

REGULAR MEETING

Monday, March 18, 1946
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, March 18, 1946, at 7:30 P. M., in regular session. President Schumacher in the chair.

The Clerk called the roll.

Present: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Manly, and seconded by Mr. Worley.

COMMUNICATIONS FROM THE MAYOR

March 6, 1946

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, Mr. Frank J. Noll, Jr., the following ordinances:

GENERAL ORDINANCE NO. 12, 1946

AN ORDINANCE AMENDING a certain item under Fund No. 11, Administration, City Hospital Department of Public Health and Hospitals, in the 1946 Budget; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 14, 1946

AN ORDINANCE amending Section 122 of General Ordinance No. 121-1925 (commonly known as the Municipal Code of 1925, and relating to Bonds of City Officials and Employees), as amended by General Ordinance No. 95, 1944 and previous amendments, to be effective as of January 1, 1946; and fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

March 8, 1946

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

Gentlemen:

In Re: Appropriation Ordinances Nos. 6 and 7, 1946

I beg leave to report that pursuant to the laws of the State of the State of Indiana, I caused "Notice to Taxpayers" to be inserted in the following newspapers, to wit:

A. O. Nos. 6 and 7, 1946—Wednesday, March 6 and 15, 1946—
The Indianapolis Times and The Indianapolis Commercial,

that taxpayers would have the right to be heard on the above ordinances at the meeting of the Common Council to be held March 18, 1946 and by posting copies of said notices in the City Hall, Court House and Police Station in the City of Indianapolis, which notices remained posted for ten days or more prior to date of hearing.

Very truly yours,

FRANK J. NOLL, JR.,
City Clerk.

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

Gentlemen:

In Re: General Ordinance No. 16, 1946

I hereby report that pursuant to the laws of the State of Indiana, I caused "Notice to Interested Citizens" that General Ordinance No. 16, 1946 (Zoning Ordinance) was published on Thursday, March 7, 1946 in the Indianapolis News and Indianapolis Star for a hearing on March 18, 1946.

Very truly yours,

FRANK J. NOLL, JR.,
City Clerk.

March 14th. 1946

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

Gentlemen:

Submitted herewith is General Ordinance No. 17, 1946, establishing certain bus loading zones in the City of Indianapolis, pursuant to the provisions of Section 27 of General Ordinance No. 96-1928, as amended, and abolishing street car safety zones at the corresponding locations; and fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By WM. H. REMY
President

March 14th, 1946

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

Gentlemen:

Submitted herewith is General Ordinance No. 18, 1946, regulating parking on a part of certain street in the City of Indianapolis, and repealing all Ordinances or parts of Ordinances in conflict herewith, and fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By WM. H. REMY
President

March 18, 1946

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

Gentlemen:

Attached are copies of General Ordinance No. 19, 1946, amending the General Ordinance relating to bonding of city employees.

I respectfully recommend passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,
City Controller

March 5th, 1946.

Honorable President.
Members of the Common Council,
City of Indianapolis.

Gentlemen:

Attached hereto are copies of General Ordinance No. 20, 1946, authorizing the Board of Public Works & Sanitation, Street Com-

missioner's Department, thru its duly appointed Purchasing Agent, to contract for the following equipment;

Req. No. 14020—One (1) Gasoline Motor Grader with 12-ft Blade, Hydraulic Wheel Brakes, 4 drive wheels, 50 H.P. Equipped with Electric Starter and Lights, Scarifier, V Type, 900 x 24 front tires, 1200 x 24 rear tires. F.O.B. Indianapolis.

The contract is to be awarded to the Indiana Equipment Company, whose bid was considered the lowest and best.

I therefore respectfully recommend the passage of this ordinance.

Yours very truly,

EDWARD G. HERETH,
Purchasing Agent.

March 18, 1946.

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

Gentlemen:

Submitted herewith is General Ordinance No. 21, 1946, amending General Ordinance No. 24, 1941 so as to permit parking on a certain part of South Harding Street between the hours of 9:00 c'clock A. M. and 4:30 o'clock P. M., subject to the one-and-one-half hours restriction; and fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By WM. H. REMY,
President

March 18, 1946.

Honorable President,
Members of the Common Council,
City of Indianapolis.

Gentlemen:

Attached hereto are copies of General Ordinance No. 22, 1946, authorizing the Board of Public Works and Sanitation, thru its duly appointed Purchasing Agent, to contract for two thousand (2,000) or less Parking Meters, including the cost of freight and installation; such meters to be placed in the downtown area of the City of Indianapolis, as designated by the Traffic Engineer and the City Plan Commission.

I therefore respectfully recommend the passage of this Ordinance.

