

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, May 3, 1915.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, May 3, 1915, at 7:30 o'clock in regular session, President Thomas C. Lee in the chair.

Present: The Hon. Thomas C. Lee, President of the Common Council, and 8 members, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham and Shea.

Mr. Porter moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 20, 1915.

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

GENTLEMEN—I have approved and signed General Ordinance No. 12, 1915, the same being an ordinance entitled "An ordinance regulating the sale of chickens, fowls, poultry and game birds and wild fowl of all kinds, previously stored in cold storage and refrigerating warehouses, providing a penalty for violation of any of its provisions and repealing all ordinances in conflict therewith."

I return the said ordinance herewith.

Yours very truly,
J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 22, 1915.

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

GENTLEMEN—I have approved and signed Resolution No. 3, 1915, the same being a request addressed to the Honorable Rudolph Blankenburg, Mayor of the City of Philadelphia, urging him to arrange to have the Liberty Bell sent through Indianapolis on its way to San Francisco, and asking the co-operation of city officials in regard to the same.

I wish to say, however, that this matter has already received attention and I have, in connection with the Governor of the State, communicated with the Mayor of Philadelphia, asking that the Liberty Bell be exhibited in the City of Indianapolis on its way to San Francisco. Mayor Blankenburg replied to our communication, stating that he would endeavor to comply with our request.

I return the said resolution herewith.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 28, 1915.

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

GENTLEMEN—I have approved and signed the following ordinances:

1. Appropriation Ordinance No. 9, 1915, the same being an ordinance entitled "An ordinance appropriating \$2,500 to the Department of Public Works for repairs, alterations and furnishing of certain office rooms and fixing the time when same shall take effect."

2. Special Ordinance No. 4, 1915, the same being an ordinance entitled "An ordinance changing and defining a part of the boundary line of the corporate limits of the City of Indianapolis, Indiana, extending the same and annexing to the City of Indianapolis certain territory, providing for the publication thereof, and fixing the time when same shall take effect."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 22, 1915.

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

GENTLEMEN—I have approved and signed the following ordinances:

1. Special Ordinance No. 2, 1915, the same being an ordinance entitled "An ordinance to change the name of the street known as Brightwood Avenue to Sherman Drive."

2. Special Ordinance No. 3, 1915, the same being an ordinance entitled "An ordinance concerning changing of the name of a certain street in the City of Indianapolis, and fixing the time when the same shall take effect, and repealing all ordinances in conflict therewith."

3. General Ordinance No. 13, 1915, the same being an ordinance entitled "An ordinance providing for the destruction of confiscated weights and measures, and for the sale of the junk obtained from such weights and measures by the chief inspector of weights and measures."

4. Appropriation Ordinance No. 8, 1915, the same being an ordinance entitled "An ordinance appropriating to the Department of Law \$2,000 for judgments, compromises and costs, and \$1,000 for changes of venue, and fixing the time when the same shall take effect."

5. General Ordinance No. 10, 1915, the same being an ordinance entitled "An ordinance authorizing the sale of one hundred (100) bonds of one thousand (\$1,000) dollars each of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law, for the purpose of procuring money to be used in the elevation of railroad tracks and work thereunto appertaining, and providing for the time and manner of advertising, sale of bonds and the receipt of bids for the same, together with the mode and terms of sale, and fixing a time when the same shall take effect."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 28, 1915.

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

GENTLEMEN—I return herewith, without my signature, and for your further consideration, General Ordinance No. 67, 1914, the same being an ordinance entitled "An ordinance for the protection of permanently improved streets, requiring owners of property to make private connections with sewer, water and other like pipes and public conveniences and bring the same inside the curb of streets before the permanent improvement thereof, and requiring gas companies having mains in the street or alley to lay service pipes to the property line and curb box of each property on the street or alley, and repealing all ordinances in conflict therewith, and fixing a time when the same shall take effect."

This ordinance was prepared by the Legal Department some weeks ago and presented to you for the purpose of requiring the gas company to pay for service pipes running from the company's main to the street curb.

Under the old ordinance of 1907, which is now in force, the property owner was required to pay for the extension of these service pipes as a part of the cost of the improvement of the street, and the ordinance now in question was prepared by the Legal Department for the purpose of shifting this burden from the property owner to the gas company.

When the ordinance was introduced, the gas company raised the question that it was unfair to make the company pay for the service pipes,

the use of which was not contemplated at the time they were put in. In other words, the company contended that they should not be required to pay the cost of the service pipes until at such time as the property owner was ready to use gas.

