

## REGULAR MEETING

Monday, May 21, 1928, 7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at 8 o'clock P. M., Monday, May 21, following a public hearing by the Welfare Committee on Special Ordinance 1, 1928, in regular session, President Edward B. Raub in the chair.

The Clerk called the roll.

Present, Hon. Edward B. Raub, President, and eight members, viz: Earl Buchanan, Edward W. Harris, Herman P. Lieber, Albert F. Meurer, Meredith Nicholson, Paul E. Rathert, Robert E. Springsteen, John F. White.

On motion of Mr. Springsteen, seconded by Mr. Harris, the reading of the minutes of the previous meeting was dispensed with.

## COMMUNICATIONS FROM THE MAYOR

May 11, 1928.

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

Gentlemen—I herewith return General Ordinance No. 24, 1928, without my approval.

My decision to disapprove this ordinance came reluctantly—not on account of indecision as to its merits or demerits, but wholly because of my great respect for your Honorable Body and reluctance to veto this first important measure. Yet I am quite certain not one member of the Council would expect me to do other than follow my conscience and honest thought in arriving at a final decision. Feelings of personal regard for and great confidence in your Honorable Body is not destroyed or even shaken by a mere difference of opinion as to the merits of the measure before us. Should this Council still

feel and believe that Indianapolis should have "daylight saving" you have the power to pass this measure notwithstanding this veto and in that event, a test of operation can be made and no offense or even discourtesy will be considered.

No one can accurately determine how popular sentiment stands on the question. From the viewpoint of this office, after carefully considering all of the petitions, communications, letters and messages, it appears there is a very strong and earnest public sentiment on both sides of the question within the City of Indianapolis and practically a unanimous opposition from the surrounding territory outside of Indianapolis and a positive refusal to abide by the ordinance expressed by the Indianapolis schools, railroads, telegraph and postal authorities and some others. A very earnest protest is made by the Church Federation, Indianapolis Stock Yards, public and private hospitals, labor organizations and various clubs, other organizations and many citizens. I note a very strong protest among women who work in factories and have duties at home, as well as among mothers having children going to school. There is no question about the wide difference of opinion among citizens and patrons of Indianapolis business concerns. All these must be considered.

We can not decide the question without also considering the situation of the surrounding cities, towns and communities which are in constant touch with almost every activity within the city and upon which our city must depend to a considerable extent.

We must also consider the matter of the enforcement of the ordinance. Recreation and entertainment are not so important.

In view of the wide-spread division of public sentiment and the admitted inability and refusal of some to comply with the ordinance, the question arises as to when we may conclude to enact an ordinance for all of the people to obey. My idea is that laws should spring from the people and not on them. No law should be enacted to govern all our people unless it has at least a very substantial majority and preponderance of public sentiment behind it. Experience has proven that laws will not be respected where we have a public sentiment that is uncertain or most equally divided or works to the disadvantage of a considerable portion of the people under obligation to respect it. I am loathe to sign an ordinance that I can not expect to enforce on all alike. The provisions of the ordinance must also be considered.

Sections 1 and 2 relate only to the public business of the City of Indianapolis, regulating all clocks, watches and other time pieces in or upon public buildings to be set and run one hour earlier

than Central Standard time beginning at 2 o'clock A. M., on May 13, continuing until 2 o'clock, A. M., on October 28, 1928, and that all legal or official proceedings of the Common Council and other official proceedings and actions shall be regulated by such time.

It is probable that the governing bodies of the City of Indianapolis could operate under the provisions of Sections 1 and 2 that relate to the business of the city as such. A compliance with these two sections would require all business of the city to operate an advance of one hour in time. However, the question is raised that various laws enacted by the General Assembly of Indiana have recognized standard time as the time by which cities and towns are to be governed and that a Common Council would have no authority to change time where the State had fixed the time. For instance, Section 10279, Burns' R. S., 1926, provides that members elected to a Common Council shall hold their first regular meeting on the first Monday in January after their election at the hour of 7:30 P. M. This State law refers to standard time and, therefore, the Common Council can not change it. Other provisions of the State statutes provide for holidays and the closing of offices at 12 o'clock, noon. All these statutes relate to Central Standard time and the Council has no authority to interfere. In fact, if this ordinance should be enacted, even under the first and second sections of it, the offices of the city could not close their doors against transaction of official business except under the law of the State and in that respect this ordinance could not be enforced. Section 12101, Burns' R. S., 1926, provides that city offices may close their doors for business at 12 o'clock, noon, on each and every Saturday in the year beginning with the first Saturday in June and ending with the last Saturday in October, and that from 12 o'clock, noon, on such days it shall be a legal half-holiday. It is my judgment that we could not change our closing time from 12 o'clock, noon, Central Standard time, to 12 o'clock "official" time as fixed by this ordinance. This would require offices to close at 1 o'clock official time in order to comply with the State law.