Yours very truly,

EDWARD G. HERETH,
Purchasing Agent.

March 18th, 1946

Honorable President,
Members of the Common Council,
City of Indianapolis.

Gentlemen:

Attached hereto are copies of Special Ordinance No. 3, 1946, authorizing the Board of Public Works & Sanitation, thru its duly appointed Purchasing Agent, to sell for cash and for not less than the appraised value, Lot No. 215 in McCarty's West Side Addition to the City of Indianapolis, as recorded in Plat Book 8, page 186, in the Office of the Recorder of Marion County, Indiana.

Such real estate shall be sold at public sale or by notices, as the Board of Works & Sanitation shall determine.

I therefore respectfully recommend the passage of this Ordinance.

Yours very truly,

EDWARD G. HERETH,
Purchasing Agent.

March 16th, 1946

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

Gentlemen:

Attached please find copies of Special Ordinance No. 3 1946, authorizing the sale, alienation and conveyance of the following described real estate belonging to the City of Indianapolis, Marion County, Indiana, and fixing a time when the same shall take effect:

Lot No. 215 in McCarty's 7th West Addition to the City of Indianapolis, as recorded in Plat Book 8, at page 186, in the office of the Recorder of Marion County, Indiana.

The Board of Public Works and Sanitation respectfully recommends the passage of this ordinance and requests that the same be passed.

Very truly yours,

BOARD OF PUBLIC WORKS AND SANITATION

By OTTO T. FERGER,
Executive Secretary

At this time those present were given an opportunity to be heard on Appropriation Ordinances Nos. 6, 7, 1946, General Ordinance No. 102, 1945, General Ordinances Nos. 9, 15 and 16, 1946.

Mr. Manly asked for recess. The motion was seconded by Mr. Dauss, and the Council recessed at 8:15 P. M.

The Council reconvened at 9:40 P. M., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., March 18, 1946

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. 6, 1946, entitled

AN ORDINANCE transferring \$500.00 from Fund 55 to Fund 72,
Equipment, Fire Pension Fund,

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

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
A. ROSS MANLY

Indianapolis, Ind., March 18, 1946

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. 7, 1946, entitled

AN ORDINANCE transferring \$6500.00 from Funds 72 and 43,
St. Commissioner to Fund No. 13, Other Compensations, Department of Law,

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

HERMAN E. BOWERS, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
A. ROSS MANLY

Indianapolis, Ind., March 18, 1946

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred
General Ordinance No. 102, 1945, entitled

AN ORDINANCE authorizing an additional 50 taxicab licenses
beg leave to report that we have had said ordinance under consider-
ation, and recommend that the same be passed as amended, to-wit:

I move to amend General Ordinance No. 102-1945 by striking out
of said Ordinance everything after the ordaining (enacting) clause
and substituting in lieu thereof the following:

Section 1. That Sec. 2. of the first above entitled ordinance
be amended to read as follows: Section 2. No person or persons,
firm, company, association, partnership, or corporation shall en-
gage in the business of operating a vehicle, or vehicles, as a taxi-
cab, or taxicabs, upon the streets of the City of Indianapolis without
first obtaining a license so to do, and upon complying with all of
the provisions of this ordinance.

It is hereby declared by the Common Council of the City of
Indianapolis that the public safety, convenience and necessity can
best be served by limiting the number of taxicabs hereafter operating
in the City of Indianapolis, each year to one (1) taxicab for each
one thousand (1,000) population of said city as shown on June 30
for that year, by the last official estimate of the United States cen-
sus bureau, subject to the exceptions, rights and limitations here-
inafter set out.

Provided, however, that on and after March 15, 1946, there
may be Four Hundred Sixty-five (465) taxicabs operating in said
City regardless of its population.

Provided further, that a minimum of fifty-five (55) licenses for
operating taxicabs shall be issued to, and made available to owners
and operators from the largest minority racial element of the popu-
lation.

Provided, further that all licenses hereafter issued shall operate as a part of and under an approved taxicab Company or Corporation, which taxicab Company or Corporation must be first approved by the Board of Safety in the manner now provided for the approval of applicants for taxicab licenses.

