednesday, May 22, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

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

Council President Neher gave the Agenda Summation

It was moved and seconded that Resolution 13-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there had been no committee meeting on this item. It was moved and seconded that Resolution 13-09 adopted.

Councilmember Chris Sturbaum, sponsor of this resolution, spoke to its design and scope. He said that people make choices in how to spend money, and consumers should know just what they're buying as far as origin of the product and the circumstances under which they are produced.

He said the resolution supported the designation of a "Fair Trade Town" for Bloomington; encouraged the city, when all things were equal, to purchase of Fair Trade and local products; and work to raise awareness of Fair Trade to make the world a little better.

He said the organization "Fair Trade Bloomington" had been working on the designation since 2005 and that Mary Embry would be speaking about the issue and the details. He said the designation would be done by a national council and if granted, Bloomington would be the first Fair Trade town in Indiana.

Stacy Jane Rhoads, Assistant Council Administrator and Researcher, who also worked on crafting this legislation, noted that Embry had done extensive work on the issue and asked her to share her information.

Mary Embry, founder and president of Fair Trade Bloomington, thanked the council for considering the resolution. She introduced and showed a short video entitled *Fair Trade: The Story* that described fair trade principles.

In discussing fair trade, she noted there were segments that wanted to reform the market, not to criticize capitalism, but to make it better. She said there were some who wanted to use the measure for poverty relief, some who were interested in organic products, some who wanted to address the problems of human trafficking, and some who wanted to find ways to maintain a community's culture.

Embry said the Fair Trade movement was best known by commodities produced by small farmers, especially coffee farmers. She said Fair trade set a price to pay farmers, and if the market price went below that price, they still got that price. She said that price was augmented with a 20 cents per pound investment in the community – a premium that the community spent as they wished, to grow or sustain their economies with education projects, health care projects, investment and business management, quality improvement and productivity improvements.

She said that the Fair Trade Towns movement started in Europe and noted that 80% of Europeans understood fair trade noting it had influenced corporate buying in those areas with chocolate and other goods. She noted Ben and Jerry's in the US were moving to 100% Fair Trade ingredients.

Embry noted Fair Trade Towns started in 2005 with Media, PA, and said they were towns and cities, both large and small, and that Bloomington would be the first Fair Trade Town in Indiana. She noted the process included forming a steering committee, media coverage, a certain number of organizations that stated support for Fair Trade by

COMMON COUNCIL  
SPECIAL SESSION  
May 22, 2013

ROLL CALL

AGENDA SUMMATION

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS

Resolution 13-09 Supporting  
Bloomington's Designation As A  
"Fair Trade Town" And Endorsing A  
Sustainable Purchasing Policy  
Regarding The Procurement Of Food,  
Beverages And Catering Services

providing support for products, and a certain number of retailers that supported fair trade products. She said the last step was to have local government pass a resolution in support of fair trade.

Rollo noted the Fair Trade labeling had begun to make a significant difference and was becoming well known. He asked if Embry was concerned that it would be noticed by Trade Tribunals like the WTO. He said the WTO had ruled against health standards, ruled against country of origin labels, and just recently ruled against dolphin safe tuna labels as a violation of the GATT agreement. Embry said it was not currently an issue. She said they were talking about setting government standards like LEED standards of what fair trade is to make consumers more aware of it, but there had been no fear of what the WTO was doing.

Spechler said he agreed with the objectives, and wanted to know if there was any boycott planned for businesses that would not guarantee that their goods were fair trade. Embry's response was 'absolutely not.' She reiterated that people were in the movement for different reasons, but there was no message that other products and ideas could be excluded.

Sturbaum asked Embry to speak about fair trade and localism. Embry said the ideas went hand in hand, about how communities should invest in themselves, about how consumers think about the quality of goods and where they came from. She said many fair trade goods could not be produced locally, and thus the message "Buy Local, Buy Fair."

Mayer asked about Global Gifts, the retail the retail store downtown, and how that tied into this movement and resolution. Embry said the Global Gifts store was a handicraft store that invested in women and small cooperatives in developing economies. She said this was a small part of the Fair Trade movement.

#### Public Comments:

Gracia Valliant, current volunteer at Global Gifts and a traveler to areas with coffee co-ops, spoke about seeing families being able to send children to school, have decent food and health care and being able to improve their lives. She said that it was important to think about where purchases come from, noting a recent label she'd seen, "Made in Bangladesh" and wondered if it was made in the factory that had recently collapsed.

Jacqui Bauer, Sustainability Coordinator for the City of Bloomington, said that fair trade was one of many factors to consider in the city's sustainable purchasing policy, noting the phrasing of the resolution. She said the team working on the policy saw this as a good fit with the policy that was in place.

#### Council Comments:

Spechler questioned Bauer about the sustainable purchasing policy of the city and said it was not brought before the city council. She said the policy was adopted internally.

Ruff asked Embry if there were any arguments to be made for a well thought out down side to fair trade, excluding HT online comments. Embry said there was an economic argument that Fair Trade was a price support system. She said the response to that was one of a long term investment -- that this helped farmers who were not able to quickly switch to growing different products due to market demand.

She said mainstreaming and certifying products helped in de-radicalizing the movement and expanding the market. She added that not everyone agreed that Fair Trade should be widely mainstreamed for fear that smaller economies may suffer.

Rollo said some of these factors were the same that were expressed with the expansion of Free Trade – that of exploiting people and exploiting the environment. He asked if Fair Trade addressed other arguments of sovereignty, corporate dictated rules of trade, or over-ruling local laws. Embry said that was how the divide in the Fair Trade movement was seen to manifest itself. She said those who were critical of the mainstreaming would say that Fair Trade was conceived as a new market, something structurally different -- they were structuralists in saying that the structure is wrong. She added that Fair Trade was expanding its awareness through working with corporations like Starbucks and Nestle, and so that still had voice within that movement.

She said her personal focus was handicrafts, more about empowering women, changing their lives and that of their families.

Rollo asked if the Fair Trade pressed for collective bargaining or trade unions. Embry said the people at the smallest scale of production believed in cooperatives, and the movement was organized around the cooperative model. She said Fair Trade USA would be looking at apparel production with a test pilot where workers would have a voice, in addition to compensation covering the cost of their labor.

Spechler said there was an economic argument that the free international market, which he said he supported, gave cues to farmers. He said they should move to other crops with price fluctuations. He said in poor areas where only some of the farmers were enrolled in Fair Trade, there could be losers in this situation. He said he would support educational efforts of Fair Trade, but he could not support linking this with sustainability standards for city purchases. He said Sturbaum included this for a feel-good resolution, but he didn't believe such a practice would stay harmless. He equated sustainability with living wage and said there were unforeseen consequences in interfering with ordinary commercial transactions. He said he was for the Fair Trade designation, but could not support the purchasing part of the resolution due to unforeseen consequences.

Sturbaum hoped Spechler would reconsider his stance. He said the market in the US was slowly catching up to the European Fair Trade market, but if it grew, it could actually change the planet with its conscious purchasing starting with a cup of morning coffee. He urged the council to support the resolution.

Rollo said Free Trade was a misnomer, and that it was actually about intellectual property rights, protecting the property of corporations. He said that he appreciated Fair Trade for their work to bring the resolution to the council, and he hoped that it would help the consumer public to become more aware of corporations seeking to escape responsibility, accountability, and externalizing costs to the environment and low income countries to make tremendous profits.

Mayer read several WHEREAS clauses and the 'resolved' clause saying that the words say "should strive" and did not use the term 'will' in incorporating products in the procurement decisions. He said he was comfortable with the guidance of the resolution.

Granger said her interest in this movement began with the handicraft cooperatives and how they empowered women in third world communities and allowed them to contribute to their communities in meaningful ways. She voiced her support.

Sandberg noted her appreciation for the feminist aspect of the handicraft Fair Trade products, and said she shopped with her dollars. She noted she had not set foot in a Walmart since she read *Nickel and Dimed* by

Barbara Ehrenreich. She said without living wages, there was no empowerment, especially for women on the bottom rungs of the ladder. She voiced her support for this resolution, adding that it enriched the conversation for all citizens in the community.

Ruff said this was a good effort to provide people with information about what's behind their purchases and how it affects the rest of the planet both socially and environmentally. He noted powerful forces that kept issues of production suppressed. He said this was about a very significant moral issue and thanked those who worked to bring it forward and those who worked on this issue all the time.

Ruff noted the mention of the living wage ordinance and noted research on wage floors. He said although economic theory might say one thing about its effect on total employment, or effect on certain groups, the majority of research found that the effects were minimal with little negative effect offset by positive effect of empowering people with better wages. He noted his support of the resolution.

Neher said the resolution and the work behind it was a great example of how a committed, organized group of people could participate in and influence governmental processes. He said this was true grass roots work and appreciated the level of engagement and commitment of the Fair Trade Bloomington citizens.

He added that while some may criticize the Fair Trade movement, there was little need to construe a conspiracy regarding city purchasing policies with that.

Resolution 13-09 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Spechler)

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST READING

President Neher announced the reconvening of the Rules Committee with the Mayer, Granger and Ruff and himself.

COUNCIL SCHEDULE

It was moved and seconded that the council accept Disclosures of Conflicts of Interests for Council Members Rollo and Granger who had Vendor Agreements with the Farmer's Market.

DISCLOSURES OF CONFLICTS OF INTEREST

Separate votes were taken:

The motion to approve acceptance of Rollo's Disclosure was approved by a roll call vote of Ayes: 8, Nays: 0

The motion to approve acceptance of Granger's Disclosure was approved by a roll call vote of Ayes: 8, Nays: 0

The meeting was adjourned at 8:45 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, September 11, 2013 at 7:29 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
September 11, 2013

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes of the August 28, 2013 Regular Session meeting were approved by a voice vote.

APPROVAL OF MINUTES

Marty Spechler said the economic recovery had bypassed the young people which wasn't good for society or the future. He said there was a lack of entry level jobs for new graduates, and voiced support for expanding the tourist industry in Bloomington and Monroe County, including enlarging the Convention Center and also building more hotels.

REPORTS

- COUNCIL MEMBERS

Steve Volan welcomed several young people who he said would talk to the issue of IU tearing down six vintage homes on E. 8<sup>th</sup> Street to make room for a fraternity house. He noted the city had no authority over the university but said that if anything could make a difference in this situation, it would be people speaking out about something they felt strongly about. He expressed hope that those listening would speak to those who made decisions at the university.

Tim Mayer thanked the President of the local firefighters' union, Bob Loviscek, who led the 9/11 Memorial Ceremony that morning on the Plaza in front of City Hall. He also thanked others who were involved in the ceremony. He also thanked Spechler for his remarks with regards to the community and economic development, adding that the arts were important and were supported by the city through the Department of Economic and Sustainable Development.

Susan Sandberg noted the Cardinal Stage production of *Lord of the Flies*. She also noted the upcoming Lotus Festival and encouraged people to attend both events. She noted an upcoming public listening session meeting on Tuesday, September 17<sup>th</sup> at 6 pm in the Council Chambers on the topic of marriage equality. She said members of the council were interested in a resolution supporting marriage equality and wanted to hear what the people of Bloomington were thinking about this issue.

Dorothy Granger said she had read that 1500 plastic water bottles were disposed of every second in the US. She asked that people consider discontinuing this practice.

Darryl Neher noted that it was National Suicide Prevention Week and remembered his colleague at the Kelley School who took her life. He noted that underlying this action was untreated depression, and the fear and stigma associated with it. He said that only 20% of men with depression seek treatment. He noted his recent TEDx talk on his own issues with depression and said the only way to break the stigma was to talk about the issue and to break the silence. He added that what people could do to help was to listen.

There were no reports from the Mayor's office or other city offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Due to the number of people who wanted to speak and the short agenda, it was moved and seconded that the council rules be suspended so that this public comment period be extended from 20 minutes to 30 minutes. The motion was approved by a voice vote.

- PUBLIC

Public Comments:

Jon Laurence said he was an executive committee member of the Council of Neighborhood Associations and an IU alum. He asked that the city work with IU to resolve the conflict of clearing houses in the University Courts area for a new fraternity house. He also asked that this area be given a local historic designation. Laurence said the IU Master Plan of 2010 noted the area should be preserved and developed as residences for faculty and visiting professors. It also stated that Greek housing should be directed away from established neighborhoods. He asked what faculty would like to live next to a fraternity and said the action would eventually destroy this historic residential neighborhood. Several people stood with him on this issue as evidenced by their standing at the end of his statement.

Marjorie Hudgins, President of the Old Northeast Neighborhood Association, said the association, which included the University Courts area, was established in the early 1970s. She said the neighborhood was unique with brick streets, and with the population being mainly IU graduates, alums and supporters. She expressed great disappointment with the university's announcement regarding putting a fraternity in place of six homes in the neighborhood and thanked friends from other neighborhood associations that came to stand with her in the opposition to this action.

Glenn Carter noted the loss of homes in the University Courts area, but in the context of the people who were sleeping on the streets of Bloomington. He said those with addictions and alcoholism were prevented from going into some shelters, and stated that addiction was not a moral issue. He said a large portion of the homeless suffer from addictions, alcoholism, mental health issues and psychiatric conditions, but were being kept away from the shelters because they could not 'cure themselves.' He said Bloomington needed a detox facility for those who had no insurance. He said the homeless were demonized when leaders made it seem that these addictions and illnesses were a matter of choice.

Nancy Hiller said she was speaking in her role as Chair of the Monroe County Historic Preservation Board of Review. She said while that body had no authority over city matters, they wanted to express support of the letter written by the city's Historic Preservation Commission with regards to the University Courts issue to IU President McRobbie. She read a letter from the county board to McRobbie, campus leaders and the trustees of the university expressing disappointment that the historic homes were being demolished for a new building. She added as an IU alum, she felt that "Lux et Veritas" should be carried through the actions of the university.

Sandi Cole said she was a resident and property owner two blocks away from the houses scheduled to be demolished. She said IU was also her employer. She said she understood that the university offered other property on North Jordan to the fraternity, but they refused. She said she was very angry with that decision because it showed they had little concern about anything except their location in this neighborhood. She shamed those who had the power and money to put IU in this position. She said she hoped this would be the start of a bigger conversation about this proposed action.

Kay Bull said she'd lived in Bloomington for 23 years and was a strong supporter of alternative transportation. She told students in the chambers to be careful with drinking and driving.

Micol Seigel of the Bryan Park Neighborhood and faculty in American Studies and History at IU said she was speaking from her perspective as a member of Decarcerate Monroe County. She commended Carter for his comments and said that the change in Bloomington had been a 'runaway process' in the last few years. She spoke about the demolition of the houses in University Courts as part of those larger changes towards expensive residential housing geared towards affluent students. She said this was part of urban policy decisions and should be considered part of creating a just, small town.

Cheryl Munson, county council member representing the county at large, spoke in support of the neighborhood associations and Historic Preservation Commission in their efforts to have University Courts preserved. She noted she was an archeologist and had worked at the Glenn Black Laboratory in that neighborhood, which she said was a modern facility for which historic buildings were torn down. She read from the IU Master Plan regarding new facilities and repurposing structures in that neighborhood that indicated a much more pro-preservation approach to this area. She asked IU and the fraternity to look at this language.

Jenny Southern said she and her daughter had both graduated from IU and were in favor of the expansion of the law school. She said the university had been a good steward of their properties for over a hundred years. She said that the fraternity and its large parking lot should be built in an area where buildings did not have to be removed. She noted her disappointment in the university and the fraternity actions that made neighbors of the university nervous about their own properties and neighborhoods. She asked for the council and citizens' help in preserving these homes.

Elizabeth Cox-Ash, McDoel Gardens Neighborhood Association, said that that neighborhood was Bloomington's first Historic Conservation District. She said the designation was sought to preserve the entire neighborhood, and asked that the council designate the University Courts homes as historic and preserve them. She noted the unique area and noted the placement of the IU Office of Sustainability in this same neighborhood. She noted that the parking lot behind the Von Lee would be a very good location for the fraternity.

Sandy Clothier, member of the Historic Preservation Commission, read the five suggestions that were in the letter written to the university from the commission:

- *That the university reverse its decision to remove the six historic University Courts homes to make way for a fraternity house.*
- *That the university engage in meaningful discussions with stakeholders in the matter at hand, including the University Courts neighborhood, the Bloomington Historic Preservation Commission, Bloomington Restorations, Inc., Indiana Landmarks, the State Historic Preservation Office, and the University's own statewide Historic Preservation Committee. We request more detailed plans for IU's holdings in University Courts and other edged neighborhoods.*
- *That the university adopt the policy which forbids the demolition of historic resources on land declared as surplus property and/or slated to be conveyed to private developers.*
- *That the university reevaluate its communications with the non-university community, particularly in situations involving major changes along campus edges. At a minimum, we request the Board of Trustees, and the IU Foundation provide the public with a reasonable notice and opportunity to comment on such matters before voting.*
- *That the university reaffirm the actual, or at least tacit, policy of requiring that all new construction Greek housing be channeled to North Jordan and in some instances Third Street.*

Phil Worthington urged the council to support efforts to preserve the neighborhood. He urged citizens to approach IU on equal footing rather than on bended knee.

It was moved and seconded to extend the time of public comment to accommodate a few more speakers in this portion of the meeting. The motion was approved by a voice vote.

Jan Sorby, Bryan Park Neighborhood, said she was an IU graduate and donor. She asked the council to locally designate the houses in the University Courts neighborhood. She said there was precedent elsewhere that the city could have jurisdiction over state property. She said the houses were listed on the United States Registry of Historic Places, the official list of the nation's historic places worthy of preserving. She said these houses told the story of Bloomington and reflected the collective community memory. She said local designation would protect them. She said when this historic architecture was gone, the collective social memory would fade also. To remove the buildings would be a statement that history was not worth saving.

Jennifer Mickel said she was a member of the Monroe County Constitutional Conservatives, and said she believed in personal property rights. She said IU belonged to the people who paid taxes. She said she didn't want this neighborhood to move in the direction of what she called the hideous structures off 11<sup>th</sup> Street. She said IU's vision had gone the way of outsiders and not the people of Indiana.

Derek Richey said that - while he sat on the board for Bloomington Restorations, Inc. and was involved in the Bloomington Fading project - he spoke for himself tonight. He said part of Arts and Tourism was architecture. He said the university could buy up lots anywhere in town to build a frat house, and that was something that all areas near the university should be concerned about. He also noted that the house would be a party house, not really a 'residence.' He said everyone should read the IU Master Plan so that they're not surprised when more of this plan is implemented.

Caroline Clay, from the Prospect Hill Neighborhood Association, said she didn't know if there was anything that could be done to prevent IU from destroying the properties, but she said everything possible should be done to prevent it. She said their position was one that 'balanced the needs of the whole university' and were within their rights to make these changes. She said the fraternity members who made this decision as to the location of the house didn't live in Bloomington, and they did have other options. She said much of Bloomington's historic housing had fallen into IU's hands or had become student rentals.

There were no appointments made at this meeting.

It was moved and seconded that Ordinance 13-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do Pass recommendation of 0-8.

It was moved and seconded that Ordinance 13-11 be adopted.

Adam Wason, Communications Director for the Office of the Mayor, said the administration was supportive of a possible motion to postpone the second reading of this ordinance. He said that most of the changes were to update sections of the code that had not been updated since the 1970s or 1980s. He noted that stolen property was occasionally and unwittingly transferred through the businesses of pawnbrokers, second hand dealers and valuable metal dealers. He said that the goal was to propose an ordinance that would balance the needs of crime investigators, victims of theft, and the businesses. He said seven amendments were prepared to address concerns of these groups.

Wason said that there were concerns regarding the electronic reporting requirements, but the police believed that the proposed approach would help in identifying stolen property locally and beyond. He said there was a possibility of additional amendments at a future hearing.

Wason outlined the amendments ready for consideration:

- Amendment #1 – Removing fees for Taxicab licenses.
- Amendment #2 – Adding and revising exemptions for second hand dealer licenses.
- Amendment #3 – Changes the definition of 'pawnbroker' to mirror state statute.
- Amendment #4 – Changing holding periods and reporting requirements, narrowing the definitions to mirror state law.
- Amendment #5 – Changed the reporting requirements from 24 hours to two business days after the transactions.
- Amendment #6 – Changed reporting requirement from a social security number to an ID number from a government issued ID.
- Amendment #7 – Makes the language gender neutral.
- Amendment #8 – Adds consistency in chapters of the title with regards to penalty and revocation provisions.

He said these and possibly more, if needed, balanced the needs of law enforcement, victims of theft, and the impacted businesses.

He said he would be visiting the precious metals dealers to better understand their business model. He said this would result in an ordinance that businesses would not oppose.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

#### LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 13-11 To Amend Title 4 of the Bloomington Municipal Code Entitled "Business Licenses and Regulations" - Re: Chapter 4.04 (Business Licenses Generally *deleted*); Chapter 4.18 (Pawnbrokers - *revised*); Chapter 4.20 (Secondhand Dealers - *revised*); Chapter 4.22 (Dealers in Valuable Metals - *added*); Chapter 4.24 (Taxicabs - *revised*); Chapter 4.28 (Jitneys - *deleted*); and, Chapter 4.30 (Horse-Drawn Vehicles for Hire - *deleted*)

Wason noted that he, Police Chief Diekhoff and the legal staff were available between this meeting and the next for questions or concerns regarding this.

It was moved and seconded that further consideration of Ordinance 13-11 be postponed until the Regular Session scheduled for September 18, 2013.

Ordinance 13-11 postponed.

Neher framed the postponement by noting there were council members who had questions and wanted more time to consider the ordinance and the eight amendments that would change the legislation. He also thought that there might be more amendments that might emerge.

Volan noted Wason said the administration was considering more amendments and wondered if the council would need to postpone this ordinance again. Neher said that possibility existed.

Volan commented that legislation was not real until it had been presented orally by someone at the podium because things could change, and there had already been some time and additions with this ordinance. He also wondered why the 'omnibus' ordinance wasn't broken into parts to make it easier to handle in the schedule. He also said that he felt there should be some discussion before the motion to postpone the ordinance.

Spehler said the ordinance was quite broad and precious metals dealers were being discussed as if they were akin to pawnbrokers. He said he felt the issue was far from being settled into something he could vote for. He said more conversation, compromise, and time was needed for the issues in the ordinance.

Rollo said he would be open to dividing the question because of the scope of the ordinance. He noted his appreciation of the administration's taking time to address the concerns of the council members. He said he was concerned that salvaging businesses would give up due to regulations. He said the effect on businesses should be closely considered.

The motion to postpone the ordinance until September 18, 2013 was approved by a roll call vote of Ayes: 9, Nays: 0.

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST READING

Travers Marks, owner of Max's Pizza, said he asked every downtown business owner and employee how they felt the parking meters were working. He said overwhelmingly people talked about lost business and were upset about the late hours and the escalating (\$20/40/100) fines.

PUBLIC COMMENT

Cathy Haggerty, an IU alum, said she didn't want to pay \$1 to buy a bowl of soup. She said this was the third time parking meters had been installed downtown since she had lived in Bloomington, and it would be interesting to see if this cycle happened again. She said tearing down beautiful brick homes was to cater to wealthy students in fraternities. She asked that the council really address issues from public comments in meetings.

Gene DeFelice said he was a long-term resident and IU alum and had spent a lot of time in one of those brick houses on 8<sup>th</sup> Street. He said he was angry that IU and the fraternity wanted to destroy the historic structures when alternatives were available.

COUNCIL SCHEDULE

There was some discussion about a work session the following Monday, and it was decided that President Neher could cancel the meeting if it was not needed. It was moved and seconded that Neher be authorized to cancel the meeting if needed. The motion was adopted with a voice vote.

The meeting was adjourned at 9:07 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

For approval

In the Council Chambers of the Showers City Hall on Wednesday, September 18, 2013 at 7:29 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
September 18, 2013

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

Steve Volan noted the next weekend was the Lotus Festival and encouraged people to go to their website, consider attending the free events, and to enjoy the weekend.

REPORTS

- COUNCIL MEMBERS

Tim Mayer noted that the next Sunday would be the first day of fall.

Darryl Neher noted that at the last session there were comments raised from the gallery and wanted to make sure that the public spoke at the podium and noted that there were several opportunities to speak at the meetings. He also asked them to address the council and not members of the audience or staff.

There were no reports from the Mayor's office or other city offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Scott Wells said he served on the county's Board of Zoning Appeals and the Monroe County Plan Commission. He presented the council with a letter written by the Monroe County Plan Commission to the Indiana Department of Environmental Management regarding a complaint of sedimentation of the Indian Creek Tributaries from the I-69 Corridor Construction. He showed slides of sedimentation, rainwater collected from the area, and Clear Creek after a recent rain event. He asked that the council or anyone in the public to write a letter regarding this siltation leaving the site and choking the waterways.

- PUBLIC

Daniel McMullen said there were problems with rain runoff in his district. He also opposed a food and beverage tax.

There were no appointments made at this meeting.

APPOINTMENTS TO BOARDS  
AND COMMISSIONS

It was moved and seconded that Ordinance 13-11 be introduced and read by title and synopsis. Deputy Clerk Bolden read the legislation and synopsis saying giving the Do Pass Recommendation of 0-8.

