City of Bloomington
Office of the City Clerk

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the December 02, 2009 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below, 2016.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date: 15 June 2016

The attached copy of the minutes for the December 02, 2009 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the 15 day of June, 2016.

Andy Ruff
President, Bloomington Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, December 2, 2009, at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 2, 2009

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: none

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of Regular Sessions of January 21, 2009, March 25, 2009, and September 16, 2009, were approved by a voice vote.

APPROVAL OF MINUTES

REPORTS:
COUNCILMEMBERS

Brad Wisler noted that work had begun on a sidewalk project near Kinser Pike and the Bypass. He said it was funded by the Council Sidewalk Committee and would provide pedestrians access to amenities north of the Bypass, such as the skateboarding park and golf course. He said it would be a great improvement and asked folks to bear with the temporary traffic disruption. Wisler thanked the Public Works Department for their efforts on the project.

Tim Mayer thanked all community members who volunteered and donated food over the Thanksgiving holiday. He noted that local business Smokin' Jack's Rib Shack cooked all the turkeys for the Community Kitchen. He also recognized Mother Bear's Pizza for providing free meals to anyone who came through their doors on Thanksgiving, which totaled about 400 people. Mayer urged folks to remember the many worthy causes in the community that would still need support during the ongoing holiday season.

Steve Volan congratulated former Councilmember Jason Banach and wife Karen on the birth of their daughter, Anastasia, born the previous day.

MAYOR and CITY OFFICES

Vickie Provine, Program Manager of the Housing and Neighborhood Development Department (HAND), announced the launch of the 2010 Neighborhood Leadership Series. Provine said the newly created program would address misconceptions and misunderstandings between neighborhoods and the City.

Provine noted that the 2010 series would focus on Land Use, and would take an in-depth look at different City departments each year. Classes such as "Leadership: Understanding Yourself and Others," would feature speakers from within different City departments. They would talk with neighborhood groups about aspects of their job and be available to answer questions.

Provine said that the hope was that neighborhood leaders from around the city would meet to discuss what they learned and, for example, land use methods that worked in their respective neighborhoods. She noted that part of the series would educate folks on how they were able to work with the City Council on issues affecting their neighborhoods. Provine added that classes would be conducted in the Council Chambers and were free to the public, but that folks would need to register for them. She encouraged people to register through the HAND Department's website, or by calling her directly.

COUNCIL COMMITTEES

- Council Calendar

Council Attorney/Administrator Dan Sherman was asked to present the 2010 Council Calendar for approval.

It was moved and seconded that the proposed calendar be approved. The motion received a roll call vote of Ayes: 8, Nays: 1 (Volan).

- Andy Ruff update on MPO and INDOT collaboration

Andy Ruff said efforts to gain a mutual understanding between the Indiana Department of Transportation (INDOT) and the local Metropolitan Planning Organization (MPO) on the Bypass project were taking longer than expected. He added that efforts were ongoing to remedy problems that might exist.

PUBLIC INPUT

Randy Paul addressed labor problems with the Area 10 Agency on Aging. He said that Bloomington Transit had recently signed a contract with the agency to transport people in the community with disabilities. Paul said that not only did Bloomington Transit keep the agency's drivers, but a recent pay raise was their first in more than five years. He added that Bloomington Transit had purchased several of the Area 10 Agency vans, allowing a smooth transition for those using the service. He credited council members for assisting in the resolution of problems over the past months, particularly Councilmembers Ruff and Piedmont-Smith. He said the Common Council had proved helpful to him in past situations as well.

Buff Brown displayed slides representing different areas of Bloomington and their discussed their parking situations. He quoted Michael Eisner, former Disney Corporation CEO, as saying "form follows parking." He said he agreed that parking set the form of a city. He added that mode followed parking as well, and showed pictures that demonstrated poor or no sidewalk creation on the city's westside. He offered resources for further information on parking that supported smart growth. He said Portland, Oregon, was the poster child for good parking policy and showed pictures from that city.

