

## REGULAR MEETING

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chambers in the Municipal Building on Thursday, November 19, 1964, at the hour of seven thirty four o'clock (7:34 P.M.) E.S.T. in regular session 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, Fee, Faris,  
Johnson & Moulden

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

Councilman Faris moved, seconded by Councilman Fee, that minutes of the previous Council Meeting, November 5, 1964, be approved as published and distributed. Motion carried unanimously.

Councilman Fee moved, seconded by Councilman Faris, for introduction and first reading of proposed Appropriation Ordinance 64-4. Motion carried unanimously.

Clerk-Treasurer read proposed Appropriation Ordinance 64-4.

Councilman Faris moved, seconded by Councilman Fee, that proposed Ordinance 64-24 be advanced to first reading and read by Clerk-Treasurer. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-24.

Councilman Moulden moved, seconded by Councilman Faris, that proposed Ordinance 64-25, proposed Ordinance 64-26 and proposed Ordinance 64-27 be advanced to first reading and read by Clerk-Treasurer.

Assistant Engineer, Marvard Clark, explained that proposed Ordinance 64-25 concerned land along the south side of 17th Street between Jackson and Madison Street, the reason for this change is because an Oil Company has an option for a service station on the corner of Madison and 17th Street.

Proposed Ordinance 64-26 concerns the rear Lot #6 in Allen's Addition located at the first alley intersection north of Second between Washington and Lincoln Street, to be used by Doran May for a private ice making plant for his other places of business.

Proposed Ordinance 64-27 concerns two lots at the corner of Third and Dunn Street north to the alley and it includes Bryan Realty Company. The purpose of this change is because Mr. E. B. Bryan is proposing to build a new office building with apartments above the office.

After the explanation by Mr. Clark, the motion was carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-25, Ordinance 64-26 and Ordinance 64-27.

Councilman Moulden moved, seconded by Councilman Fee, that proposed Ordinance 64-28 be advanced to first reading and read by Clerk-Treasurer. Motion carried unanimously.

Mayor Hooker explained that this was the voluntary annexation request of Phillip Anderson and Rhea Von Clipp Anderson for the shopping center located on North College Street.

Clerk-Treasurer read proposed Ordinance 64-28.

Mayor Hooker read the following report concerning annexation.

REPORT

For over six years the City of Bloomington has not annexed any areas except through voluntary annexation. Since 1958, it has been continuously involved in litigation in an attempt to expand and take into the City those areas which, in the opinion of this administration and of past administrations, should be brought in.

The last effort by the City to annex adjacent territory was in September, 1962. The Council, at that time, redefined the City boundaries. There were, of course, many people who questioned the correctness of the 1962 ordinance. Some thought it took in areas which should not be included. Others thought it failed to take in areas which should have been included. Their objection was based upon the contention that if they were to be annexed, all others similarly situated should be annexed.

As an outgrowth of this opposition, a suit was filed in the Monroe Circuit Court in October, 1962. After the initial pleadings had been filed the suit was dormant until this year. Nothing was done by the City to push the suit through to conclusion in 1963.

The purpose of this administration is to reactivate the suit and bring it to a conclusion. Toward this end, last Spring the Council repealed the annexation ordinance enacted October, 1962 and through that repeal sought to have the lawsuit pending against the City dismissed. It was the plan of the City Council, in the event such dismissal was obtained, then to seek to annex those areas which unquestionably belonged in the City. This effort failed and the Court held that the City was not entitled to repeal the ordinance, have the suit dismissed, and then come back with new and different annexation attempts.

The present effort by the City is based upon a new annexation ordinance which includes part of the areas which the ordinance enacted in October, 1962 sought to annex. It is emphasized that the ordinance submitted tonight does not, in any place, include any land which was not included in the 1962 ordinance. It does, and particularly along the southern boundary, omit certain tracts which were included in the 1962 ordinance. In the opinion of the City Attorney, areas not included in the 1962 ordinance cannot be included in this ordinance.

The City now proposed that the hearing to be held in the suit filed upon the ordinance enacted in 1962 be held and that the matter before the Court be the correctness and validity of the ordinance proposed tonight. The City in no way seeks to avoid a hearing upon this ordinance. It feels that the effort of those who oppose annexation should be rewarded by their having an opportunity to be heard and their oppositions aired before the Court.

In the event that the Court rules that the areas sought to be annexed should not be annexed, it is our understanding that the City will not be able to propose any further annexation except through voluntary petition for a two-year period. On the other hand, if the Court finds that the area we seek to annex by this ordinance should be annexed, then the City will have broken the deadlock which has existed for over six years and will be able to proceed with an orderly annexation program.

The city also understands that those area which were included in the ordinance in 1962 but which are omitted in this ordinance, may, perhaps, not be annexed except voluntarily for a period of two more years.

We point out that there are real savings in being included within the city boundaries. Water rates are approximately 50% less inside the city than outside. Insurance rates are less. Trash and garbage are picked up by the city at no extra charge. It is felt that the savings to the landowner in these items will offset all or a substantial part of any increase in taxes. In addition city police protection, ambulance service, and fire protection will be assured and not subject to a con-

tract which may or may not be renewed each year. We do not want to indicate that this administration will not renew such contracts, but the risk exists that succeeding county and city administrations may not renew these agreements.