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS  
Ordinance 13-11 To Amend Title 4 of  
the Bloomington Municipal Code  
Entitled "Business Licenses and  
Regulations" - Re: Chapter 4.04  
(Business Licenses Generally *deleted*);  
Chapter 4.18 (Pawnbrokers - *revised*);  
Chapter 4.20 (Secondhand Dealers -  
*revised*); Chapter 4.22 (Dealers in  
Valuable Metals - *added*); Chapter 4.24  
(Taxicabs - *revised*); Chapter 4.28  
(Jitneys - *deleted*); and, Chapter 4.30  
(Horse-Drawn Vehicles for Hire -  
*deleted*)

It was moved and seconded that Ordinance 13-11 be adopted.

It was moved and seconded that the council limit public debate by asking the public to speak on a 'question' no more than one time and for no more than five minutes.

Motion to limit debate

The motion to limit debate in the manner noted above received a roll call vote of Ayes: 7, Nays: 1 (Ruff).

Adam Wason, Communications Director for the Office of the Mayor, asked for council support in passing the ordinance.

Ordinance 13-11

He noted the part of the code regarding business licenses had not been updated since the late 1970s or early 1980s. He said the proposed update largely consisted of deleting sections of the business licensing requirements that were obsolete. He said the regulation of pawn shops, second hand dealers and valuable metal dealers would assist victims of theft and efficiently investigate criminal activity through the use of automated reporting systems that would allow law enforcement officials the opportunity to collect and share transaction information.

He noted that the administration believed that these businesses did not strive to deal with stolen items but stolen property was transferred through them, although occasionally and unwittingly.

He noted that notifications were mailed to the impacted businesses with a copy of the original ordinance as proposed, and with the original schedule for legislative hearings and also included contact information for staff.

He noted that with valuable metal dealers the city had agreed to use scraptheftalert.com to help identify stolen goods before they were purchased, and he noted staff was not willing to compromise on reporting requirements as they felt it was essential in investigating and assisting victims of theft.

He noted the level of scrutiny and research conducted by the city legal department and staff to vet the use of the planned third party vendor, LeadsOnline. He said LeadsOnline had implemented International Standards Organization (ISO) 27002 Security Requirements for information security management. He said they also used SAS Type 2 Compliant Data Centers, used by governmental agencies, financial, educational, and medical institutions who needed data stored in a safe and secure manner. They had also gone through third party testing for vulnerability and data storage breaches. He added that LeadsOnline also complied with the Financial Privacy Rule of the Gramm-Leach-Bliley Act.

Wason noted that the Monroe County Prosecutor, the Monroe County Sheriff, and members of the local business community had written letters of support for this ordinance. He added that the town of Ellettsville would pass a similar ordinance after this one was passed.

Patty Mulvihill, Assistant Attorney with the city Legal Department, said that Wason covered the highlights of the security levels and protections employed by LeadsOnline. She noted a concern regarding identity theft when transferring information to third parties online, and she added that the requirement of using social security numbers was eliminated and government issued ID numbers would suffice.

She noted that the contract with LeadsOnline was included in the council packet. She noted that the contract specified that they would be the specific agent for the Bloomington Police Department, not the City of Bloomington. She addressed concerns from a previous meeting:

- That one of the vice presidents with LeadsOnline said they had never been sued, that she had done extended searches for court of appeals cases at the state and federal levels, and that she had followed up on a case mentioned to her but found it not relevant to the company.
- That companies could upload data, but not access what another company had provided to LeadsOnline. She noted that searches by local police had to be done by case number or suspect, and that they couldn't browse data.
- LeadsOnline being affiliated with a particular businesses that could negatively impact other businesses, Mulvihill reiterated the upload only capacity of the interactions. She noted several large corporations that were not affiliates of LeadsOnline, but used the service.
- Sellers' information needing to be reported as part of narrowing down searches for stolen items from general searches. She said the detective's work would be much more efficient without paperwork.
- A misunderstanding of an Ohio statute regarding reporting information by sellers. She said it was not required by that state, but some business owners provided it to the online service anyway.

- San Francisco’s and Minnesota’s use of these online reporting systems. She said the cases surrounded state laws about procurement of services and costs incurred. She said if fees increased the city would need to do a cost/benefit analysis for the service. She noted, too, that the ordinance was written so that one particular vendor was not specified. She noted Minnesota didn’t have a secure website associated with LeadsOnline, and had problems that were not associated with LeadsOnline. She asked for the council to approve the ordinance with the seven amendments proposed by the administration.

Amendment #9 was considered first because if it passed it would fundamentally change the nature of the underlying ordinance.

It was moved and seconded to adopt Amendment #9 to Ordinance 13-11. Volan said the amendment provided that a customer of a second hand shop must give written permission for his/her personal data to the dealer before that data was uploaded into the online database. He read the waiver of online privacy included in the text of the amendment:

*WAIVER OF ONLINE PRIVACY*

*"I understand that:*

- 1. Indiana statute requires pawnbrokers and valuable metal dealers to obtain and keep information about persons and articles involved in certain purchases and that this information is then made available for any law-enforcement agency to retrieve without a warrant;*
- 2. the City of Bloomington has extended this duty to gather and provide information to certain secondhand dealers and has also contracted with a third-party organization, which is identified on the City’s webpage at (insert the web address provided by the City), to collect the aforementioned information and make it available to all law-enforcement agencies via the Internet; and*
- 3. Indiana statute does NOT require these businesses or their customers to participate in such online aggregation of personal information.*

*By signing this form I hereby give my explicit consent for this business to report the details of this transaction into an online database.  
[Name of licensee; Full name and signature of customer]"*

Volan talked about levels of network and data security. He said if no data was put on a network there was less danger of insecurity.

He said as a video store owner during the years of the Patriot Act, he would have been required to provide data if asked by the FBI, and he wouldn’t have been able to tell anyone about it.

He read from Bloomington Common Council Resolution 03-10 entitled *Resolution Regarding Threats to Fundamental Rights and Liberties Emanating from the USA Patriot Act, Proposals to Extend Portions of the Act and Adopt the Domestic Security Enhancement Act (Patriot II), and Certain Executive Orders and Other Federal Actions* the following:

WHEREAS, the U.S. Constitution and the Bill of Rights guarantee to persons living in the United States fundamental rights, including the presumption of innocence...

WHEREAS, those threats to constitutionally protected rights by the USA Patriot Act include

- broadening the scope of the government’s ability to search for and seize stored communications, such as voice mail and e-mail messages, under an ordinary warrant rather than a wiretap order;
- enlarging the authority of law enforcement to install “pen register” and “trap and trace” devices without a warrant, and specifying that those devices can be used with Internet communications, all with limited judicial oversight;
- expanding the list of crimes that may be used as predicates for wiretaps;
- granting the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without a court order (probable cause);
- expanding the government’s ability to conduct secret searches;

WHEREAS, the City of Bloomington believes that protecting liberty is essential to maintaining national security and that these infringements are not necessary to ensure the public’s safety and weaken, rather than strengthen, this nation;

WHEREAS, the City of Bloomington has a tradition of inclusion

WHEREAS, the City of Bloomington believes that it is fitting to honor the memory of those who died or were injured as a result of the September 11, 2001 terrorist attacks, not only by protecting national security ... but by defending the fundamental constitutional freedoms and protections guaranteed to all persons living in the United States;

RESOLVES that we call upon all city officials and employees to respect the civil rights and liberties of all members of this community

Amendment #9 to Ordinance 13-11

This amendment is sponsored by Councilmember Volan and changes the requirement that pawnbrokers, secondhand dealers, and dealers in valuable metals electronically transfer information about the customers who provide articles to those businesses to an online database within two business days of purchasing said articles. Under the amendment, these licensees must still transfer information about the *article of property* to the online database in a timely manner, but would only be required to transfer information about the *customer* in that transaction upon written consent of the customer. The amendment also provides the language for that written consent.

RESOLVES that we call upon all private citizens – including residents, employers, educators, and business owners – to demonstrate similar respect for civil rights and civil liberties....

RESOLVES that we urge our congressional delegation to oppose legislation ... that would further erode fundamental constitutional rights and liberties...

He said he couldn't make the argument that the legislation as proposed was unconstitutional, but could make the argument that in light of the resolution, the city believed in data privacy and the council should think about rejecting the bulk uploading of personal customer data to the internet.

He invited Professor Fred Cate from the IU Law School, an authority on privacy, law and the internet, to speak on the issue. Cate said the last time he spoke before the council was in support of Resolution 03-11. He said the proposal at hand would contravene the resolution that focused on privacy and the impact of restrictive laws on that privacy.

Cate urged the support of this amendment which he said was consistent with the constitutional commitment to privacy but also provided for better security of information by putting it in one centralized location.

Cate said history had proven that small, seemingly trivial incursions had eroded rights, and said we needed to stand up for rights here rather than when we decided it really mattered for privacy.

Volan asked for a response from the administration. Neher asked them to respond.

Mulvihill noted respect for Volan and his amendment, but added that there was a disagreement as to where the balancing of interests would lie. She said the administration balanced the needs and protections of the victims heavier than a possible breach of privacy of customers. She said no social security numbers were to be used.

Mulvihill noted that Chief Diekhoff had voted to approve Resolution 03-10 when he served on the council, but saw it as making a statement that the Patriot Act went too far, and was quite different from requirements of the proposed ordinance.

Mulvihill noted Cate alluded to breaches of information online. She said LeadsOnline had never been breached, even from top-of-the-line security measures.

Mulvihill stressed the purpose of reporting was to help victims get possessions that could be recovered back in addition to properly arresting and prosecuting criminals.

Council questions on Amendment #9.

Rollo asked what the rate of recovery of stolen goods would be with the LeadsOnline service. Mulvihill quoted statistics from the city of Indianapolis which used the reporting tool, and said the high number and value of stolen objects recovered was not miniscule.

Rollo asked Cate why he believed that the proposal at hand contravened Resolution 03-10 which opposed the Patriot Act. Cate read from the resolution "*we call upon all city officials and employees to respect the civil rights and liberties of all members of this community*" and said the call was not just directed to Washington, or to the USA Patriot Act, but to city employees. He said privacy was a right, and that the reporting of personal data cast a wide net for a general search and collecting data about people who have done nothing to warrant suspicion.

Ruff asked if this amendment would create a policy similar to Ohio's. Mulvihill said it was similar, but not one that the administration would like to see enacted. Volan concurred, reiterating that the item sold would be entered into the online database, but the person selling and their data would not. He said he would not be opposed to the uploading of the data if it could be made anonymous.

Sandberg asked Mulvihill to clarify the online database service, and to verify that only law enforcement had access to the data. Mulvihill said that using the database involved entering a case number, or the person who was suspect, not just any name. She said the data clearing house was national in nature so that stolen items could be retrieved from other states.

Granger asked Chief Diekhoff to describe the process of using the online database for clarification. Diekhoff said serial numbers of stolen items were entered into an Indiana State police database used by law enforcement in Indiana. He said information entered into LeadsOnline required an active case number, property and possible suspect information. He related that a gun sold to a dealer in the state of Washington was recovered a year after it was stolen in Bloomington.

Neher asked Cate about privacy issues, noting that data had already been collected. Cate said he was troubled with mandatory disclosure of information, even if it was not searched. He said he was troubled with expanded access to that information, from collection to sending it to the database, to allowing national searches on that information and called it eliminating practical obscurity.

Volan asked if a warrant were necessary for searches. Mulvihill said it was not necessary because this was considered a highly regulated industry. Volan asked if it were unreasonable for a customer to take part in a purchase at a pawn shop knowing that their transaction could be searched without a warrant. Mulvihill and Diekhoff noted it was required by law that the information be collected.

Rollo noted that law enforcement agencies had access to this information, but whistleblowers have said that agencies swap data with thousands of firms, and asked if that could happen in this situation.

Cate said there were examples of data that were shared for one purpose and then shared with other agencies and then even more agencies. He noted information collected was considered sensitive data (even though there were no social security numbers) and would require notification to persons about the breaching of that data. He said he didn't share confidence that the data was secure, noting that the database company might not know that the data had been shared by a law enforcement agency with a private entity. He said that the data company might never know about this sharing, and that one should not take their word that their information had not been breached unless the data had been searched for and not found in any other source. He said if it were just a database of products, he wouldn't have any issue, but the information about people was the line of concern.

Volan noted language of the contract:

*By uploading data, or engaging in any other form of communication utilizing Lead's website, the reporting business hereby grants to Leads a perpetual, worldwide, irrevocable, unrestricted, non-exclusive, royalty-free license to use, copy, distribute, display, reproduce, transmit, modify, edit or otherwise use such data in accordance with and to the extent allowed by the terms of this agreement. The reporting business hereby waives all rights to any claim against Leads for any alleged or actual infringements of any proprietary rights, rights of privacy and publicity, moral rights, ownership rights and rights of attribution and connection with such data.*

Volan said this indicated a perpetual right to the data and wondered if it was of concern to the administration and asked for an expiration date for the data. Mulvihill said the crimes could be solved a year or two later, and it was beneficial to keep that data active. Wason noted there were other portions of the contract that restricted the use of the data. Mulvihill said the contract needed to be read as a whole document.

Volan said that over 99.75% of transactions last year at Bloomington pawn shops were legitimate, and did not involve stolen items, yet the data would permanently be within the LeadsOnline database. Diekhoff said that every law enforcement agency he talked to that used LeadsOnline had had an increase in the number of cases solved when using the service. He said that the local ones may be missed. Volan asked for hard numbers.

Ruff asked if a Rolex watch could have been recovered with just an item identification number, rather than the personal information, or if the personal information was critical to the recovery. Mulvihill said that type of jewelry was not unique and so suspect information was helpful.

Public comment followed:

Cathy Haggerty, owner of Tom Cats Pawn Shop, said she was appreciative

of the spirit of the ordinance, but had issues with profiling her customers and assuming they are criminals. She had issues with addresses being listed saying that that tipped off people as to where valuables were being held because that was information that criminals wanted. She said that LeadsOnline did not just cover the US, and that they were not a law enforcement agency, but a purveyor of information.

She noted this was akin to requiring a law that required a private business to reveal proprietary trade information to a private or third party vendor, including amounts of loans. She said Rolexes had numbers for identity, and she said if there was a 'hit' on an item, she would have the seller's information to share. She asked if the city, police department or her business would be covered by LeadsOnline insurance for breaches of information in case of a lawsuit.

Jack McCrory, pawnshop owner in Bloomington and Bedford, said he was licensed by the state like a bank would be, with the Department of Financial Institutions, and were allowed to write loans using items in their possession as collateral for the loan. He said 80% of the loans he made were repaid, and the items obviously weren't stolen. He said the shop also purchased items outright. He said customers were numerous and varied and included judges, professors, students, and university employees with loans from \$5 to \$5000.

To illustrate the scope of the data involved, he said he had 13,000 transactions in the last 12 months of loans or purchases, with 10,000 total customers. He said 30 items of those were taken back because they were stolen; one item was identified through LeadsOnline. He also said that known stolen items were usually brought in by someone unassociated with the theft because reporting is commonly known.

Daniel McMullen asked why the state didn't have oversight into these things instead of outsourcing them to a private firm that could make money off this data.

Glen Carter expressed concern for the lowest income people and how this ordinance would affect them. He said the pawnbroker was the 'lender of last resort' for those who had no credit or ability to get a loan at a bank. He expressed concern about the regulation of scrap metal dealers as they were also a resource for those same people. He said he knew people who had salvaged scrap metal across the town for a living, but for lack of an ID and the barriers to getting one (like for voting) for selling the metals they could have an income stream cut off from them.

Carter said he had seen people turned away from pawnbroker transactions if the employee thought the sellers were shady characters, and added that the burden should be on the city, not the business.

Natalie McKamey said she was concerned about privacy in reporting to a third party vendor rather than BPD. She said they already received information on the item, which she said should be sufficient to determine whether or not that item was stolen. She said there were risks of database hacking, identity theft, safety in one's home and an abuse of the right to privacy. She said law enforcement should focus on the item stolen, not each customer. She asked what would happen at the end of the contract.

Ross [Dritvik] said his family was involved in data systems and data mining, and was told that personally identifiable bits of information, such as a driver's license number, was key in this field. He suspected that the company holding the database sold this information at a profit, regardless of what had been told the city. He said private investigators could get this information, also.

Tom Haggerty, co-owner of Tom Cats Pawn Shop, asked just who fell into the category of 'authorized law enforcement' and said he was concerned about the dissemination of lots of information over a wide area. He worried about someone telling where valuable items are located, on purpose or not. He said the police were welcome to call him or come by to look at his records and didn't need a case number to do it.

Scott Wells said he was worried about little steps of freedoms being lost and privacy being invaded. He said this was over reach and should be avoided. He noted that there were two new police officers in the budget this year and asked that they do old fashioned police work and not use this service.

Ruff moved to expand public comment for owners of pawn shops to have more time to speak to their concerns. Rollo seconded the motion. The motion received a roll call vote of Ayes: 7, Nays: 0 (Mayer was out of the room)

Cathy Haggerty, Tom Cats Pawn Shop, said stolen jewelry could have very specific descriptions with weights of diamonds, types of gold, etc., and not just called 'diamond earrings.' She said that she would be happy to teach the police officers this information so that the reports could be more detailed to help with the identification of stolen items. She added that profiling was going on and noted an article by Andy Jacobs regarding NSA and personal information. She said she appreciated the council members who spoke with her because the administration had not asked for her expertise in this business.

Jack McCrory said 25 years ago another ordinance was passed related to his business, and he was invited to the table to discuss and craft the measure. He said he wasn't contacted by the city at all this time, except for a couple of council members. He said there were 24,000 transactions per year in his two pawn shops, but there were more in other businesses.

He noted that he had only 30 items identified as stolen, and only one of those resulted from the LeadsOnline service.

Additional council questions:

Volan said he found out that the city was already contracting with LeadsOnline, and had been since April 1, 2010. Diekhoff said it had been used sporadically. He said pawn shops were required to turn information in to the police, but sometimes it wasn't readily available. He said that the database would allow the officers to search the data without manually uploading the data into the system. Detective Jason Shaevitz said he was the liaison to the pawn shops, picked up the data from the shops on a weekly basis, and he and another officer worked on entering the data when they could. He clarified that the information given to police was that of sellers, not of the buyers.

Volan said he was concerned with getting the data into LeadsOnline and asked why an officer had to do that work instead of having a part time clerk do it. Diekhoff said he found that an interesting question considering the questions in the whole discussion about security. He questioned why Volan thought a civilian employee without access to confidential information should do that task. Diekhoff said they chose to have the detectives do that work. Volan noted the security issues.

Volan said if the amendment passed, police operations and policy would not change in that they would continue to use LeadsOnline with owners of shops would be uploading the data directly.

Neher asked the administration to react to statements made. Mulvihill said some information was inaccurate.

- She said no other business that uploads to LeadsOnline would have access to any other businesses data.
- She noted statements of credit ratings and security clearances being affected by the information and again noted that only law enforcement agencies would access the information.
- She noted a detective already uploaded the data to LeadsOnline, but it wasn't an effective use of their time and resources, and included a lag time in reporting. She said having the businesses upload the information would be more efficient.
- She said that over 100 law enforcement offices used this service because it worked in helping to recover stolen items. She said without regulations Bloomington would become the place to pawn stolen items.

- She said that there were limitations to all the rights granted in the constitution, and highly regulated industries were allowed to obtain personal information without a warrant. She fundamentally disagreed with the claim that this would violate privacy rights.
- She said that other options were considered but some charged the business owners for uploading the information, which she felt was inappropriate. She also said that this was a national organization that gave a better chance to recover stolen property, and an in-house network wasn't as effective as a broader database.
- She said that Marion County had not experienced a reduction of business for pawn brokers, second hand dealers or scrap metal businesses as a result of the reporting requirement. She noted that the more jurisdictions that used these regulations the less this regulation would impact business.

Concluding she asked the council to support the administration's proposal to help the victims of crimes get their stolen items back. She asked that Amendment #9 not be passed.

Neher asked Diekhoff if the pawnshop owners knew BPD was uploading data. Diekhoff said they did. Neher asked if there had been concerns of privacy expressed from the owners. Diekhoff said no.

Sandberg said that when the council deliberated they took into consideration more than what had been presented in the hearing, including letters and phone calls. She said she considered all of the reams of information presented, and had personally read it all. She added that condescension in statements of 'not working for the people' did not sit well with her. She said this amendment did not assist public safety. She noted that the council had sent messages to the state general assembly about profiling people and that some folks speaking did not really understand the council position on social justice and equity, jobs and the work they did. She said she would vote against the amendment.

Sturbaum said his 92 year old father-in-law had been patted down and searched before a recent flight, and it was a question of national security and greater good that this happen. He said that he had many construction items stolen, and would like to have things back. He appreciated the effort to get things recovered, and would like to help the police get items back for victims.

Granger said she had read many messages, took lots of notes; she needed to know what people were thinking on this issue. She said she would err on the side of victims' rights and would not support this amendment.

Ruff said the larger concern of privacy, what we needed to trade off for liberties, and balance were all items of concern. He pointed out that there could be victims of profiling from the collection of information, also. He noted that it had been pointed out that there was riskiness in the aggregation of data because they were so large and often easier to use. He said the statement that Bloomington would become a haven for stolen goods was speculative.

Ruff said he voted yes on the resolution opposing the Patriot Act, and said there was a conflict as Cates had said. He noted statements that LeadsOnline had not been breached and posited that it may not be about better security, but that the information had not yet been of interest. He said not just criminals wanted this data, and we might not imagine the uses and misuses for this data.

Ruff said the way society should address this issue was through greater economic opportunity and more economic justice and fairness. He said he would support the amendment.

Rollo said he, too, was overwhelmed with information. He thanked Volan for creating the opportunity for the discussion. He said for efficiency sake, as a tool for solving crimes, this information would be necessary and that didn't bother him. He said what did bother him was Cate's statements on breaches of security and continual erosion of civil liberties. He noted his opposition to encroachment on civil liberties, and agreed that incremental

losses were happening. He noted, too, Cate’s help in crafting the resolution that opposed the Patriot Act and reread the passage that had been read earlier. He said he would support the amendment.

Mayer said the statements of ‘assist victims of crime’ and ‘make the victims of crime whole’ were important to him. He said it would be impossible to live in the world today without data being created and gathered on a person, from drivers’ licenses to credit cards. He said he wanted to look at the greater good for the community and said that being able to track objects was important. He would vote no on the amendment.

Neher noted Cate’s comment that the first incursion on privacy occurs when the collection of data was enacted by state law. He asked if there was an assumption of secrecy with transactions within these establishments. He said he was not able to support the amendment, but he valued the discussion.

Volan, noting one of his positions had been called disingenuous, said he could find disingenuousness in a host of statements made on behalf of the administration. He said the sustainability of our democracy was important, and civil liberties should not be allowed to be eroded in the names of security.

Volan objected to the BPD policy of having detectives handle all the imputing of data. He said uploading should be easier.

He noted that Prosecutor Chris Gaal had co-sponsored the resolution about the Patriot Act when he was on the council and had yet sent a letter supporting the ordinance being debated at this meeting. He said the victims of theft deserved justice and that didn’t include treating all other citizens as leads or crooks. He said staff untutored in pitfalls of putting massive amounts of data online shouldn’t be making this request of the council until all possible problems were ironed out. He said data could be leaked by a low level employee, and that Transportation Security Administration (TSA) could also access the LeadsOnline database since they were a law enforcement agency.

Volan challenged the council to repeal the resolution against the Patriot Act if they no longer could hold it to be true. He said the administration should ask the state of Indiana to require this information. He said the almost defunct Telecommunications Council wanted to create legislation for a new mission and purpose for an Information and Communications Technology Council to ‘advocate for access to electronic information and communication resources for all, protecting privacy, and supporting free expression.’ He said this was a needed resource as the discussion on the ordinance had proven to him that there was a great deal of ignorance about data, the internet, privacy and Bloomington’s role in it all. He asked the council to pass Amendment #9 or table the whole ordinance until the language was worked out better. He said Professor Cate was a noted scholar on the issue and asked the council to consider his statement.

Amendment #9 to Ordinance 13-11 received a roll call vote of Ayes: 3 (Ruff, Rollo, Volan), Nays: 5 (Sturbaum, Sandberg, Granger, Neher, Mayer) and thus failed.

It was moved and seconded to adopt Amendment #4 to Ordinance 13-11

Amendment #4 to Ordinance 13-11

Neher noted this amendment was proposed by the administration. Wason said this proposal arose from discussions with valuable metals dealers, the Indiana State Police, and local officials.

- Fixes a numbering error in the heading of the new Chapter 4.22.
- Corrects the definition of “purchase” to exempt rather than include certain transactions.
- Modifies the mandatory hold period for valuable metal dealers from seven (7) days to the same holding period as required by the Indiana Code, five (5) days— with some minor exceptions.

Granger asked if there was support from the dealers on this proposal. Wason said he believed there was.

Michael McBride said he was representing Bloomington Iron and Metal. He thanked Wason, Mulvihill, Alano-Martin and Chief Diekhoff for spending time at the business to understand the model and to accommodate their needs as well as the need to curb theft. He said he understood that Chief Diekhoff would begin to use Scraptheftalert.com as an extra tool for

this purpose. He said that the resource was supported by the scrap metal industry.

Kevin Robling, representing JB Salvage, said they do support the amendment and appreciated the council and administration giving additional time to work to get this right. He said they would support the other amendments as well.

Volan said he was glad to hear the administration and metal dealers were able to work together.