Rhonda Baird, Director of the Indiana Forest Alliance, said they had recently been working with legislators to protect backcountry area in the state. She said a legislative bill regarding that area had been considered, but not passed. Baird said she spoke to State Representative Matt Pierce, who indicated he would resubmit the House Bill 1550, and that State Senator Richard Young planned to sponsor a similar resolution. She added that the Indiana Forest Alliance was pursuing a study group to look at ways to promote inclusion of forestry on farms and the sale of locally harvested and sustainable forest products.

Councilmember Rollo added that for more information on forestry issues, the public could visit that organization's website, www.indianaforestalliance.org.

Gabe Rivera spoke on the drug war, and said that fascism had been ongoing for 3500 years. He said that two million dollars was spent annually in Bloomington on drug prohibition, and spoke about drug war conspiracies.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Danielle Sorden be appointed to the Community and Family Resources Commission. The motion was approved by a voice vote.

Appropriation Ordinance 09-11 To Specially Appropriate from the General Fund, Parks General Fund, Risk Management Fund, Fire Pension Fund, and Sanitation Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General

It was moved and seconded that Appropriation Ordinance 09-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do Pass recommendation of 8-0-1. It was moved and seconded that Appropriation Ordinance 09-11 be adopted.

City Controller Michael Trexler said this ordinance would appropriate $748,000 in funds from within the City.

He said that Common Council approval was needed to transfer funds from one area to another within a City department.

He noted that transferring funds within the Police Department would allow for the purchase of a few new patrol cars. He said the City Clerk requested to move funds for payroll needs, and Public Works requested to move funds to replace stolen traffic counters. He added that Animal Care and Control asked that funds be transferred in order to purchase more medicine. Trexler said calculation errors were made for the Fire Pension Fund, but that the state reimbursed the fund and it would have no real financial consequences on the City.

Fund and Motor Vehicle & Highway Fund for Police, City Clerk, Public Works, Animal Care & Control, Engineering, Street, and Traffic; Appropriating Funds from the General Fund, Parks General Fund, Wireless Fund, Sanitation Fund, Fire Pension Fund, and Rainy Day Fund for Payroll Needs in All City Departments)

Trexler explained that every eleven years, the City experienced a 27th pay period within its calendar year. He said this occurred because the system paid employees every other Friday. He noted that the 27th pay period caused additional payroll expenses of more than one million dollars. However, he said reversions were almost guaranteed because his office budgeted for all positions to be filled at all times, which often was not actually the case. He said that after reversions from 2008 and 2009, $229,000 was still needed and could be appropriated from the City's Rainy Day Fund.

Councilmember Rollo asked if there was a way to better prepare for this 27th pay in the future so money wouldn't need to come out of the Rainy Day Fund. Trexler said there were a number of strategies to consider and that his office had been looking into them.

Rollo said he wondered about who had made the monetary calculation errors affecting the Fire Pension Fund. Trexler said it was a paperwork error that would also affect the 2010 budget. He said he had initiated extra checks and balances within his office to ensure such an error wouldn't occur again the future.

Councilmember Wisler said he understood the 27th pay was a unique circumstance and that the City expected to have a reversion with its payroll each year, but hoped that in the future the 27th pay would be included in the annual budget presented to the council. He said he thought it was the wrong approach to approve a budget that didn't include all anticipated expenditures. He noted that he would support the ordinance, as employees deserved to be paid.

Councilmember Sturbaum said he thought the appropriation was a good use of Rainy Day funds, and commended Trexler for his management of the money.

Councilmember Volan said he appreciated the forward thinking efforts of the Controller's office and the City administration in their management of funds. He said that other communities around the state had been harder hit by the recession, and was grateful that Bloomington hadn't needed to cut community services. He attributed that to the City's money having been managed well.

Appropriation Ordinance 09-11 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 09-18 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-2. It was moved and seconded that Resolution 09-18 be adopted.

Resolution 09-18 Approving the Report of the Bloomington Peak Oil Task Force as an Advisory Document

Resolution 09-18 (cont'd)

Councilmember Rollo said that after two years of work and hundreds of hours of meetings and research, the Bloomington Peak Oil Task Force's Report was ready to be approved as an advisory document. He said he wanted to present a few notable points from the 250-page report.

