

REGULAR MEETING

Monday, October 17, 1927

The Common Council of the City of Indianapolis met in regular session in the Council Chamber at 7:30 P. M., Monday, October 17, President Claude E. Negley in the chair.

The Clerk called the roll.

Present: Hon. Claude E. Negley, President, and seven members: Otis E. Bartholomew, Walter R. Dorsett, M. W. Ferguson, B. J. Moore, Edward B. Raub, Robert E. Springsteen, Dr. A. H. Todd.

Absent: O. Ray Albertson.

On motion of Mr. Bartholomew, seconded by Mr. Ferguson, the reading of the minutes of the previous meeting was dispensed with.

Mr. Springsteen presented the following written motion:

Indianapolis, Ind., October 17, 1927.

Mr. President:

I move that the minutes of the Council Meeting for October 3 be corrected to show the report of the Public Safety Committee on Ordinance 90 changed to ordinance 98.

ROBT. E. SPRINGSTEEN.

Councilman.

The motion was seconded by Mr. Bartholomew, and passed by unanimous vote.

COMMUNICATIONS FROM THE MAYOR

October 5, 1927.

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

Gentlemen—I have this day approved with my signature and delivered to Wm. A. Boyce, Jr., City Clerk, General Ordinance No. 88, 1927.

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 classifying and 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.

GENERAL ORDINANCE NO. 91, 1927

AN ORDINANCE, prohibiting the assignment of future wages by any employee of the Civil City of Indianapolis, Indiana, or of any department thereof; Providing for a penalty and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 98, 1927

AN ORDINANCE, to amend General Ordinance No. 17, 1927 entitled "An Ordinance to regulate traffic in the streets, alleys and public places of the city of Indianapolis, defining violation thereof, repealing all ordinances in conflict therewith, declaring a penalty and designating a time when the same shall take effect," and fixing a time when the same shall take effect.

Yours truly,

J. L. DUVALL, Mayor.

Indianapolis, Ind., October 17, 1927.

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

Greetings:

As mayor of Indianapolis, I, John L. Duvall, do hereby direct your attention to the conduct of the affairs of the Park District of Indianapolis and to the conduct of the Board of Public Works of Indianapolis and respectfully request that you do, immediately exercise the powers vested in you under the Statutes of Indiana to conduct an examination into the manner in which the affairs of the Indianapolis Park board are now and have been conducted for some time past, and into the affairs of the Board of Public Works of Indianapolis.

I am moved to request you to conduct this investigation under the statutes provided for that purpose by the knowledge that rumors and insinuations of misconduct on the part of members of both the park board and the board of works have been spread broadcast over this community and continue to be so spread.

If these rumors are based on facts it is due the people of Indianapolis that these facts receive the attention of legally constituted authorities having the power to weigh and consider them.

Your honorable body has the authority to summon witnesses and investigate the truth or falsity of the statements and innuendoes which have been made touching on the conduct of city officials.

You have the authority and, I believe, the inclination to fix the responsibility for conduct which has been criticised on the individuals who are responsible for such conduct whether they are now or ever have been members of this administration.

This I am asking you to do and in order that you may not feel that this request is unreasonable, I am taking this opportunity to call your attention to widely circulated reports concerning the conduct of the Board of Park Commissioners as it was constituted prior to my installation as Mayor, in order that you may compare the conduct of city affairs by my appointees with that of their predecessors.

In connection herewith I wish, specifically, to call your attention to the fact that I have endeavored, so far without success, to bring about a proper investigation of the conduct of the Park Commissioners just prior to the beginning of my administration, when, evidence in my possession indicates, large sums of public money were expended improperly if not unlawfully, by Emsley W. Johnson and his associates on the Park Board. The fact that this same Emsley W. Johnson is now acting as a special prosecutor in the con-

duct of a so-called investigation of corruption in public affairs may explain to your honorable body why my efforts to bring about an investigation of his conduct as a member of the Park Board have not been successful.

