

In the Council Chamber, Municipal Building, on April 3, 1969, at 7:30 p.m., E.S.T., with Council President Charles J. Faris presiding.

REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA

Council President Faris.

CALL TO ORDER

Deputy City Clerk:

ROLL CALL

Members present: Councilmen Robert L. Clegg, Jr., James C. Clendening, Harry G. Day, Charles J. Faris, Richard W. Fee, Robert E. Gray, Ralph L. Johnson, William A. Madden and Jack A. Morrison

Members absent: None.

John H. Hooker, Jr., Mayor; Raymond E. Long, City Engineer; James R. Cotner, City Attorney; Marian H. Tardy, City Clerk; James R. East, Police Chief; Gene Morgan, Program Coordinator; Clifford Curry, Planning Director; Edward Miller, Fire Chief; James D. Sargent, Street Commissioner and Marvard Clark, Assistant City Engineer.

OFFICIALS IN ATTENDANCE

Twenty-two including James Root, reporter for the Daily Herald-Telephone; Fred Hill, reporter for the Bloomington Courier-Tribune and Paul Pack of WTTS Radio.

NUMBER OF CITIZENS IN ATTENDANCE

The Invocation was given by Councilman Johnson.

INVOCATION

Councilman Johnson moved that the minutes of the regular meeting of March 20, 1969 be approved as copied and distributed. Councilman Clendening seconded the motion and it carried.

MINUTES OF FORMER MEETING

None.

REMONSTRANCES AND OBJECTIONS

Councilman Clegg moved that proposed Ordinance No. 69-14 be advanced to second reading and be read by the Clerk by title only. Councilman Morrison seconded the motion.

ORDINANCES - SECOND READING

Ordinance No. 69-14 - Zoning Ordinance - Part of Seminary Lot 38, South of 1st Street and West of Morton Street

The Clerk read proposed Ordinance No. 69-14 by title only.

Councilman Clegg gave a brief explanation of the Plan Commission action on the proposed Ordinance. No citizen opposition expressed.

Councilman Clegg moved that proposed Ordinance No. 69-14 be adopted. Councilman Clendening seconded the motion. Roll call vote: ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance No. 69-15 be advanced to second reading and be read by the Clerk by title only. Councilman Morrison seconded the motion.

Ordinance No. 69-15 - Zoning Ordinance - Lots 1,2,27 & 28 in Curry Courts across from Otis Elevator Company

The Clerk read proposed Ordinance No. 69-15 by title only.

Councilman Clegg explained there was no citizen opposition brought before the Plan Commission meeting.

Councilman Clegg moved that proposed Ordinance No. 69-15 be adopted. Councilman Gray seconded the motion. Roll call vote: ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance No. 69-16 be advanced to second reading and be read by the Clerk by title only. Councilman Morrison seconded the motion.

ORDINANCES - SECOND READING
(continued)

The Clerk read proposed Ordinance No. 69-16 by title only.

Ordinance No. 69-16 - Zoning Ordinance - 4.1 acres in Section 18, Township 9 North, Range 1 West, Monroe County, Indiana

Councilman Clegg explained that Plan Commission action had been taken only after lengthy discussion. Although there had been no active citizen opposition, there were many questions and the Plan Commission was reluctant to rezone so much acreage to R-3 because of the possibility of multiple housing being erected on the land. The petition to rezone was approved by the Plan Commission with the provisions that the R-3 area be reduced from the original 23 acres to four acres and that if said four acres were not used for this particular project, they revert to R-1 immediately.

Councilman Johnson voiced objection to the facility being located in a primarily residential area and asked for comments from the Planning Director.

Mr. Curry replied that with the reduction in acreage and the planned similarity to residential construction, the character of the neighborhood would not be adversely affected.

Councilman Gray asked the City Engineer to comment on the sewage possibilities for this facility.

Mr. Long replied that the city had no immediate plans for an extension in this area but Dr. Schultheis had other recourse for sewage disposal.

