

AGENDA
COMMON COUNCIL SPECIAL SESSION
7:30 PM, WEDNESDAY, MARCH 25, 1987
COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES FOR MARCH 4, 1987
- IV. REPORTS FROM:
 - 1. COUNCILMEMBERS
 - 2. THE MAYOR AND CITY OFFICES
 - 3. COUNCIL COMMITTEES
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

VII. FIRST READINGS:

- 1. Appropriation Ordinance 87-3 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Economic Development Program)
- 2. Ordinance 87-12 To Approve an Outline Plan for a Planned Unit Development (Re: Rogers Street and Ladd Avenue, Ron Rubeck)
- 3. Ordinance 87-13 To Amend the Zoning Map from RL and RS to ML/PCD and Approve an Outline Plan for Planned Commercial Development (Re: 4140 Vernal Pike, Dunn/Ferguson)
- 4. Ordinance 87-14 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Misc. Traffic Amendments)
- 5. Ordinance 87-15 To Amend the Bloomington Zoning Maps from RH to BA Re: 1931 N. Dunn Street (Varsity Villas Corporation, Petitioner)

VIII. PRIVILEGE OF THE FLOOR (This Section of the Agenda will be limited to 45 minutes maximum, with each speaker limited to five minutes.)

IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, March 25, 1987, at 7:30 P.M. with Council President Pro-Tem Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
MARCH 25, 1987

Service gave the agenda summation.

AGENDA SUMMATION

Roll Call; Service, Porter, Register, Olcott, Gross, Foley, Murphy, Young. Absent: Mayer.

ROLL CALL

The minutes of March 4, 1987 were approved by voice vote.

APPROVAL OF MINUTES

Olcott said he was hoping for a "wonderful weekend: (NCAA Basketball Tournament). Murphy said this was the I.U. student's quest to destroy downtown Bloomington. Murphy also expressed concern about the recent attacks upon women and the coverage given by the local press. The administration might want to reassure the public that everything possible is being done.

MESSAGES FROM
COUNCILMEMBERS

Service called attention to the HOOSIER 88 Celebration stone carving in the Council Chambers

Mayor Allison said the sculpture was donated by the Bybee Stone Company commemoration the Limestone History in our area. Regarding the personal attacks on women in the area: Allison emphasized the Crimestoppers Program and hoped that everyone could work together to make the streets safe.

MESSAGES FROM
MAYOR

Glenda Morrison, from Redevelopment Department, said the summer paint program for low-moderate income homeowners will begin soon.

DEPARTMENT MESSAGES

Tim Mueller presented an update on the Metropolitan Planning Process, defining the various aspects of the plan. The TIP (Transportation Improvement Program) has three components: The Plan, The Capital Plan and the Process. The Plan shows various links between areas. It isn't a capital plan and it allows regulating tracts along existing streets up to and including 100 ft of Right of Way necessary for street expansion. A good example of this is the College Mall area where the developer built and dedicated the service drive areas. The Capital Plan is a major pre-condition for federal aid and the plan must be certified in order to qualify for that federal aid. The third component is cooperation and process. Within the municipal planning area all federal monies come from the same pot and a monetary rationing process tells us that the many demands will make money scarce. The process has given us a capital improvement plan and has enabled us to perceive the real priorities and to select the best proposals in the outlying areas.

It was moved, seconded, and approved that Susan Eberle be reappointed to the Housing Quality Appeals Board and that Stacey Davidson be appointed for a two year term.

It was moved and seconded that the following ordinances be introduced and read by title only for first reading by the Clerk. Clerk Williams read the ordinances by title only.

LEGISLATION FOR
FIRST READING

Appropriation Ordinance 87-3 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Economic Development Program)

Ordinance 87-12 To Approve an Outline Plan for a PUD re: Rogers St. and Ladd Avenue)

Ordinance 87-13 To Amend the Zoning Maps from RL and RS to ML/PCD and Approve an Outline Plan for PCD re 4140 Vernal Pike.

Ordinance 87-14 To Amend Title 15 of the BMC Entitled "Vehicles and Traffic"

Ordinance 87-15 To Amend the Bloomington Zoning Maps from RH to BL re 1931 N. Dunn St.

Joe Loop read a series of questions that he submitted to the Clerk on Monday, March 23, 1987 and requested that the Council respond by April 1, 1987. A signed copy was presented to the Clerk and is attached to said minutes.

PETITIONS FROM
PUBLIC

Murphy expressed gratitude to the Monroe County Election Board for their unanimous decision that the Republican Party be on the 1987 Primary ballot.

ADJOURMENT

The meeting was adjourned at 8:15 P.M.

APPROVE;

Timothy Mayer
Timothy Mayer, President
Bloomington Common Council

ATTEST;

Patricia Williams
Patricia Williams
Clerk, City of
Bloomington

Joe Loop
3035 Rockport Road
Bloomington, Indiana 47401

March 23, 1987

Questions to the Bloomington City Council concerning the \$900,000.00 rental of the Winston-Thomas Facility

Enclosed are letters which I have previously sent to the Bloomington City Council and Utilities Service Board. The letters provide background information for the questions which need to be answered. All indications are the \$900,000.00 is not rental and is a misrepresentation that serves only to protect Westinghouse from an admission of liability. The citizens of our community are the victims of this misrepresentation.

