

REGULAR MEETING

Monday, June 7, 1943.

7:30 P. M.

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

The Deputy Clerk called the roll.

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

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

May 18, 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 ordinances:

GENERAL ORDINANCE No. 25, 1943

AN ORDINANCE providing for the purchase and supply of personal equipment, such as uniforms, supplies, etc., beginning as of January 1, 1943, in a yearly amount of not to exceed Sixty Dollars (\$60.00) per member per annum for each member of the Indianapolis Police and Fire Departments, including those members attached to and/or serving with the Gamewell Division, from a special fund to be known as "Police and Firemen's Equipment Fund" by the Indianapolis Board of Public Safety, through its duly authorized Purchasing Agent, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 26, 1943

AN ORDINANCE regulating the parking and location of automobile trailers and regulating the licensing, location, erection, maintenance and conduct of automobile trailer camps and tourist camps and providing a penalty for the violation thereof.

GENERAL ORDINANCE No. 27, 1943

AN ORDINANCE to amend General Ordinance No. 114, 1922, commonly known as the Zoning Ordinance, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 28, 1943

AN ORDINANCE authorizing the Board of Public Works and Sanitation of the City of Indianapolis, Indiana, to purchase certain materials by and through its duly appointed Purchasing Agent, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 29, 1943

AN ORDINANCE to amend Section 376 of General Ordinance No. 121, 1925, known as the Municipal Code of 1925, as amended by General Ordinance No. 31, 1928, and General Ordinance No. 66, 1941, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 30, 1943

AN ORDINANCE prohibiting the parking of all vehicles, excepting Sheriff and Police cars, on a certain part of Alabama Street; providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 31, 1943

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, as amended, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 15, 1943

AN ORDINANCE appropriating the sum of Six Hundred Sixty-Five Dollars (\$665.00) from the anticipated, estimated, unexpended and unappropriated 1943 balance of the General Fund of the City of Indianapolis, Indiana, and allocating same to certain designated funds in certain designated departments and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 16, 1943

AN ORDINANCE appropriating the sum of Seventy Thousand Dollars (\$70,000.00) from the anticipated, unexpended, and unappropriated balance of the 1943 General Fund of the City of Indianapolis, Indiana, and allocating same to a special fund designated as "Police and Firemen's Equipment Fund", and fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,
Mayor.

May 25, 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 ordinances:

APPROPRIATION ORDINANCE No. 17, 1943

AN ORDINANCE amending General Ordinance No. 61, 1942, in regard to the existing 1943 budget of certain funds in certain sub-departments of the Department of Public Works of the City of Indianapolis, Indiana, beginning as of May 28, 1943, and fixing a time when this ordinance shall take effect.

APPROPRIATION ORDINANCE No. 18, 1943

AN ORDINANCE amending General Ordinance No. 61, 1942, regarding the annual budget of 1943 for certain funds of the Collection Department of the Department of Public Sanitation of Indianapolis, Indiana; appropriating the sum of Ten Thousand Eight Hundred Eighteen Dollars and Forty-Seven Cents (\$10,818.47) from the anticipated, estimated and unexpended 1943 balance of said Department of Public Sanitation and allocating same to certain funds in the Collection Department of said Department of Public Sanitation, in keeping with said

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amendment; providing for same to begin as of May 29, 1943; and fixing a time when this ordinance shall take effect.

Respectfully,

ROBERT H. TYNDALL.
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

June 7, 1943.

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

Gentlemen:

In Re: A. O. 19 and 20, 1943

I beg leave to report that pursuant to the laws of the State of Indiana, I caused "Notice to Taxpayers of Public Hearing" to be inserted in the following newspapers, to-wit:

A. O. Nos. 19 and 20, 1943—Friday, May 21, 1943—The Indianapolis Times and The Indianapolis News.

That taxpayers would have the right to be heard on the above ordinances at the regular meeting of the Common Council to be held June 7, 1943, and by posting copies of said notices in the City Hall, Court House, and Police Station in the City of Indianapolis, which notices remained posted for more than 10 days prior to the date of hearing.

Sincerely,

FRANK J. NOLL, JR.,
City Clerk.

June 7, 1943.

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

Gentlemen:

Attached are copies of Appropriation Ordinance No. 21, 1943, appropriating the sum of \$90.00 from the anticipated, estimated, unexpended 1943 balance of the City General Fund to Fund No. 72, Department of Public Safety, Weights and Measures, for the purchase of three sets of weights to test scales.

