

REGULAR MEETING

Monday, September 20, 1926, 7:30 p. m.

The Common Council of the City of Indianapolis, Indiana, met in the Council Chamber, September 20, 1926, at 7:30 p. m., in regular session, President Boynton J. Moore in the chair.

The Clerk called the roll.

Present: Hon. Boynton J. Moore, President, and seven members, viz.: Austin H. Todd, Otis E. Bartholomew, Millard W. Ferguson, Walter R. Dorsett, Robert E. Springsteen, O. Ray Albertson and Edward B. Raub.

Absent: Claude E. Negley.

The reading of the journal was dispensed with on motion of Mr. Albertson, seconded by Mr. Bartholomew.

COMMUNICATIONS FROM THE MAYOR

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

Gentlemen—I have today approved with my signature and delivered to Wm. A. Boyce, Jr., City Clerk, General Ordinance No. 64. An Ordinance covering 1927 Tax Levy of Three Hundred and Fifty Thousand (\$350,000.00) Dollars.

And Ordinance No. 61 covering Temporary Loan.

And Ordinance No. 62. Amending Zoning Ordinance.

And Ordinance No. 3. Appropriating 1927 Budget.

Yours very truly,

J. L. DUVALL.

Mayor.

REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., September 20, 1926

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 Gen. Order, 65, 66, 67, 68, 69, 70, 71, 72, covering miscellaneous transfers, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

O. RAY ALBERTSON, Chairman

A. H. TODD

OTIS E. BARTHOLOMEW

WALTER R. DORSETT

Indianapolis, Ind., September 20, 1926

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 Gen. ordinance No. 56, 1926, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

O. RAY ALBERTSON, Chairman
A. H. TODD
OTIS E. BARTHOLOMEW
WALTER R. DORSETT

Indianapolis, Ind., September 20, 1926

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 Appr. ordinance No. 5, 1926, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

O. RAY ALBERTSON, Chairman
A. H. TODD
OTIS E. BARTHOLOMEW
WALTER R. DORSETT

Indianapolis, Ind., September 20, 1926

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 Special Ordinance No. 4, 1926, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

O. RAY ALBERTSON, Chairman
A. H. TODD
OTIS E. BARTHOLOMEW
WALTER R. DORSETT

Indianapolis, Ind., September 20, 1926

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

Gentlemen—We, your Committee, special, to whom was referred Appr. Ordinance No. 4, 1926, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

M. W. FERBUSON, Chairman.
O. RAY ALBERTSON
A. H. TODD
WALTER R. DORSETT
OTIS E. BARTHOLOMEW

Indianapolis, Ind., September 20, 1926

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

Gentlemen—We, your Committee on City Welfare to whom was referred General Ordinance No. 63, 1926, beg leave to report that

we have had said ordinance under consideration, and recommend that we be given more time.

OTIS E. BARTHOLOMEW, Chairman
EDWARD R. RAUB
ROBT. E. SPRINGSTEEN.

To Mr. William A. Boyce, Jr., Clerk of the Common Council, City of Indianapolis.

Dear Sir:—I am handing you herewith copies of an Ordinance granting Jesse C. Moore the right to lay and maintain a switch across Mill Street, at a point north of 17th Street. Kindly submit same to the Council for their consideration.

Yours truly,
WAYNE EMMELMAN,
Clerk, Board of Public Works.

September 3, 1926

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

Gentlemen:—We herewith present to you an ordinance providing for the free distribution of dogs impounded by the City Dog Pound and fixing a penalty for violation of such ordinance.

We would appreciate your giving this ordinance your favorable consideration.

Yours very truly,
BOARD OF PUBLIC SAFETY,
CLAUDE C. McCOY,
Executive Secretary

September 20 1926

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

Gentlemen:—The Board of Safety respectfully presents to you for your consideration an ordinance governing parking of vehicles on both sides of Delaware and Alabama Streets between Washington and Ohio Streets, repealing all ordinances in conflict with same and fixing a time when same shall take effect.

The Board respectfully recommends the passage of this ordinance, copies of which are attached.

Yours very truly,
BOARD OF PUBLIC SAFETY,
CLAUDE C. McCOY,
Executive Secretary.

INTRODUCTION OF GENERAL ORDINANCES

By Mr. Raub:

GENERAL ORDINANCE NO. 73, 1926.

AN ORDINANCE, granting to Jesse C. Moore the right to lay and maintain a sidetrack or switch from the east side of Mill Street

at a point sixteen (16) feet north of the north line of West Seventeenth Street, westward across said Mill Street, as per blue print attached hereto, in the city of Indianapolis, Indiana.

