

REGULAR MEETING

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chambers in the Municipal Building, on Thursday, September 2, 1965, at the hour of seven thirty o'clock (7:30 P.M.) E.S.T. in regular session with Mayor John H. Hooker, Jr. presiding.

Meeting called to order by Mayor Hooker.

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

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

Also Present: Mayor - John H. Hooker, Jr.
City Attorney - James R. Cotner
Assistant Engineer - Marvard A. Clark

Members Absent: City Engineer - Raymond E. Long

Meeting opened with invocation by Councilman Johnson.

Councilman Faris moved, seconded by Councilman Moulden, that the minutes of the August 19, 1965 regular meeting and the August 30, 1965 statutory meeting be approved as published and distributed. Motion carried unanimously.

Councilman Faris moved, seconded by Councilman Fee, that proposed Ordinance 65-18 be advanced to second reading and read by title only. Motion carried unanimously.

The Clerk-Treasurer read proposed Ordinance 65-18 by title only.

Councilman Fee moved, seconded by Councilman Faris, that proposed Ordinance 65-18 be adopted. Upon a roll call vote, the motion was carried unanimously.

Councilman Fee moved, seconded by Councilman Moulden, that proposed Ordinance 65-19 be advanced to second reading and read by title only. Motion carried unanimously.

The Clerk-Treasurer read proposed Ordinance 65-19 by title only.

Councilman Harry Day moved, seconded by Councilman Fee, that proposed Ordinance 65-19 be adopted. Upon a roll call vote, the motion was carried unanimously.

Councilman Faris moved, seconded by Councilman Fee, that proposed Ordinance 65-20 be advanced to second reading and read by Clerk-Treasurer. Motion carried unanimously.

The Clerk-Treasurer read proposed Ordinance 65-20.

Mrs. Betty Funk, 831 West 6th Street, objected to Section "C" of the proposed ordinance as her property was affected by same.

Col. Thrasher made the following statement in regard to this proposed ordinance. "Mrs. Lewis Scott called me and stated she owned the property just east of 831 W. 6th and that these people have a drive. The curb is not cut or anything and people visiting the renters park across this drive because they are unable to tell it is a drive. The Police gave these people tickets and one car was towed away. Mrs. Scott stated something should be done so these people could tell it was a driveway. I talked to the people at 831 West 6th Street and suggested a yellow line be painted so people would know it was a drive. They stated they had been to the City Hall to get curb cut permit when they put in the drive and they were told that since there was no curb they would not need a permit. This drive has been in this location for sometime and previous neighbors did not complain".

City Attorney Cotner explained that the City has no authority when the driveway is already in existence. We cannot do away with their driveway and the entrance to their property.

Councilman Fee moved, seconded by Councilman Johnson, that proposed Ordinance 65-20 be adopted. Upon a roll call vote, the motion was carried unanimously.

Councilman Moulden moved, seconded by Councilman Fee, that proposed Ordinance 65-21 be advanced to second reading and read by Clerk-Treasurer. Motion carried unanimously.

The Clerk-Treasurer read proposed Ordinance 65-21.

Councilman Fee moved, seconded by Councilman Faris, that proposed Ordinance 65-21 be adopted. Upon a roll call vote, the motion was carried unanimously.

Councilman Moulden moved, seconded by Councilman Faris, that proposed Ordinance 65-22 be advanced to second reading and read by Clerk-Treasurer. Motion carried unanimously.

The Clerk-Treasurer read proposed Ordinance 65-22.

Councilman Fee moved, seconded by Councilman Moulden, that proposed Ordinance 65-22 be adopted. Upon a roll call vote, the motion was carried unanimously.

Mr. Frank Barnhart representing Mr. Bruce Storms, presented the following petition for the Council's consideration.

Mayor
City Attorney
Common Council
City of Bloomington
Municipal Building
Bloomington, Indiana

In re: Bruce Storms

Gentlemen:

Mr. Bruce Storms is in the process of constructing a dormitory on Lot No. 7 and 8 in Smith Addition and the vacated alley between Lot No. 7 of Smith Addition and Lot No. 14 and 15 of University Heights Addition.

Our abstractor had previously located a reference to the vacation of this alley back in the 1890's. This reference was contained in the plats of University Heights Addition and Smith Addition. She has, however, been unable to locate the actual vacation proceedings.

This alley has never been developed or used and we have obtained a quit-claim deed from Esther Austin, Daniel Angel, Carol Angel and Jewel Asher, the owners of Lots 14 and 15 of University Heights Addition releasing their interest, if any, to Mr. Storms.