Our examination of the proposed ordinance indicates that water service from the city is available to the areas annexed. Sewer service is now available, or with the great expansion of the Bloomington sewer system now underway, will soon be available. The people residing in the areas which we seek to annex are a part of this community. This proposed ordinance tonight is another step in what we know will be a long and perhaps bitter struggle on the part of the city to expand into the areas where it naturally, logically and legally is entitled to move. We ask only that those people involved give the matter careful study and consideration.

In the many months since the petitions against annexation were gathered, circumstances have changed and a number of those who signed such petitions may find themselves in a different situation now than then. If there are those who would remove their names from such petitions, they should contact the Mayor's office and arrangements for their doing so will be made.

Councilman Fee moved, seconded by Councilman Faris, that proposed Ordinance 64-29 be advanced to first reading and read by Clerk-Treasurer. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-29.

Councilman C. Day moved, seconded by Councilman Fee, that the City Clerk-Treasurer be instructed to inform the Public Service Company to add to the City system a street light at the intersection of West 8th and Spring Streets. Motion carried unanimously.

Mayor Hooker asked Mr. Jerry Femal, Director of Parks & Recreation, to explain the request for an additional appropriation and also the items for reduction under the request and also something about the item that appeared in the paper the other evening in regard to the possibility of availability of Federal funds for park land.

Mr. Femal explained that the request under item 11 - Salaries, was a request for \$1,800.00, the amount needed to cover the salaries from the middle of December to the end of December. This was not anticipated when they prepared their budgets for this year.

He further explained that item 26 - an amount of \$1,826.56, is an amount which is due over two years to an engineering firm in Indianapolis for making the engineering plans for the repair of Third Street Swimming Pool. This has not yet been paid.

He explained that the other items under transfer were items of transfer within the Park & Recreation budget. The only additional appropriations over and above their budget was the item under salaries and the item for the payment of the engineering firm.

Mr. Femal stated that there were two or three Federal programs brought to their attention at the Evansville meeting of the Indiana Park & Recreation Association. The minor details regarding all three Federal assistance programs have not been spelled out and we plan to make contacts with the various offices to determine same and see if we can comply with these requirements. It was explained to us that there are certain requirements already known; one, that the City have a master plan of recent origin that clearly indicates their plan of development for park & recreation areas. Secondly, that we have not entered into any financial obligations for purchase of said land. Third, that we can have made arrangements for option, but have not made final purchase agreement. Fourth, we have not engaged in condemnation proceedings before making application. It was also brought to our attention that in cases where cities are intending to buy very small areas of ten acres or less,

that their chances of getting Government help is greatly diminished. There were other programs discussed; one dealing with the development of recreation for the ill and handicapped under the John F. Kennedy Center for Performing Arts Bill, and another in which cities would receive assistance in acquiring open space land in Urban Renewal areas for parks, playgrounds and recreation purposes.

Mayor Hooker pointed out that the other day at noon, not on the taxpayer's time, but on Mr. Sargent's lunch hour, he had jotted down a few notes which turned out to be a poem, and the Mayor asked Attorney Cotner to please read the following poem written by Street Commissioner Sargent.

THE LEAF BREED CREW

Oh, colorful leaf why can't thou be  
A permanent part of a towering tree?

You fall to the lawn and into the street  
Then, starts our program of clean and sweep.

We work in an area until it's clean and neat-  
Knowing all too well we will have to repeat.

The telephone rings several times a day  
From the other end a voice will say,

"It's been six weeks since you cleaned my street".  
We, knowing too well when we began our beat.

We may have missed some leaves in a pile  
But, we will be back in a little while.

We'll clean and sweep from dawn 'til dusk  
For the clean up of leaves is a seasonal must.

Eight long hours on a man-sized chore  
And we won't be home for another four.

He'll miss his dinner and he knew he would  
Just to move a few more leaves for the neighborhood.

The sacrifice for this dinner and sleep  
For taking from the street the falling leaf.

Leaf cleaning is his job and his job is grim,  
But the streets get cleaned and it's thanks to him.

"Thanks" is a word that'll get some heed  
When you talk to a man of the leaf crew breed.

- The Leafless Friend -

Councilman H. Day stated that he like all other citizens had huge piles of leaves in front of his house, but he felt that Commissioner Sargent and his crew should be commended for the very good job they are doing. He further stated that he had been in Baltimore and other towns in Maryland and their streets like ours were covered with leaves so we are not alone with our problem.

Mayor Hooker stated that he, Engineer Long and Councilman H. Day, had attended the Governor's 4th Annual Conference concerning the water situation and it was reported that many communities are in much worse shape with their water problem than we are.

Councilman Fee asked about the item paid under the Water Department, in the amount of \$1,127.52 to the Marble Cliff Quarries.

HAAG 1

Mayor Hooker explained that this company supplies lime that is used in water and this purchase was for the installation of a bulk plant which is presently sitting on top of the Griffey Plant Station.

Councilman H. Day moved, seconded by Councilman Moulden, that claims presented for payment on November 20, 1964, be allowed. Motion carried unanimously.

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

Meeting adjourned at the hour of eight fifty o'clock (8:50 P.M.) E.S.T.

  
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Presiding Officer

ATTEST:

  
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Clerk-Treasurer