

REGULAR MEETING

March 6, 1956, Tuesday

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chamber in City Hall, on Tuesday, March 6, 1956, at the hour of seven-thirty o'clock (7:30 P.M.) in regular session, with Mayor Lemon presiding. The meeting was opened with a prayer by Rev. James W. Keith.

Members present: Chitwood, Cook, Engelman, Miller, Sikes, Simpson, and Van Meter

Members absent: None

The minutes of the last meeting were approved on motion of Councilman Van Meter, seconded by Councilman Sikes.

Councilman Sikes requested presentation of Special Appropriation Ordinance No. 1, 1956, with Proof of Publication. After presentation, Councilman Sikes moved the Ordinance be read the second time by title only waiving the time limitation; Councilman Simpson seconded motion; on roll-call vote, the motion carried unanimously. After second reading by title only, Councilman Miller moved the adoption of the Ordinance; Councilman Cook seconded motion; on a roll-call vote, motion carried unanimously and Special Appropriation Ordinance No. 1, 1956, was declared duly adopted.

A petition for a street light at intersection of Eighth and Clark Streets was referred to the Committee on City Utilities for investigation on motion of Councilman Van Meter, seconded by Councilman Sikes.

The Bloomington Bowmen's Club requested permission to use property at Griffey Lake for an archery range. After discussion, on motion of Councilman Chitwood, seconded by Councilman Engelman, action on the request of this private organization to use property at Griffey Lake for recreation was held up until the next meeting.

Councilman Engelman inquired as to the procedure to be followed by a resident of South Rogers Street seeking rezoning of her property. Mayor Lemon advised the owner should appear at the next meeting of the Plan Commission and suggested that the Plan Commission might consider the possibility of rezoning South Rogers Street as a whole.

Mr. Fay Hancock requested the City to change the Corporation Line to include Twelfth Street. After discussion, on motion of Councilman Miller, seconded by Councilman Chitwood, the request was referred to the Committee on Rules, Ordinances, and Printing, and the Committee on Public Works for investigation and recommendation at the next Council meeting.

Councilman Simpson reported for the Committee on City Utilities in connection with request for street light at Hillsdale and Fourth Streets. The Committee checked with residents of the area and an agreement has been reached as to where the light should be placed. With the approval of the Committee, Councilman Simpson moved that the street light be authorized to be placed on the Public Service utility strip about 150 feet south of Fourth Street on Hillsdale Drive. Councilman Miller seconded motion; motion carried.

City Attorney Baker reported his investigation of applications for taxi license from IU Cab, Inc. and Campus Cab, Inc., and recommended that license be granted in each case. On motion of Councilman Van Meter, seconded by Councilman Miller, the applications for taxicab license of IU Cab, Inc. and Campus Cab, Inc. were approved.

The reports for the month of February, 1956, submitted by City Department Heads were approved on motion of Councilman Van Meter, seconded by Councilman Cook, as follows:

H. D. Scheil, Department of Health
 Bernard Clover, Fire Chief
 Roy Doub, Plumbing Inspector
 Raymond E. Richardson, Street Commissioner
 Lester Thornton, Water Superintendent

ACAG532

Captain Fox submitted report of the Police Department for the month of February, 1956 which was approved by the Council with commendation to the Traffic Department of the Police Department, on motion of Councilman Engelman.

Mayor Lemon suggested to the Council to consider possible future cemetery locations. He also called to their attention a letter from the American Dental Association regarding the benefits of fluoridation of drinking water.

Councilman Engelman presented to the Council the following letter from the office of the Attorney General with specific reference to Ordinance No. 16, 1955:

"Mr. George T. Engelman, Jr.
2612 East Dekist Street
Bloomington, Indiana

February 27, 1956

Dear Sir: You have asked for an opinion as to the legality of an ordinance passed by the Common Council of Bloomington, Indiana, on August 2, 1955, being Ordinance No. 16. The ordinance in question deals with the establishment of a hook-on charge to sewer lines. According to your letter of February 9, 1956, it is contended by some that before the foregoing ordinance was passed and officially adopted it should have been published in a local newspaper and a special public meeting held.