Rollo thanked the administration and businesses for working together to propose this compromise this amendment.

Amendment #4 to Ordinance 13-11 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded to adopt Amendment #1 to Ordinance 13-11

Adam Wason said it was intended to include this proposal in the original ordinance and asked the council to pass this housekeeping amendment.

There were no questions, public comments or council comments on this item.

Amendment #1 to Ordinance 13-11 was approved by a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded to adopt Amendment #2 to Ordinance 13-11

Adam Wason said this was the result of feedback from business community. He said it changed the threshold for reporting from a percentage amount to a dollar amount. He said some of the largest second hand dealers in the community were large retail operations and using the percentage amount, the reporting would not capture the pertinent information. He said it also exempted businesses that were engaged primarily in transactions involving CDs and LPs. He said that the second hand market for these items wasn't relevant at this time because of digital music.

There were no questions, public comments or council comments, although Volan was shocked to hear that his collection wasn't worth much.

Amendment #2 to Ordinance 13-11 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded to adopt Amendment #3 to Ordinance 13-11

Adam Wason said this would change the definition of 'pawnbroker' to match what was in the state code.

There were no questions, public comments or council comments on this item.

Amendment #3 to Ordinance 13-11 received a roll call vote of Ayes: 7, Nays: 0 (Volan out of the room)

Amendment #4 to Ordinance 13-11  
(cont'd)

Amendment #1 to Ordinance 13-11

Deletes any fee requirement for a taxicab license. The fee is being deleted because the City recognizes that taxi cab companies will face an increased administrative cost by the new requirement that each taxi cab undergo a vehicle safety inspection from an independent third party

Amendment #2 to Ordinance 13-11

- Changes the exemption for businesses that only occasionally purchase used goods from a percentage basis to a dollar basis. Businesses that purchase more than \$5,000.00 worth of used goods in any one calendar year will be subject to the requirements of the Secondhand Dealer Chapter.
- Exempts businesses that primary purchase used CDs and LPs

Amendment #3 to Ordinance 13-11

This amendment changes the definition of pawnbroker to mirror the definition in State law (I.C. 28-7-5-2).

"Pawnbroker" means any person, partnership, association, limited liability company, or corporation lending money on the deposit or pledge of personal property, or who deals in the purchase of personal property on the condition of selling the property back again at a stipulated price, other than choses in action, securities, or printed evidence of indebtedness."

It was moved and seconded to adopt Amendment #5 to Ordinance 13-11

Adam Wason noted this was a change due to the concerns from the businesses involved. He said items from a Saturday would be able to be reported on Monday and Tuesday of the next week.

Volan asked why 24 hours was initially proposed. Detective Jason Shaevitz said that the reporting system was in real time so that the transaction could be investigated, if need be, more quickly. Volan asked if he had concerns with the new time frame. Shaevitz said he did not.

Public comment:

Jack McCrory said the original ordinance was 48 hours and the amendment was now two business days. He wanted clarification if the requirement was for two business days after the transaction.

Neher asked Wason to clarify the requirement. Wason said that the intent was to have two full business days to do the report.

Volan asked if an item came in at 11:00 am on a Monday, could it be reported by the end of the business day on Wednesday. Wason said that was the intent.

Amendment #5 to Ordinance 13-11 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded to adopt Amendment #6 to Ordinance 13-11

Wason noted that a customer's government issued ID number would suffice in recording the transaction rather than a social security number or specifically a drivers' license.

There were no questions, public comments or council comments on this item.

Amendment #6 to Ordinance 13-11 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded to adopt Amendment #7 to Ordinance 13-11

Granger said her desire was to have language in the entire ordinance that was gender neutral.

There were no questions, public comments on this item.

Mayer thanked Granger for proposing this change.

Volan said that neither Granger nor Sandberg were councilmen, but councilmembers. He said this was a small but important move.

Amendment #7 to Ordinance 13-11 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded to adopt Amendment #8 to Ordinance 13-11

Adam Wason said this was mainly a housekeeping measure to keep the penalties consistent throughout the chapters of the title.

There were no questions, public comments or council comments on this item.

Amendment #8 to Ordinance 13-11 received a roll call vote of Ayes: 8, Nays: 0

There were no additional statements from the administration on Ordinance 13-11 as amended. There were not additional council questions or public comments on the ordinance as amended.

Volan said that data of those using credit cards for parking, 40% of all users, was being aggregated. He said the convenience fee was to prevent the city from having access to credit card numbers, and was actually

Amendment #5 to Ordinance 13-11

This amendment changes the reporting requirement for pawnshops, secondhand dealers, and valuable metal dealers from forty-eight hours to two business days.

Amendment #6 to Ordinance 13-11

Changes the requirement that a pawnshop write down the drivers' license number of a customer to writing down the identification number of any government issued photographic identification card. Allows use of military identification cards, state identification cards, and passports.

Amendment #7 to Ordinance 13-11

This amendment is sponsored by Councilmember Granger and makes changes that create a gender-neutral ordinance. In other words, errant references to "he" and "his" are changed to "he/or she" and "his/her" wherever they appear in Title 4

Amendment #8 to Ordinance 13-11

- Makes the penalty provisions of each the relevant chapters discussed in the Ordinance consistent with one another.
- Makes it clear when the Controller will issue business license for each of the relevant chapters discussed in the Ordinance.

Ordinance 13-11 as amended

protecting the user's privacy. He said if the data was captured, the city would have the ability to just charge people when they got parking tickets. He said this was the type of question that was important in the future. He said it was inappropriate that data privacy measures were not included in this ordinance with the addition of Amendment #9 and would vote against the whole ordinance.

Ruff said that he was glad sections of the ordinance were worked out with conversations and meetings between parties. He said he had made his stand known with earlier comments. He said he wished the ordinance had been broken into sections for separate votes, but rather than make a symbolic no vote over concerns with not adding amendment #9, he would vote yes on the ordinance.

Granger thanked staff for the work and efforts in producing and amending this ordinance. She said not everyone was completely happy, but people had the opportunity to speak and changes were made.

Rollo thanked Mulvihill, Wason, Diekhoff and the detectives who had stayed through the meeting. He said it had been a tremendous amount of work and appreciated the administration's work to compromise with the businesses.

Rollo said he was moved by Professor Cate's firm statement. He said he was also moved by Cate's affirmation that this ordinance contravened the resolution regarding the Patriot Act, one that was near and dear to him. He said he could not vote for this ordinance.

He said that at the time of the Patriot Act, even questioning the Act was held in disregard and it was difficult to debate the issue. He respected his expertise and appreciated his participation in the night's discussion.

Sandberg said she didn't disregard Cate's statement. She said that she hoped to move forward from the resolution and hoped to put things back in the context of living together in a community where social ills existed that needed to be addressed. She said this was little enough to ask in order to assist law enforcement to be able to address victims' rights. She thanked staff for being willing to listen and make compromises.

Sturbaum said this was a balancing act, and that he appreciated all concerns.

Ordinance 13-11 as amended by Amendments 1, 2, 3, 4, 5, 6, 7, and 8, was approved by a roll call vote of Ayes: 6, Nays:2 (Rollo, Volan)

There was no legislation to be introduced at this meeting.

FIRST READINGS

There were no comments at this segment of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted upcoming meetings of the council would include the budget hearings.

COUNCIL SCHEDULE

The meeting was adjourned at 11:42 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, December 18, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 18, 2013

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes for the Regular Session of December 4, 2013 and Special Session of and December 11, 2013 were approved by a voice vote.

APPROVAL OF MINUTES

Steve Volan noted the recent death of Ian Stark, a 24-year-old experiencing homelessness, in a stairwell of an apartment building. Volan said it was a community tragedy that should not go unmentioned, and that he wanted to take the opportunity to observe the passing of this citizen.

REPORTS

- COUNCIL MEMBERS

Tim Mayer wished the citizens a Merry Christmas, Happy Holidays and a Happy and Prosperous New Year. He thanked the city employees for their continual daily dedication to the city.

Dorothy Granger said she appreciated the job city employees did day in and day out. She said 2013 was a good year, and that 2014 would be even better.

Susan Sandberg said there would be a listening session on the importance of the Affordable Care Act, information on the enrollment process and what limitations and obstacle there might be in Indiana as a result of the governor's actions to not extend the Medicaid opportunity to Hoosiers. She said professionals in the health care field would be present including Dr. Rob Stone and Karen Green Stone from Hoosiers for Common Sense Health Care. She said community negotiators, those trained to help enroll citizens, would also be present. She said the meeting on January 8, 2014 at 5:30 pm in the council chambers would begin the process of creating a resolution in support of these issues.

Chris Sturbaum wished everyone a peaceful holiday.

Andy Ruff thanked the council staff, clerk and her staff for their work in supporting the council. He thanked his council colleagues and the council leadership for their good jobs.

Darryl Neher thanked Caroline Thompson, a budding entrepreneur who sold him a bracelet, and said she was a great young salesperson and hoped she could remain in the community. Noting that he had just reviewed the Legislative Index for 2013, Neher thanked everyone who made the year's work possible.

Molly O'Donnell, co-chair of the Bloomington Commission on Sustainability, presented the annual report of the commission that detailed their work in 2013 and projected their tasks for 2014. She was accompanied by Maggie Sullivan, past co-chair. She read the mission of the Sustainability Commission as:

REPORTS

- The MAYOR AND CITY OFFICES
  - Bloomington Commission on Sustainability Report

*BCOS promotes economic development, environmental health, and social equity in our community for present and future generations. The commission gathers and disseminates information, promotes practical initiatives, and measures, monitors and reports on our community's progress towards sustainability.*

She reviewed the commission's activities for 2013 saying that their initiatives focused on food and waste reduction, expanded and safe bicycle and pedestrian access, sustainable business and planning and development. She said one member was a member of the Food Policy Council, and the commission submitted a letter of support for their Food Charter after offering ideas for the final document which she said promoted urban agriculture, food security and sustainable practices. She said the same member would be working with IU on a new food sustainability initiative.

O'Donnell said the members had recycling stations at the Taste of Bloomington festival to reduce waste. She said members helped with the Hoosier to Hoosier sale. She said the commission supported Open Streets, and the Greenways Implementation Plan to improve bike and pedestrian and auto safety. She said that one member served on the Imagine Bloomington Steering Committee and encouraged other members to

participate in the planning sessions. She added that there was a letter written for a proposed co-housing development near the YMCA. She said one seat was open on the commission for the next calendar year.

She noted that Ball State and IU students worked with the commission on a global reporting initiative, based on city hall's LEED certification. She said that Bloomington was one of just a few cities in the country to provide such a study. She said that from that study, an examination of STAR (Sustainability Tools for Assessing and Rating) Communities was undertaken. She said that people in the community, government and other organizations would be interviewed towards the end of becoming a more sustainable community.

Spechler asked if, in the interest of getting people to use bicycles more, she would support the use of bicycles on sidepaths and sidewalks outside the downtown area. O'Donnell said that people in Japan ride on city sidewalks and ring their bell to warn people from behind, but didn't know if Americans could learn to do that. She also added that infrastructure would need to be widened in order to do that in many places.

Spechler asked if the commission would be willing to consider expanding the dual use paths as on the south side of Third Street (on the far east side of town), or outside the central part of the city. O'Donnell said that the question was beyond her capacity to recommend without funding.

Volan noted the previous question was interesting, but called for the Traffic Commission or Bike and Pedestrian Safety Commission to weigh in on this. He asked if the commissions met together or exchanged ideas on a regular basis. O'Donnell said an Environmental Commission member attended meetings. She said they tried to send their members to other meetings as well. Volan noted the council's appreciation for the work of the commission and thanked O'Donnell for the report of the year's activity.

Volan declined to present a final report from the Street Design and Engineering Standards Council Committee because he said the council members had just received the draft. He said the committee might meet one more time to get down final details and that he would be presenting the final report in January.

Dan Sherman, Council Attorney/Administrator, facilitated the request to amend the Council Sidewalk Report for 2013. He noted that there were three projects that would not cost as much as earlier planned and there would be a surplus of \$24,000 for the 2013 projects. Rather than have the money revert back to the Alternative Transportation Fund, he said the committee recommended that the 2013 funding recommendations be amended to allow the sum to be allocated to the Rockport Road project.

Sturbaum, member of the committee, said this was a very good place to put this money as it was not earmarked for any of this year's projects.

It was moved and seconded that the Sidewalk Report be amended.

Spechler said he supported this change in the recommendations. He said this was one of the most worthy projects being proposed and he was willing to put the extra money to the Rockport Road project.

The motion adopting the amendment to the Sidewalk Committee Report was approved by a roll call vote of Ayes: 9, Nays: 0.

President Neher called for public comment but there was none.

There were no appointments to boards or commissions at this meeting.

It was moved and seconded that Ordinance 13-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 6-0-0.

It was moved and seconded that Ordinance 13-23 be adopted.

Neher, sponsor of this ordinance, highlighted the rationale behind the proposal. He said that an EZID application was considered earlier in the year, and that as the process went forward, the council realized that the state, in its discretion to allow the council to approve applications within the TIF district, did not provide specifics as to how those applications should be evaluated. He said the

PROVAL

- COUNCIL COMMITTEES
  - Street Design and Engineering Standards
  - Sidewalk Committee Report – request to amend the 2013 report.

- PUBLIC

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 13-23 To Establish Procedure and Criteria for Consideration of Enterprise Zone Investment Deductions (EZIDs) for Property Located within a Tax Allocation Area pursuant to I C6-1.1-45-9

Ordinance 13-23 (cont'd)

proposal came from discussions among council members and administration which became a working group he had put together to provide a clear focus for how the council would consider and discuss future EZID applications.

Neher said the highlights were that a report would be produced with the Economic and Sustainable Development Department acting in an advisory capacity for an EZID application, looking at the five areas of:

- Impact on the intersecting TIF
- Impact on the Enterprise Zone and BUEA
- Impact on the Community Revitalization Enhancement Districts (CREDS)
- Impact on the Certified Technology Park (CTP)
- Costs, if any, to be borne by the public as a result of a project that brings forward an EZID application.

He added that the Council would then have the opportunity to consider those applications as they came forward. He said this would allow the council to have a discussion about any substantial benefits to the area. He noted that a statement from Mayor Kruzan was included in materials for this meeting and that the mayor laid out clearly benefits to this proposal. Neher said it held a higher threshold for future EZIDs but recognized the tool as one the community could use.

Spechler thanked Neher for spending time looking for a fair and reasonable approach to the issue. He noted that he did not agree with Neher's position in the memo he wrote introducing the ordinance, but said he did appreciate his time. He cited the two points:

- *EZIDs reduce the revenue to the TIF districts and therefore reduce our ability to make improvements for safety for all the businesses in those areas.*
- *Because EZID deductions are approved after the investments, they are a weaker incentive for positive developments than tax abatements which are approved before an investment.*

Spechler said tax abatements were more valuable than EZIDs because they can be 100%. He asked why Neher had changed his mind about those two points. Neher said he had not changed his mind on those statements of fact. He said EZIDs reduced revenue to a TIF. He asked Spechler to take a look at his comments in the memo and read from his memo:

- *"reduce revenue to the intersecting TIF districts and may adversely impact the city's other economic development areas" and also*
- *"unlike tax abatements (they) are approved after and not before the investment."*

He said Spechler's comments were editorial and not in the memo.

Spechler asked, if EZIDs reduced the tax revenue to the city, how could it be that they MAY reduce the ability and financial health of the TIFs? He said they would NECESSARILY reduce the health of the TIFs.

Neher said that if one was isolating it to a consideration of only a single project that the revenue that would go directly from the specific project. However, as in other applications, including the one approved earlier in the year, there were other benefits that were involved in the discussions that can and do attract other investments in the district that could have positive benefits. He said while the possibility of the impact on TIF districts might be true on a single application, the broader impact on a project doesn't operate in isolation and would have a broader impact that the council would take into consideration.

Spechler asked if it was true that the more projects approved, the more money TIFs would lose. He believed the council would approve the applications.

Neher said he questioned the assumption that the council would approve a lot of the applications, and it was a prediction on Spechler's part that wasn't necessarily true. He said the issue on this legislation was that it would give the council greater clarity and focus on how the decisions on EZID applications would be made, much greater than the absence of guidelines from the state. He said this was the opportunity to clearly define the decision making process, a valuable consideration. He added that the direction of Spechler's comments of not approving EZIDs at all was equally extreme as providing no criteria. He said that taking away that economic development tool was not a benefit to the community and a step too far. He said instead of saying we'll approve all applications, this criteria would measure an application and allow it to be judged by its merits.

There were no public comments on this ordinance.

Council comments:

Spechler said he was very much against the ordinance. He said that any tax deduction meant that other tax payers of the city would pay more or that the city would have less money for improvements especially in the TIF districts. He said that was obvious.

He said he was not for abolishing incentives for businesses. He said that EZIDs and Tax Abatements were alternatives and that it made no sense to have both. He said he was for, and had repeatedly voted for, tax abatements for commercial properties. He said the tax abatement process was superior to the EZID because the tax abatement process asked the developer in advance to promise employment benefits of the project rather than after the project is finished. He added that tax abatement procedure allowed the council to inquire about the environmental impact of a project and architectural elements of the process. He said it was a prior process that allowed the council to have more influence than the EZID. He said that even talking informally to developers without promises of an EZID would most likely result in approval of all EZIDs in the end. He said the council members were generous people and that if they saw some public benefit they would go along with the EZID recommendation without asking too much about the cost or general budget picture of the city which he said was not wonderful in the long term. He said the criteria was reasonable, but in fact, it would be easy to show that there was public benefit in a project already completed because he said there wouldn't be a project if there was not a benefit.

He said despite all the good work, on a case by case basis, all applications would be approved and there would be no influence after the fact on the employment characteristics and the environmental impact.

He said the proposal would involve a lot of staff time and an examination after the fact of what had been done. He didn't know how that would be supervised, but with a tax abatement there would be a written commitment that would be supervised by staff and contained in the annual tax abatement report prepared by staff. He said this was a much stronger incentive to do something in the public interest. He said that an EZID would be a give-away of public money and tax payer money.

He said he would vote against all EZIDs and that the other members of the council would approve them based on a report of after the fact information and general and vague criteria. He added that tax abatement showed actual target information before the shovel actually hit the ground.

He said he talked to the mayor about this earlier in the week and read his memo, and that the mayor's point was that if you don't have an EZID in a TIF district, but do have them outside the TIF district, it would favor development outside the TIF. Spechler said it might be, but that location was so important and that the TIF districts covered a great deal of the city, and it wasn't a strong statement, and didn't make a good point.

Spechler said that the mayor's point was that the city should have both abatements and EZIDs, but he didn't think the mayor understood that there could not be both. Spechler said that if the city was serious about employment and environmental objectives, the tax abatement procedure worked, not an after-the-fact thing that would be giving away money that was badly needed. He said he could not vote for a tax increase to the citizens of Bloomington.

Volan said he had conversations about TIFs and abatements and why they were given so freely, mirroring an overall positive feeling held about tax abatement incentives. He said Spechler's comments were persuasive and said to approve a deduction after the investment was difficult. He said to get good façade work on projects and to really enhance the physical environment in these projects it really had to be part of the incentives. He said he was not a fan of the construction of Smallwood, but thought it was better than the blighted Superfund site that was there beforehand. He said the Enterprise Zone was doing well, the downtown development was apace and did what was set out to do. He said an EZID in a TIF made him uneasy, and that he really didn't support EZID deductions in general.

Granger said that she was in favor of the ordinance. She said that even if all council members were not to support this ordinance, EZID applications would still be made and come before the council. She said it was not about if EZIDs were approved or not, but a process for determining if the deductions were appropriate. She said she appreciated the work of the committee because it was

very challenging during the deliberation of the Springhill deduction. She said a more clearly defined decision making process would only help in the future.

Sturbaum said that over the next twenty years, the development of the Showers Tech Park would be occurring. He added that with an up and down economy the city needed to help people with incentives to be brave enough to build in certain areas. He said these could be senior affordable housing projects, and that there could be public benefit. He said the guidelines would help to analyze the project and help decision making. He said it closed the door for older projects and thought that was a good thing. He noted that the BUEA would receive some of the money in the deduction and that those funds were of benefit to the Zone and the community.

Ruff agreed with Granger. He asked Dan Sherman, Council Attorney/Administrator, if EZID applications would come before the council whether this ordinance was passed or not. Sherman said that since 2008 the council had considered six such deductions.

Ruff said that was an important point in that it gave the council a more solid ground for a healthy, conservative skepticism when presented with the applications. He noted the Springhill Suites application might have gotten a different vote if the ordinance had been in place then.

He said he shared some of Spechler's concerns, but said that the ordinance was important because the applications would come, no matter what.

He said it was remarkable that this incentive, 10 years of a 100% tax deduction, was created by the state with no guidelines. He added that the council was fortunate to have the opportunity to review the EZIDs in TIFs to see if they provided a significant public benefit that outweighed the loss that Spechler talked about.

He said when the applications came in the future, the council would need to be very conservative and hold the bar to demonstrate public benefits really high and really consistent and include wage structure.

He said he appreciated the careful and thoughtful work on the guidelines and noted specifically the items that described a public benefit.

Sandberg said she was struck by the creation of the law that allowed the council to review EZIDs within TIFs. She supported the proposal saying it was a policy that would assist the council in evaluating the economic development tool. She said that she disagreed with Spechler's assertion that that the council would automatically approve all EZIDs because they were generous people. She said the mayor's memo was more compelling than Spechler's memo and argumentation. She said the council was one that asked tough questions, and that she appreciated having this proposed tool at her disposal.

Mayer said that the council had no guidance in reviewing the Springhill Suites EZID application. He thanked the folks who worked on this proposal, said it was good public policy, and would give the council a way to look at abatements to see the public benefit.

Neher thanked Granger and Ruff for pointing out that whatever the vote was on this ordinance, there would be EZID applications coming forth in the future. He said that the proposal provided a higher threshold for evaluating the future applications. He added that the proposal was designed to provide a flexibility in the council's review of applications.

He said he strongly disagreed with Spechler's statement that the council could not consider environmental concerns in deliberations. He said that impact in an area was not defined solely as economic impact.

Neher clarified for the record that the words in Spechler's memo to fellow council members attributed to Neher and council packet memo were wrong. He said there was editorial commentary included in Spechler's points that were not included in Neher's original memo regarding this ordinance.

Neher also clarified that in the mayor's memo there was no talk about the EZID and tax abatement being offered simultaneously, but rather he said that the incentives and revenues could co-exist with fiscal prudence or the benefits of the project accomplish economic development goals including (TIF plan goals). He said this was fundamentally different than Spechler's characterization.

Neher said he appreciated the support from the administration and staff in designing the document and particularly thanked Sherman, Sturbaum and Ruff.

Spechler said there would be a lot of EZID applications because the downtown area was so vibrant. He said that with EZIDs, unlike tax abatements, the only option was yes or no, because the project was already built and operating. He said he would say no. He said he wondered what the high standard would be, as it was not measureable and there was always some public benefit. He said many council members would say yes without measuring the impact on other tax payers or the budget. He said that a clear and good public policy was to let people know in advance whether they could get a tax benefit or not, and a tax abatement did just that while an EZID could not do that.

He said that while the document was good work, he felt that it was impossible to say in advance what EZIDs would be approved before they were seen. With tax abatements we see what is being proposed. He said that this proposal was bad public policy, the council didn't need it, and there was a better public policy in the tax abatement. He said a clear public policy was needed to say to developers that if you want lower taxes, come with a tax abatement proposal. He said the EZID applications would flood the staff and council and take up a lot of time. He said he simply did not understand others' objections to his position that EZIDs were not as effective as tax abatements.

Volan said the discussion was interesting, but that Granger had persuaded him that adding criteria to the previously unmanaged incentive program was worth doing. He said he didn't disagree with Spechler's skepticism about EZID nature of being a TIF discount. He said that he agreed with Sandberg that this council had been less inclined to approve projects without asking questions, but pointed to the sidewalk report as being the result of previous councils' approval of developments without basic infrastructure such as sidewalks.

Neher said that he and Spechler agreed on the questions of fact, the definitions and benefits of tax abatements and EZIDs. He said they were arguing on policy. He added that the question was how we approach the EZID applications that would come forward in the future. He added that the broad nature of this economic tool did not make it an attractive one, but that definition and law was not in the council's purview. He said the proposal in the ordinance gave the council a better framework for decision making.

Volan said the criteria was a local addition to the discussion of EZIDs, and hoped that the council would think the same way when it came to parking meter revenue. He asked if there would be criteria as to how excess revenue would be spent, as it wasn't in the original ordinance. He asked for more specific criteria there.

Ordinance 13-23 received a roll call vote of Ayes: 8, Nays: 1 (Spechler)

This being the last meeting of 2013, there was no legislation for introduction.

LEGISLATION FOR FIRST READING

Larry Jacobs, government relations for the Chamber of Commerce, liked the debate this evening and thanked the council for their work on behalf of himself and the chamber. He wished all the best for the holiday season and thanked folks again for all the council does for the city.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that the Organizational Session for the council 2014 year would take place on January 8, 2014. Moved and seconded to cancel the IWS on Jan 3, 2014. Approved by a voice vote.

COUNCIL SCHEDULE

It was moved and seconded to cancel the COW after the organizational meeting on Jan 8, 2014, which was approved by a voice vote.

