

## REGULAR MEETING

Monday, February 15, 1943.

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, February 15, 1943, at 7:30 p. m., in regular session. President Schumacher in the chair.

The Clerk called the roll.

Present: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

Absent: Mr. Jordan.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Kealing and seconded by Mr. Bowers.

## COMMUNICATIONS FROM THE MAYOR

February 2, 1943.

To the Honorable President and  
Members of the Common Council of  
the City of Indianapolis.

Gentlemen:

I have this day approved with my signature and delivered to Mr. Frank J. Noll, Jr., City Clerk, the following ordinance:

## APPROPRIATION ORDINANCE No. 1, 1943

AN ORDINANCE appropriating Twenty-Four Hundred Dollars (\$2,400.00) from the anticipated, unappropriated and unexpended 1943 balance of the City General Fund and allocating the same to the Department of Public Safety budget, Fire Department, Fund 11—Salaries and Wages, Regular Auto Mechanic Lieutenants, and fixing the time when same shall take effect.

Respectfully,

ROBERT H. TYNDALL,  
Mayor.

## COMMUNICATION FROM CITY OFFICIALS

February 15, 1943.

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

Gentlemen:

In Re: A. O. 2, A. O. 3, A. O. 4, G. O. 1, 1943

I beg leave to report that on February 5, 1943, pursuant to the laws of the State of Indiana, I caused "Notice of Public Hearing" to be inserted as follows:

A. O. No. 2—The Indianapolis News and The Indianapolis Commercial.

A. O. No. 3—The Indianapolis Star and The Indianapolis Times.

A. O. No. 4—The Indianapolis News and The Indianapolis Commercial.

G. O. No. 1—The Marion County Messenger and The Indianapolis Star.

that taxpayers would have the right to be heard on the above ordinances at the regular meeting of the Common Council to be held February 15, 1943, and by posting copies of said notice in the City Hall, Court House, and Police Station.

Very truly yours,

FRANK J. NOLL, JR.,  
City Clerk.

Indianapolis, Indiana,  
February 12, 1943.

Mr. Frank J. Noll, Jr.,  
City Clerk,  
City Hall,  
Indianapolis, Indiana.

Dear Sir:

I am enclosing herewith 22 copies of General Ordinance No. 2, entitled "An ordinance amending Section 36 of General Ordinance No. 121, entitled "An ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances," which ordinance is officially designated as Municipal Code of Indianapolis 1925."

This ordinance is introduced to give authority to the Board of Zoning Appeals to use its discretion in granting or denying permits for the operations of skating rinks.

I recommend its passage.

Yours very truly,

EDWARD R. KEALING,  
City Councilman.

February 15, 1943.

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

Gentlemen:

I am enclosing herewith 20 copies of Resolution No. 2, 1943, a resolution approving, confirming and ratifying a certain permit granted by the Board of Public Works and Sanitation of the City of Indianapolis by its written order entered on the 15th day of February, 1943, to Indianapolis Railways, Incorporated, under and pursuant to the provisions of the agreement entered into by the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, as amended and approved by General Ordinance No. 40, 1936.

EDWARD R. KEALING,  
Councilman.

At this time those present were given an opportunity to be heard on Appropriation Ordinances Nos. 2, 3, and 4, 1943, and General Ordinance No. 1, 1943.

Mr. Dauss asked for a recess. The motion was seconded by Mr. Worley, and the Council recessed at 7:55 p. m.

The Council reconvened at 8:30 p. m. with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., February 15, 1943.

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. 2, 1943, entitled:

AN ORDINANCE appropriating Twenty-Five Thousand (\$25,000.00) Dollars from the unappropriated and unexpended 1942 balance of the General Fund of the Department of Public Health and Charities;

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

HERMAN E. BOWERS, Chairman  
EDWARD R. KEALING  
LUCIAN B. MERIWETHER  
ROSS MANLY  
R. C. DAUSS

Indianapolis, Ind., February 15, 1943.

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. 3, 1943, entitled:

AN ORDINANCE appropriating One Thousand Four Hundred Forty-Eight Dollars and Ninety Cents (\$1,448.90) from the unappropriated and unexpended 1942 balance of the General Fund of the Department of Public Health and Charities, Nurse Training School, Salaries and Wages, Regular No. 11;

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

HERMAN E. BOWERS, Chairman  
EDWARD R. KEALING  
LUCIAN B. MERIWETHER  
R. C. DAUSS  
ROSS MANLY

Indianapolis, Ind., February 15, 1943.

