

In the Council Chambers of the Municipal Building held on Wednesday, September 5, 1984, at 8:40 with Council President Gross presiding over a Regular Session of the Common Council. (Delayed time due to a public hearing on the Cable Ordinance and RFP immediately preceeding the regular council meeting).

COMMON COUNCIL
REGULAR SESSION
SEPTEMBER 5, 1984

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

ROLL CALL

President Gross gave the agenda summation.

AGENDA SUMMATION

Service called attention to the art work of Dorothy Thompson that is currently hanging in the council chambers. She also congratulated everyone involved with the 4th Street Festival.

MESSAGES FROM
COUNCILMEMBERS

Foley also thanked the coordinators of the 4th Street Festival for a job well done. Foley also hoped that the discussion of David Schalk's dismissal could be conducted in a constructive role with a constructive dialogue. He hoped that the Council and the public would keep that in mind.

Murphy announced that his mother, Dorothy Bedell has been appointed to the Florida Electoral College. He noted that there would undoubtedly be problems if Mr. Reagan won the state. Murphy shared his pride and affection for his mother, noting her influence on his life. He also echoed Foley's comments; more citizens than ever have expressed concern about the dismissal of Schalk. Murphy also expressed his concerns about the animosity that is being directed toward the Mayor regarding this matter. People are concerned about PCBs, the environment, and our utility system. These people are not extremists and are entitled to express their views and concerns. He quoted Jefferson, that "in the last analysis people are the repository of their own freedom" He urged people to listen to opinions and different points of view, and that is why he would be willing to sponsor a resolution urging the Mayor to reinstate David Schalk. This is not a popularity contest and Murphy noted that his responsibility is to his constituents. "When groups are not allowed to speak before this Council then we are not doing our job."

Young welcomed the students back to Bloomington.

There was no Mayoral message.

MESSAGES FROM MAYOR

Mike Andrews read the resolution that Murphy was referring to and noted that the Council is the only body available to the public for open dialogue. It is important, sometimes that personnel disputes become policy disputes, but when these disputes occur, it is important that there be some avenue of public input. There is an Orwellian feeling to it all when a city employee cannot discuss routine city business with the public.

PETITIONS AND
COMMUNICATIONS

David Schalk read a prepared statement to the Council. (That statement is attached). He made several recommendations and thanked the Council for their concern, saying that he had done his best to serve the city well.

Pete Tescione spoke on behalf of Schalk and said that he has received numerous calls from Utility employees because of harrassment and intimidating policies. The situation with Schalk has lowered morale and by firing the "point man" there is bound to be a chilling effect.

Tescione continued by saying that a segment of the community now feels disenfranchised. "There is a growing alienation with our city government and the only group between us is the Council"

Marc Haggerty urged the use of signs in areas where PCBs are located and very visible. He was angry about the secret meetings and angry that Micah Roseberry was being subjected to prosecution. She was on an environmental subcommission and had a right to be at that executive session. (Roseberry was arrested for refusing to leave an executive session at an earlier meeting).

Bruce Bundy expressed frustration with the whole process and said the EPA has been extremely critical of the State Board of Health in this matter.

Mic Harrison of INPIRG, introduced Ted Rubenstein who told the Council that last Sunday INPIRG passed a resolution urging the Mayor to reinstate David Schalk. Harrison said that it was morally right to reinstate Schalk because the level of confidence has been eroded and no other agency is available to protect us now.

Ralph Evans told the Council of his years of illness and no one can tell him definitely what is wrong. He too urged the Council to work toward reinstating Schalk. (Mr. Evans is a former employee of Westinghouse).

Pat Grey, who lives a few blocks from the dump, said that David Schalk was his friend. Grey said he has tried time and time again to talk with the Mayor. He pleaded with the Council to help him and his family.

Bill D'Amico said that solutions are being motivated by profit. "They say PCBs are not hurting people, I've gotten reassurances from Councilmembers that it will be cleaned up - it isn't happening".

