REGULAR MEETING

Monday, July 3, 1939, 7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, July 3, 1939, at 7:30 P. M. in regular session. Vice-President Guy O. Ross in the chair.

The clerk called the roll.

PRESENT: Ollie A. Bach, Harmon A. Campbell, Albert O. Deluse, Dr. Walter E. Hemphill, Ralph F. Moore, F. B. Ransom, Ernest C. Ropkey, Vice-President Guy O. Ross.

ABSENT: President Joseph G. Wood.

The reading of the journal for the previous meeting was dispensed with on motion of Mr. Bach, seconded by Mr. Moore.

COMMUNICATIONS FROM THE MAYOR

June 20, 1939.

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 the City Clerk, Mr. John M. Layton, the following ordinances: 44.66

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APPROPRIATION ORDINANCE No. 6, 1939

AN ORDINANCE appropriating the sum of Five Thousand Seven Hundred Dollars (\$5,700.00) from the anticipated unappropriated and unexpended 1939 balance of the city general fund, to certain funds of certain departments of the City of Indianapolis; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 28, 1939 (As amended)

AN ORDINANCE authorizing the Board of Public Works and Sanitation of the City of Indianapolis, through its duly authorized purchasing agent, to purchase gasoline and coal, and to purchase one (1) truck for hauling ash and garbage trailers, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 35, 1939

AN ORDINANCE authorizing the employment of special attorneys to aid in the collection of certain delinquent assessments upon which waivers have been signed and which are due upon Barrett Law bonds held by the City of Indianapolis, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 36, 1939

AN ORDINANCE authorizing the employment of special attorneys to aid in the pending action for the collection of the assessment representing the apportioned part of the expense of certain railroad track elevation, due the city from the New York, Chicago and St. Louis Railroad Company, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 37, 1939

AN ORDINANCE authorizing the Board of Public Works and Sanitation to purchase certain materials and supplies to be paid for out of the Gasoline Tax funds heretofore appropriated, and fixing a time when the same shall take effect.

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GENERAL ORDINANCE No. 38, 1939

AN ORDINANCE authorizing the city controller of the City of Indianapolis to make a temporary loan in the sum of Sixty Thousand Dollars (\$60,000) for the use of the Board of Trustees of the Firemen's Pension Fund of said city, in anticipation of and payable out of the current taxes for the Firemen's Pension Fund actually levied for said fund and in the course of collection for the fiscal year in which said loan is made payable; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 41, 1939

AN ORDINANCE authorizing the City of Indianapolis to make a temporary loan in the year 1939, in the sum of Ten Thousand Dollars (\$10,000) for the use of the Board of Health of said city, in anticipation of and payable out of the current taxes of said Board of Health actually levied for the Tuberculosis Fund of said board and in the course of collection for the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing for legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 42, 1939

AN ORDINANCE authorizing the city controller of the City of Indianapolis to make a temporary loan in the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) in anticipation of current taxes of the City of Indianapolis actually levied and in the course of collection for the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing for legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 43, 1939

AN ORDINANCE authorizing the City of Indianapolis to make a temporary loan in the year 1939 in the sum of Twenty-five Thousand Dollars (\$25,000) for the use of the Board of Health of said city, in anticipation of and payable out of the current taxes of the Board of Health actually levied for the School

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Health Fund of said board and in course of collection for the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 44, 1939

AN ORDINANCE authorizing the City of Indianapolis to make a temporary loan in the year 1939 in the sum of One Hundred Twenty-five Thousand Dollars (\$125,000) for the use of the Board of Health of said city, in anticipation of and payable out of current taxes of said Board of Health actually levied for general Board of Health purposes and in the course of collection for the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 3, 1939

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

SPECIAL ORDINANCE No. 4, 1939

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

SPECIAL ORDINANCE No. 5, 1939

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

RESOLUTION No. 4, 1939

Appropriating the sum of \$1,500.00, from Fund No. 26-1, Mayor's Contingent Fund, as set out under the 1939 budget of the Department of Finance—City Controller, to pay for the services of a competent consulting engineer, deemed essential to the proper consideration of the proposal to purchase the Indianapolis Water Company.

Respectfully,

R. H. SULLIVAN,

Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

June 20, 1939.

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

Gentlemen:

In re: A. O. No. 7, 1939.

