

REGULAR MEETING

Monday, May 5, 1930, 7:30 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber at City Hall, Monday, May 5, 1930, following a public hearing at 7:30 p. m. by the Committee on Public Parks, on General Ordinance No. 37, 1930. President Ernest C. Ropkey took the chair.

The Clerk called the roll.

Present: Ernest C. Ropkey, President, and eight members, viz.: Fred C. Gardner, George A. Henry, C. A. Hildebrand, James A. Houck, Charles G. Morgan, Maurice E. Tennant, Leo F. Welch, Clarence I. Wheatley.

On motion of Mr. Welch, seconded by Mr. Wheatley, the reading of the Journal for the previous meeting was dispensed with.

COMMUNICATIONS FROM THE MAYOR

April 28, 1930.

To the 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 Henry O. Goett, City Clerk, the following ordinances:

GENERAL ORDINANCE No. 28, 1930

AN ORDINANCE appropriating and transferring the sum of Two Thousand Two Hundred Sixty-five Dollars Forty-five Cents (\$2,265.45) from the unexpended balance in the Tuberculosis Prevention General Fund of the Department of Public Health and Charities for the year 1929 to certain items of the budget for the year 1930 of said department, for the purpose of providing for the payment of certain bills and debts incurred by said department during the year 1929, which still remains due and unpaid; also fixing a time when said ordinance shall take effect.

GENERAL ORDINANCE No. 29, 1930

AN ORDINANCE transferring money from a certain fund and reappropriating the same to a different fund, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 30, 1930

AN ORDINANCE authorizing the Board of Public Safety and the Board of Public Works of the City of Indianapolis to enter into a contract between the City of Indianapolis and the town of Woodruff Place, and fixing a time when the same shall take effect.

Very truly yours,

R. H. SULLIVAN,
Mayor.

April 29, 1930.

To the 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 Henry O. Goett, City Clerk, the following ordinances:

GENERAL ORDINANCE No. 31, 1930

AN ORDINANCE amending Sub-section (c) and Sub-section (d) of Section B-404 of General Ordinance No. 121-1925, being an ordinance

concerning the government of the City of Indianapolis, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 35, 1930, AS AMENDED

AN ORDINANCE authorizing the borrowing of Ninety Thousand Dollars (\$90,000.00) and the sale of Ninety (90) bonds of One Thousand Dollars (\$1,000.00) 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 paying and retiring certificates of indebtedness heretofore issued by the City of Indianapolis and interest thereon, providing for the time and manner of advertising the sale of said bonds and the receiving of bids for the same together with the mode and terms of sale, appropriating the same to the Department of Public Works of said city, and fixing a time when the same shall take effect.

Very truly yours,

R. H. SULLIVAN,
Mayor.

April 30, 1930.

To the 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 Henry O. Goett, City Clerk, the following ordinance:

GENERAL ORDINANCE No. 33, 1930

AN ORDINANCE authorizing the sale for cash or by trade-in of certain personal property of the City of Indianapolis, and fixing a time when the same shall take effect.

Very truly yours,

R. H. SULLIVAN,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

May 5, 1930.

Mr. Henry Goett, City Clerk, City:

Dear Sir:

I am enclosing herewith copies of proposed ordinance providing for the ratification by the Common Council of a contract approved by the Board of Public Works for the placing of advertising benches on the sidewalks of the city.

Please submit the same to the Common Council at the next meeting with the recommendation of the Board of Public Works that the same be passed.

Yours very truly,

ERNEST F. FRICK,
Secretary, Board of Public Works.

May 5, 1930.

Mr. Henry O. Goett, City Clerk, Indianapolis, Indiana:

Dear Sir:

Enclosed please find fifteen copies of an ordinance providing for the repeal of Sections 381 and 382 of General Ordinance No. 121, 1925, with the request that the same be presented to the Common Council and the recommendation that the same be passed.

Respectfully yours,

DEPARTMENT OF LAW.
By JAMES E. DEERY,
City Attorney.

May 3, 1930.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 6, 1930, appropriating and transferring to the City Civil Engineer Gasoline Tax

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Fund the sum of Twenty-five Thousand Dollars (\$25,000.00) out of the gasoline tax fund now unappropriated for the repair and maintenance of improved streets and public thoroughfares and bridges, and for labor, material, supplies and equipment necessary thereto.

I respectfully recommend the passage of this ordinance under suspension of rules.

Yours truly,

WM. L. ELDER,
City Controller.

May 2, 1930.

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

Gentlemen:

I am submitting herewith a proposed Appropriation Ordinance No. 6, 1930, and I sincerely regret that I am again compelled to ask you to suspend the rules and pass this ordinance providing it meets with your approval.

The reason for this is due to an error in bookkeeping and there will not be sufficient funds left to continue the operation of our street repair forces, and unless this ordinance is passed under the suspension of rules we will be compelled to stop repairs on the different streets, which I sincerely regret to do.

Yours truly,

A. H. MOORE,
City Civil Engineer.

May 2, 1930.

