

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, August 3, 1908.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, August 3, 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 19 members, viz.: Messrs. Brown, Hamlet, Wood, Davis, Eppert, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Porteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, 1, viz.: Mr. Cottey.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., July 22, 1908.

To the President and Members of the Common Council:

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

Appropriation Ordinance No. 24, 1908, being "An ordinance appropriat-

ing the sum of \$2,938.82 in favor of the Marion County Construction Company."

Appropriation Ordinance No. 26, 1908, being "An ordinance providing for the appropriation of the sum of \$1,000 to and for the use of the Department of Finance, and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,

Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., July 24, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith with my approval General Ordinance No. 64, 1908, being "An ordinance regulating the keeping of dogs in the City of Indianapolis, requiring the licensing, checking and registering of the 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."

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., Aug. 3, 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 \$10,000 for sprinkling unimproved streets.

The said communication fully explains the reason for this request and I herewith recommend that the accompanying ordinance, providing for the appropriation asked for, be passed.

Respectfully submitted,

GEO. T. BREUNIG,

City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., July 31, 1908.

George T. Breunig, City Controller, City:

DEAR SIR: In the last budget submitted to the Common Council the Board recommended an appropriation of \$45,000.00 for sprinkling unimproved streets which was reduced by the Council to \$30,000.00.

We find that to continue sprinkling the streets now on the sprinkling list, we will need an additional appropriation of \$10,000.00. If this appropriation is not made it will be necessary to discontinue all sprinkling as soon as the present appropriation is exhausted. We, therefore, request that you recommend an appropriation of \$10,000.00 to the Sprinkling Fund.

Respectfully yours,

JOSEPH T. ELLIOTT,
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 29, 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 attached switch ordinance granting to the Citizens Gas Company the right to lay and maintain a switch or sidetrack from the C., C., C. & St. L. R. R. across Keystone avenue.

Respectfully yours,

BOARD OF PUBLIC WORKS,
F. J. Noll, Jr.,
Clerk.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., Aug. 3, 1908.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board to forward to you, for your consideration and action thereon, the attached ordinances ordering and empowering the Board of Public Works to improve Maryland street from Noble street to Leota street, with brick roadway and curb; also an ordinance for the improvement of Union street from McCarty street to Palmer street.

Respectfully yours,

BOARD OF PUBLIC WORKS,
F. J. Noll, Jr.,
Clerk.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., Aug. 3, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Fees and Salaries, to whom was referred General Ordinance No. 63, 1908, being "An ordinance to amend the provisions relating to Humane Officer in clause f, Section 6 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 herewith,'" approved May 16, 1907, have had the same under consideration, and would recommend that the same do pass.

Respectfully submitted,

W. A. RHODES.

THEO. PORTEUS.

CHAS. G. DAVIS.

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

From the Committee on Fees and Salaries:

INDIANAPOLIS, IND., Aug. 3, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Fees and Salaries, to whom was referred General Ordinance No. 66, 1908, being "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," have had the same under consideration and would recommend that it be amended 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 not to exceed seventy-five dollars (\$75.00) per month.

The chief inspector of street sweeping shall receive a salary at the rate not to exceed fifteen hundred dollars (\$1,500.00) per annum.

The assistant chief inspector of street sweeping shall receive a salary at the rate not to exceed twelve hundred dollars (\$1,200.00) per annum.

The assistant inspectors of street sweeping shall each receive a salary at the rate not to exceed one thousand dollars (\$1,000.00) per annum.

The clerk to the chief inspector of street sweeping shall receive a salary at the rate not to exceed seventy-five dollars (\$75.00) per month.

The drivers employed during the day shall each receive wages at the rate not to exceed one dollar and sixty cents (\$1.60) per day.

The drivers employed at nights in street sweeping shall each receive

wages at the rate not to exceed one dollar and seventy-five cents (\$1.75) per day.

The laborers shall each receive wages at the rate not to exceed one dollar and sixty cents (\$1.60) per day.

The chief stableman shall receive wages at the rate not to exceed eighteen dollars (\$18.00) per week.

The assistant stablemen shall each receive wages at the rate not to exceed twelve dollars (\$12.00) per week.

The blacksmiths shall each receive wages at the rate not to exceed three dollars (\$3.00) per day.

And when so amended would recommend that it do pass.