The meeting was adjourned at 8:49 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, April 9, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
April 9, 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

Sturbaum noted that the mayor had declared the week “Ross Lockridge, Jr. Week” in Bloomington. He asked Susan Sandberg, Steve Volan, and Dave Rollo to read excerpts from Lockridge’s best-selling book *Raintree County*. Sturbaum read the last paragraph of the novel, adding that he appreciated the opportunity to bring this historic work by a Bloomington native to life.

REPORTS

- COUNCIL MEMBERS

Marty Spechler stated that he favored the increase of the federal minimum wage from \$7.25 to \$10.10/hour. He called for every public policy maker to do a pros and cons list regarding raising the minimum wage. Spechler expressed his belief that Bloomington’s living wage of \$12 was too high because it tended to reduce employment. He also defended that he was unfairly criticized in a published letter to the H-T a few days prior, and he wanted to clarify his stance.

Tim Mayer took a moment to remember Carl Zager who passed away recently. Zager had served on the Bloomington Telecommunications Council and on the Bicycle and Pedestrian Safety Commission, in addition to being an educator and advocate.

Dorothy Granger wanted people to know that domestic violence is a huge contributing factor to homelessness. She also pointed out that the city provides support for the annual Homeward Bound Walk which raises money to combat homelessness.

Andy Ruff read a proclamation from the mayor that designated the week “The Week of the Young Child” in support of quality education for young children.

Byron Bangert, Bloomington Human Rights Commission, presented the Human Rights Award to David Metheny for his work on behalf of low income and disabled persons who were in imminent danger of losing their homes. Bangert said that David Metheny exemplified citizens whose efforts went above and beyond the call of duty to advance civil and human rights.

- The MAYOR AND CITY OFFICES

Kathy Mayer, Community and Family Resources Department, and Beth Rodriguez, Centerstone, noted that the twelfth annual 5K Homeward Bound Walk was being held on Sunday, April 13, 2014. Rodriguez encouraged families (and well behaved pets) to participate to help local nonprofit agencies who worked to end homelessness. Rodriguez thanked the many sponsors of the event and praised the recipient agencies for their efforts toward ending homelessness.

Rebecca Nunley, Area 10 Agency on Aging, highlighted the positive impact of Bloomington’s 450 National Service Volunteers. She also thanked the mayor for proclaiming April 9, 2014 “National Service Recognition Day”. Nunley encouraged interested persons over age 55

to contact Area 10 Agency on Aging to get involved in the National Service program.

President Neher reported on the work of the Special Committee on Boards and Commissions. Based on results of a study by the City Clerk, a new set of terms, with staggered end dates, was proposed in order to bring all city boards and commissions into compliance.

- COUNCIL COMMITTEES
  - Special Committee on Boards and Commissions

It was moved and seconded to accept the report of the Special Committee on Boards and Commissions. The motion was approved by a voice vote.

President Neher called for public comment.

- PUBLIC

Scott Wells mentioned the problem of pollution occurring from construction runoff in both Indian Creek and Clear Creek water supplies, but he focused primarily on his objection to Section 5 of I-69 and the actions of the Indiana Finance Authority.

Marc Cornett commented on the Unified Development Ordinance and asked councilmembers to preserve the history and charm of the community by returning to the simple premise of one building, one lot.

Joseph Callahan shared some words written by local homeless persons asserting that society was failing them.

Glenn Carter spoke about the seasonal closing of the Interfaith Winter Shelter on April 1<sup>st</sup>, which left 50 to 100 people without access to shelter and subject to harassment by police. He said people on the streets had myriad reasons for not using high barrier shelters.

Jonathan Jones talked about homeless-related problems that were compounded by the closing of the Interfaith Winter Shelter. He asked the council to support plans for a low barrier summer shelter.

Karen Hemminger read a poem in favor of a year round low barrier homeless shelter.

Kay Bull played guitar and sang about economic injustice in our society.

Dan Young stated that homelessness was a public health disaster and an emergency situation. He believed that city government should make sure there was a low barrier shelter at all times of year.

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

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- David Walter - reappointed to the Redevelopment Commission
- Julie Hill and Sophia Hauserman - reappointed to the Commission on Aging
- Shirley Davies - reappointed to the Animal Control Commission
- Norm Crampton, Andrew Carty, Sean Gorman, Carissa Moncavage and Dedaimia Whitney - reappointed to the Environmental Commission
- Mike Allen - reappointed to the Bloomington Digital Underground Advisory Committee
- Amanda Barge, Beth Kirk and Jacqueline Fernette - reappointed to the Commission on the Status of Women
- Jim Rosenbarger - reappointed to the Bicycle and Pedestrian Safety Commission
- Chris Mosley and Keith Dinga - appointed to the Telecommunications Council
- Sarah Ryderband - reappointed to the Traffic Commission

- Sally Gaskill and Lynn Schwartzberg - reappointed to the Bloomington Arts Commission
- William Morris, Valeri Haughton, Byron Bangert - reappointed to the Bloomington Human Rights Commission
- Mary Balle and Angela Smith-Walgenbach - reappointed to the Commission on the Status of Children and Youth
- Pedro Roman, Jeff Ehman, and Sam Frank - reappointed to the Utilities Service Board
- Andrea Jobe and Claire Cumberland - reappointed to the Commission on Sustainability.

All appointments were approved by a voice vote.

It was moved and seconded that Ordinance 14-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of Do Pass 5-0-4. It was moved and seconded that Ordinance 14-04 be adopted.

MOTION: It was moved and seconded that the presentation, public comment and materials presented at the Committee of the Whole on Ordinance 14-04 be incorporated into the minutes of this meeting.

ACTION: The motion was approved by voice vote.

MOTION: It was moved and seconded that the council consider Ordinance 14-04 in the following manner:

- 1- The sponsors of the ordinance would make a brief presentation and ask questions based on the Committee of the Whole deliberations.
- 2- Council members could ask questions of the sponsors and assembled experts. In order to accommodate members of the public who wished to address the council, the Chair could, with the consent of the council, proceed to public comment before those questions and answers were exhausted.
- 3- Members of the public could make comment on the ordinance as presented. Those who wished to speak must: A) line up at one of the two podia, B) print their name and whether they are a resident of the city or not on the sign-in sheet and state their name before they addressed the council, and C) speak once for no more than five minutes.
- 4- Council members could ask further questions as necessary.
- 5- Council members would make concluding comments and could entertain a motion before adjourning this evening.

ACTION: The motion was approved by a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Sturbaum)

Rollo, lead sponsor of the legislation, reviewed the purpose of the ordinance: to restore ecosystem balance at the Griffy Lake Preserve. He pointed out that this legislation came in response to a request by the Board of Park Commissioners, who recognized the severe degradation occurring there and wished to fulfill their charge of proper management by having the appropriate tools to remedy the problem of deer overabundance. He cited letters of support from many community stakeholders, including biologists from IU who contributed to the research establishing that deer overpopulation was severe. He reviewed scientific data that illustrated alterations in woodland communities caused by deer. He described the adverse effects on forest ecosystems including changed composition of entire plant communities,

## 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

declined bird populations, increased success of invasive plants, and decreased tree regeneration. He asserted that the extent of damage found at Griffy Woods meant that we did not have the luxury of time to restore a healthy balance there.

Rollo reported on behalf the Deer Task Force (DTF) that they exhaustively examined options of deer management and advised lethal means of reducing high deer density in Griffy. He stated that the DTF thoroughly examined alternatives and found them either ineffective, prohibitively expensive, or inhumane. He said contraceptives in particular were proven to be ineffective in open systems such as the Griffy Lake Preserve.

Co-sponsor Ruff informed the audience that a very detailed discussion of this ordinance occurred at the council meeting one week prior. Ruff stated that he objected to the distortions and misrepresentations that had “muddied” the community conversation regarding the DTF’s report. He called upon Chad Stewart, Deer Biologist with the Indiana Department of Natural Resources (IDNR), to answer questions about lethal and non-lethal methods of deer management. Stewart acknowledged that a slight deer reduction could be achieved with immuno-contraceptives (such as PZP) in closed systems, but that this approach to population control was futile in free-range deer herd environments. With sharpshooting efforts, healthy reproductive females were targeted in order to most significantly influence the reproductive capacity of the herd. According to the “rose petal hypothesis”, a void in the ecosystem was created when the core group of matrilineal female deer were removed, which allowed plant life to be restored. Sharpshooting had proven to be an effective management method in many studies.

Ruff asked Rollo to comment on the openness and transparency of the DTF process. Rollo stated that the DTF held 25 open monthly meetings beginning in September 2010, many of which were televised on CATS. The DTF conducted numerous public outreach activities, and a dedicated website provided opportunity for public comment and communication as well.

Ruff asked Rollo to speak about the involvement of the Humane Society of the United States (HSUS). Rollo referenced a conference call in 2012 with Stephanie Boyles-Griffin of the HSUS to discuss the DTF’s report to date. Griffin had no new information to offer the DTF due to the exhaustive examination of research that the DTF had already done. Rollo also met with the state director of the HSUS, Anne Sterling, in 2012, and welcomed the HSUS to come to Bloomington to perform a site inspection of their own. There had been no further communication from the HSUS until the spring of 2014.

Rollo stated that Griffy had a rich ecosystem, including 564 plant varieties and over 150 bird species, many of which were on the conservation concern list. He asserted that this biodiversity was certainly worth protecting.

Volan asked Stewart about deer density per square mile and corresponding effects on the environment. Stewart reported that research had shown that deer numbers between 10 and 30 per square mile allowed for plant regeneration and sustenance of other living organisms in the same environment.

Volan asked for an estimate of deer density in the Griffy area. Stewart could not give an exact number but said that deer in the Griffy Nature Preserve were overly abundant as evidenced by the damage to the biodiversity there.

Volan asked about the feasibility of using trained dogs to scare deer out of certain areas. Stewart responded that it would take a lot of border collies a very long time to make any impact on the Griffy deer.

Ordinance 14-04 (cont'd)

Spechler speculated on how to determine how many deer would need to be eliminated for successful population management given the unquantifiable number of deer living in Griffy Woods. He addressed Mick Renneisen, Director of the Parks and Recreations Department, who responded that effectiveness would be judged by the regeneration of biodiversity.

Mayer asked if the general health of the Griffy deer herd had been evaluated. Stewart responded that no one had looked at the health of those deer, but that they appeared healthy enough to have survived the recent harsh winter conditions.

Neher asked Stewart about long term population control in an area with no hunting and minimal natural predators, specifically, he asked if the numbers would surge if the sharpshooting was stopped. Stewart explained that the first year of culling was the most intense when the highest numbers were eliminated. Eventually, there would be a management stage when it would be possible to take a year off; but generally the annual sharpshooting cull would need to be done in perpetuity.

Neher asked how important it was to have a count of the Griffy deer. Stewart said that the State of Indiana did not put emphasis on total deer numbers but rather on effects and results of management. It was also possible that an agency contracted to perform the cull would conduct a count to measure the effectiveness of their removal efforts. He also cautioned that any number would be an estimate and would likely spark debate over its accuracy.

Neher asked if opening up hunting in the Griffy area, as a follow-up measure, would be sufficient to maintain the reduced deer population. Rollo confirmed that Ordinance 14-04 in no way enabled hunting in the Griffy area. He explained that sharpshooting was more humane, efficient, and most likely to yield the best results with minimal hazard.

Neher asked Dan Sherman, Council Attorney /Administrator, if the ordinance passed, would the council retain the authority to undo this legislation at any time. Sherman confirmed that the council would retain such authority.

PUBLIC COMMENT

Neher called for public comment:

Christine Linnemeier, a 62 year old life-long resident of Bloomington, a nature lover and animal lover with a degree in biology, asserted that nature was out of balance at Griffy and that it was up to us, as stewards, to do something about it. She agreed with the conclusion of the DTF that the most humane and ethical approach to managing the problem was with trained sharpshooters. She encouraged council members to support the ordinance.

Jennifer Mickel, professional naturalist and landscaper, agreed that the number of deer should be reduced. She commented that the barking of her big dogs kept the deer out of her garden – a preferable, old-fashioned method of control. She alleged that with sharpshooting, the deer that survived would suffer from PTSD. Mickel preferred a “park management” approach over a massacre-style killing. She suggested that the deer should be driven out to the country and then deterred by a monthly marking pheromone technique, especially the reproductive females. Mickel said that spending \$30,000 on killing deer was mean and foolish.

Johnathan Hecht, a graduate student at IU, challenged the factuality of Rollo’s presentation. He asserted that there was no statistically significant reduction of flora and fauna at Griffy, and that Rollo was wrong in claiming that a 14% reduction justified the slaughter of

woodland animals. Hecht believed that sterilization offered an effective and humane method of control, especially if supplemented by hunting. He compared killing annoying puppies to killing innocent deer, saying that both were horrible offenses.

Timothy Baer, Near Westside resident, said there was nothing humane about massacring healthy wild animals. He referred to the proposal as divisive, violent and mean spirited. He said that passing the ordinance would be a huge, regretful mistake with negative repercussions. He urged the council to vote against the legislation.

David Rupp, president of Sassafra Audubon Society, relayed that the organization was strongly supportive of Ordinance 14-04. He stated that many environmental issues were symptoms of human population growth, development, and globalization. It was because of humans that the natural order had been disrupted. He believed that the people proposing this ordinance wanted what was best for the deer, the ecosystem, and the residents of our city and county.

Kay Bull opined that the real reason behind wanting to kill the deer – like the buffalo before them - was that they were in the way of humans, not that they were negatively impacting the environment. She said that the real threat was human fear.

Dan Young, environmental journalist with a biologist wife, was concerned that deer culls would need to be done on an ongoing basis and that, as a consequence, Griffy Park would be closed to users like himself for significant periods of time. He referred to the premise of the main study, that if deer were taken away, things would change. He asserted that these changes would include a 30 times higher growth rate of invasive shrubs; and higher density of white foot mice and more parasitic dog ticks meant higher risk of lyme disease. He questioned whether these changes were signs of a more balanced ecosystem or not.

Bruce Bundy, Bloomington resident, thanked the council for hearing all sides of the debate. He talked about deer being re-introduced to the state in 1934 after being driven to extinction in Indiana by hunters. He believed that sharpshooting was the better option to deal with the current overpopulation problem.

James Capshew, IU professor of History of Science and Learning and the Environmental Humanities, said that most students were surprised to learn that nearly all life depended upon plants. He asked what should be done to preserve the rich natural resources of Griffy Woods. He said that native trees in particular were an essential part of the food web, and deer were causing serious harm to the forest food web. He believed that our community had a moral responsibility to nurture biodiversity by culling the deer herd, and he favored donating the venison meat to the local food bank.

Ramsay Harik remarked on the opposition's misrepresentation of the DTF. He asserted that the DTF's unbiased conclusions were essential to the decision making process. He was also concerned about the rejection of scientific data over emotional motives.

Richard Linnemeier, lifelong resident of Bloomington and user of Griffy since infancy, compared the deer situation at Griffy to Brown County State Park. At the state park, planned hunting was prescribed and executed, and biodiversity was restored. He believed that using professional sharpshooters to reduce deer numbers at Griffy would minimize the risk to citizens and property and accomplish the goal while maintaining public safety.

PUBLIC COMMENT (cont'd)

Marc Haggerty talked about a documentary on a deer kill and said that he did not see justifiable damage in the woods at Griffy. He alleged that having snipers come in to our community was a gun control and a women's issue. He played guitar and sang a song entitled *Cokia's Son*.

Joseph Callahan agreed that while deer were capable of damaging the ecosystem, it was actually human activity that caused the problem because of our destruction of the apex predators. He said that using lethal means to control deer populations reminded him of the wars our country was involved in and of the herbicides and pesticides used on the food we eat.

Scott Wells stated that we needed to cull the herds of deer in order to protect the environment. He showed photos of damage to trees on his personal property near the Hoosier National Forest. He said that because the number of deer had reached the carrying capacity, they were now eating trees – such as spruce and arborvitae – that they used to leave alone. He said that 200 years ago there were many natural predators that kept the deer population in check, eventually hunters became the only predators; and now the number of hunters was dwindling. He supported the use of professional sharpshooters to cull the herds.

Alexis Dreden read a letter she had written to the council asking for a delay on the decision. She said that looking only at the ecosystem damage by deer was a limited view, a partial set of facts, and not a clear and complete picture. She suggested that an urban ecologist be consulted and that a new committee be formed to look into broader landscape and cultural practices and other scientific resources.

Erin Huang, Indiana State Director for the HSUS, shared a pre-recorded statement by Stephanie Boyles-Griffin, a senior director of innovative wildlife management for the HSUS. Griffin referenced a 2012 phone conversation with the DTF about fertility control in which the HSUS offered to come to Bloomington to conduct a site evaluation and to provide a written assessment of the site. She insisted that the HSUS did not receive the requisite invitation from a city leader to initiate the process; but that their offer still stood. Griffin mentioned that the HSUS had recently completed the approval process for launching a research study in Hastings on the Hudson, NY, and she suggested that Bloomington citizens take a look at that program. She also made reference to the polarization that had occurred in Bloomington over the issue of deer population management and acknowledged that divisiveness was an impediment to reaching a harmonious solution.

Deb Terzino stated that the council had been giving her anxiety attacks. She said that no one on the council had a good plan or good idea about what they were going to do. She questioned why the deer would be baited if there truly was a problem with too many of them. She objected to the \$30,000 expenditure for sharpshooters when the police could do the job, or volunteers could move the deer for free. She told the council to take the \$30,000 and give people jobs in Bloomington. She and her visitors enjoyed seeing deer in her own yard, and she encouraged people to “stay in the city” if they didn't want to deal with deer eating their plants.

Heather Reynolds, ecologist in the IU Department of Biology, identified herself as one of the signers of an open letter from IU's Biology Department to the council in support of the findings of the DTF. She stated that everything in nature was connected; that plants, animals and micro-organisms existed in diverse inter-relationships with one another. When plants were eaten down, many other organisms suffered. The

negative impact of over-abundant deer on forest ecosystems had been well documented by researchers. Reynolds asserted that the findings argued for action to reduce the deer herd in Griffy Nature Preserve in an effective, safe and humane way. She concurred with the conclusions of the DTF that called for use of sharpshooters.

Sandra Shapshay stated that public opposition to Ordinance 14-04 was strong. She gave a PowerPoint presentation entitled "An ethical case for pursuing deer contraception". She argued that deer, as sentient higher-order mammals, mattered morally more than plants did. She said that killing deer was not like mowing the grass. Shapsay insisted that the DTF had catastrophized the situation in Griffy and exaggerated the urgency. She said that the question as to whether contraception was feasible in Griffy was still unanswered by experts on the subject. She proposed that the ordinance be tabled until an expert determined whether immuno-contraception would work in Griffy.

Amin Moczek, professor of biology at IU, stated that he supported this legislation as the only choice we had to make a meaningful difference. It was a struggle for him to come to this decision. After reading an enormity of literature on this issue, he came to believe that the choice *not* to eliminate deer meant watching idly while many plant and animal species died or went extinct locally. It was well proven that relocation and birth control would not work, leaving the unfortunate option of sharpshooting as the only effective way to proceed. He despised killing and wished it was otherwise. He said that we must do what is right, not what is easy.

Alyce Miller gave a presentation authored by Dr. Marc Bekoff, professor emeritus of Ecology and Evolutionary Biology at the University of Colorado, Guggenheim Fellow, and Fellow of the Animal Behavior Society. She asserted that Dr Bekoff was precisely the kind of expert who could offer a scientific viewpoint that reflected expertise in animal cognition and behavior. Miller referenced a recent email from Dr Bekoff in which he advised strong resistance to the shooting of the deer, especially in the absence of a well identified problem. He recommended consulting with the HSUS about non-lethal solutions.

Marta Shocket, a fourth year PhD student in the IU Biology Department, felt inspired to speak after listening to other comments. She believed that some criticisms of the literature presented were unfair. She also said that the concept of "stage-structured populations" had not been given enough consideration in studies of plant species in the Griffy area. She explained that an individual was not equal to all other individuals of the same species. The stage of individual units of a species mattered more than just the quantity. Therefore, measuring by counting individual units over-simplified the complexity of the plant life that was studied. Shocket said that, as much as she hated it, sometimes killing was necessary to prevent suffering or to preserve an ecosystem.

Steven Wagschel accused Rollo and Ruff of portraying opponents of the ordinance as "unscientific" and "deniers of global warming". He said that the problem with the DTF report was not the science it included, but the science it excluded. He claimed that council members were not presented with all of the relevant science on which to make judgements. He believed that studies on animal emotions and cognition should have been considered too. He asked the council to table the ordinance.

Andi Haynes read a letter that was sent to the council and the mayor from the Center for Wildlife Ethics which opposed the killing of deer at the Griffy Lake Nature Preserve. She stated that the hunting industry had too strong of a political voice in wildlife management since most

PUBLIC COMMENT (cont'd)

wildlife agencies were funded by hunting license sales. She expressed resentment that people who favored a non-lethal approach to deer management were regarded as emotional and/or naïve. Haynes asserted that “kill proponents” deceptively sanitized and euphemized their message to gain public support. She also predicted that use of lethal methods would result in colossal failure.

Maria Heslin encouraged the council to table or vote no on the ordinance, stating that there were still too many vital questions that remained unanswered. She objected that there were no measurables in place and that habitat manipulation to influence deer movement patterns had not been explored. Heslin insisted that a creative problem solving approach had not been applied to find a novel, innovative and inventive solution. She faulted the DTF for not including an animal welfare expert in their membership and requested that – should the ordinance be approved – the sharpshooting cull be videotaped for the public to see what was really involved.

Eric Ost presented a set of three amendments which addressed the sufficiency and efficacy of the proposed ordinance, the equitable funding for the ordinance, and the transparency of the implementation of the ordinance. After thoroughly reading the DTF report and attending several meetings, he was concerned about the science and the numbers. He questioned if other factors, such as climate change and/or acid rain, had contributed to the degradation of plant life in the Griffy area. He asked the council to table or vote no on the ordinance.

Thea Bransby said that not enough had been done to provide shelter to homeless people in our community and that the \$30,000 should be used to promote life instead of promoting death. She stated that the deer were overpopulated because humans had overly controlled the environment.

Michael Enyeart, who lived in the heart of Griffy Woods, stated that the urban deer problem was of more significance to residents of Bloomington than rural deer. He said that shooting rural deer was a “political solution” that didn’t address the bigger problem of rampant urban deer in the city. He said it was not true that there was a crisis in Griffy Woods and that sharpshooting Griffy deer would waste taxpayer money with no actual benefit.

Eric Knox, Director of the IU Herbarium and Professor of Botany, agreed that the Griffy deer population needed to be brought into check for the sake of the biodiversity there. He reminded the audience that it was the responsibility of the Board of Park Commissioners to bring the balance back and asked the council to pass the ordinance to give the Parks Board the tools they needed to accomplish the goal.

Dr Jim Mitchell started by saying that he loved deer and had devoted his professional life to deer. He wanted to help clarify the misinformation surrounding the issue of population management. He drew parallels between the Bloomington DTF and the committee that he formed in 1992 to deal with a deer problem in Brown County. Twenty two years ago they were told that a deer contraceptive was on the horizon; but as of 2014, no birth control method had yet been proven to be safe and effective at reducing deer populations, especially in an open system. Contrary to the HSUS, he supported the tried and true method of sharpshooting over a “pie in the sky” contraception approach.

Taylor Rogers, PhD student at IU, asked what would happen if we were to do nothing and instead watch the natural intelligence of the earth, and allow “her miraculous wonder” to bring about recovery. Rogers read a quote by Rachael Carson.

Carole Heslin wished that the council had dedicated two years of effort to find a way for Bloomington to have a no-kill animal shelter instead of focusing on deer.

MOTION

Volan moved and Rollo seconded that Ordinance 14-04 be moved to the next regular session for a third reading.

The motion received a roll call vote of Ayes: 2 (Rollo, Volan), Nays: 7. Motion failed.

COUNCIL QUESTIONS

Council questions:

Ruff asked Erin Huang, HSUS, for documented evidence that the contraceptive PZP had been effective in long term population reduction, as she had stated at the meeting one week prior. Huang said that she needed to refer to materials and wildlife biology experts that were not present before she could answer Ruff's questions about HSUS positions.

MOTION

Volan moved that Amendment #1 to Ordinance 14-04 be considered for adoption, but there was no second.

COUNCIL COMMENTS

Council comments:

Spechler said that sharpshooting was a humane method and that amateur hunting was dangerous and inhumane. He stated he would vote for the one option that was viable.

Sandberg pointed out that this had become a divisive issue, not just a difference of opinion. She asserted that the job of the city council was to make decisions based on public input, experts' testimony and legal guidance, in a non-passionate objective manner. In order to arrive at a sound decision, one first needed to recognize there was a problem, as was the case in the Griffy Woods area. Sandberg regarded stewardship of the woods as an important responsibility and declared that she would vote yes on the ordinance.

Granger, as a researcher, appreciated the science and the facts presented, but cautioned that statistics were open to interpretation. She had concerns about budgetary constraints and the allocation of \$30,000 to shoot deer. She stated that this was an issue of the heart and mind, not just of science, and that she would be voting no.

Rollo reiterated that modern deer management was measured by the effects on the ecosystem after a cull. He also reiterated that the Parks Board reviewed the science before asking council to provide them with the legislative tools. Rollo pointed out that managing deer via contraception was still in an experimental stage, not a proven fact. As much as he did not want to kill deer, he did not see any other way to save the Griffy Nature Preserve. He believed that this ordinance was about promoting *all* life in the preserve.