Sec. 2. That Section 1. of the second above entitled ordinance be amended to read as follows: Section 1. That SECTION 3 of General Ordinance No. 87-1935 as amended by General Ordinance No. 83-1942, be and the same is hereby amended to read as follows:

Sec. 2. Any person, persons, firm, company, association, partnership or corporation issued licenses under this ordinance shall be entitled to have a renewal license issued for each year for each license issued under this ordinance, provided an application for such renewal license is filed with the City Controller within ten (10) days of the date of expiration of any such license, and provided that said applicant otherwise qualifies for such licenses by complying with all the provisions of this ordinance required as conditions precedent to the issuance of the renewal licenses. Any license may be leased, transferred or assigned from one licensee to any other person, firm, company, association, partnership or corporation. When a licensee shall desire to lease, transfer or assign a license, he shall make application to the Board of Safety for permission so to do. If the Board of Safety shall approve such proposed lease, transfer or assignment, it shall so certify to the City Controller, who shall thereupon transfer such license or licenses to the person or persons or corporation to whom they are to be leased, transferred or assigned, in the manner and under the conditions as provided herein. Any licensee may, however, transfer a license from one cab to another of which such licensee is the owner and/or operator; provided that the first cab be permanently retired from service, upon application to the City Controller, and the payment of a transfer fee of fifty cents (50c).

Any such transfer or renewal of license shall be granted upon the application of the person or party who is registered in the office of the Secretary of State of Indiana as to the owner of the vehicle for which said license was issued or company or corporation under which said vehicle operates and where such license was issued jointly to the owner of such vehicle and any other person, firm or corporation designated in the application for such vehicles, such transfer

or renewal shall be granted upon the application of the owner of such vehicle, without requiring the signature of the operator designated as having use or control of such vehicle.

The City Controller shall require any such applicant for renewal of such license to exhibit the certificate of title issued by the Secretary of State of Indiana for the vehicle for which license was issued, and the person or party in whose name such vehicle is registered in the office of the Secretary of State of Indiana shall be deemed to be the owner thereof. The City Controller shall refer any application for a new license to the Board of Public Safety and shall grant or refuse such application for a new license upon such terms and conditions as the Board of Public Safety shall fix.

Sec. 3. That Sec. 6 of the first above entitled ordinance be amended to read as follows: Section 6. Whenever an application for any renewal of license is filed with said Controller, then said Controller shall thereupon issue a license certificate to such applicant to operate such taxicab, or taxicabs, on the streets of the City of Indianapolis, subject to the provisions of this ordinance and to all amendments thereto, upon the payment of a license fee of Thirty-six Dollars (\$36.00) per year for each taxicab to be operated under the terms and conditions of such license, and upon the filing of a liability contract of insurance providing for indemnification, as hereinafter provided in Section 24 hereof, and upon the production of a satisfactory report of inspection from the inspector of weights and measures.

All licenses shall expire on June 30 of each year. Provided that in the event any license issued hereunder shall not be used by the licensee, his assigns or transferees for a period of sixty (60) days, such license shall be null and void, and shall automatically expire at the end of such sixty-day period. Each license certificate shall be numbered, which number shall also be the taxicab number, and must be placed on each vehicle operating as a taxicab in this city, as is provided for in Section 8 of this ordinance. Whenever any application is made for a new license, or for a transfer of a license, the Controller shall refer the same to the Board of Public Safety for investigation and approval, and if it appears from the information obtained that the applicant is a reliable and bona fide owner or operator and has met all the requirements of this ordinance, that the name under which he is to operate and the color scheme used

on the vehicle does not conflict with others nor tend to deceive the public, provided, however, that if two applicants have a similar color scheme, then in such an event the applicant who has utilized such color scheme for the longer continuous period of time shall be the one entitled to use such color scheme thereafter, and the other applicant shall change such color scheme so as not to conflict with that of the applicant first referred to above, then the Board of Public Safety, shall notify the City Controller, who shall thereupon issue a license certificate to such applicant to operate such taxicab or taxicabs subject to the provisions of this ordinance and all amendments thereof, upon compliance with all the other requirements heretofore provided in this section for all other applicants.

Licenses under this ordinance shall be issued in the name of the applicant.

Sec. 4. That General Ordinance No. 83-1942 be and the same is hereby repealed and all other ordinances or parts of ordinances in conflict herewith are here repealed.

Sec. 5. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

I move to amend the title of General Ordinance No. 102-1945 by striking out all of said title after the second word in the first line, and inserting in lieu thereof, the following: "to amend Sections 2 and 6 of General Ordinance No. 87-1935 entitled, 'An ordinance concerning taxicabs'; to amend Section 1 of General Ordinance No. 18-1943 entitled, 'Ordinance amending Section 3 of General Ordinance 87-1935, as amended, by General Ordinance No. 83-1942, and fixing a time when the same shall take effect'; and to repeal General Ordinance No. 83-1942 entitled, 'An ordinance increasing the number of taxicabs, licensed pursuant to General Ordinance No. 87-1935, as amended, of the City of Indianapolis, Indiana; to amend Section 3 of said ordinance; and fixing a time when the same shall take effect'; and fixing a time when the same shall take effect."