Section 3 of the proposed ordinance provides as follows:

"All persons residing within the corporate limits of the City of Indianapolis and all persons, firms or corporations doing business within said City are hereby requested to set and run any and all clocks, watches or other time pieces under their control (within the City) in accordance with the official time as provided by Section 1 of this ordinance."

Now, as to this section, I believe it is the first time I have observed a legislative enactment where persons, firms and corporations are "requested" to do an act. This hardly meets the fundamental



idea I have with respect to Statutory enactment, laws and ordinances. A law or an ordinance is either a law or an ordinance and not at any time a mere request. It is perfectly evident there could be no penalty clause to an ordinance which merely amounted to a request. This situation presents the problem of enforcement. Suppose any person, firm or corporation requested to comply with the ordinance should refuse, what would the Executive Department of the city be able to do? And if any considerable number of persons, firms or corporations, disagreeing with the idea of "daylight saving" should decide to continue operating under Central Standard time, how much confusion would we have throughout the city? I certainly can not approve an ordinance which is merely a request. If the City Council desires to pass a Resolution requesting persons, firms or corporations to advance their time pieces one hour, it has that right independent of the Executive Department of the city; but the Executive Department can not approve an ordinance which it can not hope to enforce on all alike. It is enough of an objection to such an ordinance that there is a very divided sentiment amongst citizens and residents of this city but when the ordinance itself merely amounts to a request to persons, firms or corporations and there is no way of enforcing it and when we know that various persons, firms or corporations, private and quasi-public, will not heed the request, it seems entirely futile to enact such an ordinance.

It is claimed that other cities operate under "daylight savings" time and, therefore, Indianapolis should adopt it. In the first place, Indianapolis does not necessarily need to ape any other city. It has a right to stand on its own judgment and should rightfully stand on the Congressional Central Standard time fixed by our Federal government. Should any private enterprise desire to fix a different time for the operation of its business, there is no law against it. On the contrary, it is not the business of government to start or stop private business. The opening of factories, stores, courts, churches, schools or private or quasi-public business concerns is a matter for these businesses and is not one for government regulation unless public morals or the police power is involved. The advance of the time during the World War was altogether a different proposition, involving altogether different conditions and it was, of course, universal. I admit that if this advance of the time was universal and not merely a confusion of time throughout the central part of this country, it might be proper to follow the universal custom.

Secondly, it is always an inconvenience to a citizen of Indianapolis to plan business engagements in a city operating under a different time. Indianapolis citizens, in order to have a business engagement

at Cincinnati, O., are compelled to leave here in the early morning because when it is 2:30 P. M., here, it is closing time in Cincinnati.

It has come to my notice, also, that conventions meeting in cities having Eastern, and in addition thereto "daylight savings" time, have ignored the local time and made their program conform to Central Standard time. Recently, a very large national convention was held at Columbus, O., at which some five thousand people attended, and to prevent confusion of committee meetings and general proceedings of the convention sessions, the convention operated entirely under Central Standard time. People visiting such cities for conventions, business or other reasons, are annoyed and inconvenienced by the advance in time and this leaves in their minds a sort of prejudice against such cities on account of this annoyance and inconvenience due to their local official time.

Reiterating that unless our time is fixed and universal at least over a large area and in view of the ordinance being incapable of enforcement in all respects as to the official affairs of the City, and when it is definitely known that there is a very large public sentiment against making the change and that the ordinance is incapable of enforcement against those who are not in sympathy with it, and because I believe that it will result only in confusion as to time in Indianapolis and for the other reasons herein stated, I am respectfully declining to sign the ordinance.

I must express appreciation of the very generous and tolerant manner in which adherents of both sides of the question have presented their arguments to me. All have expressed a spirit of co-operation and confidence in our desire to deal with the subject in a fair, reasonable and just manner according to our very best judgment. I am quite sure that your Honorable Body fully realizes the duty of the Mayor of the City to exercise his honest and best judgment in reference to all matters and it is with great pleasure that I acknowledge respect for and obedience to the Legislative Department of our city government.

Very truly yours,

L. ERT. SLACK,  
Mayor.

May 12, 1928.

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

Gentlemen—I herewith return General Ordinance No. 26, 1928, regulating parking of vehicles in certain streets, without my approval.

The title to this ordinance is defective in that it does not designate the particular sub-division of the Section of General Ordinance No. 17 which this Ordinance No. 26 purports to amend.

The ordinance does not contain the usual clause relative to publication which applies to ordinance carrying penalties for violation.

The general subject of parking of vehicles in the City of Indianapolis is now under investigation by a committee appointed for that purpose and I would prefer to await this investigation and report thereon before changing the ordinance regulating parking in any of the streets.

Some of the streets in question, particularly the avenues, should be widened. For instance, Massachusetts Avenue, from the point of intersection at Pennsylvania and Ohio streets, should be widened and I feel certain that other of the four avenues leading to the center of the city should in time be widened. The regulation of downtown traffic might await consideration of this latter suggestion.

At all events, I am compelled to return the ordinance without approval on account of the defects first above mentioned.

Very truly yours,

L. ERT. SLACK,

Mayor.

May 12, 1928.

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

Gentlemen—I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, the following ordinances:

APPROPRIATION ORDINANCE No. 2, 1928, entitled an ordinance appropriating the sum of Six Thousand Three Hundred and Thirty-two (\$6,332.22) Dollars and Twenty-two Cents from the General Fund of 1927 to the several executive departments of the City of Indianapolis for the purpose of paying some past due and unpaid bills of the said executive departments for the calendar year beginning January 1, 1927 and ending December 31, 1927, fixing the time when the same shall take effect.

GENERAL ORDINANCE No. 18, 1928, entitled an ordinance to amend Section 2 of General Ordinance No. 93, 1927; an ordinance to regulate the production, labeling, capping, handling, serving in restaurants and food dispensaries, distribution, time of delivery and sale



of milk, cream and certain milk products; prohibiting traffic in milk bottles and the handling and dipping of milk and sale of adulterated, unwholesome and misbranded milk or cream and such milk products; requiring the pasteurization of all milk sold, excepting certified milk; providing for issuance, granting and revocation of licenses of any person, persons, firm, corporation, producer or association engaged in the dealing or distribution of milk, within the City of Indianapolis, Indiana, and providing for a penalty for violation thereof; repealing all ordinances or parts of ordinances in conflict herewith and declaring a time when the same shall take effect.

GENERAL ORDINANCE No. 22, 1928, an ordinance prohibiting the driving of vehicles over, upon and across sidewalks in the City of Indianapolis, providing a penalty for violation thereof and establishing the time for taking effect thereof and publication.

GENERAL ORDINANCE No. 25, 1928, an ordinance providing for and authorizing the City Controller for and on behalf of the City of Indianapolis to borrow the sum of Ten Thousand (\$10,000.00) Dollars, 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 building of a new reinforced concrete bridge to be constructed over the Canal at Eleventh Street, and providing for the time and manner of advertising the sale of said bond and the receiving of bids for the same, together with the mode and terms of sale and fixing a time when this ordinance shall take effect.

GENERAL ORDINANCE No. 27, 1928, an ordinance appropriating and transferring to the Street Commissioners' Gasoline Tax Fund the sum of Fifty Thousand (\$50,000.00) Dollars out of the Gasoline Tax Fund, now unappropriated, for the repair of unimproved streets, bridges and culverts in the City of Indianapolis, and fixing a time when the same shall take effect.

Very truly yours,

L. ERT. SLACK,

Mayor.

May 18, 1928.

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

Gentlemen—I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, General Ordinance No. 19, 1928, entitled:

AN ORDINANCE to amend General Ordinance No. 114, 1922,

an ordinance dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a board of zoning appeals; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect, and fixing the time when the same shall take effect.

Very truly yours,

L. ERT. SLACK,  
Mayor.

#### COMMUNICATIONS FROM CITY OFFICIALS

May 21, 1928.

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

Gentlemen—Attached hereto are thirteen copies of an ordinance changing the territory at the southeast corner of Forty-sixth and Illinois Streets from a business zone to a residential district.

The City Plan Commission of the City of Indianapolis would respectfully recommend that your Honorable Body take favorable action on this ordinance.

Respectfully yours,  
CITY PLAN COMMISSION  
GEORGE T. O'CONNOR,  
President.

May 21, 1928.

*Mr. William A. Boyce, Jr., City Clerk, Indianapolis, Indiana:*

Dear Mr. Boyce—I am enclosing herewith a proposed amendment for proposed General Ordinance No. 29, which I desire that you present to the Common Council at their next meeting with the recommendation of the Board that the same be passed.

Yours very truly,  
ERNEST F. FRICK,  
Secretary, Board of Public Works.



May 18, 1928.

*Mr. William A. Boyce, Jr., City Clerk, Indianapolis, Indiana:*

Dear Mr. Boyce—I am enclosing a proposed ordinance, together with the minutes of the Board of Public Works of the City of Indianapolis, which I desire you to present to the Common Council at their next meeting with the recommendation of the Board that the same be passed.

Yours very truly,  
ERNEST F. FRICK,  
Secretary, Board of Public Works.

May 16, 1928.

In RE: I. R. 13789.

Carson Avenue, East Side, from EPL. of Shelby Street to NPL of Troy Avenue.

The Board having heretofore on the 9th day of April, 1928, adopted preliminary resolution for the above entitled improvement and having confirmed the same on the 2nd day of May, 1928, and plans and specifications having been prepared thereon, and a remonstrance containing a majority of the resident property owners abutting on said contemplated improvement having been filed there against, within the time provided by law and the Board having, also received a report from the City Civil Engineer recommending that said resolution be referred to the Common Council of the City of Indianapolis for an Ordinance ordering said improvement, and now being duly advised in the premises does now approve the recommendation of the City Civil Engineer.

The Board of Public Works hereby resolves that the proposed improvement covered by I. R. 13789 providing for the construction of side walks on the East Side of Carson Avenue, from the East property line of Shelby Street to the North property line of Troy avenue is of public utility, general benefit and convenience and hereby directs that an Ordinance be prepared pursuant to law, ordering said improvement and that the same be presented to the Common Council of the City of Indianapolis at its next meeting with the recommendation of the Board of Public Works that the same be passed.

May 18, 1928.

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

Gentlemen—

I have been requested by the City Civil Engineer's Department to present to you the attached ordinance transferring Forty Thousand (\$40,000.00) Dollars from the Gasoline Tax Fund, now unappropriated in the Controller's Office, to the City Civil Engineer Gasoline Tax Fund, for the maintenance and repair of streets and bridges within the corporate limits of the City of Indianapolis.

I respectfully recommend the passage of this ordinance.

Very truly yours,  
STERLING R. HOLT,  
City Controller.

May 15, 1928.

*S. R. Holt, City Controller, City of Indianapolis, Indiana:*

Dear Sir—

The City Civil Engineer's Department requests you to transmit to the Common Council and recommend the passage of the attached Ordinance, transferring Forty Thousand (\$40,000.00) Dollars from the Gasoline Tax Fund unappropriated, to the C. C. E. O. Gasoline Tax Fund, for the maintenance and repair of streets and bridges within the corporate limits of the City of Indianapolis, Indiana.

Yours very truly,  
BADGER WILLIAMSON,  
Chief Clerk.

On motion of Mr. Springsteen, seconded by Mr. White, the Common Council recessed for ten minutes at 8:15 p. m.

The Common Council reconvened from its recess at 8:47, with the same members present as before.

## REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., May 11, 1928.

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

Gentlemen—

We, your committee on Law and Judiciary, to whom was referred charges of malfeasance against the Mayor, Board of Safety, and Chief of Police, based on vagrancy arrests, beg leave to report that we have said charges under consideration, and find that not sufficient evidence has been presented to your committee to warrant sustaining the same and therefore recommend that the same be dismissed.

MEREDITH NICHOLSON, Chairman.

EARL BUCHANAN.

E. W. HARRIS.

PAUL E. RATHERT.

ROBT. E. SPRINGSTEEN.

Mr. Nicholson addressed the Council, explaining the report.

Mr. White moved that the report be accepted. The motion was seconded by Mr. Harris, and passed by unanimous vote.

Indianapolis, Ind., May 21, 1928.

*To the Honorable 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. 28, 1928, entitled "Switch Contract," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ALBERT F. MEURER, Chairman.

EARL BUCHANAN,

MEREDITH NICHOLSON.

HERMAN P. LIEBER.

ROBT. E. SPRINGSTEEN.



Indianapolis, Ind., May 21, 1928.

*To the Honorable 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. 29, 1928, entitled "Purchase of Equipment," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed when amended.

ALBERT F. MEURER, Chairman.

EARL BUCHANAN.

MEREDITH NICHOLSON.

HERMAN P. LIEBER.

ROBT. E. SPRINGSTEEN.

## INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By City Plan Commission.

### GENERAL ORDINANCE NO 32, 1928

AN ORDINANCE, to amend General Ordinance No. 114, 1922, entitled: "An Ordinance dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings, of regulating and determining the use and intensity of use of land and lot areas within such city; creating a board of zoning appeals, providing a penalty for its violation and designating the time when the same shall take effect," and fixing the time when the same shall take effect.

*Be It Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the U1 or residence district, the A1 or 7500 square feet area district and the H1 or 50-foot height district, as established by General Ordinance No. 114, 1922, and amendments thereto, be and the same is hereby amended, supplemented and changed so as to include the following described territory:

Beginning on the south property line of Forty-sixth Street at its intersection with the East property line of Illinois Street, thence South with the East property line of Illinois Street, a distance of

175 feet; thence East and parallel to the South property line of Forty-sixth Street a distance of 154 feet; thence North and parallel to the East property line of Illinois Street to the South property line of Forty-sixth Street; thence West with the South property line of Forty-sixth Street to the point or place of beginning.

Section 2. This ordinance shall go into effect upon its publication and passage according to law.

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

By Boar dof Works:

#### GENERAL ORDINANCE NO. 33, 1928

AN ORDINANCE, providing for the purchase of two (2) new caterpillar or crawler type tractors of not to exceed six (6) tons weight each, and one (1) double stage eductor complete, mounted on truck chassis with cab complete, for the street commissioner under the Department of Public Works, and authorizing the trade-in or sale of five (5) four (4) cylinder Avery tractors, one (1) two (2) cylinder Avery tractor, one (1) four (4) cylinder Huber tractor, one (1) old double stage auto eductor, all being used equipment in said department, and declaring a time when the same shall take effect.

*Be It Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the Purchasing Agent of the City of Indianapolis, Indiana, is hereby authorized to purchase out of the Street Commissioner's Equipment Fund, No. 72, of the Board of Public Works, two (2) new caterpillar or crawler type tractors of not to exceed six (6) tons weight each and one (1) double stage auto eductor complete, mounted on truck chassis with cab complete, the value of each of which is in excess of the statutory limit of Two Thousand Dollars (\$2,000.00) and to trade in therefor, as part payment of said purchases or sale, five (5) four (4) cylinder Avery tractors, one (1) two (2) cylinder Avery tractors, and one (1) four (4) cylinder Huber tractor, and one (1) old double stage auto eductor now being used or stored by said Street Commissioner; all of which is hereby in all things authorized and approved by the Common Council of the City of Indianapolis, Indiana, as required by law.

Section 2. This ordinance shall be in full force and effect from and after date of passage.

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

By Board of Works:

GENERAL ORDINANCE NO. 34, 1928

AN ORDINANCE, authorizing the improvement of Carson Avenue, East side only, from East property line of Shelby Street to North property line of Troy Avenue, by constructing cement walks and grading the lawns, pursuant to Improvement Resolution No. 13789 of the Board of Public Works of the City of Indianapolis, Indiana.

WHEREAS, the Board of Public Works of the City of Indianapolis, on May 2, 1928, confirmed Improvement Resolution No. 13789, providing for the improvement of Carson Avenue, East side only, from the East property line of Shelby Street to the North property line of Troy Avenue, by constructing cement walks and grading the lawns, all being done pursuant to plans and specifications of the City Engineer of the City of Indianapolis, said plans and specifications being a part of a resolution adopted and confirmed by the Board of Works; and

WHEREAS, the said Board of Public Works in said resolution No. 13789 provided further that the property liable for assessment for the said improvement shall be the abutting property thereon, said improvement resolution being passed and authorized pursuant to Section 10440, Burns R. S., 1926, State of Indiana; and

WHEREAS, public notice of the hearing to be taken on said resolution by the said Board of Public Works was duly published according to law and said resolution was confirmed by the said Board of Public Works; and

WHEREAS, on May 2, 1928, and then ten (10) days after the date named in said published notice for hearing on said preliminary Resolution No. 13789, a majority in number of the resident freeholders on said street proposed to be improved in said Resolution No. 13789, remonstrated in writing against said improvement; and

WHEREAS, more than one-half of the property abutting on this improvement is property of the school city of the City of Indianapolis; and

WHEREAS, unless the improvement contemplated is made, school children will be compelled, as they do now, to use a heavily traveled concrete roadway in getting to and going from school, which is dangerous and may cause loss of life; and



WHEREAS, according to law, before said improvement can be made by said Board of Public Works after remonstrances have been made on said resolution above referred to, it is necessary and required by Section 10440, Burns R. S., 1926, that the Common Council of the City of Indianapolis pass an ordinance within sixty (60) days after the filing of said remonstrances by a two-thirds (2-3) vote of the Common Council, said ordinance authorizing the improvement pursuant to the resolution be proceeded with and made, said ordinance to be approved by the Mayor of the City of Indianapolis; now, therefore

*Be It Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the improvement of the portion of Carson Avenue from the East property line of Shelby Street to the North property line of Troy Avenue be made and completed, pursuant to Resolution No. 13789 of the Board of Public Works of the City of Indianapolis, and that said improvement is of public utility, general benefit and convenience and that said improvement, pursuant to said resolution be made and completed in all its details, plans and specifications under and pursuant to the laws of the State of Indiana governing street and sidewalk improvements of the nature contained in said resolution No. 13789.

Section 2. This ordinance shall take effect from and after its passage and approval by the Mayor, according to law.

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

By City Comptroller:

#### GENERAL ORDINANCE NO. 35, 1928

AN ORDINANCE, appropriating and transferring to the City Civil Engineer Gasoline Tax Fund, the sum of Forty Thousand (\$40,000.00) Dollars, out of the Gasoline Tax Fund now unappropriated in the City Controller's office, for maintenance and repair of streets and bridges within the corporate limits of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

*Be It Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the sum of Forty Thousand (\$40,000.00) Dollars of the Gasoline Tax Fund, which is now unappropriated, be and the same is hereby appropriated and transferred to the City Civil Engineer Gasoline Tax Fund for the maintenance and repair of streets and bridges within the corporate limits of the City of Indianapolis, Indiana.

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

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

By Mr. Springsteen:

#### SPECIAL ORDINANCE NO. 2, 1928

AN ORDINANCE, fixing the name of a certain alley in the City of Indianapolis extending East and West between Vermont Street and Lockerbie Street and running from East Street to Noble Street, naming the same Vermont Place, and fixing a time when the same shall take effect.

*Be It Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the alley in the City of Indianapolis running East and West between and parallel with Vermont Street and Lockerbie Street and extending from East Street eastward to Noble Street, be and the same is hereby named and shall hereafter be known as Vermont Place.

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

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

#### MISCELLANEOUS BUSINESS

Mr. Buchanan moved that action on Special Ordin-

ance 1, 1928, be deferred for the present. The motion was seconded by Mr. Springsteen and passed by unanimous vote.

#### ORDINANCES ON SECOND READING

Mr. Buchanan called for General Ordinance 96, 1927, for second reading. It was read a second time.

On motion of Mr. Buchanan, seconded by Mr. Harris, General Ordinance 96, 1927, was ordered stricken from the files.

Mr. Springsteen moved that the rules be suspended, for the consideration of Special Ordinance 2, 1928. The motion was seconded by Mr. Nicholson, and passed by the following roll-call vote:

Ayes, 9, viz: Mr. Buchanan, Mr. Harris, Mr. Lieber, Mr. Meurer, Mr. Nicholson, Mr. Rathert, Mr. Springsteen, Mr. White, President Raub.

Mr. Springsteen called for Special Ordinance 2, 1928, for second reading. It was read a second time.

On motion of Mr. Springsteen, seconded by Mr. White, Special Ordinance 2, 1928, was ordered engrossed, read a third time, and placed upon its passage.

Special Ordinance 2, 1928, was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 9, viz: Mr. Buchanan, Mr. Harris, Mr. Lieber, Mr. Meurer, Mr. Nicholson, Mr. Rathert, Mr. Springsteen, Mr. White, President Raub.



Mr. Meurer called for General Ordinance 28, 1928, for second reading. It was read a second time.

On motion of Mr. Meurer, seconded by Mr. Nicholson, General Ordinance 28, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 28, 1928, was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 9, viz: Mr. Buchanan, Mr. Harris, Mr. Lieber, Mr. Meurer, Mr. Nicholson, Mr. Rathert, Mr. Springsteen, Mr. White, President Raub.

Mr. Meurer called for General Ordinance 29, 1928, for second reading. It was read a second time.

Meurer presented the following written motion to amend General Ordinance 29, 1928:

"I move that General Ordinance 29, 1928, be amended to read as follows:

#### GENERAL ORDINANCE NO. 29, 1928

AN ORDINANCE, providing for the purchase of two (2) new caterpillar or crawler type tractors of not to exceed six (6) tons weight each and one (1) double stage eductor complete, mounted on truck chassis with cab complete for the Street Commissioner under the Department of Public Works, and authorizing the trade-in or sale of five (5) four (4) cylinder Avery tractors, one (1) four (4) cylinder Huber tractor, one (1) old double stage auto eductor, all being used equipment in said department, and declaring a time when the same shall take effect.

*Be It Ordained by the Common Council of the City of Indianapolis, Indiana:*

Section 1. That the Purchasing Agent of the City of Indianapolis, Indiana, is hereby authorized to purchase out of the Street

Commissioner's Equipment Fund, No. 72, of the Board of Public Works, two (2) new caterpillar or crawler type tractors of not to exceed six (6) tons weight each and one (1) double stage auto eductor complete, mounted on truck chassis with cab complete, the value of each of which is in excess of the statutory limit of Two Thousand (\$2,000.00) Dollars, and to trade in therefor, as part payment of said purchase or sale five (5) four (4) cylinder Avery tractors, and one (1) two (2) cylinder Avery tractor, and one (1) four (4) cylinder Huber tractor, and one (1) old double stage auto eductor now being used or stored by said Street Commissioner; all of which is hereby in all things authorized and approved by the Common Council of the City of Indianapolis, Indiana, as required by law.

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

“ALBERT MEURER,  
“Councilman.”

On motion of Mr. Meurer, seconded by Mr. Harris, General Ordinance 29, 1928, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance 29, 1928, was read a third time by the Clerk, as amended, and passed by the following roll-call vote:

Ayes, 9, viz: Mr. Buchanan, Mr. Harris, Mr. Lieber, Mr. Meurer, Mr. Nicholson, Mr. Rathert, Mr. Springsteen, Mr. White, President Raub.

#### UNFINISHED BUSINESS

The Clerk called the attention of the Council to two ordinances vetoed by the Mayor, on which any further action they wished to take should be completed at this meeting.

Mr. Harris called for a roll-call vote on General Ordinance 24, 1928, to be passed over the veto of the

Mayor.

The vote was as follows:

Ayes, 6, viz: Mr. Buchanan, Mr. Harris, Mr. Meurer, Mr. Nicholson, Mr. Springsteen, President Raub.

Noes, 3, viz: Mr. Lieber, Mr. Rathert, Mr. White.

On motion of Mr. Springsteen, seconded by Mr. White, the Common Council adjourned at 9.28 p. m.

We hereby certify the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, Indiana, held on the 21st day of May, 1928, at 7:30 p. m.

In witness whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

*Edward B. Raub,*

President.

*William A. Boyce, Jr.*

(SEAL)

City Clerk