It now develops that the Title Insurance Company that will be issuing a mortgagee's policy on this construction wants a vacation action instituted before they are willing to issue their policy. We are therefore preparing a petition to file in the Monroe Circuit Court and will ask that it be heard soon after the September term of Court begins on the 13th of September.

Will you present this matter to the Common Council at your next regular meeting and have the Council instruct the City Attorney as to what action he should take in regards to these proceedings.

Very truly yours,

EVENS, BAKER, BARNHART & ANDREWS

By S/ Frank A. Barnhart

Councilman Faris moved, seconded by Councilman Johnson, that the City Attorney be instructed not to oppose the petition to vacate this alley, subject to the rights of public utilities if present. Motion carried unanimously.

Mr. C. Kent Carter presented a petition from William Herman Allen and Richard L. Allen requesting the vacation of an alley running east and west from College Street to Walnut Street.

The petition was referred to Councilman Faris and his committee for further study.

The following petition was received from residents living in the South High Street area.

To the Mayor and City Council of Bloomington and the Board of County Commissioners of Monroe County:

We, the undersigned, being residents along the west side of South High Street from Maxwell Lane to East 3rd Street, are opposed to Item #2 of the recommendations made to the City Council by the Special Committee of the Bloomington and Monroe County Traffic Commission on August 19, 1965 and to the Board of County Commissioners on August 16, 1965. Which recommendations were approved by the City Council and Item #2 was taken under advisement by the Board of County Commissioners.

Our reasons for this opposition are as follows:

1. The taking of 10 feet of additional Right/Way along the west side of South High Street to secure only 2 feet of additional width of traveled roadway is not justified. It would be an expensive operation for small gain.
2. A sidewalk on both sides is not necessary since all the schools involved are to the east of South High Street and all the children living to the west of S. High Street must cross this street at some point. They can then proceed on the east sidewalk.

As a matter of fact the children coming from south of 1st Street who attend Rogers School are instructed to proceed east on 1st Street from S. High Street so that few, if any, travel on S. High Street north of 1st Street.

We believe that sidewalks on both sides would be more dangerous than on one side because children would have a tendency to run from side to side without using the cross-walks.

3. We doubt the safety benefit of a "Two foot tree plot" on each side. Rear view mirrors are usually too high to hit pedestrians. This so-called safety measure is not used to any extent in other parts of Bloomington and we believe a much greater measure of safety will be gained if the proposed 2 foot wide strip is utilized to widen the traveled roadway and proper sidewalks built on the east side.
4. The reason given for taking all of the 10 feet of additional Right/Way from the west side, namely that there is already a sidewalk on the east side, is not valid because said sidewalk is of little safety to pedestrians since it is little more than 3 inches above the traveled roadway in most places from Maxwell Lane to East 3rd Street and in a great many places it has crumbled away.

Further, it is a serious penalty to the property owners along the west side of S. High Street from Maxwell Lane to East 3rd Street to cut off their front yards and seriously damage their property and, in addition, ask them to pay for curb and sidewalks because the sidewalk on the east side was built approximately 5 feet inside of the east property line from 2nd to 3rd Street and there is approximately 3 feet additional width of traveled roadway which can be utilized from Maxwell Lane to 2nd Street without any additional Right/Way.

All of this destruction to our front yards and unnecessary cost to a group of City taxpayers for the benefit of a great many people who pay no City taxes and some of whom are fighting Annexation.

5. It is our understanding that the children from the Arden area are to be carried in school buses and therefor will not use the sidewalks to go to school.

We offer the following suggestions for your consideration:

1. A new, and properly constructed, sidewalk be constructed on the EAST side of S. High Street to the east of the present sidewalk from 2nd Street to 3rd Street thus using the full width of existing Right/Way. This would widen the traveled roadway by approximately 5 feet and line the sidewalk up with the sidewalk to the south.
2. Eliminate the weed strip between the present sidewalk from Maxwell Lane 2nd Street and have the utility poles moved from the roadway to a utility strip behind the houses on the east side of High Street because the lives of people driving along High Street are now endangered by these poles and such traveling public must be protected as much as school children. These poles are a serious hazard. Such a move would add approximately 3 feet to the width of the traveled roadway and make for much improved safety for drivers and pedestrians. All without additional Right/Way.

Construct a good curb of the proper height above the traveled roadway, along this portion of the EAST side of S. High Street in order to properly protect pedestrians.

