

REGULAR MEETING

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chambers in City Hall on Tuesday, December 3, 1963, at the hour of seven-thirty o'clock P. M. (7:30 P. M.) in regular session with Mayor Mary Alice Dunlap presiding.

Members present: Sikes, Chitwood, Peace, Pearson, Faucett, Hickman, and Shertzer.

Members absent: None

The meeting was opened with a roll call of the members present by the Clerk-Treasurer.

Councilman Sikes presented Resolution Number 19, 1963, for reading by the Clerk-Treasurer.

RESOLUTION NUMBER 19, 1963
COMMON COUNCIL, CITY OF BLOOMINGTON, INDIANA
DECEMBER 3, 1963

WHEREAS, Our Nation and the World lost a great leader in the tragic assassination of President John Fitzgerald Kennedy at Dallas, Texas, November 22, 1963. The millions of words that have been spoken and written since that eventful moment when shock and sorrow spread throughout our land and touched all civilized nations can scarcely express the deepest feelings of any of us.

WHEREAS, In less than three years as our President, John Fitzgerald Kennedy made an indelible mark upon the pages of history. His courageous fight for peace in the world his valiant stands against the oppressive forces of communism; his bright and vigorous leadership in domestic affairs are a fulfilment of the American tradition of greatness in the most powerful office on earth.

WHEREAS, In passing through the American scene during a brief 46 years of life, John Fitzgerald Kennedy left a prouder heritage for our generation and the generations to come.

BE IT RESOLVED, That the Common Council of the City of Bloomington, Indiana, hereby officially expresses the deep sorrow of all the citizens of our city. We extend the sympathy of our citizenry to Mrs. Kennedy and the other members of our late President's family.

BE IT FURTHER RESOLVED, That as a lasting tribute to the memory of a great American, Bloomington's new Law Administration Building now under construction through the aid of the Accelerated Public Works Program initiated by President Kennedy shall be officially designated as the John F. Kennedy Law Administration Building.

Approved By:
The Common Council
City of Bloomington, Indiana
December 3, 1963

S/Pressly S. Sikes
Pressly S. Sikes

S/Mary Alice Dunlap
Mary Alice Dunlap, Mayor

S/David E. Chitwood
David E. Chitwood

S/Norbert S. Peace
Norbert Peace

S/Timothy D. Ellis
Timothy D. Ellis, Clerk-Treas.

S/Henry E. Pearson
Henry E. Pearson

S/James R. Faucett
James R. Faucett

S/Leo E. Hickman
Leo E. Hickman

S/Carl H. Shertzer
Carl H. Shertzer

Councilman Hickman moved, seconded by Councilman Faucett, that Resolution Number 19, 1963, be duly adopted; motion unanimously carried.

Councilman Peace moved, seconded by Councilman Hickman, that minutes of the last regular meeting held Tuesday, November 19, 1963, be approved as submitted to each individual councilman; motion unanimously carried.

The following excerpt from the minutes of the Board of Works was read by the Clerk-Treasurer.

Excerpt from the minutes of the Board of Works and Safety regular meeting held Monday, December 2, 1963, at 2:00 P. M. with all members present.

"Upon the recommendation of Mayor-elect John H. Hooker and Mr. James Cotner, City Attorney Baker moved, seconded by City Engineer Long, that the Garbage Contract be awarded to B & S Disposal Service, being the lowest bid, subject to the terms and conditions of the specifications including submitting an approved schedule of pickups, approval of equipment to be used, approval of a bond in the amount of \$50,000.00 with acceptable surety, and ratification by the Common Council; motion unanimously carried."

Councilman Hickman spoke commending J. L. Burks, present garbage and trash contractor, for his fine performance and added that citizens had written asking that Burks be retained as collector.

Councilman Hickman moved, seconded by Councilman Peace, that the Common Council not ratify the garbage contract entered into between the Board of Works and B & S Disposal Service and that the contract be referred back to the Board of Works for study and if necessary that the Board of Works re-advertise for bids.

City Attorney Baker said that past problems were not caused by the original contractor but rather by his successor. He added that the Board of Works had completely studied the matter prior to the award to B & S Disposal Service.

Mr. R. W. Sims spoke in his own behalf as to his ability to perform under the contract in question.

Councilman Peace raised the question as to how good service could be given at the contract price.

Councilman Hickman stated that when budget for next year's collection was made, the amount set was arrived at by comparing other similar cities in Indiana to our own.

City Attorney Baker pointed out that City was protected due to the performance bond of \$50,000.00.