I respectfully recommend the passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,
City Controller.

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Indianapolis, Indiana,
June 1, 1943.

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

Dear Sir:

I am enclosing herewith 18 copies of General Ordinance No. 33,
entitled:

AN ORDINANCE governing the location of building and
premises for use as pool rooms, beer and liquor tav-
erns, authorizing the Board of Zoning Appeals to hear
applications therefore, grant or deny such applications
and fixing penalties for violations.

I am introducing this ordinance for the consideration of the
Common Council, as a courtesy to Mrs. Willard G. Gray, Vice-Presi-
dent and Law Enforcement Officer of the Carrie Nation Anti-Liquor
League, Inc. This ordinance proposes that before the opening or
continued operation of taverns and pool rooms in the City of Indi-
anapolis are to be permitted, that due public hearing shall be had
before the Zoning Appeals as to their location and adequacy of proper
sanitation.

I submit this ordinance for your consideration.

Yours very truly,

OTTO H. WORLEY,
City Councilman.

June 5, 1943.

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

Gentlemen:

Attached are copies of proposed General Ordinance No. 34, 1943, establishing certain passenger and/or loading zones in the City of Indianapolis:

116-118 East Maryland Street (Goldstein Brothers);
128-132 S. Meridian Street (Mutual China Company);
1315 E. 30th Street (Center Cleaners).

The Board of Safety has approved requests for establishment of the above zones, and respectfully recommends the passage of this ordinance.

Yours very truly,

BOARD OF PUBLIC SAFETY,

By WM. H. REMY,
President.

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

Gentlemen:

Attached hereto please find copies of General Ordinance No. 35, 1943, approving resolution and agreement entered into by the Board of Public Works and Sanitation on May 5, 1943, with the Administrator of Civil Aeronautics of the United States Department of Commerce concerning the use of the Indianapolis Municipal Airport and the construction of certain projects, and repeal of General Ordinance No. 6, 1943, passed on March 1, 1943.

We respectfully recommend the passage of this ordinance.

Very truly yours,

BOARD OF PUBLIC WORKS AND SANITATION,

OTTO ABSHIER,
Executive Secretary.

June 7, 1943.

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

Gentlemen:

Attached are copies of General Ordinance No. 36, amending the 1943 budget of Fund No. 11, Salaries and Wages, Regular, Fire Department, Department of Public Safety.

I respectfully recommend the passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,
City Controller.

June 7, 1943.

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

Gentlemen:

Attached are copies of General Ordinance No. 37, 1943, amending the 1943 budget of Fund No. 11, Salaries and Wages, Regular, Police Department, Department of Public Safety.

I respectfully recommend the passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,
City Controller.

At this time those present were given an opportunity to be heard on Appropriation Ordinances Nos. 19 and 20, 1943.

Mr. Bowers asked for recess. The motion was seconded by Mr. Dauss and the Council recessed at 7:45 p. m.

The Council reconvened at 8:25 p. m., with the same members present as before.

COMMITTEE REPORT

Indianapolis, Ind., June 7, 1943.

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

Gentlemen:

We, your Committee on Public Health, to whom was referred Appropriation Ordinance No. 19, 1943, entitled:

AN ORDINANCE appropriating the sum of Seven Thousand Seven Hundred Thirty-Two Dollars and Ninety-Seven Cents (\$7,732.97) from the anticipated, unexpended and unappropriated 1943 balance of the General Fund of the Board of Public Health and Charities of the City of Indianapolis, Indiana, and allocating same to certain designated funds in said Department, and fixing a time when the same shall take effect;

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

LUCIAN B. MERIWETHER, Chairman
EDWARD R. KEALING
ROSS MANLY
OTTO H. WORLEY
WILLIE B. SULLIVAN

Indianapolis, Ind., June 7, 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. 20, 1943, entitled:

AN ORDINANCE appropriating the sum of Eight Thousand Eight Hundred Fourteen Dollars and Ninety-Eight Cents (\$8,814.98) from the anticipated, unexpended and unappropriated 1943 balance of the Gen-

eral Fund of the Department of Public Sanitation of the City of Indianapolis, Indiana, to a designated fund of said department, and fixing a time when the same shall take effect;

