

REGULAR MEETING

Monday, April 7, 1969

The regular meeting of the Common Council of the City of Indianapolis convened in the Council Chambers of the City-County Building at 7:30 P.M. on Monday, April 7, 1969.

President Hasbrook in the chair.

The Clerk called the roll.

Present: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Rev. Williams, and President Hasbrook.

Mr. Egenes moved, seconded by Mr. Gorham, to dispense with the reading of the Journal of the previous meeting.

President Hasbrook recognized a group of Boy Scouts, Troop No. 288, and suggested that 9 boys sit with the Councilmen during the meeting.

President Hasbrook called for the reading of Communications from the Mayor and other City Officials.

COMMUNICATIONS FROM THE MAYOR AND OTHER CITY OFFICIALS

March 18, 1969

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

Gentlemen:

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

SPECIAL ORDINANCE NO. 2, 1969

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, and fixing a time when the same shall take effect.

Respectfully submitted,

RICHARD G. LUGAR
Mayor

April 7, 1969

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

Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis News and the Indianapolis Commercial, Appropriation Ordinances Nos. 1, 2, 3, 1969, on March 19, 1969, and again on March 26, 1969.

Also, pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis News and the Indianapolis Commercial, General Ordinances Nos. 5 and 7, 1969, on March 14, 1969, and again on March 21, 1969.

Also, pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis News and the Indianapolis Commercial, Special Ordinance No. 2, 1969, on March 20, 1969, and again on March 27, 1969.

Respectfully,

MARJORIE H. O'LAUGHLIN
City Clerk

April 7, 1969]

City of Indianapolis, Ind.

99

April 7, 1969

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

Gentlemen:

Transmitted herewith are 28 copies of General Ordinance No. 12, 1969, to amend the Municipal Code of Indianapolis, General Ordinance No. 140, 1951, as amended, and more particularly Title 10, Chapter 3, Section 10-302, by adding a new and additional paragraph (19) to specifically prohibit the playing of radios on public conveyances other than taxicabs and jitneys, providing a penalty, and fixing a time when the same shall take effect.

Respectfully submitted,

DANIEL P. MORIARTY
Councilman

April 7, 1969

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

Gentlemen:

Transmitted herewith are 28 copies of General Ordinance No. 13, 1969, to amend the Municipal Code of Indianapolis, General Ordinance No. 140, 1951, as amended, and more particularly Title 4, Chapter 14, Section 4-1405, Subsection (1) to limit exception of operators of moving railroad trains on their regular schedules and route, from penalties for blocking streets only to operators of trains consisting of no more than thirty cars, providing penalties, and fixing a time when the same shall take effect.

Respectfully submitted,

WILLIAM A. LEAK
Councilman

April 7, 1969

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

Gentlemen:

Transmitted herewith are twenty-eight (28) copies of Special Ordinance No. 4, 1969, annexing certain contiguous territory to the City of Indianapolis, and fixing a time when the same shall take effect.

Respectfully submitted,

DANIEL P. MORIARTY
Councilman

April 7, 1969

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

Gentlemen:

Transmitted herewith are twenty-eight copies of Special Ordinance No. 5, 1969, authorizing the Board of Park Commissioners of the City of Indianapolis to sell a certain tract of real estate belonging to the Board of Park Commissioners of the City of Indianapolis and fixing a time when the same shall take effect.

REV. ANDREW L. WILLIAMS
Councilman

On motion of Mr. Gorham, seconded by Mr. Leak, the Council recessed for Committee Hearings at 7:50 P.M.

President Hasbrook introduced visitors to the Council from Anderson, Indiana: Mr. Robert Land, Councilman; Mr. Ronald Fletcher, Councilman; Mr. Carroll Griele,

Councilman; Mr. Jack Bowman, Fire Chief; and Mrs. Opal G. Gilliam, City Clerk.

The Council reconvened at 9:40 P.M.

President Hasbrook called for the reading of Committee Reports by the Clerk.