R. C. DAUSS, Chairman
HERMAN E. BOWERS

Councilman Dauss moved the adoption of the above committee report. Said motion was seconded by Mr. Bowers

but failed to pass by the following roll call vote:

Ayes 4, viz: Mr. Bowers, Mr. Dauss, Mr. Manly, President Schumacher.

Noes 5, viz: Mr. Brown, Mr. Kealing, Dr. Meriwether, Mr. White, Mr. Worley.

Councilman White moved that General Ordinance No. 102, 1945, be stricken from the files, which was seconded by Mr. Worley. Said motion was adopted by the following roll call vote:

Ayes 8, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Mr. White, Mr. Worley, President Schumacher.

Noes 1, viz: Dr. Meriwether.

General Ordinance No. 102, 1945, was stricken from the files by the Clerk.

Indianapolis, Ind., March 18, 1946.

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

Gentlemen:

We, your Committee on Public Works to whom was referred General Ordinance No. 9, 1946, entitled AN ORDINANCE ratifying and approving a certain contract for Town of Woodruff Place,

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

EDWARD R. KEALING, Chairman
HERMAN E. BOWERS
R. C. DAUSS
WILLIAM A. BROWN
MAX WHITE

Indianapolis, Ind., March 18, 1946.

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

Gentlemen:

We, your Committee on Finance to whom was referred General Ordinance No. 15, 1946, entitled

AN ORDINANCE authorizing the Board of Works and Sanitation to purchase through its Purchasing Agent certain materials and supplies,

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

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
A. ROSS MANLY

March 18, 1946

Mr. Otto H Worley, Chairman
Committee on Law & Judiciary
Common Council of the
City of Indianapolis.

Dear Mr. Worley:

The City Plan Commission approves and recommends passage of G. O. No. 16, 1946, an amendment to G. O. No. 114, 1922 (as amended), commonly known as the Zoning Ordinance.

Respectfully yours,

NOBLE P. HOLLISTER
Secretary

CITY PLAN COMMISSION

Indianapolis, Ind., March 18, 1946

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

Gentlemen:

We, your Committee on Law & Judiciary to whom was referred
General Ordinance No. 16, 1946, entitled

AN ORDINANCE to amend Zoning Ordinance, Berkley Road, Clarendon Road, 43rd Place and Crown Street,
beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

OTTO H. Worley, Chairman
WILLIAM A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

GENERAL ORDINANCE NO. 17, 1946

AN ORDINANCE establishing certain Bus Loading Zones in the City of Indianapolis, pursuant to the provisions of Section 27 of General Ordinance No. 96-1928, as amended, and abolishing Street car safety zones at the corresponding locations; and fixing a time when the same shall take effect.

WHEREAS, streets cars operating on the Shelby Street line have been replaced by motor buses and trackless trolleys, thereby requiring new Bus Loading Zones and eliminating the necessity for corresponding street car safety zones, and

WHEREAS, the Board of Public Safety of the City of Indianapolis has heretofore designated and recommended the establishment of Bus Loading Zones to replace the street car safety zones at the locations hereinafter described, now therefore,

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

Section 1. That the action of the Board of Public Safety is approved, and that Bus Loading Zones be and the same are hereby established at the following locations in the City of Indianapolis to replace corresponding street car safety zones, which street car safety zones are no longer required and are hereby abolished, to wit:

112 ft. west of the west property line of South Meridian Street on the South side of Maryland Street

95 ft. west of the west property line of South Pennsylvania Street on the south side of Maryland Street.

120 ft., 6 inches west of the west property line of South Delaware Street on the south side of Maryland Street.

100 ft. northwest of the north property line of the Pennsylvania Railroad on the southwest side of Virginia Avenue.

80 ft. northwest of the north property line of Louisiana Street on the southwest side of Virginia Avenue.

80 ft. southeast of the south property line of Louisiana Street on the northeast side of Virginia Avenue.

160 ft. southeast of the south curb line of the B. & O. Railroad Driveway on the northeast side of Virginia Avenue.

Section 2. This ordinance shall be in full force and effect upon its passage and approval by the Mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 18, 1946

AN ORDINANCE regulating parking on a part of certain street in the City of Indianapolis, and repealing all ordinances or parts of ordinances in conflict herewith; Providing a penalty for violation hereof; And fixing a time when the same shall take effect.

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

Section 1. That all ordinances, or parts of ordinances, prohibiting and/or regulating parking in conflict with the provisions of this Ordinance, be and the same are hereby repealed, and that no parking restrictions or regulations, other than are prescribed in Section 2 of this Ordinance, shall apply to the part of the street in the City of Indianapolis described in Section 2 hereof.

