

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, July 20, 1908

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, July 20, 1908, at 7:30 o'clock, in regular session, President William J. Neukom in the chair.

Present: The Hon. William J. Neukom, President of the Common Council, and 18 members, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royle, Donavon, Sullivan, Hofmann, Hilken, Wright and Henry.

Absent, 2, viz.: Messrs. Eppert and Hartmann.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.  
INDIANAPOLIS, IND., July 8, 1908.

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

GENTLEMEN: I return herewith with my approval General Ordinance No. 42, 1908, being "An ordinance to amend Section 1 of an ordinance entitled 'An ordinance regulating the location, erection and maintenance

or the establishment and maintenance of livery and feed stables hereafter erected or established in the City of Indianapolis, fixing a penalty for the violation thereof, and fixing a time when the same shall take effect, the same being General Ordinance No. 28, passed at the regular meeting of the Common Council of the City of Indianapolis, held June 4, 1906."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
*Mayor.*

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., July 8, 1908.

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

GENTLEMEN: I return herewith with my approval the following ordinances:

General Ordinance No. 53, 1908, being "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Twenty-fourth street from the east property line of Capitol avenue to the west property line of Illinois street, with asphalt roadway, brick gutters and curb."

Special Ordinance No. 7, 1908, being "An ordinance changing the names of certain streets in the City of Indianapolis, Indiana."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,  
*Mayor.*

#### REPORTS FROM CITY OFFICERS.

From City Controller:

DEPARTMENT OF FINANCE,  
OFFICE OF CITY CONTROLLER.  
INDIANAPOLIS, IND., July 20, 1908.

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

GENTLEMEN: I herewith submit a communication from the Department of Public Works, requesting an appropriation in the sum of \$1,000.00 to cover the preliminary cost of securing plans and estimates for the proposed new City Hall.

I herewith submit an ordinance providing for the appropriation asked for and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., July 15, 1908.

*George T. Breunig, City Controller, City:*

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$1,000 to cover the preliminary cost of securing the plans and estimates on the proposed new City Hall.

Respectfully yours,

P. C. TRUSLER,  
F. J. MACK,  
*Board of Public Works.*

From City Controller:

DEPARTMENT OF FINANCE,  
OFFICE OF CITY CONTROLLER.  
INDIANAPOLIS, IND., July 20, 1908.

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

GENTLEMEN: I herewith submit a communication from the Department of Public Works, requesting an additional appropriation of the sum of \$500.00 for the pay of an additional clerk in the Assessment Bureau.

Believing that there is a necessity for the service of an additional clerk, I recommend that the accompanying ordinance providing for such appropriation be passed.

Respectfully submitted,

GEO. T. BREUNIG,  
*City Controller.*

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., July 15, 1908.

*George T. Breunig, City Controller, City:*

DEAR SIR: You are hereby requested to recommend to the Common Council the passage of an ordinance appropriating the sum of \$500 to provide for an additional clerk in the Assessment Bureau. There are so many improvements being completed that it is impossible for the Bureau to keep up with the work with the present force.

Respectfully yours,

P. C. TRUSLER,  
F. J. MACK,  
*Board of Public Works.*

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,  
OFFICE OF THE BOARD.  
INDIANAPOLIS, IND., July 20, 1908.

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

GENTLEMEN: I am directed by the Board of Public Works to forward to your honorable Body, for consideration and action thereon, the at-

tached switch ordinance granting to Ballweg & Company a right-of-way for a switch to cross Morris and Wilkins streets, being a continuation of the present Morris street industrial track of the Indianapolis Southern Railway.

Respectfully yours,  
 BOARD OF PUBLIC WORKS.  
 F. J. Noll, Jr.,  
*Clerk.*

#### REPORTS FROM STANDING COMMITTEES.

##### From the Committee on Finance:

INDIANAPOLIS, IND., July 20, 1908.

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

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 24, 1908, entitled "An ordinance appropriating the sum of \$2,938.82 in favor of the Marion County Construction Company," begs leave to report that we have had the same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.  
 JOHN L. DONAVON.  
 W. O. BANGS.  
 W. A. RHODES.  
 FAY WRIGHT.  
 H. C. SMITHER.  
 BENJ. A. BROWN.

Mr. Royse moved that the report of the committee be concurred in. Carried.

##### From the Committee on Finance:

INDIANAPOLIS, IND., July 20, 1908.

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

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 26, 1908, entitled "An ordinance providing for the appropriation of the sum of \$1,000.00 to and for the use of the Department of Finance, and fixing a time when the same shall take effect,"

begs leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.  
JOHN L. DONAVON.  
W. O. BANGS.  
W. A. RHODES.  
FAY WRIGHT.  
H. C. SMITHER.  
BENJ. A. BROWN.