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I beg leave to report that pursuant to the laws of the State of Indiana, I caused notice by publication to be inserted in the Indianapolis Star and Indianapolis Commercial on June 22, 1939, that taxpayers would have a right to be heard on the above ordinance at the regular meeting of the Common Council, to be held on the 3rd day of July, 1939, and by posting a copy of said notice in the City Hall, Court House and Police Station.

Very truly yours,

JOHN M. LAYTON,

City Clerk.

June 20, 1939.

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

Gentlemen:

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In re: G. O. 39 and 40, 1939.

I beg leave to report that pursuant to the laws of the State of Indiana, I caused notice by publication to be inserted in the Indianapolis News and Indianapolis Times on June 22, 1939, that taxpayers would have a right to be heard on the above ordinances at the regular meeting of the Common Council, to be held on the 3rd day of July, 1939, and by posting a copy of said notice in the City Hall, Court House and Police Station.

Very truly yours,

JOHN M. LAYTON City Clerk.

July 3, 1939.

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

Gentlemen:

Submitted herewith is General Ordinance No. 45, 1939, amending Section 44 of General Ordinance No. 96, 1928, as amended, by adding thereto sub-sections (41), (42) and (43) establishing the following preferential streets:

Roosevelt Avenue from Hillside Avenue to Sherman Drive;

Boulevard Place from the north curb line of West Mapie Road Boulevard to the north curb line of 49th Street;

North Illinois Street from the north curb line of West New York Street to the south curb line of West Maple Road Boulevard, except where said North Illinois Street intersects the following preferential streets, to-wit: West 16th Street, Fall Creek Boulevard, North Drive, and 30th Street.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By L. J. Keach, President.

July 3, 1939.

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

Gentlemen:

Submitted herewith is General Ordinance No. 46, 1939, amending Section 45 of General Ordinance No. 96, 1928, as amended, etc., establishing one-way traffic, north bound only on

Toledo Street from Ohio Street to New York Street,

and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By L. J. Keach,
President.

July 3, 1939.

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

Gentlemen:

Submitted herewith is General Ordinance No. 47, 1939, limiting parking to one and one-half hours on the following streets:

North side of English Avenue from Audubon Road to Brookville Road—between 7:00 a.m. and 6:00 p.m.

On Russell Avenue from Merrill Street to McCarty Street, and on South Illinois Street from South Street to Merrill Street, between 7:00 a.m. to 6:00 p.m. except on Sundays and holidays.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By L. J. Keach,
President.

July 3, 1939.

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

Gentlemen:

Submitted herewith is General Ordinance No. 48, 1939, prohibiting parking at any time on the following streets:

On the south side of Roosevelt Avenue between Gale Street and Sherman Drive:

On the east side of South Meridian Street from the south curb line of Adler Street to Pleasant Run Parkway;

On the west side of South Meridian Street from a point starting eighty-two (82) feet south of the south curb line of the Bluff Road and continuing south for a distance of two hundred twenty (220) feet.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By L. J. Keach,
President.

July 3, 1939.

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

Gentlemen:

Attached please find 18 copies of General Ordinance No. 50, 1939, providing for certain licenses necessary to conduct, maintain or exhibit contests or exhibitions of physical strength or endurance, and providing a penalty for failure to obtain such licenses.

Respectfully yours,

HARMON A. CAMPBELL, City Councilman. 4.483-

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July 3, 1939.

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

Attached please find 18 copies of Special Ordinance No. 7, 1939, authorizing the sale, alienation and conveyance of certain real estate by the Board of Public Works and Sanitation of the City of Indianapolis.

This real estate was acquired by the Board of Public Works in Declaratory Resolution No. 15102-A, on file in the office of the Board of Public Works and Sanitation.

Respectfully yours,

BOARD OF PUBLIC WORKS AND SANITATION,

By M. H. Walpole, Executive Secretary.

At this time those present were given a chance to speak on matters pending before the Council.

Mr. Ransom asked for a recess. The motion was seconded by Mr. Deluse and the Council recessed at 8:30 P. M.

The Council reconvened at 9:20 P. M.