Section 2. That it shall be unlawful for the operator of any vehicle to park the same, or suffer, permit or allow the same to be parked between the hours of 7:00 A. M. to 9:00 A. M. upon the following part of Meridian Street, as well as to park the same, or suffer, permit or allow the same to be parked, for a longer period of time than one and one-half (1½) hours between the hours of 9:00 A. M. and 6:00 P. M., upon such part of said street,—which is described as follows, to-wit:

On the East side of Meridian Street from a point 150 feet from the south curb line of Adler Street to a point 270 feet south of the south curb line of Adler Street.

Section 3. Any person violating any provisions of this Ordinance shall, upon conviction, be fined in any sum not exceeding Three Hundred Dollars (\$300.00), to which may be added imprisonment not exceeding one hundred eighty (180) days.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication according to law.

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

By the City Controller:

GENERAL ORDINANCE NO. 19, 1946

AN ORDINANCE amending Section 122 of General Ordinance No. 121-1925, (commonly known as the Municipal Code of 1925 and relating to Bonds of City Officials and employees), as amended by General Ordinance No. 95-1944, General Ordinance

No. 14-1946, and subsequent amendments, to include additional employees' Bonds, effective as of January 1, 1946; And fixing time when the same shall take effect.

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

Section 1. That Section 122 of General Ordinance No. 121-1925, (relating to Bonds of certain City Officials and employees), as amended by General Ordinances No. 95-1944 and 14-1946, and subsequent amendments, be and the same is hereby amended, effective as of January 1, 1946, to include the following employees and officers of the Police Department at Bonds of One Thousand Dollars (\$1,000.-00) each, to-wit:

- 3 Patrolmen (acting as Registration Clerks.)
- 1 Patrolman (Property Room Policeman.)
- 3 Patrolmen (Police Matrons.)
- 4 Store Clerks.
- 1 Typist-Clerk 1 (Store Room.)

Section 2. This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

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

By the Purchasing Agent:

GENERAL ORDINANCE NO. 20, 1946

AN ORDINANCE authorizing the Board of Public Works and Sanitation, through its duly authorized purchasing agent, to purchase certain equipment to be paid for out of funds heretofore appropriated; and fixing a time when the same shall take effect.

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

Section 1. That the Board of Public Works and Sanitation of the City of Indianapolis be and it is hereby authorized and empowered to purchase, through its duly authorized purchasing agent, the following equipment for the Street Commissioner's Department,—said equipment to be purchased from the lowest and best bidder, or bid-

ders, whose bids have heretofore been received and opened in public by said Board after advertisement therefor, the total cost of which shall not exceed the sum of money hereinafter set out, to be paid for out of funds heretofore appropriated for said Board, to-wit:

Req. No. 14020—One (1) Gasoline Motor Grader
with 12' Blade, Hydraulic Wheel
Brake, 4 drive wheels, 50 H. P.
Equipped with Electric Starter and
Lights, Scarifier, V. Type, 900 x 24
front tires, F. O. B. Indianapolis .. \$4,851.00

Section 2. This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 21, 1946

AN ORDINANCE amending General Ordinance No. 24-1941 so as to permit parking on a certain part of South Harding Street between the hours of 9:00 o'clock A. M. and 4:30 o'clock P. M., subject to the one-and-one-half hours restriction; 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 General Ordinance No. 24-1941, relating to the prohibiting and regulating of parking on the here and after designated part of South Harding Street be and the same is hereby amended so as to permit the parking of vehicles on such designated part of South Harding Street in the City of Indianapolis, Indiana, for periods not to exceed one-and-one half hours between the hours of 9:00 o'clock A. M. and 4:30 o'clock P. M.,—said part of South Harding Street being described as follows, to-wit:

Beginning at a point 190 feet north of the north property line of the C.C.C. & St. L. Railroad and extending north 245 feet.

Section 2. This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

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

By the Purchasing Agent:

GENERAL ORDINANCE NO. 22, 1946

AN ORDINANCE approving the acts of the Board of Public Works and Sanitation in accepting a bid for furnishing and installing 2,000, or less, parking meters in the downtown area of the City of Indianapolis, Indiana, approving a contract therefore with J. B. McGay and G. E. Nicholson, partners, doing business under the firm name and style of Macnick Company, and Magee-Hale Park-O-Meter Company, a corporation, organized and existing under the laws of the State of Oklahoma, and fixing a time when the same shall take effect.