It is a matter of common knowledge in the city of Indianapolis that under the preceding administration in which Emsley W. Johnson was a member of the Board of Park Commissioners, land without value to the park district was purchased at high cost, city property was given away to administration favorites, boulevards were so built as to enhance the value of land owned by then public officials and valuable rights to conduct certain kinds of business on our boulevards were coupled with deeds to properties as a part of the consideration for which at least one member of the park board sold his property.

It is also a matter of public knowledge in Indianapolis that under the members of the Board of Works which existed prior to the time I became mayor a large amount of public improvement was contracted for by the city. During this period, it is well known that William H. Armitage was in constant consultation with and acted as an advisor to the members of the then board of works.

Since that time it has been shown in a court of record through his own testimony that William H. Armitage possessed strong reasons for desiring to maintain that relationship to my board of works and offered large inducements to bring about a continuation of such relationships.

I beg to advise your honorable body that to the best of my knowledge and belief these improper practices to which I have heretofore referred were stopped and have never been revived in my administration.

But, to the end that the public of Indianapolis may be reassured as to the discontinuance of such practices, I herewith renew my request that your honorable body conduct a thorough investigation of the manner in which the previous and present members of the Board of Park Commissioners and the Board of Public Works have discharged their public duties.

I specifically direct your attention to the following matters: Expenditure for the benefit of Butler College \$250,000; shrubbery \$6,000; profit on street work \$500,000, and other money misspent in the amount of approximately \$250,000 together with the unlawful acts of the several members of the Boards of Works and

Park Commissioners of the previous administration in connection therewith.

And, I pledge to you my hearty and complete co-operation in such investigation.

Respectfully,

JOHN L. DUVALL, Mayor.

Mr. Raub made a motion that the Council receive and file the above communication from the Mayor. Mr. Moore objected. His objections were overruled by the chair.

COMMUNICATIONS FROM CITY OFFICIALS

October 15th, 1927.

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

Dear Sir—The City Plan Commission, to whom you have referred General Ordinance No. 96, 1927, which ordinance proposed to re-zone the frontage of both sides of Meridian St. between Fall Creek and 38th Street does not feel that Meridian Street should be thrown open to business, and therefore recommends that General Ordinance No. 96, 1927 be not passed by the Common Council.

Very truly yours,

MARIE VICTOR,

Secretary City Plan Commission.

October 17, 1927.

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

Gentlemen—In compliance with Chapter 95, Acts of 1927, relating to emergency appropriation ordinances and transfers, I had General Ordinances 95, 99 and 100 published in the Indianapolis Commercial and the Indianapolis Star on October 6th.

To date no remonstrances have been filed against these ordinances.

This for your information and action.

Very truly yours,

WILLIAM A. BOYCE, JR.

City Clerk.

October 17, 1927.

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

Dear Sir—Attached hereto find three copies of a Switch contract signed by the Indianapolis Ice and Fuel Company, 225, E. Iowa Street, for the right to lay and maintain a sidetrack or switch from the Pennsylvania Railway Company's track to the property of the Indianapolis Ice and Fuel Company.

Kindly present this contract to the Common Council for passage.

Very truly yours,

WAYNE EMMELMAN,

Clerk, Board of Public Works.

October 17, 1927.

Dear Sir—Attached hereto find fourteen (14) copies of an ordinance annexing territory to the City of Indianapolis.

Will you kindly present attached ordinance to the Common Council for passage.

Yours very truly,

WAYNE EMMELMANN,

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

Clerk, Board of Public Works.

October 14, 1927.

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

Gentlemen—I hand you herewith fourteen (14) copies of an ordinance annexing territory to the City of Indianapolis.

The people in this district have asked for an extension of local sewers, and in order to procure them, the territory described in the accompanying ordinance should be annexed.

Yours very truly,

PAUL R. BROWN,

City Civil Engineer.

REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., October 17, 1927.

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

Gentlemen—We, your committee on Public Safety to whom was referred Ordinance No. 103, entitled Ordinance to Amend Sec. B-309, Ordinance No. 121, 1925, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ROBT. E. SPRINGSTEEN, Chairman.
O. E. BARTHOLOMEW.
M. W. FERGUSON.
A. H. TODD.

