

JOURNAL OF PROCEEDINGS

OF THE

Common Council

OF THE

CITY OF INDIANAPOLIS

In Marion County, in the State of Indiana

SPECIAL MEETING

Monday, January 2, 1928, 12 noon.

The Common Council of the City of Indianapolis met in the Council Chamber January 2, 1928, at 12 o'clock noon, President Negley in the chair, pursuant to the following call:

December 30, 1927.

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

Gentlemen:

You are hereby notified that there will be a Special Meeting of the Common Council held in the Council Chamber on Monday, January 2, 1928, at 12 o'clock noon, pursuant to the State law as

conveyed in Burns, Section 10280, requiring that the election of presiding officers of the Common Council shall take place at noon on the first Monday in January.

The purpose of such Special meeting being to elect presiding officers of the Common Council of the City of Indianapolis for the year 1928, who shall serve until noon of the first Monday in January, 1929.

Respectfully,

CLAUDE E. NEGLEY,
President, Common Council.

I, William A. Boyce, Jr., Clerk of the Common Council of the City of Indianapolis, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council prior to the time of such Special Meeting, pursuant to the rules.

In Witness Whereof, I have hereunto affixed my signature and caused the seal of the City of Indianapolis to be affixed.

WILLIAM A. BOYCE, JR.,
City Clerk.

[SEAL]

Which was read.

The Clerk called the roll.

President: Hon. Claude E. Negley, President, and seven members, viz: Mr. Bartholomew, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Raub, Mr. Springsteen, Dr. Todd.

Absent: O. Ray Albertson.

The President entertained a roll call by the Clerk for nominations for President of the Council. Mr. Dorsett nominated Mr. Bartholomew. Mr. Moore nominated Mr. Dorsett. Mr. Negley nominated Dr. Todd.

On motion of Mr. Dorsett, seconded by Mr. Moore, the Council recessed for ten minutes at 12:05 p. m.

The Common Council reconvened from its recess.

Mr. Raub made a motion to dispense with the services of a Sergeant at Arms and Secretary of Committees for the ensuing year, which was seconded by Mr. Springsteen and passed by the following roll-call vote:

Ayes, 5, viz: Mr. Albertson, Mr. Bartholomew, Mr. Ferguson, Mr. Raub, Mr. Springsteen.

Noes, 4, viz; Mr. Dorsett, Mr. Moore, Mr. Todd, President Negley.

The President ordered a roll-call vote on the nominees for President, which was taken as follows:

Mr. Albertson voted for Mr. Raub.
Mr. Bartholomew voted for Mr. Bartholomew.
Mr. Dorsett voted for Mr. Dorsett.
Mr. Ferguson voted for Mr. Bartholomew.
Mr. Moore voted for Mr. Bartholomew.
Mr. Raub voted for Mr. Ferguson.
Mr. Springsteen voted for Mr. Ferguson.
Dr. Todd voted for Dr. Todd.
President Negley voted for Dr. Todd.

Before the vote was announced, Mr. Ferguson notified the Council that he was neither an active nor a receptive candidate for the office of President. Mr. Raub and Mr. Springsteen then changed their votes from Mr. Ferguson to Mr. Bartholomew, thereby giving Mr. Bartholomew five votes. The Clerk announced Mr. Bartholomew elected President of the Council for the ensuing year.

Mr. Negley at this time turned the gravel over to

President Bartholomew. President Bartholomew announced the next order of business to be the nomination and election of a President Pro-Tem. The Clerk called the roll for nominations. Mr. Dorsett nominated Mr. Moore. Mr. Ferguson nominated Mr. Dorsett. Mr. Springsteen nominated Dr. Todd. The Clerk then called the roll for voting on President Pro-Tem, with the following results:

BALLOT NO. 1

Mr. Albertson voted for Mr. Ferguson.
Mr. Dorsett voted for Mr. Moore.
Mr. Ferguson voted for Mr. Dorsett.
Mr. Moore voted for Mr. Dorsett.
Mr. Negley voted for Dr. Todd.
Mr. Raub voted for Mr. Springsteen.
Mr. Springsteen voted for Dr. Todd.
Dr. Todd voted for Mr. Dorsett.
President Bartholomew voted for Mr. Dorsett.

