

REGULAR MEETING

Monday, November 5, 1928

The Common Council of the City of Indianapolis met in the Council Chamber, following a public hearing, at 7:30 P. M., on General Ordinance No. 76, 1928, by the Committee on Public Welfare. President Edward B. Raub presided.

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. Springsteen, seconded by Mr. White, the reading of the Journal for the previous meeting was dispensed with.

COMMUNICATIONS FROM THE MAYOR

October 24, 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. 71, 1928

AN ORDINANCE, creating an Athletic Commission, providing authority for the making of regulations in connection with boxing and wrestling contests, exhibitions, shows and entertainments, defining boxing contests within the meaning of this ordinance, providing

for permits, prescribing license and permit fees; providing a penalty for its violation, repealing all ordinances or parts of ordinances in conflict therewith and fixing a time when the same shall take effect.

Very truly yours,

L. ERT. SLACK,
Mayor

October 17, 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. 69, 1928

AN ORDINANCE transferring moneys from certain funds and reappropriating the same to other numbered funds and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 72, 1928

AN ORDINANCE, transferring and reappropriating certain funds under the Department of Public Safety and declaring a time when same shall take effect.

Very truly yours,

L. ERT. SLACK,
Mayor

October 16, 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. 73, 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.

Very truly yours,

L. ERT. SLACK,
Mayor

COMMUNICATIONS FROM CITY OFFICIALS

November 5, 1928.

To the Honorable President and Members of the Common Council of the Indianapolis:

Gentlemen:

Attached please find copies of a general ordinance transferring moneys from certain numbered funds and reappropriating the same to other numbered funds.

I respectfully recommend the passage of this ordinance.

Very truly yours,

STERLING R. HOLT,
City Controller.

November 2, 1928.

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

Dear Sir:

Upon the recommendation of Chief Voshell, we respectfully request you to submit an ordinance to the Common Council trans-

ferring and reappropriating the following funds in the Fire Department Budget:

Six Thousand (\$6,000.00) Dollars from Fund No. 11, Salaries; Four Thousand (\$4,000.00) Dollars from First Grade Privates; Two Thousand (\$2,000.00) Dollars from Chauffeurs, and reappropriate same to Fund No. 72, Equipment.

Two Thousand (\$2,000.00) Dollars from Fund No. 32, Fuel and Ice, reappropriating same to Fund No. 72, Equipment.

One thousand (\$1,000.00) Dollars from Fund No. 38, General Supplies, reappropriating same to Fund No. 45, Repair Parts.

Yours very truly,

BOARD OF PUBLIC SAFETY,

By Fred W. Connell, President.

October 23, 1928.

Mr. Sterling R. Holt, City Controller, Indianapolis, Indiana:

Dear Mr. Holt:

The Board of Public Works desires that you have prepared an ordinance for the transfer of funds, to-wit:

One Hundred (\$100.00) Dollars from Board of Works Administration No. 26 to Public Buildings No. 41.

Three Hundred (\$300.00) Dollars from Board of Public Works Administration No. 26 to Public Buildings No. 38.

Two Hundred (\$200.00) Dollars from Board of Works Administration No. 26 to Board of Works Administration No. 51.

Two Hundred (\$200.00) Dollars from Board of Works Administration No. 26 to Board of Works Administration No. 72.

Four Thousand (\$4,000.00) Dollars from Municipal Garage No. 33 to Street Commissioners No. 72.

And present the same to the Common Council at their next meeting with the recommendation of the Board of Works that the same be passed.

Yours very truly,

ERNEST F. FRICK,

Secretary Board of Public Works.

November 1, 1928.

