

REGULAR MEETING

Monday, April 1, 1935.
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, April 1, 1935, at 7:30 p. m., in regular session. President Edward B. Raub in the chair.

The Clerk called the roll.

Present: Edward B. Raub, President, and eight members, viz: Theodore Cable, Silas J. Carr, Nannette Dowd, Adolph J. Fritz, Edward R. Kealing, William A. Oren, John A. Schumacher, Ross H. Wallace.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Wallace, seconded by Mr. Oren.

COMMUNICATIONS FROM THE MAYOR

March 19, 1935.

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

Gentlemen:

I have this day approved with my signature and delivered to Daniel J. O'Neill, Jr., City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 20, 1935

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, as amended by General Ordinance No. 58, 1931, and fixing a time when the same shall take effect.

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GENERAL ORDINANCE NO. 22, 1935

AN ORDINANCE amending sub-section (g) of Section 3, and Sections 4, 5 and 6 of General Ordinance No. 13, 1934, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 24, 1935

AN ORDINANCE authorizing the advancement of Seventy-three Thousand Dollars (\$73,000.00) out of the general fund of the City of Indianapolis to the Sanitary District for the purposes mentioned in "An Act concerning the issuance of bonds by the Sanitary District of the City of Indianapolis for certain purposes and matters connected therewith, and declaring an emergency," enacted by the General Assembly of the State of Indiana at its regular session in the year 1935, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 5, 1935

AN ORDINANCE transferring monies from the unexpended balance of January 1, 1935, and re-appropriating the same to other numbered funds and fixing the time when the same shall take effect.

Respectfully,

JOHN W. KERN,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

April 1, 1935.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 7, 1935, creating and establishing Fund No. 73 in the Board of Public Works Administration budget and appropriating thereto the sum

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of \$3,500.00 from the unappropriated and unexpended balance in the general fund for the year 1934.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,
City Controller.

April 1, 1935.

Mr. Walter C. Boetcher,
City Controller.

Dear Sir:

The Board of Public Works respectfully requests that you cause to be prepared an ordinance creating and establishing item No. 73, in Board of Public Works Administration accounts and appropriating therein the sum of \$3500.00, from the unappropriated and unexpended balance of the general fund, 1934.

This appropriating is made necessary by the confirmation of Declaratory Resolution No. 15161, which provides for the widening of Locke Street, from North to Walnut Street, by the acquisition of a 10 foot strip of ground immediately west of the present 15 foot alley.

The United States government has granted a 25 foot easement immediately east of said alley which will thereby provide a 50 foot street. This acquisition of property is in conjunction with the Federal Emergency Housing Corporation slum clearance project, now in process of erection. This 10 foot strip of ground will necessitate the wrecking of three double houses, two single houses and two sheds.

The property owners have been very fair with the City in this matter and I desire to especially commend F. T. Off, who has donated his parcel to the City.

Very truly yours,

/s/ ERNEST F. FRICK,
Secretary, Board of Public Works.

P. S. The accompanying blue print will explain what is sought to be done. Will you kindly return same to this office?

April 1, 1935.

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

Gentlemen:

We are submitting herewith General Ordinance No. 26, 1935, establishing the following "Passenger Zones" and/or "Loading Zones" and respectfully recommend the passage of this ordinance:

United Laundries, Inc.—18 ft. zone at 336 East Washington Street,

Fletcher Trust Company—18 ft. zone on north side of Market Street at entrance to building,

Colonial Furniture Company—36 ft. zone on the north side of Maryland Street beginning at the alley and extending west for a distance of 36 feet.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
BLYTHE Q. HENDRICKS,
Executive Secretary.

April 1, 1935.

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

Gentlemen:

I hand you herewith sixteen copies of General Ordinance No. 27, 1935, approving an agreement between the Indianapolis Power & Light Company and the City of Indianapolis, extending the terms and provisions of the street lighting contract with the Indianapolis Power & Light Company for a period of six months from April 1, 1935, to October 1, 1935. This extension agreement was duly executed by the Board of Public Works on March 29, 1935, and approved by the Mayor.

