

AGENDA

COMMON COUNCIL REGULAR SESSION

7:30 PM, WEDNESDAY, OCTOBER 17, 1984

COUNCIL CHAMBERS

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. MESSAGES FROM COUNCILMEMBERS
- IV. MESSAGES FROM THE MAYOR
- V. PETITIONS AND COMMUNICATIONS
- VI. LEGISLATION FOR SECOND READING—DISCUSSION AND VOTE
  1. Resolution 84-24 A Resolution Supporting the City of  
Bloomington's Participation in Indiana Commerce Department  
International Cities Program  
  
(No Committee Recommendation)
  2. Resolution 84-25 To Approve Application of the Federal  
Section 8 Housing Provisions to the Bloomington Housing  
Authority  
  
(No Committee Recommendation)
  3. Ordinance 84-58 To Amend the 1984 Salary Ordinance for  
Appointed Officers and Employees to Establish the Position  
of Planning Technician  
  
(No Committee Recommendation)
  4. Appropriation Ordinance 84-12 To Specially Appropriate  
from the General Fund Expenditures not Otherwise Appropri-  
ated by the City of Bloomington (Parking Study)  
  
(No Committee Recommendation)
- VII. LEGISLATION FOR FIRST READING
  1. Ordinance 84-57 To Amend the Bloomington Zoning Maps  
from BA to ML Re: 2301 S. Walnut (Ray Stahl)
- VIII. MINUTES FOR APPROVAL: October 3, 1984
- IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, October 17, 1984, at 7:30 P.M. with Council President Gross presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR MEETING  
OCTOBER 17, 1984

Roll Call: Service, Porter, Register, Olcott, Gross, Mayer, Foley, Murphy arrived at 7:45 P.M. Council-member Young resigned from the Common Council on October 5, 1984

ROLL CALL

Gross gave the agenda summation.

AGENDA SUMMATION

Service presented an Encomium for Marilyn Norris commending her for her many contributions and hours of service to the community in promotion of the Arts here in Bloomington and Monroe County. The award was presented by Donna Robinson and Mayor Allison. Norris accepted the award on behalf of the Bloomington Area Arts Council and thanked the Mayor, Frank Ragan, Donna Robinson, Dave Brown and Dale Enochs. Enochs is the winner of the All-American City Sculpture Contest and Norris announced that work, on the sculpture, will begin next week.

ENCOMIUM FOR MARILYN  
NORRIS.

Olcott expressed his disappointment that Howard Young resigned from the Council last week. "He is a good man, he served as a councilmember, as a Mayoral candidate and he worked hard for Bloomington". He will be missed on the Council.

MESSAGES FROM  
COUNCILMEMBERS

Mayer joined with Olcott in wishing Young the best and commended the Bloomington Fire Department for their fast, efficient action this past week. A fire at Walnut and 6th Street was brought under quick control and a major disaster averted.

Foley also praised the Bloomington Fire Department for their expertise and efficiency -- "it was like watching Joe Thiesmann of the Washington Redskins do his job - beautiful".

Gross announced that Nancy Deckard was the Bloomington Transit Employee of the Month. She too said that she would miss Howard Young, his insights and his wit. She recalled one Council discussion about the position of Deputy Mayor and one councilmember remarked that perhaps it should be someone from the Council. Young didn't agree -- "other councilmembers have tried that at one time or another and it didn't work."

Mayor Allison said that she has enjoyed serving with Young as a fellow councilmember and as Mayor.

Mayor Allison presented an outline of the City's response to the PCB problem in our community and the City's interaction with Westinghouse. (See attachment).

MESSAGES FROM THE  
MAYOR

Jim Mannion, local media producer, presented a video tape of testimony and comments from people suffering the effects of PCBs.

PETITIONS AND  
COMMUNICATIONS

Mayer asked that a copy of the tape be available in the PCB library. Mannion said that he would make one available. Service asked if the Council might view the rest of the tape at a later time. Mannion said he had almost sixteen hours of tape and yes it would be available for anyone that wanted to view it.

Mike Andrews refuted a number of points made by the Mayor and said the City administration is perceived as not doing its job. In 1958 we "lured" Westinghouse to this community to produce their capacitors. As early as 1956 industrial journals termed such mixtures as Inertene as extremely hazardous. Over the next 19 years, Westinghouse carelessly dumped its poisonous waste. Westinghouse had a \$7,000,000 annual payroll and that certainly made it a desirable employer, "but what a price to pay in terms of community health"

In 1975 Mayor Lemon allowed dumping at Lemon Lane and after the problem became public, McCloskey began "Secret negotiations". In 1975 the City became aware of the problem and still nothing was done about it. "One reason the City has been reluctant to settle is that it might allow some people to sue the City" There are things the City could do: A laboratory for tissue testing, a community-wide health study and temper the "boosterism" of the community. Art projects are fine, but this community has some real problems."

Emily Jackson invited the Council, Mayor and the public to an art show at 206 N. Walnut.

