

SPECIAL MEETING

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chambers in the Municipal Building on Wednesday, December 30, 1964, at the hour of six o'clock (6:00 p.m.) E.S.T. in special session with Mayor John H. Hooker, Jr. presiding.

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

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

Also present: Mayor - John H. Hooker, Jr.
City Attorney - Cotner
City Engineer - Long

Members absent: None

Mayor Hooker explained the purpose of this meeting was for conducting year end business, namely, the approval of final claims for 1964 and for second reading of four proposed ordinances.

Meeting opened with invocation by Councilman Johnson.

Councilman Faris moved, seconded by Councilman Johnson, that the minutes of the Council Meeting, December 17, 1964, be approved as published and distributed. Motion carried unanimously.

Mayor Hooker recognized Mrs. Hart representing the League of Women Voters, Mrs. Wruble and her children and also his father and his brother-in-law visiting the Council this evening.

Councilman Faris moved, seconded by Councilman Fee, that proposed Ordinance 64-30 be advanced to second reading and read by title only. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-30 by title only.

Councilman Fee moved, seconded by Councilman Faris, that proposed Ordinance 64-30 be adopted. Upon roll call vote the motion was carried unanimously.

Councilman Fee moved, seconded by Councilman Faris, that proposed Ordinance 64-31 be advanced to second reading and read by title only. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-31 by title only.

Councilman Fee moved, seconded by Councilman Johnson that proposed Ordinance 64-31 be adopted. Upon a roll call vote the motion was carried unanimously.

Councilman Faris moved, seconded by Councilman Fee, that proposed Ordinance 64-32 be advanced to second reading and read by title only. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-32 by title only.

Councilman Fee moved, seconded by Councilman Moulden, that proposed Ordinance 64-32 be adopted. Upon a roll call vote the motion was carried unanimously.

Councilman Faris moved, seconded by Councilman Fee, that proposed Ordinance 64-33 be advanced to second reading and read by title only. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-33 by title only.

Councilman Moulden moved, seconded by Councilman Fee, that proposed Ordinance 64-33 be adopted.

Councilman Faris called for discussion.

Mrs. Ellison a member of the audience stated that she felt this ordinance is too restricted in some respects and too lenient in other respects, she gave an example of what she meant. She stated that in the past months she has had dog packs running through her yard and through her neighbor's yard and they had called the Humane Officer to have him pick up the dogs and it does not do any good because they do not come. She went further to say that this type of dog is a menace to the community.

Attorney Cotner explained that we presently have an ordinance which gives to the Humane Officer the right to pick up any unlicensed dogs wandering about off its own property, he cannot go into a yard and pick up the dog, that is the state of the ordinance at the present time.

What the amendment to this ordinance is aimed for is to give the people the right to place a complaint against the owner of the dog and then we can enforce it.

After the discussion the motion upon a roll call vote was carried unanimously.

Councilman Moulden moved, seconded by Councilman Fee, that claims presented for payment on December 31, 1964, be approved. Motion carried unanimously.

Councilman H. Day stated that he wanted to comment on the article in "Roundin'" this week in the Herald-Telephone and express his personal appreciation on the paragraph in the item pertaining to the City beautification and expressed that this Administration might in the year 1965 be instrumental in continuing this beautification phase of the City.

Councilman Fee moved, seconded by Councilman Faris, that proposed Appropriation Ordinance 64-5 be advanced to first reading and read by Clerk-Treasurer. Motion carried unanimously.

Clerk-Treasurer read proposed Appropriation Ordinance 64-5.

Councilman Fee moved, seconded by Councilman Johnson that the rules be suspended and Appropriation Ordinance 64-5 be advanced to second reading. Upon a roll call vote the motion was carried unanimously.

Councilman Fee moved, seconded by Councilman Faris, that proposed Appropriation Ordinance 64-5 be advanced to second reading and read by title only. Motion carried unanimously.

Clerk-Treasurer read proposed Appropriation Ordinance 64-5 by title only.

Councilman Fee moved, seconded by Councilman Johnson, that proposed Appropriation 64-5 be adopted. Upon a roll call vote the motion was carried unanimously.

Councilman Fee moved, seconded by Councilman Johnson, that proposed Ordinance 64-34 be read by the Clerk-Treasurer. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-34.