Rollo said an important finding was that the world was currently at or near its peak liquid fuel production capabilities. He said demand for oil had fallen, which accounted for lower gas prices, but that it was a temporary situation. He noted that it took time to plan for a change in fuel sources, and therefore planning should commence right away. He said the report covered topics related to oil dependency and provided recommendations for mitigation and adaptation.

Areas explored in the report included economic context, municipal services, transportation, land use, housing and sustenance. Rollo said that the Economic Context section, authored by Gary Charbonneau, noted the economy had an underlying assumption and reliance on growth. He said that in the previous two decades, globalization had occurred which increased demand of long distance transport. He asserted that 95 percent of transportation had been oil dependent, and an important adaptation would be a re-localization of needs. He said the task force was interested in the energy input for food production.

Rollo acknowledged Peter Bane's work in the Sustenance portion of the report. Bane examined the region and found that much could be done to foster regional self-reliance in food production. Rollo noted that he and Council Assistant Administrator / Researcher Stacy Jane Rhoads found several significant vulnerabilities in municipal services. He said that ideally, the City could implement complete reliance on alternative energy. He credited the administration with having taken efficiency and conservation measures, but noted that more needed to be done.

Rollo said there was concern for low income residents who took public transportation. He said they might begin to pay a significant portion of their wages in order to afford this transportation in the future if it continued to rely on gasoline for fuel. He offered that the implementation and use of rail was encouraged.

Rollo said the topic of Housing was explored by Stephanie Kimball and Clay Fuqua in the report. He summarized that the area's housing stock had vulnerabilities which were typical of the nation – low efficiency, with a predominance of large units created in the age of cheap energy. He said retrofitting for efficiency could feasibly reduce energy use by 5% per year and shield residents from future energy price shocks.

He noted also that Land Use of the previous 60 years had been characterized by the creation of an energy-intensive built environment and would have to be modified to bring residents closer to where they worked and shopped. He said this could be done by modifying present zoning restrictions, and through good public and alternative transportation.

Rollo said there were many recommendations within the report, and although time constraints of the evening didn't allow him to go into great detail, he wanted to be sure the following information was noted for the record.

Rollo said Bloomington was a community embedded within a society that was extremely dependent on imported energy– some two thirds of oil was imported.

Resolution 09-18 (cont'd)

He said it was recognized that shortages and rationing could ensue as depletion proceeded. In preparation, he said, the community should begin a considered and calculated powering down of liquid fossil fuel reliance.

He said it was the hope of the task force that communities across the country began their own energy descent planning, in lieu of inaction at the federal and state levels. He noted that inactivity might change on those levels, but it wouldn't be prudent to wait and see if they would. He said it was sensible to plan less usage of liquid fuels, effective immediately.

He noted the task force recommended a five percent yearly reduction of oil consumption in order to anticipate the natural, geologically imposed rate of decline. He said there were other aspects associated with decline that could make things better or worse. Rollo said that some exporting countries recognized oil left in the ground might be more valuable than the current commodity price. He said they may cut back on exports, or consume more themselves, since the balance of trade would be in their favor and thus their economies would fair better.

Rollo asserted that many factors could alter the rate of decline in availability of petroleum. These included strength and confidence in the dollar, the role of technology (good and bad), the role of so-called unconventional oil, possible discoveries of new, large fields, and the need for new investment in exploration and recovery.

He declared that these were very serious matters, but the Peak Oil Task Force Committee was hopeful, and in fact, envisioned a community that remained prosperous and resilient. Rollo noted, as stated in the report's *Introduction*, the group's recommendations were guided by the following principles:

- Sustainability: Recommendations should foster environmental integrity, equity and economic health. They should also be more than short-term fixes.
- Actionability: Recommendations must be specific and be "implementable." Toward this end, the Task Force organized its work into goals and strategies which are best implemented in short, medium or long-term.
- Conservation-Focused: While places in the report focus on new energy sources and greater efficiencies, the report's overwhelming call is for conservation. We can work on demand side measures to energy scarcity, and in many ways, we will find that we are better off for doing so, and we will save our government and community money in the process.

Rollo concluded by saying the committee hoped that this report would prove useful in the years ahead. He added that this was certainly not the final word on peak oil, but it was hoped that the report would begin community dialog on setting this process into motion.