Peter Coolidge said that the entire issue of toxic waste must be addressed -- the problem isn't just PCBs

JoAnne Fisk commented on the Schalk dismissal letter. She said that many people have called her about Rick Peoples, Mike Phillips and Paul Vermaaten and their policies. She said that Vermaaten has been responsible for at least three people leaving city employment. Fisk said there are federal laws prohibiting the firing of someone for looking for toxic waste. She quoted Mike Phillips from a meeting that she was present at, as saying, "I told David Schalk to stop testing for PCBs and he did not stop -- that's insubordination". Fisk then criticized the Lipkin-Fore report saying that Fore could not possibly be objective as he was a very close personal friend of Rick Peoples. She quoted an Indiana University professor (unamed) that a conflict of interests seems to exist but even more importantly, an attorney should avoid even the appearance of inpropriety. "The public's Confidence has been shaken". Fisk suggested another attorney, rather than Scott Fore. She then presented a petition signed by Bloomington residents urging the reinstatement of Schalk.

Jan Moore, who circulated the petition, said that 99% of the people who signed the petition were concerned and angry.

John Canada felt that the Utilities Department owed the community this agreement. It was the Utilities Department that allowed the sludge to be sold for vegetable and flower gardens throughout the county. He too, urged the Mayor to reinstate Schalk.

Sara Hurt reminded the Council that they have heard many of these complaints before from employees of the City , especially the Utilities Department.

Micah Roseberry thought that people with small children are discriminated against from fully participating in the meeting. She suggested that the City provide child care for those citizens in need.

Murphy offered to babysit, if he could watch the Cubs game at the same time.

Franklin Enoch had a quick solution to all of the problems - fire Mike Phillips, Rick Peoples and Paul Vermatten.

Marie Boyles, proprietor of the Rainbow Infant Care Center said that she would provide free child care for people who are in need, so that they might attend the Council meetings on Wednesday night.

Olcott moved and Foley seconded a motion that Appropriation Ordinance 84-11 be introduced and read by title only. Clerk Williams read the ordinance by title only.

APP. ORD. 84-11

Olcott moved and Foley seconded a motion that Appropriation Ordinance 84-11 be adopted. Young gave the committee report.

There was no discussion and the ordinance received a roll call vote of Ayes: 9, Nays:0.

ORDINANCE 84-49

Olcott moved and Foley seconded a motion to introduce and read Ordinance 84-49 by title only. Clerk Williams read the ordinance by title only..

Olcott moved and Foley seconded a motion to adopt Ordinance 84-49. Young gave the committee report.

Olcott did not think that the City should be funding IACT intervention activities.

The ordinance received a Roll Call vote of Ayes: 8, Nays: 1 (Olcott)

RESOLUTION 84-16

Olcott moved and Foley seconded a motion to introduce and read Resolution 84-16. Clerk Williams read the resolution by title only.

Olcott moved and Foley seconded a motion to adopt Resolution 84-16. Young gave the committee report.

Young questioned the wisdom of giving tax abatement to businesses that that already up and running. Tax abatement should be used in large cities and as a way of improving run down areas.

The resolution received a roll call vote of Ayes: 8, Nays: 1 (Young).

ORDINANCE 84-30

Olcott moved and Foley seconded a motion to introduce and read Ordinance 84-30 by title only. Clerk Williams read the ordinance by title only.

Olcott moved and Foley seconded a motion to table Ordinance 84-30.

Ordinance 84-30 and Resolution 84-14 were tabled until a special meeting on September 12, 1984.

The following ordinance was introduced and read for first reading by title only by Clerk Williams.

Ordinance 84-50 To Amend the Bloomington Zoning Maps from RS to BG re: 215 W. 14th St (Dunn Realty)

The minutes of August 15 and 22 were approved by a voice vote.

APPROVAL OF MINUTES

The meeting was adjourned at 10:30 P.M.