Indianapolis, Ind., October 17, 1927.

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

Gentlemen—We, your committee on Finance to whom was referred General Ordinances Nos. 95, 99 and 100, beg leave to report that we have had said ordinance under consideration and recommend that the same be passed.

E. B. RAUB, Chairman.
O. E. BARTHOLOMEW.
A. H. TODD.
M. W. FERGUSON.

Indianapolis, Ind., October 17, 1927.

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

Gentlemen—We, your committee on Public Health to whom was referred General Ordinance No 93, 1927, entitled, "An ordinance defining and regulating the production, labeling, capping, handling serving in restaurants and food dispensaries, distribution, time of delivery and sale of milk, cream and certain milk products," beg leave to report that we have had said ordinance under considera-

tion, and recommend that the same be passed as amended.

AUSTIN H. TODD, Chairman.
OTIS E. BARTHOLOMEW.
ROBT. E. SPRINGSTEEN.

INTRODUCTION OF GENERAL ORDINANCES

By Board of Works:

GENERAL ORDINANCE 104, 1927

The Clerk attempted to read General Ordinance No. 104. Mr. Moore objected on the grounds that only one copy of the Ordinance was filed with the City Clerk, whereas eleven copies are required. The Council decided by unanimous vote to not accept the ordinance.

INTRODUCTION OF SPECIAL ORDINANCES

By Board of Works:

SPECIAL ORDINANCE 12, 1927.

AN ORDINANCE, Annexing certain territories to the City of Indianapolis, Indiana, and defining parts of the boundary line of said City and fixing a time when the same shall take effect.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the boundary line of the City of Indianapolis be and the same is hereby extended so as to include the following described contiguous territory, all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana, to-wit:

Beginning at a point on the present corporation line at the center line of Iowa Street and eight hundred thirty-one and fifteen hundredths (831.15) feet east of the east property line of Perkins Avenue, thence south on a line parallel to the said east line of Perkins Avenue to the center line of Van Buren Street; thence west on the center line of Van Buren Street to the center line of Perkins Avenue; thence south on the center line of Perkins Avenue to the

center line of Bethel Avenue; thence northwesterly on the center line of Bethel Avenue to its intersection with the existing corporation line at the center line of Canby Street; thence north on the center line of Canby Street with the existing corporation line, to the center line of Minnesota Street; thence east on the center line of Minnesota Street with the existing corporation line to the center line of Perkins Avenue; thence south on the center line of Perkins Avenue with the existing corporation line to the center line of Iowa Street; thence east on the center line of Iowa Street with the existing corporation line for a distance of eight hundred thirty-one and fifteen hundredths (831.15) feet to point of beginning.

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 Welfare.

By the Mayor:

RESOLUTION NO. 25

WHEREAS, there has been presented to this body in a communication from the Honorable John L. Duvall, Mayor, setting forth certain practices of persons formerly members of the Board of Park Commissioners of said City and requesting the aid and assistance of this council in investigating the acts of the members of said board appointed or acting during the preceding administration, and

WHEREAS, said communication further requests the aid and assistance of the Board of Public Works appointed or acting during the preceding administration:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, that the President of the Council forthwith appoint from the members of this body five members who shall, together with the President, as Chairman, constitute a committee of five to which said communication shall be referred, and that said committee, when so appointed, is hereby authorized and directed to make full and complete inquiry and investigation of the charges contained in said communication and of any and all other acts or transactions of the members of the Board of Park Commissioners and the members of the Board of Public Works of the City of Indianapolis who were appointed or acting during the administration of Samuel L. Shank as Mayor; that said committee shall make report of its investigation of findings to this body on or before the next regular meeting of the council.

MISCELLANEOUS BUSINESS

By Mr. Raub:

RESOLUTION 26, 1927

WHEREAS, it has come to the attention of this Council that the Building Commissioner, in violation of the zoning ordinance, has been issuing permits for business in residential sections;

BE IT RESOLVED, by the Common Council that the Building Commissioner be requested to be present at the Council Chamber at its next regular meeting November 7th, 1927, and bring with him all records and papers pertaining to permits for business in residence sections, which permits have been issued within the last six months past.