Councilman Sikes asked why it was necessary for the Council to act on the matter.

Mayor Dunlap said that contractors should come forward with schedule of income/expense in order to show their operation could be done at the contract price.

Mr. James Cotner stated that in essence the contractor was betting \$50,000.00 that he could perform since in the event of failure the bonding company would close on his personal assets.

Miss Margaret Torphy asked what the current price for garbage collection was.

Mayor Dunlap stated that the City was currently paying about \$33,000 per year for pickup.

The question on the motion was called for: Upon a roll call vote, the motion was unanimously carried.

Mayor-elect John Hooker asked what procedure would now be followed to insure collection of garbage and trash after January 1, 1964. The Council advised that the Board of Works would have to decide.

Councilman Sikes presented Ordinance Number 38, 1963, for second reading by the Clerk-Treasurer.

The Clerk-Treasurer read Ordinance Number 38, 1963.

Councilman Sikes moved, seconded by Councilman Peace, that Ordinance Number 38, 1963, be amended as follows:

Amend Ordinance No. 38, 1963, by striking out Section 1, thereof and substituting therefor the following:

"Section 1. Every person in possession of land upon which is situated a swimming pool who fails to fence the area adjacent with a chain link wire or board fence at least five feet high and with no opening, except gates or doors, of more than four inches in width so that the pool is made inaccessible to children is guilty of a misdemeanor."

And by adding the following sentence to Section 3: "Each day the violation continues is a separate violation."

Upon a roll call vote, the motion was unanimously carried.

Councilman Pearson moved, seconded by Councilman Chitwood, that Ordinance Number 38, 1963, pertaining to enclosing private swimming pools in the City, be duly adopted as amended.

Mr. John Wiltz representing a group of Park Ridge Subdivision residents said that the group was in favor of Ordinance Number 38, 1963 but wondered if the ordinance needed to be more detailed.

City Attorney Baker stated that it was not feasible to lay out every detail of how to enclose private pools but rather to order them enclosed.

The question on the motion was called for: Upon a roll call vote, the motion was unanimously carried.

Councilman Sikes presented Appropriation Ordinance Number 5, 1963, for first reading by the Clerk-Treasurer.

The Clerk-Treasurer read Appropriation Ordinance Number 5, 1963.

Councilman Sikes moved, seconded by Councilman Chitwood, that Appropriation Ordinance Number 5, 1963, be advanced to second reading and read by title only by the Clerk-Treasurer. Upon a roll call vote, the motion was unanimously carried.

The Clerk-Treasurer read by title only, Appropriation Ordinance Number 5, 1963.

Councilman Pearson moved, seconded by Councilman Peace, that Appropriation Ordinance Number 5, 1963, be duly adopted. Upon a roll call vote, the motion was unanimously carried.

Councilman Sikes presented Ordinance Number 39, 1963, for first reading by the Clerk-Treasurer.

The Clerk-Treasurer read Ordinance Number 39, 1963.

Councilman Sikes presented Ordinance Number 40, 1963, for first reading by the Clerk-Treasurer.

The Clerk-Treasurer read Ordinance Number 40, 1963.

Mr. Marvard Clark, Assistant City Engineer, said that properties involved in Ordinance Number 40, 1963 was the Hilltop Apartments land on West Allen Street and the land on the northwest corner of East Third Street and the East By-Pass.

The Clerk-Treasurer read to the Council a resolution for an additional appropriation by the Park and Recreation Board, together with his recommendation endorsed thereon, as follows:

RESOLUTION OF THE
BLOOMINGTON CITY PARK AND RECREATION BOARD

WHEREAS, this Board has heretofore at its regular meeting at Community Center on 21st day of March, 1963 at which all members were present adopted a resolution finding that it would be to the best interests of the City of Bloomington and its citizens to renovate the Third Street Park Swimming Pool, and to surface and fence areas in the Building Trades Park, and that said improvements are necessary in order to protect the health and well-being of the citizens and would be of general benefit to the entire City of Bloomington, and

WHEREAS, the Board in said meeting determined that the expenses thereof would approximate the sum of Thirty-five thousand (\$35,000.00) dollars, and

WHEREAS, pursuant to said resolution a notice was given and a hearing had in accordance with Indiana Acts of 1955, Chapter 311.

NOW, THEREFORE, BE IT RESOLVED by the Bloomington City Park and Recreation Board that said Board now finds that it would be to the best interests of the City and its citizens to provide for renovation of the Third Street swimming pool, and to surface and fence certain areas in the Building Trades Park, and that the estimated cost of said project, including incidental expenses necessary to be incurred in connection therewith will be in the approximate amount of Thirty-five Thousand (\$35,000.00) dollars.

