

REGULAR MEETING

Monday, June 6, 1949
6:30 P. M., CST

The Common Council of the City of Indianapolis met in the Council Chambers at the City Hall, Monday, June 6, 1949, at 6:30 P. M., CST in regular session. President Emhardt in the chair.

The Clerk called the roll.

Present: Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Absent: Mr. Bright, Miss Connor.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Ross, seconded by Mr. Seidensticker.

COMMUNICATIONS FROM THE MAYOR

May 18, 1949

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 the City Clerk, Mr. Richard G. Stewart, the following ordinances:

APPROPRIATION ORDINANCE NO. 11, 1949

An ordinance appropriating the total sum of Twenty Thousand (\$20,000.00) Dollars, from the unexpended and unappropriated balance of the Gasoline Tax Fund, now in the hands of the City Controller, to certain funds of the Board of Public Works, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 12, 1949

An ordinance of the City of Indianapolis, Indiana, transferring, appropriating, and allocating the sum of Sixty-Thousand Dollars (\$60,000.00), from the General Fund of said City for the payment of certain street repairs not provided for in the existing budget and levies, said funds to be derived from Indianapolis Railways, Inc., and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 13, 1949

An ordinance appropriating the total sum of One Hundred Fifty Thousand (\$150,000.00) Dollars, from the unexpended and unappropriated balance of the Gasoline Tax Fund now in the hands of the City Controller, to certain funds of the Board of Public Works, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 14, 1949

An ordinance of the City of Indianapolis, Indiana, appropriating the sum of One Hundred Fifteen Thousand (\$115,000.00) Dollars from the proceeds of the sale of "City of Indianapolis Arlington Avenue Bridge Bonds of 1949" for the purpose of providing monies to construct a new bridge over Pleasant Run at Arlington Avenue in the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 15, 1949

An ordinance appropriating, transferring and reappropriating and reallocating as of May 1, 1949, a certain sum (tax levy money) to a certain designated item and fund in the Department of Finance as appropriated under the 1949 budget G. O. 74, 1948,

as hereby amended, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 27, 1949

An ordinance regulating parking of vehicles on certain parts of certain streets of the City of Indianapolis, providing a penalty for any violation thereof, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 29, 1949

An ordinance authorizing the City Controller for and on behalf of the City of Indianapolis, to sell One Hundred and Fifteen (115) of One Thousand (\$1000.00) Dollars each of said City, payable from the general revenues and from the funds of said city, or as may be required by law, for the purpose of providing funds for the payment of the total cost of construction of a new bridge over Pleasant Run at Arlington Avenue, in the City of Indianapolis, Indiana, together with all necessary and incidental expense incurred in connection therewith and providing for the time and manner of advertising the sale of said bonds and receipt of bids for the same, together with the method and terms of sale, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 30, 1949

An ordinance to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance, which is an ordinance dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of uses of land and lot areas within such city; creating a Board of Zoning Appeals; defining certain terms used in said ordinance, providing a penalty for its violation and designating the time when the same shall take effect, by creating and adding thereto new and additional sections to be numbered Sections 8A, 8B, and 8C, which new sec-

tions require offstreet automobile or motor vehicle parking space to be provided for in the use of premises and in the erection of buildings for commercial, business, office, or industrial purposes, public or private assembly purposes, churches, hospitals and institutions, hotels, and apartments; and also require loading space to be provided for pickup or delivery of material or merchandise; providing a penalty for its violation and designating the time when the same shall take effect.

RESOLUTION NO. 1, 1949

A resolution pertaining to the acceptance of a Grant Offer and the execution of a Grant Agreement for aid on the Federal Airport Project No. 9-12-008-801, Weir Cook Municipal Airport. Also rescinding Resolution No. 5, 1948, Common Council, City of Indianapolis, Indiana.

Respectfully yours,

AL FEENEY, Mayor

AF:ms

COMMUNICATIONS FROM CITY OFFICIALS

May 28, 1949

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

Gentlemen:

In Re: Appropriation Ordinance No. 16, 1949

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

A. O. No. 16, 1949—Friday, May 20 and May 27, 1949—
The Indianapolis Commercial and The Marion County
Messenger

that taxpayers would have the right to be heard on the above ordinances at the meeting of the Common Council to be held at 6:30 P. M., CST, June 6, 1949 and by posting copies of said notice in the City Hall, Court House and Police Station in the City of Indianapolis, which notice remained posted for ten days or more prior to date of hearing.

