

REGULAR MEETING

December 5, 1932.

7:30 P. M

The Common Council of the City of Indianapolis met in the Council Chamber at City Hall, Monday, December 5, 1932, at 7:30 p. m., in regular session. President Ernest C. Ropkey in the chair.

The Clerk called the roll.

Present: Ernest C. Ropkey, President, and five members, viz: George A. Henry, James A. Houck, Carl A. Hildebrand, Chas. C. Morgan, Leo F. Welch.

Absent: Fred C. Gardner, Maurice E. Tennant, Clarence I. Wheatley.

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

COMMUNICATIONS FROM THE MAYOR

November 25, 1932.

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

Gentlemen:

I have this day approved with my signature, and delivered to Henry O. Goett, City Clerk, the following ordinances:

SPECIAL ORDINANCE NO. 5, 1932

AMENDED.

AN ORDINANCE changing the names of certain streets in the City of Indianapolis and fixing a time when the same shall take effect.

RESOLUTION NO. 2, 1932

A RESOLUTION concerning the printing of Census Tracts compiled by the Chamber of Commerce, in connection with the preparation of the City Directory for the year 1932, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 93, 1932
AMENDED

AN ORDINANCE regulating fumigation and the use of fumigants in the City of Indianapolis and fixing a time when the same shall take effect.

Respectfully,

R. H. SULLIVAN,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

December 5, 1932.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 19, 1932, appropriating the sum of Three Thousand Seven Hundred Six Dollars and Sixty-two Cents (\$3,706.62) from the unexpended and unappropriated balance of the General Fund for the year 1932 to the several executive departments of the City of Indianapolis as set out in said ordinance.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WM. L. ELDER,
City Controller.

December 5, 1932.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 20, 1932, appropriating the transferring to Gasoline Tax—Maintenance of Unimproved Streets Fund, and to Gasoline Tax—Maintenance of Improved Streets Fund, the total sum of Nine Thousand Four Hundred Ninety-eight Dollars and Seventy-five Cents (\$9,498.75), now unappropriated, for the repair and maintenance of streets, thorough-

fares and bridges and for labor, materials, supplies and equipment necessary thereto.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WM. L. ELDER,
City Controller.

November 30, 1932.

*Mr. Wm. L. Elder,
City Controller,
City of Indianapolis.*

Dear Sir:

The Board of Public Works respectfully requests that you cause to be prepared an ordinance appropriating from the unappropriated gasoline tax funds the sum of \$9,498.75 and reappropriate same as follows—\$5,498.75 to Gasoline Tax—Maintenance Unimproved Streets and \$4,000.00 to Gasoline Tax—Maintenance Improved Streets, and present the same to the Common Council at the next meeting with the recommendation of the Board of Public Works that the same be passed.

Yours very truly,

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

December 5, 1932.

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

Gentlemen:

Attached please find copies of General Ordinance No. 97, 1932, transferring moneys from certain numbered funds and reappropriating the same to other numbered funds of the City of Indianapolis.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WM. L. ELDER,
City Controller.

November 22, 1932.

Wm. L. Elder,
City Controller,
City of Indianapolis.

Dear Sir:

Due to a number of funds in the Police Department budget being depleted, we have today approved the recommendation of Chief Morrissey for the following transfers in his budget to meet the necessary expenses for the remainder of the year. We, therefore, ask that an ordinance be prepared and presented to the Common Council at their next meeting requesting the following transfers:

Six Thousand (\$6,000.00) Dollars from Police Department Fund No. 11—Salaries and Wages Regular—Patrolmen Second Grade, and reappropriate same to Fund No. 22—Heat, Light, Power and Water—Police Department.

Four Thousand Five Hundred (\$4,500.00) Dollars from Police Department Fund No. 11—Salaries and Wages Regular—Patrolmen Second Grade, and reappropriate same to Fund No. 33—Garage and Motor, Police Department.

Eight Hundred (\$800.00) Dollars from Police Department Fund No. 54—Rents—and reappropriate same to Fund No. 41—Building.

Very truly yours,

BOARD OF PUBLIC SAFETY,

By: WALTER O. LEWIS,
Executive Secretary.

December 2, 1932.

Wm. L. Elder,
City Controller,
City of Indianapolis.

Dear Sir:

In checking over the Fire Department budget we find several funds that are practically depleted. With bills outstanding against these funds and the probable necessity for further purchases before the end of the year, we find it necessary to ask for the following transfers in the Fire Department budget:

Three Thousand (\$3,000.00) Dollars from Fund No. 72—Equipment—and reappropriate same to Fund No. 33—Garage and Motor,

Five Hundred (\$500.00) Dollars from Fund No. 72—Equipment—and reappropriate same to Fund No. 41—Building Materials,

One Thousand Five Hundred (\$1,500.00) Dollars from Fund No. 72—Equipment—and reappropriate same to Fund No. 45—Repair Parts.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

/s/ WALTER O. LEWIS,
Executive Secretary.

December 2, 1932.

Wm. L. Elder,
City Controller,
City of Indianapolis.