INCLUSION OF EXECUTIVE SUMMARY INTO MINUTES

It was moved and seconded that the Peak Oil Task Force Report Executive Summary be incorporated into the minutes of this meeting.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Satterfield).

(Note: Executive Summary is included in full at the end of the minutes)

Resolution 09-18 (cont'd)

Rhonda Baird, permaculture teacher and designer, said she wanted to define 'permaculture' for the council. She noted it was an ethical system of design for integrating humans with their environment. She said this system of design was applicable for homes and also regions. Baird said the practices and skills available through permaculture were relevant to all aspects of the Peak Oil Task Force report. She said she supported the report and encouraged council members to do the same.

Mike Tosick, member of the Environmental Commission, said that Councilmember Rollo had attended some of their meetings to explain the contents of the Peak Oil Task Force report. Tosick commended the task force on a thorough and well-written document which included action items.

Buff Brown said that he had read some of the report and was very impressed with it. He thanked those who volunteered their efforts to compile the report.

Councilmember Volan said he was also impressed with the thoroughness of the document. He thanked Councilmember Rollo for his efforts in helping to produce the report. He said he would support the resolution.

Councilmember Satterfield said he was confused and had not meant to vote "pass" on the motion that the Peak Oil Task Force Executive Summary be incorporated into the minutes of this meeting. He said that he found certain aspects of the report to be valuable. Satterfield said that he thought conversion in any direction over a short period of time was expensive. He said he believed the citizen action portion of the report was a big part of the education process.

Satterfield noted he had trouble deciding whether he thought the task force had taken on to much or not enough. He said there were some significant areas that he felt had not received enough attention. Satterfield questioned Indiana University's role in a post-peak Bloomington. He said the report suggested enrollment could increase, but he thought that it would in fact have a negative effect. He noted that he also thought population change needed more attention in the report.

Satterfield said he recognized the expectations and efforts of the volunteers involved with the report. He thanked all for their efforts. He said he thought some of the ideas were great and that others he did not feel comfortable endorsing. He said he could not support the resolution in its entirety but thanked Councilmember Rollo for his efforts, and encouraged him to continue pursuing his work in this area. Satterfield said he did not oppose the non-binding resolution, but could not endorse it for reasons previously stated.

Councilmember Piedmont-Smith thanked volunteers for making the report possible. She said was impressed with the document, and was pleased that some ideas noted in the Executive Summary were already in progress. She noted the Economic section advocated promoting economic re-localization. She said an initiative was recently underway to highlight and support locally owned businesses.

Piedmont-Smith said that in 2010 there would be a request from the Utilities department to expand the water treatment plant. She said serious consideration should be given in linking that to a renewable energy back-up plan involving hydro-electric and solar energy. She said there was much experience and resources in Bloomington to spread the use of urban gardens. She said that land use and housing were areas that needed to be reexamined and better planned for in the future.

Resolution 09-18 (cont'd)

Piedmont-Smith said the report gave a lot to digest and to move forward with in the years to come. She said she was pleased to support the report.

Councilmember Wisler stated that he did not agree with all the recommendations of the report. He said he was sure there would be spirited debate on the policy side of the issues. He said he felt the report was a worthwhile effort, and a number of the concepts in the report were important to look at as a council. He added that he felt some opportunities were missed in terms of economic recommendations. He said he found certain aspects of the report to be very realistic, including the mention of local currency. Wisler said he thought that overall the document was well put together and he would support the resolution.

Councilmember Mayer thanked the task force for their work, and appreciated that it had taken a great deal of time. He said the emphasis on conservation was the most important part of the document for him, as he believed in and practiced conservation. He said that there had been discussion on rail, and that he supported a rail system because it allowed for much more to be transported than with motor vehicles. He said that growing up on Long Island he witnessed how the railway had promoted economic growth. Mayer speculated about how a rail system in Indiana would affect the state.

Councilmember Sandberg said she had seen some negative response to the report and resolution in the newspaper. She said that adopting the resolution was good policy because ideas that would be implemented would help citizens save money and create jobs. She said it was not in fact 'doom and gloom' but that the report and resolution were uplifting in preparing for societal changes in the future. She thanked the task force for their work.