3. Paint a cross-walk at Maxwell Lane and S. High Street or use a traffic guard.
4. Install a flasher signal at 1st Street and S. High Street or use a traffic guard.
5. Proceed with all speed to open Clifton Street from 3rd Street to Maxwell Lane and further south when Right/Way is secured in order to divert some of the traffic from S. High Street.
6. Use any funds which can be made available for sidewalks on Atwater, Hunter, 2nd, 1st and Maxwell Lane, west of S. High Street.
7. Due to the fact that trucks from the south which are proceeding east cannot use Atwater Street they are going east from State Road #37 on Winslow Road and north on S. High Street thus adding to the already bad traffic conditions on S. High Street. Such truck traffic will soon ruin these roads because they were not designed to take such loads. This truck traffic should be discouraged.
8. We realize that our police and Sheriff departments have plenty to do but we urge that every effort be made to cut down speeding on S. High Street.
9. We also urge that City officials, Metropolitan School Administration and the County Commissioners cooperate in every way possible to open existing streets to the east of S. High Street and south of 3rd Street as rapidly as funds can be made available so that traffic on existing streets in this area may be relieved and an orderly growth of this community can be carried forward.

SIGNED:

Miss Marion Armstrong	E. 3rd & S. High
Mr. & Mrs. Virgil Neawedde	306 S. High
Mr. & Mrs. E. B. McPheron	308 S. High
Mr. & Mrs. Tom Goby	310 S. High
Naomi Blair	316 S. High
Irene Ryan	316 S. High
Mrs. B. D. Myers	400 S. High
Doc. R. G. Strickland	404 S. High
Mr. Walter Poesse	408 S. High
Mrs. Wm. H. Murphy	412 S. High
Mr. & Mrs. Ralph Rogers	506 S. High

Mr. & Mrs. L. D. Dieterle	520 S. High
Mr. & Mrs. Arthur Moore	602 S. High
Mr. & Mrs. Wm. J. Ruddick	610 S. High
Mr. & Mrs. Taulman Miller	706 S. High
Mrs. Angela J. Wallace	710 S. High
Mr. & Mrs. John W. Gillum	716 S. High
Mr. & Mrs. Henry J. Andrews	720 S. High
Mr. & Mrs. Robert E. Moulton	820 S. High
Mrs. Beatrice Henry	824 S. High
Mr. & Mrs. James Osterburg	830 S. High

The petition was referred to Councilman Faris and his committee for further investigation.

Mr. James T. Kent representing Mr. Donald Lance, presenting the following petition to the Council.

Hon. Jack Hooker,
Mayor of City of Bloomington, Indiana
& Members of the Common Council
City Hall
Bloomington, Indiana

Gentlemen:

I represent Mr. Donald Lance who is the owner and operator of the A & W Root Beer stand located on the west side of North College Ave., Bloomington, Indiana. This business is situated on Lots #23 and #24 in Hunter's Addition to the City of Bloomington, Indiana, which lots are owned by Dr. & Mrs. Jean A. Creek, who have leased this land to Mr. Lance.

Lot #22 which lays just north and across the alley from the above real estate is owned by Dr. & Mrs. Paul W. Holtzman. Mr. Lance is interested in purchasing this lot from the Creeks provided that portion of the east and west alley separating Lots #22 and #23 can be vacated, in which event this lot will be used as a part of the present Root Beer stand. The vacation of this alley is necessary if Mr. Lance is to use this lot in connection with the said business, as he would extend the canopy now in existence over and on to said Lot #22.

Attached to this letter is a partial plat drawing showing subject real estate. That portion of the alley which Mr. Lance would like to have vacated is outlined in red.

In the event the City Council elects not to oppose an action to vacate said portion of alley, my client will file in the Monroe Circuit Court his petition to vacate the alley. Dr. & Mrs. Creek and Dr. & Mrs. Holtzman are willing that this be done, if agreeable to the Common Council.

We are asking that this matter be considered at your next Council meeting. Both myself and Mr. Lance will be present at this meeting and will be willing to discuss this matter further with the Council at this time.

Respectfully Submitted,

S/ James T. Kent

Councilman Faris moved, seconded by Councilman Johnson, that the City Attorney be instructed not to oppose the vacation of the alley, subject to the public utilities now in existence. Motion carried unanimously.

Councilman Derge stated that he would like to have the Board of Public Works and Safety ponder upon the giving away of land and forming a policy that we might have for future use. He suggested we might have a written policy that could be handed out to anyone wanting an alley vacated which they could first submit to the Board of Works and then if they did not have a satisfactory decision come before the Council with their request.

Councilman Harry Day pointed out that there is a difference in giving away land and a request for the vacation of an alley. When there is a vacation this is where it is deemed no longer needed by the public and it reverts back to the property owner.

After the suggestion that the Board of Works should investigate all petitions for the vacation of alleys, Councilman Faris turned the request from Mr. C. Kent Carter over to the Board of Works for further study and investigation.

Mayor Hooker stated that a decision has been reached on the CATV franchise for the City of Bloomington and the City Attorney does have a proposed contract for the consideration of the Council at this time.

