

REGULAR MEETING

Tuesday, April 1, 1952

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, Met in regular session in the Council Chamber at the City Hall, Bloomington, Indiana, April 1, 1952, at the hour of 7:30 P.M., with Mayor Kelly presiding.

Members Present: Fowler, Griffith, McDaniel, Miller
Porter, and Ramsey

Members Absent: Carpenter

The minutes of the last regular meeting were read by the Clerk-Treasurer and upon motion of Councilman Fowler, seconded by Councilman Miller, the minutes were approved as read.

Councilman Miller reported for the Committee on Sidewalks and Street Lighting in connection with the installation of a street light at the intersection of Seventeenth Street and Washington Street. He reported that the Committee recommended and he so moved that the installation be approved; Seconded by Councilman McDaniel; motion carried.

A petition was received from Harold F. Hancock for permission to cut the curb and sidewalk at 703 North Washington Street. Councilman McDaniel moved the petition be assigned to the Committee on Streets, Alleys and Bridges for investigation; Councilman Miller seconded the motion; motion carried.

A petition was received from Elizabeth Smallwood for permission to cut the curb and sidewalk at 706 North Walnut Street. Councilman Ramsey moved the request be assigned to the Committee on Streets, Alleys and Bridges for investigation; Councilman Porter seconded the motion; motion carried.

The Johnson Creamery Company petitioned the Council concerning converting a tree plot on the South side of Seventh Street between Madison and Rogers Streets and a tree plot on the North side of Seventh Street between Rogers Street and the alley East of Rogers Street into a parking area. Councilman Miller moved the request be referred to the Committee on Streets, Alleys and Bridges; Councilman Porter seconded the motion; motion carried.

A notice from the Public Service Commission of Indiana was read by the Clerk-Treasurer as follows:

"
IN THE MATTER OF THE INVESTIGATION AND
SUSPENSION OF SUPPLEMENT NO 2 TO
LOCAL PASSENGER TARIFF P.S.C.I. B-2
PROVIDING FOR INCREASES IN FARES IN NO. 23428
BLOOMINGTON, INDIANA, COLUMBUS, INDIANA,
PERU, INDIANA AND JEFFERSONVILLE, INDIANA
ISSUED BY JAMES W. LEPPERT, PRESIDENT
LEPPERT BUS LINES, INC., TO BECOME
EFFECTIVE APRIL 1, 1952.

NOTICE OF HEARING

Notice is hereby given that the Public Service Commission of Indiana will conduct public hearing in this cause in The Rooms of The Commission, 401 State House, Indianapolis, Indiana at 10:00 A. M. (C. S. T.) Wednesday, April 16th, 1952.

Public participation is requested.

PUBLIC SERVICE COMMISSION OF INDIANA

BY /s/ ARNOLD ATWOOD
SECRETARY

(PARKER)

March 28th, 1952

Councilman Fowler moved that City Attorney McCrae and Councilman Porter be appointed to attend the hearing; Councilman Griffith seconded the motion; motion carried.

A Resolution was received from The Plan Commission of the City of Bloomington, Indiana, requesting that the Common Council enact an Ordinance amending Ordinance No. 6, 1950 to reclassify certain real estate from Zone R-3 Multiple Dwelling Zone to the B-1 Limited Business Zone. Councilman Miller moved that the Council grant the request as petitioned; Councilman Fowler seconded the motion; motion carried.

Mayor Kelly requested a roll call vote and the result was as follows: Carpenter, absent; Fowler, aye; Griffith, aye; McDaniel, aye; Miller, aye; Porter, aye; Ramsey, aye; motion carried.

An Ordinance was presented amending Ordinance No. 6, 1950 in accordance with the request of The Plan Commission. Councilman Fowler moved to suspend the rules so that the Ordinance might be effective on the first reading; Councilman Porter seconded the motion. On a roll call vote, the result was follows: Carpenter, absent; Fowler, aye; Griffith, aye; McDaniel, aye; Miller, aye; Porter, aye; Ramsey, aye; motion carried. Councilman Ramsey moved for adoption of Ordinance No. 3, 1952; Councilman Porter seconded the motion; on a roll call vote, the response was as follows: Carpenter, absent; Fowler, aye; Griffith, aye; McDaniel, aye; Miller, aye; Porter, aye; Ramsey, aye. The Ordinance was officially approved and adopted as follows:

"

ORDINANCE
NO. 3, 1952

AN Ordinance to amend Section No. 116 of Ordinance No. 6, 1950, and the Bloomington Zoning Map dated July 18, 1950, and also repealing sub-section No. A-2 of Section No. 118.

WHEREAS, the Common Council of the City of Bloomington heretofore passed a zoning ordinance on July 18, 1950, which said zoning ordinance became effective on November 17, 1950, and

WHEREAS, upon petition of a property owner the City Planning Commission gave notice and held a public hearing and determined that the property could not be properly used under its present classification, and that a reclassification was desirable, and

WHEREAS, the Planning Commission has recommended to the Common Council that an amendment be made to the Zoning Ordinance No. 6, 1950 in order to facilitate the use of the property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON:

Section 1. That Section No. 116 be amended by adding as sub-section A3.1 thereof the following:

3.1 DRIVE -IN-BUSINESS -- Where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height is erected and maintained between such uses and an adjoining R Zone.