Councilmember Rollo said he looked forward to continuing this work with his colleagues. He thanked the council and Mayor for their efforts and support of the task force. He said that in the two years that the task force had been working to put together the report, they had become like family. Rollo added that he felt the report would rank high on the list of documents that guide the city. He extended a special thanks to Council Assistant Administrator / Researcher Stacy Jane Rhoads for her large and significant contribution to the report, as well as to Council Administrator/Attorney Dan Sherman for his continued presence and advice. He also thanked Transition Bloomington and the Environmental Commission for their support.

Councilmember Volan said he wanted to address a fear that Councilmember Satterfield had in regards to the report. Volan said that he believed Indiana University would indeed continue to be prosperous because, historically when the economy was bad, people went back to school. He said that in Indiana University's nearly 200 year history, there had never been a decrease in the enrollment of students. He said he believed many students were coming from areas less dense than Bloomington and would learn and benefit from policies put in place by the City.

Councilmember Ruff said it had recently come to his attention that many people moved to Bloomington from places such as California because they assessed the city as a smart place to live for geographical and societal reasons. He explained that people wanted to be a part of the community because of the way in which its people worked together efficiently and progressively. Ruff asserted that the task force had come together in this very spirit, for purely civic purposes.

Resolution 09-18 (cont'd)

Ruff said he thought the task force produced a world class product at a local level. He added that he saw the report as supporting a healthier, more sustainable and humane future. He noted that it was possible to redefine prosperity in a way that would enhance the quality of the living experience globally. Ruff joined the other council members in thanking the task force and staff for their efforts on the report.

Councilmember Rollo added that he wanted to thank Merridee LaMantia for her design work on the cover of the report, which he noted had undergone several changes as the result of incorporating many different ideas.

Resolution 09-18 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Satterfield).

Resolution 09-21 Recognizing the Twenty-Fifth Anniversary of the Bhopal Disaster and Calling for a Report on Extremely Hazardous Substances Previously Released into the Local Environment

It was moved and seconded that Resolution 09-21 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation on this item.

It was moved and seconded that Resolution 09-21 be adopted.

Councilmember Volan asserted that water flowing through a pipe at a factory 25 years previously in Bhopal, India, triggered the greatest industrial disaster in human history. He said the pipe was supposed to be empty but instead held about 125 gallons of water. Volan called upon Saurabh Ajmera, president of the local chapter of the Association for India's Development, to explain the events associated with the Bhopal disaster of December 1984.

Saurabh Ajmera said that Bhopal, located in the province of Madhya Pradesh, India, was a 1000 year old city. He explained that it was home to about 1 million people and was full of beautiful Hindu and Muslim architecture. He presented some images of Bhopal, but said it was hard to find photos of Bhopal that were not related to the disaster that happened there. The Union Carbide Factory in Bhopal produced a pesticide that included the toxic chemical methyl isocyanate (MIC). He said that on December 2, 1984, a large amount of water accidently flowed into a tank that contained 42 tons of MIC.

Ajmera said that MIC was highly reactive when mixed with water, and the result was a toxic gas, heavier than air, which formed a poisonous cloud. The toxic cloud was so dense that it nearly blinded people as they suffocated from its fumes. Ajmera said survivors recounted running away from the cloud, unaware of what was happening, with others falling all around them.

In the first 24 hours, Ajmera said 2000 people died. He said the consensus of the number of casualties one week after the disaster was 20,000. Ajmera stated that the Students for Bhopal organization claimed even 25 years after the disaster, one person died every day as a result of injuries sustained from the events of December 2, 1984.

Ajmera noted that the American company Union Carbide, India Limited owned the factory with 51 percent of its shares, and had begun using the chemical MIC in 1979. He said the company chose that chemical over a cheaper and less hazardous chemical. He said they stored it in large tanks to save money, when it would have been safer to store the chemical in smaller amounts.

Resolution 09-21 (cont'd)

Ajmera stated that Union Carbide was negligent in their handling of the situation before, during, and after the disaster. He asserted that in 2001, Dow Chemical bought Union Carbide's assets and Dow-Carbide had abandoned the site and consistently denied responsibility for its cleanup. Ajmera said the disaster was made worse by a lack of emergency procedures, and that the Indian government was partially to blame.