Respectfully submitted,

W. A. RHODES.
THEO. PORTEUS.
CHAS. G. DAVIS.

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

From the Committee on License:

INDIANAPOLIS, IND., Aug. 3, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on License, to which was referred General Ordinance No. 67, 1908, entitled "An ordinance regulating and licensing professional base-ball parks, requiring a license fee and prescribing penalties," begs leave to report that we have had the same under consideration, and recommend that said ordinance be amended by adding to the title thereof the following words, to-wit.: "and fixing a time when the same shall take effect," and when so amended your committee recommends that said ordinance do pass.

Respectfully submitted,

W. O. BANGS.
HARRY E. ROYSE.
JOHN L. DONAVON.
OTTO HOFMANN.
JOHN F. WOOD.
JACOB H. HILKENE.

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

From the Committee on Ordinances:

INDIANAPOLIS, IND., Aug. 3, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Ordinances, to which was referred General Ordinance No. 60, 1908, entitled "An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, In-

diana, to improve Boston street from east curb line of Pennsylvania street to west property line of Talbott avenue, with asphalt roadway and brick gutters," begs leave to report that we have had the same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

E. J. STICKELMAN.
OTTO HOFMANN.
JAS. F. SULLIVAN.

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

From the Committee on Railroads:

INDIANAPOLIS, IND., Aug. 3, 1908.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee, to whom was referred General Ordinance No. 59, 1908, being "An ordinance to improve Walcott street from the north property line of Washington street to the south property line of Michigan street, with asphalt roadway," beg leave to report that they have had same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

JOHN F. WOOD.
JACOB H. HILKENE.
W. O. BANGS.
BENJ. A. BROWN.

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 29—1908: An ordinance providing for the appropriation of the sum of \$10,000.00 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 ten thousand (\$10,000.00) dollars be, and the same is hereby appropriated to the Department of Public Works, to be added to the appropriation heretofore made for sprinkling unimproved streets. Said department is hereby authorized to use so much of

this additional appropriation as may be necessary for the purpose herein indicated.

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. 68—1908: An ordinance approving a certain contract granting the Citizens Gas Co. of Indianapolis, Ind., the right to lay and maintain a sidetrack or switch from C., C., C. & St. L. R. R. across Keystone avenue, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit; on the 27th day of July, 1908, the Citizens Gas Company of Indianapolis, Indiana, filed its 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: The undersigned respectfully petition your Board for permission to construct a side track across Keystone avenue to serve our property located north of Prospect street and east of Keystone avenue, all as shown by blue print marked "Exhibit A."

Respectfully submitted,

CITIZENS GAS COMPANY OF INDIANAPOLIS,

J. D. FORREST.

Now, therefore, This agreement, made and entered into this 27th day of July, 1908, by and between the Citizens Gas Company of Indianapolis 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 side track or switch from the C., C., C. & St. L. R. R. track across Keystone avenue in the City of Indianapolis, the center line of which is more specifically described as follows:

Beginning on the west line of Keystone avenue at a point 780.50 feet north of the north line of Prospect street, thence on a straight line across Keystone avenue, intersecting the east line of Keystone avenue at a point 747.50 feet north of the north line of Prospect street, 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 Keystone avenue 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 Keystone avenue 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 27th day of July, 1908.

CITIZENS GAS COMPANY OF INDIANAPOLIS,

By J. D. FORREST, *Secretary*.
Party of the First Part.

Witness:

L. M. EDWARDS.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT,
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 Board of Public Works:

General Ordinance No. 69—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Maryland street from the east property line of Noble street to the north property line of Leota street, with brick roadway and curb.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 15th day of July, 1908, adopt Improvement Resolution No. 5662, 1908, for the improvement of Maryland street from the east property line of Noble street to the west property line of Leota street, with brick roadway and curb.

WHEREAS, The said Board of Public Works did at the same time fix the 31st day of July, 1908, at 10 o'clock A. M., as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 16th day of July, 1908, and the 23d day of July, 1908, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 31st day of July, 1908, the Board having met in regular session, took final action on said Improvement Resolution without modification; and

WHEREAS, On the 31st day of July, 1908, a written remonstrance of the majority of the resident property owners was filed with the Board against the said improvement of Maryland street; and

WHEREAS, On the 31st day of July, 1908, the said Board of Public

Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works of said city be, and the same is hereby authorized and empowered to improve Maryland street from the east property line of Noble street to the west property line of Leota street, with brick roadway and curb, in accordance with Improvement Resolution No. 5662, 1908, adopted by the Board of Public Works on the 15th day of July, 1908.