BE IT FURTHER RESOLVED, that this Board recommend to the Common Council that bonds of the City of Bloomington constituting a general obligation be issued in an amount not exceeding Thirty-five thousand (\$35,000.00) dollars for the purpose of providing funds to be applied on the cost of said project.

BE IT FURTHER RESOLVED, that this Board request an appropriation by the Common Council of the City of Bloomington in an amount not exceeding Thirty-five thousand (\$35,000.00) dollars for the purpose of paying the costs of the foregoing projects.

BE IT FURTHER RESOLVED, that the secretary of this Board is hereby directed to submit a certified copy of this resolution to the Clerk-Treasurer of the City of Bloomington for presentation to the Common Council as this Board's recommendation to the Common Council, pursuant to Statute, and its request for an appropriation as hereinabove set out.

ADOPTED this 15 day of April, 1963.

BLOOMINGTON CITY PARK & RECREATION
BOARD

ATTEST:

By /s/ L. W. Glcott
President

/s/R. L. Strausbaugh

/s/Don R. Brineman
Member

/s/Frank Southern
Member

to the Common Council of the City of
Bloomington, Indiana

The Bloomington City Park and Recreation Board has requested an appropriation in the amount of Thirty-five Thousand Dollars (\$35,000.00) for the purpose of providing funds to be applied to the renovation of the Third Street swimming pool, and to surface and fence certain areas in the Building Trades Park, all in the City of Bloomington, Indiana, and said Board has recommended by resolution, after due notice and a public hearing, that the Common Council authorize general obligation bonds in said amount for the purpose of providing funds to pay the cost of said projects and to said appropriation.

In order to provide funds to meet said appropriation, it will be necessary to authorize, issue and sell bonds of the City in the amount of Thirty-five Thousand Dollars (\$35,000.00), and I am submitting herewith a form of ordinance drawn for that purpose.

DATED this 16 day of April, 1963.

Respectfully submitted,

/s/T. D. Ellis

T. D. Ellis, Clerk-Treasurer

The Clerk-Treasurer presented to the Council a petition files by owners of taxable real estate in the City requesting the Common Council to authorize and issue the bonds of the City in an amount not exceeding \$35,000.00 for the purpose of procuring funds to be applied to the cost of renovating the Third Street Swimming Pool and the surfacing and fencing of certain areas in the Building Trades Park.

Said petition, having been examined and found to be sufficient, and to be properly verified and certified, on motion of Councilman Sikes, seconded by Councilman Chitwood, the same was approved as being ~~as being~~ in due form of law.

Councilman Sikes thereupon introduced the ordinance submitted by the Clerk-Treasurer entitled "An Ordinance of the City of Bloomington, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied to the cost of renovating the Third Street Swimming Pool and of fencing and surfacing certain areas in the Building Trades Park," and moved that said ordinance be numbered and placed on first reading, and that the same be read by title and in full at this time.

Said motion was seconded by Councilman Peace, and on call of the roll was carried by the following vote:

Ayes: Sikes, Chitwood, Peace, Pearson, Fuacett, Hickman
Shertzer

Nays: None

Said Ordinance, having been designated as Ordinance No. 29, and having been read by title and in full and the provisions of the same having been considered by the Council, Councilman Sikes moved that Ordinance No. 29 be read a second time by title, and that opportunity be given for the offering of amendments. This motion was seconded by Councilman Pearson, and on call of the roll was carried by the following vote:

Ayes: Sikes, Chitwood, Peace, Pearson, Fuacett, Hickman
Shertzer

Nays: None

Ordinance No. 29 was then read a second time by title and no amendments were offered. Councilman Sikes moved that the rules be suspended, and that consent be given for the adoption of Ordinance No. 29 at this meeting. This motion was seconded by Councilman Chitwood, and on call of the roll the vote on said motion was as follows:

Ayes: Sikes, Chitwood, Peace, Pearson, Faucett, Hickman, Shertzer

Nays: None

Councilman Sikes moved that the rules be suspended and that Ordinance No. 29 be read a second time by title only and placed on final passage. Said motion was seconded by Councilman Chitwood, and on call of the roll was carried by the following vote;

Ayes: Sikes, Chitwood, Peace, Pearson, Faucett, Hickman, Shertzer

Nays: None

Ordinance No. 29 was then read second time by title, and the Mayor announced that said ordinance was under consideration for final passage or rejection, and directed the Clerk-Treasurer to call the roll.