WHEREAS, the Board of Public Works and Sanitation of Indianapolis contemplates the installation and purchase of 2,000, or less, parking meters in the downtown area of the City of Indianapolis, by granting a revokable permit to the aforementioned contractors to furnish and install 2,000, or less, parking meters, in and along the streets of the downtown business area of said City; and,

WHEREAS, the Board of Public Works and Sanitation of said City, advertising for bids for furnishing and installing 2,000, or less, parking meters, accepted the bid of J. B. McGay, G. E. Nicholson, partners, doing business under the firm name and style of Macnick Company and Magee-Hale Park-O-Meter Company, a corporation, said bid being the lowest of all bids so submitted; and,

WHEREAS, the Board of Public Works and Sanitation has tentatively awarded the contract for furnishing and installing 2,000, or less, parking meters to the said Macnick Company and Magee-Hale Park-O-Meter Company, as aforesaid subject to the approval of the Common Council of the City, of Indianapolis, which contract reads as follows, to-wit:

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

Section 1. That the preamble to this ordinance is hereby incorporated into and made a part of this ordinance by this reference thereto.

Section 2. That the acts of the Board of Public Works and Sanitation as set out in the preamble of this ordinance are hereby approved, confirmed and ratified.

Section 3. That the contract entered into by the Macnick Company and Magee-Hale Park-O-Meter Company, aforesaid, with the Board of Public Works and Sanitation of the City of Indianapolis is hereby approved.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

CONTRACT FOR FURNISHING AND INSTALLING, 2,000 OR LESS, PARKING METERS IN THE DOWNTOWN AREA OF THE CITY OF INDIANAPOLIS, INDIANA

THIS CONTRACT made and entered into on this day of , 1946, by and between J. B. McGay, G. E. Nicholson, as partners, doing business under the firm name and style of Macnick Company of 510 South Lansing Street, Tulsa, Oklahoma, and Magee-Hale Park-O-Meter Company, a corporation organized and existing under the laws of the State of Delaware, of 627 Commerce Exchange Building, Oklahoma City (2), Oklahoma, hereinafter referred to as the "contractors", and the City of Indianapolis, Indiana, acting by and through its Board of Public Works and Sanitation hereinafter referred to as the "city", WITNESSETH that,

WHEREAS, city is desirous and does hereby grant a Revokable permit to the contractors to furnish and install 2,000, or less, (2,000 meters being the estimated maximum) parking meters in and along the streets of the downtown business area of the City of Indianapolis and the contractors hereby accept said Revokable permit and agree to furnish and install said parking meters, as aforesaid, on the terms and conditions hereinafter more particularly set forth.

ARTICLE 1. SCOPE OF WORK. The contractors shall perform everything required to be performed and shall provide and fur-

nish all of the equipment, labor, materials, necessary tools, expendable equipment, and all utility and transportation services required to perform and complete in a workman like manner all of the work required to furnish and install 2,000, or less, parking meters in the downtown business area of the City of Indianapolis, Marion County, Indiana, all in accordance with manufacturers' and bidders' specifications annexed to the proposal of said contractors, and the specifications governing the receipt of bids therefor on Monday, February 25, 1946, approved by the City Civil Engineer, all of which specifications are hereby incorporated and made a part of this contract by reference.

ARTICLE II. THE CONTRACT PRICE. The city shall pay to the contractors for the performance of this contract, subject to any additions or deductions provided herein, as follows:

1. The city agrees to pay contractors, in regular monthly installments, on a basis of not to exceed 50% of the preceeding month's total gross receipts collected from the use and operation of said parking meters, after they are installed, until an amount equal to the full purchase price and the cost of installation of all of the meters, so furnished and installed, has been paid, at which time the contractors shall execute a bill of sale conveying title in and to all parking meters, so furnished and installed, to the city, free and clear of all liens and encumbrances of every nature and kind.

2. The city reserves the right to cancel this contract by resolution of its Board of Public Works and Sanitation, by mailing a certified copy of such resolution by registered mail to the contractors, at any time after a period of six (6) months of operation of all parking meters so furnished and installed by said contractors, without any further financial obligation upon the part of the city, and without giving any cause whatsoever to said contractors for its cancellation of this contract.

3. City shall furnish the necessary personnel to supervise the operation and use of all parking meters, after they are installed, and take all steps necessary to collect the gross receipts or charges realized from the use and operation

of said meters, and retain not less than 50% of all gross receipts or charges so collected for its own use and purpose.

ARTICLE III. CONTRACTORS AGREE as follows:

1. To furnish and install 2,000, or less, parking meters at locations in the City of Indianapolis as designated and determined by the city.

2. Pay all transportation and freight charges in connection with the shipping of any and all parking meters to the City, and assume all damages, to any and all meters resulting from handling, shipping, hauling, fire, theft, storm or from any other cause, up to the time said meters are completely installed.