WHEREAS Jesse C. Moore of Indianapolis, Marion County, Indiana, desires the right to lay, maintain and operate a sidetrack across Mill Street, a public highway in the City of Indianapolis, Marion County, Indiana, said sidetrack to run from the east side of Mill Street at a point sixteen (16) feet north of the north line of West Seventeenth Street, westward across said Mill Street as per blue print hereto attached, and which is for identification marked "Exhibit A", and:

WHEREAS on the 27th day of April, 1926, Jesse C. Moore filed his petition before the Board of Public Works in the City of Indianapolis, as follows:

"BOARD OF PUBLIC WORKS, CITY OF INDIANAPOLIS,

Gentlemen:—I hereby respectfully petition your honorable body for the privilege of extending across Mill Street and parallel with the north side of said street at a point sixteen (16) feet north thereof, the railroad switch now located on my ground on the east side of Mill Street and north side of Seventeenth Street, serving my tenant, the Acme Coal Company, said extension to be as per blue print attached, the purpose being to give more trackage to said Acme Coal Company that they may the better and more economically serve their patrons and the citizens of the northwest part of Indianapolis.

NOW, THEREFORE, This Agreement made and entered into this 23rd day of June, 1926, by and between Jesse C. Moore, 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 the right of way for a sidetrack or switch from the east side of Mill Street at a point sixteen (16) feet north of the north line of West Seventeenth Street, westward across said Mill Street, as per blue print attached, in the City of Indianapolis, which is more specifically described on the blue print hereto attached and made a part hereof as follows: From the intersection of the north line of Seventeenth Street with the east line of Mill Street, in the City of Indianapolis, Center Township, Marion County, Indiana, measure along said east line of Mill Street Sixteen (16) feet to point "A" the place where the proposed track extension enters Mill Street; then deflecting ninety (90°) degrees to the left measure westerly across Mill Street fifty (50°) degrees to point "B" the place where the proposed track extension reaches Mill 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, when 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 same back and forth, 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 interests 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 removing said track or causing the same to be done, said Board shall in nowise 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 anyone for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authorities 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 across Mill 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 23rd day of June, 1926.

Jesse C. Moore,
Party of the first Part.

WITNESS:
L. Cummings.

CITY OF INDIANAPOLIS

By R. C. Shaneberger, President,
L. H. Trotter,
O. Hack,
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.

EDWARD B. RAUB.

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

By Board of Safety:

GENERAL ORDINANCE NO. 74, 1926.

AN ORDINANCE, providing for the free distribution of dogs impounded by the City Pound-Keeper, to any person or persons requesting the same, provided they shall, within seven days thereafter, purchase a license for the said dog or dogs, declaring an emergency, fixing a penalty, repealing any ordinance or ordinances or parts of ordinances in conflict therewith, 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 it shall hereafter be unlawful for any person or persons receiving a dog or dogs from the City Dog Pound to harbor the same for more than seven days thereafter without first obtaining a license from the City Controller.

Section 2. That any person or persons found guilty of the violation of this ordinance upon conviction shall be fined in any sum not to exceed Twenty-Five (\$25.00) Dollars.

Section 3. That any ordinance or ordinances, or any parts thereof, in conflict with this ordinance, shall hereby be repealed.

Section 4. 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 City Welfare.

By Mr. Dorsett:

GENERAL ORDINANCE NO. 75, 1926.

AN ORDINANCE, governing the parking of vehicles on both sides of Delaware street and Alabama street between the north property line of Washington street and the south property line of Ohio street and governing the parking of vehicles on Wabash Street between the East property line of Delaware Street and the West property line of Alabama Street, fixing a time limit for the same, repealing all ordinances in conflict with the same, fixing a penalty, declaring an emergency, 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 hereafter all vehicles parking on Alabama and Delaware Streets, between Washington and Ohio Streets shall be parked at a forty-five degree (45°) angle and that the time limit shall be established at one and one-half hours, and that all vehicles parking on Wabash Street between Delaware and Alabama Street shall park parallel to the curb, and that the time limit shall be thirty minutes.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance shall hereafter be repealed.

Section 3. Any person or persons found guilty of the violation of Section 1 of this ordinance shall be fined in any sum not to exceed Two (\$2.00) Dollars for the first violation, Three (\$3.00) Dollars for subsequent violations, to which may be added imprisonment not to exceed ten (10) days in the Marion County Jail.

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

WALTER R. DORSETT

Which was read a first time and referred to a Special Committee consisting of Mr. Raub, chairman; Messrs. Springsteen, Albertson, Dorsett and Todd.

By Mr. Dorsett:

GENERAL ORDINANCE NO. 76, 1926.

AN ORDINANCE, changing the name of Sixteenth Street which extends from Dearborn Streets to the Belt Railroad and renaming the same "Brookside Parkway South Drive" in the City of Indianapolis, Indiana.

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

Section 1. That the name of the street now known as "Sixteenth Street" extending from Dearborn Street to the Belt Railroad is hereby changed to and renamed, "Brookside Parkway South Drive."