Mr. Royse moved that the report of the committee be concurred in. Carried.

### From the Committee on Public Safety and Comfort:

INDIANAPOLIS, IND., July 20, 1908.

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

GENTLEMEN: Your Committee on Public Safety and Comfort, to whom was referred General Ordinance No. 64, 1908, entitled "An ordinance regulating the keeping of dogs in the City of Indianapolis, requiring the licensing, checking and registering of same, providing for a public pound, the impounding of dogs therein, their redemption and disposal, creating the office of pound-keeper and deputy pound-keepers, providing for their salaries," beg leave to report that we have had the same under consideration and recommend that the same do pass.

Respectfully submitted,

J. H. HAMLET.  
ALBERT E. COTTEY.  
BENJ. A. BROWN.  
OTTO HOFMANN,  
L. F. HENRY.

Mr. Hamlet moved that the report of the committee be concurred in. Carried.

### INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 27—1908: An ordinance providing for the appropriation of the sum of \$1,000.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION I. Be it ordained by the Common Council of the City of In-

dianapolis, Indiana, That the sum of one thousand (\$1,000.00) dollars be, and the same is hereby appropriated to and for the use of the Department of Public Works, to be used by said department (or so much thereof as may be necessary) to pay the preliminary cost of securing plans and estimates for the proposed new City Hall.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

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

#### By City Controller:

Appropriation Ordinance No. 28—1908: An ordinance providing for the appropriation of the sum of \$500.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the sum of five hundred (\$500.00) dollars be, and the same is hereby appropriated to and for the use of the Department of Public Works, to be added to and to be a part of the fund or account known as Assessment Bureau Salaries, and to be used by said department (or so much thereof as may be necessary) to pay the salary of an additional clerk in the Assessment Bureau.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

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

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

#### By Board of Public Works:

General Ordinance No. 65—1908: An ordinance approving a certain contract granting Ballweg & Company the right to lay and maintain a sidetrack or switch from Morris street to within 100 feet of South line of Ray street according to blue print attached, in the City of Indianapolis, Indiana.

*Whereas, heretofore, to-wit;* on the 8th day of July, 1908, Ballweg & Company filed their petition before the Board of Public Works of the City of Indianapolis, as follows:

## PETITION.

*To the Board of Public Works, City of Indianapolis:*

GENTLEMEN: We respectfully petition your honorable board to grant the undersigned a right-of-way for a switch to cross Morris and Wilkins streets, being a continuation of the present Morris street industrial track of the Indianapolis Southern Railroad, and more specifically described below, and as per blue print attached. This switch being a continuation, would run parallel with the railroad and entirely inside of petitioners' ground and would in no way interfere with any residence property. We sincerely ask your favorable consideration.

Respectfully,

BALLWEG & COMPANY.  
By F. W. BALLWEG, President.

Now, therefore, This agreement, made and entered into this 8th day of July, 1908, by and between Ballweg & Company of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

*Witnesseth*, That the party of the first part, being desirous of securing a right-of-way for a sidetrack or switch from Morris street to within one hundred (100) feet of the south line of Ray street in the City of Indianapolis, which is more specifically described as follows:

An eight hundred and eighty (880) foot extension to track known as Morris street industrial track, extending from the south line of Morris street, through lots 204 and 120 of block A and B 120 of McCarty's addition to the City of Indianapolis, crossing Wilkins street (unimproved) and ending at lot line one hundred (100) feet south of the south line of Ray street as shown on attached blue print, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by

reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said Board, as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across

in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 8th day of July, 1908.

BALLWEG & COMPANY.  
F. W. BALLWEG, *President.*  
Party of the first part.

Witness:

CITY OF INDIANAPOLIS,  
By.....*President.*  
P. C. TRUSLER,  
F. J. MACK,  
*Board of Public Works,*  
Party of the second part.

AND, WHEREAS, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

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

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



By Mr. Royse:

General Ordinance No. 66—1908: An ordinance amending clause F of Section 5 of an ordinance entitled "An ordinance concerning the compensation of all officers, heads of departments, clerks, assistants and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict therewith," being General Ordinance No. 32, 1907, approved May 16, 1907.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That clause F of Section 5 of an ordinance entitled "An ordinance concerning the compensation of all officers, heads of departments, clerks, assistants and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict therewith," being General Ordinance No. 32, 1907, approved May 16, 1907, be and the same is hereby amended to read as follows:

Section 5, Clause F. For the sprinkling and sweeping of streets. The street sprinkling inspectors shall each receive a salary at the rate of seventy-five dollars (\$75.00) per month.