BALLOT NO. 2.

Mr. Albertson voted for Mr. Springsteen.
Mr. Dorsett voted for Mr. Moore.
Mr. Ferguson voted for Mr. Dorsett.
Mr. Moore voted for Mr. Dorsett.
Mr. Negley voted for Mr. Moore.
Mr. Raub voted for Mr. Dorsett.
Mr. Springsteen voted for Dr. Todd.
Dr. Todd voted for Mr. Moore.
President Bartholomew voted for Mr. Moore.

BALLOT NO. 3

Mr. Albertson voted for Mr. Dorsett.
Mr. Dorsett voted for Mr. Moore.
Mr. Ferguson voted for Mr. Dorsett.
Mr. Moore voted for Mr. Dorsett.
Mr. Negley voted for Mr. Dorsett.
Mr. Raub voted for Mr. Dorsett.
Mr. Springsteen voted for Mr. Dorsett.
Dr. Todd voted for Mr. Dorsett.
President Bartholomew voted for Mr. Dorsett.

At the end of Ballot 3 the Clerk announced Mr. Dorsett elected President Pro-Tem by eight votes.

President Bartholomew announced that his selection of committee assignments would be announced at the regular meeting tonight.

Mr. Moore made a motion to reconsider the vote by which the Council determined to dispense with the offices of Sergeant at Arms and Secretary of Committees.

Mr. Raub then served notice that at the next meeting of the Council he would introduce a motion to reconsider the vote by which the Council elected a President and President Pro-Tem.

On motion of Mr. Moore, seconded by Mr. Dorsett, the Council recessed at 12:42 p. m.

The Common Council reconvened from its recess at 12:46 p. m., with the same members present as before.

Mr. Moore withdrew his motion to reconsider the vote on dispensing with Sergeant at Arms and Secretary of Committees.

Mr. Raub then withdrew his notice concerning the reconsideration of the vote on President and President Pro-Tem.

On motion of Mr. Springsteen, seconded by Mr. Moore, the Common Council adjourned at 12:52 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, Indiana,
held on the 2nd day of January 1928, at 12 noon.

In witness whereof, we have hereunto subscribed our
signatures and caused the seal of the City of Indianapolis
to be affixed.

Otis E. Bartholomew.

Attest:

President

William A. Boyce, Jr.

City Clerk

(SEAL)

REGULAR MEETING

Monday, January 2, 1928.

The Common Council of the City of Indianapolis met in regular session in the Council Chamber at 7:30 p. m., Monday, January 2, 1928, President Otis E. Bartholomew in the chair.

The Clerk called the roll.

President: Hon. Otis E. Bartholomew, President, and seven members, viz: Mr. Albertson, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Negley, Mr. Raub, Dr. Todd.

Absent: Robert E. Springsteen.

On motion of Mr. Moore, seconded by Mr. Dorsett, the reading of the minutes of the previous meeting was dispensed with.

President Bartholomew announced the following committee assignments:

Finance—Chairman Moore, Dorsett, Ferguson, Negley, Raub.

Safety—Chairman Ferguson, Dorsett, Moore Raub, Todd.

Works—Chairman Dorsett, Negley, Ferguson, Moore, Springsteen.

Health—Chairman Negley, Raub, Albertson, Moore, Ferguson.

Parks—Chairman Raub, Dorsett, Moore, Negley, Springsteen.

Law and Judiciary—Chairman Springsteen, Todd, Moore, Dorsett, Raub.

Elections—Chairman Todd, Ferguson, Moore, Dorsett, Negley.

Welfare—Chairman Dorsett, Moore, Albertson, Ferguson, Springsteen.