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

WALTER R. DORSETT, Councilman.

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

INTRODUCTION OF MISCELLANEOUS BUSINESS

Mr. Raub presented the following written motion:

WHEREAS the attached remonstrance was signed and ready for presentation to this council at its regular meeting on the sixth day of September 1926; and

WHEREAS August M. Kasper et al., appeared at the council chamber on said date, but as no meeting was held, were unable to present same; and

WHEREAS Gen. Ordinance No. 62 was passed by the Council, September 4th, 1926, same being two days prior to the date consideration was to have been had on said ordinance and the hearing of remonstrances:

NOW therefore be it resolved that said remonstrance which is attached hereto, shall be set forth in the proceedings of this council.

EDWARD B. RAUB, Councilman.

The above motion was seconded by Mr. Ferguson.

Mr. Albertson stated that Mr. Raub's motion was out of order, inasmuch as the petition was not presented to the Council before the passage of the Ordinance to which objection was made.

President Moore sustained Mr. Albertson's point of order.

Mr. Raub appealed to the Council from the President's decision.

The President's decision upholding Mr. Albertson's point of order was sustained by the following vote:

Ayes, 5, viz.: Messrs. Albertson, Bartholomew, Dorsett, Todd and President Moore.

Noes, 3, viz.: Messrs. Ferguson, Raub and Springsteen.

Mr. Bartholomew presented the following Resolution, which was passed unanimously:

We, the members of the Indianapolis City Council, extend our sympathy to the hurricane sufferers of the State of Florida.

We, the Legislative body of this "No Mean City" are willing to extend aid and assistance to any extent that lies within our power.

BOYNTON J. MOORE, President
OTIS E. BARTHOLOMEW
WALTER R. DORSETT
AUSTIN M. TODD
O. RAY ALBERTSON
M. W. FERGUSON
ROBT. E. SPRINGSTEEN
EDWARD B. RAUB

Call for Ordinances on second reading:

Mr. Albertson called for General Ordinance No. 56 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 56 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 56 was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Albertson, Bartholomew, Ferguson, Springsteen, Todd and President Moore.

Noes, 2, viz.: Messrs. Dorsett and Raub.

Mr. Bartholomew called for Appropriation Ordinance No. 4 for second reading. It was read a second time.

On motion of Dr. Todd, seconded by Mr. Bartholomew, Appropriation Ordinance No. 4 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 4 was read a third time and passed by the unanimous vote of the Council.

Mr. Albertson called for Appropriation Ordinance No. 5 for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, Appropriation Ordinance No. 5 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 5 was read a third time and passed unanimously.

Mr. Albertson called for Special Ordinance No. 4 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, Special Ordinance No. 4 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 4 was read a third time and passed unanimously.

Mr. Albertson called for General Ordinance No. 65 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, General Ordinance No. 65 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 65 was read a third time and passed unanimously.

Mr. Albertson called for General Ordinance No. 66 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, General Ordinance No. 66 was ordered en-

grossed, read a third time and placed upon its passage.

General ordinance No. 66 was read a third time and passed unanimously.

Mr. Albertson called for General Ordinance No. 67 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, General Ordinance No. 67 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 67 was read a third time and passed unanimously.

Mr. Albertson called for General Ordinance No. 68 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, General Ordinance No. 68 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 68 was read a third time and passed unanimously.

Mr. Albertson called for General Ordinance No. 69 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, General Ordinance No. 69 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 69 was read a third time and passed unanimously.

Mr. Albertson called for General Ordinance No. 70 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, General Ordinance No. 70 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 70 was read a third time and passed unanimously.

Mr. Albertson called for General Ordinance No. 71 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, General Ordinance No. 71 was ordered en-

grossed, read a third time and placed upon its passage.

General Ordinance No. 71 was read a third time and passed unanimously.

Mr. Albertson called for General Ordinance No. 72 for second reading. It was read a second time.

On motion of Mr. Albertson, seconded by Mr. Bartholomew, General Ordinance No. 72 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 72 was read a third time and passed unanimously.

On motion of Mr. Bartholomew, seconded by Dr. Todd, Resolution No. 8 was stricken from the files.

On motion of Mr. Raub, seconded by Mr. Albertson, General Ordinance No. 29 was stricken from the files.

On motion of Mr. Ferguson, seconded by Mr. Raub, General Ordinance No. 50 was stricken from the files.

On motion of Mr. Bartholomew, seconded by Mr. Raub, General Ordinances Nos. 36 and 37 were stricken from the files.

On motion of Mr. Bartholomew, seconded by Dr. Todd, the Common Council of the City of Indianapolis adjourned at 9:30 o'clock p. m.

Rayton J. Moore

President.

Attest:

William A. Boyce

City Clerk.