On call of the roll the vote for the adoption of said ordinance was as follows:

Ayes: Sikes, Chitwood, Peace, Pearson, Faucett, Hickman, Shertzer

Nays: None

There being present at said meeting at least two-thirds of the members-elect of the Common Council, and said Ordinance No. 29 having been passed under suspension of the rules by the unanimous vote of all members present, the Mayor thereupon declared said ordinance to have been duly passed and adopted.

Councilman Sikes thereupon introduced an ordinance entitled "An Ordinance of the City of Bloomington appropriating the sum of \$35,000.00 to be applied to the renovation of the Third Street Swimming Pool add to fencing and surfacing of the Building Trades Park in the City of Bloomington, Indiana, and the issuance of bonds on account thereof," and moved that said ordinance be numbered and placed on first reading, and that the same be read by title and in full at this time.

Said motion was seconded by Councilman Hickman, and on call of the roll was carried by the following vote:

Ayes: Sikes, Chitwood, Peace, Pearson, Faucett, Hickman, Shertzer

Nays: None

Said Ordinance, having been designated as Appropriation Ordinance No. 26, and having been read by title and in full, Councilman Sikes moved that said Ordinance be carried over for further consideration until a meeting of the Council to be held on the 17th day of DEcember, 1963; that a public hearing be held on said ordinance at said meeting, and that the Clerk-Treasurer be instructed to publish a notice to the taxpayers of such hearing, once each week for two weeks in The Daily Herald Telephone and The Star Courier, and to post said notice in three public places in the City at least ten days prior to said date. This motion was seconded by Councilman Faucett, and on call of the roll was adopted by the following vote:

Ayes: Sikes, Chitwood, Peace, Pearson, Faucett, Hickman, Shertzer

Nays: None

The presiding officer then declared said motion carried and instructed the Clerk-Treasurer to publish said post notice of such public hearing as provided in the foregoing motion.

A petition for voluntary annexation from Mr. James Kutche was read by the Clerk-Treasurer and placed on file in his office.

Councilman Hickman moved, seconded by Councilman Faucett, that Mr. Kutche's petition be referred to the City Attorney for preparation of the proper ordinance to be presented at the next council meeting on December 17, 1963; motion unanimously carried.

City Attorney Baker asked if he could incorporate his request into Ordinance No. 40, 1963, in the form of an amendment. The council approved this request.

The following report from the Traffic Safety Committee was presented by Councilman Peace.

Report to Council

From Public Safety Committee.

Dec. 3, 1963

The following items were recommended by the Traffic Commission at the November meeting and were studied by this Committee which recommends the Traffic ordinance be ammended accordingly:

- 1. That the 4-Way STOP signs erected at the intersection of S. Rogers and W. Dodds Streets be made permanent.
- 2. That all parking be prohibited on the west side of Rogers St. from 3rd. St. to 13th. St.

Signed

S/David Chitwood
David Chitwood

S/Carl H. Shertzner
Carl Shertzner

S/Henry E. Pearson
Henry E. Pearson

S/Norbent Peace
Norbent Peace, Chairman

Councilman Peace moved, seconded by Councilman Chitwood, that the above recommendations be adopted; motion unanimously carried.

Councilman Pearson presented the following report from the Street Lighting Committee.

REPORT OF STREET LIGHTING COMMITTEE

The Street Lighting Committee reports favorably on the request for the installation of a street light at the corner of Smith Avenue and South Fairview and recommends that the Clerk-Treasurer instruct the Public Service Company of Indiana to install a 6000 lumen light at this location.

S/Henry E. Pearson
Henry E. Pearson

S/James R. Faucett
James R. Faucett

S/Carl H. Shertzner
Carl H. Shertzner

E/Leo E. Hickman
Leo Hickman

Councilman Pearson also added that the request for street lights on Longview Avenue had already been approved and that the lights would soon be installed.

Councilman Pearson moved, seconded by Councilman Hickman, that the above recommendations be adopted; unanimously carried.

The following reports for the month of November, 1963, were received and placed on file in the Clerk-Treasurer's office: Street Department, Fire Department, Engineering Department, Sanitarian Officer, and Humane Officer.

Councilman Chitwood moved, seconded by Councilman Hickman, that claims presented for payment December 4, 1963, be allowed as submitted; motion unanimously carried.

Meeting adjourned.

Mary Alice Dunlap
Presiding Officer

ATTEST:

F. J. Ellis