

## SPECIAL MEETING.

COUNCIL CHAMBER,  
CITY OF INDIANAPOLIS,  
April 9, 1894. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday, April 9, 1894, at 8 o'clock P. M., in special session, pursuant to the following call:

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS,  
April 6, 1894. }

*To the President and Members of the Common Council:*

GENTLEMEN—On account of important business now pending before your honorable body needing prompt action, I deem it expedient that you should meet prior to the time fixed by your rules for the next regular session. I therefore call a special meeting of the Common Council of the City of Indianapolis, to convene in the Council Chamber of said city, on Monday, April 9, 1894, at the hour of 8 o'clock P. M. At said meeting it will be lawful for you to consider and act upon any business that may be done at a regular meeting; and as several ordinances that may be called up for final action will require the votes of two-thirds of all the members elect, in order to pass them, it is requested that all the members will attend.

C. S. DENNY,  
*Mayor.*

I, Lee Nixon, Clerk of the Common Council, do hereby certify that I have served above notice upon the President and each member of the Common Council, prior to time of meeting, pursuant to the rules.

LEE NIXON,  
*City Clerk.*

Present, Hon. Wm. H. Cooper, President of the Common Council, in the Chair, and 18 members, viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Magel, Merritt, Murphy, O'Brien, Puryear, Ryan, Schmid, Shaffer, Stein, Stott and Young.

Absent, 2—viz: Messrs. Krauss and Rauh.

The Clerk proceeded to read the Journal, whereupon Councilman Schmid moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

## REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Koehring, on behalf of the Special Committee on Public Property and Improvements, to whom was referred :

G. O. No. 27, 1894. An ordinance to repeal G. O. No. 22 of 1892, entitled "An ordinance authorizing and providing for the sale and conveyance of what is known as the Pest House property belonging to the City of Indianapolis," etc., passed by the Common Council June 6, 1892.

And—

G. O. No. 28, 1894. An ordinance providing for the sale and conveyance of nine and sixty-four hundredths acres of land belonging to the City of Indianapolis, heretofore used for Pest House purposes.

Made the following report:

*To the President and Members of the Common Council:*

GENTLEMEN—Your Committee on Public Property and Improvements, to whom was referred General Ordinances Nos. 27 and 28, have considered the same, and recommend that they be passed.

CHAS. KOEHRING.

ED. G. STOTT.

GEO. R. COLTER.

Which was read and concurred in.

Mr. Drew, on behalf of the majority of Committee on Sewers, Streets and Alleys, to whom was referred :

G. O. No. 23, 1894. An ordinance authorizing the improvement of the roadway of Alabama street, from the north curb line of Maryland street to the southeast property line of Massachusetts avenue, in the City of Indianapolis, in Marion County, State of Indiana, by grading and paving the roadway to a width of sixty (60) feet, including the tracks of the Citizens' Street-railroad, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake in the island of Trinidad) or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections not already improved, and at the south end of the pavement; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys not already improved, between the above named points; and fixing the time when this ordinance shall take effect.

And—

G. O. No. 24, 1894. An ordinance authorizing the improvement of the roadway of Alabama street, in the City of Indianapolis, in Marion County, State of Indiana, from the northwest property line of Massachusetts avenue to the southeast property line of Ft. Wayne avenue, by grading and paving the roadway for a width of fifty (50) feet, from curb to curb, excepting the area between the rails and tracks of the Citizens' Street-railroad Company, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake in the island of Trinidad), or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections and at the north end and west side of the pavement above St. Clair street; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys between the above named points; and fixing the time when this ordinance shall take effect.

Made the following report :

INDIANAPOLIS, IND., April 9, 1894.

*Mr. President:*

Your committee to whom was referred General Ordinances Nos. 23 and 24, 1894, concerning Alabama street improvements, beg leave to report :

That the City Charter in specifying who may remonstrate against confirmed or modified resolutions for street improvements does not confer upon any remonstrator the right to interfere with the kind of improvement decided upon. The details of the work are open for discussion, and the character of the improvement can be amended before the Board of Public Works have confirmed or modified the resolution. After that time the remonstrance can only be legally made with a view of stopping the entire improvement.

If this feature of the City Charter causes a hardship to the tax-payers it can be amended by the Legislature, but the City Council has no right to abrogate the charter in this respect, nor to make any law not warranted by the charter.

Your committee started out with the popular idea that it was expected to listen to the individual opinions and wishes of the remonstrators as to the kind of improvements to be made, and to procure information in various ways as to the most desirable improvements, the relative cost, etc., etc., and we have done considerable work in that direction that may be of value, but it has no place in this report.

We hear no complaint that the Board of Public Works has failed to consider the wishes of the remonstrators up to the time the resolutions were amended or confirmed. No claim is made that they have not had a respectful hearing, but the charter provides that the character of the street improvements finally ordered shall be decided by the Board, and not by the abutting property owners nor by the City Council.

The important question for you to consider is whether Alabama street needs improving, and we can report that it does. Any member has but to see the condition of the street to decide that no documentary evidence is required to confirm this report in that particular.

The improvement ordered by the Board is about what has been adopted in this city heretofore, and is the same as many other large cities are using at this time, and we find no good reason for advising you to vote against the ordinance because of the character of the improvement.

A continuation of the progressive policy of improving the streets of this city is of so much importance that no backward step should be taken without good cause. Some consideration must be shown for the people's interests throughout the city, and more than a passing thought given to those who have already paid assessments under this law for street improvements as well as to the abutting property owners on Alabama street. A serious thing to consider is their ability to pay for street improvements, but the Barrett law modifies the hardship somewhat by extending the time of payment over a period of ten years.

We recommend that the ordinances be passed.

LUCIUS W. DREW.

WM. HENNESSY.