The contention that the ordinance is not valid for lack of publication and public hearing is based on Section 14, Ch. 61, Acts of 1932. This section requires a public hearing and publication of an ordinance establishing rates or charges for the use of and service rendered by sewage works, such charge to be paid by the owners of real estate or buildings connected with such sewage system.

The contention that the foregoing ordinance is illegal for lack of a public hearing and publication is not correct. Section 14 cited above applies to rates and charges for sewage treatment and specifically is made to apply to owners of real estate or buildings already connected with a sewage system. Nowhere in the Acts of 1932 cited above is there any reference to connection charges in any manner, and we do not feel that Section 14 can be read so as to apply to such a charge.

The ordinance in question is authorized by Ch. 179, Acts of 1949, Burns' Indiana Statutes #48-4339. This statute in Section 3 specifically authorizes a city or town to make a charge for connection to a sewer or sewers on the basis of the pro rata cost of construction of a local or lateral sewer. There is no provision in the act for publication or notice in regard to such charges.

Further, the above act is specifically made supplemental and amendatory to the Acts of 1932 which were cited above. Section 4 of the 1949 Acts provides that the act is necessary to supplement and clarify the provisions of Chapter 61 of the Acts of 1932, is supplemental thereto or amendatory thereof, and that the act is to facilitate the construction and financing of sewers for safeguarding public health and welfare and shall be liberally construed to that end.

Finally, assuming that the proper procedure for passing such ordinances in all other respects was followed, only ordinances providing for penalties or forfeitures are required to be published in the absence of some other specific statutory requirement.

We hope that the foregoing answers your questions concerning Ordinance 16.

As the Attorney General is restricted by law to the giving of opinions to the Governor, members of the State Legislature and state officers, this letter is not to be construed as being the opinion of the Attorney General nor as a precedent of this office, but as the personal opinion of the writer.

Respectfully yours,
S/Robert M. O'Mahoney
Deputy Attorney General"

RMO:M/mwb

Councilman Engelman moved that this letter be made a matter of public record and entered into the minutes of the Council; Councilman Cook

seconded motion; motion carried. Mayor Lemon stated the letter should be considered the personal opinion of the writer, and further stated that it is the personal opinion of the Mayor and City Attorney that the Ordinance is illegal and asked that this be made a matter of record in the minutes.

The Clerk-Treasurer submitted the following:

"To the Mayor and Common Council March 6, 1956-
City of Bloomington, Indiana

Gentlemen:

I respectfully request that you accept my resignation as Clerk-Treasurer of the City of Bloomington, Indiana, effective at the close of business March 31, 1956.

S/Esther F. Leavitt"

The Council accepted the resignation of the Clerk-Treasurer on motion of Councilman Engelman, seconded by Councilman Van Meter. Councilman Engelman moved the Council go on record highly approving and commending Mrs. Leavitt in the fulfillment of her duty while in office.

On motion of Councilman Cook, seconded by Councilman Chitwood, claims filed for payment March 7, 1956, were approved as listed.

The Council considered report and recommendation of the Traffic Commission which is attached hereto and made a part hereof:

AGAG52

COMMITTEE REPORT

The committee of the Bloomington Traffic Commission appointed to investigate the time limit of parking meters in the congested area of the City of Bloomington wishes to make the following recommendation to the Traffic Commission Members as a whole.

The problem of investigating and eventually making a recommendation to the Commission, concerning the parking meter time limit in the congested area was approached with two thoughts in mind. Those were:

1. Moving more vehicles in and out of the congested area more rapidly than at the present time, thus allowing more consumers more parking spaces at any given time.
2. Enabling the retail merchants to have their establishments more readily accessible to the consumer by limiting long time parking limits.