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. 4, 1943, entitled:

AN ORDINANCE appropriating Twenty Thousand (\$20,000.00) Dollars from the unappropriated and unexpended 1942 balance of the General Fund of the Department of Public Health and Charities;

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

HERMAN E. BOWERS, Chairman  
EDWARD R. KEALING  
LUCIAN B. MERIWETHER  
R. C. DAUSS  
ROSS MANLY

Indianapolis, Ind., February 15, 1943.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 1, 1943, entitled:

AN ORDINANCE amending General Ordinance No. 61, 1942, regarding the annual budget for 1943 for the Gamewell Division under the Department of Public Safety;

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

R. C. DAUSS, Chairman  
OTTO H. WORLEY  
HERMAN E. BOWERS  
EDWARD R. KEALING

## INTRODUCTION OF GENERAL ORDINANCES

By Councilman Kealing:

## GENERAL ORDINANCE No. 2, 1943

AN ORDINANCE amending Section 36 of General Ordinance No. 121, entitled "An ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances," which ordinance is officially designated as Municipal Code of Indianapolis 1925.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That Section 36 of General Ordinance No. 121, entitled "An ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances," which ordinance is designated officially as Municipal Code of Indianapolis 1925, be amended so that Section 36 of said ordinance shall read as follows:

"Section 36. Before any individual, firm, or corporation shall be granted a permit to open or carry on any skating rink within said city, application therefor shall first be made in writing to the Board of Zoning Appeals of the City of Indianapolis, which shall proceed forthwith to hold public hearing thereon, notice of said public hearing to be published in three consecutive issues of a newspaper of general circulation in said City. The Board of Zoning Appeals is hereby granted authority after said public hearing to grant or deny said application. Any individual, firm, or corporation opening or carrying on any skating rink in said city without first obtaining the permission of the Board of Zoning Appeals as herein provided shall be guilty of a misdemeanor and may on conviction, be fined in any sum not exceeding One Hundred Dollars for the first offense and any sum not exceeding Twenty-Five Dollars for each additional offense, and each day's violation of this section shall constitute a separate offense."



Section 2. That all ordinances and parts of ordinances in conflict with Section 1 of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication according to law.

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

## INTRODUCTION OF RESOLUTIONS

By Councilman Kealing:

### RESOLUTION No. 2, 1943

A RESOLUTION approving, confirming and ratifying a certain permit granted by the Board of Public Works and Sanitation of the City of Indianapolis by its written order entered on the 15th day of February, 1943, to Indianapolis Railways, Incorporated, under and pursuant to the provisions of the agreement entered into by the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, as amended and approved by General Ordinance No. 40, 1936.

WHEREAS, in the agreement between the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, amended and approved by General Ordinance No. 40, 1936, said city granted to said Indianapolis Railways, Incorporated, subject to the terms and conditions therein set forth, the right to erect and maintain poles, feeder lines, trolley wires and other structures necessary to the operation of trackless trolley car lines on certain streets and parts of streets named and designated in said agreement, together with such other street and parts of streets as may from time to time by the Board of Public Works

and Sanitation by its written orders be permitted to be used by Indianapolis Railways, Incorporated, for the operation of trackless trolleys, subject to approval of such permits by the Common Council of said city, and to use such streets and parts of streets for transportation of passengers by means of trackless trolley cars; and

WHEREAS, pursuant to said provisions contained in said agreement as amended and approved by said General Ordinance No. 40 for the use of additional streets and parts of streets by Indianapolis Railways, Incorporated, for said trackless trolley pur-

poses, under the terms and conditions of said agreement, said Board of Public Works and Sanitation did on the 15th day of February, 1943, subject to approval by the Common Council, by written order grant to Indianapolis Railways, Incorporated, the following permit contained in the following order, to-wit:

“ORDER

Upon the petition of Indianapolis Railways, Incorporated, filed with the Board of Public Works and Sanitation on February 15, 1943, it is hereby ordered by the Board that, subject to the approval by the Common Council of the City of Indianapolis, said Indianapolis Railways, Incorporated, be and hereby is permitted to use East Market Street from North Alabama Street to Pennsylvania Street for the purpose of operating thereon its trackless trolley cars which are operated on its East 10th Street trackless trolley car line and the Brookside Park branch thereof and to erect thereon the necessary poles and wires for such operation, subject to all of the terms and provisions of General Ordinance No. 40, 1936, and of the contract as therein set out, amended and approved.”