Section 2. That the Map entitled Bloomington Zoning Map dated July 18, 1950, be amended to reclassify the following described real estate from R.3 Multiple Dwelling Zone to a B.1 Limited Business Zone as it pertains to the following described real estate; to-wit;

Seminary Lot Number 16 as shown by the recorded plat thereof.

Section 3. Sub-section A-2 of Section No. 118 is hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Common Council of the City of Bloomington on the 1st day of April, 1952.

/s/ Emmett Kelly
Emmett Kelly, Presiding Officer

ATTEST:

/s/ Esther F. Leavitt
Esther F. Leavitt, Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington
on the 1st day of April, 1952, at the hour of 9:00 o'clock P.M.

/s/ Esther F. Leavitt
Esther F. Leavitt, Clerk-Treasurer

This Ordinance approved and signed by me on the 1st day of
April, 1952, at the hour of 9:00 o'clock P.M.

/s/ Emmett Kelly
Emmett Kelly, Mayor

An Ordinance was presented to the Council authorizing the City Clerk-Treasurer to invest excess funds in the Sewage Sinking Fund. Councilman Fowler moved that the rules be suspended so that the Ordinance might be effective on the first reading; Councilman Miller seconded the motion. On a roll call vote the result was as follows: Carpenter, absent; Fowler, aye; Griffith, aye; McDaniel, aye; Miller, aye; Porter, aye; Ramsey, aye; motion carried.

Councilman Fowler moved the adoption of Ordinance No. 4, 1952; Councilman Porter seconded the motion. On a roll call vote the response was as follows: Carpenter, absent; Fowler, aye; Griffith, aye; McDaniel, aye; Miller, aye; Porter, aye; Ramsey, aye; motion carried.

The Ordinance No. 4, 1952, was therefore officially adopted as follows:

ORDINANCE NO. 4, 1952

An Ordinance Concerning the investment of funds derived from revenue charged by the Sanitation Department now under the control of the City Clerk-Treasurer of the City of Bloomington, Indiana.

WHEREAS, The City of Bloomington owns and operates a sewage disposal plant which charges revenue to persons connected with the sanitary sewage system of the City of Bloomington, and

WHEREAS, The City operates its said plant through its Board of Public Works and Safety, and the said Board of Public Works and Safety has advised the Common Council that there is a Sinking Fund which belongs to the Sanitary Department accumulated for the purpose of retiring bonds and paying interest.

WHEREAS, Plans have been prepared for additions and extensions to the sewage disposal plant which, in all probability, will cost more than forty-five thousand dollars (\$45,000.00), and will necessitate an additional bond issue, and

WHEREAS, The City of Bloomington can increase the fund now on hand by investing the money now in said Sinking Fund Account.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON:

Section 1. That the City Clerk Treasurer of the City of Bloomington is authorized and directed to invest the Sinking Fund Account, which will not immediately be required for use by the Sanitary Department, in the amounts and for the periods hereinafter provided, in the bills, certificates of indebtedness, notes, and bonds of the United States of America; provided, however, that no such investments shall be made at a cost in excess of the par value of the securities purchased.

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Section 2. The City Clerk-Treasurer is hereby authorized to invest, pursuant to the authority granted in Section No. 1, as follows:

(a) The sum of forty-five thousand dollars (\$45,000.00) shall be authorized to be invested for a period of twelve (12) months from and after April 10, 1952.

(b) At the next Council meeting after the City Clerk-Treasurer has made such investment, she shall report her action to the Common Council of the City of Bloomington.

(c) At the expiration of one (1) year from this date, the City Clerk-Treasurer shall request authority from the Common Council of the City of Bloomington to reinvest the whole or any designated part of said money in accordance with the recommendations of the Board of Public Works and Safety.

Section 3. It is further provided that the interest or other accretions derived from any of such investments shall become a part of the funds so invested, and upon being received by the City Clerk-Treasurer shall be placed in the fund from which said money was invested.

Section 4. It is further provided that in the event that the City Clerk-Treasurer is unable to invest the entire sum hereby authorized, that this shall not preclude the investment of a substantial portion of the fund to the best advantage of the City of Bloomington.

Section 5. The purpose of this ordinance is to authorize the City Clerk-Treasurer of Bloomington, Indiana to invest the money of the sinking fund of the Department of Sanitation to the best advantage of said Utility as provided specifically herein above.

Section 6. Provided, further, that when said investment shall mature, that the money with accrued interest shall be returned to the sinking fund of the Sanitation Department.

Section 7. This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Common Council of the City of Bloomington on the 1st day of April 1952.

/s/ Emmett Kelly
Emmett Kelly, Presiding Officer

ATTEST:

/s/ Esther F. Leavitt
Esther F. Leavitt, Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington on the 1st day of April, 1952, at the hour of 9:00 o'clock P.M.