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
R. C. DAUSS
LUCIAN B. MERIWETHER
ROSS MANLY

Indianapolis, Ind., June 7, 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. 8, 1943, entitled:

AN ORDINANCE concerning the salaries, wages and compensations of certain officers and members of the Indianapolis Police and Fire Departments, etc.;

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

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
O. H. WORLEY
CARSON C. JORDAN

Indianapolis, Ind., June 7, 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. 32, 1943, entitled:

AN ORDINANCE authorizing the Board of Public Safety of Indianapolis, Indiana, through its duly appointed Purchasing Agent, to sell certain worn and obsolete equipment belonging to the Police Department, and fixing a time when the same shall take effect.

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

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
O. H. WORLEY
CARSON C. JORDAN

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE No. 21, 1943

AN ORDINANCE appropriating the sum of Ninety Dollars (\$90.00) from the anticipated, unexpended and unappropriated 1943 balance of the General Fund of the City of Indianapolis, Indiana, to Fund No. 72, Weights and Measures, Department of Public Safety, and fixing a time when the same shall take effect.

WHEREAS, three sets of weights are needed for the purpose of testing scales in the Department of Weights and Measures of the Department of Public Safety, and

WHEREAS, there is insufficient money in Fund 72 to purchase same —there being but Twenty-Four Dollars and Forty-Nine Cents (\$24.49) balance in said fund; NOW, THEREFORE,

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

Section 1. That the sum of Ninety Dollars (\$90.00) be and the same is hereby appropriated from the anticipated, unexpended and unappropriated 1943 balance of the General Fund of the City of Indianapolis to Fund No. 72, Equipment, Weights and Measures, Department of Public Safety.

Section 2. This ordinance shall be in full force and effect upon passage and approval by the Mayor.

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

INTRODUCTION OF GENERAL ORDINANCES

By Councilman Mr. Worley.

GENERAL ORDINANCE No. 33, 1943

AN ORDINANCE governing the location of building and premises for use as pool rooms, beer and liquor taverns, authorizing the Board of Zoning Appeals to hear applications therefore, grant or deny such applications and fixing penalties for violations.

WHEREAS, it is openly charged by the citizens of Indianapolis that pool rooms, beer and liquor taverns have been set up indiscriminately in many residential and business districts of said city, to the great detriment of property values, and

WHEREAS, innumerable complaints by the public have been voiced as to the inadequate wash rooms and toilet facilities in said pool rooms, beer and liquor taverns causing unsanitary and unhealthful conditions to exist in and around said pool rooms, beer and liquor taverns, and

WHEREAS, large and boisterous groups have been attracted to said pool rooms and taverns, making loud, boisterous, and unnecessary noises at all hours of the day and night, thereby creating a public nuisance and disturbing the peaceful enjoyment of personal rights of the citizens of this community, and also seriously depreciating the value of surrounding real estate, and

WHEREAS, persons employed in war industries have been disturbed in their sleep and rest by loud dance music, loud talking and arguments emanating from said taverns and pool rooms, and

WHEREAS, it is to the best interests of the public to control the location of said businesses, and prevent their establishment in residential and business neighborhoods, and provide public hearings before such business be permitted to open, operate, maintain or carry on their enterprise; NOW, THEREFORE,

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

Section 1. DEFINITIONS.

A. Wherever used in this ordinance, the word "tavern" shall mean houses or establishments where alcoholic beverages are sold to be drunk on the premises.

B. Wherever used in this ordinance, the term "alcoholic beverages" shall be construed to mean all malt or vinous or spirituous beverages containing alcohol, and every other drink or mixture or preparation having any alcoholic content, whether patented or not, reasonably, likely or intended to be used as a beverage.

C. For the purpose of this ordinance, "pool room" shall be construed to mean any place where the games of pool, billiards, snooker or other similar games are played.

Section 2. Before any individual, firm or corporation shall be permitted to open or carry on any pool room or tavern within the City of Indianapolis, permission to use the premises for the purposes above designated, shall first be obtained from the Board of Zoning Appeals of the City of Indianapolis. Application for such permission shall be made in writing to said Board, which shall proceed to hold public hearing thereon, notice of said public hearing to be published in three consecutive issues of a daily newspaper of general circulation in said city. If at said public hearing a majority of residents of property in the immediate neighborhood of said proposed pool room or tavern object either in writing or in person to the granting of said permit for such use of said property, then said Board of Zoning Appeal is hereby directed to deny such application.