Mr. Sterling R. Holt, City Controller, Indianapolis, Indiana:

Dear Mr. Holt:

The Board of Public Works, upon the recommendation of their various department heads, request that you prepare an ordinance providing for the transfer of the following funds, to-wit:

From City Civil Engineer No. 21	\$1,500.00
From City Civil Engineer No. 24	200.00
From City Civil Engineer No. 25	400.00
From City Civil Engineer No. 32	1,500.00
From City Civil Engineer No. 33	100.00
From City Civil Engineer No. 35	100.00
From City Civil Engineer No. 36	400.00
From City Civil Engineer No. 38	100.00
From City Civil Engineer No. 44	100.00
From City Civil Engineer No. 45	100.00
From City Civil Engineer Office Fund No. 11-1	4,000.00
From City Civil Engineer Laboratory No. 11-4	500.00
From City Civil Engineer Asphalt Street Repair No. 11-6 ..	1,320.00
From Board of Works Administration No. 26	1,500.00

A total of \$11,820.00 to be placed in the following funds, to-wit:

Board of Works Public Buildings No. 41	\$3,500.00
Board of Street Commissioner No. 12-4	1,000.00
Board of Works Public Buildings No. 72	7,320.00

The Board desires the further transfer of the sum of \$500.00 from Board of Works Street Commissioners No. 21 to Fund No. 41 of the Street Commissioner. Also, from the following funds, to-wit: Street Commissioner No. 12-7—

Foremen	\$245.00
Blacksmiths	285.00

Road Oil Department No. 12-6—

Heavy Trucks	12.00
Helpers	413.00
Oil House Men	350.00

Sewer Department No. 12-1—

Eductor Men	1,420.00
Helpers	2,375.00

Heavy Trucks -----	300.00
Dragging Men -----	2,762.90
Basin Laborers -----	287.10
Communication and Transportation No. 21 -----	1,100.00

And that the said sum of \$9,550.00 be transferred and allotted as follows:

Street Cleaning Department No. 12-7—

Teams -----	1,500.00
Laborers -----	6,000.00
Light Trucks -----	1,000.00
Flushers -----	850.00
Helpers -----	200.00

And submit the same to the Common Council at their next meeting with the recommendation of the Board of Public Works that the same be passed at their earliest convenience.

Yours very truly,

ERNEST F. FRICK,

Secretary, Board of Public Works.

November 1, 1928.

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

Dear Mr. Boyce:

I am enclosing herewith fourteen (14) copies of a switch contract of the Horace H. Page Coal Company for the privilege of laying a railroad switch across Lafayette street (west half) north of Tenth street, to connect with main track into property of Horace H. Page Coal Company, which the Board desires to be presented to the Common Council at their next meeting, with the recommendation of Board that the same be passed.

Yours very truly,

ERNEST F. FRICK,

Secretary, Board of Public Works.

October 23, 1928.

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

Dear Sir—

I am enclosing herewith fourteen (14) copies of a switch contract for the Standard Nut Margarine Company for permission to

extend and operate a switch in Lewis Street, east of Roosevelt Avenue, as shown on blue print, approved by the Board of Public Works, October 22, 1928.

The Board of Public Works desires that you present this switch contract to the Common Council with the recommendation that the same be passed.

Yours very truly,

ERNEST F. FRICK,

Secretary, Board of Public Works.

October 22, 1928.

To the Board of Public Works:

Gentlemen—

With return of the attached petition of the Standard Nut Margarine Company to extend and operate a switch in Lewis Street, east of Roosevelt Avenue, as shown on blue print, would recommend that said petition be granted, approved and sent to the Council for ratification.

Yours very truly,

A. H. Moore,

City Civil Engineer.

Approved:

O. S. HACK, President.

JOHN C. McCLOSKEY.

CHAS. L. RIDDLE.

Board of Public Works.

October 23, 1928.

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

Dear Sir—

I am enclosing herewith resolution and also a copy of the minutes of the Board of Public Works calling for the improvement of the first alley south of Washington Street, from Butler Avenue to Hawthorne Lane, by overriding the remonstrance, which I desire you

to present to the Common Council at their next meeting, with the recommendation of the Board of Works that the same be passed.

Yours very truly,

ERNEST F. FRICK,

Secretary, Board of Public Works.

October 22, 1928.

In Re: I. R. 14013.

First alley south of Washington Street, from Butler Avenue to Hawthorne Lane.

