

## REGULAR MEETING

Tuesday, May 5, 1953

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chamber in the City Hall on Tuesday, May 5th, 1953, at the hour of seven-thirty o'clock P.M. in regular session, with Mayor Kelly presiding.

Members present: Carpenter, Fowler, Griffith, McDaniel, Miller, Porter, and Ramsey.

Members absent: none

The minutes of the last meeting were approved on motion of Councilman Fowler, seconded by Councilman Griffith.

A request for a street light at the intersection of 17th and Maple Streets was received from residents of that vicinity. Councilman Miller reported his committee had investigated this request, and he moved installation of a street light at this location be approved. Councilman Porter seconded the motion; motion carried.

A request for a street light at the intersection of 8th and Ritter Streets was received from residents of that vicinity. Councilman Miller moved that action on this petition be delayed for further study. Councilman Griffith seconded the motion; motion carried.

A letter from the Planning Commission enclosing an Ordinance amending the Zoning Map to reclassify Lot No. Twenty-Seven (27) South Park Addition was received. Rules were suspended on motion of Councilman Miller, seconded by Councilman Carpenter and on motion of Councilman Miller, seconded by Councilman Fowler, Ordinance No. 8, 1953 reclassifying Lot No. Twenty-seven (27) South Park Addition from R2 Two-Family Zone to BL Limited Business Zone was unanimously adopted.

The report of Horace Robertson, Chief of the Fire Department, for the month of April, 1953, was accepted on motion of Councilman Porter seconded by Councilman Miller.

The report of L. M. Rogers, Superintendent of Sanitation Department, for the month of April, 1953, was accepted on motion of Councilman McDaniel seconded by Councilman Porter.

Councilman Fowler reported for the committee on streets, alleys, and bridges in connection with the petition to close parts of alleys in the block bounded by Third and Fourth Streets and College and Morton Streets from Cecil E. Harlos. He reported his committee is not in favor of closing these alleys unless the City be granted a utility easement, and he, therefore, moved the rejection of this petition. Councilman Miller seconded the motion; motion carried.

Councilman Fowler reported the committee on streets, alleys and bridges had studied the question of the vacating of Davis Street as petitioned by residents in that area and asked Councilman Porter to give the Majority Report as follows:

#### Vacating of Davis Street

We have thought and thought on the proposal of vacating Davis Street, in fact we have lost some sleep, hatching this problem over. We want to be fair with everyone concerned. We have finally reached our decision and to show why we have reached the conclusion that Davis Street should be vacated and give the following reasons:

1. We believe it is the duty and privilege of the City Council to represent the majority of people within the City.
2. There is not a person within the city who protests the vacating of Davis Street.
3. The residents of Maxwell Manors have already taken their depreciation when this plant was started in that vicinity and we don't believe they should be punished more by having to take increased traffic, which might prove fatal to some of their children.

4. Another point we wish to add is that in the beginning of this plant when the protests were being made, it was stated by someone of the Tarzian family or attorney Register that they would not ask for the opening of Davis Street.
5. We believe that Hillside Drive should be widened and see how this works, if it does prove to be inadequate, then widen the west end of Davis Street starting at the southeast corner of Bryan Park and extend west several blocks which would give Tarzians access from the northwest corner of their property.

To sum this problem up, we say lets vacate Davis Street for the present time and see how the traffic flow from Tarzians works out. We realize that access to the three fire hydrants must be kept open. It has been stated that Mr. Silverstein himself will rock a road to these hydrants from the various streets running north and south as these hydrants are placed in the middle of the blocks on the north line of said Davis Street.

Boyd Porter

Councilman Porter moved the adoption of the Majority Report and Councilman Griffith seconded the motion. Councilman Fowler gave the Minority Report of the committee as follows:

This concerns the strip of ground designated as Davis Street between Woodlawn and Jordan which is the dividing line between the City and County. To north is a nice residential section known as Maxwell Manors which comes under City Zoning Laws. South of Street is outside City and not under a zoning ordinance. (Facts that were known by both parties)

This plot of ground was available at a price and anyone of several things could have happened to this plot. It probably could have been developed into residential area and annexed to the City and then would have been under zoning laws. The thing that did happen was--Mr. Tarzian purchased it and chose to erect a Manufacturing Plant on a section of it. Since no zoning is in effect, he could legally do that. Opposition developed immediately which was not unnatural. Since Mr. Tarzian was within his rights, neither residents or City Officials could have intervened.