Ajmera noted that 40 inches of rain fell per year in Bhopal, and the ground water mixed with toxins in the soil, thereby polluting its wells and lakes. A Green Peace study conducted in 2002 cited chloroform, lead and mercury as being present in the milk of Bhopal's nursing mothers, Ajmera said. He added that tens of thousands of people continued to be affected by the disaster, including children born after the fact, and gave examples of some of these children. Ajmera asserted that there were two disasters affecting the people of Bhopal. The first happened on December 2, 1984, and the second was the toxic soil that continued to pollute the ground water, injuring and causing birth defects for thousands of others.

Ajmera said the International Campaign for Justice in Bhopal (ICJB) was created to help those affected by the disaster. He outlined the goals of the ICJB, including that DOW officials would face trial for their negligence, provide long-term health care for the people of Bhopal, clean up the poison, and provide economic and social support.

Ajmera noted that he had never been to Bhopal, but that he was concerned for its people and ashamed of the government's handling of the situation. He said Bloomington wasn't unlike Bhopal in that the city had also dealt with corporate irresponsibility and toxic waste. He said Bloomington passed an ordinance three years previous, in which the council had decided to take on sustainability issues such as this. Ajmera noted that the people of Bhopal, India, did not have the advantage of a similar ordinance. He said the message of ICJB was "no more Bhopals." He explained that he was inspired by people from Bhopal whom he had met, who began advocating for change there at a young age. Ajmera noted that with this resolution, the council had the opportunity to make their voices heard on the important matter.

Councilmember Volan noted that he had been attending university at the time of the Bhopal disaster. He said his campus held an academic seminar on the tragedy, and he never had forgotten the lessons he learned from it. Volan said that at the nearing of the 25th anniversary of the disaster, he began wondering what would happen if toxic substances were released in a place like Bloomington as a result of a natural disaster. It was in researching this that he learned Congress had passed the Emergency Planning and Community Right to Know Act (EPCRA) in 1986 in response to the tragedy in Bhopal.

Volan said that the Bloomington Township Fire Chief was in charge of dealing with extremely hazardous substances (EHS) on a local level.

Faron Livingston, Bloomington Township Fire Chief, introduced himself and said that he had been a firefighter for 35 years. He said he was in charge of the Hazardous Materials Response Team (HMRT), which included the Indiana counties of Monroe, Brown, Bartholomew, Lawrence, Orange, Washington and Jackson. He said the HMRT was organized by the federal government after the Bhopal disaster. Livingston said that he and others had heard about what happened in Bhopal and intently watched documentaries to help determine what steps could be taken should they be confronted with a similar situation.

Resolution 09-21 (cont'd)

He said that EPCRA was very important, and commended the federal and state governments for creating a comprehensive plan involving several agencies in the event of a hazardous substance emergency.

Councilmember Volan asked Livingston how people would know if corporations were housing toxic materials locally, and what they were. Livingston said that due to the Tier II section of the EPCRA, corporations were required to release this information to him on an annual basis. Volan asked Livingston to explain what Material Safety Data Sheets (MSDS) were. Livingston responded that they were required for all chemicals. Each sheet listed the molecular structure of the given chemical, correct first aid procedures if exposed to the chemical, contact information of the chemical's manufacturer, and the phone number to call for more details.

Volan wondered what the trend was for the number of HMRT runs annually. Livingston said that his team had seen an increase in 2001, but that the number of runs had been decreasing since then. He added that he believed this was due to stronger enforcement by government offices such as the Environmental Protection Agency. Volan questioned Livingston as to how HMRT would handle various disaster scenarios. Livingston said that if there was a major disaster, plans were in place that would progressively involve agencies from the local to federal levels.

Councilmember Volan said that the legacy of Polychlorinated biphenyls (PCBs) had loomed large over Bloomington for decades. He noted that he hadn't been sure of what all the problems were in relation to PCBs. He said that the main action of Resolution 09-21 called for the development of a report which summarized the state of all toxins released into the Bloomington environment, where they might be found, the degree of danger they posed, remedies for the toxins, and how much remediation had been done to date. He said it was important to collate information that was already known, but was spread out through many offices and people.