If, however, at said hearing, a minority only of the residents of property in the immediate neighborhood of said proposed pool room or tavern object either in writing or in person, then and in that event, the said Board of Zoning Appeal is hereby granted authority to act in its own discretion as to the granting or denying of said permit, said Board to be governed in its action solely by the best public interests and the possibility of the creation of a nuisance in said neighborhood. Decision of the Board of Zoning Appeals of said city in all such petitions and permits shall be final. For the purposes of this section the term "immediate neighborhood" shall mean within a radius of five hundred (500) feet of the proposed location of said pool room, beer and liquor tavern.

Section 3. Before any individual, firm or corporation shall be permitted to open or carry on any pool room or tavern within the City of Indianapolis, adequate wash room and toilet facilities shall be installed and maintained in sufficient number and capacity to adequately care for the maximum number of patrons that can use said pool room or tavern. The premises to be used or being used as a pool room or tavern shall be inspected by the Board of Public Health and Charities of said city whose judgment as to the adequacy of said wash room and toilet facilities shall be final. Said Board of Public Health and Charities, after its investigation, shall certify its findings concerning said wash room and toilet facilities to the Board of Zoning Appeals, and if said facilities are inadequate, then the Board of Zoning Appeals shall deny permission to open or carry on said pool room, beer or liquor tavern.

Section 4. Any individual, firm or corporation opening, carrying on or maintaining any pool room or tavern in said city without first obtaining the permission of the Board of Zoning Appeals as herein provided shall on conviction be fined in any sum not exceeding Five Hundred Dollars (\$500.00) for the first offense, and any sum not exceeding One Hundred Dollars (\$100.00) for each additional offense, and each day's violation of this ordinance shall constitute a separate offense.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 City Welfare.

By the Board of Public Safety:

GENERAL ORDINANCE No. 34, 1943

AN ORDINANCE establishing certain passenger and/or loading zones in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended, 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 for the purpose of providing the owners or occupants of certain premises fronting on certain public streets in Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owners or occupants having complied with the provisions of Section 26 of General Ordinance No. 96, 1928, as amended, relative to the establishment of passenger and/or loading zones, at the places hereinafter designated, and the Board of Public Safety having caused investigation to be made thereof and having recommended the establishment, pursuant to the terms of the aforesaid ordinance, the following passenger and/or loading zones be and the same are hereby established in the City of Indianapolis, Indiana, to-wit:

An 18 foot zone in front of 116-118 East Maryland Street, said premise being occupied by Goldstein Brothers, Inc., and said zone to extend for a distance of 18 feet west of a point 6 feet west of the east property line of Maryland Street;

An 18 foot zone in front of 128-130-132 South Meridian Street, said premise being occupied by Mutual China Company, and said zone to extend for a distance of 18 feet north from the south property line of Meridian Street;

An 18 foot zone in front of 1315 East 30th Street, said premise being occupied by Center Cleaners, Inc., and said zone to extend for a distance of 18 feet west of a point 16 feet west of the east property line of 30th Street.

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

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

By the Board of Public Works and Sanitation:

GENERAL ORDINANCE No. 35, 1943

AN ORDINANCE approving a certain Resolution and Agreement entered into by the Board of Public Works and Sanitation of the City of Indianapolis, on May 5, 1943, with the Administrator of Civil Aeronautics of the United States Department of Commerce, concerning the use of the Indianapolis Municipal Airport

and the construction of certain projects in connection therewith, and fixing of the time when said ordinance shall take effect, and repealing General Ordinance No. 6, 1943, passed on March 1, 1943.

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

Section 1. That the Common Council of the City of Indianapolis approves and confirms a certain Resolution passed by the Board of Public Works and Sanitation of the City of Indianapolis, on May 5, 1943, which Resolution constitutes an agreement with the Administrator of Civil Aeronautics of the United States Department of Commerce, permitting said Administrator to use the Indianapolis Municipal Airport under certain conditions to construct certain projects in connection therewith, which Resolution is in the words and figures following, to-wit:

RESOLUTION
BOARD OF PUBLIC WORKS AND SANITATION
OF THE CITY OF INDIANAPOLIS

WHEREAS, the Administrator of Civil Aeronautics of the United States Department of Commerce (hereinafter referred to as the "Administrator"), with the approval of a Board composed of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, has designated as necessary for national defense a project (herein called the "Project") for development of the Indianapolis Municipal Airport (herein called the "Airport"), which Project is identified as 904-12-12; and

WHEREAS, as a condition precedent to release and operation of the Project, the Administrator requires that the City of Indianapolis (herein called the "City") have certain property interests in the

landing area of the Airport and the lands to be improved under the Project and enter into an agreement with the United States (herein called the "Government"), in the manner and form hereof; and

WHEREAS, the City of Indianapolis is legally, financially, and otherwise able to enter into such an agreement and desires to avail itself of the benefits of prosecution of the Project.

THEREFORE, BE IT RESOLVED, by the Board of Public Works and Sanitation as follows:

Section 1. That for and in consideration of development of the airport by the government as contemplated by the Project, the City of Indianapolis does hereby covenant and agree with the Government as follows: this agreement to become effective upon the award of any construction contract for any portion of the Project or the inauguration of any portion of the Project under force account, and to continue during the useful life of the improvements made under the Project.

(a) The Government shall have the right to determine the exact nature of the improvements to be made under the Project, the manner in which construction thereunder is to be conducted, and the amount of Federal funds to be expended. The City of Indianapolis will cooperate with the Government to ensure prosecution of the Project without interference or hindrance, and agrees to permit the agents and employees of the Government, and all persons authorized by the Administrator, to enter upon, use, and occupy the property to be developed, as the Administrator may deem necessary or desirable in connection with the construction and use by the Government.

(b) The City of Indianapolis agrees to indemnify and save harmless the Government against and from any and all claims and damages which may arise from or in connection with the carrying out of the Project, excepting claims for injuries or death to persons

resulting from willful or negligent acts or omissions of the Government or any of its officers, employees, agents, or agencies, all other claims sounding in tort, and claims for materials furnished or work performed pursuant to authority given by officers, employees, or agents of the Government.

(c) It is understood and agreed that all improvements made under the Project shall be the sole and absolute property of the City of Indianapolis except where specifically agreed otherwise, in writing, prior to the undertaking of the improvement or installation in question.

(d) The City of Indianapolis agrees that, continuously during the term of this agreement, the Airport will be operated as such, and for no other purpose, and that unless utilized exclusively for military purposes, it will at all times be operated for the use and benefit of the public on reasonable terms and without unjust discrimination, and without grant or exercise of any exclusive right for the use of the Airport within the meaning of Section 303 of the Civil Aeronautics Act of 1938.

(e) The City of Indianapolis agrees that it will at all times during the term of this agreement maintain in good and serviceable condition and repair the entire landing area of the Airport and all improvements, facilities, and equipment which have been or may be made, constructed, or installed with Federal aid, including all improvements made under the Project, other than facilities and equipment owned by the Government; Provided, that during any period the said landing area or airport improvements, facilities, or equipment are leased by or licensed to the Government for military purposes, the City of Indianapolis shall be obligated to bear only that proportion of the expense of maintenance of the landing area or airport improvements, facilities, or equipment so leased or licensed, which their non-military use bears to their total use.

(f) Insofar as is within its powers and reasonably possible, the City of Indianapolis will prevent any use of land either within or outside of the boundaries of the Airport, including the construction,

erection, alteration, or growth, of any structure or other object thereon, which would be a hazard to the landing, taking off, or maneuvering of aircraft at the Airport, or otherwise limit its usefulness as an airport.

(g) In order to protect the rights and interests of the Government under this agreement, the City of Indianapolis agrees that it will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency. The City of Indianapolis further agrees that it will not execute any deed, lease, operation or management agreement, or other instrument affecting the airport or any portion of facility thereof or interest therein, even though the other party to the transaction is the Government acting through the War Department or Navy Department, unless thirty days' notice of its intention so to do have been given to the Administrator, or unless the Administrator has waived the right to such notice. A copy of the proposed instrument in question shall be attached to said notice, which shall state the date upon which the same is to be executed.