Attorney Frank Barnhart, representing Dr. Schultheis and his project, said that preliminary approval from the State Board of Health had been received for a self-contained type of sewage disposal unit contingent upon connection with the city sewer system or the organization of a private sewer system corporation within a year to two years.

Bruce Shedd and Richard Trueblood, residents of the Upper Flanders Addition, questioned the advisability of approving the project because of the uncertainty of sewer and water facilities. Mr. Trueblood objected to the scenic view from Upper Flanders being spoiled by the project.

President Faris asked Mr. Long to comment on the availability of water facilities.

Mr. Long replied that the City has talked about a water line in the Maple Grove Road for some time but has held off because it seems feasible to investigate drainage conditions.

Councilman Fee moved that proposed Ordinance No. 69-16 be rejected for the following reasons:

1. Adequate utilities are not available
2. It will add materially to the traffic congestion in the area
3. The area is not the only suitable location for a facility of this type.

Councilman Gray seconded the motion. Roll call vote: ayes 2 (Councilmen Fee and Gray), nays 7. The motion was defeated.

ORDINANCES - SECOND READING

Ordinance No. 69-16
(continued)

Councilman Day said it a fine opportunity for the City of Bloomington to have the proposed nursing home. \$1.6 million will be used for the erection of a series of buildings for a mental retardation program at Indiana University and there is no doubt this will become a center for the training of specialists in mental retardation. \$2 million has been announced for health research, training services and mental retardation study. He said these things, plus the expansion of Bloomington Hospital, make Bloomington the ideal place for health development. It is possible the City can add the word "health" to its claim as the "cultural, educational and recreational center" of Indiana.

Wayne Johnson also spoke in favor of the project. He feels the City should look around and make land available for projects of this type.

Councilman Day moved that proposed Ordinance No. 69-16 be adopted. Councilman Clegg seconded the motion. Roll call vote: ayes 7, nays 2. Councilmen Fee and Gray voted no.

Councilman Johnson moved that proposed Ordinance No. 69-17 be advanced to second reading and be read by the Clerk by title only.

Ordinance No. 69-17
Sign Ordinance

The Clerk read proposed Ordinance No. 69-17 by title only.

At Councilman Johnson's request, the Clerk read an amendment to proposed Ordinance No. 69-17 which allows for the following additions:

Amendment

added to Section 2. -

"c. Any such sign or device erected or installed upon or after January 1, 1968 shall be removed or altered prior to June 1, 1974."

and added to Section 4. -

"any existing marquee which violates the provisions of this Ordinance is designated as a non-conforming marquee and may continue, provided however that no substantial alteration in design or appearance of such marquee may occur and the owner or lessee thereof shall be entitled only to maintain said marquee."

Councilman Johnson said the proposed amendment came out of the Community Research and Development Committee, of which he is Chairman, and which has had the proposed Sign Ordinance under study for almost a year. The amendment is designed to prevent undue hardship financially on owners of existing signs or devices and marquees.

Councilman Johnson moved that the proposed amendment be adopted. Councilman Gray seconded the motion and it carried.

ORDINANCES - SECOND READING

Ordinance No. 69-17
(continued)

Councilman Day said he agrees with the amendment to the proposed ordinance but he would hope that citizens concerned with signs or devices and marquees will live up to the ordinance and will not wait as long as the law allows to make necessary changes.

Councilman Johnson moved that Ordinance No. 69-17 be adopted as amended. Councilman Clegg seconded the motion. Roll call vote: ayes 9, nays 0.

Mr. Sam Benevole, of Benevole Lincoln-Mercury and a member of the Sign Committee of the Chamber of Commerce, said he thought the Council had done a good job but he felt the amortization period should be lengthened. He said he had installed an \$8,000.00 sign only last month and his accountant, Bernard Cinkoske, told him he would have to take a large loss because he could not depreciate such a large amount rapidly enough in the time period allowed by the ordinance.

Both Attorney Cotner and Attorney Barnhart assured Mr. Benevole that when a law requires such action as he would have to take concerning his sign, the government would allow the entire amount to be written off well within the time limit allowed.

