

REGULAR MEETING

Tuesday, May 6, 1952

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in regular session in the Council Chamber at the City Hall, Bloomington, Indiana, May 6, 1952, at the hour of 6:30 P.M., with Mayor Kelly presiding.

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

Members Absent: Griffith

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

A petition was presented by J. E. Tredway and J. E. Branam to close an alley running for one-half a block from Maple Street between Third and Fourth Streets. Councilman Carpenter moved that the request be referred to the Committee on Streets, Alleys and Bridges for investigation. Councilman Miller seconded the motion; motion carried.

A petition was read from Buck Lemon Furniture Company requesting permission to cut a curb and sidewalk at 525 North Walnut Street. On motion of Councilman Carpenter, seconded by Councilman Porter, the request was referred to the Committee on Streets, Alleys and Bridges for investigation.

A petition was presented from Merle K. Gilstrap for permission to cut a curb and sidewalk on North Grant Street at rear of 401 East Seventh Street. On motion of Councilman Carpenter, seconded by Councilman Miller, the request was referred to the Committee on Streets, Alleys, and Bridges for investigation.

A request was received from the Board of School Trustees of the School City of Bloomington and their Attorney George W. Henley for approval of the proposed bond issue to finance the erection of the new Fairview School building. Councilman Carpenter moved that the Resolution be adopted and grant approval of this bond issue; Councilman Miller seconded the motion; After some discussion, a roll call vote was taken and the response was as follows: Carpenter, aye; Fowler, aye; Griffith, absent; McDaniel, aye; Miller, aye; Porter, aye; Ramsey, nay. The following Resolution was adopted as follows:

RESOLUTION NO. 4

WHEREAS, the Board of School Trustees of the School City of Bloomington has presented to the Common Council of the City of Bloomington a statement showing the necessity for the construction and equipment of a new school building by the School City on land now owned by the School City which is located at Jackson and Eighth Streets; which said statement shows the character and size of the building proposed to be erected and the amount of funds the School City proposes to raise to meet the cost of construction and equipment of said building; and

WHEREAS, said Board of School Trustees has requested the Common Council to approve said building project and the issuance of bonds and the letting of contracts on account thereof; and

WHEREAS, the Common Council, after due investigation, finds that the housing facilities of the School City of Bloomington are inadequate, and that said proposed new building is urgently needed to correct unsatisfactory conditions now existing; now therefore,

BE IT RESOLVED by the Common Council of the City of Bloomington that approval be given for the construction and equipment by the School City of Bloomington of a new school building to be located on land owned by the School City at Jackson and Eighth Streets, said school building to be substantially of the size and character and the cost thereof to be financed in the manner more particularly set out in the statement of the Board of School Trustees to the Common Council.

The report of the Street Department for the month of April, 1952, was read and accepted by the Council; on motion of Councilman Fowler, seconded by Councilman Porter.

The report of the Fire Department was read and accepted by the Council; on motion of Councilman Miller, seconded by Councilman Carpenter.

The Ordinance concerning sanitary sewers was presented for first reading and on motion of Councilman Carpenter, seconded by Councilman McDaniel, passed unanimously on this first reading.

Councilman Fowler reported for the committee appointed to investigate the legality of the organization of the City Plan Commission as follows:

COUNCIL COMMITTEE REPORT ON LEGALITY OF ORGANIZATION OF PLAN COMMISSION FOR THE CITY OF BLOOMINGTON, INDIANA

WHEREAS, the legality of the organization of the present Plan Commission for the City of Bloomington, Indiana, has been challenged by the Monroe County, Indiana Plan Commission, in a letter addressed to the Common Council of the City of Bloomington, Indiana, at its regular meeting on February 5th, 1952, and,

WHEREAS, at the April 1st, 1952 meeting of the Common Council of the City of Bloomington, Indiana, a motion was unanimously passed to the end that a committee of three members of the said Common Council be appointed for the purpose of investigating the above mentioned challenge; and that said Committee be instructed to report its findings to the said Common Council, not later than May 20, 1952, and

WHEREAS, Mayor Emmett Kelly did appoint as members of said Committee, Councilman Lyle J. Fowler, George W. McDaniel, and Boyd C. Porter; now, after considerable study and thought, the said Committee wishes to make the following report:

The above mentioned challenge consists of four main points, and the Council Committee wishes to discuss them point by point.

Point number one has to do with the membership of the said City Plan Commission as provided for in Section 5 of Chapter 174, Acts of 1947, of the General Assembly of the State of Indiana. Said Section 5, in part, is as follows: "In a City having a Board of Park Commissioners, a Board of Public Works, and a resident City Engineer, the Plan Commission shall consist of nine or ten members. Four official members shall be appointed as follows: one member shall be selected by the City Council from its membership; one member selected by the Board of Park Commissioners from its membership; the president of the Board of Works; and the City Engineer. The Mayor shall appoint five citizen members, not more than three of whom shall be of the same political party."

Since the organization of the present Plan Commission of the City of Bloomington, Indiana, did take place on January 10, 1952, the Council Committee is reporting its findings as to the qualification of the members of the said Commission as of that date. The Committee finds that Mayor Emmett Kelly was qualified by virtue of his position as president of the Board of Public Works; that Ross J. Buck was qualified by virtue of his position as City Engineer; that James W. Goodman was a qualified member, having previously been selected by the Board of Park Commissioners as its representative. Referring to the term of the Park Board member, Section 7 of said Chapter 174, says in part; "The term of the appointed member shall be co-extensive with the term of office to which he has been elected or appointed, unless the Council or Board, on its first regular meeting of each year, appoints another to serve as its representative." As of January 10, 1952, the Common Council of the City of Bloomington, had not selected its representative to the City Plan Commission of the City of Bloomington. Letters dated January 7, 1952, and on file with the secretary of the City Plan Commission, show that, as of that date, Mayor Emmett Kelly did re-appoint Frank E. Horack and F. E. Warner, as members of the City Plan Commission; and that on January 7, 1952, Edwin S. Harrington was appointed by Mayor Emmett Kelly to replace Ralph E. Gregory, resigned; and further, that the terms of Gerry H. Kisters and Ralph E. Esarey had not expired. So, it is the opinion of the Council Committee that the following qualified members of the City Plan Commission of Bloomington, Indiana, were present at the meeting of said Commission on January 10, 1952; Mayor Emmett Kelly, Ross J. Buck, Ralph E. Esarey, Gerry H. Kisters, Edwin S. Harrington, and Frank E. Horack.

Point number two has to do with the certification of one member each from the Board of Park Commissioners and the City Council. Since no appointment was mandatory on the part of the Park Commissioners; and since a vacancy did exist in the case of the City Council representative; the Council Committee finds that certificates of appointment would not have been an issue in the cases of those two.

Point number three has to do with the expiration of terms of office and the calling of meetings. The Council Committee finds nothing in the aforementioned Chapter 174 regarding a term of office for the secretary to the City Plan Commission. However, the "Rules of Procedure", as previously adopted by the said City Plan Commission of Bloomington, Indiana, states in Article 11, Section number 3, "The Commission shall appoint and describe the duties of the secretary." The Council Committee finds that Marvard Clark, who had been serving as secretary to the City Plan Commission of Bloomington, Indiana, was not serving for any given term, but was subject to the will of the said City Plan Commission, and would serve as secretary until otherwise notified or until he would resign. The term of office of past president, Frank E. Horack had expired as of December 31, 1951, but the records do show that he had been re-appointed to the City Plan Commission as of January 7, 1952; and then that he was elected as president of the said Commission at the January 10, 1952, meeting. As to whether the meeting on January 10, 1952, was a regular meeting or a special meeting, the Council Committee finds that Section 1 of Article 1, of the said "Rules of Procedure", reads as follows: "The regular meetings of the City Plan Commission shall be the second Thursday of each month at 8:15 P.M. in the City Hall." January 10, 1952, was the second Thursday in January of 1952. So, it is the belief of the Council Committee that the January 10, 1952 meeting was not a special meeting, but was a regular meeting; and further that it was proper and legal to organize at the said meeting in accordance with Section 22 of the aforementioned Chapter 174, which reads in part, as follows: "At its first regular meeting in each year the Commission shall elect from its members a president and vice-president."

As a summary, point four brings out the contention existing between the City Planning Commission of Bloomington, Indiana, and the Monroe County Planning Commission; as to the legality of the January 10, 1952 meeting of the said City Plan Commission.

With all of the foregoing findings and statements in mind, the Council Committee has unanimously decided that the meeting of the City Plan Commission of Bloomington, Indiana, held on January 10, 1952, was a regular meeting; that a quorum was present; and that the City Plan Commission of Bloomington, Indiana, did properly organize as of that date.

Dated this 6th day of May, 1952.

/s/ Lyle J. Fowler
Lyle J. Fowler

/s/ George W. McDaniel
George W. McDaniel

/s/ Boyd C. Porter
Boyd C. Porter

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Councilman Carpenter moved that the report be accepted; Councilman Miller seconded the motion; motion carried.

Councilman Porter reported for the City Buildings, Property, and Purchasing Committee in connection with the Proposal for partial self-insurance on airport property. He advised the Council that the Committee concurred with Mr. Donald Hansen's recommendation and he moved that the Fire Insurance on airport property be dropped and the Windstorm Insurance be renewed and that the money that would have been paid for the Fire Insurance be put aside in a separate account and marked as a Sinking Fund; Councilman McDaniel seconded the motion; motion carried.

Councilman Porter called to the attention of the Council the need for stop and go lights at the intersections of Fifth and Indiana and Seventh and Indiana, and he moved that the Street Department or the Board of Works be advised to advertise for bids for stop and go lights to be erected at the intersections of Fifth and Indiana and Seventh and Indiana; Councilman Miller seconded the motion; on a roll call vote, the

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response was as follows: Carpenter, aye; Fowler, aye; Friffith, absent; McDaniel, aye; Miller, aye; Porter, aye; Ramsey, aye.

Councilman Ramsey proposed that the Council request Indiana University officials to make a study looking forward to some restriction of the use of cars on the Campus and in the City By students promiscuously. He pointed out that many large Universities make such restrictions.

On motion of Councilman Carpenter; seconded by Councilman Miller, the meeting adjourned.

Emmett Kelly
Mayor and Presiding Officer

ATTEST:

Esther F. Leavitt
Clerk-Treasurer