Please answer the following questions:

1. Do you agree that if the City of Bloomington and Westinghouse falsely represented to the citizens of this community that \$900,000.00 was rent when, in truth, it was reimbursement of attorneys' fees incurred by the City of Bloomington and that this was misrepresented as rent to protect Westinghouse from an admission of liability, the Consent Decree must be set aside in that the public trust has been breached?

Your answer:

2. Other than paragraph 65 of the Consent Decree, are there any documents which explain the provisions of the lease?

Your answer:

3. Who calculated the \$900,000.00 rental figure?

Your answer:

4. How was the \$900,000.00 rental figure calculated?

Your answer:

5. Before the Consent Decree was approved, did anyone represent to any city official that the \$900,000.00 rental figure was reimbursement of attorneys' fees incurred by the attorneys for the City of Bloomington in its litigation against Westinghouse?

Your answer:

6. After the Consent Decree was approved, did anyone represent to any city official that the \$900,000.00 rental figure was reimbursement of attorneys' fees incurred by the attorneys for the City of Bloomington in its litigation against Westinghouse?

Your answer:

7. Does anyone have information that the \$900,000.00 rental payment is a fraud and was used to prevent Westinghouse from being cloaked with an admission of liability by paying attorneys' fees incurred by the City of Bloomington?

Your answer:

8. Under what conditions are attorneys' fees recoverable in a lawsuit such as the one filed by the City of Bloomington against Westinghouse - must fraud and/or misrepresentation be proven?

Your answer:

9. If the \$900,000.00 rental payment is reimbursement of attorneys' fees, could the City be sued for liability in the future if there is a claim for damages arising out of the use of the Winston-Thomas Facility because there is no valid lease?

Your answer:

10. Who negotiated the \$900,000.00 rental figure on behalf of the City of Bloomington and who negotiated on behalf of Westinghouse?

Your answer:

11. If the \$900,000.00 figure is not rent, is Bloomington perpetrating an injustice on its citizens by aiding and abetting Westinghouse in avoiding an admission of liability?

Your answer:

12. Was the \$900,000.00 rental figure ever explained to the Bloomington City Council before the Consent Decree was approved? If so, when, by whom, and what was said?

Your answer:

13. Did the Bloomington Street Department ask the City of Bloomington if they could continue to dump leaves at the Winston-Thomas Facility and was the request denied because of possible pollution of the leaves by PCBs?

Your answer:

14. What is the fair market value of the Winston-Thomas Facility land to be used by Westinghouse?

Your answer:

15. How does the cancer risk from PCB air levels at the Winston-Thomas Facility compare to the cancer risk from PCB air levels at Lemon Lane?

Your answer:

The issues which I have raised in my letters previously sent to the Utilities Service Board and the Bloomington City Council are important to me and I must assume if my position is correct are important to you.

\$900,000.00 is a large amount of money by any standard.

One reason for settlement of the litigation with the Consent Decree was to avoid future litigation expenses and to be reimbursed expenses incurred to date. The problem developed in that Westinghouse could not reimburse attorneys' fees without an admission of liability on the allegations of the City of Bloomington.

Truth and justice were buried when the Consent Decree misrepresented reimbursement of attorneys' fees as rent.

The City of Bloomington got what it wanted with respect to the litigation that had been filed, but without the reimbursement of attorneys' fees being stated in the Consent Decree and the implied admission of liability by Westinghouse the citizens of this community were victimized and betrayed by their own elected officials.

I assure you that I will persist until all of these questions are answered fully and completely. If the questions are not answered, I will take this issue to another forum.

If the Bloomington City Council did not participate in deliberately and falsely representing reimbursement of attorneys' fees as rental, there is no breach of trust

by the Council. However, continued refusal to deal with this critical issue at this critical time will place the Bloomington City Council in a PCB-gate cover-up.

I expect your answers at the council meeting on Wednesday, March 25, 1987, with written answers in the spaces provided to follow within seven days.

(Joe Loop)

AGENDA
COUNCIL COMMITTEE OF THE WHOLE
7:30 PM, WEDNESDAY, MARCH 25, 1987
(Immediately Following Council Meeting)
COUNCIL CHAMBERS

1. Appropriation Ordinance 87-3 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Economic Development Program)

Asked to Attend: Thayr Richey, Economic Development Director
Betty Merriman, City Controller

2. Resolution 87-4 To Designate the Property Located at 116 South Walnut Street (and two vacated alleys) as an Economic Revitalization Area (CFC, Inc., Petitioner)

Asked to Attend: Glenda Morrison, Redevelopment Director
Representative of Petitioner

3. Ordinance 87-12 To Approve an Outline Plan for a Planned Unit Development Re: Rogers Street and Ladd Avenue (Ron Rubeck)

Asked to Attend: Tim Mueller, Planning Director
Representative of Petitioner

4. Ordinance 87-13 To Amend the Zoning Map from RL and RS to ML/PCD and Approve an Outline Plan for Planned Commercial Development Re: 4140 Vernal Pike (Dunn/Ferguson)

Asked to Attend: Tim Mueller, Planning Director
Representative of Petitioner

5. Ordinance 87-14 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Misc. Traffic changes)

Asked to Attend: Dean Behnke, City Engineer
Tricia Behrens, City Attorney

6. Ordinance 87-15 To Amend the Bloomington Zoning Maps from RH to BA Re: 1931 N. Dunn Street (Varsity Villas Corp., Petitioner)

Asked to Attend: Tim Mueller, Planning Director
Lynn Coyne, Attorney for Petitioner