

AGENDA

COMMON COUNCIL REGULAR SESSION

7:30 PM, WEDNESDAY, APRIL 6, 1988

COUNCIL CHAMBERS

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR MARCH 23, 1988

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

1. Ordinance 88-11 To Amend Chapter 15.32.120 of the Bloomington Municipal Code to Delete the Designation of an Official Vehicle Zone in Schedule R and Substitute Another
2. Ordinance 88-12 To Amend Title 17 of the Bloomington Municipal Code Entitled "Construction Regulations"
3. Resolution 88-9 To Request that the Fell Iron and Metal Site be Included in the Consent Decree, and to Request that the Cost of Prior Cleanups of PCB's at Fell Iron Also be Included in the Consent Decree
4. Resolution 88-10 To Recognize the Month of April as Child Abuse Prevention Month and to Welcome SPIDERMAN

VII. FIRST READINGS

1. Appropriation Ordinance 88-2 To Specially Appropriate From the General (Public Works), Local Road and Street and Police Continuing Education Funds, Expenditures not Otherwise Appropriated

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, April 6, 1988, at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 6, 1988

Roll Call: Kiesling, Hogan, Olcott, Service, Young, Fernandez, White, Register. Absent: Gardner.

ROLL CALL

Service gave the agenda summation.

AGENDA SUMMATION

The minutes of March 23, 1988 were approved by a voice vote.

APPROVAL OF MINUTES

Kiesling reported on the last Plan Commission meeting on March 28 in which Lake Griffy was discussed, in which she recommended the formation of a City-County committee to deal with the Lake Griffy area entire watershed area, since the Lake Griffy management plan of several years ago dealt just with the lake. The proposal was defeated but she still thought the committee should be formed.

MESSAGES FROM
COUNCIL MEMBERS

White thanked the fire fighters from Station#4 with whom he spent 24 hours a weekend or two ago.

Service announced that Arbor Day was Friday, April 8 at 12:00 Noon in Bryan Park. She commented that she had had a number of comments about the Campbell House being preserved and urged anyone with this concern should make their ideas known (Campbell House is owned by the First Christian Church on East Kirkwood)

The Mayor promised that speeches at the Arbor Day festivities would be short this year, she reminded people that this is CDBG Week and read a proclamation for Glenda Morrison. Glenda then presented a slide show highlighting the Redevelopment Department's use of CDBG monies.

MESSAGES FROM
MAYOR

Service reported that PCB Site Search Committee had agreed to turn over their findings to the USB and the Monroe County Health Board. The County has not yet allocated funds for this process and she urged them to take the steps necessary to begin the process.

It was moved and seconded that Ordinance 88-11 be introduced and read by title only. Clerk Williams read the ordinance.

LEGISLATION FOR
SECOND READING
ORDINANCE 88-11

It was moved and seconded that Ordinance 88-11 be adopted. There was no committee report.

Jim Haverstock, representing Chief Sharp, made the request for the Official Vehicle Zone for the new Police Station. Haverstock said that when the police department moved to their new offices they took everything with them, desks, chairs, etc., but unfortunately they could not take their parking space with them. This corrects the problem.

The ordinance received a roll call vote of
Ayes:8, Nays:0

It was moved and seconded that Ordinance 88-12 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 88-12

It was moved and seconded that Ordinance 88-12 be adopted. There was no committee report.

No one was present from Engineering and Kathy Saunders explained that this ordinance was a matter of keeping us in compliance with recent statutory changes regarding Title 17. Hogan objected to the automatic changes from now on that this ordinance authorized. He thought that each change should at least have a hearing before the council.

The ordinance received a roll call vote of
Ayes:7, Nays:1 (Hogan)

It was moved and seconded that Resolution 88-9 be introduced and read by title. Clerk Williams read the resolution.

RESOLUTION 88-9

It was moved and seconded that Resolution 88-9 be adopted.

Service read the resolution for the benefit of viewers watching and listening and said that a draft had been sent to David Himm, Vice-President of Fell Iron and that he had approved the resolution. He did express concern that if Fell Iron were included in the clean-up that it might not proceed as expeditiously.

David Schalk said that Westinghouse brought in PCBs from other areas but they were all found to have Westinghouse labels on them. He expressed concern about property owners who now face potential liability for the PCB findings on their property.