Volan asserted that the City's Environmental Commission was the logical body to take on this report, as they had experience compiling similar reports. He said the formatting of the report would be left to their discretion, but it was to be completed by the 26th anniversary of the Bhopal disaster.

Volan continued by saying that, although India was far away, Indiana had received its name from the mistaken notion that it was India. He said Bloomington also had a history with toxins, and so for these reasons it was appropriate to mourn the victims of Bhopal. He said Councilmember Rollo's sustainability ordinance had led the way for this resolution, and he was proud that Rollo was co-sponsoring Resolution 09-21 .

Volan noted that the legislation addressed past wrongs and the legacy of human activity which inspired the pursuit of sustainability. He stated that those responsible for polluting the environment should be made to clean it up, in order for sustainability to occur. Volan thanked Phaedra Pezzullo, the Environmental Commission, Council Attorney/ Administrator Dan Sherman, Fire Chief Faron Livingston, and for their involvement with the resolution.

Mike Tosick, of the Environmental Commission, said that they had agreed to take on the responsibilities outlined in the resolution. He said the commission anticipated forming a committee on the issue of toxins in Bloomington in order to produce the report.

Resolution 09-21 (cont'd)

He said the volunteer group would initially focus on toxins in the city, followed by the county if they were able.

Tosick said the commission and Mayor's office were concerned that a report might affect private property values and liability for Bloomington residents, which they did not want to see happen. He noted that it was an issue which would be navigated through ongoing talks with the Mayor's office. Tosick added that the commission looked forward to their involvement as stated in the resolution, and that he was personally touched by the presentation on the Bhopal disaster.

Councilmember Piedmont-Smith asked what would be the temporal scope of Environmental Commission's report. Councilmember Volan responded that they weren't concerned with toxins that had long been removed, only with ones that were still present in the environment.

Councilmember Satterfield inquired about how disputes over claims of toxins present would be handled. Volan responded that the report was not envisioned in order to conduct new research, but rather to compile information that already existed from several bureaus into a cohesive report.

Satterfield wondered who was the intended audience of the report, and if it was intended for public safety agencies. Volan said the report was to notify the community as to the toxins present, in order from most hazardous to least.

Rollo said he wanted to clarify comments made by Chief Livingston. He asked if the list of toxins that companies were required to release as a result of EPCRA, was monitored by any outside entity. Livingston said it was balanced by emergency management agencies and the state, which sent inspectors to companies for verification.

Suresh Marru, Senior Research Scientist at Indiana University and Faculty Advisor of the Association for India's Development, said he wanted to thank Councilmember Volan and his colleagues for considering the resolution. He noted that Bloomington had the opportunity, as other American cities had done, to put pressure on Dow Chemical to take responsibility for Bhopal. He said the resolution would have a broader scope because it would be a progression towards other corporations being held accountable for their toxic footprints globally.

Community member Christine Glaser said she supported the resolution's efforts to reveal toxins within the community. She said she believed the City had shied away from revealing toxins in the past because of concerns over affecting property values. Glaser said she wanted to tie this resolution with the Peak Oil Task Force's recommendation to increase urban agriculture. She noted that citizens should be made aware of the presence or lack of toxins in a particular area where they wished to plant a garden.

Glaser added that, even with safety plans, she felt there were dangers in hazardous chemicals being present in the environment. She asserted that whether or not they exploded, they were released into the environment through the products for which they were made. Glaser advocated for sustainable alternatives to toxic chemicals.

Councilmember Piedmont-Smith thanked Councilmember Volan for his efforts on the resolution and for bringing the issues to the council's attention.

Resolution 09-21 (cont'd)

She noted that she was saddened by what had transpired in Bhopal, and felt the resolution was a step in the right direction in terms of informing Bloomington's citizens about what was present their environment. Piedmont-Smith thanked the Environmental Commission for taking on the task of creating a report, and she said she would support the resolution.

Councilmember Volan said he had worked on the legislation for months and hadn't set out to condemn anybody, but the story of Bhopal spoke for itself. He noted that only through great attention to the environment could another disaster similar Bhopal's be prevented. He again thanked the Environmental Commission and others, offering his continued assistance to them.