Sincerely yours,

RICHARD G. STEWART

City Clerk

May 28, 1949

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

Gentlemen:

In Re: General Ordinance No. 27, 1949

General Ordinance No. 30, 1949

I hereby report that pursuant to the laws of the State of Indiana, I caused publication to be inserted in the following newspapers, to-wit:

G. O. Nos. 27, 30, 1949—Friday, May 20 and May 27,
1949—The Indianapolis Commercial and The Marion
County Messenger

and that said ordinances are in full force and effect as of the last date of publication and compliance with laws pertaining thereto.

Sincerely yours,

RICHARD G. STEWART

City Clerk

May 28, 1949

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

Gentlemen:

In Re: General Ordinance No. 29, 1949 (\$115,000.00 Bond Issue)

I beg leave to report that pursuant to the laws of the State of Indiana, I caused to be published "Notice to Taxpayers of the filing of petition to issue bonds of the City of Indianapolis and notice of determination to issue said bonds" as provided by the adoption of General Ordinance No. 29, 1949, which notice was published in the following newspapers, to-wit:

G. O. No. 29, 1949—Friday, May 20, 1949 and May 27,
1949—The Indianapolis Commercial and The Marion
County Messenger

and by posting copy of said notice in the City Hall, Court House and Police Station in the City of Indianapolis.

Sincerely yours,

RICHARD G. STEWART
City Clerk

June 4, 1949

TO THE HONORABLE PRESIDENT
AND MEMBERS OF THE COMMON
COUNCIL OF THE CITY OF
INDIANAPOLIS, INDIANA

Gentlemen:

Attached hereto are twenty-two (22) copies of Appropriation Ordinance No. 17, 1949, which transfers and appropriates the sum of Six thousand four hundred and eighty (\$6,480.00) dollars from Department of Public Works, Administration, 2 Services—Contract-

tual (Tax Levy), 26. Other Contractual—Special Fund to certain new positions created in the Street Commissioners Department. This Ordinance is requested in order to expedite the program of cleaning up various properties belonging to or under the control of the City of Indianapolis. It is respectfully recommended that the same be passed.

BOARD OF PUBLIC WORKS

By Henry Mueller

Executive Secretary

June 4, 1949

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

Gentlemen:

Transmitted herewith are 22 copies of Appropriation Ordinance No. 18, 1949, appropriating the total sum of \$1,000.00 from the unexpended and unappropriated balance of the Gasoline Tax Fund now in the hands of the City Controller to certain funds in the Department of Finance.

I recommend the passage of this ordinance.

PHILLIP L. BAYT, City Controller.

June 6, 1949

To the Honorable President and
Members of the Common Council

Gentlemen:

Transmitted herewith are 21 copies of Appropriation Ordinance No. 19, 1949, authorizing the City Controller of the City of Indianapolis, to transfer the sum of \$42,500.00 from the unexpended and

unappropriated balance of the Gasoline Tax Fund now in his hands to certain funds of the Department of Public Parks.

These funds are to be used for the repair and maintenance of the boulevards of the City of Indianapolis, and for equipment of such work, and only for the purposes authorized by law.

The passage of this ordinance is respectfully recommended.

JESSE W. PEDEN,
Attorney for the Board of
Park Commissioners

June 3, 1949

Honorable President and
Members of the Common Council,
City of Indianapolis

Gentlemen:

We submit herewith General Ordinance No. 33, 1949, amending General Ordinance No. 115.

This Ordinance establishes qualifications for the Superintendent of the Bureau of Air Pollution Prevention. The qualifications are the highest qualifications ever required in the City of Indianapolis for this, or a comparable officer.

Section 1 of the Ordinance clarifies the intent of the Council as to exempting buildings used exclusively for private residences containing less than three (3) dwelling units or flats. This type of occupancy would not be subject to the provisions of Section 1, referring to density of smoke emission, but would be subject to all other applicable Sections of the Ordinance. This will make possible inspection and approval of furnaces and other fuel burning apparatus, which in-

June 6, 1949]

City of Indianapolis, Ind.

273

spection in itself will materially assist in the eradication of smoke nuisance.

We respectfully request its passage.

Yours very truly,

BOARD OF PUBLIC SAFETY

L. J. Keach, President

June 4, 1949

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

Gentlemen:

Attached hereto, please find 22 Copies of General Ordinance No. 34, authorizing the City Purchasing Department to purchase for the Board of Public Works—Street Commissioners Department Ten (10) Dump trucks under requisition number 10946 in the amount of \$22,080.00.