COMMITTEE REPORTS

Indianapolis, Ind., April 7, 1969

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. 1, 1969, entitled

AN ORDINANCE transferring, reappropriating and reallocating the sum of \$132,000.00 from the unappropriated, unencumbered, and unexpended General Fund to the Department of Public Works (Administration), Board of Public Safety (Administration), and Department of Public Safety (Commissioner of Buildings), declaring an emergency and fixing a time when same shall take effect.

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

WILLIAM A. LEAK, Chairman
DONALD R. McPHERSON
HAROLD J. EGENES

Indianapolis, Ind., April 7, 1969

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. 2, 1969, entitled

AN ORDINANCE transferring, reappropriating and reallocating the sum of \$44,000.00 from the balance of the unexpended, unencumbered, and unappropriated City General Fund to the City Legal Department, Current Charges, for the purpose of satisfying a judgement against the City of Indianapolis, declaring an emergency and fixing a time when the same shall take effect.

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

WILLIAM A. LEAK, Chairman
DONALD R. McPHERSON
HAROLD J. EGENES

Indianapolis, Ind., April 7, 1969

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. 3, 1969, entitled

AN ORDINANCE transferring, reappropriating, and reallocating the sum of \$555,720.00 from the balance of the unappropriated, unencumbered and unexpended Motor Vehicle Highway Fund to the Board of Public Works (Administration), and the Department of Public Works (Street Commissioner), declaring an emergency and fixing a time when the same shall take effect.

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

WILLIAM A. LEAK, Chairman
DONALD R. McPHERSON
HAROLD J. EGENES

Indianapolis, Ind., April 7, 1969

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. 8, 1969, entitled

AN ORDINANCE to amend Title 7, Chapter 2, of the Municipal Code of Indianapolis, 1951, as amended, and particularly parts of Section 7-202 (2), providing for increases in certain license fees, and fixing a time when the same shall take effect.

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

WILLIAM A. LEAK, Chairman

Indianapolis, Ind., April 7, 1969

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, 1969, entitled

AN ORDINANCE to amend Title 7, Chapter 2, of the Municipal Code of Indianapolis, 1951, as amended, and particularly Section 7-202 (2), Subsections 2, 7, and 9, increasing the limits of General Public Liability Insurance required as a condition to securing licenses for amusement riding or moving devices, buses for public hire and use, and Carnivals, Street Fairs, Circuses or Menageries, and fixing a time when the same shall take effect.

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

DONALD R. McPHERSON, Chairman
REV. ANDREW L. WILLIAMS
JOE T. GORHAM

Indianapolis, Ind., April 7, 1969

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. 10, 1969, entitled

AN ORDINANCE to amend Title 7, Chapter 17, of the Municipal Code of Indianapolis, 1951, as amended and particularly Section 7-1724, increasing the limits of Public Liability Insurance to be carried by licensed taxicabs and fixing a time when the same shall take effect.

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

HAROLD J. EGENES, Chairman
DONALD R. McPHERSON
WILLIAM A. LEAK

Indianapolis, Ind., April 7, 1969

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. 11, 1969, entitled

AN ORDINANCE to amend Title 7, Chapter 2, of the Municipal Code of Indianapolis, 1951, as amended, and particularly Section 7-202 (2), subsection 6, removing the restriction which precludes the operation of a bowling alley between 12 midnight and 5 o'clock A.M. and fixing a time when the same shall take effect.

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

DONALD R. McPHERSON, Chairman
REV. ANDREW L. WILLIAMS
JOE T. GORHAM

President Hasbrook called for the Introduction of New Ordinances.

INTRODUCTION OF NEW ORDINANCES GENERAL ORDINANCES

GENERAL ORDINANCE NO. 12, 1969

Introduced by Councilman Moriarty:

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 10, Chapter 3, Section 10-302, by adding a new and additional paragraph (19) to specifically prohibit the playing of radios on public conveyances other than taxicabs and jitneys, and providing a penalty, and fixing a time when the same shall take effect.