I respectfully recommend the passage of this ordinance.

Very truly yours,

ERNEST F. FRICK,
Secretary, Board of Public Works.

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Indianapolis, Ind.,
March 30, 1935.

Mr. Daniel J. O'Neill, Jr.,
City Clerk,
35 S. Alabama St.,
Indianapolis, Ind.

Dear Sir:

Herewith are transmitted fifteen (15) copies of General Ordinance No. 28, 1935, prohibiting the performance of more than one circus in the City of Indianapolis in any one fifteen (15) day period. It is recommended that you cause the same to be introduced and that it be passed under suspension of the rules.

Yours very truly,
JOHN A. SCHUMACHER,
Councilman.

March 28, 1935.

Mr. William A. Oren, Chairman,
Law and Jurisprudence Committee,
Common Council of the City of Indianapolis,
Indianapolis, Ind.

c/o Mr. Daniel J. O'Neill, Jr.,
City Clerk.

Dear Sir:

In examining General Ordinance No. 23, 1935, on which the Common Council seeks to be advised as to its legality, I wish to say that I have searched the statutes with regard to powers of the Common Council to regulate upholstering and I find nothing therein contained that would give the Common Council such power.

I am, therefore, of the opinion that this ordinance would not be valid, and should it be passed its validity might very easily be attacked. I, therefore, recommend that the Common Council reject the ordinance or strike it from the files.

Very truly yours,

MICHAEL B. REDDINGTON,
Assistant City Attorney.

Mr. Schumacher asked for a recess. The motion was seconded by Mr. Kealing and the Council recessed at 7:35 p. m.

The Council reconvened from its recess at 8:00 p. m., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., April 1, 1935.

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, 1935, entitled Appropriating salaries for Merit Commission Clerks, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

ROSS H. WALLACE, Chairman.
THEODORE CABLE.
SILAS J. CARR.
ADOLPH J. FRITZ.
NANNETTE DOWD.

Indianapolis, Ind., April 1, 1935.

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. 25, 1935, entitled Creating positions of Clerks, Merit Commission, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

ROSS H. WALLACE, Chairman.
THEODORE CABLE.
SILAS J. CARR.
ADOLPH J. FRITZ.
NANNETTE DOWD.

Indianapolis, Ind., April 1, 1935.

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. 21, 1935, entitled Concerning storage of gasoline, etc., beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

- SILAS J. CARR, Chairman.
- NANNETTE DOWD.
- ROSS H. WALLACE.
- WM. A. OREN.
- JOHN A. SCHUMACHER.

Indianapolis, Ind., April 1, 1935.

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

Gentlemen:

We, your committee on Public Health and Charities, to whom was referred Resolution of the Property Management Division of the Indianapolis Real Estate Board, relative to proposed sanitary vaults, beg leave to report that we have had said resolution under consideration, and recommend that the same be postponed indefinitely.

- ADOLPH J. FRITZ, Chairman.
- THEODORE CABLE.
- NANNETTE DOWD.
- WILLIAM A. OREN.
- EDWARD R. KEALING.

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Indianapolis, Ind., April 1, 1935.

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

Gentlemen:

We, your Committee on Law and Judiciary, to whom was referred General Ordinance No. 23, 1935, entitled Regulating furniture and upholstering shops—license, etc., beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from the files.

WM. A. OREN, Chairman.
EDWARD R. KEALING.
ROSS H. WALLACE.
THEODORE CABLE.
ADOLPH J. FRITZ.

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 7, 1935

AN ORDINANCE creating and establishing Fund No. 73 in the Board of Public Works Administration budget and appropriating thereto the sum of Thirty-five Hundred Dollars (\$3500.00) from the unappropriated and unexpended balance in the general fund for the year 1934, 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 there be and there is hereby created in the Board of Public Works Administration budget, Fund No. 73, and that the sum of Thirty-five Hundred Dollars (\$3500.00) be and the same is hereby appropriated thereto out of the unappropriated and unexpended balance of the general fund for the year 1934.