Chris Gardner gave a historical review of other PCB sites and discussions pursuant to their being included in the consent decree. He stressed the point the Joseph Karaganis said the consent decree would provide a framework to include other PCB sites. The consent decree provides site and character definition to be included. Westinghouse, the EPA, the attorneys are saying in response to criticism of the consent decree that the decree is designed to accomodate them. Now Westinghouse is balking about identifying the site and characteristics of new areas. We were told that we had local control. He informed the council that on May 8, 1987 Westinghouse sued a significant number of insurance companies for losses they have suffered due to environmental suits. "We need to get Westinghouse to live up to their promises," he said, and "invite them to help identify sites". Current property owners need to be protected from potential liabilities. We need to open the doors of the consent decree to pave the way for all sites to be included."

Service noted that all parties to the decree have to agree to any additional sites. Last year the common council and the Utilities Service Board passed similar resolutions trying to reiterate that, Yes, we want Fell Iron and Metal included and want the expense covered retroactively. "It wasn't their fault (Fell Iron) that Westinghouse dumped hazardous material on their property"

John Langley, PCB Coordinator for the City urged the Council, the USB and the Mayor to support this resolution. Langley said that the EPA ordered an immediate clean-up invoking Superfund monies, would send a bill and let everyone litigate about the cost. Fell will get cleaned up but there is no way it will be included in the consent decree, but will involve Superfund and just go around the issue. As a city government we cannot file a lawsuit. The County government through its health department may be able to pursue this.

Service said that the continuous "going around" process causes serious economic problems.

Fernandez asked if we are basically saying that if it will be skirted what hopes are there for the average citizen to deal with this problem.

David Schalk said that the USB should ask Judge Dillon to include Fell Iron in the consent decree. Langley concurred that it is frustrating, that CIRCLA is not always a very fair piece of legislation to deal with. He suggested that people write their congressman...it's all federal law.

Chris Gardner said that this community entered into an agreement and we have the ability to frame public opinion. We will have a new governor and a new president and we should cry foul at every opportunity when they (the government) avoid their obligations. Register asked who this document would be sent to and Service said "Everyone". Roll Call vote Ayes:8, Nays:0

It was moved and seconded that Resolution 88-10 be introduced and read by title only. Clerk Williams read the resolution.

RESOLUTION 88-10

It was moved and seconded that Resolution 88-10 be adopted. Service read the resolution.

Emily Wade said that on April 16, 1988, SPIDERMAN, would be visiting our community to alert people and make them aware of the terrible toll of child abuse; that last year alone there were 200,000 cases nation-wide of sexual abuse of children and 16 cases here in Monroe County.

Chris Gardner, representing Bob Miller said that as a society we are concerned about domestic violence, but that our focus is generally on the perpetrator. In areas of child abuse we need to pay attention to care and concern about the victims. MARVEL comics does a Spiderman series dealing with this issue and the Herald Telephone has agreed to publish it. L.S. Ayres was contacted and agreed to help promote the program sponsored jointly by the Prosecutor, the City of Bloomington, the Herald Telephone, Coach Knight will produce Public Service Announcements inviting children and parents to attend a gathering on Saturday, April 16 at College Mall. Children will have an opportunity to get free pictures, buttons, and coloring books about Spiderman. He will be at the Monroe County Public Library from 4-5 P.M. and on Sunday April 17 and Monday April 18 surrounding counties will also have curriculum events. "Child abuse is cyclical, child abuse is a breeding ground for more abuse, we must care about our kids", Gardner said.

Olcott thanked Gardner for his presentation.

The resolution received a roll call vote of Ayes:8, Nays:0

It was moved and seconded that Appropriation Ordinance 88-2 be introduced and read by the Clerk for first reading before the Common Council. Clerk Williams read the ordinance.

LEGISLATION FOR
FIRST READING

Appropriation Ordinance 88-2 To Specially Appropriate from the General (Public Works), Local Road and Street and Police Continuing Education Funds Expenditures not Otherwise Appropriated.

There were no petitions or communications from the public.

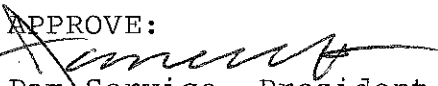
PETITIONS AND
COMMUNICATIONS

Olcott moved that the Council not meet next week.

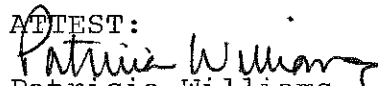
The meeting was adjourned at 8:50 P.M.

ADJOURNMENT

APPROVE:


Pam Service, President
Bloomington Common Council

ATTEST:


Patricia Williams
CLERK, City of Bloomington