The Board having heretofore on the 14th day of September, 1928, adopted preliminary resolution for the above entitled improvement and having confirmed the same on the 8th day of October, 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, 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. 14013 providing for the permanent improvement of the first alley south of Washington street, from Butler Avenue to Hawthorne Lane, 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.

October 31, 1928.

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

Dear Sir—

I am enclosing herewith resolution and also a copy of the minutes of the Board of Public Works calling for the improvement of the first alley north of Tenth Street, from DeQuincy Street to Riley

Avenue, by overriding the remonstrance, which I desire you to present to the Common Council at their next meeting, with the recommendation of the Board of Works that the same be passed.

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

October 29, 1928.

Re: I. R. 14022.

First alley north of Tenth Street.

The Board having heretofore on the 21st day of September, 1928, adopted preliminary resolution for the above entitled improvement, and having confirmed the same on the 15th day of October, 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. 14022, providing for the permanent improvement of the first alley north of Tenth Street, from DeQuincy Street to Riley 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.

November 2, 1928.

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

Gentlemen—

Attached hereto are fourteen copies of an ordinance amending General Ordinance No. 73, 1928, which ordinance was an amend-

ment to the General Zoning Ordinance. The attached ordinance is for the purpose of correcting an omission in Section 1 of General Ordinance No. 73, 1928, passed by your Honorable Body on October 15, 1928, zoning the territory between the Monon railroad and Keystone avenue from Forty-fourth street to Fifty-second street. The intent of the attached ordinance is identical with the one which it seeks to correct.

The City Plan Commission respectfully recommends the passage of this ordinance.

Respectfully submitted,

CITY PLAN COMMISSION,

H. B. Steeg, Acting Secretary.

October 29, 1928.

Mr. Edw. B. Raub, %Indianapolis Life Insurance Co., Indianapolis.

Dear Mr. Raub:

The writer's attention has been called to proposed annexations to the city of Indianapolis and he feels that his position entitles him to the privilege of calling your attention to a factor that may have been overlooked in making past annexations and in contemplating new ones, and that factor is the probable income from taxation that will accrue from such annexations.

In the matter of new territory north of Forty-sixth street and west of Keystone avenue recently annexed, with a school population of over 400, it will readily be seen that at an average cost of \$80.00 for each child in our schools, a tax income in excess of \$32,000.00 would have to be available for that one purpose alone, as that represents the income from over \$300,000.00 assessed valuation at our present school tax rate of \$1.03. There will be an excess over this that will have to be absorbed by the other taxpayers of the corporation of Indianapolis which, in view of conditions as they exist at present, is not a desirable conclusion.

This is merely the school corporation alone. When the civil city and the other units are considered, the problem becomes more complicated. Please consider this communication as an expression of one who wishes to see Indianapolis grow, but wishes to see a healthy growth.

Yours very truly,

ALBERT F. WALSMAN,

Business Director.

October 18, 1928.

Mr. Edward B. Raub, City Councilman, City of Indianapolis.

Dear Sir—

It has come to our attention through the Press of Indianapolis, that additional annexations to the City of Indianapolis are contemplated.

May we not mention the fact that no items are included in the 1929 budget for ash and garbage collection for any additional communities outside of the present city boundaries.

Should there be any intercepting sewerage system needed, no money will be available for survey work, etc., as same has not been included in the 1929 budget.

We feel that these items should be fully considered before making any annexations to the city.

Very truly yours,

BOARD OF SANITARY COMMISSIONERS,
O. C. Ross, President.

Mr. Robert Springsteen, Apt. No. 3, The Dolly Madison, 12th & Alabama Sts., Indianapolis.

Dear Mr. Springsteen—

The City Clerk, Mr. Boyce, has informed us that you are chairman of the committee drawing up a new traffic ordinance, and that we should address any request or suggestion to you as such.

The Massachusetts Avenue Merchants Association, including at this writing about 120 members, wishes to go on record as being very desirous of obtaining the extension of the limited parking zone on Massachusetts avenue, now extending only to New Jersey street, to take in all of Massachusetts avenue from Ohio to Tenth street. This is almost entirely business frontage, and the inconvenience and congestion caused by the all-day parking is, and has been for some time past, a most serious matter, and one that we are sure every merchant, whether a member of this association or not, will be glad to see relieved. This condition is especially bad on Massachusetts avenue on account of the large number of silk mill employes using as an all-day parking space what should be live business frontage. No one appreciates more than we the value of these mills as an industry, and as an asset to all Indianapolis, but there is plenty of room on side streets for this parking.