The chief inspector of street sweeping shall receive a salary at the rate of fifteen hundred dollars (\$1,500.00) per annum.

The assistant chief inspector of street sweeping shall receive a salary at the rate of twelve hundred dollars (\$1,200.00) per annum.

The assistant inspectors of street sweeping shall each receive a salary at the rate of one thousand dollars (\$1,000.00) per annum.

The clerk to the chief inspector of street sweeping shall receive a salary at the rate of seventy-five dollars (\$75.00) per month.

The drivers employed at nights in street sweeping shall each receive wages at the rate of one dollar and seventy-five cents (\$1.75) per day.

The drivers employed during the day shall each receive wages at the rate of one dollar and sixty cents (\$1.60) per day.

The laborers shall each receive wages at the rate of one dollar and sixty cents (\$1.60) per day.

The chief stableman shall receive wages at the rate of eighteen dollars (\$18.00) per week.

The assistant stablemen shall each receive wages at the rate of twelve dollars (\$12.00) per week.

The blacksmiths shall each receive wages at the rate of three dollars (\$3.00) per day.

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

Which was read a first time and referred to the Committee on Fees and Salaries.

By Mr. Donavon:

General Ordinance No. 67—1908: An ordinance regulating and licensing professional baseball parks, requiring a license fee and prescribing penalties.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That it shall be unlawful for any person, firm or cor-

poration to maintain, operate and keep in said City of Indianapolis, Indiana, or within four miles of the corporate limits thereof, any park or grounds for playing baseball between professional baseball teams where an admission fee is charged without first obtaining a license from the City Comptroller of said City of Indianapolis, so to do.

SEC. 2. The owner or lessee or manager of such park or grounds shall apply to the City Comptroller for such license, and in said application shall state the name of the person, firm or corporation owning, leasing or managing said park or grounds, give a full description of said park or grounds, and the location thereof in said City of Indianapolis, or within four miles of the corporate limits thereof, the name of the ball teams playing there and the dates when the exhibitions are to take place.

SEC. 3. Upon filing said application the said City Comptroller shall grant the applicant a license to give an exhibition of baseball at the park or grounds described in the application and shall collect for the use and benefit of said City of Indianapolis a license fee of twenty-five (\$25.00) dollars for each and every day the park or grounds are used for such baseball exhibition, provided, that application may be made and granted, and the license fee above set out may be paid for any number of days in advance the licensee may desire.

SEC. 4. Upon the issuance of said license the City Comptroller shall inform the chief of police of said city of the location of the park or grounds, the date when the exhibitions are to take place, the names of the teams participating, and said chief of police of said city shall detail a sufficient number of police officers to be present at such exhibition and maintain order at said park and grounds.

SEC. 5. Any person, firm or corporation violating the provisions of this ordinance shall be fined in any sum not less than \$50.00 and not more than \$100.00 for each violation and each day's use of such park or grounds without such license shall be deemed a separate violation.

SEC. 6. This ordinance shall take effect after its publication for two consecutive weeks in the Indianapolis Sun, a newspaper of general circulation in the City of Indianapolis.

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

#### ORDINANCES ON SECOND READING:

Mr. Royse called for Appropriation Ordinance No. 24, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 24, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 24, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President William J. Neukom.

Noes, none.

Mr. Royse called for Appropriation Ordinance No. 26, 1908, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 26, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 26, 1908, was read a third time and passed by the following vote:

Ayes, 19, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President William J. Neukom.

Noes, none.

At 8:00 o'clock P. M. Mr. Eppert entered the Council Chamber and took his seat.

Mr. Hamlet called for General Ordinance No. 64, 1908, for second reading. It was read a second time.

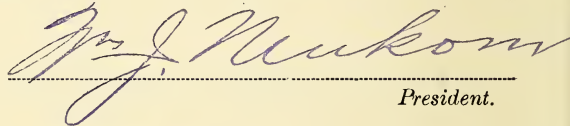
Mr. Hamlet moved that General Ordinance No. 64, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 64, 1908, was read a third time and passed by the following vote:

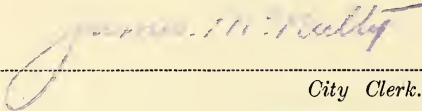
Ayes, 20, viz.: Messrs. Brown, Cottey, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilken, Wright, Henry and President William J. Neukom.

Noes, none.

On motion of Mr. Wood, the Common Council at 8:10 o'clock P. M., adjourned.

  
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*President.*

ATTEST:

  
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*City Clerk.*