Bids were opened in public before the Board of Public Works and the award was made to the lowest and best bidder by said Board.

It is respectfully requested that this Ordinance be passed.

Very truly yours,

ALBERT H. LOSCHE, Purchasing Agent

June 3, 1949

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

Gentlemen:

We submit herewith General Ordinance No. 35, 1949.

This Ordinance provides for Loading Zones for Norman G. Stanley, 252 North Capitol Avenue, also Acme Wallpaper Company, 337-339 Massachusetts Avenue.

We respectfully request its passage.

Yours very truly,

BOARD OF PUBLIC SAFETY
L. J. Keach, President

May 25, 1949

Honorable President & Members
Common Council of the
City of Indianapolis.

Gentlemen:

Attached hereto are 24 copies of General Ordinance No. 36, 1949, an ordinance to amend General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis.

The City Plan Commission, at its regular meeting May 23, 1949, after due public notice and public hearing, unanimously approved and recommended passage of this ordinance.

Respectfully submitted,
NOBLE P. HOLLISTER
Executive Secretary
CITY PLAN COMMISSION

May 27, 1949

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

Gentlemen:

Attached hereto, please find 22 copies of General Ordinance No.

June 6, 1949]

City of Indianapolis, Ind.

275

37, authorizing the City Purchasing Department to purchase for the Board of Public Works—Street Commissioners Department four (4) two-door Sedans under Requisition No. 10944 in the amount of \$4430.00.

Bids were opened in public before the Board of Public Works and the award was made to the lowest and best bidder by said Board.

It is respectfully requested that this Ordinance be passed

Very truly yours,

ALBERT H. LOSCHE, Purchasing Agent.

May 19, 1949

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

Gentlemen:

Submitted herewith twenty-one (21) copies of General Ordinance No. 38, 1949, requesting Switch Permit for the Ben Hur Construction Company.

It is respectfully recommended that this ordinance be passed.

Very truly yours,

HENRY MUELLER
Executive Secretary
BOARD OF PUBLIC WORKS

June 6, 1949

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

Gentlemen:

Transmitted herewith are twenty-two copies of General Ordi-

nance No. 39, 1949, authorizing the City Controller of the City of Indianapolis to make a temporary loan in the sum of one hundred fifty thousand (\$150,000.00) dollars for the use of the Board of Trustees of the Firemen's Pension Fund of said city, in anticipation of and payable out of current taxes levied for said fund in the course of collection for the fiscal year in which said loan is made payable.

I recommend the passage of this ordinance.

PHILLIP L. BAYT, City Controller

June 6, 1949

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

Gentlemen:

Transmitted herewith are twenty-one copies of General Ordinance No. 40, 1949, authorizing the City Controller of the City of Indianapolis, Indiana, to make a temporary loan in the sum of One Million Dollars (\$1,000,000.00) for the use of the General Fund of the City of Indianapolis, Indiana, in anticipation of current taxes of the City of Indianapolis actually levied and in the course of collection in the fiscal year in which said loan is made payable.

I recommend the passage of this ordinance.

PHILLIP L. BAYT, City Controller

At this time those present were given an opportunity to be heard on Appropriation Ordinance No. 16, 1949, General Ordinances Nos. 31, 32, 1949.

Mr. Seidensticker asked for recess. The motion was seconded by Mr. Ehlers, and the Council recessed at 6:50 P. M., CST.

The Council reconvened at 7:15 P. M., CST, with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., June 6, 1949

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. 16, 1949, entitled

AN ORDINANCE appropriating the total sum of Three Hundred Fifty Thousand (\$350,000.00) Dollars, from the unexpended and unappropriated balance of the Gasoline Tax Fund, now in the hands of the City Controller, to certain funds of the Board of Public Works

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

JOSEPH A. WICKER, Chairman
JOSEPH C. WALLACE
GUY O. ROSS
J. PORTER SEIDENSTICKER

Indianapolis, Ind., June 6, 1949

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. 31, 1949, entitled

AN ORDINANCE authorizing the Board of Public Safety to purchase 5 Harley Davidson motorcycles for the Police Department

beg leave to report that we have had said ordinance under considera-

tion, and recommend that the same be passed.