Massachusetts avenue carries a huge volume of traffic; it is one of the most important of the tributary business streets; and its present width makes double parking very dangerous. Nevertheless, under present conditions, this double parking is becoming very prevalent, almost of necessity. Faced with solid banks of cars parked for the full day, with no possibility of finding a parking space within two or three blocks, the one who wants to park for only a few minutes will nearly always "take a chance." But surely argument is unnecessary on a matter so evidently in need of correction as this. As to the time limit desired, either one and one-half or two hours would be acceptable, but two hours preferred. The real object is to eliminate all day parking. If the writer personally or this association can be of any service to your committee, just let us know.

Very sincerely yours,

MASS. AVE. MERCHANTS ASS'N,

Bonner Brown, Executive Secretary.

October 27, 1928.

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

In connection with the effort now being made to select a suitable location for establishing an airport for the city of Indianapolis, I wish to place before the Council certain pertinent facts relative to the location which I have submitted, known as Site No. 8.

This tract of ground contains 1,000.78 acres, rectangular in shape, 1½ miles east to west by 1¼ miles north to south. It is unusually level and well drained, as disclosed by the investigation made by the City Engineer. There are no open ditches to be closed and no main artery highways to be vacated and it is not near to any public schools or populated districts which might be subjected to annoyances or danger.

The transportation by steam road, traction and paved highways is all that could be desired.

I have procured options on the land contained in this tract and delivered same to the Chamber of Commerce committee indicating a total value of \$313,580.00 or an average price of \$313.58 per acre.

The Citizens Committee charged with the selection of a suitable location has for reasons best known by themselves recommended that

the City purchase what is known as Site No. 30, which is situated adjacent to and immediately north of Site No. 8.

This location contains 940 acres and has been priced at \$388,415.00 or an average of \$422.00 per acre, which is \$100,000.00 in excess of the cost of Site No. 8 for the same corresponding acreage and in addition, there is an open ditch in Site No. 30 which will require an expenditure of over \$200,000.00 (according to estimate procured by the City Engineer) to property inclosed. Thus, the cost of Site No. 30 would be \$309,000.00 above the cost of Site No. 8.

In order to justify the expenditure of this additional sum, there should be some very tangible assets in Site No. 30 which is not present in Site No. 8, this I have been unable to locate.

I believe that a careful analysis of the two locations will prove conclusively that Site No. 8 is really more desirable than Site No. 30 with the possible exception of proximity to the Big 4 Railroad. Therefore the matter resolves itself down to the city's willingness to pay approximately \$300,000 for the privilege of favoring one railroad.

Immediately following the report of the Citizens Committee, I called upon all owners of land in Site No. 8 and secured a further reduction in price. The gross amount for the 1,000 acres being \$299,242.00 or an average of \$299.24 per acre.

I believe this amount is as very near farm prices where unit farms are sold. In assembling a large tract a slight increase is inevitable, and would be allowed under the appraisal plan.

All options procured in Site No. 8 include the payment of all taxes for 1928 payable in 1929 by the seller, all crops now planted for 1929 have been adjusted and settlements have been arranged where leases are in effect.

This location has been approved by the engineer representing the Transcontinental Airway Company, and by the experienced air pilots. It was passed upon by the Citizens Committee as suitable from the city's standpoint, and with a cost figure far below any other site which was given consideration, by the committee.

I will welcome a most searching investigation of my proposal, by the members of the City Council.

Yours truly,

L. J. McMASTER.

REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., November 5, 1928.