ADJOURNMENT

APPROVE:

ATTEST:

Patricia A. Gross
Patricia Gross, President
Bloomington Common Council

Patricia Williams
Patricia Williams, Clerk
City of Bloomington

REMARKS MADE BY DAVID SCHALK TO THE CITY OF BLOOMINGTON COMMON COUNCIL
ON SEPTEMBER 5, 1984

I appreciate the concern the people of this community and their representatives on the City Council have shown for me and my family since my employment at the City was terminated last week. Since the City is presently attempting to fill the City Chemist position, and since it is important that a competent, dedicated professional be found to replace me, I am making the following recommendations.

First, I recommend that the quarantine which prevents the City Chemist from soliciting services from Indiana University be lifted. The fact that I have tried to interest the City in rather ambitious and inovative cooperative ventures with I.U. has been widely publicized. But the way lack of contact with I.U. inhibits the work of the lab on a day to day basis is less well known. For example, last winter, Ronald Smith and I treated extraction residues of a number of samples from the Monroe Intake Tower with antimony pentachloride. Gas chromatographic analysis indicated the presense of hundreds of parts per million octachlorodibenzofuran in the product obtained from treating some of these samples. Standard and product retention times matched on two different columns. This indicated the possibility of the existence of dibenzofuran or polychlorinated dibenzofurans in the original samples. My assistant and I know two people at Indiana University who have the equipment necessary to determine whether or not a problem really exists. We were afraid to go to them. We knew we would be fired for that. But we dared not report our findings without further verification; for then it seemed likely that we would be punished again for reporting bad news, and nothing would be done. Then, I was named Pretreatment Coordinator, Ron's workload was drastically increased, and, in spite of our best intentions, we were unable to complete further verification. So, I went to my bosses in May of this year. They told me to get rid of the standards that made the original tests possible. I was told to contact no one at I.U. Later,

after I personally handed Mike Phillips a memo urging immediate action, I was told that Dr. Highland would look into the matter. I hope he has, and all turned out well, because my family and I are currently drinking City water without benefit of charcoal filtration.

The future City Chemist should be allowed, better yet, required to handle matters such as these in a prompt and professional manner. Intimidation of the next City Chemist should not be tolerated.

I further recommend that the City Chemist not be subordinate to the Plant Manager at the Dillman Road Sewage Treatment Facility. I was put under him as a reprisal for having discovered a small amount of pollution in Lake Monroe. Those who understand the situation at Dillman Road know what harsh punishment that was. Before this "reorganization", I don't think the Dillman Plant Manager would have considered giving me coded samples to test. But, I'm sad to say, the lab has received unidentified samples, marked in code to obscure their origin from lab personnel. Ron Smith and I soon discovered on our own that they were samples taken near a sludge storage lagoon which was apparently leaking into Clear Creek. I say apparently because two of my bosses at work advanced the theory that a natural spring had sprung at the lagoon. When I examined my assistant's work, I was disturbed to see indications of the presense of sewage in the trench upstream from the lagoon. I had never known him to do poor work in the past, so I was relieved, in a sense, when I discovered the existense of a secret sewage sewage grit trench upstream from the lagoon. My assistant's work had been excellent, as usual. Now, if that trench is really "hush-hush" and illegal, as I have been told it is, then it shouldn't be there. But, if it is harmless, the City Chemist and his staff should have been given all the facts so they could interpret their laboratory results. The future City Chemist should be treated with respect. He or she should be a full participant in all pollution investigations.

My next recommendation is that the City Chemist's staff be restored to pre-1983 levels. When Phillips and Peoples took over the Utilities Department, a laboratory staff position was eliminated.

And finally, I recommend that the City Chemist's pay be restored to former levels. It is important that we get someone to replace me who will not only be qualified, but who will be committed to the position. I don't doubt that there will be college graduates willing to take my old position, but at \$20,300 per year, they will undoubtedly consider it a jumping off point for a better job with good pay and a future.

Once again, I would like to thank the City Council for their concern, and to state for the record that I have done my best to serve you well, and that there was no good reason for firing me. I did not let you down. If you create a City Chemist position which is not under the Utilities Department, but which checks on the Utilities Department, I believe you will find no dearth of qualified chemists as eager to serve the public as I was during my time at the City. Thank You.