GUY O. ROSS, Chairman
JOSEPH A. WICKER
JOSEPH C. WALLACE
CHAS. P. EHLERS

Indianapolis, Ind., June 6, 1949

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, 1949, entitled

AN ORDINANCE to amend Sections 31 (d) and 44 of G. O. 96, 1928 (1½ hr. parking from 7:00 A. M. to 6:00 P. M. on East Michigan Street and North Sherman Drive preferential)

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

GUY O. ROSS, Chairman
JOS. A. WICKER
JOSEPH C. WALLACE
CHAS. P. EHLERS

INTRODUCTION OF APPROPRIATION ORDINANCES

By the Board of Public Works:

APPROPRIATION ORDINANCE NO. 17, 1949

AN ORDINANCE to create certain new positions and salaries therefore, and for payment thereof, and appropriating, transferring, reappropriating and reallocating, as of July 1, 1949, certain sums (tax monies) to certain designated items and funds in the Department of Public Works, Street Commissioner under the 1949 Budget (G. O. No. 74, 1948, as amended).

WHEREAS, there is an extraordinary emergency for the creation of certain new positions and wages therefor and for payment thereof, and the transferring, appropriating, reappropriating and reallocating of certain funds in the Department of Public Works;

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

SECTION 1. The following new positions with the wages indicated thereafter are hereby created and added to the 1949 Budget (G. O. 74, 1948) Classification, to be effective for a period of twenty (20) weeks from July 1, 1949, to and including November 17, 1949.

DEPARTMENT OF PUBLIC WORKS—STREET COMMISSIONER

1. SERVICES—PERSONAL

	Tax Levy
12 Salaries and Wages, Temporary 12-6 Weed Eradication	
1 Additional Truck Driver, 20 weeks, 40 hr. week @ \$1.10 per hr., 800 hrs.	\$ 880.00
7 Additional laborers, 20 weeks 40 hr. week @ \$1.00 per hr.	\$5,600.00
	<hr/> \$6,480.00

SECTION 2. That the sum of Six thousand four hundred and eighty (\$6,480.00) dollars as now apportioned and allocated to the following items and funds of the Department of Public Works, Administration, according to the 1949 budget (G. O. No. 74, 1948) classifications, to-wit:

DEPARTMENT OF PUBLIC WORKS—ADMINISTRATION

2. SERVICES—CONTRACTUAL	Tax Levy
26. Other Contractual—Special Fund	\$6,480.00

be and the same is hereby eliminated from the total sums heretofore appropriated to the above item, by reducing the original appropriation for said budgeted item in the amount as indicated above, effective July 1, 1949.

That the sum of Six thousand four hundred and eighty (\$6,480.00) dollars is hereby declared to be available for reappropriation by reason of the above reduction, and said sum is hereby appropriated, transferred, reappropriated and reallocated as of July 1, 1949, from the estimated, anticipated and unappropriated 1949 balance of the General Fund of the City of Indianapolis to the new items and positions and in the respective amounts as indicated in Section 1 above.

SECTION 3. The above transfer and reappropriation is necessary because of an existing emergency. There are sufficient funds by virtue of the above reductions in said budget to meet this appropriation, and said appropriation will not result in any increase in the original budget.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and compliance with all laws pertaining thereto.

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

By the City Controller:

APPROPRIATION ORDINANCE NO. 18, 1949

AN ORDINANCE appropriating the total sum of One Thousand (\$1,000.00) Dollars from the unexpended and unappropriated balance of the Gasoline Tax Fund, now in the hands of the City Controller to certain funds of the Department of Finance—City Controller and fixing a time when the same shall take effect.

WHEREAS, there is now in the hands of the City Controller in the Gasoline Tax Fund, certain monies which are unappropriated and unexpended and are available for the use of the City of Indianapolis for certain purposes, and

WHEREAS, an emergency exists by reason of the fact that funds heretofore appropriated under the 1949 budget (G. O. 74, 1948 as amended) are inadequate for the purpose of insurance premiums on certain vehicles used for the construction, reconstruction,

repair and maintenance of the streets in said city, including all other purposes incidental thereto.