Councilman Fee moved, seconded by Councilman Moulden, that the rules be suspended and proposed Ordinance 64-34 be advanced to second reading. Upon a roll call vote the motion was carried unanimously.

Councilman Fee moved, seconded by Councilman Johnson, that proposed Ordinance 64-34 be advanced to second reading and read by title only. Motion carried unanimously.

Clerk-Treasurer read proposed Ordinance 64-34 by title only.

Councilman Fee moved, seconded by Councilman Faris, that proposed Ordinance 64-34 be adopted. Upon a roll call vote the motion was carried unanimously.

Councilman Fee called for a report from Mr. Cotner and Mr. Barnhart in regard to the Poplar Dormitory.

City Attorney Cotner explained that it was very difficult to be placed in the position of representing eight or nine clients and be fair with the clients and with the people constructing this building. He stated after much discussion at the last Council Meeting that the problem finally came down to the fact that it was the immediate value we were concerned with in granting an easement to these people. We have property all along Grant Street encroaching upon City property. We did not want to be in the position where we charge them \$2,000 for the land at this time and in thirty years we might have to pay \$60,000 to buy this land back. Consequently, it was our thought that we would grant an easement to these people for the life of the building at a very nominal sum and in turn they would agree to vacate the easement upon a twelve months bonified request. In this way, we would not be giving away something that we might need in the future.

Mr. Barnhart stated he had a different problem in that I must be convinced in my own mind, that this would never be vacated for anything, so this proposition fell through.

Mr. Barnhart went further to say that they have a one hundred thousand dollar payroll to meet in two weeks and if we do not have this resolved in this time we cannot meet our payroll, consequently, the building of the structure will cease and it is quite possible that the building would not be ready in September and the project would fail. However, this does not stop another company from buying the building and continuing with the construction.

Councilman Fee moved, seconded by Councilman Faris, that the Common Council of the City of Bloomington, authorize the Board of Public Works and Safety to grant an easement to Plez Lewis and Son of Indiana, Inc., or successors or assignees for a period not to exceed the lesser of the life of the building, the term of the original mortgage or sixty years for an amount of \$2,000. Said easement would be 4.7 feet of even width off the east right-of-way of Grant Street from its intersection with Seventh Street, south to the intersection of the east-west alley between Seventh Street and Sixth Street a distance of 132 feet.

Mrs. Wruble, speaking on behalf of the League of Women Voters, stated that she felt that this three million dollar project should not be given any more consideration than her three hundred dollar garage. She wanted to know if these plans were approved under the building code. She quoted from the Building Code Book - Section 127.

Attorney Cotner stated that there had not been any violation of the zoning ordinance, this is an encroachment and the zoning ordinance is in regard to the placing of the property on land which is different from business zoning ordinance.

Engineer Long stated that this was a B-2 Zone and that the only restriction is that they have to be twelve feet behind the curb.

Mr. Barnhart stated that they were twenty-one feet behind the curb.

Mayor Hooker stated that the Engineering Department did issue a permit at which time we did not have a full set of plans and specifications. He further stated that we do not have nor does any other city have the total number of people necessary to make a detailed study of each and every case that comes before the Engineering Department. Secondly, you speak about the streets, we concur with your feeling because we are quite concerned about the life or right-of-way of the street being able

to carry the volume of traffic. Thirdly, this Common Council has many times gone on record as being in favor of this type of development in the City of Bloomington rather than any housing project.

Attorney Cotner stated that he wanted Mrs. Wruble to know that the City, when they were presented the plans, did find the encroachment.

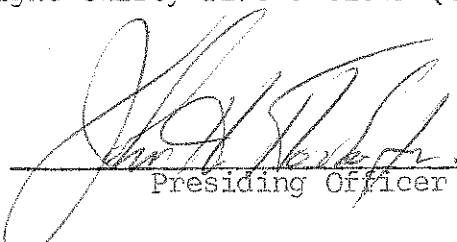
After the discussion of this problem between the Council and members of the audience a roll call vote on the motion was taken:

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

The motion was carried six to one.


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

Meeting adjourned at the hour of eight thirty five o'clock (8:35 p.m.) E.S.T.



 Presiding Officer

ATTEST:



 Clerk-Treasurer