Athletic Commission—Chairman Moore, Dorsett, Ferguson, Raub, Negley, Springsteen, Bartholomew.

COMMUNICATIONS FROM THE MAYOR

December 30, 1927.

*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 William A. Boyce, Jr., City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 117, 1927

AN ORDINANCE transferring the sum of Five Hundred \$(500.00) Dollars from the City Controller's Fund No. 61 and reappropriating the same to the City Controller's Fund No. 51, declaring an emergency and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 118, 1927

AN ORDINANCE transferring and reappropriating certain funds under the Department of Public Safety and declaring a time when same shall take effect.

GENERAL ORDINANCE No. 121, 1927

AN ORDINANCE transferring the sum of Two Hundred (\$200.00) Dollars from the Department of Public Works 'Public Building Fund No. 72' and reappropriating the same to the Department of Public Works 'Public Building Fund No. 38', declaring an emergency and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 122, 1927

AN ORDINANCE transferring the sum of Seven Thousand (\$7,000.00) Dollars from the Department of Finance, Controller's Fund No. 61, and reappropriating the sum of Five Thousand (\$5,000.00) Dollars to the Department of Law Fund No. 53 'Refunds, Awards and Indemnities', and reappro-

priating the sum of Two Thousand (\$2,000.00) Dollars to the Board of Public Works Administration Fund No. 24, 'Printing and Advertising', declaring an emergency and fixing a time when the same shall take effect.

Very truly yours,
L. ERT. SLACK,
Mayor.

December 29, 1927

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

Gentlemen—I herewith return General Ordinance No. 116, entitled

“AN ORDINANCE, amending section C-216, C-303 and by adding the following sections: C-711, C-712, C-713, C-714, C-715, C-717, C-718, C-719, C-720, C-721, C-722, C-723, C-724, C-725, C-726, C-727, C-728, C-729, C-730, C-731, C-732, C-733, C-734, C-735, C-736 of General Ordinance No. 46-1925, otherwise known as the Building Code of the City of Indianapolis, Marion County, Indiana, by changing the above entitled sections by amendment, changing of the title and by adding C-711 to C-736 inclusive,” without my approval.

Without the subject matter involved in this ordinance I have no objection except as to Section 10 of the ordinance hereinafter referred to and am, therefore, not objecting to any of the ordinance except Section 10 in so far as the text or subject matter or specific provisions are concerned.

My principal objection to this ordinance is with respect to its form.

Section 1 contains a recitay and a copy of Section C-216 which it is proposed to amend. Sub-division B of Section C-303 as contained in Section Two of the ordinance is also set forth in the ordinance. It is not good legislative practice or procedure to encumber an ordinance with a recital or copy of the sections which it is proposed to amend by the new ordinance. It is also expensive because it has to be printed. The old ordinance which the new ordinance amends should not be set out in the new ordinance but proper language used in amendatory Statutes should be used in the preparation of an amendment to an ordinance.

I also object to each of the "whereas's" contained in this ordinance for the same reasons. It is wholly unnecessary to encumber an ordinance with "whereas's" and costs money to print it and publish it.

Beginning with Section 3 of the General Ordinance, it is observed that certain sections, C-711 to C-736, inclusive, are entirely new provisions of the Building Code and the prefatory language "Section C-711 shall read as follows:" is entirely objectionable and improper. In preparing new sections you should begin to number those sections consecutively with respect to passenger elevators and freight elevators, respectively. The present Code, relating to passenger elevators, ends with Section C-319 and, therefore, the first section in the proposed ordinance relating to passenger elevators should be numbered C-320 and thereon. The present Code with respect to freight elevators, ends with Section C-421 and, therefore, any new section relating to freight elevators should be numbered C-422 and thereon.

I also call your attention to Section 10 of the ordinance relating to electrical protection. I object to the provision providing for either No. 1 or No. 2 of the proposed section. The word "either" should be stricken out and the word "or" should be stricken out and the word "and" substituted therefor so that protection against damage shall include both provisions numbers one and two in all construction of electrical protection.