To the Honorable 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. 74, 1928, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

E. W. HARRIS, Chairman
ROBERT E. SPRINGSTEEN
JOHN F. WHITE
ALBERT F. MEURER
HERMAN P. LIEBER

Indianapolis, Ind., November 5, 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. 75, 1928, entitled "Cement Walks on Central Avenue from Fifty-sixth Street to Westfield Road," beg leave to report that we have had said ordinance under consideration, and that the same be passed:

ALBERT F. MEURER, Chairman
EARL BUCHANAN
HERMAN P. LIEBER
MEREDITH NICHOLSON
ROBERT E. SPRINGSTEEN

Indianapolis, Ind., November 5, 1928.

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

Gentlemen—

We, your Committee on Public Welfare, to whom was referred General Ordinance No. 76, 1928, entitled "Zoning New Territory

East of Arlington Avenue," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

EARL BUCHANAN, Chairman
E. W. HARRIS
MEREDITH NICHOLSON
ALBERT F. MEURER
HERMAN P. LIEBER

REPORTS FROM SPECIAL COMMITTEES

Indianapolis, Ind., November 5, 1928.

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

Gentlemen—

We, your Committee on Laws and Judiciary, to whom was referred Special Ordinance No. 7, 1928, entitled, "An ordinance changing the names of certain streets and avenues, drives, alleys and parks, the real, etc.," beg leave to report that we have had said ordinance under consideration, and recommend that same be passed.

MEREDITH NICHOLSON, Chairman
ROBERT E. SPRINGSTEEN
PAUL E. RATHERT
EARL BUCHANAN
E. W. HARRIS

INTRODUCTION GENERAL ORDINANCES

By City Comptroller:

GENERAL ORDINANCE NO. 77, 1928

AN ORDINANCE transferring moneys from certain numbered funds and reappropriating 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 each of the following sums of money in each of the respective numbered following funds, to-wit:

From Street Commissioner's Fund No. 21, Communication
and Transportation ----- \$1,600.00

From Street Commissioner's Fund, No. 12-1,

Salaries, Temporary, Sewer Department:

Educator Men -----	1,420.00
Helpers -----	2,375.00
Heavy Trucks -----	300.00
Dragging Men -----	2,763.65
Basin Laborers -----	287.10

From Street Commissioner's Fund No. 12-6,

Salaries, Road Oil Department:

Heavy Trucks -----	12.00
Helpers -----	412.25
Oil House Men -----	350.00

From Street Commissioner's Fund No. 12-7,

Street Cleaning Department:

Foremen -----	245.00
Blacksmiths -----	285.00

be and each of the same is hereby transferred therefrom and the aggregate sum of said items, viz., Ten Thousand Fifty (\$10,050.00) Dollars is hereby reappropriated to each of the following respective funds, in the respective amounts, to wit:

To Street Commissioner's Fund No. 12-7, Street Cleaning
Department, Salaries, Temporary, as follows:

Teams -----	\$1,500.00
Laborers -----	6,000.00
Light Trucks -----	1,000.00
Flushers -----	850.00
Helpers -----	200.00

To Street Commissioner's Fund No. 11-1,

Building Materials ----- 500.00

Section 2. That each of the following sums of money in each of the respective numbered following funds, to-wit:

From City Civil Engineer's Fund No. 11-1,

Salaries and Wages, regular:

Junior Office Aid -----	\$1,000.00
Junior Draftsmen -----	1,000.00
Junior Field Aid -----	2,000.00

From City Civil Engineer's Fund No. 11-4, Laboratory Salaries and Wages, regular:	
Senior Chemical Aid -----	400.00
Inspectors -----	100.00
From City Civil Engineer's Fund No. 11—6, Asphalt street Repair, Salaries and Wages, temporary:	
Foremen -----	1,320.00
From City Civil Engineer's Fund No. 21, Communication and Transportation -----	1,500.00
From City Civil Engineer's Fund No. 24, Printing and Advertising -----	200.00
From City Civil Engineer's Fund No. 25, Contractual Repairs -----	400.00
From City Civil Engineer's Fund No. 32, Fuel and Ice -----	1,500.00
From City Civil Engineer's Fund No. 33, Garage and Motor Supplies -----	100.00
From City Civil Engineer's Fund No. 35, Laboratory Supplies -----	100.00
From City Civil Engineer's Fund No. 36, Office Supplies -----	400.00
From City Civil Engineer's Fund No. 38, General Supplies -----	100.00
From City Civil Engineer's Fund No. 44, General Materials -----	100.00
From City Civil Engineer's Fund No. 45, Repair Parts -----	100.00
From Board of Public Works, Administration Fund No. 26, Services, Other Contractual -----	2,500.00