Attorney Cotner stated that he and Mr. Robert Arnold have had many meetings with the Monroe All Channel Cabelvision, Inc., in regard to CATV for the City. He stated the Board of Works went over the contract, changes were made and the Council did have an opportunity to look it over. The opportunity to look it over was prior to this meeting, and the next step would be the publication in the newspaper of the proposed contract with a hearing to be held upon the contract with the public having a right to appear at the hearing from 15 to 20 days after publication. The present contract has been approved by the Board of Works. It grants the CATV franchise to the Monroe All Channel Cabelvision, Inc. It does contain in all, the points in the original proposal plus some other conditions we thought essential. Now, on behalf of the Board of Works, I would suggest that Monroe All Channel Cabelvision, Inc. be instructed and authorized by the Council to publish a notice in the Daily Herald Telephone newspaper with a public hearing to be held 15 days after publication.

City Attorney Cotner gave a brief resume of the proposed contract.

Mayor Hooker stated that we have representatives from three of the companies who had applied to the Board of Works and would like for them to present themselves to the Council if they so desired.

Mr. James Schmalz, President of Monroe Tele-Cable, Inc., made the following statement. We are only interested in seeing the actual performance of this, as we are concerned with the betterment of our community. We are hopeful that we can get this thing settled as soon as possible. We thank you for the opportunity to present our proposal to the Board of Works and we still think we could do the best job.

Mr. Richard H. Tricker speaking for the Community Teleception, Inc. and the Bloomington T.V. Cable Co., Inc., stated that since the meeting with the Board of Works a coalition of the two companies has been formed and we have a proposal that we would like to present to the Council at this time for their consideration.

The proposal was handed out to the Mayor and Councilmen and considerable discussion followed.

Attorney Cotner asked why they had chosen to bring this to the Council rather than the Board of Works. He further stated that the Board of Works is the only contracting body of the City government and the only action by Council is the ratification of a contract submitted by the Board of Works.

Mr. Bruce Storms stated it was not possible to have a personal meeting with the Board of Works it was all done by letter and since we felt we would like to have further study of this issue, we turned this proposal over to the Council this evening.

Councilman Fee moved, seconded by Councilman Derge, that the monthly charge of \$5.00 as submitted by Monroe All Channel Cabelvision, Inc., be reduced to a monthly charge of \$3.50 to be used as an incentive to assure a job and greater response on the part of the contractor to provide two Chicago stations to the viewing public in a greater Bloomington.

Councilman Harry Day moved, seconded by Councilman Fee, that the Common Council accept the recommendation of the Board of Works concerning the contract of a bidder and subject to final decision upon public hearing at the earliest possible time and the City Attorney be instructed to con-

fer with the Company recommended to work out a consensus of what is required to bring in the Chicago stations and the contract be advertised in the local newspaper. A roll call vote was taken:

C. Day -----	Aye
Johnson -----	Aye
Faris -----	Aye
Fee -----	Aye
Harry Day -----	Aye
Moulden -----	No
Derge -----	Abstain

Monthly activity reports for the month of August were submitted by the following City Departments ----- Street, Engineering, Fire, Police, Health, Water and Sanitation and Rosehill.

Councilman Harry Day asked about the man hours on the Street Department report in regard to the incinerator?

Mayor Hooker stated that these were included on the monthly report, but the Street Department has nothing to do with this operation.

Councilman Johnson stated that he would like to request the appearance of Mr. Martin Knudson at the next scheduled Council meeting, September 16, 1965, in regard to the Urban Renewal Project.

Mayor Hooker stated that we will receive the last project bids on the 1965-67 Water Expansion Program on September 8th at four o'clock (4:00 P.M.) E.S.T. This will be for the Monroe Treatment Plant and three (3) related areas. Upon the receiving of the bids without any complications, we can tabulate our bids and submit them to the Public Service Commission. Within the next Council meeting possibly, a final rate proposal will be submitted for your consideration.

Mayor Hooker also announced on behalf of the City officials and Council, he would like to remind all citizens that we are going into one of the most pleasant week-ends and also one of the most deadly week-ends and he would like to remind all motorists driving in town or on the highways to exercise extreme caution.

A public hearing was arranged to be held at the first meeting of October of the Common Council in regard to the advisability of engaging the services of a City Planning Engineer.

Councilman Moulden moved, seconded by Councilman C. Day, that claims presented for payment on September 3, 1965, be approved. Motion carried unanimously.


Councilman Fee moved, no further business to come before the Council, meeting be adjourned.

Meeting adjourned at the hour of eleven o'clock (11:00 P.M.) E.S.T.



 Presiding Officer

ATTEST:



 Clerk-Treasurer