/s/ Esther F. Leavitt
Esther F. Leavitt

This Ordinance approved and signed by me on the 1st day of April, 1952, at the hour of 9:00 o'clock P.M.

/s/ Emmett Kelly
Emmett Kelly, Mayor

City Attorney McCrea presented to the Council for consideration an Ordinance concerning the sanitary sewers in the City of Bloomington. After some discussion, Councilman Griffith moved that the Ordinance be referred to the Committee on Sewers and Sanitation and to be reported on at the next meeting of the Council; Councilman McDaniel seconded the motion; motion carried.

The report of Horace Robertson, Chief of the Fire Department, was read for the month of March, 1952. Councilman Fowler moved the Council approve the Fire Department report; Councilman Porter seconded the motion; motion carried.

The report of J. Newton Gilmore, Street Commissioner, was read for the month of March. Councilman Miller moved the report be accepted; Councilman McDaniel seconded the motion; motion carried.

Councilman McDaniel made a statement to the Council concerning the legality of the organization of The City Plan Commission as follows:

For the past several weeks there has been before this body a letter challenging the legality of the organization of the City Plan Commission. It is my opinion that this letter, from a citizen and taxpayer, deserves consideration. Should it be established by proper authority that the City Plan Commission is not legally organized, all the acts of the City Plan Commission up to the present time could be declared null and void.

I move that a committee of members of the Common Council of the City of Bloomington, Indiana, be appointed to investigate the above named challenge and be instructed to report their findings to this body not later than May 20, 1952.

Councilman Ramsey seconded the motion; on a roll call vote the result was as follows: Carpenter, absent; Fowler, aye; Griffith, aye; McDaniel, aye; Miller, aye; Porter, aye; Ramsey, aye; motion carried.

Councilman McDaniel further addressed the Council as follows:

Much interest has been shown, both pro and con, by the general public in the past few weeks relative to the City Plan Commission and the City Zoning Ordinance now in force. Because of some of the statements made I move that the same committee be appointed to investigate the legality of the organization of the City Plan Commission be instructed to continue their investigation with the following in mind:

1. Continuing the City Plan Commission, the City Zoning Ordinance and the Board of Zoning Appeals as it now stands. (Ordinance No. 6, 1950).
2. Revising the present City Plan Commission, the City Zoning Ordinance and Board of Zoning Appeals in such a manner that it will, on our opinion, be to the best interests of the majority of the Citizens of Bloomington, and more nearly reflect the wishes of the people of this community.
3. Completely abolish the present City Plan Commission, City Zoning Ordinance and Board of Zoning Appeals.

Being legislative representative of the citizens of Bloomington and sincerely wishing to abide by the wishes of the majority, I suggest that a discussion by the City Council of findings of the above named committee relative to the City Plan Commission and City Zoning Ordinance be specifically set for May 20, 1952. At that time every person interested is urged to attend the council meeting and make his or her views known. Only through an expression can the city council act intelligently in the best interests of the majority. Those not exercising their prerogative have no right to complain or criticize the action taken. It is further hoped that the newspapers of the city will devote as much space as possible to educating the public on the facts of the City Plan Commission and Zoning Ordinance and advise them of their right and privilege to attend the meetings of the City council and make their wishes known.

Councilman Miller seconded the motion; motion carried.

Mayor Kelly appointed the following Councilman to serve on the Committee to investigate the legality of the Organization of The City Plan Commission and also investigate the City Zoning Ordinance now in force: Fowler, McDaniel and Porter.

Councilman McDaniel continued in his statement to the Council as follows:


During the last campaign I promised to do everything in my power to curb the speed of trucks -- particularly on Walnut Street hill north. I believe I can safely estimate the speed of some of the trucks at 50 miles an hour. The other day as I came out of an eating establishment in that area I heard a screeching of brakes and several passenger cars which, fortunately, were able to stop when a small girl ran into the street. Must we wait until someone is killed before we put a stop to speeding in this city? I move that the speed for trucks be set at 20 miles an hour and every effort be made to enforce that speed. I further move that a sign large enough to be plainly seen and painted with the words TRUCKS -20 MPH. be posted at places to be designated by the proper authority. I further move that letters be sent to all trucking companies requesting their co-operation in this matter.

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I further suggest that the local police wage a relentless campaign against speeders in all parts of the City. The screeching tires, race driving and antics of the "hot rods" is a definite hazard to the citizens of Bloomington. I am appreciative of the fact that the police cannot be every place at the same time, but I am confident they will do everything in their power to curb speeding, either in passenger cars or trucks.

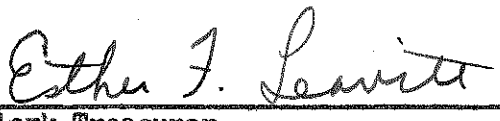
After some discussion, Councilman McDaniel withdrew his motion and the members of the Council concurred with Councilman McDaniel's suggestion and agreed to make an investigation of the situation and to refer the matter to the Traffic Commission.

Upon motion of Councilman McDaniel; seconded by Councilman Porter, the Council adjourned.



Mayor and Presiding Officer

ATTEST:



Clerk-Treasurer