I also object to that part of Section 25 which states that this ordinance shall be known as an amendment to the Building Code. The ordinance speaks for itself and that language is not necessary and, in fact, is not correct because the ordinance includes new provisions which are not an amendment of any part of the present Building Code. This mandatory ordinance should and, in fact, does include the provision that it is a part of the Building Code, but that part of this Section 25 stating that it is an amendment to the Building Code is incorrect.

I also call your attention to Section 26. The usual language to be used with reference to pending litigation is "this ordinance shall not affect any pending litigation."

I also call attention to Section 27. I believe this Section should provide specifically that the ordinance shall be in full force and effect ninety days from and after its passage, or ninety days from

and after the last publication as required by law. The language used in the present section is uncertain and indefinite as to whether it is in effect ninety days after passage or ninety days after "due publication."

I object to Section 28 for the reason that Ordinance No. 82, passed by the Common Council on the 22nd day of November, 1926, provides a penalty for a violation of the Building Code, and there is no necessity for an additional penalty clause in this present ordinance. Besides, there should not be a penalty clause in this ordinance in view of the fact that it would be very confusing to have a penalty provision different in this ordinance and relating to its provisions over the penalty provision provided in the Ordinance No. 82.

There should be one penalty provision, only, in the entire Building Code and ordinance number 82 is a sufficient penalty provision.

Respectfully submitted,

L. ERT. SYACK

Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

December 31, 1927.

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

Gentlemen—Attached please find copies of a General Ordinance authorizing the City Controller to make a temporary loan or loans in the sum of Six Hundred Thousand (\$600,000.00) Dollars.

I respectfully recommend the passage of this ordinance.

Yours very truly,

STERLING R. HOLT,

City Controller.

December 31, 1927.

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

Gentlemen—Attached please find copies of a General Ordinance appropriating and transferring to the City Civil Engineer Gasoline Fund, Special, the sum of Twenty-five Thousand Seven Hundred

and Thirty-four (\$25,734.22) Dollars and Twenty-two Cents out of the gasoline tax fund now unappropriated.

I respectfully recommend the passage of this ordinance.

Yours very truly,

STERLING R. HOLT,

City Controller.

December 17, 1927.

Mr. Robert Springsteen,
234 E. 12th St.,
City of Indianapolis.

Dear Sir—

Enclosed are 32 copies of two ordinance, sixteen copies of each.

Because of the divisions in the Code to make this ordinance effective it will be necessary to make both Sections A-703 and Section A-929 which pertain to third and fourth class construction.

You will note that these are amended copies of the Ordinance which was originally introduced as No. 102. If you would desire any further information regarding these ordinances, prior to their second reading we would be glad to furnish you with any information you desire.

Very truly yours,

T. D. LEE,

Engineer.

OTHER COMMUNICATIONS

STATE OF INDIANA

OFFICE OF THE STATE BOARD OF TAX COMMISSIONERS

In the matter of the objections)
to the tax levies for INDIANAPOLIS) SS:
CIVIL CITY for the year 1927.)

December 10, 1927.

The board having heretofore on October 29, 1927, made its order reducing the city general fund levy for the year 1927 from \$.6125 to \$.568, and in such order having left the distribution of the

deduction to be applied in the discretion of the local taxing officers, and the Board being now requested to specify in detail the distribution of such reduction, and being duly advised in the premises, finds and hereby orders that said reduction shall be applied as herein after set forth:

OFFICE OF MAYOR

Item 1-11 Secretary \$2,000 in lieu of \$3,000.