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

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

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Safety:

GENERAL ORDINANCE NO. 26, 1935

AN ORDINANCE establishing certain passenger and/or loading zones in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, as amended by General Ordinance No. 58, 1931, 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 for the purpose of providing the owners or occupants of certain premises fronting on certain public streets in the City of Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owners or occupants having complied with the provisions of Section 26 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, as amended by General Ordinance No. 58, 1931, relative to the establishment of passenger and/or loading zones, at the places hereinafter set out, and the board of public safety having caused an investigation to be made thereof and having recommended the establishment, pursuant to the terms of the aforesaid ordinances, the following passenger and/or loading zones be and the same are hereby established in the City of Indianapolis, to-wit:

18 feet in front of 336 East Washington Street, said premises being occupied by United Laundries Company.

18 feet on the north side of East Market Street, west of Pennsylvania Street, at the Market Street entrance of the Fletcher Trust Building.

On the north side of Maryland Street, beginning at the first alley east of Meridian Street and running west a distance of 36 feet, said premises being occupied by the Colonial furniture Company.

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.

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

By the Board of Public Works:

GENERAL ORDINANCE NO. 27, 1935

AN ORDINANCE ratifying, confirming and approving a contract entered into on the 29th day of March, 1935, between the Indianapolis Power & Light Company and the City of Indianapolis, Indiana, by and through its board of public works, with the approval of its mayor, extending for a period of six (6) months the terms and provisions of a certain contract for lighting public streets, places and buildings, and for the furnishing of electric current for power, approved by General Ordinance No. 44, 1924, duly passed by the common council on August 4, 1924, and approved by the mayor on August 8, 1924.

WHEREAS, heretofore, to-wit: on the 29th day of March, 1935, the City of Indianapolis, by and through its board of public works, with the approval of its mayor, entered into the following contract and agreement with the Indianapolis Power & Light Company, to-wit:

This Memorandum of an Agreement made and entered into, by and between the Indianapolis Power & Light Company, hereinafter called the "Company," and the City of Indianapolis, Marion County, Indiana, by and through its Board of Public Works, herinafter called the "City," WITNESSETH:

WHEREAS, on April 30, 1924, The Merchants Heat and Light Company and the said City under and by virtue of an Act of the Gneral Assembly of the State of Indiana concerning municipal corporations, approved March 6, 1905, and Acts supplemental thereto, entered into a written agreement whereby the said Company agreed to furnish and supply electric current to said City for light and power, said contract to be and remain in force and effect for the term of ten years, commencing April 1, 1925, and ending April 1, 1935, the agreement referred to containing all of the conditions, terms, provisions and stipulations thereof, and including, as a part thereof, the lighting schedule, charges to be made for supplying said current, the said written agreement having been ratified, confirmed and approved by General Ordinance No. 44, 1924, passed by the common council of said city on August 4, 1924, and

approved by the mayor of said city on August 8, 1924; and having been approved by the Public Service Commission of the State of Indiana on November 3, 1924; and

WHEREAS, on January 10, 1927, the Public Service Commission of the State of Indiana, issued its Order No. 8767, whereby the Company was authorized and permitted to purchase and acquire the properties and business of said The Merchants Heat and Light Company, and said Company assumed all of the obligations of the said The Merchants Heat and Light Company, as stipulated in said agreement, and has since furnished to said City electric current, as provided therein; and

WHEREAS, under Orders 10679, 10677 and 10373 of the Public Service Commission of Indiana, approved April 1, 1932, the cost of electric service furnished under said contract, save and except metered service, was reduced fifteen percent (15%); and

WHEREAS, under Order No. 11725 of the Public Service Commission of Indiana, approved February 5, 1934, the rates and charges for furnishing electric current to said City, except Lighting Rate "A" as set out in said contract were modified so as to reduce by five percent (5%) all billings thereunder; and