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

That it does hereby in all things approve, confirm and ratify the permit granted on February 15, 1943, by the Board of Public Works and Sanitation to Indianapolis Railways, Incorporated, as con-

tained in said order; PROVIDED, that the use by Indianapolis Railways, Incorporated, of the streets and parts of streets covered by said permit for the aforesaid purposes shall in all things, including duration, be subject to, and in accordance with, all of the terms, conditions and provisions of the aforesaid agreement between the City of Indianapolis and said Indianapolis Railways, Incorporated, dated May 25, 1936, as the same is amended and approved in said General Ordinance No. 40, 1936.

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

#### ORDINANCES ON SECOND READING

Mr. Bowers called for Appropriation Ordinance No. 2, 1943, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Manly, Appropriation Ordinance No. 2, 1943, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 2, 1943, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

Mr. Bowers called for Appropriation Ordinance No. 3, 1943, for second reading. It was read a second time.

Mr. Bowers presented the following written motion to amend Appropriation Ordinance No. 3, 1943:

Indianapolis, Ind., February 15, 1943.

Mr. President:

I move that Appropriation Ordinance No. 3, 1943, be amended:

By striking out the words and figures in the first and second lines of the title, sixth and seventh lines of the preamble, and the first and second lines of Section 1: "One Thousand Four Hundred and Forty-Eight Dollars and Ninety Cents (\$1,448.90)" and inserting in lieu thereof the words and figures "Six Hundred Ninety-Eight Dollars and Ninety Cents (\$698.90)."

HERMAN E. BOWERS,  
Councilman.

The motion was seconded by Mr. Manly and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

On motion of Mr. Bowers, seconded by Mr. Manly, Appropriation Ordinance No. 3, 1943, as amended, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 3, 1943, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

Mr. Bowers called for Appropriation Ordinance No. 4, 1943, for second reading. It was read a second time.

Mr. Bowers presented the following written motion to amend Appropriation Ordinance No. 4, 1943:

Indianapolis, Ind., February 15, 1943.

Mr. President:

I move that Appropriation Ordinance No. 4, 1943, be amended:

By striking out the words and figures in the first and second lines of the title and in the first and second lines of Section 1: "Twenty Thousand (\$20,000.00) Dollars," and inserting in lieu thereof the words and figures, "Eight Thousand Two Hundred and Twenty Dollars and Sixteen Cents (\$8,220.16);"

By inserting the words "and sanitary" in the first line after the word "food" in the preamble; by inserting the words "statistical clerks" after the word "inspectors" in the second line of the preamble.

By striking out the "period" at the end of Section 1, and adding thereto the following: "for the payment of the salaries of six additional food and sanitary inspectors and one additional statistical clerk."

HERMAN E. BOWERS,  
Councilman.

The motion was seconded by Dr. Meriwether and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

On motion of Mr. Bowers, seconded by Dr. Meriwether, Appropriation Ordinance No. 4, 1943, as amended, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 4, 1943, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

Mr. Dauss called for General Ordinance No. 1, 1943, for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Bowers, General Ordinance No. 1, 1943, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 1, 1943, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

Mr. Kealing requested that the rules be suspended for further consideration and passage of Resolution No. 2, 1943. The motion was seconded by Mr. Dauss and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

The Council reverted to previous order of business.

## COMMITTEE REPORT

Indianapolis, Ind., February 15, 1943.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred  
Resolution No. 2, 1943, entitled:

A RESOLUTION approving, confirming and ratifying a certain permit granted by the Board of Public Works and Sanitation of the City of Indianapolis by virtue of its written order entered on the 15th day of February, 1943, to Indianapolis Railways, Incorporated, under and pursuant to the provisions of the agreement entered into by the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, as amended and approved by General Ordinance No. 40, 1936;

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

EDWARD R. KEALING, Chairman  
HERMAN E. BOWERS  
R. C. DAUSS  
WILLIE B. SULLIVAN

## ORDINANCES ON SECOND READING

Mr. Kealing called for Resolution No. 2, 1942, for second reading. It was read a second time.

On motion of Mr. Kealing, seconded by Mr. Dauss, Resolution No. 2, 1943, was ordered engrossed, read a third time and placed upon its passage.

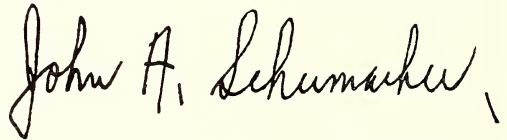
Resolution No. 2, 1943, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

On motion of Mr. Kealing, seconded by Dr. Meriwether, the Common Council adjourned at 9:50 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 15th day of February, 1943, 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.



President.

Attest:



City Clerk.

(SEAL)