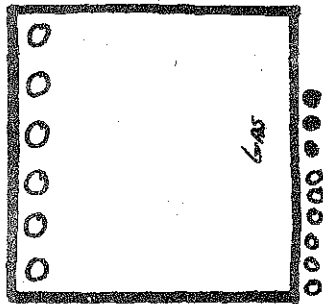
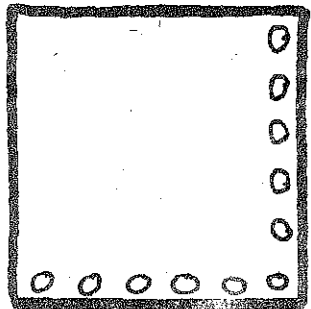
The attached map of the congested area indicates the recommendations of the committee. The key to the map is as follows: A black dot indicates a 15 minute parking meter. An "X" indicates a 1 hour maximum time limit meter. A round circle indicates a 2 hour maximum time limit meter. The number of circles and "X's" do not indicate the actual number of meters available at this time in any given city block. However, the black dots do indicate the exact number of 15 minute meters to be available as proposed by this Committee. There are sixty-eight of these 15 minute meters. These sixty-eight meters will be operating and it is recommended that violations should be enforced between the hours of 7 A.M. to 9 P.M. All other meters will continue to be in effect during the normal prescribed time limit as designated by ordinance. The afore-mentioned sixty-eight 15 minute time limit meters are, we believe, so located and situated as to alleviate some specific problems peculiar to certain types of retail merchants and other businesses.

The Committee would further point out that three 15 minute meters should be added on North Walnut Street on the west side of the street north of Seventh Street. The rest of the meters to be installed in that block, if any, should be of the 2 hour maximum type meters. They would further recommend that 2 hour maximum meters be installed on both sides of the street on North College between Seventh and Eighth Streets.

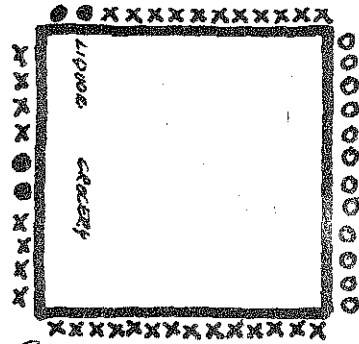
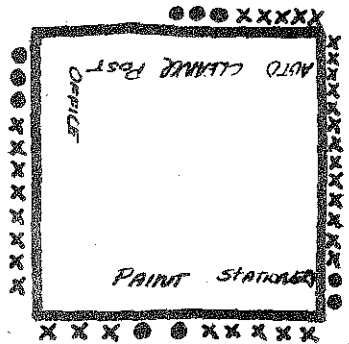
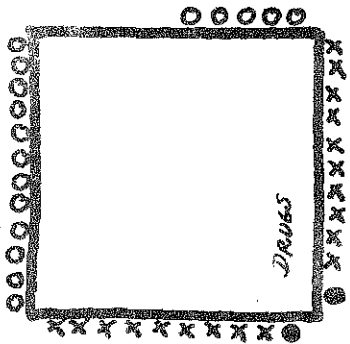
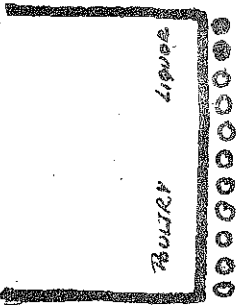
We feel that this proposed plan will work to the satisfaction of the majority of all concerned. It is with this thought and honest feeling in mind that the Committee would like to, at this time, submit the proposed plan to the Commission. We further wish to recommend to the Commission that, after due, careful and deliberate consideration by said Commission, this plan be submitted to the City Council of Bloomington recommending that they

(the Council) take the necessary steps to bring this plan into being as a city ordinance.

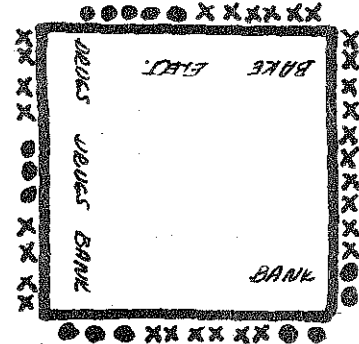
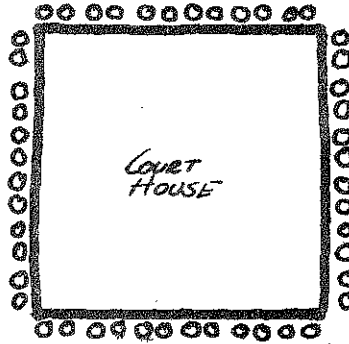
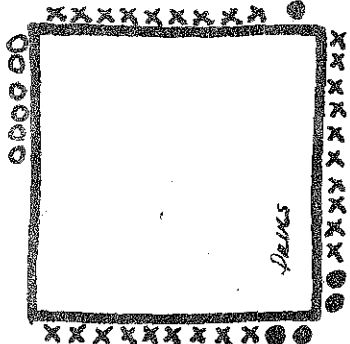
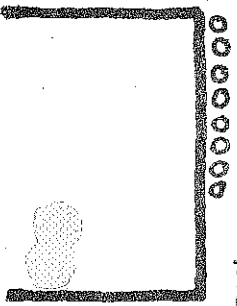
/s/ Guy Miller, Chairman
/s/ Robert Matt, Committee Member
/s/ Floyd E. Tindall, Committee Member