Under this new ordinance which you just passed, the gas company would be required to pay for putting in the service pipes, regardless of whether they would ever be used to furnish gas to the abutting lot or property.

The gas company contended that this provision of the ordinance which required them to pay for the service pipes, regardless of whether they were ever to be used, was illegal, and could not be enforced. Therefore, the gas company gave notice that it would contest the validity of the ordinance. If the matter has to go to court it will result in the ordinance being tied up for a long period of time, during which time the Board of Public Works would be greatly handicapped in the matter of making improvements, because of the uncertainty as to where to place the cost of laying the service pipes. The result of this would be that many improvements would be let without service pipes being included, which would make it necessary to cut into the pavement for the purpose of putting in these service pipes at future times when property owners desired to use gas.

A number of conferences were held with the representatives of the gas company and it was finally agreed that when streets are improved, gas service pipes shall be put in as a part of the cost of the improvement, as was provided under the ordinance of 1907, which is the ordinance now in force; and whenever the abutting property owner shall thereafter use the service pipe in furnishing gas to the property, the gas company shall then pay to the owner of the property the original cost of putting in the service pipe. In other words, the gas company shall pay for the service pipes whenever the pipe is used by the company, and, in addition thereto, the gas company has agreed that this shall also apply to the improvement of alleys as well as to the main public streets.

About the time this agreement was reached, and before it could be communicated to the Common Council, the ordinance in question, being No. 67, 1914, was passed.

The Legal Department has prepared a new ordinance which is practically a re-enactment of the old ordinance, with a provision added therein requiring the gas company to pay to the lot owner the cost of the service pipes whenever abutting property owners begin taking gas through the same.

If the Common Council accepts this new ordinance, prepared in accordance with the agreement with the gas company, it will result in avoiding all litigation concerning the legality of the ordinance, and, the gas company having signified its acceptance of the terms thereof, it will enable the Department of Public Works to proceed with street improvements without any interruption whatever on account of disputes as to gas service pipes.

I submit to you herewith the new ordinance which has been prepared by the Legal Department in accordance with this agreement, and I also enclose you the written communication received from the gas company signifying its acceptance of the new ordinance.

I, therefore, return General Ordinance No. 67, 1914, without my signature, and ask that you pass the new ordinance submitted herewith in its place.

Yours very truly,

J. E. BELL,
Mayor.

CITIZENS GAS COMPANY
OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 28, 1915.

Mayor Joseph E. Bell, City:

DEAR SIR—We beg to call your attention to General Ordinance No. 67, passed Monday, April 19. The ordinance as passed undertakes to reverse the pre-existing law applicable to extensions on streets about to be improved and requires the gas company at its expense to make connections from the gas mains to the property line of every lot without reference to whether there is any present or future demand for gas. We should be compelled to contest the validity of this ordinance, as lot connections at the cost of the gas company should only be required when a contract is entered into for the use of gas. A lot connection to a vacant lot is of no value to the gas company unless there is to be some consumption of gas. The ordinance as passed would be unreasonable in compelling the gas company to make lot connections to hundreds of lots which may not be improved for years and many which may never be occupied. We wish, however, to be entirely fair. As we make the house connections when the owner contracts for gas we are willing to pay to the owner who has paid for a lot connection that can be used, the amount he may have paid whenever the lot is improved and the owner is ready to contract for gas.

The following amendment has been suggested as doing justice to all concerned.

"Whenever any gas company shall use any such service pipe or connection laid pursuant to the requirements of this ordinance for the purpose of furnishing gas to any consumer, then such gas company shall pay to the then owner of the lot, to which such service pipe or connection extends, the contract price or cost paid for laying such service pipe or connection at the time the same was laid."

If said ordinance as passed is vetoed and repassed with such a clause we will accept and cheerfully abide by the same.

Believing that the position we have taken in this matter will appeal to you and the members of the Council as fair and just, we respectfully petition you to veto said ordinance as passed and to recommend its re-passage in the form suggested.

Very respectfully,

CITIZENS GAS COMPANY,
By FRANKLIN VONNEGUT, *President*.

By Mr. Young:

INDIANAPOLIS, IND., May 3, 1915.

To the President and Members of the Common Council:

GENTLEMEN—I move that General Ordinance No. 67, 1914, be passed over the Mayor's veto.

(Signed) W. T. YOUNG.