Mr. E. C. Ropkey, President City Council of Indianapolis, 22 N. Audubon Road, Indianapolis, Indiana:

Dear Sir:

We, the Board of Directors of the Indianapolis Council of Women, wish to thank you and your council members for the splendid co-operation you gave our resolution concerning marathons.

Please call on us at any time that we as an organization may serve the City Council in making this a bigger and better Indianapolis.

Sincerely,

MRS. A. B. GLICK, President.

MRS. M. E. ROBBINS, Cor. Sec.

Mr. Tennant asked for a recess. The motion was made, and seconded by Mr. Wheatley, and the Council recessed at 7:45 p. m.

The Council reconvened from its recess at 9:45 p. m. with the same members present as before.

COMMITTEE REPORTS

May 5, 1930.

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

Gentlemen:

We, your Committee on Public Parks, to whom was referred General Ordinance No. 37, 1930, entitled "Amending General Ordinance No. 14, 1922—Rezoning Tenth Street and Arlington Avenue," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

FRED C. GARDNER, Chairman.

GEO. A. HENRY.

J. A. HOUCK.

C. A. HILDEBRAND.

C. I. WHEATLEY.

May 5, 1930.

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. 39, 1930, entitled "Authorization to Purchase Coal—City Hos-

pital," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. A. HOUCK, Chairman.
C. A. HILDEBRAND.
LEO F. WELCH.
FRED C. GARDNER.
MAURICE E. TENNANT.

May 5, 1930.

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. 40, 1930, entitled "Authorization for Purchase of Trucks," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. A. HOUCK, Chairman.
C. A. HILDEBRAND.
LEO F. WELCH.
FRED C. GARDNER.
MAURICE E. TENNANT.

INTRODUCTION OF APPROPRIATION ORDINANCE

By Civil Engineer:

APPROPRIATION ORDINANCE No. 6, 1930

AN ORDINANCE appropriating and transferring to the City Civil Engineer Gasoline Tax Fund the sum of Twenty-five Thousand Dollars (\$25,000.00) out of the gasoline tax fund now unappropriated for the repair and maintenance of improved streets and public thoroughfares and bridges, and for labor, material, supplies and equipment necessary thereto, and fixing a time when the same shall take effect.

Section 1. That the sum of Twenty-five Thousand Dollars (\$25,000.00) of the gasoline tax fund now unappropriated be and the same

is hereby appropriated and transferred to the City Civil Engineer Gasoline Tax Fund for the repair and maintenance of improved streets and public thoroughfares, bridges and for labor, material, supplies and equipment necessary thereto.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

INTRODUCTION OF GENERAL ORDINANCES

Department of Law :

GENERAL ORDINANCE No. 41, 1930

AN ORDINANCE repealing Section 381 and Section 382 of General Ordinance No. 121, 1925, being "An ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and with stated exceptions repealing all former ordinances," declaring an emergency 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 Section 381 and Section 382 of General Ordinance No. 121, 1925, being "An ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and with stated exceptions repealing all former ordinances," be and the same are now hereby repealed.

Sec. 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 and approval by the Mayor.

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

Board of Public Works:

GENERAL ORDINANCE No. 42, 1930

AN ORDINANCE ratifying and approving an agreement entered into between the City of Indianapolis by and through its Board of Public Works, with the approval of its Mayor and with the approval of its City Plan Commission and Carl H. Bauer, 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 agreement heretofore entered into by and between the City of Indianapolis through its Board of Public Works, with the approval of its Mayor and with the approval of its City Plan Commission and Carl H. Bauer, providing for terms and conditions for placing benches on the sidewalks of the City of Indianapolis, a copy of which agreement is attached hereto, made a part hereof and marked "Exhibit A," be and it is hereby in all things ratified and approved.

Sec. 2. This ordinance shall take effect from and after its passage and approval by the Mayor.

EXHIBIT A

THIS AGREEMENT made and entered into this 2d day of May, 1930, by and between the City of Indianapolis through its Board of Public Works, with the approval of its Mayor and with the approval of its City Plan Commission, hereafter designated as party of the first part, and Carl H. Bauer hereafter designated as party of the second part, witnesseth:

That the party of the first part hereby grants and issues to the party of the second part the exclusive privilege and permit of placing benches on the sidewalks of the City of Indianapolis upon the following terms and conditions:

1. The said benches shall be placed upon or near the sidewalks of the City of Indianapolis at such places as may be approved by the Board of Public Works.

2. The said benches shall be built according to plans and specifications furnished by said second party and approved by said Board of Public Works.

3. The party of the second part shall pay to the party of the first part the sum of Two Dollars Fifty Cents (\$2.50) per bench for the first year and Five Dollars (\$5.00) per bench for the second year of this permit, said payments to be made in advance.

4. The party of the second part shall place at least forty (40) of said benches within a period of 60 days from the date of the ratification of this contract by the Common Council of the City of Indianapolis. Provided, however, that the number of benches placed shall not exceed 5,000, unless a greater number shall be authorized by said Board of Public Works. The party of the second part shall furnish monthly a list showing the location of such benches.