(h) The City of Indianapolis agrees that, if requested to do so by the War Department or Navy Department, at any time during a national emergency declared by the President, it will lease the landing area of the Airport to the Government for military or naval use, at a nominal rental, for a term of one year, renewable annually at the option of the Government for such period as the Government may designate: Provided, That the lease shall contain an express stipulation that its term shall not exceed the duration of the national emergency and six months thereafter unless an extension thereof is approved by the Administrator. Such lease shall also contain a covenant on the part of the Government to permit, by instruments in writing, use of the leased premises as a public Municipal Airport by commercial, private, and other non-military aircraft, to the fullest extent possible without interfering with military operations and to bear all of the expense of maintaining and keeping in good repair the leased premises and all improvements and facilities thereon, other than that proportion of the cost of such maintenance for which the City of Indianapolis assumes responsibility under Section 1 (e)

hereof. The City of Indianapolis further agrees that, during all times that the landing area of the Airport is not held by the Government under lease, the Government shall have the right to use such area in common with others, without charge, to the extent possible without requiring limitation of non-military operations.

(1) It is further provided that in the event a lease is entered into, as hereinabove provided, that such lease shall be subject to a certain lease entered into between the City of Indianapolis and the Roscoe Turner Aeronautical Corporation, dated July 1, 1940, for a term of twenty (20) years with the privilege of renewal for twenty (20) years, recorded on July 12, 1940, in Miscellaneous Record 313, page 5 in the records of the Recorder of Marion County, Indiana; and that said lessee shall be entitled to enjoy all benefits as in said lease provided.

(i) The foregoing provisions of this Resolution shall not apply to that portion of the Airport which is now occupied by the Civil Aeronautics Administration under lease dated January 17, 1938, during the term of said lease or any renewal thereof.

Section 2. In order to satisfy the Government that the City of Indianapolis is qualified to sponsor the project under the Project Eligibility Requirements of the Civil Aeronautics Administration, and to induce the Government to proceed with the project in accordance with the offer made by the City of Indianapolis in Section 1 hereof, the City of Indianapolis does hereby represent and warrant to the Government as follows:

(a) That the City of Indianapolis has title in fee simple to all the lands comprising the landing area of the Airport, and to all lands to be improved under the project, which lands are shown on a

sketch attached hereto as part of Exhibit "A", and that said lands are held free from any lien, lease, easement or other encumbrance other than those described as follows:

- (1) Easement to State of Indiana of 40 feet over part of Section 23, Township 15 North, Range 2 East, recorded in Deed Record 1030, page 272, on February 27, 1940, in the records of the Recorder of Marion County, Indiana, which easement was dated December 29, 1939.
- (2) A lease to Roscoe Turner Aeronautical Corp. for a term of 20 years with privilege of renewal for 20 years at \$12.00 per year, dated July 1, 1940, and recorded on July 12, 1940, in Miscellaneous Record 313, page 5 of the records of the Recorder of Marion County.
- (3) A certain mortgage from Roscoe Turner Aeronautical Corp. on its lease, to the Reconstruction Finance Corporation for \$60,000.00, dated March 10, 1941, and recorded March 14, 1941, in Chattel Mortgage Record 40, page 55, in the records of the Recorder of Marion County, Indiana.
- (4) Certain miscellaneous concession leases which are not required to be recorded.
- (5) Leases to several Commercial Airlines for the use of the airport facilities, together with certain contracts providing for the supplying of oil, gasoline and repairs to aircraft using the airport.

(b) That the City of Indianapolis has the power and authority to adopt this Resolution through its Board of Public Works and Sanitation, and to perform all the covenants contained herein.

(c) That the City of Indianapolis is financially and practically able to perform all of the covenants contained in this Resolution.

(d) That there is no pending or threatened litigation or other legal proceedings, and no material and relevant fact which might adversely affect the prosecution of the Project, the operation of the Airport or the performance of any of the covenants contained in Section 1 hereof, which has not been brought to the attention of the Administrator.

(e) That the Board of Public Works and Sanitation for the City of Indianapolis is the proper body to adopt this Resolution and has complied with all the requirements of law in so doing.

(f) That such of the above representations and warranties as involve questions of law are made upon the advice of the Corporation Counsel of the City of Indianapolis whose certificate as to such matters has previously been delivered to the Board of Public Works and Sanitation, and is annexed hereto and made a part hereof as Exhibit "A".

Section 3. That said Corporation Council and Executive Secretary of the Board of Public Works and Sanitation be, and they are hereby authorized and directed to furnish the Administrator copies of all documents representing or evidencing the encumbrances described in Section 2 (a) hereof, together with such legal and factual information relative to the Airport, the Project and this Resolution, as the Administrator may reasonably request.