Seconded by Mr. Graham.

The roll was called and General Ordinance No. 67, 1914, was passed over the veto of the Mayor by the following vote:

Ayes, 7, viz.: Messrs. Young, McGuff, Miller, Connor, Graham, Shea and President Thomas C. Lee.

Noes, 2, viz.: Messrs. Barry and Porter.

REPORTS FROM CITY OFFICERS.

From the City Clerk:

OFFICE OF THE CITY CLERK,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., April 28, 1915.

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

GENTLEMEN—I submit herewith communication acknowledging receipt of a copy of Resolution No. 3, 1915, by the Mayor of Philadelphia, Penn.

Respectfully,

THOMAS A. RILEY,
City Clerk.

OFFICE OF THE MAYOR,
CITY OF PHILADELPHIA.

April 26, 1915.

Thomas A. Riley, Esq., City Clerk, Indianapolis, Ind.:

DEAR SIR—The Mayor desires me to acknowledge receipt of your letter of April 23, enclosing copy of resolutions adopted by the Common Council of your city requesting that the Liberty Bell be routed through Indianapolis. The question of routing the bell will be largely in the hands of City Councils and probably will not be decided for some time. Numerous requests have been received from cities all over the country, and we shall have to choose a route touching as many points as possible. The request of your city will be given due consideration when the matter is finally taken up.

Respectfully yours,

CYRUS D. FOSS, JR.
Secretary to the Mayor.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., May 3, 1915.

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. 7, 1915, entitled "An ordinance licensing and regulating moving picture shows," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,

JOHN F. CONNOR,
W. T. YOUNG,
MICHAEL J. SHEA,
EDWARD MCGUFF.

Mr. Connor moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., May 3, 1915.

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, 1915, entitled "An ordinance licensing and regulating certain outdoor exhibitions and entertainments," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,

JOHN F. CONNOR,
MICHAEL J. SHEA,
EDWARD MCGUFF,
W. T. YOUNG.

Mr. Connor moved that the report of the Committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., May 3, 1915.

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. 10, 1915, entitled "An ordinance making additional appropriations to the Department of Law," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

Respectfully submitted,
 JOHN F. CONNOR,
 EDWARD MCGUFF,
 MICHAEL J. SHEA,

Mr. Connor moved that the report of the Committee be concurred in. Carried.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Young:

INDIANAPOLIS, IND., May 3, 1915.

Special Ordinance No. 6, 1915: An ordinance changing the name of Fairground Avenue to Parkwood Avenue, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the name of Fairground Avenue, in the City of Indianapolis, Indiana, be, and the same is, hereby changed to Parkwood Avenue.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

W. T. YOUNG.

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

By Mr. McGuff (by request):

Special Ordinance No. 5, 1915: An ordinance concerning changing of the name of a certain street in the City of Indianapolis, and fixing the time when the same shall take effect, and repealing all ordinances in conflict therewith.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the name of Bellefontaine Street, north of Fall Creek, shall be and hereby is changed so it will bear the name of Guilford Avenue.

SECTION 2. Whereas an emergency exists for the immediate taking effect of this ordinance, the same shall be in full force and effect from and after its passage.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Which was read a first time.

Mr. McGuff moved that the rules be suspended and Special Ordinance No. 5, 1915, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham, Shea and President Thomas C. Lee.

Mr. McGuff called for Special Ordinance No. 5, 1915, for second reading. It was read a second time.

Mr. McGuff moved that Special Ordinance No. 5, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 5, 1915, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham, Shea and President Thomas C. Lee.

By Mr. Young :

General Ordinance No. 16, 1915: An ordinance requiring a flagman to be stationed by the Lake Erie & Western Railroad Company at the crossing of said company's tracks over Twenty-eighth Street, in the City of Indianapolis, Indiana, providing a penalty for the violation thereof, providing for the publication thereof, repealing General Ordinance No. 23, 1914, and fixing a time when this ordinance shall take effect.

Be it ordained by the Common Council of the City of Indianapolis, That :

SECTION 1. It shall be the duty of every person connected with the control or management of the Lake Erie & Western Railroad Company to cause a flagman to be stationed at said company's tracks crossing over Twenty-eighth Street, in the City of Indianapolis, Indiana.

SECTION 2. Any of the executive officials of said railroad company who shall fail or neglect to cause a flagman to be stationed at said crossing hereinbefore provided shall be fined in any sum not exceeding \$100 for each day's neglect to provide such flagman, as herein specified.