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COMMITTEE REPORTS

Indianapolis, Ind., July 3, 1939.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 7, 1939, entitled:

AN ORDINANCE appropriating the sum of One Thousand Five Hundred Twenty-nine Dollars and Thirty-eight Cents (\$1529.38), which said sum has been and is now held in trust by the City Hospital of the City of Indianapolis, and allocating the same to a certain designated fund of the Department of Public Health and Charities

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

> ERNEST C. ROPKEY, Chairman F. B. RANSOM ALBERT O. DELUSE OLLIE A. BACH GUY O. ROSS

> > Indianapolis, Ind., July 3, 1939.

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. 23, 1939, entitled:

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AN ORDINANCE prohibiting the placing and maintenance of obstructions in the proximity of the intersections of public streets and alleys, providing penalties for the violation thereof

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

ALBERT O. DELUSE, Chairman ERNEST C. ROPKEY F. B. RANSOM HARMON A. CAMPBELL RALPH F. MOORE

Indianapolis, Ind., July 3, 1939.

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. 33, 1939, entitled:

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, by adding a sub-section thereto

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

ALBERT O. DELUSE, Chairman ERNEST C. ROPKEY F. B. RANSOM HARMON A. CAMPBELL RALPH F. HOORE

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Indianapolis, Ind., July 3, 1939.

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. 39, 1939, entitled:

AN ORDINANCE to amend Class U7 uses of Section 2 of General Ordinance No. 114, 1922, commonly known as the Zoning Ordinance, as the same is amended by Section 3 of General Ordinance No. 22, 1937

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

F. B. RANSOM, Chairman ERNEST C. ROPKEY ALBERT O. DELUSE WALTER E. HEMPHILL HARMON A. CAMPBELL

Indianapolis, Ind., July 2, 1939.

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. 40, 1939, entitled:

AN ORDINANCE to amend General Ordinance No. 114, 1922, commonly known as the Zoning Ordinance

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

F.B. RANSOM, Chairman ERNEST C. ROPKEY ALBERT O. DELUSE

Indianapolis, Ind., July 3, 1939.

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 Special Ordinance No. 6, 1939, entitled:

AN ORDINANCE changing the names of certain streets and naming certain unnamed public ways in the City of Indianapolis

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

F. B. RANSOM, Chairman ERNEST C. ROPKEY ALBERT O. DELUSE WALTER E. HEMPHILL HARMON A. CAMPBELL

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INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By the Board of Public Safety:

GENERAL ORDINANCE No. 45, 1939

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, as amended, by adding thereto sub-sections (41) (42), and (43), 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 Section 44 of General Ordinance No. 96, 1928, as amended, be amended by adding thereto the following sub-sections (41), (42), and (43), to-wit:

- (41) Roosevelt Avenue from Hillside Avenue to Sherman Drive.
- (42) Boulevard Place from the north curb line of West Maple Road Boulevard to the north curb line of 49th Street.
- (43) North Illinois Street from the north curb line of West New York Street to the south curb line of West Maple Road Boulevard, except where said North Illinois Street intersects the following preferential streets, to-wit: West 16th Street; Fall Creek Boulevard, North Drive; and 30th Street, which streets shall remain preferential streets at their respective intersections with North Illinois Street.

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. 4.日别声 1.

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

By the Board of Public Safety:

GENERAL ORDINANCE No. 46, 1939

AN ORDINANCE amending Section 45 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 9, 1929, General Ordinance No. 55, 1935, General Ordinance No. 47, 1938, and General Ordinance No. 17, 1939, by adding thereto an additional sub-section (f), 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 Section 45 of General Ordinance No. 96, 1928,

as amended by General Ordinance No. 9, 1929, General Ordinance No. 55, 1935, General Ordinance No. 47, 1938, and General Ordinance No. 17, 1939, be amended by adding thereto sub-section (f), as follows:

Sub-section (f). Traffic shall enter only from the south and proceed only to the north upon the following named street, to-wit:

(1) Toledo Street from Ohio Street to New York Street.

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 the first time and referred to the Committee on Public Safety.

By the Board of Public Safety:

GENERAL ORDINANCE No. 47, 1939

AN ORDINANCE regulating the parking of vehicles upon the streets of the City of Indianapolis, providing a penalty for violation thereof, 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. It shall be unlawful for the operator of any vehicle to park the same or suuffer, permit or allow the same to be parked for a longer period than one and one-half hours between the hours of 7:00 A.M. and 6:00 P.M. on the north side of English Avenue from Audubon Road to Brookville Road.

