

REGULAR MEETING

Monday, April 15, 1968

The regular meeting of the Common Council of the City of Indianapolis convened in the Council Chambers of the City-County Building at 7:30 P.M. on Monday, April 15, 1968.

Vice-President Egenes in the chair.

The Clerk called the roll.

Present: Mr. Broderick, Mr. Egenes, Mr. Gorham, Mr. Moriarty, and Mr. McPherson.

Absent: Mr. Forestal, Mr. Leak, Rev. Williams, and President Hasbrook.

Mr. Moriarty moved that the Council dispense with the reading of the Journal of the previous meeting. Mr. Gorham seconded the motion.

Vice-President Egenes called for the reading of Communications from the Mayor and other City Officials.

COMMUNICATIONS FROM THE MAYOR AND  
OTHER CITY OFFICIALS

March 26, 1968

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mrs. Marjorie H. O'Laughlin, the following City Ordinance:

GENERAL ORDINANCE NO. 14, 1968, AS AMENDED

AN ORDINANCE authorizing the execution of an intergovernmental agreement between the City of Indianapolis and the Mass Transportation Authority of Greater Indianapolis, and fixing a time when the same shall take effect.

Respectfully submitted,

RICHARD G. LUGAR  
Mayor

April 2, 1968

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mrs. Marjorie H. O'Laughlin, the following City Ordinances:

APPROPRIATION ORDINANCE NO. 7, 1968

AN ORDINANCE appropriating, transferring, reappropriating, and reallocating the sum of Seven Thousand Dollars (\$7,000.00) from Fund II, Salaries and Wages, Regular of the Department

of Public Parks to certain designated items and funds in the same Department, created by virtue of the 1968 Budget, General Ordinance No. 97, 1967, as amended, declaring an emergency and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 17, 1968

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 4, Chapter 6, by the addition of a subsection to Section 4-602, "One Way Streets and Alleys," Title 4, Chapter 5, Section 4-510, "Left turns off certain streets prohibited," and Title 4, Chapter 9, Section 4-905 (4) "Twenty-four minute parking meter zones," and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 18, 1968

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 3, Chapter 1, Section 3-117 (b) "Parking on west lot of City Market," and Section 3-117 (c) "Parking on east parking area of the City Market," subject to the penalties provided and fixing a time when the same shall take effect.

Respectfully submitted,

RICHARD G. LUGAR  
Mayor

April 3, 1968

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mrs. Marjorie H. O'Laughlin, the following City Ordinances:

## GENERAL ORDINANCE NO. 6, 1968, AS AMENDED

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 7, Chapter 17, thereof, by the amendment of Section 7-1702 (3) limiting the number of taxicabs within the City, providing penalties for the violation of same and fixing a time when said amendment shall take effect.

## GENERAL ORDINANCE NO. 8, 1968, AS AMENDED

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 4, Chapter 3, Section 4-305 by the addition of a new subsection (3) (a), which provides for right turns in the City of Indianapolis under certain conditions and circumstances and in certain areas and fixing a time when said amendment shall take effect.

## GENERAL ORDINANCE NO. 15, 1968, AS AMENDED

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 7, Chapter 17, Providing for the Regulation of Taxicabs, and fixing a time when same shall take effect.

## GENERAL ORDINANCE NO. 16, 1968, AS AMENDED

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 7, Chapter 17, providing for the licensing and regulation of taxicabs and fixing a time when same shall take effect.

Respectfully submitted,

RICHARD G. LUGAR  
Mayor

April 9, 1968

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mrs. Marjorie H. O'Laughlin, the following Special Resolution:

SPECIAL RESOLUTION NO. 6, 1968

WHEREAS, the City of Indianapolis desires to undertake a comprehensive city demonstration program to rebuild or revitalize large slum and blighted areas and generally improve living conditions for the people who live in such areas.

Respectfully submitted,

RICHARD G. LUGAR  
Mayor

April 15, 1968

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
COMMON COUNCIL OF THE CITY OF INDIANAPOLIS:

Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis News and the Indianapolis Commercial on March 28th and April 4th, and April 4th and April 11th, 1968, a "Notice to Taxpayers" of Public Hearings to be held in the Council Chambers of the City-County Building, on Monday, April 15th, 1968 on Appropriation Ordinances No. 9 and No. 10, 1968 respectively.

Also pursuant to the laws of the State of Indiana, I caused to be published on April 4th, and again on April 11th, 1968, General Ordinances No. 6, No. 8, No. 15, No. 16, No. 17, and No. 18, 1968.

Respectfully submitted,

MARJORIE H. O'LAUGHLIN  
City Clerk

April 15, 1968

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

Gentlemen:

Transmitted herewith please find twenty-eight (28) copies of General Ordinance No. 20, 1968; an Ordinance approving a certain agreement and permit granting Pennsylvania New York Central Transportation Company the right to lay and maintain a sidetrack or switch from existing track across Shelby Street and in Louisiana Street according to blue print attached, in the City of Indianapolis, Indiana.

Respectfully submitted,

HAROLD J. EGENES  
Councilman

On motion of Mr. McPherson, seconded by Mr. Moriarty, Council recessed at 7:45 P.M. for Committee Hearings.

During the recess discussion was held on Appropriation Ordinance No. 9, 1968, and Appropriation Ordinance No. 10, 1968.

The Council reconvened at 8:20 P.M.

Vice-President Egenes called for reports from Standing Committees.