GAMEWELL DIVISION

Item 1-11			Reduction
1 General Foreman	-----\$2,582.50	\$ 2,582.50	\$ 110.00
13 Circuit Repairmen	----- 1,982.50	25,772.50	1,430.00
1 Fire Alarm Box Inspt.	-- 1,916.25	1,916.25	110.00
1 Cable Splicer	----- 1,982.50	1,982.50	110.00
1 Groundman	----- 1,642.50	1,642.50	157.50
14 Signal Operators	----- 1,916.25	26,827.50	1,540.00

FIRE DEPARTMENT

Item 1-11			
1 Battalion Chief	----- 2,582.50	23,242.50	3,682.50
44 Captains	----- 2,382.50	104,830.00	2,347.50
72 Lieutenants	----- 2,182.50	157,140.00	7,920.00
118 Chauffeurs	----- 1,982.50	233,935.00	12,980.00
302 First Grade Privates	---- 1,916.25	578,707.50	33,220.00
46 First Grade Sub.	----- 1,916.25	88,147.50	5,060.00
10 Second Grade Sub.	----- 1,733.50	17,335.00	1,100.00
1 Secretary	----- 2,582.50	2,582.50	110.00

POLICE DEPARTMENT

Item 1-11			
5 Captains	----- 2,582.50	12,912.50	550.00
12 Lieutenants	----- 2,382.50	28,590.00	1,320.00
30 Sergeants	----- 2,182.50	65,475.00	7,885.00
55 Det. Sergeants	----- 2,182.50	120,037.50	6,050.00
155 First Grade Patrolmen	-- 1,982.50	307,287.50	17,050.00
250 Second Grade Patrolmen	_ 1,916.25	479,062.50	47,762.50
2 Court Bailiffs	----- 2,182.50	4,365.00	220.00
4 Asst. Court Bailiffs	----- 1,916.25	7,665.00	440.00
17 Police Women	----- 1,916.25	32,576.25	1,870.00
3 Humane Sergeants	----- 2,182.50	6,547.50	330.00

Indianapolis to make a temporary loan or loans in the sum of Six Hundred Thousand (\$600,000.00) Dollars in anticipation of current revenues of such city actually levied and in course of collection for the fiscal year in which such loan or loans are made, and payable out of the current revenues of said city for the year of 1928, authorizing the rate of interest to be charged therefor, providing for legal notice, appropriating the sum of Six Hundred Ten Thousand (\$610,000.00) Dollars for the payment of the bonds, and interest thereon and fixing a time when the same shall take effect.

WHEREAS the said city will be, and continue to be, until the fourteenth day of May, 1928, without sufficient funds to meet current expenses for municipal purposes, and

WHEREAS the first semi-annual installment of taxes levied by the City of Indianapolis for its expenses for the year 1928 and collectable on or about the fourteenth day of May, 1928, will amount to more than Six Hundred Ten Thousand (\$610,000.00) Dollars, NOW THEREFORE:

Be It Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. The City Controller is hereby authorized and empowered to negotiate a temporary loan or loans in anticipation of the current revenues of said city actually levied and in course of collection for the fiscal year of 1928, not to exceed the total sum of Six Hundred Thousand (\$600,000.00) Dollars for a period not to exceed the time fixed in this ordinance at a rate of interest not to exceed Six (6%) per cent. The City Controller is further authorized and empowered to negotiate such loan or loans in the following amounts:

Three Hundred Thousand (300,000.00) Dollars on January 14th, 1928, to run for a period not to exceed four (4) months thereafter at a rate of interest not to exceed six (6%) per cent; and Three Hundred Thousand (\$300,000.00) Dollars on February 29th, 1928, and to run for a period not to exceed three (3) months thereafter at a rate of interest not to exceed six (6) per cent. The sale date of said bonds or other evidence of indebtedness shall be not later than January 14th, 1928. After the publication of the notice of the determination thereof; to issue bonds, warrants, or other evidence of indebtedness for such temporary loan or loans as provided for by law, and this ordinance; said loan or loans shall be let to the lowest and best bidder; after the determination to issue the

same has been published by at least one (1) publication one (1) day in one (1) newspaper in the City of Indianapolis. The Mayor and City Controller are hereby authorized and directed to execute the proper obligations of the City of Indianapolis for the above mentioned amount; and to the payment of such obligations, the faith of the city is hereby irrevocably pledged.