3. To furnish and install 2,000 Model "E" Park-O-Meter Universal Automatic meters equipped with a meter coin register, at a price of Fifty-nine Dollars and Fifty Cents (\$59.50) per meter.

4. To furnish City with three additional meters or equivalent parts without any cost whatsoever for each one hundred (100) meters.

5. Upon receiving notice of cancellation of this contract from the City, as provided in Article II. Sec. 2, contractors agree to remove the meters so furnished and installed at its own expense within thirty (30) days from receipt of said notice of cancellation, and repair any damage to streets or sidewalks occasioned by the installation and removal of any and all parking meters.

6. Contractors reserve the right to employ a local independent contractor, acceptable to the City, for the purpose of completely installing any and all parking meters, and grants the City Civil Engineer the right to approve or disapprove any and all installations so made by contractors or their agents.

7. Contractors agree to supervise the installation of said parking meters and shall train and instruct City's em-

ployees in the operation of the metered system and servicing of the equipment, all of which service is to be rendered without any additional charge to the City.

8. Contractors warrant each meter so furnished and installed against defective workmanship and material for a period of twelve (12) months after the date of installation and agree that they will replace any meter or parts that may prove to be defective within the said twelve (12) months period, without any cost or charge to the city.

9. Contractors agree to furnish a suitable performance bond as well as a bond covering public liability, property damage and workmen's compensation.

10. Pay for moving old sidewalks and replacement of new cement sidewalks, when ordered removed and replaced by the city or its City Civil Engineer, in connection with the installation of any of said parking meters, at a cost not to exceed Forty (40c) Cents per square foot, four (4) inches thick.

11. In the event the city should desire to purchase additional meters, or parts therefor, the following unit price will apply:

(A) For each complete meter, including standard sidewalk flange and bolts, delivered to the city, but not erected in place.

(a) Delivered knock down, without a meter coin register, Fifty-Three (\$53.00) Dollars.

(b) Delivered completely assembled, without a meter coin register, Fifty-Three (\$53.00) Dollars.

(B) For extra coin receptacles delivered to the city One Hundred (\$100.00) Dollars per One Hundred (100) units.

(C) For coin receptacles carrying case, capacity fifty (50) receivers, Fifteen (\$15.00) Dollars each.

(D) For a meter coin register Two Dollars and Fifty Cents (\$2.50).

(E) For replacement parts and repairs with the net price delivered to the city, which may be found necessary

in the operation and maintenance of said parking meters so furnished and installed for a period of time extending to three (3) years from date of final acceptance of the installation of said parking meters are set forth in Schedule A, attached hereto, and made a part hereof.

12. To furnish city additional equipment and without any additional cost to the city, as follows:

1. One (1) coin receptacle for each meter so furnished and installed.
2. One (1) Park-O-Meter collector device mounted on pneumatic wheels.
3. One (1) Park-O-Meter hydraulic pipe standard straightener.

13. Start work within sixty (60) consecutive calendar days from date of receiving notice that the Common Council of the City of Indianapolis has approved this agreement, and after the City has given written notice of the approximate number of meters required, the time limits of said meters and designated the locations thereof, and to fully complete installation of 2,000, or less, parking meters, aforesaid within ninety (90) consecutive calendar days from date of receiving the aforementioned notices. The contractors further agree to pay the City the sum of One Hundred Dollars (\$100.00) per day for each day thereafter, Sunday and holidays excluded, that the work remains incompleted, which sum is agreed upon as the proper measure of liquidated damages, which the City shall be damaged by the failure of the contractors to complete the work at the time stipulated and this sum is not to be construed in any sense, as a penalty. The Contractors shall hold and save the city harmless against any and all patent infringement claims and suits. The time for the completion of the work of installing Park-O-Meters within the City shall be extended by the actual period of any delay, occasioned by strikes, litigation, or any restrictions imposed by the Federal Government or any agency thereof.

ARTICLE IV.

1. IT IS FURTHER AGREED BY THE PARTIES hereto that this contract shall not have any force and effect, until the Common Council of the City of Indianapolis, Indiana ratifies, or authorizes or approves this contract by an ordinance or resolution.

2. IT HERETO IS FURTHER understood by and between the parties hereto that this contract is hereby executed by J. B. McGay and G. E. Nicholson, partners, doing business under the firm name and style of Macnick Company, and Magee-Hale Park-O-Meter Company, a corporation, as contractors, by G. A. Hale, its president, and Dea Scott, its treasurer, and witnessed by Dea Scott, its secretary, as authorized by its Board of Directors on the 16th day of March, 1946, and the City of Indianapolis, Indiana by and through its Board of Public Works and Sanitation, witnessed by its executive secretary and approved by the Mayor and the Common Council of the City of Indianapolis.