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

Section 1. That Title 10, Chapter 3, Section 10-302, of the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, be and the same is hereby amended by adding a new and additional paragraph (19), to-wit:

- (19) The using, operating or playing, or permitting to be used, operated or played, any radio, musical instrument or electronic recording device of any kind or character whatever in any street car, bus, trackless trolley or other public conveyance, except taxicabs and jitneys, operating in the city.

Section 2. This amendment shall be subject to penalties as provided in Title 10, Chapter 3, Section 10-303 of the Municipal Code of Indianapolis, 1951, as amended.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, compliance with all laws pertaining thereto, and publication as provided by law.

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

GENERAL ORDINANCE NO. 13, 1969

Introduced by Councilman Leak:

AN ORDINANCE to amend the Municipal Code of Indianapolis, 1951, General Ordinance 140, 1951, as amended, and more particularly Title 4, Chapter 14, Section 4-1405, Subsection (1) to limit exception of operators of moving railroad trains on their regular schedules and route, from penalties for blocking streets only to operators of trains consisting of no more than thirty cars and providing penalties, and fixing a time when the same shall take effect.

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

Section 1. That Title 4, Chapter 14, Section 4-1405, Subsection (1) be amended to read as follows:

"It shall be unlawful for the directing officer, or the operator of any railroad train, engine, trackless trolley car, or interurban or street car, so to direct the operation thereof while switching, or in any other such manner, as to obstruct and prevent, for any time exceeding five minutes, the free use of the parts of any street or roadway within the city which otherwise would be sufficient for purposes of travel thereon by other vehicles; except that this provision shall not apply to the operator of trains, or cars, who are either compelled so to stop by causes beyond their control, or when such vehicles consist of no more

than thirty (30) cars and are both in motion and travelling upon their regular schedule and route."

Section 2. This amendment shall be subject to penalties as provided in Title 4, Chapter 14, Section 4-1422 of the Municipal Code of Indianapolis, 1951, as amended.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, compliance with all laws pertaining thereto, and publication as provided by law.

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

SPECIAL ORDINANCE NO. 4, 1969

Introduced by Councilman Moriarty:

AN ORDINANCE Annexing certain contiguous territory to the City of Indianapolis, 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 the City of Indianapolis, Indiana, be and the same is hereby extended so as to include the following described territory which is hereby annexed to and made part of the territory constituting the City of Indianapolis, Indiana. Said territory being a part of the Northeast Quarter of Section 1, Township 14 North, Range 3 East; and part of Golden Acres, a subdivision recorded in Plat Book 22, Page 110, in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Beginning at a point on the North Line of said Quarter Section distant 1,003.42 feet East of the Northwest corner of said Quarter Section; thence East on and along said North Line 359.86 feet; thence South and parallel to the West Line of said Quarter Section 305 feet; thence West and parallel to said North Line 188.16 feet; thence North and parallel to said West Line 5 feet; thence West and parallel to said North Line

171.70 feet; thence North and parallel to said West Line 300 feet to the point of beginning, containing 2.50 acres, more or less.

Section 2. 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 Finance.

SPECIAL ORDINANCE NO. 5, 1969

Introduced by Councilman Williams:

AN ORDINANCE authorizing the Board of Park Commissioners of the City of Indianapolis to sell a certain tract of real estate belonging to the Board of Park Commissioners of the City of Indianapolis and fixing a time when the same shall take effect.

WHEREAS, Certain real estate owned by the Board of Park Commissioners of the City of Indianapolis, described hereinafter, was declared surplus property by the Board of Park Commissioners at their meeting on April 1, 1969, is needed by the Christ Temple Apostolic Church as a parking lot, and

WHEREAS, the Christ Temple Apostolic Church has heretofore made an offer in writing to purchase said tract of real estate hereinafter described for a sum to be determined on the assumption that such consideration shall be not less than the appraised value of said real estate to be determined by appraisers appointed by the Circuit Court of Marion County, and

WHEREAS, it is deemed for the best interest of the City of Indianapolis, Department of Public Parks, and the citizens of the City of Indianapolis, to authorize the sale of the real estate hereinafter described,