Section 4. That four certified copies of this Resolution be sent forthwith to the Administrator through the Regional Manager of the Civil Aeronautics Administration, 608 South Dearborn Street, Chicago, Illinois.

Section 5. That this Resolution shall be effective immediately.

BOARD OF PUBLIC WORKS AND SANITATION
OF THE CITY OF INDIANAPOLIS

By HARMON A. CAMPBELL (signed)
President

WALTER E. HEMPHILL (signed)

GIDEON W. BLAIN (signed)

J. J. LIDDY (signed)

I approve of the adoption of the foregoing Resolution.

ROBERT H. TYNDALL (signed)
Mayor of the City of Indianapolis

EXHIBIT "A"

CERTIFICATE OF CORPORATION COUNSEL
OF CITY OF INDIANAPOLIS, INDIANA

I, SIDNEY S. MILLER, the duly appointed and qualified Corporation Counsel of the City of Indianapolis, having read the attached Resolution of the Board of Public Works and Sanitation of the City of Indianapolis, the adoption of which is required as a condition prece-

dent to the prosecution of a Civil Aeronautics Administration national defense project for the development of the Indianapolis Municipal Airport, CAA Docket No. 904-12-12, do hereby certify:

1. That the City of Indianapolis has title in fee simple to all the lands comprising the landing area of said Airport, and to all the lands to be improved under the above Project, which lands are shown on the attached sketch, and that said lands are held free from any lien, lease, easement or other encumbrance except those described as follows:

- (1) Easement to State of Indiana of 40 feet over part of Section 23, Township 15 North, Range 2 East, recorded in Deed Record 1030, page 272, on February 27, 1940, in the records of the Recorder of Marion County, Indiana, which easement was dated December 29, 1939.
- (2) A lease to Roscoe Turner Aeronautical Corp. for a term of 20 years with privilege of renewal for 20 years at \$12.00 per year, dated July 1, 1940, and recorded on July 12, 1940, in Miscellaneous Record 313, page 5 of the records of the Recorder of Marion County.
- (3) A certain mortgage from Roscoe Turner Aeronautical Corp. on its lease, to the Reconstruction Finance Corporation for \$60,000.00, dated March 10, 1941, and recorded March 14, 1941, in Chattel Mortgage Record 40, page 55, in the records of the Recorder of Marion County, Indiana.
- (4) Certain miscellaneous concession leases which are not required to be recorded.

- (5) Leases to several Commercial Airlines for the use of the airport facilities, together with certain contracts providing for the supplying of oil, gasoline and repairs to aircraft using the airport.

2. That the City of Indianapolis had the power to adopt said Resolution through its Board of Public Works and Sanitation and to perform all of the covenants and conditions contained therein.

3. That there is no pending or threatened litigation or other legal proceeding which might affect the prosecution of said Project, the operation of said Airport, or the performance of any of the covenants contained in said Resolution.

Dated this 5th day of May, 1943.

SIDNEY S. MILLER (signed)

Corporation Counsel, City of
Indianapolis, Indiana.

CERTIFICATE OF EXECUTIVE SECRETARY OF BOARD OF
PUBLIC WORKS AND SANITATION

I, OTTO ABSHIER, Executive Secretary of the Board of Public Works and Sanitation of the City of Indianapolis, do hereby certify that the attached Resolution is a true and correct copy of the Resolution passed by said Board of Public Works and Sanitation at its regular meeting, Wednesday, May 5, 1943; that said Resolution bears the signatures of all of the members of said Board and the approval of

Robert H. Tyndall, Mayor of the City of Indianapolis; that at the time said Resolution was passed, Exhibit "A" was attached thereto, which Exhibit included the sketch of the Indianapolis Municipal Airport, together with the legal description thereof.

OTTO ABSHIER (signed)

Executive Secretary of the Board of
Public Works and Sanitation.

Section 2. The Board of Public Works and Sanitation of the City of Indianapolis is hereby authorized and directed to perform all of the provisions of said Resolution for and on behalf of the City of Indianapolis, and to comply in full with the provisions thereof.

Section 3. That the agreement as embodied in said Resolution shall be effective upon the approval and adoption by said Administrator.

Section 4. That four certified copies of the ordinance approving this Resolution and Agreement be sent forthwith to the Administrator of Civil Aeronautics of the United States Department of Commerce through the Regional Manager of the Civil Aeronautics Administration, 608 South Dearborn Street, Chicago, Illinois.

Section 5. That General Ordinance No. 6, 1943, of the City of Indianapolis is hereby specifically repealed.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By the City Controller:

GENERAL ORDINANCE No. 36, 1943

AN ORDINANCE amending General Ordinance No. 61, 1942, regarding certain items of the 1943 Budget in Fund No. 11, Salaries and Wages, Regular, Fire Department, in the Department of Public Safety, beginning as of June 11, 1943, and fixing a time when this ordinance shall take effect.

WHEREAS, more efficient service at a savings of approximately Three Hundred Dollars (\$300.00) may be effected thereby; NOW, THEREFORE,

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

Section 1. That General Ordinance No. 61, 1942, relating to certain items of the 1943 Budget in Fund No. 11, Salaries and Wages, Regular, Fire Department, Department of Public Safety—such items regarding seven (7) Privates, 1st grade, 5th year, @ \$2,100.00 (assigned as signal officers in Gamewell), and three (3) Chauffeurs, Circuit Repairmen, @ \$2,200.00 (assigned as Circuit Repairmen to Gamewell)—be and the same is hereby amended, beginning as of June 11, 1943, to read as follows:

DEPARTMENT OF PUBLIC SAFETY
FIRE DEPARTMENT

Fund No. 11—Salaries and Wages, Regular

4 Lieutenants @ \$2,400 (assigned as signal operators in Gamewell)

2 Lieutenants @ \$2,400.00 (assigned as Circuit Repairmen in Gamewell)

3 Chauffeurs @ \$2,200.00 (assigned as signal operators in Gamewell)

Section 2. That this ordinance shall be in full force and effect after its passage and approval by the Mayor.

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

By the City Controller:

GENERAL ORDINANCE No. 37, 1943

AN ORDINANCE amending General Ordinance No. 61, 1942, regarding the annual budget of 1943 for the Police Department in the Department of Public Safety of Indianapolis, Fund No. 11, Services—Personal, beginning as of June 11, 1943, by abolishing certain positions and substituting therefor certain other positions, and fixing a time when this ordinance shall become effective.

WHEREAS, a saving of approximately One Thousand Six Hundred Dollars (\$1,600.00) can be effected thereby; NOW, THEREFORE,

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

Section 1. That, beginning as of June 11, 1943, Fund No. 11, Services—Personal, in the Police Department of the Department of Public Safety of Indianapolis, as provided for under General Ordinance No. 61, 1942, regarding the annual budget for 1943, be and the same is hereby amended by abolishing the following positions, to-wit:

1 Sergeant of Police, Traffic Maintenance.....	\$ 2,600.00
16 Motorcycle Patrolmen—@ \$2,250.00.....	36,000.00
	<hr/>
	\$38,600.00

and by providing in lieu thereof, the following positions at the following salaries, to-wit:

1 Captain of Police.....	\$ 3,000.00
5 Sergeants of Police—@ \$2,400.00.....	12,000.00
10 Coporals of Police—@ 2,200.00.....	22,000.00
	<hr/>
	\$37,000.00

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

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

ORDINANCES ON SECOND READING

Dr. Meriwether called for Appropriation Ordinance No. 19, 1943, for second reading. It was read a second time.

On motion of Dr. Meriwether, seconded by Mr. Dauss, Appropriation Ordinance No. 19, 1943, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 19, 1943, was read a third time by the Deputy Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bowers, Mr. Dauss, Mr. Jordan, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

Mr. Bowers called for Appropriation Ordinance No. 20, 1943, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Worley, Appropriation Ordinance No. 20, 1943, was ordered engrossed, read a third time and placed upon its passage.

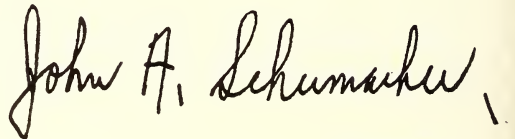
Appropriation Ordinance No. 20, 1943, was read a third time by the Deputy Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bowers, Mr. Dauss, Mr. Jordan, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

On motion of Mr. Kealing, seconded by Mr. Bowers, the Common Council adjourned at 8:35 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 7th day of June, 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)