IN WITNESS HEREOF: The Parties hereunto have set their hands and seals as of the day and year first above written.

MACNICK COMPANY

WITNESS:

J. B. McGay (Signed)
Partner

Thelma Scott (Signed)

Evelyn Lawrence (Signed)

G. E. Nicholson (Signed)
Partner

WITNESS:

MAGEE-HALE PARK-O-METER
COMPANY, A CORPORATION
ORGANIZED UNDER THE LAWS
OF OKLAHOMA.

Dea Scott (Signed)
Secretary

G. A. Hale (Signed)
President

Dea Scott (Signed)
Treasurer

(CONTRACTORS)
CITY OF INDIANAPOLIS BY
AND THROUGH ITS BOARD OF
PUBLIC WORKS AND SANI-
TATION.

James S. Watson (Signed)
President

ATTEST:

Sherlie A. Deming (Signed)
Vice President

Otto T. Feger (Signed)
Executive Secretary

Joseph B. Wade (Signed)
Member

Gideon W. Blain (Signed)
Member

APPROVED

CITY

Robert H. Tyndall (Signed)
Mayor

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

INTRODUCTION OF SPECIAL ORDINANCES

By the Purchasing Agent and Board of Public Works and Sanitation:

SPECIAL ORDINANCE NO. 3, 1946

AN ORDINANCE authorizing the sale, alienation and conveyance of certain land of the City of Indianapolis; and fixing a time when the same shall take effect.

WHEREAS, the Board of Public Works and Sanitation of the City of Indianapolis has determined that certain land, hereinafter described, is no longer necessary for the public use, and that it would be to the best interests of said City to dispose of said land by sale; NOW THEREFORE,

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

Section 1. That the Board of Public Works and Sanitation is hereby authorized to sell, alienate and convey for cash, for not less than the appraisal value thereof, which value is to be hereafter determined by appraisers appointed by the Judge of the Circuit Court of Marion County, Indiana, as required by law, the following described real estate belonging to the city of Indianapolis, Marion County, Indiana, to-wit:

Lot No. 215 in McCarty's 7th West Side addition to the City of Indianapolis, as recorded in plat book 8, at page 186, in the office of the Recorder of Marion County, Indiana.

That said real estate shall be sold at public or private sale, upon such notice or notices, as the Board of Public Works and Sanitation may determine. The conveyance of the above described real estate shall be by the Mayor, in the name of the City of Indianapolis, and attested by the City Clerk, and with the seal of the City.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

ORDINANCES ON SECOND READING

Mr. Bowers called for Appropriation Ordinance No. 6, 1946, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Dauss, Appropriation Ordinance No. 6, 1946, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 6, 1946, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Bowers called for Appropriation Ordinance No. 7, 1946, for second reading. It was read a second time.

Mr. Bowers presented the following motion to amend Appropriation Ordinance No. 7, 1946:

Indianapolis, Ind., March 18, 1946

Mr. President:

I move that Appropriation Ordinance No. 7, 1946 be amended by striking out the word "etc." where it appears in the sixth line of the title and inserting in lieu thereof the following: "engineers and accountants, and for the payment of other necessary expenses"; and in the tenth line of Sec. 1 after the word "accountants," and inserting in lieu thereof the following: "and for the payment of other necessary expenses."

HERMAN E. BOWERS,
Councilman

The motion was seconded by Mr. Worley, and passed by the following roll call vote:

Ayes 8, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Not voting: Mr. Kealing.

On motion of Mr. Bowers, seconded by Mr. Worley, Appropriation Ordinance No. 7, 1946, As Amended, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 7, 1946, As Amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Not voting: Mr. Kealing.

Mr. Bowers called for General Ordinance No. 15, 1946, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Manly, General Ordinance No. 15, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 15, 1946, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Worley called for General Ordinance No. 16, 1946, for second reading. It was read a second time.

On motion of Mr. Worley, seconded by Mr. Bowers, General Ordinance No. 16, 1946, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 16, 1946, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

MISCELLANEOUS BUSINESS

Mr. Harry W. Claffey asked for a hearing before the Council on April 15, 1946, concerning gas tax monies which should be allotted by the State of Indiana to the City of Indianapolis and Marion County. Which was granted.

On motion of Mr. Kealing, seconded by Mr. Bowers, the Common Council adjourned at 10:15 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 18th day of March, 1946, 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:

John A. Schumaker,

President

Frank J. Hall Jr.

City Clerk

(SEAL)