

In the Council Chambers of the Municipal Building held on Wednesday, June 20, 1990, at 7:30 P.M. with Council President Kiesling presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
JUNE 20, 1990

Roll Call: Hitchcox, Foley, Kiesling, Fernandez, Service, Hogan arrived at 7:45. Absent: White, Olcott, Register.

ROLL CALL

Kiesling gave the agenda summation.

AGENDA SUMMATION

The minutes of June 6, 1990 were approved by a voice vote.

APPROVAL OF  
MINUTES

Foley thanked the Mayor for her help on westside projects.

MESSAGES FROM  
COUNCILMEMBERS

Fernandez announced the Child Care Policy Forum on June 26 at the Chamber of Commerce conference room. Anyone interested in participating is welcome. Service thanked the Arts Council for the Fair on the courthouse square this past weekend.

Kiesling noted the Hilltop Garden Summer Walk on June 23 and 24. This is a benefit for Hilltop Gardens. She also announced that some infant car seats are still available and that WTIU is planning to do a call-in show regarding the master plan.

Mayor Allison said that WTTS also has a call-in program on the 3rd Monday of each month from 11-12 A.M. and next month Channel 3 will begin broadcasting before the council meetings programs highlighting our city at work.

MESSAGE FROM  
THE MAYOR

Kiesling reported that the Solid Waste Management District finally met.

COMMITTEE REPORT

It was moved and seconded that Ordinance 90-23 be introduced and read by title only. Clerk Williams read the ordinance by title.

LEGISLATION FOR  
SECOND READING  
ORDINANCE 90-23

It was moved and seconded that Ordinance 90-23 be adopted.

The synopsis and committee report of 5-0 was given.

Kathy Saunders noted that this ordinance amends the Bloomington Human Rights Ordinance and brings it into compliance with state law. Fernandez thanked Barbara McKinney for her success with the Yellow Cab lawsuit that she has successfully won.

The ordinance received a roll call vote of Ayes:6, Nays:0.

It was moved and seconded that Ordinance 90-24 be introduced and read by title only. Clerk Williams read the ordinance by title.

ORDINANCE 90-24

It was moved and seconded that Ordinance 90-24 be adopted. The synopsis and committee report of 6-0 was given.

Bill Riggert, City Engineer explained the particulars of the ordinance. Riggert proposed the following amendments in Section II to cover the area from Rogers to Walker. In Section II Schedule M was amended to include Madison from 15th to 14th on the west side.

The amendments received a roll call vote of Ayes:6, Nays:0.

The ordinance, as amended, received a roll call vote of Ayes:6, Nays:0.

It was moved and seconded that Ordinance 90-25 be introduced and read by title only. Clerk Williams read

the ordinance by title.

It was moved and seconded that Ordinance 90-25 be adopted. The synopsis and committee report, which was 6-0, was read.

ORDINANCE 90-25

Connie Heitz explained that this ordinance amends the outline plan allowing 30 duplexes in lieu of 15 Single-family lots for the tract. The original outline plan approved in 1987 was for 60 condominium units. An amendment was approved in 1988 to change to the single family format with 15 lots. The single family subdivision has not been very successful and the Plan Commission did approve this on the condition that all lots be included in the petition, including those that are already sold as well as currently developed. Mr. Wall was available for questions.

Fernandez said that at the Plan Commission meeting the petition was supported by the homeowners in the area.

The ordinance received a roll call vote of Ayes:6, Nays:0.

It was moved and seconded that Resolution 90-21 be introduced and read by the Clerk by title only. Clerk Williams read the resolution by title.

RESOLUTION 90-21

It was moved and seconded that Resolution 90-21 be adopted. There was no committee report. Fernandez read the resolution in its entirety.

Service said that over the last several years we haven't seen the kind of movement we anticipated in actually getting the stuff disposed of. Westinghouse is dragging their feet. The major hangup is the permitting process and it is becoming increasingly clear that the permitting process is really the crux where we can exercise a certain amount of local control. We need help from the state to help consolidate the two permitting processes since everyone knows that this incinerator is supposed to dispose of hazardous waste. It is a charade to go through a purely msw permit process alone. All these things must be taken into consideration when you are attempting to permit an incinerator and landfill. Service also noted that she hoped that we were not excluding the possibility of several alternative technologies (2nd therefore in the resolution) if it is necessary. We should not exclude the possibility of needing several types of technology because we have a variety of types of contaminated materials to deal with.

Hogan said he supported fully the concept of getting the state to get on with it and move forward on this issue.

Young also said we owe it to the public to get on with the process and we need the state support.

Fernandez said that this is an opportunity to open the process by having the Governor working with IDEM and looking at the issue of the landfill as well as the incinerator. We want to encourage IDEM to hold off from permitting until the issue of an ash landfill is dealt with as well. Westinghouse needs to be forthright and bring that information out in good faith so that it can be evaluated as a potential site for any landfill.

