

## REGULAR MEETING

Monday, January 20, 1941.

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, January 20, 1941, at 7:30 P. M. in regular session. President Joseph G. Wood 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, Guy O. Ross, President Joseph G. Wood.

## COMMUNICATIONS FROM THE MAYOR

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

### GENERAL ORDINANCE NO. 106, 1940

AN ORDINANCE to amend Section 2 of General Ordinance No. 65, 1939, and fixing a date when the same shall take effect.

## GENERAL ORDINANCE NO. 114, 1940

AN ORDINANCE regulating parking on certain parts of certain streets in the City of Indianapolis; providing a penalty for the violation thereof; and fixing a time when the same shall take effect.

## RESOLUTION NO. 1, 1941

A RESOLUTION vacating a certain burial ground or cemetery on city-owned property within the limits of the City of Indianapolis, ordering the preparation of a list of the names of the deceased persons whose bodies remain interred therein, providing for publication of notice to all interested persons, ordering the removal and reinterment of the remains of such deceased persons remaining unclaimed at the expense of the Board of Park Commissioners, and fixing a time when the same shall take effect.

## RESOLUTION NO. 6, 1940

A RESOLUTION requesting the Honorable Reginald H. Sullivan, Mayor of the City of Indianapolis, to instruct the City Legal Department to investigate and report as to the necessity of legislation or other necessary steps for the creation of funds to pay the costs of elevating the railroad tracks at the various crossings on the south side of Indianapolis.

Respectfully,

R. H. SULLIVAN,  
Mayor.

TO THE HONORABLE PRESIDENT and  
MEMBERS OF THE COMMON COUNCIL:

In connection with the affixing of my signature to Resolution No. 6, 1940, I am pleased to advise you that I have obtained a formal legal opinion pertaining to the same from Mr. Edward H. Knight, corporation counsel.

If at any time you desire as individuals or as a body to examine this opinion, it will be at your disposal.

Very truly yours,

R. H. SULLIVAN,  
Mayor.

### COMMUNICATIONS FROM CITY OFFICIALS

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

Gentlemen:

I beg leave to report that pursuant to the laws of the State of Indiana, I caused the attached notice of Petition and Determination by the Common Council to be inserted in the Indianapolis Times and copies of the attached were posted in the City Hall, Court House and Tomlinson Hall, under date of January 13, 1941.

Very truly yours,

JOHN M. LAYTON,  
City Clerk.

### NOTICE OF PETITION TO AND DETERMINATION BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA.

Notice is hereby given to all interested persons that a written petition, signed by more than five (5) resident freeholders of the City of Indianapolis, Indiana, was filed with the Common Council of said city on December 16, 1940, wherein said Council was requested to vacate the continued use as a burial ground or cemetery of a

certain parcel of city owned land, which said land is located in the City of Indianapolis, Marion county, Indiana, and is in the right of way of the proposed extension of Maple Road Boulevard or 38th Street, from White River west to Cold Springs Road, and is more particularly described as follows: A part of the northwest quarter of Sec. 22, Twp. 16 North, Range 3 East, more particularly described as follows: Beginning at the northwest corner of Sec. 22, Twp. 16 North, Range 3 East, Marion County, Indiana; thence east along the north line of the aforesaid Sec. 22, a distance of 25 feet to a point; thence south parallel to the west line of the aforesaid Sec. 22 a distance of 50 feet to a point; thence west parallel to the north line of the aforesaid Sec. 22 a distance of 25 feet to a point in the west line of the aforesaid Sec. 22; thence north along the west line of the aforesaid Sec. 22 a distance of 50 feet to the place of beginning..

All interested persons are further notified that such Common Council, as the proper officers of said city therein, on the 6th day of January, 1941, adopted and caused to be entered upon the Council records a resolution, known as Resolution No. 1-1941, wherein said Council found and determined that said city, acting by and through its Common Council, should vacate the continued use as a burial ground or cemetery the aforesaid tract or parcel of land, and pursuant to such finding and determination, it did thereupon vacate such use of said land.