SECTION 3. Said flagman shall be provided with proper conspicuous signals, and shall give proper and timely notice to all persons about to cross such railroad track or tracks of the approach of any locomotive or train, and said flagman shall prevent persons from standing upon the tracks at said crossing.

SECTION 4. The hours of duty for such flagman shall be from 6 o'clock A. M. to 6 o'clock P. M. of each day of the week except Sunday.

SECTION 5. That General Ordinance No. 23, 1914, entitled "An ordinance requiring a flagman to be stationed by the Lake Erie & Western Railroad Company at the crossing of said company's tracks over Twenty-eighth Street, in the City of Indianapolis, Indiana," be and the said General Ordinance No. 23, 1914, hereby is repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial.

W. T. YOUNG.

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

By the Mayor :

General Ordinance No. 17, 1915: An ordinance for the protection of permanently improved streets, requiring owners of property to make private connections with sewer, gas, water and other like pipes and public conveniences, and bring the same inside the curbs of streets

before the permanent improvement thereof; and repealing all ordinances in conflict therewith and fixing a time when the same shall take effect.

Be it ordained by the Common Council of the City of Indianapolis, Ind.:

SECTION 1. That before the roadway of any street or alley shall be permanently improved it shall be the duty of owners of property abutting on such street or alley to make or lay private service pipe connections with sewer, gas, water and other like pipes and public conveniences, and to bring such connections inside the curb line of said street, within thirty days after the adoption of a resolution by the Board of Public Works ordering the permanent improvement of such street.

SECTION 2. Whenever the Board of Public Works shall adopt a resolution for the permanent improvement of the roadway of any street or alley, it shall in said resolution declare its intention of making, by contract and at the abutting owner's expense, all private connections with sewer, gas, water and other like pipes and public conveniences, and of bringing said connections inside the curb lines of said street or alley, where the same has not already been done by the abutting property owner; and notice of such intention by the board shall also be made a part of the notice given concerning such street improvement as required by law. On default of the owner's making such connections, said board shall proceed to do so at the owner's expense, and to make such expense a lien on the property, collectible in the same manner as expenses for other street and sewer improvements. And said work of making such private connections and bringing the same within the curb line of said street or alley at the expense of the abutting property owner shall be included in the general contract for the permanent improvement of said street or alley. Whenever any gas company shall use any such service pipe or connection, laid pursuant to the requirements of this ordinance, for the purpose of furnishing gas to any consumer, then such gas company shall pay to the then owner of the lot, to which such service pipe or connection extends, the contract price or cost paid for laying such service pipe or connection at the time the same was laid.

SECTION 3. Bidders on the improvement of any street or alley shall state the amount bid per lineal foot on account of each kind of said private connections with sewer, gas, water and other like pipes and public conveniences and of bringing the same within the curb line, where not already done, and the cost of the same shall be charged by the board to the owner of the property on the assessment roll, and the amount thereof shall be a lien on such property collectible in the same manner as expenses for other street improvements.

SECTION 4. All work of making such private connections and bringing the same within the curb lines as hereinbefore provided, whether done by the owner or by contract made by the board of public works, shall be done under permit from and subject to the approval of the city engineer.

SECTION 5. All former ordinances within the purview of this ordinance are hereby repealed.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Commercial Reporter, a daily newspaper of general circulation, printed and published in the City of Indianapolis.

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

ORDINANCES ON SECOND READING.

Mr. Connor called for Appropriation Ordinance No. 10, 1915, for second reading. It was read a second time.

Mr. Connor moved that Appropriation Ordinance No. 10, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 10, 1915, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham, Shea and President Thomas C. Lee.

Mr. Connor called for General Ordinance No. 7, 1915, for second reading. It was read a second time.

Mr. Connor moved that General Ordinance No. 7, 1915, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 7, 1915, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham, Shea and President Thomas C. Lee.

Mr. Connor called for General Ordinance No. 8, 1915, for second reading. It was read a second time.

Mr. Connor moved that General Ordinance No. 8, 1915, be or-

dered engrossed, read a third time and placed upon its passage.
Carried.

General Ordinance No. 8, 1915, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Connor, Graham, Shea and President Thomas C. Lee.

On motion of Mr. Porter, the Common Council, at 8:25 o'clock P. M., adjourned.

Thomas C. Lee
.....
President.

ATTEST:

Thomas A. Riley
.....
City Clerk.