Rollo offered perspective on the \$30,000 anticipated cost, equating that amount to 1/10 of the yearly sidewalk budget, and said it should be considered an operational expense of the park which would come from user fees, not tax dollars. He also said that IU's contribution to the DTF study was valued over \$100,000 with a pledge of continued support to do a follow-up analysis.

He respectfully criticized the outspoken opponents present for not attending DTF meetings and not being engaged in the DTF process until the very end.

Rollo said that biodiversity was about recognizing that there was an abundance of other organisms that shared the Griffy ecosystem. He defended that the sentience of deer was not ignored by the DTF, but that

not considering the welfare of the other woodland animals was unethical.

COUNCIL COMMENTS (*cont'd*)

Rollo referenced an offer made by Ian Munnoch, Monroe County Coordinator of the national organization Farmers and Hunters Feeding the Hungry (FHFH). If the reduction hunt was approved, FHFH proposed working with the city to process the deer and provide the meat to the Hoosier Hills Food Bank. Rollo was very pleased that many low income community members would benefit from the high quality venison protein.

Rollo repeated that it was irrefutable that lethal control worked as an effective systems approach; evidence existed at Brown County State Park and in many other locations. Rollo expressed alarm at the general lack of ecological awareness and the accelerated loss of biodiversity.

Rollo concluded by praising the diverse and dynamic group of professionals who served on the DTF for two years. He said they did the best they could do on a shoestring budget, and that their 200 page report was not “railroaded through”. The report was focused on providing the council with valid information that enabled them to make the proper decision. He asked fellow council members to support the ordinance.

Ruff wanted to clarify that the mayor did not appoint all the DTF members. The mayor had one appointment plus an administration member, Laurie Ringquist, Director of Animal Care and Control. The city council had three appointments, Monroe County Commissioners had three appointments; one council member and one county commissioner served; and a DNR representative served ex-officio.

Ruff refuted the “crazy” criticism that a pre-determined desire to kill deer dominated the DTF process. He explained that the DTF went into this to evaluate all of the information and options before making a recommendation. The HSUS held the formal position that lethal management was never preferable; that policy informed all their communication. Contrastingly, the DTF did not operate with any pre-conceived position.

Ruff appreciated the principle of non-violence that motivated much of the opposition, but he resented Sandra Shapsay’s accusation (in a radio interview) that non-lethal methods were not seriously explored by the DTF. He called the statement false, irresponsible and extremely offensive to members of the DTF.

Mayer wished Happy Birthday to councilmember Sandberg. Mayer mentioned a letter from Rick Wilson, founder and director of Farmers and Hunters Feeding the Hungry, and expressed his support for the proposed use of the venison meat. He understood the science behind what was going on with the explosion of the deer population in the country, and accepted the fact that they must proceed with deer reduction in the Griffy Lake Nature Preserve. He declared that he would be abstaining due to unreconciled issues within his “internal compass”.

Neher repeated a comment made earlier: “if you vote to support this ordinance, you will live with your vote”. Neher stated that he felt stuck between his personal value / ethical position and his public role as an elected official. He said that many constituents in the 5<sup>th</sup> District had communicated to him their support of deer reduction in Griffy. He read extensively about deer population management and found that claims of success were largely tied to the chosen metrics for success. He concluded that he would be voting yes, but that it was not without difficulty.

Volan said he intended to cast a no vote because he disagreed profoundly with the way the ordinance had been heard. He had hoped to

discuss the issue one more time at a reasonable hour, not at 1AM. He complained that the lengthiness of the meeting had caused his iPad to run out of energy, forcing him to settle for his iPhone to read his notes.

Volan stated that parking and trash issues bothered his district (downtown) much more than deer did, so this ordinance was not of particular concern to his constituents. He said there were competing ethics that had influenced the discussion, far beyond just the science, and that the process should have better respected a range of ideologies. Volan commended the opponents who brought logic to the argument and not just gut emotions.

VOTE ON ORDINANCE 14-04

Ordinance 14-04 received a roll call vote of Ayes: 6, Nays: 2 (Granger, Volan), Abstain: 1 (Mayer).

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST  
READING

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

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday, April 11, 2014 at noon. He noted that there would be no meeting the next Wednesday, April 16, 2014 due to the religious holiday Passover.

COUNCIL SCHEDULE

The meeting was adjourned at 1:17 am on the morning of April 10, 2014.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

for approval

Rollo and Ruff presentation from April 2, 2013 Committee of the Whole to be included in the minutes of April 9, 2013. This includes councilmember presentation, materials presented, and public comment.

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

Rollo read the ordinance in its entirety. He said the ordinance was meant to give land managers the tools necessary to restore the balance of the Griffy Lake Nature Preserve (GLNP). He said that ecologists and wildlife biologists put more value on biodiversity rather than favoring one species, and he said that a UN panel had indicated that all levels of government would need to act in order to counteract the biodiversity crisis caused by humans. He said that the loss of apex predators caused by humans was the largest factor in ecosystem imbalance, and he said that GLNP could to an alternate stable state that would be difficult or impossible to reverse. He said that deer population growth was unconstrained, and it could double every 3 – 4 years without intervention.

He detailed the biodiversity of the GLNP:

- 564 species of plants
- 157 species of birds
- 38 species of reptiles and amphibians
- 32-41 mammal species

He said that deer overabundance was first reported in the Griffy Lake Master Plan (2008) that showed the effects of deer browse. He said that a study, produced by Dr. Angie Shelton, on the direct and indirect effect of deer in GLNP was published in the Journal of Forest Ecology and Management, and he detailed the loss of biodiversity that the study indicated. He said the study was integral to the work of the Deer Task Force (DTF), who concluded that lethal means was the only effective option to control the deer population. He said that a shift to an alternate stable state would be difficult to restore, waiting would only require more deer to be culled in the future, and that time was not a luxury the city had in protecting the GLNP. He concluded by sharing a list of scientific organizations that supported the ordinance, and he said that professional sharpshooting would be the most humane way to manage the deer population.

Ruff shared a few frequently answered questions and had experts provide answers. He asked if deer were overabundant. Dr. Angie Shelton, Indiana University Research and Teaching Park (IURTP), said that data collected over four years indicated a decrease in vegetation caused by an overabundance of deer.

Ruff asked if the peer review process was meant to determine if conclusions drawn in studies were accurate. Shelton said it was, and she said there were no criticisms by reviewers of the methodology.

Ruff asked if Keith Clay, Professor of Biology at Indiana University, had anything to add. Clay said that he agreed with Shelton’s assessment, and he asserted that there was a steady decline of biodiversity in the GLNP over the last 28 years. He listed a few noticeable plants that were no longer in the preserve or difficult to find. He said there was no question that deer overabundance was causing a decline in key species.

Ruff asked Tom Swinford, Assistant Director of the Indiana Division of Nature Preserves, to speak to the Shelton study. Swinford said that the city was the steward of a significant portion of the preserve. He said that it was not a unique problem to have an overabundance of deer, and he agreed with Shelton’s peer reviewed study. He said there were three state nature preserves in the county that were hotspots of biological diversity.

Ruff asked Josh Griffin, Private Land Supervisor for the Division of Fish and Wildlife, if contraception or sterilization would address the issue of deer overabundance. Griffin said that extensive studies had

proven contraception ineffective in an open environment. He said that sterilization was effective over time, but it was expensive and did not immediately rectify overabundance.

Ruff asked Griffin if sharpshooting could be successfully implemented without knowing the exact number of deer in the preserve. Griffin said that having an exact count would not address the issues at hand and sharpshooting would be effective in addressing ecological carrying capacity. He said that the recovery of plant communities would indicate the success of the efforts.

Ruff asked if changes in deer density at Griffy would encourage deer from the surrounding area to move into the preserve. Griffin said that some studies indicated that there could be a temporary void or a period of time before deer migrated back to the park. He said that assuming that the sharpshooting would be rendered ineffective by deer migration was wrong.

Ruff asked Griffin to explain the sharpshooting requirements. Griffin said that sharpshooting was performed by professional marksmen who would remove a specific number of deer in a safe, baited area. He said that the IDNR would need to assess the damage to ecological life in the preserve and then review the plan of the Parks Department to carry out the sharpshooting. He said that a deer research biologist would be involved in the review process.

Ruff asked about the safety of sharpshooting. Griffin said he did not know of any injury or safety concern that was caused by sharpshooting. He said that sharpshooters could not afford to have an accident or cause injury as it would cost them their job.

Ruff asked Mick Renneissen, Director of Parks and Recreation, how much the effort would cost. Renneissen said that the project would cost \$30,000 dollars and would be funded by user fees in the preserve.

Ruff asked what precautions would be taken to ensure public safety. Renneissen said that a safety plan was required as part of the permitting process. He said that a contractor, police, and IDNR's conservation officers would contribute to the safety plan.

Ruff asked Clay how the success of the cull would be measured. Clay said that the same methodology in the initial study should be used. He said that monitoring plots should be established and followed over time in order to determine if the reduced deer population allowed vegetative growth outside of exclosures. He said that the IURTP was committed to carrying out these studies. Swinford said that recovery had been measured through vegetation in similar instances throughout the state.

Ordinance 14-04

Managing deer  
at Griffy Woods:

Restoring  
Ecosystem  
Balance.



## Ordinance 14-04

- amends the Bloomington Municipal Code by adding an exception to the general prohibition against the discharge of firearms within the City limits.
- this exception is only for contractors of the City of Bloomington Board of Park Commissioners hired specifically for the purpose of deer reduction via sharpshooting at the Griffy Lake Nature Preserve.
- this legislation comes in concert with a request by the COB Board of Park Commissioners, who recognize the severe degradation occurring at the Griffy Lake Preserve, and wish to fulfill their charge of proper management by having the appropriate tools to remedy the problem of deer overabundance (see letter).

## Ordinance 14-04

Is supported by the following community stakeholders:

- COB Board of Park Commissioners
- ERAC: Environmental Resource Advisory Council
- COB Environmental Commission
- Bloomington Commission on Sustainability
- 90+ members of the Indiana University Department of Biology
- Members of the Indiana University, Integrated Program in the Environment (SPEA)
- MC-IRIS: Monroe County's Identify and Reduce Invasive Species
- Sassafras Audubon Society

## Griffy Woods:

- Over 2000 acres of forest.
- 10 Community Types.
- 564 species of plants.
- 157 species of birds.
- 38 species of reptiles and amphibians.
- 32 -41 mammal species.

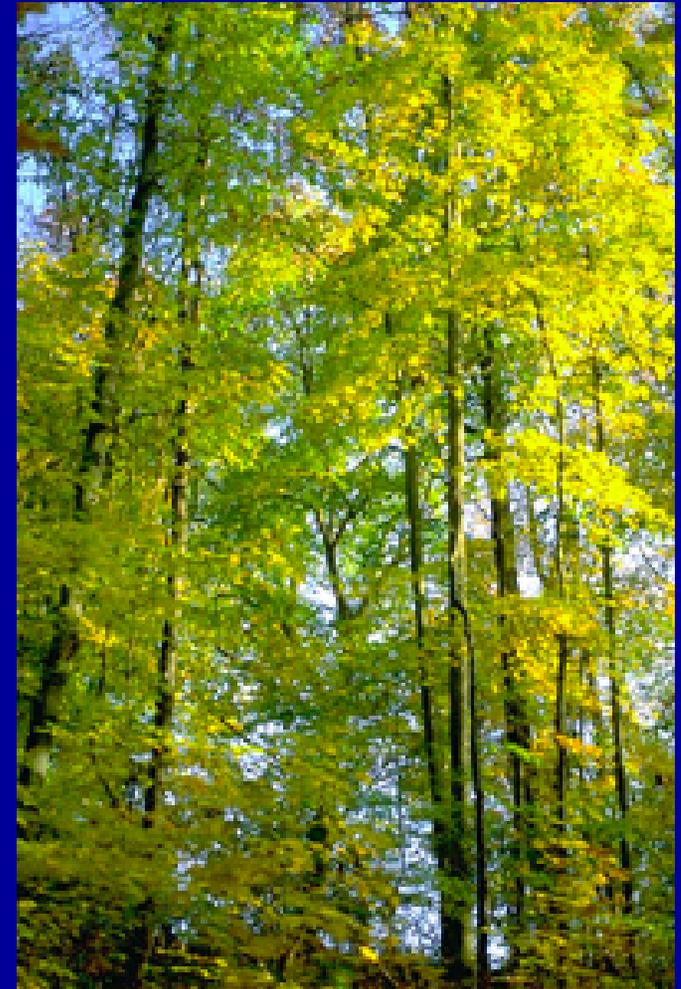
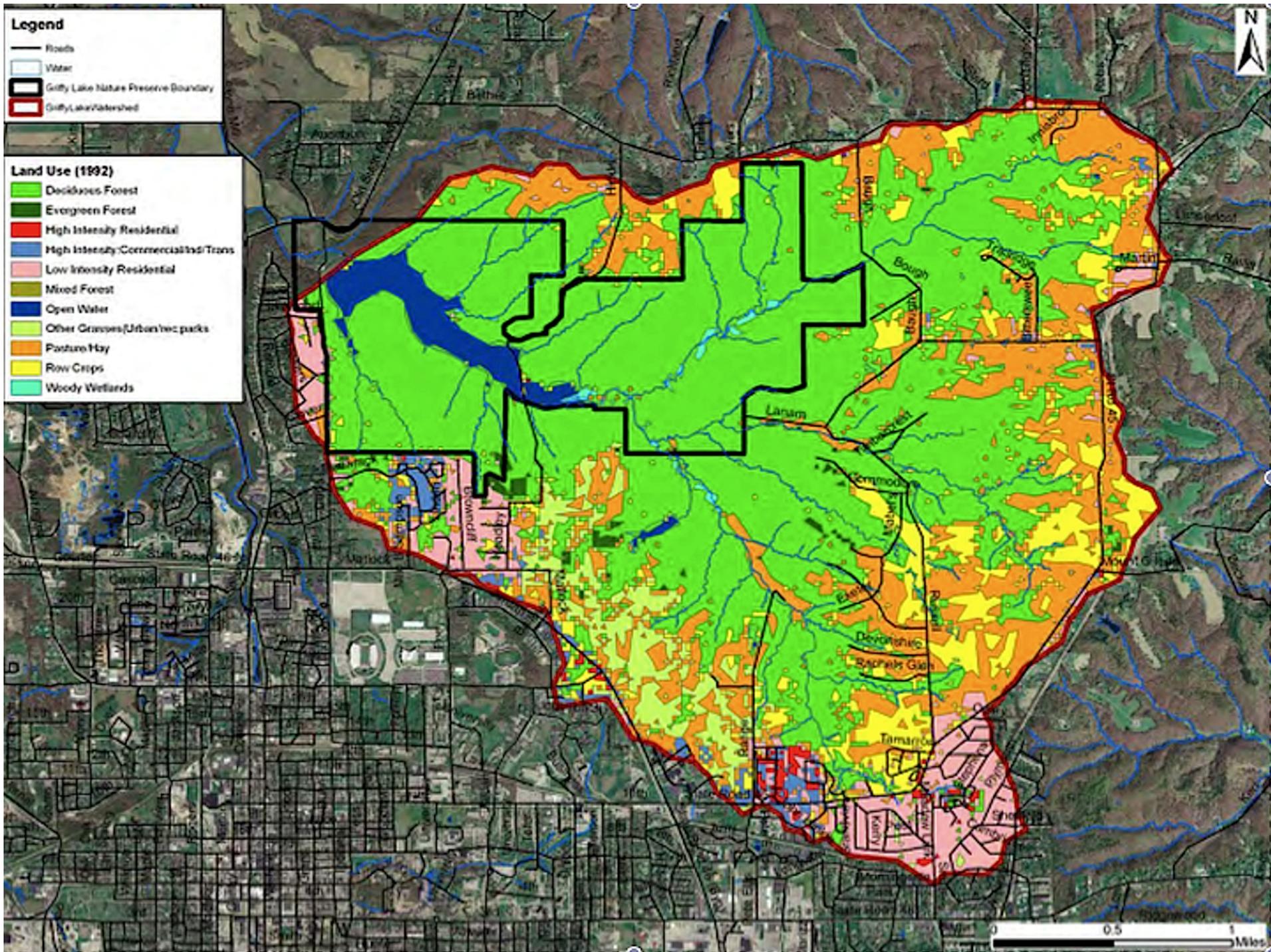


Photo: DNR

- Griffy Lake Preserve Master Plan, 2008.





## Effects of abundant white-tailed deer on vegetation, animals, mycorrhizal fungi, and soils



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### ABSTRACT

The last several decades have seen dramatic increases in ungulate populations worldwide, and white-tailed deer in the eastern United States currently exist at unprecedented densities in many areas. Numerous studies have demonstrated the effects of high densities of white-tailed deer on forest communities. However, few studies have simultaneously examined the effects of deer on multiple components of forest communities across trophic levels. Here, we simultaneously examine effects of excluding white-tailed deer on responses of woody and herbaceous vegetation, terrestrial and subterranean animals, mycorrhizal fungi, and soil characteristics. This study was conducted in a forest preserve with high deer densities in the central hardwoods region of the Midwestern US, using a series of replicated deer exclosures (15 × 15 m) and adjacent unfenced controls that ranged in age from two to seven years. Despite significant tree recruitment inside exclosures, we recorded no native tree seedling recruitment in control plots. In addition, the growth rate of existing tree seedlings was significantly greater in exclosures than in controls, and the growth rate of invasive shrubs was approximately 30 times higher inside exclosures. Exclosures also had increased height, species diversity, and abundance of spring plants, and increased vegetation density in summer. We also found differences in terrestrial animals with higher densities of white-footed mice (*Peromyscus leucopus*) and dog ticks (*Dermacentor variabilis*) inside deer exclosures. However, there were no differences in salamanders or earthworms. Soil inside exclosures was significantly less compacted than in control plots despite the short period of deer exclusion, but there were no significant differences in soil nutrients or arbuscular mycorrhizal fungi. These results indicate that there are strong effects of high deer densities on all classes of understory vegetation and indirect effects on animals and soils. However, most belowground effects were nonsignificant, suggesting that responses of belowground communities to deer exclusion are weaker or slower to develop than aboveground effects.

Observed “strong effects of high deer densities on all classes of understory vegetation and indirect effects on animals and soils”.

“Despite significant tree recruitment inside exclosures, we recorded NO native tree seedling recruitment in control plots”.

A. L. Shelton et.al., *Forest Ecology and Management*  
320(2014):39-49.

# Effects of Excluding Deer on Woody Plants



open forest plot

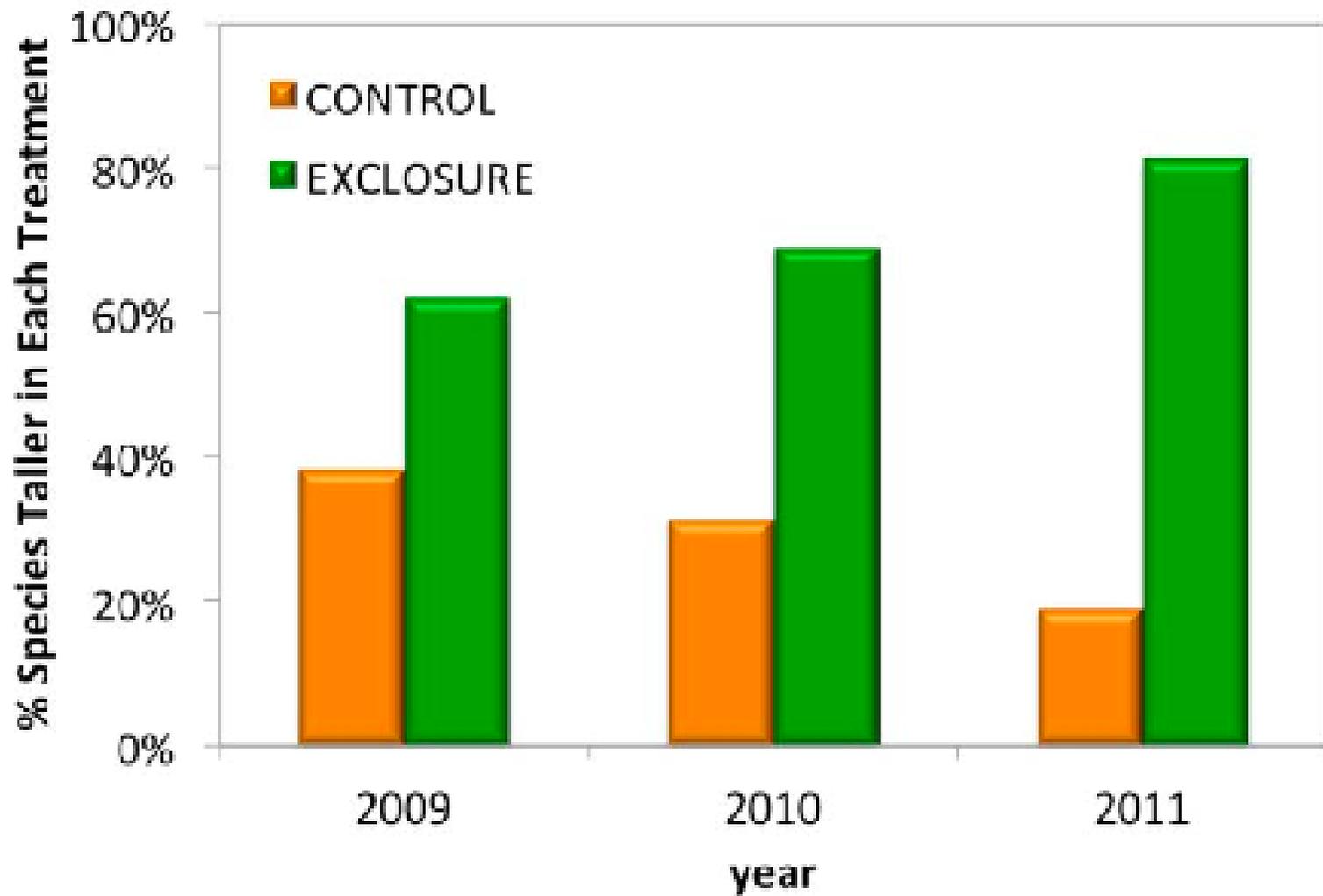
28 woody plants  
7 species



fenced forest plot

204 woody plants  
21 species

Source: Angie Shelton



Wildflower size effects.

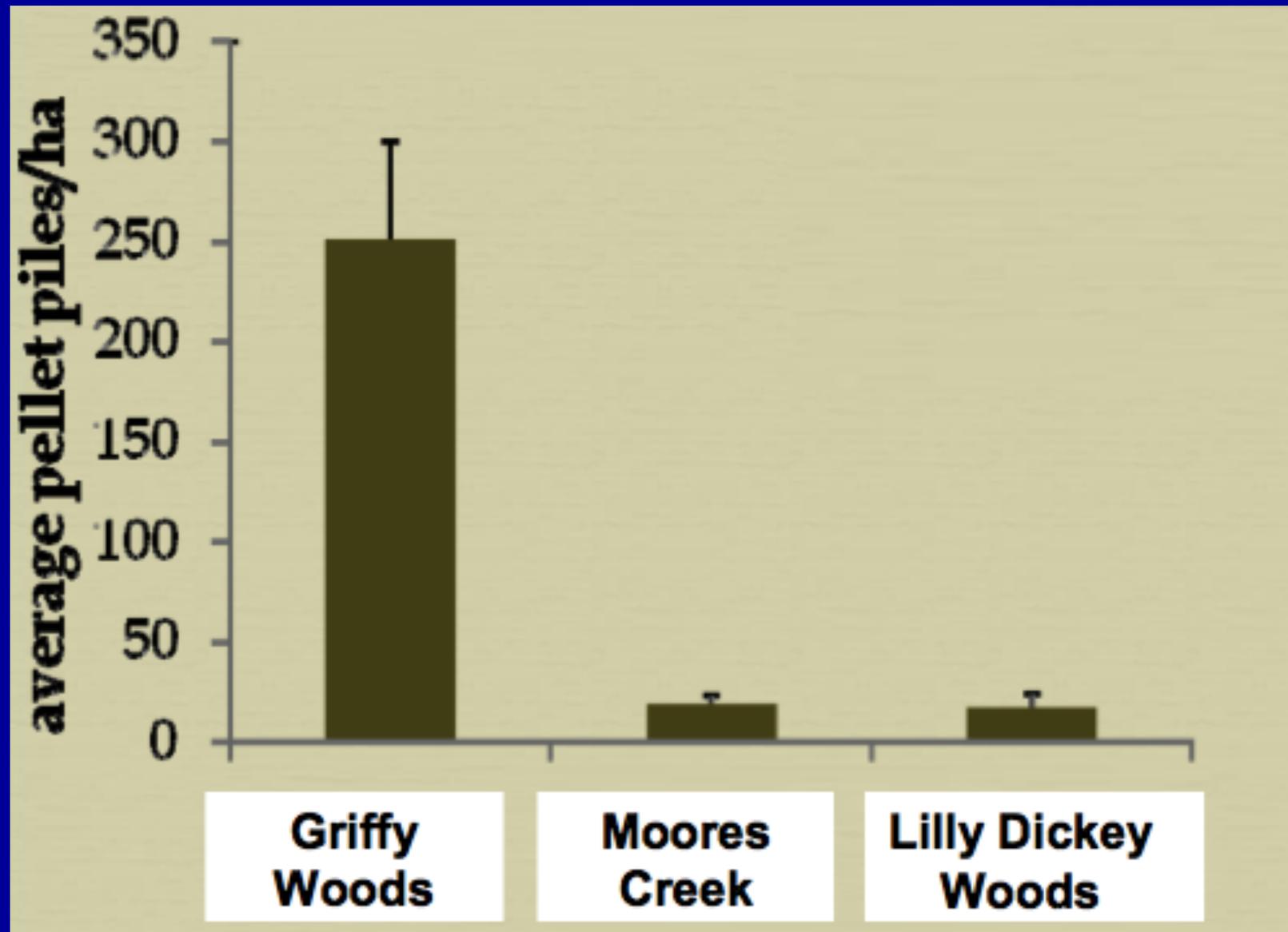
Source: Angie Shelton



Alice Van Zoeren



Source: Angie Shelton



Deer density: pellet counts





Dan Pancamo

COB/MC Deer Taskforce met in 2010/11  
exhaustively examined options of deer  
management.