Mr. Shaffer, on behalf of the minority of Committee on Sewers, Streets and Alleys, to whom was referred General Ordinances Nos. 23 and 24, of 1894, made the following report :

INDIANAPOLIS, IND., April 9, 1894.

*Mr. President:*

Your committee to whom was referred General Ordinances Nos. 23 and 24, 1894, concerning Alabama street improvements, beg leave to recommend that they be stricken from the files..

GEO. W. SHAFFER.

Mr. Shaffer moved the adoption of the minority report as a substitute for the majority report.

Which motion was lost.

Mr. Drew then moved the adoption of the majority report.

Which motion prevailed.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following ordinance was introduced.

By Mr. Shaffer:

G. O. No. 29, 1894. An ordinance to protect electric light property.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person to throw any stone, club, missile, or any thing at any electric light pole, wire, lamp or apparatus, in the City of Indianapolis; or to interfere with or injure the same in any manner whatsoever; or to interfere with or injure any of the machinery, boilers, engines, dynamos or other apparatus in any of the power stations where electric current is produced.

SEC. 2. That it shall be unlawful for any person to print, paint, stamp, stencil, paste or affix to any electric light pole any sign, advertisement, placard, bill, handbill, or any device except the city street signs; or in any other manner to injure or deface any such pole.

SEC. 3. That it shall be unlawful for any person, without the previous consent of the person, firm or corporation owning or controlling any electric light plant or wire in the City of Indianapolis to connect with any electric light wire so owned or operated by any such person, firm or corporation, without such written consent.

SEC. 4. Any person violating any of the provisions in this ordinance shall, upon conviction, be fined in any sum not exceeding fifty dollars (\$50).

SEC. 5. This ordinance shall be in force from and after its passage and publication once each week for two weeks consecutively in *The Sun*, a daily newspaper of general circulation, printed and published in the said City of Indianapolis, Marion County, Indiana.

Which was read first time and referred to Special Committee on Public Property and Improvements.

#### ORDINANCES ON SECOND READING.

On motion of Mr. Drew, the following entitled ordinance was taken up and read the second time:

G. O. No. 23, 1894. An ordinance authorizing the improvement of the roadway of Alabama street, from the north curb line of Maryland street to the southeast property line of Massachusetts avenue, in the City of Indianapolis, in Marion County, State of Indiana, by grading and paving the roadway to a width of sixty

(60) feet, including the tracks of the Citizens' Street-railroad, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake in the island of Trinidad) or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections not already improved, and at the south end of the pavement; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys not already improved, between the above named points; and fixing the time when this ordinance shall take effect.

Mr. Shaffer presented a memorial signed by five freeholders on Alabama street.

Which was read.

Mr. Drew moved that G. O. No. 23, 1894, be engrossed.

Which motion prevailed.

On motion of Mr. Drew, G. O. No. 23, 1894, was then read the third time, and failed of passage, for want of a constitutional majority, by the following vote:

AYES 10—viz: Messrs. Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Merritt, O'Brien, Ryan and Stein.

NAYS 9—viz: Messrs. Allen, Magel, Murphy, Puryear, Schmid, Shaffer, Stott, Young and President Cooper.

On motion of Mr. Drew, the following entitled ordinance was taken up, read the second time, ordered engrossed, and then read the third time:

G. O. No. 24, 1894. An ordinance authorizing the improvement of the roadway of Alabama street, in the City of Indianapolis, in Marion County, State of Indiana, from the northwest property line of Massachusetts avenue to the southeast property line of Ft. Wayne avenue, by grading and paving the roadway for a width of fifty (50) feet, from curb to curb, excepting the area between the rails and tracks of the Citizens' Street-railroad Company, with the best quality of standard asphalt sheet pavement, made with the best quality of standard Trinidad asphalt (commonly known as Pitch Lake asphalt, mined directly from Pitch Lake in the island of Trinidad), or asphalt of a quality equal, in all respects, or superior thereto; by putting a marginal finish at street and alley intersections and at the north end and west side of the pavement above St. Clair street; by curbing with new stone the gutters thereof; and paving and curbing the wings of all connecting streets and alleys between the above named points; and fixing the time when this ordinance shall take effect.

And failed of passage, for want of a constitutional majority, by the following vote:

AYES 10—viz: Messrs. Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Merritt, O'Brien, Ryan and Stein.

NAYS 9—viz: Messrs. Allen, Magel, Murphy, Puryear, Schmid, Shaffer, Stott, Young and President Cooper.

On motion of Mr. Koehring, the following entitled ordinance was taken up, read second time, ordered engrossed, and then read the third time:

G. O. No. 27, 1894. An ordinance to repeal G. O. No. 22 of 1892, entitled "An ordinance authorizing and providing for the sale and conveyance of what is known as the Pest House property belonging to the City of Indianapolis," etc., passed by the Common Council June 6, 1892.

And was passed by the following vote:

AYES 19—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Magel, Merritt, Murphy, O'Brien, Puryear, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

On motion of Mr. Koehring, the following entitled ordinance was taken up, read second time, ordered engrossed, and then read the third time:

G. O. No. 28, 1894. An ordinance providing for the sale and conveyance of nine and sixty-four hundredths acres of land belonging to the City of Indianapolis, heretofore used for Pest House purposes.

And was passed by the following vote:

AYES 19—viz: Messrs. Allen, Colter, Costello, Drew, Hennessy, Kaiser, Koehring, Magel, Merritt, Murphy, O'Brien, Puryear, Ryan, Schmid, Shaffer, Stein, Stott, Young and President Cooper.

NAYS—None.

On motion of Mr. Puryear, the Common Council, at 8:45 o'clock P. M., adjourned.

ATTEST:

*Lee Nixon*

City Clerk.

*M. H. Cooper*

President.