Be and each of the same is hereby transferred therefrom and the aggregate sum of said items, viz., Twelve Thousand Six Hundred Twenty (\$12,620.00) Dollars is hereby reappropriated to each of the following respective funds, in the respective amounts, to-wit:

To Board of Public Works, Administration Fund No. 51, Insurance and Premiums -----	200.00
To Board of Public Works, Administration Fund No. 72, Equipment -----	200.00
To Public Buildings Fund No. 38, General Supplies ---	300.00
To Public Buildings Fund No. 41, Building Materials ---	3,600.00

To Public Buildings Fund No. 72, Equipment -----	7,320.00
To Street Commissioner's Fund No. 12-4 -----	1,000.00

Section 3. That the sum of Four Thousand (\$4,000.00) Dollars now in Municipal Garage Fund No. 33, Garage and Motor Supplies, be and the same is hereby transferred therefrom and reappropriated to Street Commissioner's Fund No. 72, Equipment.

Section 4. That the sum of One Thousand (\$1,000.90) Dollars, now in Fire Department Fund No. 38, General Supplies, under Department of Public Safety, be and the same is hereby transferred therefrom and reappropriated to Fire Department Fund No. 45, Repair Parts.

Section 5. That each of the following sums of money in each of the respective numbered following funds, to-wit:

First Grade Firemen -----	\$4,000.00
From Fire Department Fund No. 11, Salaries and Wages, regular:	
Chauffeurs -----	2,000.00
From Fire Department Fund No. 32, Fuel and Ice -----	2,000.00

Be and each of the same is hereby transferred therefrom and the aggregate sum of Eight Thousand (\$8,000.00) Dollars is hereby reappropriated to Fire Department Fund No. 72, Equipment.

Section 6. 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 Board of Works:

GENERAL ORDINANCE NO. 78, 1928

SWITCH CONTRACT

General Ordinance No. 78, 1928. An ordinance approving a certain contract granting the right to lay and maintain a sidetrack or switch across the west half of Lafayette street, according to blue print attached, in the City of Indianapolis, Ind.

Whereas, heretofore, to-wit: On the 31st day of October,

1928, filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To the Board of Public Works:

Gentlemen—

The undersigned Horace H. Page hereby petitions your Honorable Board for a permit to lay a railroad switch across the west half of Lafayette street in the City of Indianapolis, Marion County, Indiana, connecting to the main track of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, a corporation which is now in place in the center of said Lafayette street, which switch is to be laid so as to connect with said main track and run into the property owned by the undersigned Horace H. Page, details of which are shown on the blue print attached hereto and made a part thereof, and to be used to unload coal shipped to Horace H. Page Coal Company, of which the undersigned is the sole owner over said main track, which coal company's business is operated on the ground shown by blue print attached hereto and the crossing of which switch is to be planked across the entire half of the roadway of said Lafayette street being occupied and the roadway adjacent to said switch is to be brought up to the new grade of switch with the same kind of material now in present roadway.

Now, Therefore, This agreement made and entered into this day, by and between Horace H. Page, 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 the main track in Lafayette street at the point shown on blue print aforesaid into the property of said Horace H. Page, shown on said blue print, in the City of Indianapolis, which is more specifically described as follows: See blue print attached hereto and made a part hereof, 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 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 to do so, 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 violation 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 in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 31st day of October, 1928.

HORACE H. PAGE,
Party of the First Part.

CITY OF INDIANAPOLIS,
O. S. HACK, President
JOHN C. McCLOSKEY
CHAS. L. RIDDLE

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.

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 Works.