EDW. A. RAUB.
WALTER R. DORSETT.
M. W. FERGUSON.
AUSTIN H. TODD.
BOYTON J. MOORE.
O. E. BARTHOLOMEW.

Mr. Moore made a motion, which was seconded by Dr. Todd, to suspend the rules for consideration of Resolution 26, 1927. The motion was passed by the following roll call vote:

Ayes, 8, viz: Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Negley.

Mr. Moore made a motion that Resolution 26, 1927, be adopted by the Council. The motion was seconded by Mr. Bartholomew, and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Negley.

Mr. Smith Maxwell addressed the Council in regard to General Ordinance 93, 1927.

On motion of Mr. Dorsett, seconded by Mr. Ferguson, the Common Council recessed at 8:58 P. M.

The Common Council reconvened at 9:13 P. M., with the same number present as before.

ORDINANCES ON SECOND READING

Mr. Bartholomew called for General Ordinance 93, 1927, for second reading. It was read a second time.

Dr. Todd presented the following written amendmend to General Ordinance 93, 1927:

MOTION TO AMEND

Mr. President—I move that General Ordinance No. 93, be amended as follows: "By striking out all of section five (5) with the exception of the heading, "CERTIFIED MILK" and insert in lieu thereof the following: "The production and sale of certified milk is limited to milk produced in conformity with the requirements of the American Association of Certified Milk Commission and in addition the Board of Health of the City of Indianapolis, shall have power through the health officer to adopt standards for the production of raw milk or milk other than certified milk."

AUSTIN H. TODD,

Chairman.

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

Ayes, 7, viz: Mr. Bartholomew, Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Negley.

Noes, 1, viz: Mr. Dorsett.

On motion of Dr. Todd, seconded by Mr. Raub, General Ordinance 93, 1927, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance 93, 1927, was read a third time by the Clerk as amended, and passed by the following vote:

Ayes, 8, viz: Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Negley.

Mr. Dorsett called for General Ordinance 99, 1927, for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Mr. Raub, General Ordinance 99, 1927, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance 99, 1927, was read a third time by the Clerk, and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Negley.

Mr. Moore called for General Ordinance 100, 1927, for second reading. It was read a second time.

On motion of Dr. Todd, seconded by Mr. Moore, General Ordinance 100, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 100, 1927, was read a third time by the Clerk, and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bartholomew, Mr. Dorsett, Mr. Fer-

guson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Negley.

Mr. Bartholomew called for General Ordinance 103, 1927, for second reading. It was read a second time.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance 103, 1927, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance 103, 1927, was read a third time by the Clerk, and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Negley.

Mr. Raub called for General Ordinance 95, 1927, for second reading. It was read a second time.

On motion of Mr. Raub, seconded by Mr. Ferguson, General Ordinance 95, 1927, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance 95, 1927, was read a third time by Clerk, and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd, President Negley.

UNFINISHED BUSINESS

Mr. Moore made a motion that Resolution 25, 1927, be referred to the Committee of the Whole. President Negley ruled the motion out of order, which ruling was objected to by Mr. Raub as being contrary to the rules of the council. President Negley then asked Mr. Moore if he would present his motion in writing, as required by the rules, which he did as follows:

Mr. President—I move that Resolution No. 25 be referred to Committee of the Whole.

BOYNTON J. MOORE.

Mr. Moore's above motion was seconded by Mr. Dorsett and passed by eight votes.

Mr. Negley appointed Dr. Todd to serve as chairman of the Committee of the Whole, which was objected to by Mr. Raub, but on reference to Reed's Parliamentary Rules of Order it was found that the chairman has the right to appoint the chairman of the Committee of the Whole.

On motion of Mr. Moore, seconded by Mr. Bartholomew, the Common Council of the City of Indianapolis adjourned at 9:30 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 17th day of October, 1927.

In witness whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis. to be affixed.

Claude E. Negley

Attest:

President

William A. Boyce

City Clerk

(SEAL)