Pursuant to the authorization in said Resolution No. 1, 1941, made and provided, the undersigned City Clerk of the City of Indianapolis has prepared, as nearly as may be, a complete list of the deceased persons whose bodies remain interred in and are to be removed from said burial ground or cemetery; that, as the undersigned is informed and believes, said burial ground or cemetery contains two (2) graves, which graves now contain the remains of Abraham M. Epler and his daughter, Elizabeth Epler, identified by stone markers, as follows: One gravestone marked: "Abraham Epler, Died Nov. 18, 1859, aged 50 years, 9 months, 28 days"; and one gravestone marked: "Elizabeth Epler, daughter of Abraham and Mary L. Epler, Died Dec. 29, 1852, Aged 19 years, 11 months, 11 days."

Notice is hereby given to all the known and to all the unknown heirs and descendents of the said Abraham M. Epler and said Elizabeth Epler, separately and severally, and to all friends and relatives thereof, and to all other interested persons, that on and after the 25th day of March, 1941, which is more than sixty (60) days after the

last publication hereof, the Common Council of the City of Indianapolis will cause the bodies then remaining in said burial ground or cemetery to be exhumed. Said Council has further ordered that the remains of such persons as may be claimed by their relatives and friends, within the period of time aforesaid, shall be delivered to such claimants for removal and reinterment. Said Council has further ordered that the remains of all persons then and so remaining unclaimed, shall be removed and reinterred in Round Hill Cemetery, and that the cost of such removal and reinterment of said remains, together with the cost of a suitable burial lot and the cost of removing and reinstalling the gravestones, shall be at the expense of the Board of Park Commissioners of said city, which has been authorized and ordered by said Council to supervise the removal and reinterment of said remains as hereinabove provided, and to remove and reinter any of said remains then remaining unclaimed at any time after the lapse of sixty (60) days from the date of the last publication of this notice, which last publication is hereby fixed as the 20th day of January, 1941.

The vacation of the aforesaid use of said tract or parcel of land, together with all proceedings herein, is pursuant to and in conformity with Sec. 263, Chapter 129, of the Acts of the Indiana General Assembly of 1905, and all acts amendatory thereof and supplemental thereto.

Dated at Indianapolis, this 11th day of January, 1941.

CITY OF INDIANAPOLIS,

By John M. Layton,  
City Clerk.

(To be published once each week, for two (2) consecutive weeks, in one newspaper of general circulation printed and published in Marion County, Indiana.)

Publish in Indianapolis Times  
on January 13, 1941 and January 20, 1941.

January 20, 1941

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

Gentlemen:

Submitted herewith is General Ordinance No. 2, 1941, to prohibit parking at all times on the south side of West Tenth Street from the west curb line of Capitol Avenue to the east curb line of Roanoke Street, and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By L. J. Keach,  
President.

LJK-EHA

January 20, 1941

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

Gentlemen:

Submitted herewith is General Ordinance No. 3, 1941, establishing an 18 foot "loading zone" at 222 Massachusetts Avenue for the Akron Surgical House, and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

By L. J. Keach,  
President.

LJK-EHA

January 20th, 1941

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

Gentlemen:

Attached hereto are 18 copies of General Ordinance No. 4, 1941, authorizing the Board of Health and Charities, through its duly appointed Purchasing Agent, to purchase General Supplies, used and to be used during the year of 1941 for the Indpls. City Hospital.

These bids were duly advertised according to law and opened in public before the Board of Health and Charities, and after being duly considered by the Board, the awards were made to the lowest and best bidders.

The Purchasing Agent respectfully recommends the passage of this Ordinance.

Respectfully submitted,

DEPARTMENT OF PUBLIC PURCHASE,

AHL:rl

Albert H. Losche, Purchasing Agent.

Mr. Deluse asked for a recess. The motion was seconded by Mr. Ropkey and the Council recessed at 7:45 P. M.

The Council reconvened at 10:00 P. M. with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., January 20, 1941.

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. 69, 1940, entitled

Amending Sec. 9 of G. O. 87, 1935, as amended  
(Taxistands)

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  
ERNEST C. ROPKEY  
F. B. RANSOM  
HARMON A. CAMPBELL  
RALPH F. MOORE

Indianapolis, Ind., January 20, 1941.

