

In the Council Chamber of the Municipal Building on June 5, 1969; at 7:30 p.m., E.D.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; Howard A. Young, City Controller; Marian H. Tardy, City Clerk; James R. Cotner, City Attorney; F. Wilson Thrasher, Utilities Administrator; Jerome T. Femal, Director of Parks and Recreation; Clifford Curry, Director of Planning; James R. East, Police Chief; Edward Miller, Fire Chief and Marvard Clark, Assistant City Engineer.

OFFICIALS IN ATTENDANCE

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

NUMBER OF CITIZENS  
IN ATTENDANCE

The invocation was given by Councilman Johnson.

INVOCATION

Councilman Johnson moved that the minutes of the regular meeting of May 15, 1969 be approved as duplicated 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. 69-25 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

ORDINANCES - SECOND READING

The Clerk read proposed Ordinance No. 69-25 by title only.

Ordinance NO. 69-25 - Zoning Ordinance - Half of Lot No. 4 in Crons 1st Addition on S. side of W. 6th St. just W. of Oak St. from R-2 to B-1

Council President Faris gave a brief explanation of the proposed ordinance.

Councilman Clegg moved that proposed Ordinance No. 69-25 be adopted. Councilman Morrison seconded the motion. Roll call vote: ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance No. 69-26 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

Ordinance No. 69-26 - Zoning Ordinance - Lot Nos. 14 & 15 in Waterman's Addition on the N. side of W. Kirkwood Avenue between Adams and Ritter Sts. from R-1 to R-3

The Clerk read proposed Ordinance No. 69-26 by title only.

Council President Faris gave a brief explanation of the proposed ordinance.

Councilman Clegg moved that proposed Ordinance No. 69-26 be adopted. Councilman Morrison seconded the motion. Roll call vote: ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance No. 69-27 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

The Clerk read proposed Ordinance No. 69-27 by title only.

Council President Faris gave a brief explanation of the proposed ordinance.

Councilman Clegg moved that proposed Ordinance No. 69-27 be adopted. Councilman Morrison seconded the motion. Roll call vote: ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance No. 69-28 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

The Clerk read proposed Ordinance No. 69-28 by title only.

Council President Faris gave a brief explanation of the proposed ordinance.

Councilman Clegg moved that proposed Ordinance No. 69-28 be adopted. Councilman Morrison seconded the motion. Roll call vote: ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance No. 69-29 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

The Clerk read proposed Ordinance No. 69-29 by title only.

Council President Faris gave a brief explanation of the proposed ordinance.

Councilman Clegg moved that proposed Ordinance No. 69-29 be adopted. Councilman Morrison seconded the motion. Roll call vote: ayes 9, nays 0.

Council President Faris acknowledged the presence, in the audience, of Miss Maude Bryan of Marion, Indiana whose former home stands on one of the lots just rezoned above.

President Faris welcomed Miss Bryan back to the City, although only for a short visit, explaining that Miss Bryan had been a very faithful attendant at the Council meetings showing a broad and active interest in civic affairs.

Miss Bryan told the members of the Council she had missed being able to attend their meetings and was happy that her visit had been timed so she could attend a meeting while she was in town.

Councilman Clegg moved that proposed Ordinance No. 69-30 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

#### ORDINANCES - SECOND READING

Ordinance No. 69-27 - Zoning Ordinance - Lot Nos. 413, 414, 418 & 419 in Highland Village 10th Addition between Harvey Drive and Parkway Drive just S. of the Hall Apartments from R-1 to R-3

Ordinance No. 69-28 - Zoning Ordinance - Lot Nos. 18, 19 & 20 in Railroad Park Addition located at 1502 & 1504 South College Ave. from R-2 to B-3

Ordinance No. 69-29 - Zoning Ordinance - In-lot Nos. 329 & 326 on the N. side of East 7th St. between Washington & Lincoln Sts. from R-3 to B-1

Ordinance No. 69-30 - Zoning Ordinance - Lot Nos. 47, 48, 49, 50, 57, 58, 63 & 64 in Kenwood Addition on W. 14th Street between Morton & Madison Sts. from R-1 to R-3

The Clerk read proposed Ordinance No. 69-30 by title only. ORDINANCES - SECOND READING

Ordinance No. 69-30  
(continued)

Both Councilmen Morrison and Madden said they had been contacted by residents in the area in opposition to the proposed rezoning.

President Faris asked Councilman Clegg to give an account of the action on this petition in the Plan Commission meeting.

Councilman Clegg said the only real opposition to the petition seemed to concern surface water runoff. The one gentleman who spoke in opposition said the surface water ran through his back yard and he believed the paving of the parking area and the roof runoff from the proposed building would make bad matters worse.

Councilman Johnson asked about the drainage.

Frank A. Barnhart, attorney for the petitioner, said the opposing gentleman was correct about surface water runoff under the present conditions; however, his client would handle this matter by installing curbs and sidewalks and channeling the roof runoff to 14th Street, thence to the storm sewer at 14th Street and College Avenue.

Councilman Johnson asked City Engineer Long if this could be done. Mr. Long replied that it could if the surface and roof runoff was channeled to the storm sewer at 14th and College.

Councilman Day inquired about the parking area plans. Attorney Barnhart said plans for the parking area complied with requirements set by the City.

Councilman Clegg moved that proposed Ordinance No. 69-30 be adopted. Councilman Fee seconded the motion. Roll call vote: ayes 7, nays 2 (Councilmen Morrison and Madden voted no).

Councilman Clegg moved that proposed Ordinance No. 69-31 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

Ordinance No. 69-31 - Zoning Ordinance - 0.58 acres on the N. side of Church Lane between S. Highway 37 and Rogers St. from R-1 to R-2

The Clerk read proposed Ordinance No. 69-31 by title only.

Council President Faris gave a brief explanation of the proposed ordinance.

Councilman Clegg moved that proposed Ordinance No. 69-31 be adopted. Councilman Clendening seconded the motion. Roll call vote: ayes 9, nays 0.

Councilman Clegg moved that proposed Ordinance No. 69-32 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

Ordinance No. 69-32 - Zoning Ordinance - Lot at the S.E. corner of 1st & Rogers Sts. from R-3 to B-1

The Clerk read proposed Ordinance No. 69-32 by title only.

Council President Faris gave a brief explanation of the proposed ordinance.

Councilman Johnson moved that proposed Ordinance No. 69-32 be adopted. Councilman Clendening seconded the motion. Roll call vote: ayes 9, nays 0.

ORDINANCES - SECOND READING

Ordinance No. 69-32  
(continued)

Councilman Clegg moved that proposed Ordinance No. 69-33 be advanced to second reading and be read by the Clerk by title only. The motion was seconded by Councilman Morrison.

Ordinance No. 69-33 - Zoning Ordinance - 4.84 acres on the S. side of State Highway 46 one mile E. of Knightridge Rd. from R-1 to B-3

The Clerk read proposed Ordinance No. 69-33 by title only.

Councilmen Clegg and Johnson concurred in thinking that other landowners in the area will ask for rezoning if this is allowed.

Councilman Clendening said since both the Administration and the Council want the approaches to the City to look good, he feels the improvement of this property would make this particular approach look better.

Councilman Gray asked if all of this particular tract of land would have to be rezoned to allow the petitioner to improve his business.

Frank A. Barnhart, attorney for the petitioner, said the back one-half of the tract would not have to be rezoned.

Mr. Sherman Mizell asked if the petitioner could apply for a variance from the Board of Zoning Appeals.

City Engineer Long said the granting of a variance of this sort is beyond the powers of the Board of Zoning Appeals. City Attorney Cotner concurred.

Councilmen Day and Johnson both expressed opposition to the rezoning but agreed they would like to see it made possible to improve a pre-existing, non-conforming use.

Councilman Fee said they all had failed to consider one of the basic principles of today, economics. He said business would continue to locate on arterials and access highways and that artificial restriction of land use perpetuates poor use and indicates shortsightedness. Councilman Clendening concurred.

Councilman Clegg moved that proposed Ordinance No. 69-33 be adopted. Councilman Morrison seconded the motion. Roll call vote: ayes 4 (Councilmen Clendening, Fee, Gray and Morrison), nays 5 (Councilmen Clegg, Day, Faris, Johnson and Madden). Motion defeated, proposed ordinance not adopted.

None.

ORDINANCES - GENERAL  
AND SPECIAL

None.

RESOLUTIONS

Attorney David S. McCrea, acting for the Miller Drive area residents, presented President Faris with a petition asking for voluntary annexation.

PETITIONS AND COMMUNICATIONS

Miller Drive area

Mr. Hardy, a resident of the Miller Drive area, spoke in favor of the annexation and asked the members of the Council to their petition serious consideration.

President Faris said both the Administration and the members of the Council have great interest in this area and commended Attorney McCrea for the work he has done for and with this group.

Mr. Philip Smith, from the Park Ridge area, Third Street traffic presented a petition asking for consideration of improvement of the Third Street traffic situation.

Mr. Al Ruesink, of Green Acres addition, presented a petition asking that an automatic traffic signal be installed at the intersection of High and Third Streets.

Intersection of High and Third Streets

None.

REPORTS FROM OFFICIAL BOARD AND COMMISSIONS

None.

REPORTS FROM STANDING COMMITTEES

None.

REPORTS FROM SPECIAL COMMITTEES

None.

REPORTS FROM CITY OFFICIALS AND DEPARTMENT HEADS

None.

MESSAGES FROM COUNCILMEN

Mayor Hooker said that Allegheny Airlines, Inc. filed a petition with the Civil Aeronautics Board on May 29, 1969 asking that flight service be discontinued between Louisville, Kentucky and Bloomington, Indiana.

OTHER NEW BUSINESS

Mayor Hooker stated that Lake Central Airlines, which has since merged with Allegheny, asked permission to extend its routes by adding a flight from Louisville to Indianapolis. This permission was granted with the provision that the flight make a stop in Bloomington.

Mayor Hooker said Bloomington is growing but it is a locked community due to lack of adequate rail, highway and air service. He said we should try to promote the air service we do have and try to hold on to it. He added that Louisville and Indianapolis are not going to oppose the dropping of this flight.

Mayor Hooker believes that Allegheny Airlines has not put forth any effort to make this flight profitable because they do wish to discontinue it and he asked the Council to go on record in opposition to the petition.

Councilman Day moved that Allegheny Airlines, Inc. be informed that the City of Bloomington is opposed to the discontinuance of the Louisville to Bloomington flight, in support of Mayor Hooker's recommendation, until such

time as they can give us a definite indication that they have exhausted all efforts to make the flight profitable. Councilman Clegg seconded the motion and it carried by an unanimous voice vote.

OTHER NEW BUSINESS

Mayor Hooker acknowledged the problem of highly distasteful and offensive odors which are generated at the Gordon Road sanitation plant and are spreading over the southern area. This is caused by the taking out of service of many stages of the south facility for cleaning and improvements. We have a multi-million dollar program for improving our sanitation facilities which was started last August and is to be finished this summer. The work being done is essential and was approved by the State and Federal governments.

MESSAGES FROM MAYOR

Mayor Hooker apologized for the condition and said he regretted it but he hoped that, through the newspapers, people could be made to understand.

Mayor Hooker said reassessment is of great concern to all of us. In pointing out the outdated and inadequate tax structure, he suggested the following changes should be made:

- a. A \$10,000.00 homestead exemption for tax relief to the aged and persons on pensions.
- b. A general \$5,000.00 homestead exemption for all property owners.
- c. An increase in gross income tax and an increase in sales taxes.

He said the Common Council will have many problems to face when it considers the budget for 1970 but the citizens of Bloomington can be assured that the budget items will be scrutinized very carefully and the several departments will include only the most necessary items.

Councilman Johnson moved that claims presented for payment on May 20, May 30, June 1 and June 5, 1969 be allowed. Councilman Clendening seconded the motion and it carried unanimously.

EXAMINATION OF CLAIMS

Council President Faris declared the meeting adjourned at the hour of 10:00 p.m., E.D.T.

ADJOURNMENT



Charles J. Faris, Council President

ATTEST:

Marian H. Tardy, City Clerk