7th St.

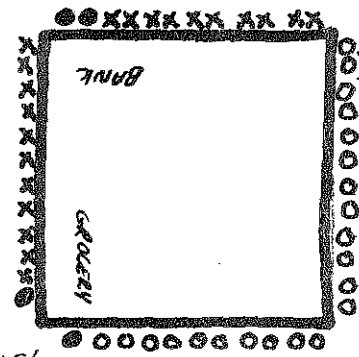
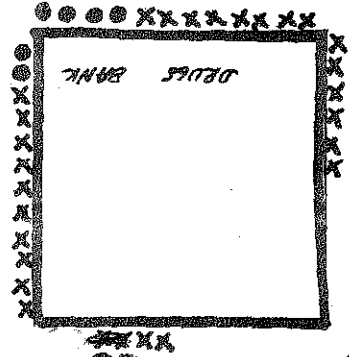
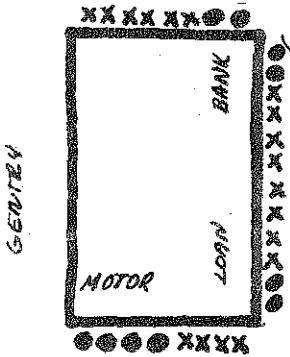
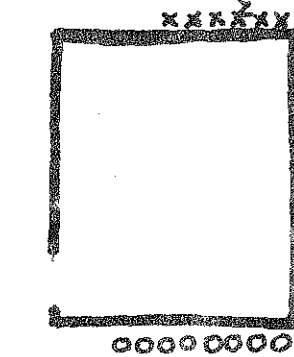


6th St.

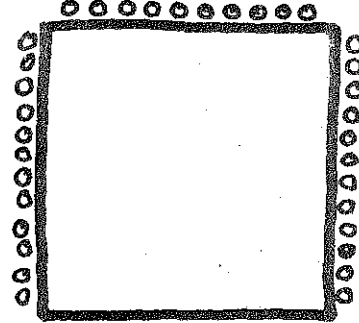
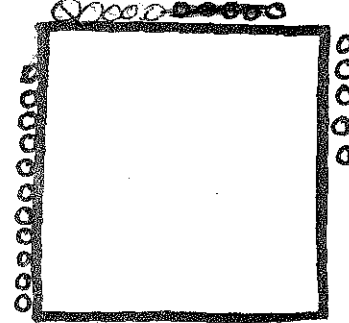
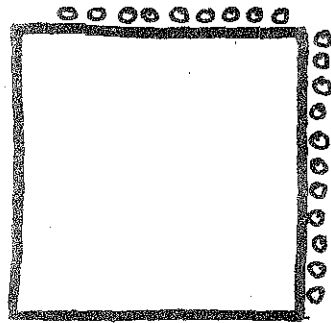
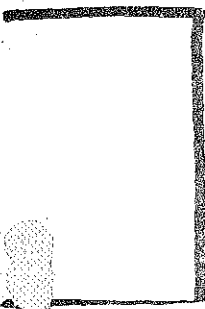


5th

St.



4th St.



3rd St.