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

SECTION 1. That the total sum of One Thousand (\$1,000.00) Dollars from the unexpended and unappropriated balance of the Gasoline Tax Fund now in the hands of the City Controller be and the same is hereby appropriated and allocated to the following designated fund of the Department of Finance—City Controller, according to the 1949 budget (G. O. No. 74, 1948 as amended) Classification in the amount as herein specified to-wit:

DEPARTMENT OF FINANCE—CITY CONTROLLER

	Gas Tax
5. CURRENT CHARGES	
51. Insurance and Premiums	\$1,000.00

SECTION 2. That all monies hereby appropriated as "Gasoline Tax" Funds shall be used only for the purposes authorized by law.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

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

By the Board of Park Commissioners:

APPROPRIATION ORDINANCE NO. 19, 1949

AN ORDINANCE appropriating the total sum of Forty-Two Thousand and Five Hundred (\$42,500.00) Dollars from the unexpended and unappropriated balance of the Gasoline Tax Fund, now in the hands of the City Controller to certain funds of the Department of Public Parks and fixing a time when the same shall take effect.

WHEREAS, there is now in the hands of the City Controller in the

Gasoline Tax Fund, certain monies which are unappropriated and unexpended and are available for the use of the City of Indianapolis for certain purposes, and

WHEREAS, an emergency exists by reason of the fact that funds heretofore appropriated under the 1948 budgets (G. O. 74, 1948 as amended) are inadequate for the purpose of boulevard construction, reconstruction, repair and maintenance in said city, including all other purposes incidental thereto.

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

SECTION 1. That the total sum of Forty-Two Thousand Five Hundred (\$42,500.00) Dollars from the unexpended and unappropriated balance of the Gasoline Tax Fund now in the hands of the City Controller be and the same is hereby appropriated and allocated to the following designated funds of the Department of Public Parks, according to the 1949 budget (G. O. 74, 1948 as amended) Classification in the amount as herein specified to-wit:

DEPARTMENT OF PUBLIC PARKS

Gas Tax

1. SERVICES—PERSONAL

11. Salaries and Wages Regular

ADMINISTRATION

2 Motorcycle Officers (Probationary)

6 mos. @ \$200.00 per mo. \$ 2,400.00

3. SUPPLIES

38. General Supplies \$ 2,750.00

7. PROPERTIES

72. Equipment \$37,350.00

\$42,500.00

SECTION 2. That all monies hereby appropriated as "Gasoline

Tax Funds" shall be used only for the purposes authorized by law.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

GENERAL ORDINANCE NO. 33, 1949

AN ORDINANCE to amend General Ordinance No. 115, 1948, 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 General Ordinance No. 115, 1948, as amended be and the same is hereby further amended as follows:

That Section 2 of General Ordinance No. 115, 1948, be amended to read as follows:

"Section 2. The provisions of Section 1 shall not apply to buildings used exclusively for private residences containing less than three dividing units or flats."

SECTION 2. That General Ordinance No. 115, 1948, as amended be and the same is hereby further amended by adding thereto the following paragraph to Section 15a:

"The Superintendent of Air Pollution Prevention shall be qualified by technical training, and have at least six years experience in the theory and practice of the construction and operation of furnaces and combustion devices or in the theory and practice of smoke prevention,

and shall be qualified by education to cooperate with scientific, educational and civic organizations interested in smoke prevention.”

SECTION 3. 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 for the first time and referred to the Committee on Public Safety.

By the Purchasing Agent:

GENERAL ORDINANCE NO. 34, 1949

AN ORDINANCE authorizing the Board of Public Works to purchase, through its duly authorized Purchasing Agent, certain equipment to be paid for out of funds heretofore appropriated; 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 Board of Public Works of the City of Indianapolis be and it is hereby authorized and empowered to purchase, through its duly authorized Purchasing Agent, the hereinafter equipment to be used by the department as indicated. That said equipment is to be purchased from the lowest and best bidder, or bidders, whose bids have been received and opened in public by said Board after advertisement therefor, as provided by law and the total cost of said equipment shall not exceed the sum of money heretofore appropriated for the use of said Board.

BOARD OF PUBLIC WORKS—DEPARTMENT OF
STREET COMMISSIONER

Req. 10946 — 10 Dump Trucks

\$22,080.00

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 35, 1949

AN ORDINANCE establishing a certain passenger and/or loading zone 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 the city of Indianapolis, with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owner or occupants having complied with the provisions of Section 26 of General Ordinance No. 96, 1928, as amended, and the Board of Public Safety, after due investigation having recommended the establishment of the same, the following passenger and/or loading zone be and the same is hereby established in the city of Indianapolis, to-wit:

- (a) A loading zone beginning at a point 50 feet south of the north property line of 252 North Capitol Avenue and extending south along the west curb of Capitol Avenue, a distance of 25 ft. for the use of Norman G. Stanley, 252 North Capitol Avenue.
- (b) A loading zone beginning at a point at the southeast building line of 337 Massachusetts Avenue and extending northeast a distance of 25 ft. along the east curb line of Massachusetts Avenue, for the use of Aeme Wallpaper Company, 337 Massachusetts Avenue.