<http://bloomington.in.gov/deertaskforce>



**Common Ground:  
Toward balance and stewardship**

*Recommendations of the Joint City of Bloomington-Monroe County  
Deer Task Force*

October 2012

# Deer adverse effects on forest ecosystems:

- Deer change composition of entire plant communities.  
T.P. Rooney, D.M. Waller. *Forest Ecology and Management*.
- Local bird populations declined in past 40 years with rising deer numbers. Simon Chollet, Jean-Louis Martin.  
*Diversity and Distributions*.
- Deer facilitate invasive plant success.  
Tiffany Knight, et. al. *Natural Areas Journal* 29. 2009.
- Deer decrease tree regeneration.  
D.M. Waller, W. S. Alverson. *Wildlife Society Bulletin* 25. 1997.

COB/MC Deer Taskforce met in 2010/12  
exhaustively examined options of deer  
management.

- Advised lethal means of reducing high deer density in Griffy.
- Examined alternatives and found them either ineffective, prohibitively expensive or inhumane (or a combination).

## COB/MC Deer Taskforce met in 2010/12

### Contraceptives not suitable for Griffy Lake Preserve:

- Preserve does not meet criteria since it is an open system.
- Contraceptives are considered experimental.
- They are unproven.
- They may present a hazard for other wildlife and humans.
- They do not provide an immediate reduction in deer numbers.
- They are not endorsed by the IDNR.

*"As of 2012, the Indiana Department of Natural Resources has not identified a suitable location to recommend the use of fertility control."* - IDNR's Urban Deer Technical Guide (2013)

## COB/MC Deer Taskforce met in 2010/11

### Humane Policy Statement:

The Task Force intends that priority be given to non-lethal mitigation strategies and that lethal means be employed when a determination is made that a problem exists that is unlikely to be solved using non-lethal means. Further, the Task Force recommends lethal management methods be employed where necessary to alleviate suffering, protect human life, prevent damage to the rest of the ecosystem or for the overall health of the deer population.

## Saving Griffy Woods:

Deer have reached overabundance at Griffy:

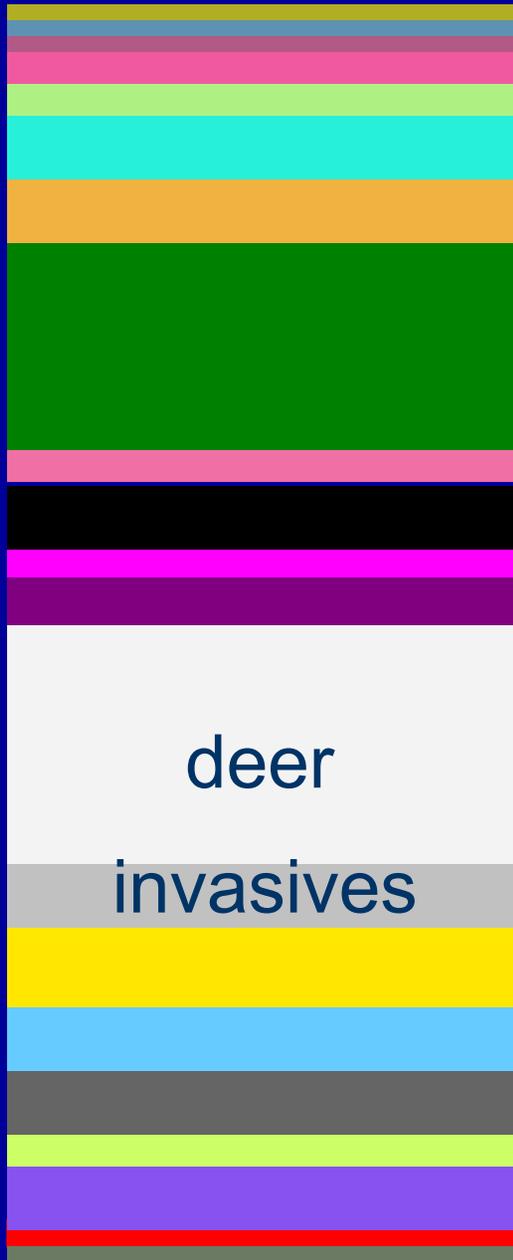
- Many organisms are negatively impacted at Griffy Woods by deer.
- In the absence of apex predators, we must fill this role.
- Failure to act increases likelihood of local extirpation of many organisms in the forest, and the development of an alternate stable state that will be dramatically reduced in biodiversity.

A failure to act:

Creation of an “alternate stable state.”

May be irreversible.

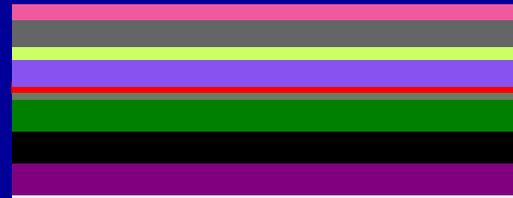
We do not have the luxury of time to restore Griffy Woods.



present

deer

invasives



deer

invasives

future

*“In our opinion, no other threat to forested habitats is greater at this point in time (than deer overabundance) — not lack of fire, not habitat conversion, not climate change”.*

- Allen Pursell, Southern Indiana Program Director, The Nature Conservancy in Indiana; Troy Weldy, Director of Ecological Management, The Nature Conservancy in New York; Mark White, Forest Ecologist, The Nature Conservancy in Minnesota and the Dakotas

Transcription of comments from 4-2-14 COW on Ord. 14-04

Public Comment – 9:10 pm.

**James Goodson**, Professor in the Biology Department at IU, also on the Board of Directors of the Sassafras Audubon Society. However, I am here tonight as just a citizen who loves birds, who loves nature, who has two little girls who are budding birders. I'm going to give you a very simple presentation of what's at risk at Griffy Lake, and I want to show you some birds that – 20 years from now – I would like to be able to walk in the woods and show my girls that are really at risk. And the question I want to ask here is: do we not really have an ethical mandate when species that are in danger or rare or threatened are placed at risk because of the way we've altered the habitat, the way we've set deer up to dominate the habitat? And the stats are sobering even if we just focus on song birds. I'm taking a few things from the master plan and, as presented in that master plan, there are 9 species of birds that depend almost entirely upon the understory; so the habitat is virtually gone there now due to deer destruction. There are 9 species that breed at Griffy, or likely breed at Griffy, or at least have in the past, that are listed as species of special concern by National Audubon or Partners in Flight or are listed as state endangered, threatened or rare by Indiana DNR. The worm eating warbler, solely a ground species, nests on the ground, feeds on the ground... it's in continent wide decline and, as with a lot of song bird species in the United States, very serious declines. Black and white warbler is state listed ETR - another ground nester that requires good understory for foraging. Prothonotary warbler, this is a home nester, does not nest on the ground, but virtually all of its foraging occurs underneath the deer browse line. A gorgeous bird that should be at Griffy; but I bet you've never seen it there. Louisiana water thrush, it's also in continent wide decline; another understory nester. Another ground nester – Kentucky warbler – a beautiful bird; there are still some of them around but not nearly as many of them as there should be. They are in continent wide decline and in trouble. Hooded warbler, one that Dave mentioned earlier, a gorgeous bird, state listed ETR and very low numbers relative to what they should be there. And then the wood thrush... This is a bird that used to dominate eastern woodlands. This is a very very common bird, it's in massive continent wide decline. Thoreau said of the thrush: "the thrush alone declares the immortal wealth and vigor that is in the forest." Numbers collected from breeding bird atlases 1960-1990 showed 1.7% decline per year. You don't need to do much math on that to see that these birds are hurdling toward extinction. You can still find them, but species can't withstand those kind of population declines. And all the species that I'm talking about right here are suffering because of habitat destruction and loss.

Who is going to save these birds? I don't know how many acres of eastern deciduous forest is in suburban areas, is managed by cities - hundreds of millions of acres? Billions of acres? I don't know. But the federal government isn't going to come in and buy that. It comes down to bodies like this taking responsibility for what's in their back yard and saying: we're going to be ethical and responsible in how we manage our properties. And opposition to deer cull... I understand it doesn't sit well with some people. But you can't oppose it and look at yourself and say that this is an ethical or responsible decision. You're throwing too much else away – too many other plants and animals.

**Michael Ellinwood.** I come to this from a different perspective. I've hunted deer for most of my life, but I also grew up in Monroe County, New York where we have a real deer problem. I understand the biology of the park, but there are a lot of unintended consequences that I haven't heard anyone address. What a real deer problem is is kicking deer out of Route 37 because you can't pass it, which is where I grew up. Four lane road, 200 deer sitting in the road. Who wants to go to a barbeque and have your German shepherd bark at the doe asleep in the flowers 6 feet away from you? That's a deer problem. We really do not have a deer problem here; but we will create a deer problem. Councilman Spechler, if you think you have seen deer in your neighborhood, you have no idea.

Based on all my years of hunting deer, I will tell you this: as soon as you start shooting them, they move. I've never heard of territorial deer that will fight each other for territory. I will tell you that they will spread out and they will spread out fast. So, one thing that I've heard...we talk about excluding deer, but what about including them and moving them? Because about 30 miles south of here there's plenty of people with enough land that love to hunt deer. Where I work – I work down at Crane – they will take all the deer you can send them. That's one solution.

Another problem – if it's \$30,000 a year, just put it in the yearly budget. It's going to be there forever. When I was a kid, we did not have a deer problem as bad, but we do now. It is to the point where town leaders adopted bow hunting in the late 1990's, specifically in areas outside Durand Eastman Park; that means the neighborhoods. The primary reason was public safety. And they go on to explain that in one year there were 70 deer killed, 27 reported deer/car accidents, 31 reported last month, 50 reported in 2012 ... public safety. Deer jumping through plate glass windows when they are chased by dogs. That's a problem. We really need to think about the unintended consequences and the real possibility of authorizing bow hunting at Bachelor [School] or in the Clear Creek area. Because if we push the deer out of that area, and we don't think about all the unintended consequences and how the better ways to mitigate the population, in accepted ways... how many people have left this area or called somebody from places with real experiences like Syracuse, like Buffalo, like Rochester, that live with humongous deer populations and have shot hundreds of deer a year, inside the parks, all for nothing? Because they are going to figure out where to go. If Lake Monroe is not experiencing this amount of deforestation, what is happening around Lake Monroe that isn't happening up here? Is there hunting? I've heard gunshots down there when I used to live there. But I really heard a lot of coyotes. I know there's bobcats and there's cougars down at Crane. But I'm sure not many people want to go traipsing through the park with the possibility of a 150 lb cougar taking them out. Bobcats we can deal with. Coyotes we can deal with. I strongly recommend to the council that you consider the unintended consequences and look outside Monroe County, Indiana to places that are living through the real hell of an explosive deer population. Thank you very much.

**David Parkhurst** – My graduate training was in plant ecology. I retired from IU 8 years ago. And I'd like to address two points.

First, I've attended several presentations by IU researchers on the effects of deer on vegetation and on other animals at Griffy Woods. Destruction of native vegetation outside of the research exclosures removes the habitat needed by ground nesting birds... it has removed all tree seedlings that would otherwise provide habitat for birds that don't ground nest, 50 to 100 years from now, and it removes the wildflowers that many of us like to see when we walk in the woods. I don't understand what's so precious about deer that makes them so much more important than many species of birds, other wildlife and plants whose habitats they're destroying. I'd rather keep the birds around.

Secondly, I went to all but one of the DTF meetings and learned some of these things. A lot of people who oppose shooting deer seem to think that contraceptives would be a better way to control deer numbers. But use of contraceptives is not allowed by the IDNR and there are several reasons for that. If a female deer is to be injected with a contraceptive, she needs to be trapped so she can be marked with an ear tag or something like that, so that if a deer is killed by a hunter, it won't be fed to a human female. Trapping causes great stress to deer; some deer actually die when they're trapped. A contraceptive would have to be injected year after year into the same does, and if a treated doe died a natural death, then the scavengers that might eat her body would have reduced birth rates, and we need all the natural scavengers we have to clean up dead deer and other animals. The city/county task force met monthly for about two years and considered lots of possibilities for controlling the local deer population. They concluded that shooting them was the only allowable option that would be effective.

I hope this ordinance to allow sharpshooting in Griffy Park will pass. Thank you.

**Ramsay Harik**, lifelong Bloomington resident. I want to thank all of you for listening carefully to this debate and these difficult issues. I want in particular to urge the city council to put priority – as you seem to be doing – on the science involved in this issue. Not speculative science, not anecdotal, but the real science. That's not to say that science alone can make this decision for us. Policy decisions like this require wisdom and judgement that science alone cannot provide. But science very often provides the relevant information necessary for making the right decision. In the cases of global warming and evolution, we've seen what happens when people blinded by ideology deny or ignore science.

This is a much smaller issue of course, but the science is just as relevant and clear and unambiguous. And it is unbiased. Nobody on the DTF or the IU Biology Dept hates deer or has a vested interest in shooting deer. Their concern is for the health and sustainability of Griffy Woods. What the science tells us is clear. Deer population in Griffy is causing a badly damage ecosystem with degraded habitat and biodiversity. It is the city's and the parks department's responsibility to address this, no matter how squeamish it makes the rest of us feel.

Much has been made of the situation at Brown County. They faced a similar situation in the 90's, and after regular hunting culls, both the park ecosystem and the deer population are dramatically healthier. This teaches us that life is full of paradox. The deer that are living there now are living happier healthier lives because there is hunting. It's difficult to get your head around it but it's a basic fact of nature. And it also teaches us that the best solution for the greatest number requires difficult and painful measures. That's where

strong leadership comes in. Good leaders face up to painful necessities no matter how distasteful the repercussions. And we are counting on city council to be those leaders. Thank you.

**Michael Enyeart.** I live in the heart of Griffy Woods. I hiked Griffy Nature Preserve almost every day for the last 20 years. Although I'm not a citizen of Bloomington, I appreciate the opportunity to address the council.

I hunted in my younger days, beginning at age 12, and I'm not opposed to hunting in Griffy Nature Preserve. But I am opposed to a bunch of outside hired guns running roughshod in the woods, wasting meat and receiving big values. There's plenty of local hunters that would do the job if the city and the DNR simply got out of the way. Griffy Nature Preserve is hunted now. It has been for many years. I say make it legal and be done with it. In the longer term, Indiana law should be modified to permit more liberal subsistence hunting. Landowners should contract if they wish with a pool of skilled and pre-qualified hunters to harvest deer. I've read the legislative packet that proposes sharpshooting in Griffy Nature Preserve, along with other documents such as the 2008 Griffy Lake Master Plan and the 2012 DTF report. And I oppose this ordinance on the following basis: first, the proposed policy will not be effective in achieving its stated goals. The city property known as Griffy Nature Preserve (GNP) represents only 22.8% of Griffy Woods. 56% is privately owned. Hunting 22% of the land will do little to effect the deer population. The deer will respond to hunting pressure by moving to adjacent lands until the hunt ends. Every hunter knows this is true. Moreover, GNP is connected by habitat corridors to Illinois by Bean Blossom Creek, to Morgan County by the state forest and private forest tracks, to Brown County by Yellowwood and Morgan Monroe tracks, and to Kentucky by Hoosier National Forest. Killed deer will quickly be replaced via these habitat corridors.

The rationale for the ordinance is based on several major and many minor falsehoods, including flawed scientific data. Your packet contains claims that Griffy Woods is dying, and that deer density may be 10 fold higher than surrounding areas. The science that estimated the Griffy Woods deer population is deeply flawed. This is because the SCAT sampling was weighted to the Indiana Creek – or the southern fork of Griffy Creek – ravine area and virtually all Griffy Woods deer graze on the gourmet IU Golf Course grass. Common sense informs us that similar adjoining habitats should have similar deer density. It is laughably absurd to state, as the DTF report did, that the deer population is 13 times greater than similar properties. Moreover, it gives the appearance that reputable scientists in our community are beholding special interest when they sign a letter that makes such obviously false and unbelievable assertions as no native hardwood trees are re-generating outside of the deer exclosures. These very scientists have vested interests in reducing the deer because they have stewardship of a large track of Griffy Woods adjacent to the GNP. It's reasonable to assume that these biology department scientists and faculty want the deer population minimized to maximize the research value of the land that they manage. That's fine. So why are they not culling the deer on their land rather than baiting the city to shoot animals in the GNP? It doesn't escape notice that Mr Rollo is employed by the Biology Department. How is that not a conflict of interest?

Sharpshooting is not sustainable and it's economic nonsense. The DTF report states "any deer reduction at Griffy requires maintenance to keep up with annual recruitment of deer and the immigration from surrounding areas". Is the city prepared to fund sharpshooting in perpetuity? Even a state agency which manages Brown County understood the folly of hiring sharpshooters when hunters do a fine job for free. The DTF report clearly states that hunting is safe and is the most cost effective means of deer removal.

Mr Enyeart gave a copy of his letter to the council.

Ruff corrected the comment that stated Mr Rollo worked in the IU Biology Department and clarified that he is not connected with the university in any way.

**Richard Martin.** Has lived in Griffy Woods since 1968, on Hinkle Road. When we first moved out there, we could grow hosta around the house; we could take walks in the woods and it was hard to get through in many areas because of the understory that was there. We had large dogs that roamed the woods. Occasionally we'd see a deer, but very rarely. Now, I see deer almost every day driving into town. We have a tenth of an acre fenced with 7 foot high fence that we call a garden. We can't grow anything that's juicy and tender unless we put a 7 foot fence above it or around it. This winter, they started eating needles off the lower pine trees in our yard. They take our four foot fence in stride, even when it's electrified. They are up high enough that by the time they hit the wire they're not grounded so they just don't care. This winter we found it quite unusual that the does decided that it was safer to sleep inside the fence next to a shed that we have than to stay outside the fence where the dogs and the coyotes could bother them. So every night they would come in to the yard and bed down next to the shed.

To say that there is not a problem with the deer out there is, at this point in time ... and the effect they are having on the woods is noticeable. I would invite any of you to come out and talk with Jane and I about the impact the deer have had, particularly in the last 10 years. It has gotten noticeably worse in the last 10 years. I don't know if this is a product of the cycle; I think it's probably has more to do with the changing nature of the neighborhood. There are fewer large dogs to chase the deer. One good thing that has happened as a result of the deer is that they eat the multi-flora. And so the multi-flora has not been spreading in the woods because the deer have been reducing it. It's the only positive thing I know of that they have done. But I'll invite any of you to come and chat with Jane and I about our experiences with the deer and our continuing attempts to keep them out of the garden areas and the flower beds we have around the house. I don't know if there's a good solution to this problem. But I can tell you that it is a problem that needs to be solved if you are to have a viable ecosystem out there for the long term. You have to remember that area was completely cleared of trees at one point because of its proximity to areas in the community. Certainly all the timber was taken off to make furniture. The home site we live on now was first homesteaded in the 1830's. And there has been somebody living there continuously for that amount of time. So I know the deer would not have been a problem back then because they all would have been shot if they had come near those buildings. But this has gotten to be a real problem these last 10 years. I can tell you that it is very expensive to build the fences and maintain the fences. That's the only thing we've been able to do to keep them out of the areas that we've got

which is what you've been doing a study on. I can show you some areas in our yard that are probably like your study areas where you can see the differences between them. Thank you very much.

**Richard Darling** – lives at 400 Glendora Drive. First I want to thank the council for voting to make our neighborhood a conservation district. But tonight we're talking about something else.

Several weeks ago I gave some pictures to Mr Rollo and to Mr Ruff. After I did that I realized I was preaching to the choir. So tonight I would like to share them with all of you. The first picture was taken about 6:30 in the evening last fall. My son turned south onto Barbara Drive off of Glendora Drive. He shot the picture with this cell phone. If you look carefully, you can see that there are 8 deer in the picture. Also only 1 of the 8 has any concern at all for the approaching car; and she only was concerned because she was about to cross the street.

The second picture is of our front yard at 400 Glendora after a snowfall last winter. It dramatically illustrates the number of deer that are crossing our yard every night.

The third picture is a holly bush in our front yard. It should be covered with green leaves with thorns all around the edges. Instead it's stripped bare and we don't think it's gonna leaf out this year. The effort under discussion is aimed at the Griffy area itself, but I would suggest it will have benefits well outside of that area. Living on Glendora Drive, I can tell you in fact that Glendora is a deer highway between Griffy Lake and Cascades Park. I wasn't fast enough with my camera to get a photo, but at 2pm on a sunny summer afternoon, there were 3 bucks with big racks of antlers just strolling right up the middle of the street. I believe that reducing the number of deer in the Griffy area will make for a more healthy woodland, more healthy deer herd and less pressure from the deer on the surrounding neighborhoods.

There is an analogy that I think is applicable here. Bambi is a very interesting movie. It's fun to watch and kids love it. Ratatouille is also an entertaining movie that's fun to watch and kids love it. However, I still don't want a rat in my kitchen preparing my dinner and I also don't want herds of deer, skunks and rabbits ravaging my front yard.

Thank you.

**Richard Linnemeier.** A lifetime resident of Bloomington and I have enjoyed Griffy Woods since my infancy. So we're talking about fishing, boating, swimming, dog walking, and other activities I've spent out there. I can tell you I consider myself to be somewhat of an amateur naturalist, and if you want to see migratory species of warblers you can go to Griffy. If you want to see unusual and early spring flowers, you can go to Griffy. But if you want to see them, you better get there quickly because the biologists and the professionals have told us that the number of these species is declining precipitously because of over grazing of deer. One of the things that wasn't mentioned quite early is the number of species of plants that deer won't eat, which is a surprisingly small number.

Basically, the way I see it, there's got to be some method of controlling the deer and the most humane method is through professional sharpshooting – the only method allowed

by IDNR who have authority over wildlife management. So if you don't like that you need to talk to your state legislator because the DNR essentially has control over what happens to the deer.

Alternatives: basically to do nothing and allow auto collisions, coyotes, feral dogs and ultimately starvation and disease to take its toll. Is this humane? It's an illusion to imagining that the wilderness begins outside our doors. We've created this environment and it's conducive to great numbers of deer. So we can either deal with that problem and relate to it, or we can just let it go and let consequences occur.

**Art Oehmich** – Has 9 acres of a block of land that joins Griffy Park and also includes parts of Griffy valley and Griffy creek. So I do see a lot of the animals that come in that area. I think this... whatever you're using for the estimate of the number, it's way out of line, I think it's blown out of proportion. On the graph you put on the screen, you made it look like there's absolutely herds of deer in Griffy Park. I would walk that trail almost every day, sometimes twice a day, all around Griffy because I'm right next to it, a part of it. Many times I could go through the whole thing and never see a deer. I've seen coyotes and everything else. Sometimes I do see a deer, they do stop by my property, they are welcome on my property. But I also know that they are plant eaters. So if I want to have something blooming, I'll put a fence around it or cover it somehow. But remember, we invited them here. At one time they were gone, extinct in Indiana. So we invited them back here. But as far as the numbers you guys think are out there, I think that's way off. The most I've ever seen at one time is 8. I see the same deer on a regular basis. It seems they don't stay in one spot, they travel. I see a few singles sometimes but mostly they travel in pairs or maybe a herd of 7 or 8. The most I've ever seen in a day, maybe 18 or 19, that's it. When I first moved there 40 years ago, there were no deer. We were pleased as punch when they started showing up. And yes, they became more and more common. But in the past 10 years or so it seems that the number has stayed constant. Hasn't increased, hasn't decreased. I think the way you make it sound, you'll be trampled by deer as soon as you walk into Griffy. That's not the case at all. You may kill whatever is around there now, but they'll come back.

As far as not having a natural predator, there is a natural predator: it's man. You come by my area during hunting season, there's a natural predator for deer. So I want to let you know that I am there, I walk the park probably more than anybody in here. Maybe it's just a handful of deer causing that problem. I don't know anything about that. But I do know as far as the amount of deer, you guys have it overestimated. Walk the trail sometime. Come out to my house.

Anyway, Thank you.

**Sandra Shapshay.** I respectfully recommend that you vote no or at the least table this ordinance pending a thorough and open-minded exploration of non-lethal options to the perceived over population of deer in Griffy Woods. I have two main reasons for this recommendation. First, the DTF's humane deer management position statement claims that priority will be given to non-lethal mitigation strategies, and that lethal weapons would be used only as a last resort. Councilmember Rollo quoted that in his presentation.