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

Section 1. That the Board of Park Commissioners of the City of Indianapolis, be, and it is hereby, authorized, directed, and empowered to sell the following described real estate, for its appraised value after the same has been appraised by the appraisers appointed by the Marion Circuit Court said tract of real estate being particularly described as follows:

Showing a part of the Southeast Quarter of Section 26, Township 16 North, Range 3 East in the City of Indianapolis, County of Marion, State of Indiana as the same was surveyed and staked in April, 1969, more particularly described as follows, to-wit:

Beginning at a point in the West line of Indianapolis Avenue, in said City of Indianapolis, extended South to South Right-of-way line of Fall Creek Parkway, North Drive, said beginning point being 100.0 feet South of the Southeast corner of lot numbered Thirteen (13) in Block Twelve (12) of CLEVELAND ET AL ALL CENTRAL PARK ADDITION, as per plat thereof recorded in Plat Book 6, Page 142 in the Office of the Recorder of Marion County, Indiana; thence South, in and along said West line of Indianapolis Avenue, extended 172.55 feet; thence deflecting to the left 73 degrees 25 minutes 213.42 feet; thence deflecting to the left 25 degrees 54 minutes 205 feet, more or less to the Westerly Right-of-way line of Interstate Highway No. 65; thence Northwesterly, in and along said Westerly Right-of-way line 200 feet, more or less to said South Right-of-way line of Fall Creek Parkway, North Drive; thence West, in and along said South line of Parkway 385.0 feet, more or less to the place of beginning.

Section 2. That in payment therefor the Board of Park Commissioners of the City of Indianapolis be, and it is hereby authorized, directed and empowered to accept not less than the appraised value of said land, such appraised value of said land, to be determined by appraisers appointed by the Circuit Court of Marion County, from the Indiana State Highway Commission.

Section 3. This Ordinance shall be in full force and effect from and after its passage publication as required by law, approval by the Mayor and compliance with all laws pertaining thereto.

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

ORDINANCES ON SECOND READING

Mr. Leak called for a second reading of Appropriation Ordinance No. 1, 1969.

The Clerk read the Ordinance for the second time.

On motion of Mr. Leak, seconded by Mr. Gorham, Appropriation Ordinance No. 1, 1969, was ordered engrossed, read a third time and placed upon its passage.

After third reading the Ordinance passed on the following roll call vote:

Ayes 7, viz: Mr. Broderick, Mr. Egenes, Mr. Gorham, Mr. Leak, Mr. McPherson, Rev. Williams, and President Hasbrook.

Noes 2, viz: Mr. Forestal, and Mr. Moriarty.

Mr. Leak called for a second reading of Appropriation Ordinance No. 2, 1969.

The Clerk read the Ordinance for the second time.

On motion of Mr. Leak, seconded by Mr. Gorham, Appropriation Ordinance No. 2, 1969, was ordered engrossed, read a third time, and placed upon its passage.

After third reading the Ordinance passed on the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Reverend Williams, and President Hasbrook.

Mr. Leak called for a second reading of Appropriation Ordinance No. 3, 1969.

The Clerk read the Ordinance for the second time.

On motion of Mr. Leak, seconded by Mr. Gorham, Appropriation Ordinance No. 3, 1969, was ordered engrossed, read a third time, and placed upon its passage.

After third reading the Ordinance passed on the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Reverend Williams, and President Hasbrook.

After discussion of General Ordinance No. 8, 1969, the Council, by unanimous voice vote, ordered that the Ordinance be held until May 5, 1969.

Mr. McPherson called for a second reading of General Ordinance No. 9, 1969.

The Clerk read the Ordinance for the second time.

Mr. McPherson moved, seconded by Mr. Gorham, to amend General Ordinance No. 9, 1969, as follows:

Indianapolis, Ind., April 7, 1969

Mr. President:

I move that General Ordinance No. 9, 1969, be amended by striking out the figure "\$75.00" in line 1, Section 1, Subsection 7, and inserting in lieu thereof the following: the figure "\$50.00" in line 1, Section 1, Subsection 7.

