

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

Monday, April 4, 1921.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, April 4, 1921, at 7:30 o'clock in regular session, President Russell Willson in the chair.

Present: The Hon. Russell Willson, President of the Common Council, and seven (7) members, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake and Schmidt.

Absent: Mr. Pettijohn.

Mr. Brown moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

March 23, 1921.

To the President and Members of the Common Council, City of Indianapolis:

Gentlemen—I have this day signed and delivered to George O. Hutsell, City Clerk, the following ordinances:

General Ordinance No. 17, authorizing the sale of 375 bonds of One Thousand Dollars each, for the purpose of procuring money to be used in the elevation of railroad tracks, and etc.

General Ordinance No. 23, amending Sections 1 and 2 of General Ordinance No. 9, 1921.

Appropriation Ordinance No. 9, appropriating the sum of \$500.00 to the Department of Public Safety for the purpose of defraying the expenses of one or more members of the Indianapolis Fire Department in going to and from and in attending the New York Fire College.

Appropriation Ordinance No. 10, appropriating the sum of \$5,000.00 to the Department of Public Safety for the purpose of paying certain light bills and certain surcharge bills, for the years 1917, 1918, 1919, 1920 and 1921, to the Merchants Heat and Light Co.

Special Ordinance No. 5, concerning changing the name of a certain street in the City of Indianapolis.

Yours very truly,
 CHARLES W. JEWETT,
 Mayor.

REPORTS FROM CITY OFFICERS.

From the Board of Public Works:

April 4, 1921.

Mr. Geo. O. Hutsell, City Clerk, City of Indianapolis:

Dear Sir—I am submitting herewith for transmission to the Common Council, a switch contract granting the Standard Oil Company the right to lay and maintain a switch or sidetrack from the east line of Schurman Avenue to the south line of Twenty-ninth Street at a point 120 feet east of the east line of Schurman Avenue.

Yours truly,

WFC/V
 W. F. CLEARY,
 Clerk, Board of Public Works,

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to who was referred General Ordinance No. 16, 1921, entitled an ordinance authorizing the sale of 125 bonds of One Thousand (\$1,000.00) Dollars each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the sinking fund of said city, or as may be required by law, for the purpose of procuring money to be used for the purpose of equipping, furnishing, remodeling and repairing certain buildings in connection with the East Market of the City of Indianapolis and protecting the public health and safety; providing for legal notice; providing for the time and manner of advertising sales of bonds and of the receipt of bids for the same, today as may be specified in the advertisement or re-advertisement for proposals, or within such time thereafter as may be fixed by the Controller, or

at such time or times as may be agreed upon by the Controller, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER,
J. P. BROWN,
S. A. FURNISS,

Mr. Miller moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance, to whom was referred General Ordinance No. 19, 1921, entitled an ordinance approving a certain contract made and entered into by and between the Board of Public Works and the Citizens' Motor Car Company, for the purchase of two 5½ ton Packard chassis in combination with flushers and appropriating the sum of \$3,618.24 to the Department of Public Works, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. E. MILLER,
J. P. BROWN,
S. A. FURNISS,
LEE J. KIRSCH.

Mr. Miller moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Works:

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Works, to whom was referred General Ordinance No. 18, 1921, entitled, an ordinance approving a certain contract made and entered into by and between the Board of Public Works and the International Motor Company, of New York City, for the purchase of one 5-ton Mack truck, beg leave to

report that we have had said ordinance under consideration and recommend that the same be passed.

S. A. FURNISS,
J. P. BROWN,
J. E. MILLER,
L. W. CARNEFIX.

Mr. Furniss moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Works:

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Works, to whom was referred General Ordinance No. 20, 1921, entitled, an ordinance approving a certain contract made and entered into by and between the Board of Public Works and the Citizens' Motor Car Company, for the purchase of one 5½-ton Packard truck with Oil Distributor, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

S. A. FURNISS,
J. P. BROWN,
J. E. MILLER,
L. W. CARNEFIX.

Mr. Furniss moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Works:

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Works, to whom was referred Special Ordinance No. 3, 1921, entitled, an ordinance annexing certain territory to the City of Indianapolis, defining a part of the boundary line of said City and fixing a time when the same shall take

effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

S. A. FURNISS,
J. P. BROWN,
J. E. MILLER,
L. W. CARNEFIX.

Mr. Furniss moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Works:

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Works, to whom was referred Special Ordinance No. 4, 1921, entitled, an ordinance amending Section 1 of Special Ordinance No. 8, 1920, disannexing certain territory of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

S. A. FURNISS,
J. P. BROWN,
J. E. MILLER,
L. W. CARNEFIX.

Mr. Furniss moved that the report of the Committee be concurred in. Carried.

From the Committee on Public Safety:

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Safety, to whom was referred General Ordinance No. 21, 1921, entitled, an ordinance approving a certain contract made and entered into by and between the Board of Public Safety and the Lathrop-McFarland Company, for the purchase of one Cole automobile, beg leave to report that we have had

said ordinance under consideration, and recommend that the same be passed.