Dear Sir:

Fund No. 22—Heat, Light, Power and Water, Market Refrigeration budget is overdrawn, therefore, ask that the following transfer be made to this fund in order to meet outstanding bills:

Five Hundred Twenty-eight Dollars and Twenty Cents (\$528.20) from Fund No. 12—Salaries & Wages Temporary— and reappropriate this amount to Fund No. 22—Heat, Light, Power and Water, Market Refrigeration.

Very truly yours,

BOARD OF PUBLIC SAFETY,

/s/ WALTER O. LEWIS,
Executive Secretary.

November 30, 1932.

Mr. Wm. L. Elder,
City Controller.

Dear Sir:

The Board of Public Works respectfully requests that you cause to be prepared an ordinance transferring the sum of \$500.00 from

12-2 Division of Sewer Sanitation, Laborers, into 12-6, Division of Sidewalk and Curbs, Laborers, and present the same to the Common Council at the next meeting with the recommendation of the Board of Public Works that the same be passed.

Yours very truly,

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

December 5, 1932.

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

Gentlemen:

Attached please find copies of General Ordinance No. 98, 1932, transferring certain sums of money from certain numbered and designated funds of the City Controller to certain designated funds as follows:

\$625.00 now in City Controller Fund No. 61—Interest—be transferred therefrom and reappropriated to City Controller Fund No. 51—Insurance and Premiums.

\$6,000.00 now in City Controller Fund No. 61—Interest—be transferred therefrom and reappropriated to the City General Sinking Fund.

I respectfully recommend the passage of this ordinance

Yours very truly,

WM. L. ELDER,
City Controller.

December 5, 1932.

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

Gentlemen:

I am herewith submitting an ordinance authorizing the employment of special attorneys to co-operate with the city legal department

in the collection of delinquent assessments of special benefits due the city either originally, or by reason of the payment by the city out of the "Special Assessment Delinquency and Deficit Fund" of bonds and coupons issued upon waivers executed upon special benefit assessments, and providing for expenses and costs incident to such collections, and I respectfully recommend the passage of this ordinance.

Very truly yours,

EDW. H. KNIGHT,
Corporation Counsel.

December 5, 1932.

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

Gentlemen:

Attached you will find a copy of a letter from the Mayor of the City of Indianapolis wherein he has determined that a contingency has arisen requiring the expenditure of a part of the appropriation in the Mayor's Contingency Fund, being Fund No. 26 of the Department of Finance, Controller's Office, in the sum of \$13,189.38, to be used in paying certain obligations with interest thereon, for which payment, there are not sufficient funds available in the City General Sinking Fund due to delinquencies and delays in the payment of taxes, the exact amount of which has not yet been determined at the office of the County Auditor.

I recommend that said sum of \$13,189.38 be set aside and made available out of said fund for the purposes aforesaid to be paid by my warrants.

This will notify you of such determination on the part of the Mayor, and my approval thereof.

Yours very truly,

WM. L. ELDER,
City Controller.

December 5, 1932.

Mr. William L. Elder,
City Controller,
Indianapolis, Indiana.

Dear Sir:

You are hereby notified that as Mayor of the City of Indianapolis, I have determined that a contingency has arisen requiring the expenditure of a part of the appropriation reserved for contingencies. This expenditure is necessary to pay certain obligations with interest thereon, for which payment there are not sufficient funds available in the City General Sinking Fund, due to delinquencies and delays in payment of taxes, the exact amount of which has not yet been determined at the office of the County Auditor. It is necessary to appropriate from such appropriation reserved for contingencies, the sum of \$13,189.38, to be used for the purpose of paying said obligations and interest.

I request that, upon your approval of this proposed expenditure, you notify the Common Council in writing, so that the Common Council may, if it sees fit, adopt a resolution setting forth the circumstances regarding these contingencies and approving this proposed expenditure from said appropriation.

Yours very truly,

R. H. SULLIVAN,
Mayor.

December 5, 1932.

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

Gentlemen:

Attached please find copies of General Ordinance No. 100, 1932, transferring certain sums of money from certain numbered funds of the Department of Public Health and Charities and reappropriating the same to other numbered funds of said Department.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WM. L. ELDER,
City Controller

December 5, 1932.

*Mr. William Elder, City Controller,
City of Indianapolis.*

Dear Sir:

Acting under instructions from the Department of Public Health and Charities, I am directed to forward the following list of transfers of funds in the Board of Health office. Will you please submit to the City Council a bill for an ordinance authorizing the following transfers.

Respectfully yours,

/s/ H. G. MORGAN,
Secretary.

*To the Honorable Council of the
City of Indianapolis, Indiana:*

The undersigned concerns engaged in the manufacture and sale of cement or concrete building blocks in the City of Indianapolis, Indiana, hereby petition your honorable body to repeal that portion of the present ordinance of said city which imposes a license fee on the business of the manufacture and sale of said building blocks, being General Ordinance 46, 1926, Section 3 (b).

Your petitioners represent that the cement or concrete building blocks so manufactured and sold by them are used in the construction of dwelling houses and other structures in said city, as well as the repair and improvement of the same, and that the public of said city is in no manner or extent benefitted by the collection and payment of such fees for said licenses.