Councilman Clendening moved that proposed Ordinance No. 69-18 be introduced and be read by the Clerk. Councilman Day seconded the motion.

ORDINANCES - GENERAL AND SPECIAL

Ordinance No. 69-18 - Amendment to Traffic Ordinance

The Clerk read proposed Ordinance No. 69-18.

Councilman Clegg moved that proposed Ordinance No. 69-19 be introduced and be read by the Clerk. Councilman Johnson seconded the motion.

Ordinance No. 69-19-Voluntar Annexation-2.2 acres on South side of St. Rd. 48 at Kimble Drive

The Clerk read proposed Ordinance No. 69-19.

None.

RESOLUTIONS

None.

PETITIONS AND COMMUNICATIONS

None.

REPORTS FROM OFFICIAL BOARDS AND COMMISSIONS

None.

REPORTS FROM STANDING COMMITTEES

None.

REPORTS FROM SPECIAL COMMITTEES

None.

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

None.

MESSAGES FROM COUNCILMEN

On motion of Councilman Fee, seconded by Councilman Johnson, the action of the Board of Public Works in approving the landfill contract by and between the City of Bloomington, Indiana and the County of Monroe, Indiana was ratified and confirmed. The motion carried unanimously.

OTHER NEW BUSINESS

Mayor Hooker said the City Administration and the members of the Common Council are extremely disappointed in the decision made by the Indiana Supreme Court concerning the 1962 annexation case. The decision to uphold the lower court decision demonstrates that the courts do not recognize the fact that Bloomington is an urban area and Indiana is an urban state.

This will seriously restrict the proper growth and development of our urban area and could result in costly actions concerning people both inside and outside the urban area.

Mr. Hooker thanked and commended the Common Council for adopting the first meaningful sign ordinance. This is the first of many meant to bring about the beautification of the City area and the City skyline.

Mr. Hooker said the Board of Public Works had received bids for the Service Control Center and for the College Mall Fire Station.

The contract for the Service Control Center was awarded to Hatfield & Kellams in the amount of \$298,000.00. This building will be completed in September of 1969.

The Board of Public Works still has under study the bids for the College Mall Fire Station.

The City of Bloomington has had for many years a great number of service clubs and organizations which have aided and supported local government especially in the field of recreation.

Mr. Hooker said he would recommend to the Common Council, at its next session, a proposed lease arrangement with the Bloomington Junior Chamber of Commerce which would allow them to develop, construct and operate a recreational center in the Cascades Park area.

He said he would recommend also an arrangement, with the Optimist Club and the Boys' Club, for the relocation of the Boys' Club day camp.

Also proposed will be an arrangement with the Little League to give them an opportunity to expend funds to improve their facilities.

Mr. Hooker reported that approximately thirty city officials attended the French Lick workshop on governmental affairs and devoted eight to ten hours per day discussing and analyzing the affairs of the City of Bloomington.

Very few persons have questioned the cost of the workshop but most three day seminars represent considerably more than the \$60.00 per person spent for the Bloomington group.

The amount is small indeed when you consider the yearly \$5 million plus responsibility carried by the 400 plus people providing city services to the members of the Bloomington community.

Institutions such as Indiana University conduct workshops and we felt the City of Bloomington should do likewise in an effort to bring the elected and appointed officials even closer

together than they now are to bring to the people of Bloomington a consistantly improving, more economical government.

MESSAGES FROM MAYOR

(continued)

We are a team and we work together for better knowledge so we can serve better the community in which we live.

In the final analysis, we are serving people with people.

Councilman Johnson moved that claims presented for payment on March 20, April 1 and April 3, 1969 be allowed. The motion was seconded by Councilman Clendening and carried unanimously.

EXAMINATION OF CLAIMS

Council President Faris declared the meeting adjourned at the hour of 9:30 p.m., E.S.T.

ADJOURNMENT



Charles J. Faris, Council President

ATTEST:

Marian H. Tardy, City Clerk