J. P. BROWN,
J. E. MILLER,
S. A. FURNISS,
W. B. PEAKE,

Mr. Brown moved that the report of the Committee be concurred in. Carried.

From the Committee on City's Welfare :

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana :

Gentlemen—We, your Committee on City's Welfare, to whom was referred General Ordinance No 24, 1921, entitled, an ordinance regulating the location of slaughter houses, tallow chandleries, soap factories, starch factories, glue factories, tanneries, foundries, breweries, distilleries, bone factories, fertilizer factories, and declaring such business a nuisance, beg leave to report that we have had said ordinance under consideration, and recommend that the same be amended by striking out the word "Foundries" in the third line of the title and line 5 of Section One, and line 2 of Section Two and that as amended, same do pass.

L. W. CARNEFIX,
S. A. FURNISS,
J. E. MILLER,
G. G. SCHMIDT.

Mr. Carnefix moved that the report of the Committee be concurred in. Carried.

From the Committee of the Whole :

Indianapolis, Ind., April 4, 1921.

To the President and Members of the Common Council of the City of Indianapolis, Indiana :

Gentlemen—We, your Committee of the Whole, to whom was referred General Ordinance No. 25, 1921, entitled, an ordinance creating

a City Plan Commission, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

G. G. SCHMIDT,
S. A. FURNISS,
J. E. MILLER,
J. P. BROWN,
LEE J. KIRSCH,
W. B. PEAKE,
L. W. CARNEFIX,
RUSSELL WILLSON.

Mr. Schmidt moved that the report of the Committee be concurred in. Carried.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works:

SWITCH CONTRACT.

General Ordinance No. 28, 1921. An ordinance approving a certain contract granting Standard Oil Company (Ind.) the right to lay and maintain a sidetrack or switch from the east line of Schurmann Avenue to south line of Twenty-ninth Street, 120 feet east of east line of Schurmann Avenue, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 1st day of April, 1921, Standard Oil Company (Indiana) filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

Gentlemen—The Standard Oil Company (Indiana) being desirous of constructing a distributing station at the southeast corner of West Twenty-ninth Street and Schurmann Avenue, in the City of Indianapolis, and requiring side track facilities to serve this location, petitions the Board of Public Works to grant them the right and privilege of constructing, maintaining and operating a side track to be laid in the manner outlined below.

NOW, THEREFORE, This agreement, made and entered into this 1st day of April, 1921, by and between Standard Oil Company of Indiana, of the City of Indianapolis, County of Marion, State of Indiana party of the first part and the City of Indianapolis, by and through its Board of Public Works party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a right-of-way for a sidetrack or switch from a point on the east line of Schurmann Avenue at the intersection of the main line of the Cleveland, Cincinnati, Chicago & St. Louis Railroad Company with said east line of Schurmann Avenue, running thence in a south-eastwardly direction to the north line of Twenty-ninth Street at a point 105 feet more or less distant from the east line of Schurmann Avenue, thence continuing southeastwardly across Twenty-ninth Street to the south line of said Twenty-ninth Street at a point 120 feet more or less on to the property of the Standard Oil Company at Twenty-ninth Street and Schurmann Avenue in the City of Indianapolis, as represented on the blue print attached hereto, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects Twenty-ninth Street (West) shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across West Twenty-ninth Street (W. 29th St.) in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

This contract is void if said switch is not built within one year from date.

IN WITNESS WHEREOF, We have hereunto set our hands this 1st day of April, 1921.

STANDARD OIL COMPANY (INDIANA),

By H. E. Bruce, Party of the First Part.

Witness:

Vernon J. Gasper.

CITY OF INDIANAPOLIS,

By GEO. LEMAUX, President.

MARK H. MILLER,

THOMAS A. RILEY,
Board of Public Works,
Party of the Second Part.

And, Whereas, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

Sec. 2. This ordinance shall be in full force and effect from and after its passage.

DEPARTMENT OF PUBLIC WORKS.
Office of the Board.

Indianapolis.

To the City Comptroller, City of Indianapolis:

Sir—You are hereby notified that at a meeting of the Board of Public Works of the City of Indianapolis, held April 1st, 1921, the entire work of constructing Pleasant Run Interceptor, as authorized by Improvement Resolution No. 4593 and according to the terms and conditions of the contract of August M. Kuhn, assignee contractor, was approved and accepted, and the final estimate therefor allowed. The assessment against the property holders is no more nor less than is shown on the assessment roll made for said improvement and submitted to you.

GEO. LEMAUX,
MARK H. MILLER,
THOMAS A. RILEY,
Board of Public Works.

Which was read a first time and referred to the Committee on Public Works.

By Mr. Brown:

GENERAL ORDINANCE NO. 29, 1921.

An ordinance granting permission to Standard Oil Company, a corporation, organized and doing business under and by virtue of the laws of the State of Indiana, to erect and maintain on the property described below, warehouse, tanks, and other buildings necessary for the conduct of its business, and to store therein illuminating oils, naphtha, gasoline, or any other mineral oils or fluids, the products of petroleum, in quantities sufficient to meet the requirements of its business.

Be it ordained by the Common Council of the City of Indianapolis, in the County of Marion, State of Indiana:

Section I. That permission and authority is hereby given and granted to Standard Oil Company, a corporation, organized and doing business under and by virtue of the laws of the State of Indiana, to construct and maintain for a term of fifty years on the following described property within the limits of the incorporated City of Indianapolis, County of Marion, State of Indiana, to-wit:

Lots numbered from One to Nine, both inclusive, in Miller and Wacker's Schurmann Avenue Addition to the City of Indianapolis, Indiana; also a part of the North-east Quarter of Section 27, Township 16 North, Range 3 East, described as follows: Beginning at a point 631 $\frac{3}{19}$ feet south of the north line and 25 feet east of the west line of said Quarter Section, said point being the north-east corner of Schurmann Avenue and Twenty-ninth Street; thence north along the east line of Schurmann Avenue 176.60 feet to the northeast line of the right-of-way of the Big Four Railroad; thence in a southeasterly direction along the said right-of-way line 260.50 feet to the north line of Twenty-ninth Street; thence west along the north line of Twenty-ninth Street 194.40 feet to the place of beginning, containing $\frac{29}{100}$ of an acre, more or less.

Warehouse, tanks, and other buildings necessary for its business, and to store therein illuminating oils, coal oils, naphtha, gasoline, or any other mineral oils or fluids the products of petroleum, in quantities sufficient to meet the requirements of said Company's business. Such buildings and tanks to be erected in a manner to comply with all existing ordinances governing the construction and maintenance of buildings and tanks for the storage of oils.

Sec. II. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. III. This ordinance shall take effect immediately upon its passage.

Which was read a first time and referred to the Committee on Public Safety.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Indianapolis, Ind., April 4, 1921.

Members of the Common Council, Indianapolis:

Gentlemen—At a meeting on Friday, April first, in the Chamber of Commerce, the Committee of One Hundred on City Planning passed

a resolution instructing the Secretary of the Committee to advise you that the Committee wishes to co-operate with the city in any work in which it may engage in connection with city planning and zoning.

The Committee feels that this is a matter of the most vital importance and hopes that it will be possible for it to render valuable assistance to you in the great responsibilities of the inauguration of this movement. The Committee is, as you know, composed of a representative group of men and women who have been gathered together with only one end in view and that end is, to serve Indianapolis in the present so that her future growth along sensible and scientific lines may be assured. This Committee has it in its power to be of marked help in selling any ideas which may be developed officially to the citizens of Indianapolis and we sincerely hope that you will advise when help is needed. You may be assured that this help will be forthcoming.

As General Secretary of the Indianapolis Chamber of Commerce, I wish to offer the same sort of co-operation from this organization, which has been very much interested in city planning from the start.

Yours very truly,

JOHN B. REYNOLDS,

John B. Reynolds, Secretary Committee
of One Hundred on City Planning.

JBR/JSM

ORDINANCES ON SECOND READING.

Mr. Miller called for General Ordinance No. 16, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 16, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 16, 1921, was read a third time and failed to pass by the following vote:

Ayes, 4, viz.: Messrs. Brown, Furniss, Miller and President Russell Willson.

Noes, 4, viz.: Messrs. Carnefix, Kirsch, Peake and Schmidt.

Mr. Miller called for General Ordinance No. 19, 1921, for second reading. It was read a second time.

Mr. Miller moved that General Ordinance No. 19, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 19, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Furniss called for General Ordinance No. 18, 1921, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 18, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 18, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Furniss called for General Ordinance No. 20, 1921, for second reading. It was read a second time.

Mr. Furniss moved that General Ordinance No. 20, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 20, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Wilson.

Mr. Furniss called for Special Ordinance No. 3, 1921, for second reading. It was read a second time.

Mr. Furniss moved that Special Ordinance No. 3, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 3, 1921, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake and President Russell Willson.

Noes, 1, viz.: Mr. Schmidt.

Mr. Furniss called for Special Ordinance No. 4, 1921, for second reading. It was read a second time.

Mr. Furniss moved that Special Ordinance No. 4, 1921, be ordered engrossed, read a third time and place upon its passage. Carried.

Special Ordinance No. 4, 1921, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake and President Russell Willson.

Noes, 1, viz.: Mr. Schmidt.

Mr. Brown called for General Ordinance No. 21, 1921, for second reading. It was read a second time.

Mr. Brown moved that General Ordinance No. 21, 1921, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 21, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Mr. Carnefix called for General Ordinance No. 24, 1921, for second reading. It was read a second time.

Mr. Carnefix moved that General Ordinance No. 24, 1921, be amended as recommended by the Committee. Carried.

Mr. Carnefix moved that General Ordinance No. 24, 1921, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 24, 1921, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

Noes, 1, viz.: Mr. Brown.

Mr. Schmidt called for General Ordinance No. 25, 1921, for second reading. It was read a second time.

Mr. Schmidt moved that General Ordinance No. 25, 1921,

be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 25, 1921, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Brown, Carnefix, Furniss, Kirsch, Miller, Peake, Schmidt and President Russell Willson.

On motion of Mr. Schmidt the Common Council at 9:10 o'clock P. M. adjourned.

Russell Willson

President.

Attest:

L. W. Bell

City Clerk.