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

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

By the City Plan Commission:

GENERAL ORDINANCE NO. 36, 1949

AN ORDINANCE to amend General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis, 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 General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis, be and the same is hereby amended and changed so as to establish and provide on that portion of Prospect Street located between the east property line of Alabama Street and the west property line of East Street, a property line width or right-of-way width of forty (40) feet; and to establish and provide in that portion of Prospect Street located between the east curb line of Alabama Street and the west property line of East Street a roadway or pavement width of twenty-eight (28) feet, curb to curb.

SECTION 2. That all copies of the Official Thoroughfare Plan maps be amended and changed so as to include the revisions as set out in Section 1 hereof.

SECTION 3. 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 for the first time and referred to the Committee on Public Works.

By the Purchasing Agent:

GENERAL ORDINANCE No. 37, 1949

AN ORDINANCE authorizing the Board of Public Works to purchase, through its duly authorized Purchasing Agent, certain equipment to be paid for out of funds heretofore appropriated 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 Board of Public Works of the City of Indianapolis be and it is hereby authorized and empowered to purchase, through its duly authorized Purchasing Agent, the hereinafter equipment to be used by the department as indicated. The said equipment is to be purchased from the lowest and best bidder, or bidders, whose bids have been received and opened in public by said Board after advertisement therefor, as provided by law and the total cost of said equipment shall not exceed the sum of money heretofore appropriated for the use of said Board.

BOARD OF PUBLIC WORKS—DEPARTMENT OF STREET COMMISSIONER

Req. No. 10944 — 4 2-door Sedans \$4430.00

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

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

By the Board of Public Works:

SWITCH PERMIT

GENERAL ORDINANCE NO. 38, 1949

AN ORDINANCE approving a certain agreement and permit granting

BEN HUR CONSTRUCTION COMPANY

the right to lay and maintain a sidetrack or switch from south line

of West 21st Street to the north line of West 21st Street, a distance of 50 feet, more or less, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 2nd day of May, 1949,

Ben Hur Construction Company (an Indiana corporation)

filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To Board of Public Works,
City of Indianapolis.
Gentlemen:

We hereby request the privilege of installing switch track across West 21st Street located 28 feet, more or less, east of the main track of the Belt Line of the Indianapolis Union Railroad, all as shown on print hereto attached marked "Exhibit A" and made a part of this petition. The grade of top of rail of proposed side track is to be the same as present grade of street. This switch track is to serve our equipment, fabrication and storage yard and warehouse.

NOW, THEREFORE, This agreement made and entered into this 2nd day of May, 1949, by and between

Ben Hur Construction Company

of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch from south line of West 21st Street to the north line of West 21st Street, a distance of fifty feet, more or less, in the City of Indianapolis, which is more specifically described as follows:

See Exhibit A

hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, maintained, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council, or with any resolution or resolutions made by said Board, for the elevation or depression of said track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects West 21st Street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said Board where objections to such removal may be heard; but the decision of

said Board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of said party of the first part to promptly repair, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said Board may do or cause the same to be done at the expense of the said party of the first part and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this permit, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across

West 21st Street

in the City of Indianapolis, all as shown by the drawing attached

hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this second day of May, 1949.

Witness:

BEN HUR CONSTRUCTION CO.

By H. C. Schenler, vice president
Party of the First Part

J. H. STALEY

CITY OF INDIANAPOLIS

By MARTIN McDERMOTT, President
STANLEY S. FEEZLE
EDWARD A. GARDNER
As BOARD OF PUBLIC WORKS
AND SANITATION,
Party of the Second Part.

Approved by me
AL FEENEY, as Mayor

AND, WHEREAS, Said agreement and permit has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

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

Section 1. That such agreement and permit above set forth be, and the same is hereby in all things confirmed and approved.

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

Attest:

-----	-----
Clerk of the Common Council	President of the Common Council
Approved by me, this	day of
	, 19
	----- Mayor.