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. 96, 1940, entitled

Repealing G. O. 11, 1933; 23, 1933; 34, 1933 and 9, 1936

Licensing Poultry Dealers

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

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



Indianapolis, Ind., January 20, 1941.

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. 102, 1940, entitled

Limiting parking to 30 min. in downtown loop on Louisiana Street, McCrea and Jackson Place

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

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

Indianapolis, Ind., January 20, 1941.

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. 1, 1941, entitled

Prohibiting parking on certain parts of E. 10th St., N.

Capitol Ave. & N. Meridian St. during certain hours  
beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended.

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

## INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

## GENERAL ORDINANCE NO. 2, 1941

AN ORDINANCE prohibiting parking on a certain part of West Tenth Street in 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 a vehicle to park the same or suffer, permit or allow the same to be parked at any time upon a certain part of West Tenth Street in the City of Indianapolis, described as follows, to-wit:

- (a) On the south side of West Tenth Street from the west curb line of Capitol Avenue to the east curb line of Roanoke Street.

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. 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. 3, 1941

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.

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

Section 1. That for the purpose of providing the owner or occupant of certain premises fronting on a certain public street in the City of Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owner or occupant having complied with the provisions of Section 26 of General Ordinance No. 96-1928, as amended by General Ordinance relative to the establishment of passenger and/or loading zones, at the place hereinafter set out, and the Board of Public Safety having caused investigation to be made thereof and having recommended the establishment, pursuant to the terms of the aforesaid ordinance, the following passenger and/or loading zone be and the same is hereby established in the City of Indianapolis, to-wit:

An 18 foot zone in front of 222 Massachusetts Avenue, said premises being occupied by the Akron Surgical House.

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 Safety.

By the Department of Public Purchase:

GENERAL ORDINANCE NO. 4, 1941

AN ORDINANCE authorizing the Board of Health of the City of In-

dianapolis to purchase, through its duly authorized purchasing agent, materials, supplies, merchandise and services to be used in and in connection with the Indianapolis City Hospital; 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 Board of Health of the City of Indianapolis be and it is hereby authorized to purchase, through its duly authorized purchasing agent, the hereinafter designated materials, supplies, merchandise and services to be used at and in connection with the Indianapolis City Hospital, to-wit:

Requisition No. 1937—Bakery Goods .....	\$10,000.00
Requisition No. 2084—Ether and Anesthesia .....	4,500.00
Requisition No. 2123—Canned Goods .....	8,000.00
Requisition No. 2111—Ampoules .....	2,500.00
Requisition No. 2122—Glucose Solutions .....	4,000.00
Requisition No. 1921—Milk, Cream, Fresh, Buttermilk, Cottage Cheese .....	18,000.00
Requisition No. 2158—Cotton Gause .....	5,500.00
Requisition No. 2092—Surgeons' Rubber Gloves .....	2,200.00
Requisition No. 2091—Adhesive Tape .....	1,200.00
Requisition No. 2118—Suture Material .....	10,000.00
Requisition No. 2229—X-ray Films and Mounts .....	5,000.00
Requisition No. 2116—Medical Oxygen .....	3,000.00
Requisition No. XYZ—Incandescent Lamp Bulbs for the Entire City of Indianapolis ....	5,100.00

Section 2. That said purchases shall be made from the lowest and best bidders thereon whose bids have been received after a published advertisement for competitive bids therefor, according to law, and the total cost of the same shall not exceed the sum of money hereinabove set out.

Section 3. That the purchase prices for the said above named materials, supplies, merchandise and services shall be paid out of funds heretofore appropriated to the Department of Public Health and Charities for the year 1941.

Section 4. 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 Health and Charities.

### ORDINANCES ON SECOND READING

Mr. Deluse called for General Ordinance No. 96, 1940, for second reading. It was read a second time.

Mr. Deluse presented the following written motion to amend General Ordinance No. 96, 1940.

January 20, 1941.