WHEREAS, the Public Service Commission of the State of Indiana is at the present time engaged in the preparation of a survey and valuation of all of the property and assets of the Company, for the purpose of determining and establishing charges to be made by the Company for electric current furnished said City for light and power, which valuation will not be completed until on or about October 1, 1935; and

WHEREAS, the said agreement for furnishing the said City electric current is about to expire and it is mutually desirable and will be mutually advantageous to said Company and City to have the benefit of the said valuation now being made by the said Public Service Commission before entering into a new contract for a period of years for such services:

IT IS AGREED by and between said Company and City that the rates and charges for electric current to be furnished said City by said Company under said agreement of April 30, 1924, as modified by the said Orders of the Public Service

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Commission, numbered respectively 10679, 10677, 10373 and 11725, be and is hereby extended, continued and shall be in full force and effect from April 1, 1935, until October 1, 1935. Dated this 29th day of March, 1935.

INDIANAPOLIS POWER & LIGHT COMPANY
By H. C. PRITCHARD, *President*
and
ELMER E. STOUT, *Secretary*

CITY OF INDIANAPOLIS
By HUBERT S. RILEY
LOUIS C. BRANDT
ROBERT K. EBY
Its Board of Public Works.

APPROVED:
JOHN W. KERN, *Mayor.*

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

Section 1. That the foregoing contract and agreement made and entered into by and between the Indianapolis Power & Light Company and the City of Indianapolis on the 29th day of March, 1935, be and the same is hereby in all things ratified, confirmed and approved.

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

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

By Councilman Schumacher:

GENERAL ORDINANCE NO. 28, 1935

AN ORDINANCE prohibiting in the City of Indianapolis the licensing of more than one circus in any fifteen (15) day period, 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. Whenever there has been issued a license permitting the exhibiting or performance of any circus on a certain day,

or days, it shall be unlawful for the city controller to issue thereafter a license to any other circus permitting such other circus to exhibit or perform in the City of Indianapolis on any day within fifteen (15) days before or after the date of the last performance or exhibition of the circus first licensed.

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

Which was read the first time and referred to the Committee on City Welfare.

Mr. Schumacher asked for suspension of the rules for further consideration and passage of General Ordinance No. 28, 1935. The motion was seconded by Mr. Oren and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

The rules were suspended.

The Council reverted to a previous order of business.

COMMITTEE REPORT

Indianapolis, Ind., April 1, 1935.

To the 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. 28, 1935, entitled Licensing of more than one circus in any fifteen day period, beg leave to report that we

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have had said ordinance under consideration, and recommend that the same be passed.

JOHN A. SCHUMACHER, Chairman.
EDWARD R. KEALING.
THEODORE CABLE.
ADOLPH J. FRITZ.
ROSS H. WALLACE.

ORDINANCES ON SECOND READING

Mr. Schumacher called for General Ordinance No. 28, 1935, for second reading. It was read a second time.

On motion of Mr. Schumacher, seconded by Mr. Kealing, General Ordinance No. 28, 1935, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 28, 1935, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

MISCELLANEOUS BUSINESS

Mr. Oren made a motion that General Ordinance No. 23, 1935, be stricken from the files. The motion was seconded by Mr. Fritz and passed by the viva voce vote of the Council.

President Raub ordered General Ordinance No. 23, 1935, stricken from the files. Which ordinance was stricken from the files by the Clerk.

Mr. Fritz made a motion that any action on the resolution of the Property Management Division of the Indianapolis Real Estate Board, relative to sanitary vaults, be indefinitely postponed. The motion was seconded by Mr. Oren and passed by the viva voce vote of the Council.

On motion of Mr. Schumacher, seconded by Mr. Oren, the Common Council adjourned at 8:10 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 1st day of April, 1935, 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.



President.

Attest:



City Clerk.

(SEAL)

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