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 Public Property and Improvement.

By Board of Public Works:

General Ordinance No. 70—1908: An ordinance authorizing and empowering the Board of Public Works of the City of Indianapolis, Indiana, to improve Union street from south property line McCarty street to north property line Palmer street, with asphalt roadway and brick gutters.

WHEREAS, The Board of Public Works of the City of Indianapolis, Indiana, did on the 24th day of June, 1908, adopt Improvement Resolution No. 5634, 1908, for the improvement of Union street from south property line McCarty street to north property line Palmer street, with asphalt roadway and brick gutters.

WHEREAS, The said Board of Public Works did at the same time fix the 10th day of July, 1908, at 10 o'clock A. M. as a date to hear all persons interested or whose property is affected by said proposed improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 25th day of June, 1908, and the 2d day of July, 1908, in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 24th day of July, 1908, the Board having met in regular session, further hearing having been postponed to this date took final action on said Improvement Resolution without modification; and

WHEREAS, On the 1st day of August, 1908, a written remonstrance was filed with the Board against the said improvement of Union street; and

WHEREAS, On the 3d day of August, 1908, the said Board of Public Works directed that said resolution be referred to the Common Council of the City of Indianapolis, with a request that said Council pass an ordinance authorizing and empowering the said Board of Public Works to make said improvement in accordance with said resolution; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Board of Public Works of said city be, and the same is hereby authorized and empowered to improve Union street from south property line McCarty street to north property line Palmer

street, with asphalt roadway and brick gutters, in accordance with Improvement Resolution No. 5634, 1908, adopted by the Board of Public Works on the 24th day of June, 1908.

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 Permanent Improvements.

ORDINANCES ON SECOND READING.

Mr. Rhodes called for General Ordinance No. 63, 1908, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 63, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 63, 1908, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Rhodes called for General Ordinance No. 66, 1908, for second reading. It was read a second time.

Mr. Rhodes moved that General Ordinance No. 66, 1908, be amended as recommended by the committee. Carried.

Mr. Rhodes moved that General Ordinance No. 66, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 63, 1908, was read a third time and passed by the following vote:

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

Noes, none.

Mr. Hartmann called for Appropriation Ordinance No. 21, 1908, for second reading. It was read a second time.

Mr. Hartmann moved that Appropriation Ordinance No. 21, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 21, 1908, was read a third time and failed to pass by the following vote:

Ayes, 6, viz.: Messrs. Brown, Smither, Rhodes, Portteus and Hilkene.

Noes, 14, viz.: Messrs. Hamlet, Wood, Davis, Eppert, Bangs, Stickelman, Hartmann, Royse, Donavon, Sullivan, Hofmann, Wright, Henry and President William J. Neukom.

Mr. Hartmann served notice that he would move to reconsider at the next regular meeting.

Mr. Bangs called for General Ordinance No. 67, 1908, for second reading. It was read a second time.

Mr. Bangs moved that General Ordinance No. 67, 1908, be amended as recommended by the committee. Carried.

Mr. Bangs moved that General Ordinance No. 67, 1908, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 67, 1908, was read a third time and passed by the following vote:

Ayes, 15, viz.: Messrs. Hamlet, Wood, Davis, Eppert, Bangs, Stickelman, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, 5, viz.: Messrs. Brown, Smither, Rhodes, Uhl and Hartmann.

Mr. Stickelman called for General Ordinance No. 60, 1908, for second reading. It was read a second time.

Mr. Stickelman moved that General Ordinance No. 60, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 60, 1908, was read a third time and passed by the following vote:

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

Noes, 1, viz.: Mr. Wood.

Mr. Wood called for General Ordinance No. 59, 1908, for second reading. It was read a second time.

Mr. Wood moved that General Ordinance No. 59, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 59, 1908, was read a third time and passed by the following vote:

Ayes, 18, viz.: Messrs. Brown, Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President William J. Neukom.

Noes, 2, viz.: Messrs. Eppert and Royse.

On motion of Mr. Bangs, the Common Council at 8:55 o'clock P. M., adjourned.

Wm. J. Mukom

.....
President.

ATTEST:

James M. Nulty

.....
City Clerk.