But this ordinance pursues lethal methods as a first resort, thus violating the DTF's own deer management position statement.

In a letter dated Dec 5, 2012, Laura Simon of the Humane Society of the US reiterated an offer to have Dr Alan Rutberg from Tufts University School of Veterinary Medicine, who is an expert in the field of immuno-contraception and project leader for PZP programs in various states, to come to Bloomington at no cost to the city so that he could do a site evaluation of Bloomington and Lake Griffy to determine if and what sites might be viable for an immune-contraception project. No response was ever received from this offer. In light of this fact, it is clear that an open-minded exploration of the use of contraception was not seriously undertaken by the DTF or the city council. But it is not too late to do so.

In the DTF meeting minutes from March 2011, Josh Griffin with the DNR specifically stated that the IDNR's position on contraceptives is that they do not endorse it but may be willing to try it in a research capacity. If I-69 has shown us anything, it's that this is not a community adverse to advocating alternatives to state agencies. So why is the city not even attempting to advocate for non-violent methods of deer population reduction when it comes to the IDNR?

Further, there have been tremendous advances in the field of immune-contraceptives. And in Hasting on the Hudson, which is an open system, a PZP study has gotten underway just this February. At the very least, the city council should agree to a free site visit from Dr Rutberg to evaluate the feasibility of non-lethal methods before passing this ordinance and going down this blood stained route. I would think that Mr Rollo would likely reply that there is no time to employ contraceptive methods in Griffy. There is – in his words – an ecological catastrophe in Griffy right now and its primary cause is the deer.

This leads to my second reason for opposing this ordinance. Mr Rollo is catastrophizing the situation. And the reality of the situation in Griffy Woods as shown by Dr Shelton's recent article is far from being catastrophic. So first, with respect to deer impact on other animals, Dr Shelton's paper studied the impact on four animal species: white footed mice, dog ticks, lungless salamanders and earthworms. The research showed that there was no difference in earthworms or salamanders inside and outside the exclosures. So half of the animals studied were found not to have been impacted by the perceived over-abundance of deer. With respect to mice, Dr Shelton's study says "significantly more mice were captured inside exclosures in 2011", but it also reports that "while the numbers were higher inside exclosures than in controls in 2012, the difference was not statistically significant". With respect to dog ticks, "exclosures had more ticks than control plots although the difference was not statistically significant." What about the impact on soil nutrients? Shelton's article reports "there were no significant differences in soil nutrients in and outside of exclosures." What about plant species diversity? "We recorded a total of 123 to 144 plant species each spring between 2009 and 2012. In each year exclosure plots averaged 2 to 3 more species than control plots. But differences in species richness was statistically significant only in 2009 and 2011. The total cover of spring vegetation did not differ between exclosures and controls in any year".

**Jennifer Mickel**, running for District 2 County Council, and I live in the bounds of the city. I own some property in the county near Monroe Lake. What Mr Griffin describes is what I call “canned hunting”. I just wish the deer had guns.

My profession is landscaping. I’ve had fine professors; I’ve studied in college biology, botany. I did a project on it and compared the flora of the time. I’ve lived here since I was 8, so I’m gonna compare Griffy when I went there at 16 to skinny dip with my friends, and to what it was when I came back 14 years ago, and to what it is now. We have a bigger forest now, which means we have less light to get down to those flowers. That’s going to create a smaller flower. I want to review the history of our area; we used to be sheep herders here, sheep pastures here. So most of the area before I was here was all clear cut all the way out to T.C. Steele. Then we started to allow people to have trees, and after I was 5 years old, more trees were made. But up until then, out past the mall, past 446, there weren’t any trees. They were just starting to grow there. That’s the true history. Griffy Lake has not always had a forest. It’s sort of recent really.

There’s graphics I want to point out, they go to 2012. The study is pre-2012. We drained the lake so why would we spend \$30,000 on something that probably the deer have left, and have gone someplace else like Hoosier Acres. We’ve got a lot of them out there and I don’t have a problem with them. But I suggest that anybody who does have a problem with them, get some stuff called milorganite, and it will help you with your hostas and everything. Or I suggest that what we do out in Griffy is we drive the deer elsewhere, so that they can be hunted. Most of those guys out there where I have my property are really good shots. And at least they will be able to use the meat for their families. Which in this economic environment is a very great idea if we must do it.

The biggest predator for them now is cars. I see it all the time in the spring. And that leaves babies; so whatever it is, please don’t do it now because you will have a whole bunch of dead fawns. You need to do it before winter, which at least would help these deer not starve to death in a winter such as we’re having this year. One of the radical things we could do is to get all these college men who have been to a sports game after they have had a night like that, be taken in by the careful botanists and be allowed to pee on the trees. I’m absolutely serious because milorganite is exactly that. The deer will go away and stay away from that area. The other things will not be bothered by them at all. It’s an odd suggestion, but it would work.

Thank you.

**Steven Wagschel**, resident of Bloomington and concerned citizen. I’ve read through the ordinance and found it problematic and misleading in several ways. In my short time here, I’ll focus on just one of these problems.

The ordinance mistakenly takes what should be considered a last resort – guns, violence and death – and pretends that it’s something humane and well thought out. More specifically, I refer to the way in which the ordinance alleges the shooting of deer is humane. Citing the American Veterinary Medical Association (AVMA) - I quote from the ordinance itself - the use of an accurately delivered gunshot has been determined to be humane euthanasia by the American Veterinary Medical Association”. You might note that there is no page number given for that. For one, as the actual 2013 AVMA guidelines for euthanasia point out on pages 6 and 7 that euthanasia comes from Greek and means “good death”. The AVMA defines it as “a humane disposition occurs when death is a

welcome event and continued existence is not an attractive option for the animal as perceived by the owner and the veterinarian”. The example given for when euthanasia is called upon is “when plagued by diseases that produce insurmountable suffering. Euthanasia relieves the animal’s suffering.” The term euthanasia should be applied only to the mercy killing of wounded or dying animals. If an animal was wounded or dying, then shooting it would be humane if it could otherwise not be helped or restored to health. But the AVMA does not support killing healthy deer in the wild and mislabeling it euthanasia. Furthermore, if the authors of the ordinance or other elected city council members want to know what is considered humane, wouldn’t it be appropriate to consult the HSUS? If anyone would care to consult, they would learn that the HSUS does not consider killing the deer in this manner as humane. Instead, the HSUS calls lethal measures a last resort and calls for serious consideration of all non-lethal methods first. So, why were no HSUS representatives consulted in the DTF report? Additionally, when the HSUS offered to bring in a specialist in non-lethal methods from the Boston area at their own expense to make a presentation to the city, why did Rollo and Ruff not avail themselves of this information? That’s never really been answered. But the opportunity is still there. City councilors, you can postpone a vote on this ordinance for a few months, or table it, and in the meantime call in an expert scientist, Dr Ruthberg of Tufts University, who was never allowed to offer his expertise, and see whether non-lethal options would be viable. There is much lip service to science in what Rollo and Ruff presented. But science comes from the Latin word for knowledge, and if you have already made your decision, or if you plan to vote in favor of the ordinance, your decision will be based on ignorance of critical information. The ecosystem at Griffy is not going to be irreversibly changed by the deer in a few more months, and if someone says it is, where is the science to back that up? Such words are nowhere to be found in Dr Shelton’s published results. And interpreting that study as if it forebodes an imminent irreversible environmental change is emotional catastrophizing, not careful reasoned thinking. In closing, I would like to call on Rollo and Ruff to state for the record your longer term intentions about what will happen after the sharpshooting? Do you intend to support an annual managed hunt at Griffy? After that, do you intend to pursue the killing of deer in neighborhoods? I ask rhetorically, but please do let us voters know for the record. All of these shootings and killings of animals are not forms of euthanasia, they are not good deaths. Enshrining the violence in our city’s laws by passing this ordinance now may not even improve the ecosystem. But it will surely worsen our community character in Bloomington; they are called deadly weapons for a reason.

**Clay Fuqua** Professor and Chair of the Department of Biology at IU. I am going to read the letter that was sent to the council on March 14, 2014 from the Dept of Biology and signed by myself and over 90 members of the department, both faculty, students and staff.

“We the undersigned biologists strongly support the city’s efforts following the DTF recommendation for scientifically based, ecologically informed and humane management of the city’s deer population in the Griffy Lake area. As herbivores, deer eat plants and are in turn eaten by predatory animals including humans. Wild populations are normally kept in check by natural ecological factors such as predation, disease and competition. As

the DTF details, human activities have disturbed the ecological balance of deer within the environment through an interrelated combination of factors, including extirpation of large native predators, alteration of habitat via suburban sprawl, fragmentation of woodlands and agriculture. Hunting is not currently allowed in the Griffy area; limiting it is a form of population control. Deer numbers have risen accordingly, rebounding from the late 1800's when deer were driven to local extinction, to levels of extreme abundance. Patterns of abundance have also shifted such that deer have now become common in urban and suburban settings. High numbers of deer mean high herbivore pressure on plants including native woodland vegetation, as well as landscaping plants and urban and rural crops. The impact of deer is particularly acute in Griffy Woods, where data collected by IU biologists suggests the deer densities may be tenfold higher than comparable surrounding areas. Plants are the base of terrestrial food chains, converting the sun's energy into food that either directly or indirectly nourishes all other life, including humans. Plants also provide critical shelter and nesting habitat for other organisms, thus when deer numbers rise to levels high enough to deplete the forest understory of vegetation, as has been documented in Griffy and other Indiana woodlands, many other life forms suffer. This domino effect has been demonstrated for songbirds such as wood thrush and oven bird. IU biologists have recently reported in the scientific literature, Shelton et al 2014 Forest Ecology and Management, cascading negative effects of over abundant deer on plant and animal life in Griffy Woods as well as on the a-biotic environment. Most concerning is that they are finding that no native hardwood trees are re-generating outside of deer exclosures, suggesting that the current forest will not persist. Furthermore, high deer grazing pressure exacerbates losses of species, diversity by opening up space for the invasion of the aggressive exotic plant species that outgrow native plants and are often of lesser value to wildlife.

We therefore agree with the DTF conclusions and support the city's initiative to reduce the deer numbers in Griffy. We appreciate the DTF's and the common council's thorough evidence-based deliberations on the ecologically, socially and ethically sensitive suite of management strategies they recommend. This includes using humane lethal methods for reducing the overabundant deer herd in Griffy Woods, followed by comprehensive monitoring of the results. We also appreciate the need for sustained investment in managing the deer herd in Griffy Woods such as the IDNR deer herd management in Indiana state parks. So long as land development and other human activities continue to skew the ecological balance in favor of high deer numbers, there will be a need for human investment in managing the deer herd. Just as we are willing to invest in the infrastructure of our built environment, we should be willing to invest in the infrastructure of our remaining wild ecosystems. It is these ecosystems on which we depend for clean water, clean air, recreation, renewal and many other life supporting services."

Again, this is signed by over 90 members of the Biology Dept. As shown on the overheads, we have a listing of the individuals who were signatories on this letter. This includes distinguished professors, faculty of all ranks, students and staff in the biology department.

A personal comment: it's useful to hear anecdotal evidence and experiences in Griffy and say that the deer herd is lower than measured. But in the biology department and in most science-based departments, you trust data. And the data in this paper is sound, whether it

reflects local pockets or more distributed populations, it's still to be determined. But the data is very sound and gives us a clear picture of what's going on in Griffy Woods. So I would encourage the council to heed that data and take it seriously.

Thank you.

**Ryan Giles**, lives on Rock Creek Drive in south Bloomington. Unfortunately, I don't have any data. I don't doubt that the deer are impacting the diversity of plants, and I have noticed an impact with songbirds, but it mostly seems to be due to feral housecats in the area where I live. But I don't think anyone is proposing sharpshooting them.

Based on the report published on the city website, I want to voice my concern about how this plan negatively reflects on the community of Bloomington, in my opinion. I'm speaking not from the standpoint of animal rights or environmentalism but as someone who actually grew up going on deer hunts every fall. This was in remote, federally managed lands in the Rocky Mountains in my case. My family members who took part in these hunts were sportsmen who would never think to carry any weapon other than a traditional deer rifle without clips, much less silencers, and had serious respect for the game they were hunting and the ethics of hunting. They only shot mature bucks and they never took more than they could hike out of the mountains. What's being proposed here would be shameful to them and I have to say would be shameful for me to share this plan with my own children. The plan is to have shooters firing weapons fitted with silencers, using motor vehicles and also hiding in stands, using military-style night vision and thermal imaging – at least these were possibilities mentioned in the report – so they can bait and kill does, prioritizing does and fawns, that is “non-antler” deer, avoiding bucks with antlers. The hunters I grew up with were excellent shots, but I think they would be uncomfortable calling themselves sharpshooters in the context of killing deer.

Sharpshooter is a term that reminds me of when I was enlisted in the military and we were trained to shoot at targets using an M-16 to prepare for combat, measuring accuracy to be awarded marksmanship ribbons.

Citizens of Bloomington should keep in mind that this sniper-style shooting of deer being proposed here would be taking place inside the corporate boundaries of a university town, and it just is not befitting of this town and this place. I'm concerned about what are being called inherent risks and unforeseen liabilities. The plan could result in accidents caused by people shooting high powered weapons in winter conditions and climbing in and out of tree stands at night. So as a concerned citizen and voter, I would urge the council to vote against sharpshooting, to keep traditional hunting restricted to lands that are further from populated areas and reconsider non-lethal alternatives for deer that live in Bloomington.

**Scott Wells**. I feel honored to follow the biology professor because I too got a degree from IU in biology and also biochemistry. Things are based on science and data; that's how you come up with a good decision. I must say, you all know me – I'm an environmentalist. Some might say I'm a hardcore environmentalist. And for that very reason, we must cull the deer herd. And that's an unfortunate thing because I love Bambi, everybody loves Bambi, but there's a point where Bambi's eating everything and the carrying capacity is being breached. If we don't do something, you can see that the forest,

and all the things that use the forest to survive, are going to have problems maintaining their own little species surviving. So is this the best plan? I don't know but something has to be done. It's a beginning, a start, and a step, and I think the last time I was here talking about this – it was over a year ago and there had been no activity as far as where we are now - but an initial step had been passed. And I showed you the picture of my property that borders the Hoosier National Forest. I have these arborvitae trees; I planted every one of them. I've got more property value in my trees than in my house. And I have 50 yards on both the north and south of my property, and these beautiful arborvitae trees are now 20 feet tall. I got a kick out of one of these cyclists who came out to my property; he stopped as I was working on my hosta bed, which the deer had already eaten. He said, you've got these beautiful trees here. Why are you trimming these trees 6 feet down, like a buzz saw, right to the trunk? I said, I'm not trimming them, the deer are doing it for me. They've trimmed all my hostas and everything. So, we've got a problem, Houston. I tried to explain to him about the deer problem. For example, this was just a few years ago when I talked to this guy, but this year they're back. I'm not in the city; we need to take this out further into the county actually if we want to get control of this. There's places I go by, and there will be 40 or 50 deer in these fields when I drive by going to my house at night. They usually are cyclical; they go around, they eat here, then all of a sudden they move. But the deer are this tall, there are no big ones anymore. That tells you there's a problem. When you get all juvenile deer and there's no adults hardly, you have a serious population problem. It needs to be culled.

Last thing I'll leave you with is this: how did we get in this problem? Well, in 1996 is when the first attack on my trees happened. I never noticed it in the previous 6 years. What has happened is, a lot of the people that used to hunt don't hunt anymore. I remember a lot of the high school kids where I lived, as soon as the first day of gun season, they'd be coming down the road with shot guns on their backs or their shoulder and they'd be going down to check in to the station. But now I don't see them. There's no kids hunting anymore. And so the natural predators like wolves are gone, so the only predator we have is hunting season. The funny thing is, here's what kids and students are doing now [*texting*] with their thumbs, instead of doing this [*pointing a rifle*] during hunting season. There has to be something done because every year it just keeps getting worse and worse. The deer aren't going away and we've got to get the carrying capacity back in order. The only way to do it is this one option. Contraception is not really viable; they still got the same number of deer; they can't reproduce but they can still eat. So that's the problem. God bless all of you!

**Erin Huang**, Indiana State Director for the HSUS. I'm here tonight to speak on behalf of our members and constituents here in Bloomington and Monroe County. We are firmly opposed to the deer cull for many reasons. As shown in Dr Shelton's research, the impact of deer on forest is complex. She noted for example that invasive shrubs grew 30 times faster and tick abundance was far greater inside the deer exclosures. In other words, when you remove deer, you may get more undesirable ticks and invasive shrubs. This kind of impact should not be overlooked. Secondly, the deer-free exclosures show you what a forest might look like without any deer. It's not socially acceptable or possible to eliminate all the deer; what you see in the exclosures is not necessarily what you'll get after killing some of the deer. So we want to get straight any false expectations.

One of the main problems with trying to manage the deer through lethal means is that the deer's high reproductive rate quickly compensates for any decline in their numbers. After culling there's more food for the remaining deer, and they respond by having more fawns at a younger age who have a higher survival rate, all of which results in a quick bounce back in numbers. This is why deer kills can be expensive, and there's no end in sight. Once the deer numbers bounce back, the kill has to be repeated again and again. It's extremely difficult to keep deer at artificially low numbers because they compensate reproductively. In contrast, the major benefit of using fertility control, such as immuno-contraception and surgical sterilization, is that it prevents a high proportion of fawns from being born, so that you don't get the quick bounce back in numbers you get after a kill. In fact, in one immuno-contraceptive project on Fripp Island in South Carolina, the deer population was reduced 50% over a 6 year period. Likewise, long term population decline has been documented at Fire Island, National Seashore in New York, and National Institutes and Standards in Technology in Maryland. Our offer still stands to have the leading immuno-contraceptive experts in the field, Dr Alan Ruthberg and Rick Noggle, travel to Bloomington to conduct a site evaluation at Griffy Woods and other parts of Bloomington to determine if an immuno-contraception project would be feasible and to clear up any misconceptions about this methodology, if the council was willing to seriously consider this option and extend an invitation. The site visit would be done at absolutely no cost to the city. However, for fertility control to be a viable option, a cull cannot take place first because remaining deer become weary and too difficult for our staff to effectively vaccinate. From the perspective of HSUS, if the city chooses to kill deer at Griffy, fertility control options are permanently off the table, and there's no going back.

We disagree with any decision not to even explore contraception due to the IDNR opposition. Advances have been made in the field of immuno-contraception, and therefore we highly recommend further discussion with both the USDA wildlife services and IDNR in terms of exploring what conditions would need to be met in order for Bloomington to utilize PZP under an experimental permit.

It's easy to point the finger at deer and blame them for our forest re-generation but the reality is that our ecosystem issues are fraught with complexity and subject to human aesthetic preferences which may not be grounded in any sort of biological reality. Nature is not static. We urge the city to take plans for a deer cull of any kind off the table and carefully consider non-lethal options such as immuno-contraception and sterilization before resorting to lethal options.

**Timothy Baer**, resident of the Near Westside of Bloomington. This deer sharpshooting proposal is very upsetting. I adamantly oppose it and I have spoken out against this proposal and will continue to speak out against this proposal. I spoke on WFHB this evening opposing this plan. It's a sad day in Bloomington when deer are considered the enemy; beautiful deer that are always a joy for me to see. We just saw a presentation that purports that deer have had a hoof in causing global climate change and declining plant and animal species. Deer are not the enemy. We should be having a conversation about how mainly humans have caused global climate change and declining plant and animal species.

Bloomington purports to be a tolerant peaceful community, so why don't we all live that ideal. Stop thinking about killing sentient creatures as a means to solving a perceived "problem". This is what barbarians do: kill, kill, kill. Humankind tend towards thinking that killing is sometimes acceptable in solving a perceived problem. I'm opposed to this way of thinking. Killing people that this country perceives are its enemies is wrong. Killing deer that this city council perceives as enemies to our own ecosystem is wrong. Problem solving by killing is flatly wrong. I believe this deer killing proposal has been railroaded to this point. Sharpshooting deer - this is exactly what Mark Day was proposing 3 or 4 years ago, when I first heard about all this, saying that the deer were starving. The deer were not starving then; they were just eating flowers in people's yards and people weren't happy about that. Today's guest column in the H-T, saying that the deer will eventually destroy Griffy Nature Preserve because the deer will eventually eat all the saplings, therefore no more woods. This idea is ridiculous. The woods are home for the deer; the deer will not eat themselves out of their own home.

The idea that humankind has messed up things again, driving the deer out of their natural environments by over-building and too many roads and other causes, cannot be solved by killing. Humans do not always have all the answers. Nature has her own way of correcting things. And no, the IDNR does not have ultimate jurisdiction over the deer. Deer have their own intrinsic value, not dependent on what humans can do with their flesh and bones and fur. If anyone has final jurisdiction over the deer, it is the deer themselves, and God their creator. Not us. I believe this proposed ordinance is a slippery slope. First killing deer in Griffy and then killing deer anywhere in Bloomington. There are spiritual roots to all things; all things are spiritually good as long as they uphold and honor life. And then there is the spiritual darkness, killing and destroying life. And this city council is about to enter the dark dark realm of blood-letting. All of Bloomington is watching; all the deer are watching; God is watching. Deer just want to live and eat, just like you. Let the deer live.

**Anne Sterling**, Midwest Regional Director for the HSUS and a Bloomington resident. Tonight I am not here to speak on behalf of the HSUS; I'm here as a Bloomington citizen and a frequent hiker at Griffy. I first of all want to applaud council members Rollo and Ruff for their approach in bringing forth this legislation; your coalition building on this issue has been outstanding. I've spent my career working on animal related legislation at the capitol in Indiana and throughout the Midwest. The way you've approached this is classic and textbook, and it's very impressive. So I definitely applaud you for that. Although I'm not a member of the Biology Department, I'd like to think that I'm also a stakeholder in Griffy, and I also appreciate all the love people have for Griffy. I spend an inordinate amount of time at Griffy; I'm there 3 to 4 times a week. My husband and I trail run with the dogs and I feel like I know Griffy very very well. It's a very precious place to me. I absolutely don't want to see it killed. It's probably the most precious place to me in Bloomington. Please don't equate my opposition to this legislation as a lack of love and concern for Griffy and/or a lack of support for biodiversity. And I respect the effort spent in bringing forth this legislation. I, as a user of Griffy, have a lot of questions and some serious concerns. I appreciate that Ruff addressed some FAQ's at the beginning.

A few of the questions I have that I hope the council considers going forward: is all the damage to the flora and fauna at Griffy being attributed to the deer? How long is Griffy going to be closed to the public, and how do we even go about closing Griffy? There are multiple access points and to think that people are going to be kept out of Griffy during a sharpshooting effort that I've heard anecdotally could be closed as long as November through February. I also wonder whether or not funds for killing Griffy deer were included in the 2014 Parks and Rec budget. If so, was this discussed at the 2014 council budget hearings? I'm also curious about IU; have they been asked if they will allow sharpshooting deer on their property? As we saw from the map earlier, clearly they have a huge parcel of land, and if they're not going to allow shooting deer on their property, then why not? Are they going to allow any deer kills on their property? And isn't having 1000 open acres adjacent to Griffy problematic for reducing the deer population within Griffy? Based on the relative cost /effect in what is suggested in the DTF report, wouldn't using sharpshooters at Griffy now likely lead to hunting at Griffy in a few years? And wouldn't sharpshooting and/or hunting be an annual event? Is it wrong to think that killing deer at Griffy, a city park, is inconsistent with Bloomington's community character? Is it wrong to think that once use of firearms is allowed there, there will be no turning back?

In response to some of the earlier things we heard tonight, we keep hearing about the population doubling every 3 to 4 years, but since there's been no count of the deer, how do we know that the population is doubling? We don't know that, we don't have a count. The current harvest figures from the DNR throughout the state actually show that the deer harvest in Indiana was down by nearly 10%. And as the DTF report showed, deer collisions have actually remained stable in Bloomington.

We've heard about the birds. I work for the Humane Society and have dedicated my life to working on animal issues. I care every bit as much about the birds and the other animals at Griffy as I do about the deer. I'm absolutely not prioritizing the deer over the other animals. I do not think we've seen the science to indicate that the other animals are being impacted. I haven't seen any study about proof of dying birds at Griffy. As Sandy said, we've seen proof of about 4 other animals, nothing about songbirds. Songbird numbers are declining everywhere due to habitat loss. There's more mortality due to cats, weather extremes, and pesticides.

I'm a proud member of this community. I absolutely think we can do better. If there was ever a community in Indiana that could push back and push for something better, to set an example for other communities, I hope it would be Bloomington.