By Board of Works:

GENERAL ORDINANCE NO. 79, 1928

SWITCH CONTRACT

General Ordinance No. 79, 1928. An ordinance approving a certain contract granting the right to lay and maintain a sidetrack or switch in Lewis street, according to blue print attached, in the City of Indianapolis, Ind.

Whereas, heretofore, to-wit: On the 15th day of October, 1928, Standard Nut Margarine Company, filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To the Board of Public Works:

Gentlemen—

It being necessary to our business, we respectfully pray the City of Indianapolis to grant us the right to operate a switch in Lewis street at such location as the accompanying plan and description specifies. It is our intention to abide by all the specifications set out in the following petition.

Respectfully yours,

STANDARD NUT MARGARINE CO.,

GEORGE GORMICH, President.

Attest: F. W. WABKE, Secretary.

Now, Therefore, This agreement made and entered into this day, by and between the Standard Nut Margarine Company, 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 in Lewis street, in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point 169.3 feet north of the intersection of the northerly line of Roosevelt avenue, and the east line of Lewis street, said point lying $7\frac{1}{2}$ feet west of the east line of Lewis street and running thence south 66 feet parallel to the east line of Lewis

street to a point 103.3 feet north of the intersection of the northerly line of Roosevelt avenue and the east line of Lewis street, 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 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 to do so, 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 violation 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 in Lewis street, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 15th day of October, 1928.

STANDARD NUT MARGARINE COMPANY,
GEORGE GORMICH, President.
F. W. ABKE, Secretary.
Party of the First Part.

CITY OF INDIANAPOLIS,
O. S. HACK, President
JOHN C. McCLOSKEY
CHAS. L. RIDDLE
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.

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 Works.

By Board of Works:

GENERAL ORDINANCE NO. 80, 1928

AN ORDINANCE authorizing the improvement of the first alley south of Washington street, from Butler avenue to Hawthorne Lane, in the City of Indianapolis, Indiana, pursuant to Improvement Resolution No. 14013 of the Board of Public Works of the City of Indianapolis, and fixing a time when the same shall take effect.

Whereas, the Board of Public Works of the City of Indianapolis, Indiana, having heretofore, on the 8th day of October, 1928, confirmed Improvement Resolution No. 14013 for the permanent improvement of the first alley south of Washington street, from Butler avenue to Hawthorne Lane, in the City of Indianapolis, and plans and specifications having been prepared thereon, and a remonstrance, containing the names of a majority of the resident property owners abutting on the said contemplated improvement, having been filed thereagainst within the time provided by law, and the Board of Public Works of the City of Indianapolis having resolved that the proposed improvement covered by Improvement Resolution No. 14013 is of public utility, general benefit and convenience, NOW, THEREFORE,

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

Section 1. That the improvement of the first alley south of Washington street, from Butler avenue to Hawthorne Lane, is of public utility, general benefit and convenience and that such im-

provement be made and completed, pursuant to Improvement Resolution No. 14013 of the Board of Public Works of the City of Indianapolis, Indiana, said improvement to be done all in accordance with details, plans and specifications submitted by the City Civil Engineer in said resolution and pursuant to the laws of the State of Indiana governing improvements of the nature contained in said Resolution No. 14013 of the Board of Public Works.

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

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

By Board of Works:

GENERAL ORDINANCE NO. 81, 1928

AN ORDINANCE, authorizing the improvement of the first alley north of Tenth street from DeQuincy street to Riley avenue, in the City of Indianapolis, Indiana, pursuant to Improvement Resolution No. 14022 of the Board of Public Works of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

WHEREAS, the Board of Public Works of the City of Indianapolis, Indiana, having heretofore on the 15th day of October, 1928, confirmed Improvement Resolution No. 14022 for the permanent improvement of the first alley north of Tenth street from DeQuincy street to Riley avenue in the City of Indianapolis, Indiana, and plans and specifications have been prepared thereon and a remonstrance containing the names of the majority of the resident property owners abutting on the said contemplated improvement having been filed thereagainst within the time provided by law and the Board of Public Works of the City of Indianapolis having resolved that the proposed improvement covered by Improvement Resolution No. 14022 is of public utility, general benefit and convenience, NOW THEREFORE,

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

Section 1. That the improvement of the first alley north of Tenth street from DeQuincy street to Riley avenue, in the City of Indianapolis, Indiana, is of public utility, general benefit and conveni-

ence, and that such improvement be made and completed pursuant to Improvement Rescution No. 14022 of the Board of Public Works of the City of Indianapolis, Indiana. Said improvement to be done all in accordance with details, plans and specifications submitted by the City Civil Engineer in said rescution and pursuant to the laws of the State of Indiana governing improvements of the nature contained in said Resolution No. 14022 of the Board of Public Works of the City of Indianapolis.