5. The said benches are to be maintained, repaired, inspected and cleaned by the party of the second part free of any and all expense to the party of the first part; and in the event that any part of any of said benches shall become broken or unsafe, and the same is not repaired within five (5) days after receiving notice thereof from the party of the first part, the said party of the second part shall pay to the party of the first part the sum of One Dollar (\$1.00) for each day that said bench or benches are not repaired.

6. The party of the second part shall have the right to sell and place clean authentic advertising matter of reputable concerns upon said benches. No advertising shall be displayed on said benches that is of a lewd or immoral nature. No advertising of a political nature, local or otherwise, shall be displayed on said benches without the approval and consent of the Board of Public Works, and all advertising shall at all times be subject to the approval of said Board of Public Works. All revenues derived from the sale of advertising placed on said benches shall belong to the party of the second part.

7. The said benches shall be placed and maintained at the sole risk of the party of the second part.

8. The party of the second part shall furnish to the party of the first part an acceptable surety bond in the penal sum of Five Thousand Dollars (\$5,000.00) indemnifying the said party of the first part against any and all damages arising directly or indirectly from the placing and maintaining of said benches as herein permitted.

9. This contract shall remain in full force and effect for a period of two (2) years from the date of the final approval of the same by the Common Council of the City of Indianapolis. In the event that

the party of the second part shall fail to perform any of the terms and conditions of this contract, on his part to be performed, for a period of five (5) days after notice thereof from the said Board of Public Works, then the said Board of Public Works in its discretion may terminate this contract; and the said Board of Public Works may at any time for good cause shown order any of said benches removed. And it is further agreed by the parties hereto that the Board of Public Works may cancel and terminate this contract at any time after giving thirty (30) days' notice of its intention so to do to the party of the second part.

IN WITNESS WHEREOF, The City of Indianapolis by and through its Board of Public Works and with the approval of its Mayor and also the approval of the City Plan Commission, party of the first part, and Carl H. Bauer, party of the second part, have hereunto set their hands this 2d day of May, 1930.

CITY OF INDIANAPOLIS.
E. KIRK MCKINNEY,
LOUIS C. BRANDT,
CHARLES O. BRITTON,
Board of Public Works.

Approved:

.....
Mayor.

CITY PLAN COMMISSION.

Approved:

.....
Party of the First Part.

Approved:

CARL H. BAUER,
Party of the Second Part.

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

ORDINANCES ON SECOND READING

Mr. Houck called for General Ordinance No. 39, 1930, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Morgan, General Ordinance No. 39, 1930, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance No. 39, 1930, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz.: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Houck called for General Ordinance No. 40, 1930, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Morgan, General Ordinance No. 40, 1930, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance No. 40, 1930, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz.: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Gardner called for General Ordinance No. 37, 1930, for second reading. It was read a second time.

On motion of Mr. Gardner, seconded by Mr. Tennant, General Ordinance No. 37, 1930, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance No. 37, 1930, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz.: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

The Council reverted to a previous order of business.

Mr. Houck asked for suspension of rules for consideration and passage of Appropriation Ordinance No. 6, 1930. The motion was seconded by Mr. Welch, and passed by the following roll call vote:

Ayes, 9, viz.: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

COMMITTEE REPORTS

May 5, 1930.

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. 6, 1930, entitled "Appropriation of \$25,000.00 to City Engineer Gasoline Tax Fund," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed under suspension of rules.

J. A. HOUCK, Chairman.
C. A. HILDEBRAND.
LEO F. WELCH.
MAURICE E. TENNANT.
FRED C. GARDNER.

ORDINANCES ON SECOND READING

Mr. Houck called for Appropriation Ordinance No. 6, 1930, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Morgan, Appropriation Ordinance No. 6, 1930, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 6, 1930, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz.: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

MISCELLANEOUS BUSINESS

Mr. Henry made a motion that the President of the Council write a letter to the City Purchasing Agent, asking price paid for Tandem Roller; also that the Purchasing Agent send an itemized list of the prices paid for trucks purchased under section 3 of General Ordinance No. 40, 1930. This motion was seconded by Mr. Wheatley and passed by viva voce vote.

Mr. Houck announced that the Committee on Public Works was not ready to report on General Ordinance No. 38, 1930, and asked for further time for consideration of said ordinance, which was granted.

Mr. Tennant announced that the Committee on Public Safety was not ready to report on General Ordinance No.

32, 1930, and asked for further time for consideration of said ordinance, which was granted.

Mr. Hildebrand announced that the Committee on Public Works was not ready to report on General Ordinances Nos. 17 and 34, 1930, and asked for further time for consideration of said ordinances, which was granted.

On motion of Mr. Welch, seconded by Mr. Wheatley, the Common Council adjourned at 10:00 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, held on the 5th day of May, 1930, at 7:30 p. m.

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

Ernest C. Ropkey

President.

Attest:

Henry O. Gantt

City Clerk.

(SEAL.)