DONALD R. McPHERSON, Councilman

The motion passed by unanimous voice vote.

After a discussion of General Ordinance No. 9, 1969, it was decided to hold the Ordinance until the April 21, 1969 meeting for a point of law to be determined by the City Legal Department.

Mr. Egenes called for a second reading of General Ordinance No. 10, 1969.

The Clerk read the Ordinance for the second time.

On motion of Mr. Egenes, seconded by Mr. Leak, General Ordinance No. 10, 1969, was ordered engrossed, read a third time, and placed upon its passage.

After third reading the Ordinance passed on the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Reverend Williams, and President Hasbrook.

Mr. McPherson called for a second reading of General Ordinance No. 11, 1969.

The Clerk read the Ordinance for the second time.

Mr. McPherson moved, seconded by Mr. Gorham, to amend General Ordinance No. 11, 1969, as follows:

Indianapolis, Ind., April 7, 1969

Mr. President:

I move that General Ordinance No. 11, 1969, be amended by striking out the figures "\$5.00" on line one, of Section 1, Subsection 6, and inserting in lieu thereof the following: the figure "\$10.00" in line 1, Subsection 6.

DONALD R. McPHERSON, Councilman

The motion passed by unanimous voice vote.

Mr. McPherson moved, seconded by Mr. Gorham, to further amend General Ordinance No. 11, 1969, as follows:

Indianapolis, Ind., April 7, 1969

Mr. President:

I move that General Ordinance No. 11, 1969 be amended by striking out and inserting the following: "increasing the license to

"\$10.00," in the Title, before the words "and fixing a time when the same shall take effect."

DONALD R. McPHERSON, Councilman

The motion passed by unanimous voice vote.

On motion of Mr. Leak, seconded by Mr. Gorham, General Ordinance No. 11, 1969, as amended, was ordered engrossed, read a third time and placed upon its passage.

After third reading the Ordinance was passed on the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Reverend Williams, and President Hasbrook.

NEW BUSINESS

Rev. Williams made a motion, seconded by Mr. Gorham, that Special Ordinance No. 5, 1969, be considered under a suspension of rules.

The motion passed on the following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal, Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty, Reverend Williams, and President Hasbrook.

President Hasbrook called for the report from the Committee on Public Parks, on Special Ordinance No. 5, 1969, which was read as follows:

Indianapolis, Ind., April 7, 1969

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

We, your Committee on Public Parks to whom was referred
Special Ordinance No. 5, 1969, entitled

AN ORDINANCE authorizing the Board of Park Commissioners of
the City of Indianapolis to sell a certain tract of real estate belonging
to the Board of Park Commissioners of the City of Indianapolis
and fixing a time when the same shall take effect.

beg leave to report that we have had said ordinance under considera-
tion, and recommend that the same be passed, under suspension of
the rules.

REV. ANDREW L. WILLIAMS, Chairman
JOE T. GORHAM
WILLIAM A. LEAK

Rev. Williams called for a second reading of Special
Ordinance No. 5, 1969.

The Clerk read the Ordinance for the second time.

On motion of Rev. Williams, seconded by Mr. Gor-
ham, Special Ordinance No. 5, 1969, was ordered en-
grossed, read a third time and placed upon its passage.

After third reading the Ordinance passed on the
following roll call vote:

Ayes 9, viz: Mr. Broderick, Mr. Egenes, Mr. Forestal,
Mr. Gorham, Mr. Leak, Mr. McPherson, Mr. Moriarty,
Reverend Williams, and President Hasbrook.

President Hasbrook announced that there would be a Regular Meeting of the Council on Monday, April 21, 1969, at 7:30 P.M. at Broad Ripple High School.

On motion of Mr. Gorham, seconded by Mr. Leak, the Council adjourned at 10:22 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 7th day of April, 1969.

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



President

ATTEST:



(SEAL)

City Clerk