Mr. President:

I move that General Ordinance No. 96, 1940, including its title, be amended to read as follows, to-wit:

#### GENERAL ORDINANCE NO. 96, 1940

AN ORDINANCE to amend Sections 1, 5 and 17 of General Ordinance No. 9, 1936 of the City of Indianapolis, Indiana, 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 1 of General Ordinance No. 9-1936 be amended to read as follows:

Section 1. Dealers in poultry and eggs, for the purposes of this ordinance are hereby divided into two classes, viz.: "Itinerant Poultry Dealers," who are hereby defined as any

person, firm, corporation or association, who, in person, or from any vehicle or temporary location within the City of Indianapolis, sells or delivers or offers for sale, any eggs or live or dressed poultry, such dealer having no permanently established store in the City of Indianapolis where eggs and live or dressed poultry are regularly sold or offered for sale; and "Local Poultry Dealers," who are hereby defined as any person, firm, corporation or association having an established store or place within the City of Indianapolis, where there is sold or offered for sale, at retail or wholesale, any live poultry and/or any store or place within the City of Indianapolis, where there is sold or offered for sale, at wholesale, any eggs.

Section 2. That Section 5 of General Ordinance No. 9-1936 be amended to read as follows, to-wit:

Section 5. Beginning July 1, 1936, licenses for the carrying on of said business shall be issued annually and shall expire on the 30th day of June, of each year; shall not be transferable, and no deductions shall be allowed from the fee for such license for any part of the year during which the license shall have been issued. The license fee for carrying on the business of "Itinerant Poultry Dealer," as herein defined, shall be Twenty-five Dollars (\$25.00) per annum. The license fee for carrying on the business of "Local Poultry Dealer," as herein defined, shall be Twenty-five Dollars (\$25.00) per annum for each and every such store or place. Provided, that one-half of the regular license fee shall be charged for any license issued on or after January 1st of any year.

Section 3. That Section 17 of General Ordinance No. 9-1936 be amended to read as follows, to-wit:

Section 17. All ordinances and parts of ordinances in conflict herewith are hereby repealed, and particularly General Ordinance 11-1933 and General Ordinance No. 23-1933 amended by General Ordinance No. 34-1933.

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.

A. O. DELUSE,  
Councilman.

The motion was seconded by Mr. Bach and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

On motion of Mr. Deluse seconded by Mr. Bach, General Ordinance No. 96, 1940, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 96, 1940, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Deluse made a motion to strike General Ordinance No. 102, 1940, from the files. The motion was seconded by Mr. Moore and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Deluse called for General Ordinance No. 1, 1941, for second reading. It was read a second time.

Mr. Deluse presented the following written motion to amend General Ordinance No. 1, 1941:

Mr. President:

I move that General Ordinance No. 1, 1941, be amended by striking out sub-section "A" of Section 1 and sub-section "B" of Section 2, and that the lettering of the sub-sections of the Ordinance as amended, be corrected accordingly.

A. O. DELUSE.

The motion was seconded by Mr. Ransom and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

On motion of Mr. Deluse, seconded by Mr. Ransom, General Ordinance No. 1, 1941, as amended, was ordered engrossed, read a third time and place upon its passage.

General Ordinance No. 1, 1941, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6, viz: Mr. Bach, Mr. Deluse, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Noes, 3, viz: Mr. Campbell, Dr. Hemphill, Mr. Moore.

Dr. Hemphill requested that he be allowed to change his vote from "No" to "Aye." The request was approved, which changed the roll call vote to, namely:



Ayes, 7, viz: Mr. Bach, Mr. Deluse, Dr. Hemphill, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Noes, 2, viz: Mr. Campbell, Mr. Moore.

Dr. Hemphill made a motion that General Ordinance No. 1, 1941, as amended, be reconsidered and placed on second

reading. Mr. Campbell seconded the motion, which failed to pass by the following roll call vote:

Ayes, 3, viz: Mr. Campbell, Dr. Hemphill, Mr. Moore.

Noes, 6, viz: Mr. Bach, Mr. Deluse, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

General Ordinance No. 69, 1940, was held for further consideration by the Committee to which was referred.

On motion of Mr. Moore, seconded by Mr. Deluse, the Common Council adjourned at 10:10 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 20th day of January, 1941, 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:

*President.*



*City Clerk.*

(SEAL)