Pat Gray spoke, expressing concern about Cyanide at the dump, the fact that he cannot get health or life insurance, his devalued property and his opinion that the city should do something for him and his family.

Gross said the Herald-Telephone article of Wednesday, October 17, 1984 noted that sealed containers with Cyanide have been placed at the Lemon Lane Dump.

Robert Aungst, retired Westinghouse employee challenged Andrews' comments and the many other comments made during the evening. He asked them for verification of the statistics and information they were offering as fact. He said the Bureau of Standards had examined the materials and noted that there are some people with "allergic reactions to PCB in the form of a chloroacne. Aside from that, there are no discernible effects".

John Canada quoted from a personal hygiene article written in 1944 suggesting how to deal with clothing, skin, and laundry if working around PCBs. He said Mr. Aungst was either misinformed or lying. Gross objected to name calling and told Canada that would not be tolerated.

Mic Harrison talked about a need for a complete assessment of the problem, a complete analysis of the problem and what the clean-up would entail. He said he has been trying to find out why the Pennsylvania Health Department has said that no PCBs should be moved, land-filled, or incinerated.

Bruce Bundy was disturbed by the Mayor's absence at these meetings. He was concerned about the chemicals that GE was going to store in the community.

Bundy asked for a copy of the EQCC response to the request and Gross said that she would provide it. Gross also noted that the Mayor is under no obligation to attend council meetings, has done so on numerous occasions and explained why she was leaving the council meeting early this evening. Olcott also defended the Mayor, saying that she has been here and she has "listened well". "The Mayor has shown great interest and restraint".

JoAnn Fisk said that Indiana is one of the largest generators of hazardous waste and cited various other statistics.

Jim Cartmell talked about public health and samples of PCBs found in the Monroe County Library's ventilation system.

Gross said that the Utilities Department has released documents this week of all test run since 1976. Some with direct implications with the Westinghouse suit have been removed, but the rest are available for public scrutiny.

Olcott moved and Foley seconded a motion that Resolution 84-24 be introduced and read by title only. Clerk Williams read the resolution by title only. LEGISLATION FOR SECOND READING: RES. 84-24

Olcott moved and Foley seconded a motion that Resolution 84-24 be adopted. There was no committee hearing.

Thayer Ritchie, representing the Convention and Visitors Bureau felt that the association with the International Cities Program would help our local businesses increase their export market and help make our community more available in the international market.

Service asked if this was associated with the International Sisters Cities Program. Ritchie said no.

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

Olcott moved and Foley seconded a motion that Resolution 84-25 be introduced and read by title only. Clerk Williams read the resolution by title only. RES. 84-25

Olcott moved and Foley seconded a motion that Resolution 84-25 be adopted. There was no committee hearing.

Peggy Gudal said that HUD now requires a separate approval process for every housing acquisition and that she would be coming before the Council each time housing becomes available.

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

Olcott moved and Foley seconded a motion that Ordinance 84-58 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORD. 84-58

Olcott moved and Foley seconded a motion that Ordinance 84-58 be adopted. There was no committee report.

Tim Mueller said this request was discussed at the budget hearing time and the project is being accelerated so as to begin in 1984.

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

Olcott moved and Foley seconded a motion that Appropriation Ordinance 84-12 be introduced and read by title only. Clerk Williams read the ordinance by title only. APP. ORD. 84-12

Olcott moved and Foley seconded a motion that Appropriation Ordinance 84-12 be adopted. There was no committee hearing.

Mueller said that the full amount of the contract will be reimbursed.

Olcott asked if the consultant has been chosen. Mueller said that it was Flum. Klausmeier and Wagner.

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

Olcott moved and Foley seconded a motion that the following ordinance be introduced and read by title only for first reading. Clerk Williams read the ordinance by title only. LEGISLATION FOR FIRST READING: ORD. 84-57

Ordinance 84-57 To Amend the Bloomington Zoning Maps from BA to ML re: 2301 S. Walnut St.

Murphy arrived after petitions and communications part of the meeting. He read the memorial for his step-father and requested that it be entered into the minutes of the meeting. COMMUNICATION FROM COUNCILMEMBER MURPHY.

The minutes of October 3, 1984 were approved by a voice vote. APPROVAL OF MINUTES

The meeting was adjourned at 9:45 P.M. ADJOURNMENT

APPROVE:  
Patricia A. Gross  
Patricia Gross, President  
Bloomington Common Council

ATTEST:  
Patricia Williams  
Patricia Williams  
City Clerk

## TALKING POLITICS

KELLY  
TOUGHILL



### Democratic leader remembered for civic-mindedness

A good man died this week, a quiet and deliberate man who I knew and admired. I respected Dan Bedell not because he was the chairman of the Lee County Democratic Party, nor because he was a civic-minded citizen who gave up scores of pleasant evenings at home to sift through the almost endless possibilities for Lee County's proposed charter.

Many people in town did admire Bedell for those reasons. Others admired him because he was a peacemaker, a healer of personal and political wounds and a man who was willing to work for a cause because he felt it was right, rather than for his own particular gain.