Section 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 of Finance.

GENERAL ORDINANCE NO. 2, 1928

AN ORDINANCE, appropriating and transferring to the City Civil Engineer Gasoline Fund, Special, the sum of Twenty-five Thousand Seven Hundred Thirty-four (\$25,734.22) Dollars and Twenty-two cents out of the gasoline tax fund now unappropriated, for the repair and maintenance of the streets and public thoroughfares 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 the sum of Twenty-five Thousand Seven Hundred Thirty-four Dollars and Twenty-two Cents (\$25,734.22) Gasoline Tax Fund, which sum is now unappropriated, be and the same is hereby appropriated and transferred to the City Civil Engineer Gasoline Fund, Special, for the purpose of repair and maintenance of the city streets and thoroughfares.

Section 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 Finance.

By Mr. Springsteen:

GENERAL ORDINANCE NO. 3, 1928

AN ORDINANCE, to amend Section A 929 of Ordinance No. 121, 1925, Indianapolis, Indiana, repealing all former Ordinances and declaring a time when the same shall go into effect.

Be It Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That Section A 929, Ordinance No. 121, 1925, of the City of Indianapolis, be and the same is hereby amended to include the following paragraph.

“Section A 929 (e) The division walls in grade E buildings when built more than one (1) in a row shall be of eight (8) inch masonry walls or metal lath and cement plaster on studs with fire stops and plate on top and bottom, when said division walls are load bearing. When division walls are non-load bearing they shall be built of at least four (4) inches of masonry, extending not more than eleven (11) feet in a vertical measurement or twenty-five (25) feet in a horizontal measurement between pilasters or posts.”

Section 2. All Ordinances and parts of ordinances in conflict with any or all of the provisions of this ordinance are hereby repealed and declared null and void.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication according to law.

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

GENERAL ORDINANCE NO. 4, 1928

AN ORDINANCE, to amend Section A 705 of Ordinance No. 121, 1925, Indianapolis, Indiana, repealing all former ordinances and declaring a time when the same shall go into effect.

Be It Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That Section A 703 Ordinance No. 121, 1925, of the City of Indianapolis, be and the same is hereby amended to include the following paragraph.

“Section A 703, (c) The division walls in grade E buildings when built more than one (1) in a row shall be of eight (8) inch masonry walls or metal lath and cement plaster on studs with fire stops and plate on top and bottom, when said division walls are load bearing. When division walls are non-load bearing they shall be built of at least four (4) inches of masonry, extending not more than eleven (11) feet in vertical measurement or twenty-five (25)

feet in a horizontal measurement between pilaster and posts.”

Section 2. All ordinances and parts of ordinances in conflict with any or all of the provisions of this ordinance are hereby repealed and declared null and void.

Section 3. This Ordinance shall be in full force and effect, from and after its passage and publication according to law.

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

On motion of Mr. Dorsett, seconded by Mr. Moore, the Common Council recessed at 7:50 for five minutes.

The Common Council reconveend at 7:55, with the same members present as before.

UNFINISHED BUSINESS

Mr. Moore made a motion that the Council sustain the Mayor's veto of General Ordinance 116, 1927. The motion was seconded by Mr. Raub, and passed by the following roll-call vote:

Ayes, 8, viz: Mr. Albertson, Mr. Dorsett, Mr. Ferguson, Mr. Moore, Mr. Negley, Mr. Raub, Mr. Todd, President Bartholomew.

President Bartholomew then addressed the Council, outlining his ideas as to the policy to be followed by the Council for the year 1928.

On motion of Mr. Dorsett, seconded by Mr. Albertson, the Common Council of the City of Indianapolis adjourned at 8:01 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the

January 2, 1928]

CITY OF INDIANAPOLIS, IND.

19

Common Council of the City of Indianapolis, Indiana,
held on the 2nd day of January, 1928.

In witness whereof, we have hereunto subscribed our
signatures and caused the seal of the City of Indianapolis
to be affixed.