KEY

- 15 MINUTES
- X 1 HOUR MAXIMUM LIMIT
- 2 HOUR MAXIMUM LIMIT

MORLTON

COLLEGE

WALNUT

WASHINGTON

COMMITTEE REPORT

Although the members of the sub-committee of the Bloomington Traffic Commission, appointed to investigate the time limit of parking meters in the congested area of the City of Bloomington, realize that the foregoing is outside the realm of our so-called appointed authority and jurisdiction, we would like to make this recommendation to the Commission.

After due consideration, we feel that 12 minute parking meters should be effected at the following locations:

One at 300 East Kirkwood.
One at 301 East Kirkwood.
Three in front of the Gregory Cleaners and the Laundromat.
One in front of Wible and Adams Clothing Store.
Two in front of Sunshine Cleaners and Johnson's Shoe Shop.
One in front of Wiles Photography Shop.

All the rest of the meters in this area will be of the 2 hour renewable type.

/s/ Guy Miller, Chairman
/s/ Floyd E. Tindall, Committee Member
/s/ Robert Matt, Committee Member

Report of Committee appointed by
Traffic Commission to study One-Way Streets

After much discussion and deliberation, the subcommittee wishes to submit to the Commission the following recommendation:

Cottage Grove from Walnut to Walnut Grove - East
11th from Washington to Walnut Grove - West
9th from Woodlawn to Walnut - West
6th and 7th to be left as is for the time being.
Morton from 5th to 6th - North - permitting left and right
turns from 5th Street

/s/ Glenn Marlin, Chairman

Mr. Nottingham moved that the Commission go on record as favoring one-way traffic on Walnut Street and College Avenue and the recommendation be submitted to the City Council for their consideration.

Motion seconded and carried.

Jack Noel reported that he had a request from a citizen to prohibit parking in the half block east of Washington Street and on the North side of Third Street. Parking in this area causes a dangerous traffic hazard. Chief Huntington confirmed this report and moved that the Commission accept this proposal and refer it to the City Council for their consideration.

Motion seconded and carried.

Report of Committee appointed by
Traffic Commission to study Parking on Grimes Lane between Rogers and Walnut

This Committee appreciates the efforts demonstrated by the Moon Freight Lines and The Bloomington Federation of Labor in the formulation of the two opposing surveys given to us for study. These surveys give evidence of much sincere study and work on the part of both parties.

We also appreciate the remarks and interest shown by Rev. Paul A. Evans and others concerning this study.

One of the surveys pointed out that parking was permitted on several streets that were not as wide as Grimes Lane. However, these streets are not heavily traveled cross streets and their traffic does not approach that of Grimes Lane. It is possible that parking may be hazardous on these streets, and, perhaps, further study should be made concerning the safety of parking on those streets.

Our first consideration, in making our recommendations, has been the safety of the citizens served by Grimes Lane Traffic. This consideration includes the use of this street by emergency vehicles.

We also realize that parking space is valuable. In the vicinity of the South Side Church at the corner of Grimes Lane and Walnut, parking is of vital importance to a great many families who need such space to continue their religious worship.

Along with the safety problem, the value of parking space was given careful consideration by this committee. While it is beyond the scope of this committee, there might be the possibility of some arrangement being made whereby the Moon Freight Lines could lend some parking space to the Church in order to help remove street parking.

Our study convinces us that during the peak daytime traffic flow, any parking on Grimes Lane is hazardous to the use of this street by emergency vehicles, and is detrimental to the safe and efficient movement of traffic.

However, the surveys show that after 6:00 P.M. and on Sundays, the traffic is considerably reduced from the daytime flow. Considering the value of the parking space, we feel that parking should be permitted during part of this time.

We also feel that community safety and traffic movement cannot be served by just considering parking in only one block on this cross street. The complete area of Grimes Lane from Walnut Street to Rogers Street must be considered as a whole.

Grimes Lane is the first east and west street north of the city limits. It is also the only east and west cross street capable of carrying heavy traffic south of Second Street. This is a very narrow street for the traffic that it now bears, and traffic seems sure to increase.

This committee respectfully submits the following recommendation to the Traffic Commission for consideration:

That parking be prohibited on Grimes Lane between Walnut Street and Rogers Street from 6:00 A.M. to 6:00 P.M. except on Sunday.

/s/ Chester L. Dunlap

/s/ Jack Noel

/s/ Mrs. Glen Owens