Section2. It shall be unlawful for the operator of any vehicle on any day except Sunday or on a holiday to park the same or suffer, permit or allow the same to be parked for a longer period than one and one-half hours between the hours of 7:00 A. M. and 6:00 P. M. on Russell Avenue from Merrill Street to McCarty Street and on South Illinois Street from South Street to Merrill Street.

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

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

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

By the Board of Public Safety:

GENERAL ORDINANCE No. 48, 1939

AN ORDINANCE prohibiting parking of vehicles upon certain streets of the City of Indianapolis, providing a penalty for the violation thereof, repealing Section 2 of General Ordinance No. 14, 1939; and fixing a time when the same shall take effect.

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

Section 1. It shall be unlawfuul for the operator of any vehicle to park the same or suffer, permit or allow the same to be parked on the following streets:

- (a) On the south side of Roosevelt Avenue between Gale Street and Sherman Drive.
- (b) On the east side of South Meridian Street from the south curb line of Adler Street to Pleasant Run Parkway.
- On the west side of Meridian Street from a point starting eighty-two (82) feet south of the south curb line of the Bluff Road and continuuing south for a distance of two hundred twenty (220) feet.

Section 2. Any person violating any provision of this ordinance shall, upon conviction, be fined in any sum not exceeding Three Hundred Dollars (\$300.00), to which may be added imprisonment not exceeding one hundred eighty (180) days.

Section 3. Section 2 of General Ordinance No. 14, 1939, is hereby repealed.

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

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

By Councilman Harmon A. Campbell:

GENERAL ORDINANCE No. 50, 1939

AN ORDINANCE providing for certain licenses; providing a penalty for failure to obtain such license; 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 every company, corporation, firm, individual or association who would operate, conduct, maintain or exhibit at a place other than a regularly licensed theatre any contest or exhibition, the winning of which depends, in whole or in part, upon physical strength or endurance, and which involves risk of injury to the contestants, shall first procure a license therefor from the City Controller upon the recommendation of the Chief of Police, and shall pay therefor a license fee of Five Hundred Dollars (\$500.00) for each day on which such contest or exhibition is given.
- Section 2. Provided, however, that the provisions of this ordinance shall not apply to or include:
- (a) Wrestling matches or exhibitions; boxing matches or exhibitions; football games; basketball games; baseball games.
- (b) Contests or exhibitions conducted or continued for less than one (1) week, and which are sponsored by and conducted in the name of a bona fide local society, association or corporation not operated for profit.
- Section 3. Any company, corporation, firm, individual, or association violating any of the provisions of this ordinance shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), to which may be added imprisonment not exceeding thirty (30) days, and each day's continuance of such violation shall constitute a separate offense.

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

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

By the Board of Public Works and Sanitation:

SPECIAL ORDINANCE No. 7, 1939

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

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

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

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

All of lots 1, 2, 3, 4,5, 6, 7, 8 and 9 in Phillipine Lather Estates 16th Street Addition to the City of Indianapolis as recorded in plat book 17, page 107, in the Recorder's Office of Marion County, excepting. 50 feet by parallel lines off the entire north side of said lots acquired by the Board of Public Works in D.R. 15102-A on file in the office of the Board of Public Works and Sanitation.

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

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

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

ORDINANCES ON SECOND READING

Mr. Bach called for Appropriation Ordinance No. 7, 1939, for second reading. It was read a second time.

On motion of Mr. Bach, seconded by Mr. Moore, Appropriation Ordinance No. 7, 1939, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 7,1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, and Vice-President Ross.

Mr. Ransom called for General Ordinance No. 39, 1939, for second reading. It was read a second time.

On motion of Mr. Ransom, seconded by Mr. Deluse, General Ordinance No. 39, 1939, was ordered engrossed, read a third time and placed upon its passage.

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General Ordinance No. 39, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Vice-President Ross.

General Ordinances Nos. 23, 33, 40 and Special Ordinance No. 6, 1939, were held for further consideration at the request of the Committees to whom they were referred.

On motion of Mr. Bach, seconded by Mr. Deluse, the Common Council adjourned at 9:40 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 3rd day of July, 1939, at 7:30 P. M.

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

Attest:

Joseph & Wood

President.

John M. Layton

City Clerk

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