"He's virtually irreplaceable," said state Sen. Frank Mann, D-Fort Myers. "He was a great healer and was genuinely loved and respected."

Bedell, a native of Montana, died Saturday after suffering a massive heart attack.

I didn't know Bedell well, just well enough to know that in an arena often littered with hypocrites, power seekers and the mildly stupid, he was special.

Bedell became chairman of the local party during a difficult period. The former chairman resigned in a huff after Democratic Gov. Bob Graham appointed a Republican to the Lee County Commission. It was February 1983, the county was shaking with scandal and the local party was in disarray.

For years local Democrats had been torn by intra-party backbiting, petty feuds and ideological battles. Some say the strife was caused by Midwesterners with union backgrounds blending with traditional Southern Democrats. Others say the strife stemmed from plain old personality clashes and was typical of local political parties -- both Democratic and Republican -- throughout the state.

When Bedell died Saturday, he left the party in harmony. The rangy gentleman with his white hair who regularly prowled public events "looking for good Democrats," as he would say, somehow stilled the party's unrest.

I admired him because of his unwavering allegiance to the principles of fair play. Bedell always stuck to the issues. No matter how often others might attack individual candidates or their parties, no matter how hard a reporter might press him for a juicy rebuttal quote, Bedell refused to get personal about politics.

Sometimes, as a reporter, that could be very frustrating. But I think it's the kind of attitude that, if prevalent in foreign affairs and congressional debates, could prevent wars.

In the middle 70's the Westinghouse Corporation notified the City that its sewer system may have been contaminated by the introduction of PCB contaminated material used in the Westinghouse manufacturing process. The City of Bloomington Utilities began testing of its Winston Thomas Sewage Treatment Plant, and discovered that contamination had indeed occurred. In response to this information, the Utilities Service Board passed an order to prohibit discharge of PCB by Westinghouse into the City's sewers.

To inhibit the discharge of PCBs into the city sewers, in 1976, the Westinghouse Corporation installed a new capacitor wash system which was a closed loop system, and did not enter the City sewage system. In 1977, Westinghouse hydroblasted their internal sewer lines. In 1980, Westinghouse replaced all internal sewer lines. During this time period, the City Utilities monitored the discharges by the Westinghouse plant.

During 1976 and 1977 the following hearings took place:

- EPA sponsored conference on PCB in Chicago attended by Utilities personnel.

- Public education seminar held by the Westinghouse corporation.

- Utilities Service Board held a televised public hearing.

- State Environmental Management Board hearings, Sept. '76-Mar '77 were discontinued with no action.

The City proceeds on its own. In 1978 the city retained Black and Veatch Company to prepare a PCB abatement plan for the Southwest sewer and the Winston Thomas facility. In 1980, the city hired a contractor to hydroblast the entire southwest interceptor sewer line from the Westinghouse plant to the Winston Thomas facility.

May 1980 the City Council and the USB approved the hiring of Joseph Karaganis to work with City attorneys to negotiate a settlement with Westinghouse. It was the city's position that the issue would be litigated only if a negotiated settlement failed to occur.

With no progress toward a negotiated settlement, in April of 1981 the City filed suit against the Westinghouse corp. The suit concerned the Winston-Thomas site and was in the amount of \$149 million.

Lemon Lane landfill was discovered in June of 1981.

In October 1981, the City amended the complaint to include Monsanto and added \$180 million for damages resulting from the discovery of PCBs at Lemon Lane. This brought the total of the suit to \$ 329 million.

Late 1981 through mid-1982, the legal discovery process began. The City prepared to go to court. Then the parties agreed to return to the negotiating table at the request of Westinghouse. The parties agreed to appoint experts to assess the magnitude of the PCB contamination at Winston-Thomas and Lemon Lane and to negotiate an environmentally sound solution to the PCB problem.

January, 1983 the EPA also filed suit against Westinghouse over Neal's Landfill and Neal's Dump. The State joins the EPA suit.

October of 1983, the City and Westinghouse agree to consider the elimination of PCB contamination problem via high temperature incineration.

December, 1983, the State and EPA join the City's negotiations with Westinghouse, combining the two suits.

#### TESTING:

1976 until present --Utilities monitors the Westinghouse effluent.

--City and EPA test environmental samples. (Neal's and County landfills, Winston-Thomas, and Clear Creek.)

--Tests of sludge users' soil samples.

--National Industrial and Occupational Safety and Health Administration (NIOSH) and the Center for Disease Control conduct tests.

The city's actions have been in regard to Winston Thomas plant and Lemon Lane Landfill. The EPA and the State of Indiana have brought additional sites to the settlement (Neal's landfill, Neal's dump, Bennett quarry.)

The city cannot sue on behalf of individuals. The individuals who feel they have been harmed by PCBs have hired their own attorneys.

On October 3, the City was notified by our attorneys that all outstanding settlement issues with Westinghouse had been settled. We are still waiting for the EPA and Westinghouse to reach agreement.