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

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

By City Plan Commission:

GENERAL ORDINANCE 82, 1928

AN ORDINANCE to amend Section 1 of General Ordinance No. 73, 1928, entitled 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 Section 1 of General Ordinance No. 73, 1928, be and the same is hereby amended so as to read:

Section 1. That the class U-1 uses (dwelling houses), the A-2 or 4800 square foot area district and the H-1 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 extended, except as hereinafter provided, so as to include the following described territory:

Beginning on the center line of Forty-fourth street at its intersection with the center line of Keystone avenue; thence north with the center line of Keystone avenue to the center line of Fifty-second street; thence west with the center line of Fifty-second street to the present corporation line; thence south, west, south and east with the present corporation line to the point of beginning.

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

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

By Mr. Meurer:

GENERAL ORDINANCE NO. 83, 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, 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.

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

Section 1. That the U-1 or residence district, the A-3 or 2400 square foot area district and the H-1 or the 50-foot height district as established by General Ordinance No. 114, 1922, and amend-

ments thereto, be and the same are hereby amended, supplemented and changed so as to include the following described territory.

Beginning at the intersection of the west property line of Denny street and the north property line of the first alley north of Tenth street; thence west on and along the north property line of said alley a distance of 210 feet to a point; thence north parallel to and 210 feet distant from the west property line of Denny street to the south property line of Fifteenth street; thence east on and along the south property line of Fifteenth street to the west property line of the first alley east of Denny street; thence south on and along the west property line of said alley to the north property line of Twelfth street; thence west on and along the north line of Twelfth street to the west property line of Denny street; thence south on and along the west property line of Denny street to the point or place of beginning.

Section 2. This ordinance shall be in full force and effect upon its passage and publication, according to law.

ALBERT F. MEURER.

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

ORDINANCES ON SECOND READING

Mr. Harris called for General Ordinance No. 74, 1928, for second reading. It was read a second time.

On motion of Mr. Harris, seconded by Mr. Springsteen, General Ordinance No. 74, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance No. 74, 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 No. 75, 1928 for second reading. It was read a second time.

On motion of Mr. Meurer, seconded by Mr. White, General Ordinance No. 75, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance No. 75, 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. Buchanan called for General Ordinance No. 76, 1928, for second reading. It was read a second time.

On motion of Mr. Buchanan, seconded by Mr. White, General Ordinance No. 76, 1928, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance No. 76, 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. Nicholson called for Special Ordinance No. 7, 1928, for second reading. It was read a second time.

On motion of Mr. Nicholson, seconded by Mr. Harris, Special Ordinance No. 7, 1928, was ordered engrossed, read a third time, and placed upon its passage.

Special Ordinance No. 7, 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.

On motion of Mr. Meurer, seconded by Mr. Nicholson, the Common Council recessed for ten minutes at 8:15 P. M.

The Council reconvened from its recess at 8:45 P. M. with the same members present as before.

Mr. Meurer made a motion to suspend the rules in order to consider General Ordinance No. 80, 1928, for passage. The motion was seconded by Mr. Springsteen, and failed to pass by the following roll-call vote:

Ayes, 4, viz: Mr. Meurer, Mr. Nicholson, Mr. Rathert, Mr. Springsteen.

Noes, 5, viz: Mr. Buchanan, Mr. Harris, Mr. Lieber, Mr. White, President Raub.

On motion of Mr. White, seconded by Mr. Springsteen, the Common Council adjourned at 8:50 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, Indiana,

held on the 5th day of November, 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.