We are requesting that the USEPA and IDEM ought not move forward through their responsibilities with blinders on. The consent decrees was signed a long time ago and technology continues to change and should be explored leading to better opportunities for a safe clean-up with less risk to the public.

Foley said this resolution seems to preclude that we will have an incinerator. John Langley said we are

asking the Governor to open the process and let people know where hazardous waste facilities are going to be. He said the USB members support the resolution. Foley said the resolution seems like it is asking the Governor to help us build an incinerator. The resolution is very vague. Foley and Fernandez discussed the language of the resolution and Fernandez did not feel that the resolution said that at all. Foley said many people have read this resolution and they came up with the same opinion and he said they were behind the Council 100%. He said he has been disappointed with the progress to date, he certainly supports the spirit of this resolution, it's long past time for the Governor to be involved and this is an issue that directly affects his district. He said that he has sponsored many resolutions on this subject and many, even though they passed unaminously, really from a functional standpoint haven't been worth the paper they are written on. He said he applauds this thing and respects the people who took the brave step and worked out the agreements in the past, but haven't resulted in anything. Lemon Lane and Fell are still problems despite earlier Foley resolutions to get the stuff out of there.

We aren't getting our money out of this. It's not a fair deal and not fair ball. It isn't stringent enough and should be more constrictive and to the point. He said he would vote against the resolution but not against the spirit of the resolution and it is in protest of the spirit of accommodation that is happening in this community.

Mayor Allison supported the resolution, knowing that Westinghouse should have to meet the hazardous waste requirements and that requirements for msw waste were not the same. The Attorney General's opinion and the IDEM should also honor our request and be sure that the hazardous waste discussion include such issues as ash disposal, location and perhaps a switch to another technology if the O'Connor combustor cannot meet the hazardous waste requirement.

The Mayor outlined the various accomplishments since the consent decree was signed, capping of sites and the real difference between those clean-ups and the sites that were not covered in the decree. The Monroe County Board of Health tried to force Westinghouse to follow their instructions unsuccessfully and various local citizens have tried to influence the EPA or Westinghouse, also unsuccessfully. She said we cannot choose the technology but we can assure that it is safe and the only local say that this community has is with the consent decree and we have used it effectively to get the testing of Lemon Lane and a better interim storage clean-up for sites under the decree. The two most important parts is local control and the fact that the taxpayer does not pay for Westinghouse's actions. Recently local governments all over the state have been named as responsible parties to toxic sites within their jurisdiction. Connersville is talking about a \$20-30 million dollar cost for clean-up and W. Lafayette is in a similar situation with a testing of those sites more than what they could possibly budget for those things. Our 5 sites have an estimated clean-up cost of over 100 million dollars. The largest amount this city has spent is on Dillman at about \$20 million.

Mitch Rice thanked the Mayor and Fernandez for their quick response to the proposal for a RI/FS and for inviting the public to participate and urged the Council to support the resolution.

Mike Baker, representing COPA, hoped that this resolution would open up the entire environmental problem and hopes everyone supports the resolution to get the state involved and make Westinghouse do what they should have done 5 years ago.

Linda Green said that citizens would pay for the clean-up because they will be paying tipping fees at the incinerator.

Diane Mitchell also supported the resolution.

Service pointed out that one of the sites not included in the resolution is in Owen County.

Hogan said the resolution is important to the health and safety of our citizens and for once we are all on the same side of the issue.

Service wondered if we haven't been on the same side of the issue all along but just taken different approaches to the same problem and procedural differences obscured that point.

Kiesling said a CEC will help open up the process and most of all we need to lobby our legislators for sufficient funding of the EPA and the IDEM.

Margo Blackwell applauded the Council's efforts and urged more public input.

The resolution received a roll call vote of Ayes:5, Nays:1 (Foley).

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.

Ordinance 90-26 An Ordinance to Amend Title 14, Entitled Peace, Safety, and Morals of the BMC.

Ordinance 90-34 To Amend the Outline Plan re: Winslow Plaza (NE corner of Henderson and Winslow) Kenton Robinson, Petitioner.

Ordinance 90-35 To Amend the Bloomington Zoning Maps from MQ to RE re: Property located at 700 Guy Avenue.

Appropriation Ordinance 90-3 To Specially Appropriate from the Vehicle Inspection Fund Expenditures Not Otherwise Appropriated.

LEGISLATION FOR  
FIRST READING

ORDINANCE 90-26

ORDINANCE 90-35

ORDINANCE 90-34

APP. ORD. 90-3

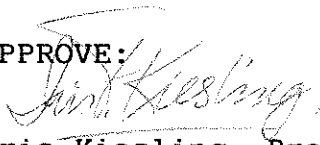
There were no petitions or communications.

PETITIONS

The meeting was adjourned at 8:45 P.M.

ADJOURNMENT

APPROVE:



Iris Kiesling, President  
Bloomington Common Council

ATTEST:



Patricia Williams, CLERK  
City of Bloomington