**Eric Knox**, Director of the IU Herbarium and a professional botanist. I teach two botany courses at IU and I take both of those classes to Griffy for field trips every year. For one of these courses – the summer flowering plants course – we teach people to identify native plants in Indiana. For the past 6 years I've been working with the city of Bloomington Parks and Recreation to eradicate garlic mustard from one area of Griffy Lake. My students approach this with vigor, understanding that human management of our environment is an important element. Nature doesn't take care of itself. Other species like garlic mustard have no moral compass. They don't decide whether or not to overpopulate an area, or to live in harmony with other species. And so we have been

using lethal methods – we pull them up by the roots, before they set seed, we haul them off, we dispose of them so that they do not set seed and continue to proliferate. And we've had an amazing impact. This year, I've gotten my spring course, which is much larger with an enrollment of about 70 students, again – on a voluntary basis where I give them a token amount of extra credit – we came out and did over 200 person hours of removal of bush honeysuckle, again from Griffy Park. These were lethal methods, we were using bow saws, using clippers; the city is going to come in, they're going to chip this stuff up because it has chemicals that, if left in site will deter the growth of other plants. So they are going to use in other parts of the park where they want to put down a mulch on paths to keep other plants from growing. So they are going to recycle all of the stems from the bush honeysuckle that we've removed. All of these parts are necessary management of these amazing habitat that we have on our doorstep. And culling the deer population is part of that same sort of management. I'm very proud that we have systematically killed so many problem plants out at Griffy and unfortunately the deer population is to a point where it's having an obvious impact. The work that Dr Shelton and other people have done serves to document what casual observation by any trained botanist will tell you – you don't see the regeneration, you don't see the populations of the native species at the levels they should be. We're not talking about eradicating the deer, as we are talking about trying to eradicate garlic mustard and to eradicate bush honeysuckle. We are talking about getting the population down to a level where the deer can live in balance with the rest of the diversity that is out there.

I compliment the DTF for taking a very long time to carefully consider all the issues. I think that this step is an obvious and necessary step, and I encourage you to pass this ordinance.

Thank you for your time.

**Alyce Miller**, Bloomington resident. I have strong ethical feelings about the way we live with and treat animals. But I do want to start with a logistical question. How are people getting access to PowerPoint here? Please clarify the process for future meetings.

The question of numbers is very interesting to me because there are no numbers that have been stated for the deer population, even though the proposed ordinance claims to be based on hard science. So I wonder, wouldn't it be helpful to have a quantified baseline and measurable objectives. Wouldn't that make for better science and better governmental policy?

In 2011 at the DTF meeting when Dave Rollo questioned Keith Clay on whether the relationship between deer and ecosystem damage could be said to be absolutely causal, Dr Clay replied that no, too many other factors such as climate change, flooding and soil compaction are re-shaping Griffy Woods. And this leads me to an observation that deer aren't the only species and events impacting Griffy Lake. Deer didn't repeatedly drain the lake, turning it into a virtual moonscape a year ago, fully effecting plant and animal life alike. Deer didn't build the developments north of Griffy leading to sediment build up, nor did they build the IU golf course right up against the woods. Deer don't boat, they don't picnic, fish, jog, hike, litter, let their dogs run off-leash at the lake. Deer, I don't think, caused the long punishing drought or the infestation of scales that infected the tulip

trees. So my question is ... why the narrow, single species focus? I'm not saying there's not a deer issue; I'm asking why did deer become demonized and the sole focus here? Diminished biodiversity is being invoked as justification for killing deer in the park. But it's not clear to me still what the biodiversity ideal is and how it's being operationalized. We saw lots of pictures of beautiful birds. I love birds, I love all animals. But I'm not sure how we can extrapolate from a larger, global warming, climate problems and all these other things and somehow say this is what's happening at Griffy Lake too because of the deer. It's just.. it doesn't make sense to me. The ordinance opposes letting nature take its course. So I wonder who or what model of biodiversity is guiding this? And a great deal of this seems to be coming from the IU Biology Department, and I'm wondering about other experts – wildlife biologists and lots of others who would have contributions to make here – seem to be ignored. The IU biologists seem to be relying on one now-published report; and that seems to me to be narrow. It's an interesting report but it's not as full an experience as it might be if we had other reports too.

The image of sharpshooters on tree stands shooting at deer where many of us walk and hike feels extreme. If it's generally believed that deer are ruining Griffy, would not the "Bloomington" thing to do be to ask for numbers first, then thoroughly explore non-lethal methods of population reduction. If the Rollo-Ruff proposal goes through and deer are to be killed at Griffy Lake, will sharpshooting be allowed on IU's property too? If not, why does it make sense to kill deer on city property but not on contiguous IU property? And what about phase 2 of the Rollo-Ruff proposal which recommends following the sharpshooting with managed hunts in the future. I'm wondering if Bloomington is really ready for the annual Griffy Lake deer hunt.

Thank you.

**Dave Schleibaum**, not a city resident. I have a problem with the fact that we're going to try to use guns to kill deer when if you really want to harvest the venison, the best way to do it is with a cross bow or archery. I appreciate the fact that you want to cull the deer; the deer need to be culled. But you shoot a gun and it's in the city limits, the only thing it's going to do is warn people that there's people hunting in the woods, and it's going to drive the deer away. Whereas, if you use cross bow or archery, there's no noise. And if you research it, archery is – to me – a humane way to harvest the venison. Then you take the meat, and if the hunter doesn't want it, you can give it to the people, the city, or to the food bank. So we're not wasting the deer, we're harvesting the deer. If we're going to do that, it needs to be with the most effective way. And I really think that if you talk to the people who harvest deer, that the way they do it most effectively is with archery means; and that is something that I would like to see put on the table instead of guns, because anyone can have an accident with a gun and the shot's gonna go up in the air. But if you got a cross bow or an arrow, it's gonna go down, or if it goes up it's not gonna go very far. Maybe hit the guy in the head if he's looking up for his arrow, but that's why they don't do that.

Part of what's frustrating is that you should have done this 5 years ago and you wouldn't be having a problem in Griffy Woods because...well, if we don't do it now, it's gonna be too late. And to do it most effectively, you gotta use the most effective ways of doing it. And there's a lot of people out there that, if asked, would say that archers are just as

accurate, or more accurate, than gunfire. And it's not nearly as disturbing to people. And you don't even know it's going on. So, thank you.

**Andy Minnick**, born and raised in Ellettsville. I live next door in Owen County now. I've shot devastation permits the last 10 years in Owen County. The farms that we shoot, there's about 5000 acres that we shoot. When we started over there, we had 25% crop loss; we're now down to about 10% crop loss. So it does work. The deer we've been shooting on over there... When we started out killing, they were small weedy-looking little deer. Now there's record deer coming off these farms because we are particular about what we shoot; we only shoot the does. We try to let the bucks walk because there are hunters who will kill the bucks, who are excited to kill the bucks – it's a big deal. But this is not about hunting, it's about removing the deer from the herd. Last year I killed over 40 personally and I know there was not one deer wasted. That's a big deal to us. We shoot high powered rifles, we're very careful with what we do. I take it very personal, very intent, that if we shoot a deer, if I pull down on it, it does not take another step, and they will fall where they were standing. Boom, it's done, it's over with.

I've seen where they've tried to move deer – tranquilize them, move them, spay /neuter, whatever... you'll probably kill 50% doing that. They will beat themselves to death in a trailer or whatever you try to catch them in. They're beautiful animals, I love them, I enjoy them. But when you try to tame them, handle them, catch them, they'll get crazier than a bedbug.

I have a list of people. The next deer I kill, I know where it's going. There's no problem on getting rid of deer. There's food banks that are waiting for it, churches that are waiting for it, people that are hungry and are needing it. I was in on the first hunts over in Brown County Park and in McCormick's Creek Park, and my wife and I walk over there in McCormick's Park about every day if we can. The little fenced-in areas being talked about earlier, when they first did those over there, it was just unbelievable the difference between what was on the outside of there and what was on the inside of there because the deer just were cleaning it out. You'd look at the fields, at the woods, and it was this high [face level] and it was clean. Now - we were just over there the other day – and there's all kinds of little flowers coming up, we now have undergrowth, and believe it or not, there's still deer in the park. It's a manageable number in the park.

I've never made a dime killing a deer yet. We do the devastation permits for free. What we shoot is – they give us so many permits at a time. We fulfill those permits, they come out and check; they watch us. We are under the microscope. We do not take trophies. We don't take anything. We are required to bury them, or use the meat. So be it. That's the way that plays. I'm not sure how many deer were killed on the farms we shot last year, there might have been 2 or 3 that were lost. That can happen; somebody makes a bad shot; you will lose one occasionally. We are required to use our big guns; it's big, it's brutal and it's bloody, but it's effective and the easiest way you're gonna control your problem.

I've been watching this from over in Owen County and I just thought, man, I wanna come on over here and say something. So, thank you.

**Spencer Hall**, professor in the IU Biology Department and co-signer of the letter. I want to thank councilmen Rollo and Ruff for their efforts, and before I say what I have to say, I want to indicate that I appreciate the wide views of speakers presented here.

I'm an ecologist and so I just wanted to deal with a couple of issues that have been brought up. I've heard attacks on the Shelton study. I just hope that all you council people can appreciate that ecological studies are complex, ecosystems are complex. They're hard to study. We often don't have the monitoring or the experimental data that we would like to make decisions. I don't envy you for having to deal with imperfect data in making this decision. I want to emphasize that it's very special and precious to have experimental data in which deer have been manipulated on which to base your decision. That seems like it's rare and it's very unique here and I'm grateful for it. But we often don't have definitive answers to these problems, and that's what is beguiling and challenging about ecology.

I've heard an avoidance of discussion of success stories, like the Brown County management which involves non-annual culling of deer. I view the arguments based on invitations, the reasonableness of invitations re: immuno-contraception as a delay tactic. And I think that is what it's being used for here. I urge you to take action now, not wait. I think that a responsible management strategy needs to happen now despite the heartfelt arguments or some of the name calling that's happened here. I'm urging you as the council people to preserve biodiversity in the park now. The ecological science is growing but clear that preserving biodiversity enhances ecosystem functioning. It helps repel invasive species, helps preserve habitat for threatened and rare species and it helps to avoid the catastrophic changes that councilman Rollo was talking about. So I think you have to take responsibility now to avoid irreversible damage and changes later. You have the responsibility to deal with your proximate habitat and what you can control now, and managing deer is within your abilities and your leverage point to deal with. I think an enlightened community should be encouraged to take courageous steps to deal with the problems now. Thank you.

In the Council Chambers of the Showers City Hall on Wednesday, December 2, 2015 at 7:32 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 2, 2015

Roll Call: Rollo, Ruff (arr. 7:37), Mayer, Volan, Granger, Sturbaum, Neher, Spechler, Sandberg  
Absent: None

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes for Regular Sessions of May 07, 2014, September 03, 2014, September 17, 2014, October 29, 2014, November 18, 2015, and Special Session of July 09, were approved by a voice vote.

APPROVAL OF MINUTES

Darryl Neher said that earlier that day the extension of Martha's House, a homeless shelter, had been funded for the next year. He said that the Bloomington Urban Enterprise Association (BUEA) would donate \$150,000 dollars and an additional \$200,000 in matching funds to keep forty beds open. He said that Perry Township, Bloomington Township, Monroe County, and city governments along with the Shalom Community Center had helped. He praised the organizations that provided a vital service to the community.

REPORTS

- COUNCIL MEMBERS

Dorothy Granger thanked Neher for his impassioned remarks and the BUEA for supporting the sheltering project.

Tim Mayer thanked Neher, Sandberg, and Granger for their work on the sheltering project and noted he was unable to attend the meeting. He spoke about the attacks in Paris two weeks prior; Colorado Springs, CO; and San Bernardino, CA. He urged everyone to find a way to solve these problems.

Marty Spechler praised his colleagues' work on the sheltering project. He said that it was an opportunity to help people get back on their feet. He said that the IU Football Team was beginning to become competitive again, and they had demonstrated what scholar athletes could do with hard work.

Susan Sandberg echoed Mayer's comments about the attacks. She spoke about Mom's Demand Action for Gunsense in America and their work to stop gun violence in the country. She said that a time of joy approaching the holidays was harmed by senseless acts of violence.

Mary Boutain, member of Commission on Aging, presented the commission's annual report. She said that the goal of the commission was to ensure that all people could enjoy a meaningful life regardless of age or ability. She detailed the commission's accomplishments for 2015:

- The MAYOR AND CITY OFFICES

- 5<sup>th</sup> Annual Creative Aging Festival,
- members served on the Affordable Living Task Force,
- organized a weekly gathering place for seniors called Sally's Place
- livestreamed the White House Conference on Aging
- participated in the 50+ Expo
- participated in the 8<sup>th</sup> Annual Active Living Coalition Health Fair
- co-sponsored "Navigating the Caregiving Challenge"

She said that the commission would continue their work in 2016 by repeating successful events, creating the Task Force to review the Best Cities for Successful Aging Report, creating the 6<sup>th</sup> Annual Creative Aging Festival, and recommending guidelines from the White House Conference on Aging for the Growth Policies Plan.

Spechler asked about Sally's Place, a gathering spot for seniors. He said he did not know about the place, even though he considered himself a senior, and had received some feedback about the need for such a center. He said the center should be advertised so that more people could learn about it, and the council should work to include senior housing within the Trades District. Boutain said that she agreed that a senior center was necessary. She said that the Salvation Army opened its doors to provide such a place, and said the commission would like to work with the city to create a center near senior housing downtown.

Teresa Grossi, Chair of the Commission on the Status of Children and Youth (CSCY), gave the commission's annual report for 2015. She said they:

- developed an award for "Students Who Act Generously, Grow and Earn Respect (SWAGGER)" for students with positive attitudes who change the lives of others or themselves

- community outreach to hear what students and young adults liked and what they would change about Bloomington
- served on the Community Develop Block Grants committee

Reports for the Mayor (cont'd)

She said that the commission would continue the work for the next year to design a campaign to identify resources for those suffering from anxiety.

Spechler asked how the commission reacted to the growing number of public charter schools, which he said was a threat to children and youth in the community. He said that the charter school movement created social segregation. Grossi said limited resources prevented the commission from covering every issue, and they chose to focus on issues that affected children of all ages.

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES
- PUBLIC

President Rollo called for public comment.

David Sabbagh, resident of Coppertree Neighborhood, praised the city's Street Department for fixing issues within the neighborhood.

Daniel McMullen spoke in favor of gun ownership and transportation issues.

Lindsey Badger, Service Learning Liaison for New Leaf New Life, spoke about how the city could help people re-enter the community after incarceration. She asked that the council offer three months of free bus ridership to recently released citizens. She thanked the council for their work in securing temporary shelter for citizens, and said that her organization worked to find permanent housing for the recently released. She said a recent local zoning decision made a long term, sober living community impossible.

Carter Wilson, New Leaf New Life, said that there was a lack of public facilities, mainly restrooms, which adversely affected the homeless population in the community. He said that the community had the obligation to provide these basic needs, and he listed other communities that provide these needs.

Lexi Prasco, Monroe County Jail Women's Think Tank, explained that her organization had gathered testimonials about experiences of incarcerated women. She encouraged the city to find affordable, safe housing for formerly incarcerated women.

Public Comment (cont'd)

Rachel Slepian, Monroe County Jail Men's Think Tank, explained that her organization also attempted to create a safe living space for men committed to sobriety after incarceration. She said that they needed the city's resources to create therapeutic homes for self-supportive, drug and alcohol free individuals to recover and not face re-incarceration or homelessness. She said the recent zoning change put people at risk for relapse when they could not live together.

Jim Blickensdorf, resident of District 3, spoke about the BUEA's meeting earlier in the day. He said he hoped to make a tremendous impact in the community by providing \$150,000 to fund the community sheltering project through 2016. He said the BUEA issued a challenge to the community by offering up to \$200,000 in matching funds. He urged the council to appropriate funds to support the shelter.

Sura Gail Tala spoke about the environmental impact of plastic bags. She advocated for a plastic bag ban in the community and added that 130 cities in the country and 70 other countries had banned plastic bags.

There were no appointments to Boards or Commissions at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Appropriation Ordinance 15-06 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of do pass 8-0-1.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Appropriation Ordinance 15-06 be adopted.

Appropriation Ordinance 15-06 To Specially Appropriate from the General Fund, Risk Management Fund, and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various

Jeff Underwood, City Controller, said that this was the annual end of the year appropriation. He said it would move \$632,640 throughout various funds throughout the city, and \$280,000 of this was a movement of previously appropriated funds. He detailed the departments that would experience of funding chance.

**Council Questions:**

Volan asked about the transfer within parking facilities. Underwood explained that the city took back operation of the parking garages that year and had estimated the cost of operation but would have clear costs for future years.

Spechler asked which departments had surplus funds that could be transferred. Underwood said that Community and Family Resources, City Council, Human Resources, Economic and Sustainable Development, and Planning and Transportation had additional funds that could be transferred.

Spechler asked which department had the largest budget surpluses. Underwood said that Planning and Transportation and Community and Family Resources had the largest surpluses.

There was no public comment on the ordinance.

**Council Comment:**

Spechler said that a project within his district was not completed that year, and he was told that Planning and Transportation and Economic and Sustainable Development did not have the funds to complete the project. He was surprised that there were now surplus funds within the departments.

The motion to adopt Appropriation Ordinance 15-06 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Ordinance 15-25 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0.

It was moved and seconded Ordinance 15-25 be adopted.

Lisa Abbott, Director of Housing and Neighborhood Development (HAND), thanked the Historic Preservation Commission, downtown property owners, Nancy Hiestand and Bethany Emehiser for their work on the ordinance.

Bethany Emehiser, Program Manager with HAND, described the district. She said that there had been eight newspaper articles, three public meetings, direct mail to property owners, seventeen design guideline meetings, and five meetings with individual property owners about the historic district.

**Council Questions:**

Volan asked why this designation hadn't been made sooner. Abbott said that the department wanted the process to be a cooperative celebration instead of a contentious hearing. She said the issue was far more divisive ten years ago.

Volan asked how the department pitched the district to property owners. Abbot explained that Hiestand had done the legwork to bring property owners on to the same page and demonstrate the economic potential of the downtown. She said that taking that time allowed people to work better together.

**Public Comment:**

Mark Dollase, Indiana Landmarks, explained that his organization served as the state's historic designation body. He congratulated everyone involved for finding a mutually agreeable way to create the historic district. He encouraged the council to adopt the ordinance to take advantage of the economic benefits of historic preservation.

**Council Comment:**

Spechler said that he valued the downtown and supported the ordinance, but historic preservation could not replace the need for modern architecture. He said historic structures were not energy efficient nor had modern amenities.

Granger said she wished the council had created the designation sooner. She said she was excited that it was getting done.

Volan disagreed with Spechler that older buildings could not be remodeled to be energy efficient. He said that new construction would use a tremendous amount of energy. He spoke negatively of modern architecture in comparison to historic structures.

Neher echoed Volan's sentiment on historic preservation pointing out that City Hall was a remodeled historic structure. He said modern architecture and historic structures were not mutually exclusive, and the Growth Policies Plan should be designed to maintain the essence of historic buildings.

Transfers of Funds within the General Fund, Solid Waste Fund, Alternative Transportation Fund; and, Appropriating Additional Funds from the Municipal Arts Fund, Risk Management Fund, BMFC Showers Bond, Parking Facilities, Police Pension, and Rental Inspection Program Fund)

Ordinance 15-25 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: Courthouse Square Historic District (Bloomington Historic Preservation Commissioner, Petitioner)

Mayer said the design guidelines meetings were informative, and he felt that the process was inclusive. He thanked the historic preservation commission, Emenhiser, and Hiestand for their guidance and support of the project.

Sandberg thanked Sturbaum for advocating and negotiating with concerned parties during the final stretch of the ordinance.

Ruff spoke about other Indiana Counties that had torn down their historic courthouses. He challenged those in attendance to imagine what the city would be like without the sense of common space associated with the courthouse. He thanked everyone involved and county officials for supporting the ordinance.

Sturbaum thanked his colleagues for prompting the commission to push for the creation of the district. He said that a new building would take 80 or 90 years before it could save enough energy to offset the carbon debt of tearing down the old building and constructing the new one. He spoke about the fight to create the McDoel Gardens Preservation District and when there was a movement to demolish the courthouse to demonstrate how far historic preservation had come.

Spechler said that entrepreneurs took the demolition and construction cost associated with creating a new building into account. He suggested the cost of historic preservation be considered on a case by case basis. He said he would support the ordinance.

Sturbaum said that money did not tell the whole story. He said that there were historical factors that could not be quantified monetarily.

Rollo thanked everyone who contributed to the creation of the district and thanked Sturbaum for negotiating with county officials.

The motion to adopt Ordinance 15-25 received a roll call vote of Ayes: 9, Nays: 0

LEGISLATION - FIRST READING

Ordinance 15-26 To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amending 20.05.020 (“CF-01 [Communication Facility- General]”) and 20.09.320 (“Surety standards – Performance surety”) to Reflect Changes in State Law; Revising the Definition of “Fraternity/Sorority House,” and Correcting Minor Errors

Ordinance 15-26

Ordinance 15-27 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Stop, Multi-Stop, Yield, and Signalized Intersections; Turning Right on Red; School Speed Zones; Angled Parking, No Parking, Limited Parking, Loading, and Bus Zones; and, Accessible Parking for Persons with Disabilities

Ordinance 15-27

Ordinance 15-28 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: Amending Chapter 2.21 Entitled “Department of Law” to Remove the Voluntary Nature of Investigation and Mediation of Complaints Based on Sexual Orientation Discrimination and Gender Identity Discrimination

Ordinance 15-28

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

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, reminded the council that next week would begin with a Special Session followed by a Committee of the Whole.

COUNCIL SCHEDULE

The meeting was adjourned at 9:32 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, December 9, 2015 at 7:32 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
December 9, 2015

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

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes for Regular Sessions of April 23, 2014; June 18, 2014; June 25, 2014; and July 16, 2014 and Special Sessions of March 27, 2013 and May 8, 2013 were approved by a voice vote.

APPROVAL OF MINUTES

It was moved and seconded that Ordinance 15-28 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0.

LEGISLATION FOR SECOND  
READING

Ordinance 15-28  
To Amend Title 2 of the  
Bloomington Municipal Code  
Entitled "Administration and  
Personnel" - Re: Amending  
Chapter 2.21 Entitled  
"Department of Law" to Remove  
the Voluntary Nature of  
Investigation and Mediation of  
Complaints Based on Sexual  
Orientation Discrimination and  
Gender Identity Discrimination

It was moved and seconded that Ordinance 15-28 be adopted.

Neher chose just to read the WHEREAS clauses of the resolution because of his extensive comments in the committee meeting the week prior. He said it was an easy change to move the city forward in LGBT protections, and he thanked staff for their work in crafting the language.

Council Questions:

Spechler asked what cases supported the interpretation in the ordinance. Stacy Jane Rhoads, Deputy Administrator/Researcher said that some federal court and federal agency decisions had upheld the interpretation that the ordinance was based on. She added that there was a case before the 7<sup>th</sup> Circuit regarding the issue.

Volan asked if the city or state would have jurisdiction over the IU Foundation. Rhoads said that the IU Foundation would be subject to the city's jurisdiction because it was not one of three exempt types of employers.

Volan asked if a contractor with the university would be subject to the city's jurisdiction. Rhoads said that as long as those employees were working for the contractor, the ordinance would apply.

Volan asked who would have jurisdiction over IU Employees. Rhoads said that a federal or state commission may have jurisdiction, but the City does not. She added that when time allowed, the City's Human Rights Director helped people complaining against IU fill out paperwork for submission to the EEOC and/or Indiana Civil Rights Commission.

Public Comment:

Daniel McMullen spoke against the ordinance and suggested an amendment.

Council Comment:

Spechler said that the ordinance was a good move, but he felt that future judicial findings and actions by the general assembly may require further review.

Granger said that she was excited that the city was able to move forward on the legislation.

Volan noted a grammatical error in the ordinance. He drew attention to the list of classes that were protected by Bloomington Municipal Code.

Sandberg said that she was glad to see activism from pro-LGBT organizations across the state. She said that the ordinance would reinforce

local opinion and respect.

Mayer said that he thought the ordinance was the right thing to do. He thanked community members for their comments on the ordinance, and he hoped that the ordinance would send a message to the state.

Neher warned that the general assembly could pass legislation that would undo the ordinance. He said he hoped the community would rally to celebrate the liberal thinking that defined the community. He said he hoped people would push the hands of Republicans in the Statehouse away from legislation like the Religious Freedom Restoration Act.

Rollo said that the ordinance was historic. He said he was looking forward to the day that we lived in a community free from prejudice and discrimination.

Ordinance 15-28 received a roll call vote of Ayes: 8, Nays: 0

Volan asked when the ordinance would take effect. Dan Sherman, Council Attorney/Administrator, said that the ordinance would take effect as soon as it was signed by the president of the council and mayor.

It was moved and seconded to allow Councilmember Neher to make additional comments. The motion was approved by a voice vote.

COUNCIL SCHEDULE

Neher said that he would not be able to attend the last council meeting of the year. He said he was grateful for the opportunity to serve the city, and he commented on the gravity of the work the council did. He said that the council needed to look forward to what they could do next to continue helping the community; and he thanked Mayor Kruzan, Clerk Moore, and Councilmembers Rollo and Mayer. He thanked his colleagues for making him think harder and be a better councilmember. He said he would stay involved in the Growth Policies Plan and Unified Development Ordinance as a citizen.

Volan thanked Neher for his comments, and said it was a privilege to serve with him.

Mayer said he had worked with Neher on legislation, and he said he learned a lot in the process.

Sandberg said she would miss Neher's collegiality, passion, and ability to find common ground.

Spechler praised Neher's work on sexual orientation and gender identity and the appearance of the downtown.

Ruff said that Neher was a collaborator, communicator, and thoughtful person.

Rollo said that Neher was a good teacher, and he had learned a lot.

The meeting was adjourned at 8:32 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington