

REGULAR MEETING

Monday, July 2, 1928, 7:30 P. M.

The Common Council of the City of Indianapolis met in regular session in the Council Chamber at 7:30 P. M., Monday, July 2, President Edward B. Raub in the chair.

The Clerk called the roll:

Present: 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. White, seconded by Mr. Springsteen, the reading of the minutes of the previous meeting was dispensed with.

COMMUNICATIONS FROM THE MAYOR

June 19, 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. 3, 1928

An Ordinance, appropriating the sum of Eight Thousand Nine Hundred Forty-two Dollars and Fifty-two Cents (\$8,942.52) from the unappropriated balance of the General Fund for the year 1927, to the several executive departments of the City government of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 36, 1928

On Ordinance, transferring moneys from certain funds and re-appropriating the same to other numbered funds, and fixing a time when the same shall take effect.

Publisher's Note—* Page Numbers 332 to 350, inclusive, missing on account of typographical error.

GENERAL ORDINANCE NO. 37, 1928

An Ordinance, transferring and reappropriating the sum of Seventy-five Dollars (\$75.00) from City Clerk Fund No. 24, to City Clerk Fund No. 12; creating City Clerk Fund No. 12, Temporary Salaries and Wages; and declaring a time when the same shall take effect.

Very truly yours,
L. ERT. SLACK,
Mayor.

June 25, 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:

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 redistricting 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 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.

SPECIAL ORDINANCE NO. 3, 1928

An Ordinance, changing the name of Pike Street, extending east and west from the east line of Sheldon Street to the west line of Hillside Avenue, in the City of Indianapolis, Indiana, and naming the same Twenty-first Street, and fixing a time when the same shall take effect.

Very truly yours,
L. ERT. SLACK,
Mayor.

June 28, 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 ordinance:

GENERAL ORDINANCE NO. 31, 1928

An Ordinance, amending Section 376 of General Ordinance No. 121, known as the Municipal Code of 1925, and providing rules to govern the conduct and procedure of the Common Council of the City of Indianapolis, repealing all former ordinances in conflict therewith and fixing a time when the same shall take effect.

Very truly yours,
L. ERT. SLACK,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

July 2, 1928.

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

Gentlemen—

I have been requested by the Board of Public Works to submit the attached General Ordinance transferring the sum of Two Thousand Dollars, now in Fund No. 43, "Street and Alley Materials," City Civil Engineer's Department, and, reappropriating the same to "Salary and Wages Temporary," Sewer Department, Street Commissioner's Fund No. 12-1.

I respectfully recommend the passage of this ordinance.

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

July 2, 1928.

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

Dear Sir—

I am herewith sending you fourteen (14) copies of General Ordinance No. 42 for the transfer of Two Thousand (\$2,000.00) Dollars from the C. C. E. Fund No. 43, Streets and Alleys Material to Street Commissioner Fund No. 12-1, Salary and Wages Temporary, for the payment of wages of men operating pumps at Meridian Street

and the Canal, which you will please present and recommend passage.
Thanking you in advance, I am,

Respectfully,

BADGER WILLIAMSON,
Chief Clerk.

July 2, 1928.

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

Gentlemen—

Attached please find copies of a General Ordinance authorizing the City Controller to advertise and sell bonds in the amount of \$470,000.00 to be designated as "Municipal Judgment Funding Bonds of 1928, First Issue."

I respectfully recommend the passage of this ordinance.

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

July 2, 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 submit the attached copies of an Appropriation Ordinance directing and authorizing the City Civil Engineer to do certain work, paying for the same out of funds received from gasoline tax and appropriating Twelve Thousand Three Hundred Seventeen Dollars and Seventy-seven Cents (\$12,317.77) from the Gasoline Tax Fund to the City Civil Engineer Department Gasoline Tax Special Fund.

I respectfully recommend the passage of this ordinance.

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

July 2, 1928.

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

Dear Sir—

I am herewith sending you fourteen (14) copies of General Ordinance No. 44, for the transfer of Twelve Thousand Three Hundred Seventeen Dollars and Seventy-seven Cents (\$12,317.77) of the

unappropriated Gasoline Tax Fund to the City Civil Engineer's Department-Gasoline Tax Special Fund, therein and fixing a time when the same shall take effect, which you will please present and recommend the passage.

Thanking you in advance, I am,

Very respectfully,
BADGER WILLIAMSON,
Chief Clerk.

July 2, 1928.

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

Gentlemen—

Attached please find copies of a resolution directing the City Controller to advertise and sell Forty Thousand (\$40,000.00) Dollars, only, of the Fifty-six Thousand (\$56,000.00) Dollar bond issue designated as "Municipal Street Improvement Bonds of 1928, First Issue."

I respectfully recommend the passage of this resolution.

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

INTRODUCTION OF GENERAL ORDINANCES

By City Comptroller:

GENERAL ORDINANCE NO. 42, 1928

AN ORDINANCE, transferring moneys from certain funds and re-appropriating the same to other numbered funds 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 Two Thousand Dollars (\$2,000.00) now in Fund No. 43, "Streets and Alleys Materials," City Civil Engineer's Department, be and it is hereby transferred therefrom and reappropriated to "Salary and Wages Temporary," Sewer Department, Street Commissioner's Fund No. 12-1 for the payment of wages of men operating pumps at Meridian Street and Canal.

Section 2. This ordinance shall take effect from and after its passage and publication according to law.

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

GENERAL ORDINANCE NO. 43, 1928

AN ORDINANCE, authorizing the borrowing of \$470,000.00 and the sale of four hundred and seventy (470) bonds of \$1,000.00 each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said City or from the sinking funds of said City, or as may be required by law, for the purpose of procuring money to be used in paying judgment claims, interest, and costs against the City of Indianapolis, and providing for the time and manner of advertising the sale of said bonds and the receiving of bids for the same, together with the mode and terms of sale and fixing the time when this ordinance shall take effect.

WHEREAS, judgments have been recovered against the City of Indianapolis, which, together with the interest thereon to August 31, 1928, and costs thereon, aggregate \$466,873.40, which judgments are in full force and effect and unappealable from and are valid outstanding indebtedness of said City of Indianapolis, and constitute the valid and outstanding indebtedness of Indianapolis, and which judgments are as follows:

On the 18th day of February, 1928, in the Marion Superior Court, Room 4, in Cause No. A-43119, judgment was rendered against the City of Indianapolis, and in favor of the Indianapolis Power and Light Company, in the amount of \$237,589.03, and interest on said judgment up to August 31, 1928, at six per cent, will amount to \$7,658.75, making a total claim of judgment and interest as of August 31, 1928, of \$245,247.78, and

On the 18th day of February, 1928, in the Marion Superior Court, Room 1, in Cause No. A-43144, judgment was obtained against the City of Indianapolis, in favor of the Indianapolis Water Company, in the amount of \$202,668.29, and interest from February 18, 1928, to August 31, 1928, at six per cent on said judgment will amount to \$6,531.00 making a total judgment and interest as of August 31, 1928, of \$209,199.29, and

On the 12th day of June, 1928, in the Marion Circuit Court, in Cause No. 41928, judgment was obtained against the City of Indianapolis in favor of the Indiana Bell Telephone Company in the amount of \$4,309.37, and interest thereon from January, 1928, to August 31, 1928, amounts to \$172.38, making a total claim of judgment and interest thereon of \$4,481.75, and

Judgment was obtained against the City of Indianapolis on June 25, 1928, against the City of Indianapolis, by Charles R. Sowder, in the Boone Circuit Court, Cause No. 9042, in the amount of \$3,100.00 and costs, and the costs thereon amounting to \$76.13, making a total claim against the City of \$3,176.13, and

Judgment was obtained against the City of Indianapolis, by Eva Heckman, in the Marion Superior Court, Room 5, Cause No. A-42598, on April 20, 1928, in the amount of \$800.00 and costs, and the costs thereon amounting to \$7.55, making a total claim of \$807.55, and

Judgment was obtained against the City of Indianapolis, by Omar Morgan et al., in Cause No. A-41955, in the Marion Superior Court, Room 2, on March 5, 1928, in the amount of \$420.00, and costs, and the costs thereon amounting to \$7.55, making a total claim of \$427.55, and

Judgment was obtained against the City of Indianapolis, by Mary Yost, in Cause No. A-36415, in the Marion Superior Court, Room 2, on February 6, 1928, in the amount of \$3,000.00, and costs, and the costs amounting to \$26.85, and of which judgment the City by its agreement with the Insurance Company is obliged to pay \$2,500.00, making a total claim therefor of \$2,526, and

Judgment was obtained against the City of Indianapolis, by Minnie Carter, in Cause No. A-41023, in Marion Superior Court, Room 5, said cause being venued to the Johnson Circuit Court, Cause No. 6509, judgment being rendered on April 10, 1928, in the amount of \$500.00, and costs, and the costs have since been paid thereon, making a total claim therefor of \$500.00, and

Judgment was rendered against the City of Indianapolis, by Ella Morse in Cause No. 8833, Marion Municipal Court, Room 1, on April 26, 1928, in the amount of \$500.00, and costs, and the costs thereon amount of \$6.50, total claim therefor being \$506.50, and

The total of the aforesaid judgments and costs with interest to August 31, 1928, is \$466,873.40, and

WHEREAS, there is not now and will not be sufficient funds in the Treasury of the City of Indianapolis with which to meet the aforesaid judgments and costs, and

WHEREAS, the City is required to pay six per cent interest thereon until paid, and it being necessary for the said City to borrow said \$470,000.00 in order to procure a fund to be devoted for the purposes set out herein, and to issue and sell its bonds in said amounts

payable from the general revenue and funds of the City or as may be otherwise authorized or required by law, or as authorized by an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations," approved March 6, 1905, and all acts amendatory thereof and supplemental thereto.

NOW, THEREFORE, be it ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the City Controller be, and he is, hereby authorized for the purpose of procuring money to be used for the purpose of paying judgment claims, interest and costs thereon, as set out hereinbefore, to prepare, issue and sell four hundred seventy new bonds of the City of Indianapolis, Marion County, Indiana, of \$1,000.00 each, which bonds shall bear the date of Sept. 1, 1928, and shall be numbered 1 to 470, both inclusive, and shall be designated "Municipal Judgment Funding Bonds of 1928, First Issue," and shall bear interest at the rate of 4¼ per cent, payable semi-annually, on the first day of January and the first day of July of each year of the period of said bonds. Said bonds shall be issued in nineteen (19) series, the first eighteen (18) of said series to be composed of twenty-five (25) bonds of \$1,000.00 each, and each series therefor totaling the sum of \$25,000.00, and the last series to be composed of twenty (20) bonds of \$1,000.00 each, the last series totaling the sum of \$20,000.00. The first series of said bonds shall be due and payable on Jan. 1, 1930, and one of said series shall be due and payable on the first day of each year thereafter, until and including Jan. 1, 1948.

The said interest on said bonds shall be evidenced by proper coupons thereunto attached, for the payment of said semi-annual interest, and the first coupon attached to each bond shall be for the interest on said bond from the date of issue until the first day of July, 1929. Said bonds and interest coupons thereunto attached shall be negotiable and payable at the City Treasurer's office of the City of Indianapolis, Indiana, at Indianapolis, Indiana; said bonds shall be signed by the Mayor and the City Controller of the City of Indianapolis, and attested by the City Clerk, who shall affix the seal of said City to each of said bonds; and the interest coupons attached to said bonds shall be authenticated by a lithographic facsimile of the signatures of the Mayor and the City Controller of said City engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof; said bonds shall be prepared by the City Controller of said City in due form, irrevocably pledging the faith and credit of the City of Indianapolis, Indiana, to the payment of the principal and interest stipulated therein respectively. It shall be the duty of the City

Controller at the time of the issuance and negotiation of said bonds to register in the book kept for that purpose, all of said bonds so issued and negotiated in serial numbers, beginning with the bond number 1, giving also the date of the issuance, the amount, the day of maturity, rate of interest, and the time and place where said interest shall be payable, and said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof.

No. _____ \$1,000.00

UNITED STATES OF AMERICA

City of Indianapolis

MARION COUNTY STATE OF INDIANA

MUNICIPAL JUDGMENT FUNDING BONDS OF 1928,
FIRST ISSUE.

For value received, the City of Indianapolis, Marion County, State of Indiana, hereby promises to pay to the bearer, without any relief from valuation or appraisal laws, on the first day of January, 19—, at the City Treasurer's office of the City of Indianapolis, Indiana, One Thousand Dollars (\$1,000.00) in lawful money of the United States of America, together with interest thereon at the rate of four and one-quarter per cent ($4\frac{1}{4}\%$) per annum from date until paid.

The first interest payable on the first day of July, 1929, and the interest thereafter payable semi-annually on the first day of January and July, respectively, upon the presentation of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of four hundred seventy bonds of \$1,000.00 each, numbered from 1 to 470, both inclusive, of date of Sept. 1, 1928. Said bonds shall mature in series of 25 bonds each year for 18 years, except the last series, it being for 20 bonds of \$1,000.00 each, the first series maturing Jan. 1, 1930, and 25 bonds upon the first day of each year thereafter until and including Jan. 1, 1947, and the last series of 20 bonds, of \$1,000.00 each, maturing Jan. 1, 1948. These bonds are issued by the City of Indianapolis, pursuant to an ordinance passed by the Common Council of the City of Indianapolis on the — day of —, 1928, and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations," ap-

proved March 6, 1905, and all acts amendatory thereof and supplemental thereto.

It is hereby certified that all conditions, acts, and things essential to the validity of this bond exist, have happened, and have been done, and that all requirements of the law affecting the issuance thereof have been duly complied with, and that this bond is within every debt and other limit prescribed by the constitution and laws of the State of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond, according to its terms.

IN WITNESS WHEREOF, the Common Council of the City of Indianapolis, Marion County, Indiana, has caused this bond to be signed by the Mayor and City Controller, and attested by the City Clerk and the corporate seal of said City to be affixed this as of the ——— day of —————, 1928.

Mayor

Attest:

City Clerk

City Controller

Section 2. The City Controller shall, as soon as possible, after its passage of this Ordinance, advertise for bids of proposals for said bonds, by at least one insertion each week for two weeks, in two daily newspapers of general circulation, printed and published in the English language in the City of Indianapolis, and as required and authorized by law and may otherwise advertise for such bids or proposals as he may deem advisable. Such advertisement shall describe said bond with such minuteness and particularity as the City Controller may see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they may bear, that the bidder may bid proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder shall be required to make and when and where bonds shall be delivered and paid for.

Section 3. Each and every bid and proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly

certified check or cashier's check, upon some responsible bank or trust company in the City of Indianapolis, payable to the order of the City Treasurer for a sum of money which shall equal two and one-half per cent ($2\frac{1}{2}\%$) of the face or par value of the bonds bid for or proposed to be purchased. The City Controller shall continue to receive bids or proposals therefor at the office of the City Controller until eleven (11) o'clock a. m., on the day fixed by the City Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the hour and twelve (12) noon, of said day, he shall open said bids or proposals. The City Controller shall award said bonds or as he shall see fit a part or any number thereof, to the highest and best bidder therefor, but said City Controller shall have the right to reject any and all such bids or proposals or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or a less number of bonds covered by such bid. He being the sole judge of the sufficiency or insufficiency of any kind. He may also in his judgment and discretion, award a part of said bonds to one bidder and a part to another. These provisions shall apply to the case of reoffering and readvertising of said bonds as hereinafter provided.

Section 4. In the case the City Controller shall reject all bids submitted, or if he shall award only a part of said bids, he shall readvertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such readvertisement, he is authorized and directed to fix the date and time both of receiving and opening bids or proposals, and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time in like manner to readvertise said bonds for sale until said bonds are sold.

Section 5. In case any bid or proposal shall not be accepted and there shall be no award of bonds thereon by the City Controller, he shall thereupon return to such unsuccessful bidder the certified or cashier's check accompanying the same. If the City Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified or cashier's check accompanying same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment for the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of contract for purchase of said bonds upon the part of the purchaser, and the City,

in that event, shall have the right to readvertise said bonds for sale at once, and shall, in such event, retain said check and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract, and as a payment thereof to the City. In case any successful bidder shall fail to complete the purchase price of the bonds so awarded and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller as herein provided, the proceeds of such certified or cashier's check deposited by such bidder shall be taken, considered, and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase and shall be taken and deemed as a payment to the City for such damages, and shall be retained and held by said City for its use, but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified or cashier's check shall be thereupon returned to such bidder, or at the option of the City Controller at the time of the completion of the sale and payment for the bonds, said proceeds of said certified or cashier's check may be applied and deemed a payment on account of the purchase of said bonds.

Section 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or readvertisement for proposals or within such time thereafter as may be fixed by the City Controller and the purchaser or purchasers and the City Controller may extend the time for such delivery not more than _____ days after the day or days specified or agreed upon as above provided, and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such place and times, and his or their refusal, neglect or omission to do so shall be a breach of the contract of his bid or proposal on account of which damages shall be retained or recovered as liquidated as provided in this ordinance.

Section 7. The bonds taken and paid for to the satisfaction of the City Controller shall be a binding obligation upon the City of Indianapolis according to their tenor and effect and the proceeds derived from the sale or sales of both as herein authorized shall be and hereby are appropriated to the Department of Law for the payment of judgment claims, interest and costs thereon, hereinbefore set out, and shall constitute and continue appropriations until all of said designated judgment claims, interest and costs have been paid.

Section 8. The Mayor, the City Controller, and the Corporation

Counsel are hereby authorized and directed to publish notices of the herein determination to issue bonds as required by law.

Section 9. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

GENERAL ORDINANCE NO. 44, 1928

AN ORDINANCE, directing and authorizing the City Civil Engineer to do certain work, paying for the same out of funds received from gasoline tax and appropriating Twelve Thousand Three Hundred Seventeen Dollars and Seventy-seven Cents (\$12,317.-77) from the Gasoline Tax Fund to the City Civil Engineer Department Gasoline Tax Special Fund therein and fixing a time when the same shall take effect.

WHEREAS, it is necessary to provide sidewalks on the bridge on Madison Avenue over Pleasant Run, of the City of Indianapolis, and it is necessary to provide sidewalks on the Southern Avenue bridge across Bean Creek, of the City of Indianapolis, and

WHEREAS, the Washington Street bridge over Pleasant Run is too narrow and should be widened to accommodate the traffic, and

WHEREAS, these bridges are used considerably by the citizens of Indianapolis and it is necessary for the best interests of the city to provide the aforesaid sidewalks and widening, and

WHEREAS, there are no funds in the City Civil Engineer Department with which to pay for the same. Now Therefore,

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

Section 1. That the City Civil Engineer is hereby directed, authorized and instructed to construct the sidewalks on the bridge on Madison Avenue over Pleasant Run and to construct the sidewalks on the bridge at Southern Avenue over Bean Creek in the City of Indianapolis, and also to widen the Washington Street bridge over Pleasant Run in said city, all to be done according to plans and specifications to be drawn up by the City Civil Engineer.

Section 2. There is hereby appropriated out of the Gasoline Tax Fund of the City of Indianapolis, now unappropriated, the sum

of Twelve Thousand Three Hundred Seventeen Dollars and Seventy-seven Cents (\$12,317.77), and the same is appropriated to the Gasoline Tax Special Fund of the City Civil Engineer Department.

Section 3. Any and all funds remaining of said sum herein appropriated to the Gasoline Tax Special Fund after the work herein authorized is completed shall remain in the Gasoline Tax Special Fund, City Civil Engineer Department, to be used for any lawful purposes.

Section 4. This ordinance shall take effect from and after its passage and publication according to law.

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

By Mr. Springsteen:

GENERAL ORDINANCE NO. 45, 1928

AN ORDINANCE TO AMEND GENERAL ORDINANCE NO 114
OF THE COMMON COUNCIL OF THE CITY OF
INDIANAPOLIS, APPROVED DECEMBER 4, 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; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect.

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

1. That General Ordinance No. 114, 1922, entitled as above, be amended so that the U. 3 or Business District, as established by said Ordinance No. 114, 1922, shall include the following territory, to-wit: The territory bounded on the north by the south property line of Twenty-eighth Street, on the west by the line of the first alley west

of North Meridian Street, produced southward to Fall Creek Boulevard, on the east by the line of the first alley east of North Meridian Street, produced southward to Fall Creek Boulevard, and on the south by the north line of Fall Creek Boulevard, North Drive.

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

ROBT. E. SPRINGSTEEN.

Indianapolis, Ind., June 16, 1928.

To the Common Council of the City of Indianapolis, Indiana:

Honorable Members of the Council—

We, the undersigned resident property owners on North Meridian Street between Fall Creek Boulevard and Twenty-seventh Street, hereby petition this honorable body to re-zone North Meridian Street from Fall Creek Boulevard to Twenty-eighth Street for regular business usage.

At the present time the business usage in these two blocks is spotted and we feel it will be to the best interest to the property as well as the public in general to have a uniform classification on both sides of the street.

Edward W. Warner, 2709 N. Meridian Street.

Libbie A. Warner, 2709 N. Meridian Street.

Henry and Mary E. Warrum, 2624 N. Meridian Street.

American Central Life Ins. Co., Meridian and Twenty-sixth St.
by Herbert M. Woollen, President.

K. R. Ruddell, 2626 N. Meridian Street.

LaFayette Court Co., 2735 N. Meridian Street.
by H. H. Woodsman, Treasurer.

Delaware Improvement Corp. (The Westminster), 2725 N. Meridian Street. W. H. Woodsman, Treasurer.

Guy Rantain, 2640 N. Meridian Street.

Patrick Barton, 2636 N. Meridian Street.

Mrs. Emma Darmody, 2715 N. Meridian Street.

Mr. O. L. Kestle, 2711 N. Meridian Street.

Mrs. O. L. Kestle, 2711 N. Meridian Street.

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

INTRODUCTION OF RESOLUTIONS

By City Comptroller :

RESOLUTION NO. 5, 1928

WHEREAS, pursuant to Improvement Resolution No. 13648, adopted and confirmed by the Board of Public Works of the City of Indianapolis, a contract was entered into by and between the said Board of Public Works and Abel Brothers, contractors of the City of Indianapolis; and

WHEREAS, said contract with Abel Brothers calls for the improvement of Shelby Street, in said City, at a price of Eighty-two Thousand Eight Hundred Fifty-seven Dollars and Twenty-eight Cents (\$82,857.28), said contract being made on June 6, 1928, and approved by said Board of Public Works on June 11, 1928; and

WHEREAS, on the 2nd day of April, 1928, the Common Council of the City of Indianapolis passed General Ordinance No. 17, said ordinance being signed and approved by the Mayor on the 4th day of April, 1928, and providing for the authorizing the City Controller of the City of Indianapolis to borrow Fifty-six Thousand Dollars (\$56,000.00) and to issue and sell bonds of said City in said amount for said purpose; and

WHEREAS, under the law the City pays one-half of the excess of the amount assessed against the property owners for said improvement; and

WHEREAS, this one-half of the excess of the amount assessed against the property owners will be approximately Forty Thousand Dollars (\$40,000.00) instead of Fifty-six Thousand Dollars (\$56,000.00), and it is, therefore, not necessary for the City Controller to sell the entire amount authorized in General Ordinance No. 17, viz., Fifty-six Thousand Dollars (\$56,000.00);

THEREFORE, BE IT RESOLVED, that the Controller of the City of Indianapolis be and is hereby directed to advertise bids for and to sell Forty Thousand Dollars (\$40,000.00) only of the Municipal Street Improvement Bonds of 1928, First Issue; and

BE IT FURTHER RESOLVED, that said bonds be sold by said Controller pursuant to the terms of General Ordinance No. 17, 1928, and for the same denominations, maturities and rates of interest as were called for in General Ordinance No. 17, 1928; and

BE IT FURTHER RESOLVED, that said bonds be numbered One (1) to Forty (40), both inclusive, and shall bear interest at the rate of four and one-quarter per cent ($4\frac{1}{4}\%$) per annum, payable semi-annually on the first day of January and the first day of July of each year for the period of said bonds, and that said bonds shall be issued in ten (10) series of four (4) bonds of One Thousand Dollars (\$1,000.00) each, totaling the sum of Forty Thousand Dollars (\$40,000.00), the first of said issue to be due and payable on the first day of January, 1930, and one (1) series of said bonds becoming due and payable on the first day of January of each year thereafter until January 1st, 1939, when and by which date the entire series shall be retired. The first interest coupons attached to each bond shall be for the interest on said bond from the date of issue until the first day of January, 1929.

BE IT FURTHER RESOLVED, that the City Controller be and is hereby directed to cancel the Sixteen Thousand Dollars (\$16,000.00) of bonds remaining of the total issue of Fifty-six Thousand Dollars (\$56,000.00) authorized in General Ordinance No. 17, 1928, and that he be further directed not to sell the same now nor at any other time in the future.

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

ORDINANCES ON SECOND READING

Mr. Harris asked for a suspension of the rules to consider General Ordinance No. 44, 1928. The motion was seconded by Mr. White, 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. Harris called for General Ordinance No. 44, 1928, for second reading. It was read a second time.

On motion of Mr. Harris, seconded by Mr. White, General Ordinance No. 44, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 44, 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 asked for a suspension of the rules to consider Resolution No. 5, 1928. The motion was seconded by Mr. Springsteen, 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 Resolution 5, 1928, for second reading. It was read a second time.

On motion of Mr. Meurer, seconded by Mr. Springsteen, Resolution No. 5, 1928, was ordered engrossed, read a third time, and placed upon its passage.

Resolution 5, 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.

MISCELLANEOUS BUSINESS

Mr. Nicholson addressed the Council in substance, as follows:

“Several newspapers in this city have been interested in the proceedings of the Federal Trade Commission in investigating the activities of the public utilities throughout the country. In this connection, one indi-

vidual has mentioned my name. This is no affair of the Council, but as a member of the Council, I feel that the other members are entitled to a statement from me.

“It seems that last winter I responded to an invitation to speak in a Parent-Teachers’ Association meeting at School No. 70, here in Indianapolis. The invitation was extended by Wallace O. Lee, an officer and employe of the Indianapolis Light and Power Company, of this city. I understood that I was being invited only on behalf of the Parent-Teachers’ Association, and had no idea that I was speaking in behalf of any business corporation. Mr. Lee seems to have written a letter, which I find in the Indianapolis News of tonight, in which he made a report to Mr. E. E. Scott, chairman of the Indianapolis Power and Light speakers’ bureau. It seems that I am reported to have said, in my address, something about the neighborly spirit shown by the Indianapolis Power and Light Company. I made no remark concerning the Indianapolis Power and Light Company. I have never been a booster of that organization. In fact, I have been rather severe in my criticism of it. I would like for the records of the Council to show that I have made denial of any connection with the Indianapolis Power and Light Company. I never have been a shareholder in that company, and no one has ever approached me in its behalf. I had no intention of representing any special interest at the very pleasant meeting on Washington Boulevard. I had no suspicion that Mr. Lee, in making that invitation, was speaking for anybody other than the Parent-Teacher Association, as neighbors and friends. I would like to have my statement to the Federal Trade Commission read by the Clerk and incorporated in the Council Journal for this meeting. My sole purpose in asking this is that I do not want any misapprehension about as to my stand in this matter. Any address I make in school house I make in a spirit of good citizenship and helping along a good cause.

"I am not a booster for the Light corporation, or any other company at this time.

"I would like to ask that my statement be incorporated in the Council proceedings for this date."

The Hon. Wm. E. Humphreys,
Federal Trade Commission,
Washington, D. C.

The use of my name in connection with the utilities investigation is an outrage. When Mr. Wallace O. Lee, of the Indianapolis Power and Light Company, asked me last fall to speak at a meeting of the Parent-Teacher Association at School No. 70 in his neighborhood, I asked to be excused on the ground that I had been talking too much, disliked public speaking and had nothing new to offer. Mr. Lee said that he was in an embarrassing position, as he had promised the Parent-Teachers that he would produce me at this meeting, and on this plea I consented. I understood that he was merely the spokesman for the association. I had no conference with Mr. Lee about the matter except over the telephone and when he asked me to name the subject of my address I said "Neighborliness," solely with the idea of giving myself a chance to say what I had been saying elsewhere, in print and by word of mouth, against Klanism. I had made substantially the same talk elsewhere. I made it in Milwaukee last fall before the Wisconsin Teachers' Association.

In my address at School No. 70 I began with some pleasant remarks about Mr. Lee, who had introduced me, but only in a friendly spirit. I did not mention even remotely the corporation with which he is connected. I was intent on my main idea, urging a more general participation in politics and speaking against such movements as the Klan and invoking the spirit of James Whitcomb Riley in the interest of tolerance, neighborliness and kindness, I spoke quite off-hand but I have verified my memory by inquiry of others who were there, and there is no question but that I stuck to my text. The utilities corporations operating in Indiana were remote from my mind. The audience was one of the most intelligent and responsive I have ever addressed. I doubt whether any one who was there on that evening had any idea that I was being "used" to speak for any business interest. If I was being "used" I am more stupid than I think I am. Only a malevolent enemy would believe that I intentionally lent myself to any propaganda in the interest of any

utilities corporation. I accepted Mr. Lee's invitation in good faith and I am reluctant to believe that he had any ulterior motive in asking me to address the Parent-Teachers of School No. 70 and the people of the neighborhood. I responded to his invitation as I have responded to many simliar ones, solely with a view to doing my part as a citizen. I was not paid for this address. In fact, I have never taken money for any address I have made in Indianapolis on any occasion.

I greatly value the good opinion of the people of Indiana and to be mentioned in connection with utilities propaganda strikes at my self-respect in a manner that I can not overlook. If I had ever on any occasion expressed any opinion of the utilities corporations in Indiana it would certainly have been in a critical and hostile spirit. The efforts of the utilities to influence and control legislation in this state constitute a notorious scandal. The idea that I would take advantage of a purely social occasion to boost the utilities is a reflection upon my honor and my citizenship. I am responsible for any statement I make either in speech or in print and I will say that any one who charges or insinuates that at any time or in any place I have ever written or spoken any words favorable to any utilities or any other business interest is a liar and a blackguard.

As Mr. Wallace O. Lee was the bearer of the invitation to which I responded to address the Parent-Teacher Association of School No. 70, it is incumbent upon him to say whether or not his invitation to me to address this meeting was inspired by a wish to present me to his neighbors as a sponsor for the corporation of which he is an employe, or only in the interest of the better life of this community.

I respectfully request that this statement be incorporated in the report of your proceedings.

MEREDITH NICHOLSON.

Mr. Springsteen moved that Mr. Nicholson's statement be included in the Journal of the Council. The motion was seconded by Mr. Buchanan, and passed by unanimous vote.

Mr. Raub expressed the sympathy of the Council that Mr. Nicholson's name should be connected with such an affair.

On motion of Mr. Harris, seconded by Mr. Springsteen, the Common Council adjourned at 9:10 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, Ind., held on the 2nd day of July, 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.

(SEAL)

City Clerk