Councilmember Rollo thanked the Students for Bhopal for their advocacy in fighting for solutions to the ongoing problems caused by the disaster. He said the continued injustices in Bhopal were incomprehensible. Rollo noted that he hoped justice came soon for the people affected. He said he appreciated how Councilmember Volan had tied what happened in Bhopal to the legacy of toxins in Bloomington.

Councilmember Ruff thanked those who had come from the community to speak on behalf of the resolution. He said what happened in Bhopal was an unfortunate example of the costs associated with the use of hazardous materials. Ruff thanked Chief Livingston for his reassuring comments on Bloomington's emergency preparedness.

Resolution 09-21 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 09-06 (Amended by Substitution) To Amend Title 15 c the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Containing Most of the Provisions Proposed in Ordinance 09-06 When Tabled on April 15th and Which Affect One-Way Alleys, Various Parking Regulations, Crosswalks, and Penalties)

It was moved and seconded that Ordinance 09-06 be taken from the table (where it was placed on April 15, 2009). The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

MOTION: It was moved and seconded that Ordinance 09-06 be amended by adopting Ordinance 09-06 Amendment by Substitution as revised in the memos and materials presented at the meeting.

Council Attorney/Administrator Dan Sherman said Ordinance 09-06 was tabled earlier in the year because there were provisions within it that were not ready for final action. Sherman said those provisions had been removed from the current version of the ordinance. He summarized the changes for the council.

Councilmember Piedmont-Smith said that she and her constituents had been concerned with traffic incidents involving pedestrians on the Indiana University campus. She asked Susie Johnson, Public Works Director, to brief the council on related conversations she'd had with IU officials. Johnson said she was part of a task force that reviewed safety concerns around the campus. She added that they had identified a few trouble areas, and would be making crosswalk improvements. Johnson noted that representatives from IU's student population were involved in the task force, and that their report could be found on the IU Provost's website.

Councilmember Wisler said he believed the changes to Ordinance 09-06 were good, and it would be an easy ordinance to support.

Councilmember Satterfield thanked everyone for their patience, as he was the person who had called to table the ordinance.

Councilmember Sturbaum noted that discussion on Ordinance 09-06 had been brief, and the evening's schedule could have been better arranged so that Susie Johnson wasn't obligated to stay for hours to comment on this item.

Ordinance 09-06 (cont'd)

Councilmember Volan apologized to Johnson for any inconvenience that staying through the long meeting might have caused her. He said that in the future he would like to see an ordinance such as this be broken down into a few smaller ordinances, so that the issues might be managed in a more timely fashion. Volan added that he would like for Bloomington to implement more crosswalks, and he supported the ordinance.

MOTION: It was moved and seconded that Ordinance 09-06 be amended by adopting Ordinance 09-06 Amendment by Substitution as revised in the memos and materials presented at the meeting.

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

Ordinance 09-06 (Amended by Substitution) To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Containing Most of the Provisions Proposed in Ordinance 09-06 When Tabled on April 15th and Which Affect One-Way Alleys, Various Parking Regulations, Crosswalks, and Penalties)

ACTION: Ordinance 09-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 09-23 To Amend Title 4 of the Bloomington Municipal Code Entitled "Business Licenses and Regulations" (Adopting Chapter 4.26 entitled, "Velocabs")

Ordinance 09-23

Ordinance 09-24 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Adding BMC 2.23.090 Establishing the Bloomington Commission on Aging

Ordinance 09-24

Ordinance 09-25 To Amend Ordinance 09-13 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2010 - Re: Reflecting Collective Bargaining Agreement Affecting Positions in the Fire Department

Ordinance 09-25

Michelle Cole said that the Broadband Technology Opportunities Program (BTOP) had reviewed the traffic report that Susie Johnson referred to earlier in the meeting. Cole said they were concerned that no effort would be made to educate motorists that it was their responsibility to yield to pedestrians when they stepped into the street. She suggested inserting more signs that indicated that drivers should yield before crosswalks.

PUBLIC INPUT

The meeting was adjourned at 10:38 pm.

ADJOURNMENT

APPROVE:

Andy Ruff, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington