

REGULAR MEETING

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chambers in the Municipal Building on Thursday, February 18, 1965, at the hour of seven thirty o'clock (7:30 P.M.) E.S.T with Mayor John H. Hooker, Jr. presiding.

Meeting called to order by Mayor John H. Hooker, Jr.

A roll call of the Councilmen was taken by the Clerk-Treasurer.

Members Present: Councilmen - C. Day, H. Day, Derge, Faris, Fee, Moulden and Johnson

Also Present: Mayor - John H. Hooker, Jr.
Engineer - Raymond Long
Attorney - James Cotner

Members Absent: None

Meeting opened with a formal presentation of new colors for the Council Chambers presented by members of Rogers Rangers, Burton Woolery Post No. 18.

Invocation was given by Councilman Johnson.

Councilman Faris moved, seconded by Councilman Moulden, that the minutes of the February 3, 1965 Meeting be approved as published, distributed and amended. Motion carried unanimously.

Councilman Moulden moved, seconded by Councilman Fee that proposed Ordinance 65-3 be advanced to first reading and read by Clerk-Treasurer. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 65-3.

Mayor Hooker stated that this property was located on the corner of Sixth and Dunn Street.

Councilman Moulden moved, seconded by Councilman H. Day, that proposed Ordinance 65-4 be advanced to first reading and read by Clerk-Treasurer. Motion carried by majority vote.

Clerk-Treasurer read proposed Ordinance 65-4.

Councilman Derge suggested that while we were licensing the plumbers in the City of Bloomington that perhaps we should consider licensing electricians as well, and he had an ordinance prepared by the City of Columbus that he asked the Council to study and consider the possibility of doing the same for our City.

A member in the audience asked about the second reading of proposed Ordinance 65-2.

Mayor Hooker stated that the Council had decided to hold second reading on this proposed Ordinance until the Council has had time for further study.

Councilman Derge moved, seconded by Councilman Faris, that proposed Resolution 65-4 ~~be advanced to first reading and~~ read by Clerk-Treasurer. Motion carried unanimously.

Clerk-Treasurer read proposed Resolution 65-4.

RESOLUTION NO. 65-4

WHEREAS, statistics from the Federal Aviation Agency show that 90,000 persons used the local airport in 1964; that approximately 17,000 planes landed and took off and that 10,900 persons used the services of Lake Central Airlines, and

WHEREAS, this increased use of the local air facilities contributed to oil and gas sales at the airport in excess of \$57,000, and

WHEREAS, more than one-half million pounds of airmail, freight and express were handled, and

WHEREAS, these increasing services point to the need of the modernization of the local airport, and

WHEREAS, further statistics from the Federal Aviation Agency show that for every \$1,000 invested in airports in communities across the nation more than \$2 million in increased business has been realized during the period of bond retirement, and

WHEREAS, adequate airport facilities are as essential to a modern growing community as water, improved roads, good schools and up-to-date hospital facilities,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Bloomington, Indiana, hereby endorses the action of the Monroe County Board of Aviation Commissioners in planning and recommending the improvement and modernization of the Monroe County Airport.

Dated this 18th day of February, 1965.

John H. Hooker, Jr.
 S/ John H. Hooker, Jr.
 John H. Hooker, Jr.
 Presiding Officer

ATTEST:

S/ Howard A. Young
 Howard A. Young,
 Clerk-Treasurer

Councilman Faris moved, seconded by Councilman Derge, that proposed Resolution 65-4 be adopted.

Councilman Harry Day stated that in his opinion this was one of the most important public facilities in the area of Bloomington at this time, and I feel if we do not endorse this resolution it will hinder the further growth of our community.

Councilman Fee stated that there were people present this evening who are very much interested in our airport, and he made the following statements:

- (1) Lake Central Airlines is outlining the use of turbo planes and these planes cannot operate satisfactorily into or out of the Monroe County Airport as it is now.
- (2) It is essential that we keep Lake Central operating through Bloomington because then we have a better chance for service when this run-way is finished, and we will have even better facilities for aviation in general.
- (3) With a better airport we can get more industry into Bloomington.

Mr. ^{Lee} Leonard, Chairman of the Aviation Committee, showed to the members of the audience and Council the proposed change in the modernization of the airport.

Mayor Hooker asked what their time schedule was.

Mr. Leonard stated that they hope to have the run-way completed in the fall of 1965.

Councilman Johnson asked if the County Commission has approved a bond issue.

Mr. Leonard stated that officially they have not but unofficially we hear they are favorable to the bond issue.

Councilman Fee asked what their predication was in regard to the effect this will have on the county taxes.

Mr. Leonard stated there would be very little change - perhaps 3 cents,

we have been granted 7 cents for the bond issue, but we have not used it.

Attorney Cotner asked if there would be an increase in revenue.

Mr. Leonard stated that they expect to see a large increase in revenue.

Mayor Hooker asked if there would be a control tower and would it be in working order 24 hours a day.

Mr. Leonard stated that the F.A.A. will build a tower on the run-way and maintain it, but to qualify for a tower you have to have 24,000 transit landings a year and last count we had 17,000 landings.

Mr. George Carpenter made the following statement in regard to the modernization of the airport.

It would appear perhaps to some, this is money wasted in behalf of Lake Central, for those who entertain this thought, I would like to dispel it. If anyone is interested in seeing what an airport can do for our community, I would like for them to recall a few years back when our neighboring city, Bedford, was having growing pains and for reasons unknown to me the city fathers did not choose to expand their airport facilities and about the same time the city fathers of Bloomington saw fit to increase the facilities of our airport. As you may know, I was on the City Council when the representatives of Westinghouse were considering to move into Bloomington and one of the first things they wanted to know was did we have an airport and they wanted to see it and they wanted to know if we intended to expand our facilities. Most people think an airport is a plaything, but if they would talk to major industries locating in towns where there are airports, they would find this is a tool. You have more industries locating in these areas because road travel and rail service is too slow. I suggest that the people of Bloomington take a long look at this because it will bring more industry and more revenue into our community. Going back to the first part of my statement, you can compare Bedford with Bloomington and see what the expansion of our airport will do.

Mayor Hooker asked if they had complete plans and specifications and if they had advertised for bids.

Mr. Leonard stated that we do have complete plans and specifications, but we have not advertised for bids.

After the lengthy discussion a roll call vote to adopt Resolution 65-4 was unanimous.

Councilman Harry Day moved, seconded by Councilman Faris, that proposed Resolution 65-3 be ~~advanced to first reading and read~~ by Clerk-Treasurer. Motion carried unanimously.

Clerk-Treasurer read proposed Resolution 65-3.

RESOLUTION NO. 65-3

BE IT RESOLVED, that the action heretofore taken on January 14, 1965 by the City Plan Commission of the City of Bloomington, Indiana, in reference to approving the use to which the Trustees of Indiana University are now putting and the use to which the said Trustees, in the immediate future, intend to put, land owned by them, all as set out and described in the Resolution adopted by the said City Plan Commission, be, and the same hereby is ratified and confirmed, but in so ratifying and confirming the action, the Common Council reaffirms its policy on holding in abeyance any extension of Federally financed urban renewal as set forth in the "resolution and report on the evaluation of Federal urban renewal in Bloomington" which was adopted by the Council in regular session of May 21, 1964.

Councilman Harry Day moved, seconded by Councilman Faris, that proposed Resolution 65-3 be adopted. A roll call vote was taken.

H. Day ---- Aye	Johnson ----- Aye	Faris ----- Aye
C. Day ---- Nay	Moulden ----- Aye	Derge ----- Aye
Fee ----- Abstain		

Motion carried with 5 ayes, 1 nay and 1 abstain.

Mr. James Register asked that the Clerk-Treasurer be instructed to prepare a certification of this action.

Mayor Hooker stated that there would be a certification prepared.

Mr. George Carpenter spoke in regard to the proposed changes in the plumbing ordinance. I was a member of the Common Council that enacted this first plumbing ordinance but a few revisions have been made. As of last Monday, I am no longer in the plumbing business, so I can now come before you with an open mind. The present ordinance is unfair. It discriminates. A current situation, you have listed many plumbing contractors who are operating in violation of this zoning restriction, these people are not operating in compliance, they are operating from their homes.

Attorney Cotner asked Mr. Carpenter what changes he would make in the plumbing ordinance.

Mr. Carpenter made the following statements in regard to changes:

- (1) On behalf of home owners who wants to add a half bath - there are many manuals available showing the proper way of doing this. He should be required to make application with the Engineering Department.
- (2) The Engineering Department plumbing division should be supported by a restrictive ordinance with appropriate fines.
- (3) The ordinance should primarily follow the ~~Adoptive Administration Council of Indiana~~ (Administrative Building Council code of Indiana) with certain other restrictions that the Engineering Department deems necessary.
- (4) The licensing in effect should be for all who do business as a plumbing contractor.

Mr. Carpenter made the above statements in regard to the plumbing ordinance because he will not be in town at the second reading of the proposed ordinance when it is presented for discussion at the March 4th meeting.

The following petition was presented to the Common Council ~~from~~ (by Attorney William H. Andrews on behalf of Dr. Thomas O. Middleton and Mrs. Middleton) ~~Dr. Thomas O. Middleton.~~

PETITION TO VACATE ALLEY

The undersigned hereby represent to the Common Council of the City of Bloomington that there is a platted north-south alley running from Howe Street south to the Seminary Lane and located between Madison Street and Rogers Street in the City of Bloomington, Indiana. That said alley as provided in the plat of Howe's Addition recorded in 1874 is Sixteen and one-half (16½) feet in width and has never been improved; that your Petitioners own Lots Sixteen (16) and Seventeen (17) in Howe's Addition to the City of Bloomington, Indiana, which are the only lots abutting on said alley; that your Petitioners intend to construct a complex of medical clinic buildings and parking areas on its land which include the above described lots and other lands; that the owners of no other lands would be affected by the vacation of said alley; and that the vacation of said alley is to the best interests of the City of Bloomington.

The undersigned would further represent that your Petitioners, Thomas O. Middleton and Mildred Middleton, husband and wife, as owners of the above described lots, intend to file a Petition in the Monroe Circuit Court requesting that said alley be vacated.

WHEREFORE, your Petitioners respectfully request that the Council determine that the vacation of said alley is to the best interests of the City of Bloomington, and that the City Attorney be instructed not to oppose the Petition of Thomas O. Middleton and Mildred Middleton when the same is filed in the Monroe Circuit Court.

THOMAS O. MIDDLETON
MILDRED MIDDLETON

By S/ Evens, Baker & Barnhart
EVENS, BAKER & BARNHART
Attorneys for Petitioners

Dated this 18th day of February, 1965.

Councilman Derge asked this request to be referred to committee for study.

Councilman Faris presented the following report from the Bloomington Traffic Commission.

The following have been approved by the Bloomington Traffic Commission and are now being presented to the Common Council Traffic Committee for further action:

Section 17-207 Yield Intersections

1. Roosevelt Street shall be designated "Yield" at Seventh Street.
2. Roosevelt Street shall be designated "Yield" at Eighth Street.
3. Alice Avenue shall be designated "Yield" at Harold Avenue.

Section 17-206 Stop Intersections

1. Park Street shall be designated "Stop" at Hunter Avenue.
2. Elm Street shall be designated "Stop" at Eighth Street.
3. Maple Street shall be designated "Stop" at Ninth Street.

Section 17-195 No Parking Zones

1. West Eleventh Street in the 100 block, on the north side of the street shall be designated as "No Parking."
2. East Second Street from Grant to Henderson Street (400-500 blocks), on the north side of the street shall be designated "No Parking."

* The alley between and parallel to Allen Street and the R.C.A. Plant shall no longer be designated as one-way from Rogers to Fairview, but shall be closed and barricaded just west of Rogers Street at the rear of the property facing Rogers Street.

* Now in Cumulative Supplement as one-way alley, do not vacate alley, but close it to traffic.

S/ Dr. B. I. Loft

Dr. Bernard Loft, Chairman
Bloomington Traffic Commission

Councilman Faris moved, seconded by Councilman Moulden, that the report and recommendations from the Bloomington Traffic Commission made to the Common Council be approved and the City Attorney be instructed to prepare the necessary ordinance. Motion carried unanimously.

Councilman Johnson and his Municipal Development and Growth Committee, recommended to the Common Council to instruct the City Attorney not to oppose the vacation of the area now being encroached upon by the Popular Dormitory.

Councilman Derge made the following statement.

A short review of the "Poplars" drama is in order. Some time ago a wealthy out-of town builder committed the colossal blunder of constructing a multi-million dollar girl's residence hall which encroached upon city land. A blueprint for this project, dated 19 April, 1963, clearly shows the building was intended to encroached upon city property by several feet, thus the encroachment is not an honest mistake, or careless oversight, but a deliberate and cynical disregard for the integrity of public right-of-way. This builder offered a token payment to the city for a 50-year easement on the land and the offer was accepted, but his financial backers judged the easement to be an inadequate guarantee and rejected it.

The builder now petitions the Monroe County Circuit Court to "Vacate" this municipal property in favor of the builder. To "vacate" is to give the encroaching builder free title to city land without compensation to the city. If the city does not oppose this petition the Court will in all likelihood give the

city land to the builder.

The City Council is asked not to oppose the petition. This amounts to a seizure of public right-of-way with no protest. The reasons given are that: (1) a very large and permanent building has already been constructed, so what can be done?; (2) certain benefits may accrue from this; (3) the City doesn't "need" the land anyway.

A very dangerous precedent will be set if this Administration consents to this cynical land-grab. By announcing to speculators that city land can be had upon demand, we place in jeopardy all public lands contiguous to any property which catches the eye of an unscrupulous developer. With this precedent established there is every reason to suppose that a flood of petitions will be filed in the Circuit Court for vacation of land now encroached upon. If anything, this Administration is devoted to the principles of fairness and impartiality. Thus, if we will not oppose vacation of land in the interest of a wealthy out-of-town builder and speculators, we certainly could not oppose vacation of land by honest sincere, tax-paying local citizens.

The public may owe a debt of gratitude to Plez Lewis and Sons of Indiana, Inc., Mr. John Miskell, and their attorney Leroy Baker, as well as the City Administration, for what could become the biggest land-rush since the celebrated stampede for free land in the Oklahoma territory.

This should serve as an announcement to all citizens of good faith whose buildings, fences, or other structures encroach upon city property to bring suits in the Circuit Court for vacation (gift) of such land by the City to the encroaching citizens. If this glow of limitless generosity and forgiveness long possesses the City, untold amounts of City lands could be disposed of in a short time. Public rights-of-way could be substantially narrowed (upon the grounds that the City does not "need" land for widened streets.) If you want such land, just ask for it. The developers, Mr. Miskell, and Attorney Baker are to be congratulated for this skillful and profitable massaging of the body politic.

In keeping with this act of modern piracy, I suggest that the \$2,000 "token payment" for our city land be converted into beads, trinkets, and other shiny objects for distribution to the natives of Bloomington in return for the seizure of their land.

This whole unbelievable, rapacious, affair brings to mind an old English verse:

The law is hard on man or woman
who steals the goose from off the Common
But turns the larger rascal loose
who steals the Common from the goose.

Councilman Harry Day asked City Engineer Long what steps could be taken to keep the same thing from occurring in the future.

Engineer Long stated that the first set of plans they had looked at did not include the plot plan, showing where the building would set, and in the future the plot plan would have to be included with the first set of plans.

After a lengthy discussion a roll call vote was taken.

C. Day ----- Aye	H. Day ----- Aye	Faris ---- Aye
Derge ----- Nay	Fee ----- Aye	Johnson -- Aye
Moulden ----- Aye		

Motion carried six to one.

Councilman Faris moved, seconded by Councilman Fee, that Horace Karsell be appointed to the office of Board of Redevelopment Trustees with the term to expire on December 31, 1968. Motion carried unanimously.

Col. Clifford Thrasher of the Bloomington Police Department gave a brief report on the activities of the Police Department, the schooling program they are anticipating and they hope to have the pistol range in action by the fall of 1965.

Councilman Fee presented some clippings and pictures showing the steps that the town of Hollidaysburg, Pennsylvania, had taken in order to renovate the down town area.

Mayor Hooker stated that he would like to remind the people of Bloomington and several organizations, we are asking to receive your endorsement and support of the West By-Pass of Bloomington, Indiana.

Mayor Hooker also stated that the installation of the signal at the By-Pass and East Third Street is now under way and should be completed within 30 to 45 days.

Councilman Fee moved, seconded by Councilman Faris, that the application for city license for the three cab firms in Bloomington, I.U. Cab Company, Yellow Cab Company and the Campus Cab Company be approved. Motion carried unanimously.

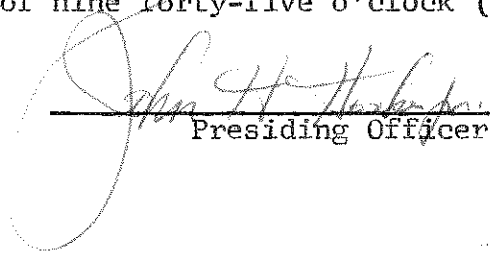
Mrs. Iris Smith, owner of the I.U. Cab Company stated that she had been told that they could not drive their cabs on the streets of Bloomington without the names being painted on the side of the cab, and there were several cabs being driven on the streets without the proper identification being visible.

Col. Thrasher stated that these people have been notified of this by the Police Department and steps are being taken to clear this matter up.

Councilman Moulden moved, seconded by Councilman Fee, that claims presented for payment on February 19, 1965, be allowed. Motion carried unanimously.

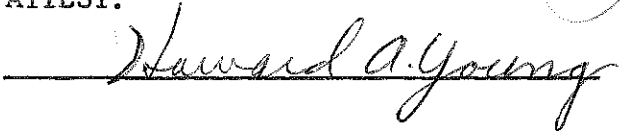
No further business to come before the Common Council of the City of Bloomington, Councilman Fee moved meeting be adjourned.

Meeting adjourned at the hour of nine forty-five o'clock (9:45 P.M.) E.S.T.



Presiding Officer

ATTEST:



Amendments to minutes of February 18th as per letter from Councilman Harry Day of February 27, 1965.

P. 405 - Second paragraph before Resolution 65-4: In the second line omit advanced to first reading and

P. 407 - Seventh paragraph from bottom of page: Identify Mr. Leonard as Mr. Lee Leonard. Insert a comma after Committee in the paragraph.

P. 409 - In the second paragraph before Resolution No. 65-3 omit advanced to first reading and

P. 411 - Item No. 3 under Mr. Carpenter's statements: Strike the words Adoptive Administration Council of Indiana and add Administrative Building Council code of Indiana.

P. 411 - In the paragraph immediately above Petition to Vacate Alley, the change should be: The following petition was presented to the Common Council by Attorney William H. Andrews on behalf of Dr. Thomas O. Middleton and Mrs. Middleton.

P. 413 - Because Councilman Derge's long statement to the Council is included in the minutes, the statement by Councilman Johnson in support of his committee's recommendation ought to be made a part of the minutes. Also, the record of the introduction of the matter should be included.

Statement by Councilman Johnson: In conformance with the City Administration's open door policy and concern for the problems of all Bloomington citizens the Proplar Apartment encroachment on Grant Street right of way has received the thoughtful consideration of the Metropolitan Development and Growth Committee.

Historically, and probably soon after the street rights of way were first dedicated in Bloomington, there has been encroachment. Streets were at first as wide as needed for two buggies to pass and for a walkway down both sides of the street. Houses were then built immediately next. The actual dedication to street usage was much wider, eighty feet in the case of Grant Street. In more recent years when such encroachments became problems for the adjacent property owners the city has seen fit to vacate small tracts of land as in the case of the Bell Telephone Building, the Workingmens Federal Savings and Loan Association building and the Curry Insurance Company building and many others. The council has in recent weeks taken action not opposing vacation of properties and even tonight we have been asked to vacate land. Thus the vacating of land could not accurately be labeled "seizure of public lands", even in the case in question.

In Bloomington today there are parts of residences and other structures which are located on street right of way. In most cases financing of such properties has not posed an unsurmountable problem, thus no vacation action has been requested or needed.

It would be pure conjecture to assume that in the near future the city would need the few feet of right of way in question. Further, we would not anticipate that the granting of a vacation in this instance would cause a rash of suits for vacation. This has not been the experience in the past.

Thus, the committee recommends that The council instruct the City Attorney to not oppose the suit for the vacation of 4.7 feet on the East side of Grant Street by Plez Lewis & Sons of Indiana, Inc., in the Monroe Circuit Court.

This decision is based upon the following reasons:

- 1) the present or possible future need of such strip for right of way purposes is unlikely
- 2) the erection of the building already on the strip cannot be ignored and must be considered a factor in any decision of the Court. It is emphasized that the Council's investigation reveals some carelessness by the builder but no purposeful or intentional encroachment.
- 3) past administrations have granted such vacations readily and with less basis than exists for granting the proposed vacation.
- 4) the building owners has co-operated in every way in an atempt to solve the problem and the Council feels the owner has demonstrated his good faith.
- 5) the opinion of the City Attorney indicates that the decision of the Court would be favorable to the Petitioner for vacation, based upon his understanding of the law and the facts. If this is true then the only result of opposing the vacation would be to harass and delay the Petitioner and use the time of a busy court without a valid anticipated purpose.

The Council intends to set no precedent. Those who fear that in the future the City will be subjected to further "land grabs" by others should take notice of the attitude of this Council and its diligent effort to solve this problem by other than vacation. This reflects an undercurrent of opposition to this vacation and a definite opposition to any future request for vacation. Therefore,

Councilman Johnson moved, seconded by Councilman Fee, that the Common Council instruct the City Attorney not to oppose the petition for vacation of land in the Poplars Dormitory case in the Circuit Court.

P. 417 - Paragraph Six - change Mrs. Iris Smith, owner of the I.U. Cab Company to read Mrs. Iris Smith, co-owner of the I.U. Cab Company.