### COMMITTEE REPORTS

Indianapolis, Ind., April 15, 1968

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

Gentlemen:

We, your Committee on Finance to whom was referred Appropriation Ordinance No. 9, 1968, entitled

AN ORDINANCE, appropriating, transferring, reappropriating, and reallocating the sum of Forty-one Thousand Six Hundred Eighty Hundred Forty-four Dollars (\$37,844.00) to certain other items of Public Safety, Market, and Refrigeration, and transferring, reappropriating and reallocating Thirty-seven Thousand Eight Hundred Forty-four Dollars (\$37,844.44) to certain other items and funds in the same Department, created by virtue of the 1968 Budget, General Ordinance No. 97, 1967, as amended, declaring an emergency and fixing a time when the same shall take effect.

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

DONALD R. McPHERSON  
HAROLD J. EGENES  
JOE T. GORHAM

Indianapolis, Ind., April 15, 1968

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

Gentlemen:

We, your Committee on Finance to whom was referred Appropriation Ordinance No. 10, 1968, entitled

AN ORDINANCE, transferring, reappropriating, and reallocating the sum of One Hundred Seventy-five Thousand Dollars (\$175,000.00) from the Department of Redevelopment District General Fund anticipated, unexpended and unappropriated balance, to a certain designated item and fund in the same Department, created by virtue of the 1968 Budget, and fixing a time when the same shall take effect.

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

DONALD R. McPHERSON  
HAROLD J. EGENES  
JOE T. GORHAM

Vice-President Egenes called for the Introduction of New Ordinances.

## GENERAL ORDINANCES

### SWITCH PERMIT

GENERAL ORDINANCE NO. 20, 1968

Introduced by Councilman Egenes:

AN ORDINANCE approving a certain agreement and permit granting PENNSYLVANIA NEW YORK CENTRAL TRANSPORTATION COMPANY the right to lay and maintain a sidetrack or switch



from existing track across Shelby Street and in Louisiana Street according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 28th day of February, 1968, PENNSYLVANIA NEW YORK CENTRAL TRANSPORTATION COMPANY filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To BOARD OF PUBLIC WORKS, City of Indianapolis

Gentlemen:

Permission is requested to reinstall a switch track across Shelby Street by us and construct track in unimproved Louisiana Street from Shelby Street west to connect with existing track near Pine Street to serve Uniroyal and other industries in the City of Indianapolis, Indiana, all in accord with the attached plot plan;

NOW, THEREFORE, This agreement made and entered into this 28th day of February, 1968, by and between Pennsylvania New York Central Transportation 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 permit for a right of way for a sidetrack or switch from main track through Shelby Street west and in unimproved Louisiana Street in the City of Indianapolis, which is more specifically described as follows: Starting on property owned by party of the first part east of Shelby Street and south of Bates Street connecting to existing rails left in place from a previous retirement, thence over an unimproved segment of Louisiana Street, a distance of approximately nine hundred (900) feet to connect with an existing track in the vicinity of Pine Street, hereby covenants and fully binds

itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, maintained, 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, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(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 track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects, Shelby Street 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 cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in re-

moving said track or causing the same to be done, said Board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said Board where objections to such removal may be heard; but the decision of said Board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof 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, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said Board may do or cause the same to be done at the expense of the said party of 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 itself 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 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 permit, 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 all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party

of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across Shelby Street and in improved Louisiana 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 +his  
28th day of February, 1968.

PENNSYLVANIA NEW YORK CENTRAL  
TRANSPORTATION COMPANY

J. TAYLOR, Regional Manager

Party of the First Part

Witness:

R. E. HAMLIN

JOHN A. STOCKER

CITY OF INDIANAPOLIS

By JACK F. PATTERSON, President  
WILLIAM H. HARDY  
GRANT W. HAWKINS  
WENDELL D. VANDIVIER

As BOARD OF PUBLIC WORKS

Party of the Second Part

Approved by me

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As Mayor.

AND, WHEREAS, Said agreement and permit 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,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That such agreement and permit 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.

Attest:

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Clerk of the Common Council      President of the Common Council

Approved by me, this.....day of March, 1968.

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Mayor

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

ORDINANCES ON SECOND READING

Mr. McPherson called for second reading on Appropriation Ordinance No. 9, 1968.

The Clerk read the Ordinance for a second time.

On motion of Mr. McPherson, seconded by Mr. Gorham, Appropriation Ordinance No. 9, 1968 was ordered engrossed, read a third time and placed upon its passage.

The Clerk read the Ordinance for a third time and it passed on the following roll call vote:

Ayes 5, viz: Mr. Broderick, Mr. Egenes, Mr. McPherson, Mr. Gorham, and Mr. Moriarty.

Mr. McPherson called for second reading on Appropriation Ordinance No. 10, 1968.

The Clerk read the Ordinance for a second time.

On motion of Mr. McPherson, seconded by Mr. Gorham, Appropriation Ordinance No. 10, 1968 was ordered engrossed, read a third time and placed upon its passage.

The Clerk read the Ordinance for a third time and it passed on the following roll call vote:

Ayes 5, viz: Mr. Broderick, Mr. Egenes, Mr. Gorham, Mr. Moriarty, and Mr. McPherson.

#### NEW BUSINESS

On motion of Mr. Moriarty, seconded by Mr. Gorham, the Regular Meeting of the Common Council scheduled for 7:30 P.M. on May 6th, 1968, was postponed until Wednesday, May 8, 1968. Subject to Due Notice.

The motion was passed by the unanimous vote of those present.

Upon motion of Mr. Moriarty, seconded by Mr. Gorham, the Council adjourned at 8:45 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, held on the 15th day of April, 1968, 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.



ATTEST:

*Vice-President*



(SEAL)

*City Clerk*