Petitioners believe they have already been damaged financially by drop in property values. I think they are correct--As to how much, I don't know.

As a further precaution--both from financial standpoint and to safeguard their children--they ask that this street be vacated so that traffic can not flow to and from the district south of Maxwell Manors thru their residential area.

On the other hand, Mr. Tarzian does not want this street vacated, so from all this--considerable feeling has developed. We are wondering if quite a lot of this tension and action hasn't come about as a result of personal feelings from all parties concerned. Actually, is it such a vital issue? Aren't we crossing bridges before we come to them?

I readily agree that it would be undesirable for large numbers of cars to be directed through this area at certain hours of the day, but Mr. Tarzian's company has made the statement that they do not intend to direct traffic to the north and in a letter dated last Thursday, he reiterates the statement. On the contrary he plans to direct traffic south and west. In my opinion there are several reasons why this street should not be vacated.

If in the future the area to south should be annexed to the City, especially if Mr. Tarzian or someone else might want to develop some of the territory east of his plant for residences, and east west street would be very desirable and helpful. If the street is opened and then continued on west south of Bryan Park and arrangements worked out whereby it could continue east to the city limits, there could be a very valuable street from the City Limits east to Walnut Street--west. I believe the fire hazards would be lessened with Davis Street opened--trucks could better service the area and fight fires.

thirty dollars (\$30.00); Class RD, forty dollars (\$40.00); Class RE, twenty-five dollars (\$25.00); and Class RF, twenty dollars (\$20.00).

Paragraphs 16 and 17: Substitute for the present paragraphs 16 and 17 the following:

"16" Unsafe boats shall not be used upon the waters of the Beanblossom Reservoir. All boats operated upon the Reservoir must be equipped for safe operation, and shall be equipped with oars and with a sufficient number of an approved type of life preservers, which shall at all times be in place and available to each passenger in the boat when such boat is being used upon the waters of the Reservoir".

"17" All boats being used upon the waters of the Reservoir shall be subject at any time to inspection and certification in respect to condition, seaworthiness, and any factors relating to safety!

Paragraph 18: The present paragraph 18 should be placed before the present paragraph 15.

Paragraph 21: Insert in the blank the word "ten".

Paragraph 28: Add to the present paragraph 28 the following sentence: "In order to cover inspection costs there be charged a fee for the annual renewal of such dock and pier license in the amount of ten dollars (\$10.00).

Section VI: After paragraph 33 add the following paragraph temporarily numbered "33 $\frac{1}{2}$ ":

"33 $\frac{1}{2}$ ". Carassius auratus and others of the Cyprenius carpio group of fishes, commonly referred to as goldfish, shall not be used as bait at any time or place on, or from the shores of, the Beanblossom Reservoir".

Numbering of paragraphs: After the amendment of this ordinance the arabic numbered paragraphs thereof shall, when the enrolled copies of the ordinance are retyped for the Mayor's signature, be numbered consecutively and continuously throughout the length of the ordinance.

A letter was received from George G. Fassnacht of the State Board of Health concerning the ordinance.

Councilman Griffith moved that the ordinance be referred to a committee consisting of the seven (7) members of the Common Council for redrafting including the amendments presented, and inviting members of the committee that worked on the ordinance to be heard at their meeting; Councilman Miller seconded the motion; motion carried.

Appropriation Ordinance No. 1 was presented to the Council for consideration, proper legal notice having been published according to law.

Rules were suspended on motion of Councilman Griffith seconded by Councilman Fowler. On motion of Councilman Griffith, seconded by Councilman Carpenter, Appropriation Ordinance No. 1, 1953, was adopted unanimously.

Councilman Ramsey requested the Council to give further consideration to requesting the University Officials to restrict the use of automobiles by students.

Councilman Griffith moved that the matter of studying the streets between the Tarzian Plant and Walnut Street be referred to the Traffic Commission with a view to making a recommendation of two (2) streets which may be made arterial highways between Walnut Street

and the plant and concreted by the City of Bloomington. Councilman Carpenter seconded the motion; motion carried.

The meeting adjourned on motion by Councilman Carpenter, seconded by Councilman Miller.

*Ernest Kelly*  
Mayor

ATTEST:

*Esther F. Seavitt*  
Clerk-treasurer

AGA 652

12112

12112