

## REGULAR MEETING

Tuesday, December 7, 1954

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chamber in the City Hall on Tuesday, December 7, 1954, at the hour of seven-thirty o'clock P.M. (7:30 P.M.), in regular session, with Mayor Kelly presiding.

Members Present: Carpenter, Donham, Griffith, McDaniel, Miller, Porter, and Ramsey

Members Absent: None

The minutes of the last meeting were approved as read on motion of Councilman Miller, seconded by Councilman Donham.

The following letter was read to the Council:

"Dr. George W. McDaniel  
218 East Kirkwood Avenue  
Bloomington, Indiana

State of Indiana  
Attorney General  
Indianapolis  
November 29, 1954

UNOFFICIAL OPINION

Dear Dr. McDaniel:

This is in reply to your letter of November 28, 1954, in which you inquire as to whether you may serve as Representative and a member of the Common Council.

This is to advise that the Supreme Court of Indiana in the case of State ex rel, Platt v. Kirk (1873) 44 Ind. 401, held that the office of City Council was not a lucrative office.

It is, therefore, my opinion that you may serve as a Representative without resigning.

Since the Attorney General is restricted to giving opinions to state officers and state departments, the above merely constitutes the opinion of the writer and is not to be considered a precedent of this office.

Very truly yours,

S/Lee Michael LeMay  
Deputy Attorney General"

lml:hb

Councilman McDaniel then addressed the Council stating that he would, if it were the wish of the members of the official family, resign as City Councilman. On motion of Councilman Miller, seconded by Councilman Porter, the Council passed unanimously a vote of confidence that Councilman McDaniel remain in office.

The report of Horace Robertson, chief of the Fire Department, for the month of November, 1954, was accepted on motion of Councilman Carpenter, seconded by Councilman Ramsey.

The report of Roy E. Doub, Plumbing Inspector, for the month of November, 1954, was accepted as read on motion of Councilman Porter, seconded by Councilman Donham.

The report of Leonard Rogers, superintendent of the Sanitation Department, for the month of November, 1954, was accepted as read on motion of Councilman McDaniel, seconded by Councilman Miller.

The report for the month of November, 1954, submitted by J. N. Gilmore, Street Commissioner, was accepted as read on motion of Councilman Donham, seconded by Councilman Carpenter.

A Resolution of the Board of Public Works and Safety was presented, recommending the adoption of an Ordinance fixing the schedule of rates or charges to be collected by the City of Bloomington, Indiana, from the owners of property served by the sewage disposal plant and works of said City.

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City Attorney McCrea presented an agreement between the City of Bloomington and the Illinois Central Railroad concerning the water main being installed paralleling the Illinois Central Railroad tracks between Adams Street and Stanford Pike, and calling for a payment of \$10. Whereupon on motion of Councilman Griffith, seconded by Councilman Porter, the following Resolution was adopted by the unanimous vote of the Council:

"Resolution"

BE IT RESOLVED by the Common Council of the City of Bloomington, Indiana, that the Mayor of Bloomington and the City Clerk-Treasurer be, and they are hereby authorized and directed to execute an Agreement, dated December 2nd, 1954, with the Illinois Central Railroad Company, a copy of said Agreement being attached hereto, for the purpose of granting to the City of Bloomington, Indiana, an Easement to install, maintain and remove a pipe line along and adjacent to the Easterly right-of-way line of said Railroad Company's switching leads between the East line of Adams Street and the North line of Stanford Pike."

Mrs. Henry Oliver and Mrs. George Johnson, representing the League of Women Voters, and Mr. Ralph Johnson, representing the Bloomington Chamber of Commerce, presented to the Mayor and Council copies of the booklet "Here is Your Local Government" which had been prepared by these organizations.

Mr. Len E. Bunker, Jr., representing Bloomington Metropolitan Schools, presented a petition requesting the City not oppose suit to be filed in Monroe Circuit Court to close an alley east of Hunter School. On motion of Councilman McDaniel, seconded by Councilman Miller, this petition was referred to the Committee on Public Works for investigation and report at the next Council meeting.

A request was received from Noah McDaniel, 604 West Allen Street, for permission to cut curb and sidewalk to provide better access to his driveway at that location. This petition was referred to the Committee on Public Works, on motion of Councilman Donham, seconded by Councilman McDaniel.

A petition was received from the Sun Oil Company for permission to cut curb on Fifteenth Street to provide access to an automobile service station at the northeast corner of Walnut and Fifteenth Streets.

Councilman Donham reported for the Committee on Public Works that this petition had been investigated and with the approval of the Committee, he moved that permission be granted for the curb, tree plot and sidewalk to be cut with the provision that the sidewalk and street elevation be maintained throughout the width of the lot on the Fifteenth Street side, and further provided that the work is done under the direction of the City Engineer; Councilman Griffith seconded motion; motion carried.

The City Engineer reported his investigation of the petition to establish the width of an alley running south from East Hillside Drive and stated that the investigation verified that the alley was intended to be twelve feet in width at this location. Sylvan Tackett, attorney for the petitioners, then presented an Ordinance establishing the width of the alley. On motion of Councilman Miller, seconded by Councilman Donham, and carried unanimously on a roll-call vote, the Ordinance was passed to second reading for consideration at the next regular meeting of the Council.


Councilman Ramsey reported for the Committee on Public Health and Sanitation regarding the remonstrances concerning the junk yard in Waterman's Addition. The Committee has discussed the situation with the owner of the yard and it has been promised that efforts will be made to improve the situation until it meets the approval of the Council and residents of the area.

The Ordinance approved by the Board of Public Works and Safety fixing the schedule of rates or charges to be collected by the City of Bloomington, Indiana, from the owners of property served by the sewage disposal plant and works of said City, was presented on first reading. On motion of Councilman Griffith, seconded by Councilman Porter, and

passed unanimously on a roll-call vote, the Ordinance was made a special order of business on second reading at the next meeting of the Council and the Clerk-Treasurer was instructed to so advertise.

Mr. Stephen Campbell, representing the Day Funeral Home, requested permission to connect to the electric lines of the City street light system to provide for a street light at the Day Funeral Home property just east of the City limits on East Third Street. Councilman Miller reported for the Committee on City Utilities and moved that this request be referred to the Committee for report at the next meeting of the Council. Councilman McDaniel seconded motion; motion carried.

On motion duly made and seconded, the meeting adjourned.

  
Presiding Officer

ATTEST:

  
Clerk-Treasurer

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