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

By the City Controller:

GENERAL ORDINANCE NO. 39, 1949

AN ORDINANCE authorizing the city controller of the City of Indianapolis to make a temporary loan in the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars for the use of the Board of Trustees of the Firemen's Pension Fund of said city, in anticipation of and payable out of the current taxes for the Firemen's Pension Fund actually levied for said fund and in the course of collection for the fiscal year, in which said loan is made payable; and fixing a time when the same shall take effect.

WHEREAS, heretofore on the 6th day of May, 1949, the Board of Trustees of the Firemen's Pension Fund of the City of Indianapolis, Indiana, has, by resolution duly adopted, determined to make a temporary loan in the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars, principal amount, without considering the interest thereon to be added thereto in a sum not to exceed Nine Hundred Thirty-Seven Dollars and Fifty Cents (\$937.50) in anticipation of and payable out of the current taxes for the Firemen's Pension Fund actually levied and in the course of collection for the fiscal year in which said loan is made payable, and has requested the common council of the City of Indianapolis to authorize such temporary loan; and

WHEREAS, the Board of Trustees of the Firemen's Pension Fund of the City of Indianapolis, is now and will continue to be until on or about the 31st day of December, 1949, without sufficient funds to meet the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits, and for other necessary current and incidental expenses of the year 1949, payable out of the Firemen's Pension Fund; and

WHEREAS, the second annual installment of taxes levied by the City of Indianapolis for the use of the Firemen's Pension Fund for the year 1949, will amount to more than One Hundred Fifty Thousand (\$150,000.00) Dollars; NOW THEREFORE

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

SECTION 1. That the city controller of the City of Indianapolis is hereby authorized and empowered to negotiate a temporary loan for the use and benefit of the Board of Trustees of the Firemen's Pension Fund of the City of Indianapolis, Indiana, in anticipation of the current taxes for said Firemen's Pension Fund actually levied in the year 1948 and in the course of collection in the fiscal year 1949 for the use of the Firemen's Pension Fund, not to exceed the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars, without considering the interest thereon to be added thereto, for a period not to exceed the time hereinafter fixed in this ordinance, at a rate of interest not to exceed four per cent (4%) per annum, the rate of interest to be fixed by the lowest bidder bidding for said loan on an interest rate basis. Said loan shall run for a period not to exceed one hundred thirty-five days (135) days. The city controller is authorized to make sale of said time warrants after a notice thereof shall have been published once each week for two consecutive weeks in two newspapers of general circulation, printed in the English language, and published in the City of Indianapolis, and said sale to be not less than ten (10) days after the last publication of said notice. Said time warrants are to be signed by the mayor of the City of Indianapolis and the city controller, countersigned by the president of the Board of Trustees of the Firemen's Pension Fund of the City of Indianapolis, and attested by the city clerk, and the seal of the City of Indianapolis to be attached thereto, and said time warrants shall be payable at the office of the city treasurer of the City of Indianapolis, Indiana; and to the payment of said time warrants the current revenues and taxes levied in the year 1948, and payable in the year 1949, for the Firemen's Pension Fund of the City of Indianapolis are hereby irrevocably appropriated and pledged.

SECTION 2. That for the repayment of the principal amount of the temporary loan herein authorized by this ordinance, there is hereby appropriated to the Fire Pension Fund No. 63—Payment of Temporary Loans (hereby created) out of the current revenues and taxes in the year 1948, payable in the year 1949, for the Firemen's Pension Fund of the City of Indianapolis, the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars; and for the payment of the interest thereon is hereby appropriated to Fire Pension Fund No. 61—Interest on Temporary Loans, out of the above designated reve-

nues and taxes, the sum of Nine Hundred Thirty-Seven Dollars and Fifty Cents (\$937.50).

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By the City Controller:

GENERAL ORDINANCE NO. 40, 1949

AN ORDINANCE authorizing the City Controller of the City of Indianapolis to make a temporary loan in the sum of One Million (\$1,000,000.00) Dollars for the use of the General Fund of the City of Indianapolis, in anticipation of current taxes of the City of Indianapolis actually levied and in the course of collection in the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing for legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

WHEREAS, the City of Indianapolis is now and will continue to be until on or about the 31st day of December, 1949, without sufficient funds to meet current expenses for the year 1949 for municipal purposes; and

WHEREAS, the second semi-annual installment of taxes for the year 1949 will amount to more than One Million (\$1,000,000.00) Dollars; NOW THEREFORE,

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

SECTION 1. That the city controller is hereby authorized and empowered in the year 1949 to negotiate a temporary loan in anticipation of the current taxes for the general fund of the City of Indianapolis actually levied in the year 1948 and in the course of collection in the fiscal year 1949, not to exceed the sum of One Million (\$1,000,000.00) Dollars without considering the interest

thereon to be added thereto, for a period not to exceed the time hereinafter fixed in this ordinance, at a rate of interest not to exceed four per cent (4%) per annum, the rate of interest to be fixed by the lowest bidder bidding for said loan on an interest basis. Said loan shall run for a period not exceeding one hundred thirty-five (135) days. The city controller is authorized to make sale of said time warrants, after a notice thereof shall have been published by the city controller once each week for two consecutive weeks in two newspapers of general circulation, printed in the English language and published in the City of Indianapolis, and said sale to be not less than ten (10) days after the last publication of said notice. Said time warrants are to be signed by the mayor of the city of Indianapolis and the city controller, and attested by the city clerk of the City of Indianapolis, the seal of the City of Indianapolis to be attached thereto, and said time warrants shall be payable at the office of the city treasurer in the City of Indianapolis, Indiana; and to the payment of said time warrants the current revenues and taxes thus levied in the year 1948, payable in the year 1949, for the general fund of the City of Indianapolis, are hereby irrevocably appropriated and pledged.

SECTION 2. For the repayment of the principal amount of the temporary loan herein authorized by this ordinance, there is hereby appropriated to the city controller's 1949 budget fund No. 63—Payment of Temporary Loan (hereby established) out of the current revenues and taxes levied in the year 1948, payable in the year 1949, for the general fund of the City of Indianapolis, the sum of One Million (\$1,000,000.00) Dollars; and for the payment of the interest thereon there is hereby appropriated to the city controller's 1949 Budget Fund No. 61-2—Interest on Temporary Loans, out of the above designated revenues and taxes the sum of Seven Thousand Two Hundred Fifty (\$7,250.00) Dollars.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

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

ORDINANCES ON SECOND READING

Mr. Wicker called for Appropriation Ordinance No. 16,

1949 for second reading. It was read a second time.

On motion of Mr. Wicker, seconded by Mr. Ehlers, Appropriation Ordinance No. 16, 1949 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 16, 1949 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Ross called for General Ordinance No. 31, 1949 for second reading. It was read a second time.

On motion of Mr. Ross, seconded by Mr. Ehlers, General Ordinance No. 31, 1949 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 31, 1949 was read a third time by the Clerk and passed by the following roll call vote.

Ayes 7, viz: Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Ross called for General Ordinance No. 32, 1949 for second reading. It was read a second time.

Mr. Ehlers presented the following motion to amend General Ordinance No. 32, 1949:

Indianapolis, Indiana, June 6, 1949

Mr. President:

I move that General Ordinance No. 32, 1949, be amended to read as follows: by adding to Section 1, thereof,

“The west side of Beville Avenue from the north curb line of East Michigan Street to the south curb line of the first alley north of Michigan Street.”

CHAS. P. EHLERS,
Councilman.

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

Ayes 7, viz: Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emdardt.

On motion of Mr. Ross, seconded by Mr. Ehlers, General Ordinance No. 32, 1949, As Amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 32, 1949, As Amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

MISCELLANEOUS BUSINESS

Mr. Ross called for General Ordinance No. 20, 1949 for second reading. It was read a second time.

Mr. Ross moved that General Ordinance No. 20, 1949 be stricken from the files. Which was seconded by Mr. Ehlers and carried by the following roll call vote:

Ayes 5, viz: Mr. Ehlers, Mr. Ross, Mr. Seidensticker, Mr. Wallace, President Emhardt.

Noes 2, viz: Mr. Jameson, Mr. Wicker.

On motion of Mr. Seidensticker, seconded by Mr. Wallace, the Common Council adjourned at 7:25 P. M., CST.

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 6th day of June, 1949, at 6:30 P. M., CST.

In Witness Whereof, we have hereunto subscribed

our signatures and caused the seal of the City of Indianapolis to be affixed.

A handwritten signature in cursive script, reading "Christian Lemhardt". The signature is written in black ink on a light-colored background.

President.

ATTEST:

A handwritten signature in cursive script, reading "Richard G. Stewart". The signature is written in black ink on a light-colored background.

(SEAL)

City Clerk.