And your petitioners further represent that the fee provided and required to be paid by each of them is the sum of \$100.00 per year, and the payment of the same constitutes a definite burden and hardship upon petitioners under the present depressed business conditions.

Respectfully submitted,

CENTURY BLOCK CO.,

By C. L. Brinly (owner)

ADVANCE BLOCK & MAT'L CO., Inc.,

By Jesse A. Shearer, Pres.

INDEPENDENT BLOCK & CEMENT CO.

By G. L. Bradshaw (owner)

INDIANAPOLIS CEMENT BLOCK CO.,

By Carl Glesing.

F. J. SCHUSTER COAL CO.,

C. W. Braughton, Pres.

J. K. MILLER BLOCK CO.,

John K. Miller.

October 29, 1932.

At this time Mr. Tennant and Mr. Wheatley entered the Council Chamber and were counted present.

Mr. Henry asked for a recess. The motion was made and seconded by Mr. Houck, and the Council recessed at 7:40 p. m.

The Council reconvened from its recess at 9:15 p. m., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., December 5, 1932.

*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. 84, 1932, entitled Amending various Sections of G. O. 121, 1925, Concerning Market House, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended.

MAURICE E. TENNANT, Chairman.

LEO F. WELCH.

C. I. WHEATLEY.

CHAS. C. MORGAN.

Indianapolis, Ind., December 5, 1932.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General

Ordinance No. 91, 1932, entitled Transfer of Funds—\$12,000—Board of Health, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

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

Indianapolis, Ind., December 5, 1932.

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

Gentlemen:

We your committee on Finance to whom was referred General Ordinance No. 92, 1932, entitled Transfer of Funds—City Departments, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

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

Indianapolis, Ind., December 5, 1932.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 94, 1932, entitled Transfer of Funds—\$1,225—Fire Department, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

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

Indianapolis, Ind., December 5, 1932.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred General Ordinance No. 95, 1932, entitled Ratification of Contract—Board of Works and Transcontinental & Western Airways, Inc., beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

C. A. HILDEBRAND, Chairman.
LEO F. WELCH.
CHAS. C. MORGAN.
MAURICE E. TENNANT.

Indianapolis, Ind., December 5, 1932.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred Special Ordinance No. 6, 1932, entitled Authorization to sell Real Estate—Board of Works, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

C. A. HILDEBRAND, Chairman.
LEO F. WELCH.
CHAS. C. MORGAN.
MAURICE E. TENNANT.

Indianapolis, Ind., December 5, 1932.

*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. 96, 1932, entitled Amending Section 4 of G. O.

28, 1931—Taxicabs, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

MAURICE E. TENNANT, Chairman.
C. I. WHEATLEY.
CHAS. C. MORGAN.

INTRODUCTION OF APPROPRIATION ORDINANCES

By City Controller:

APPROPRIATION ORDINANCE NO. 19, 1932

AN ORDINANCE appropriating the sum of Three Thousand Seven Hundred Six Dollars and Sixty-two Cents (\$3,706.62) from the unexpended and unappropriated balance of the General Fund for the year 1932 to the several executive departments of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

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

Section 1. That there be and is hereby appropriated out of the unexpended and unappropriated balance of the General Fund for the year 1932 and transferred to the various funds in the different executive departments in said city as hereinafter set forth, viz.:

Board of Public Works:

Administration Fund No. 22.....	\$ 172.39
Garage Fund No. 22.....	205.40
Garage Fund No. 33.....	345.00
Public Buildings Fund No. 22.....	819.80

Board of Public Safety:

Building Department Fund No. 21....	1.00
Market Refrigeration Fund No. 22...	2,163.03

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

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

By City Controller:

APPROPRIATION ORDINANCE NO. 20, 1932

AN ORDINANCE appropriating and transferring to Gasoline Tax—Maintenance of Unimproved Streets Fund, and to Gasoline Tax—Maintenance Improved Streets Fund, the total sum of Nine Thousand Four Hundred Ninety-eight Dollars and Seventy-five Cents as specified herein, now unappropriated, for the repair and maintenance of streets, thoroughfares and bridges and for labor, materials, supplies and equipment necessary thereto, and fixing a time when the same shall take effect.

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

Section 1. That the sum of Five Thousand Four Hundred Ninety-eight Dollars and Seventy-five Cents (\$5,498.75) of the Gasoline Tax Fund, now unappropriated, be and the same is hereby appropriated and transferred to Gasoline Tax—Maintenance Unimproved Streets Fund for the repair and maintenance of unimproved streets, public thoroughfares and bridges and for labor, material, supplies, and equipment necessary thereto.

Section 2. That the sum of Four Thousand Dollars (\$4,000.00) of the Gasoline Tax Fund, now unappropriated, be and the same is hereby appropriated and transferred to Gasoline Tax—Maintenance Improved Streets Fund, for the repair and maintenance of improved streets, public thoroughfares and bridges and for labor, material, supplies, and equipment necessary thereto.

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

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

INTRODUCTION OF GENERAL ORDINANCES

By City Controller:

GENERAL ORDINANCE NO. 97, 1932

AN ORDINANCE transferring moneys from certain funds and reappropriating the same to other funds 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 the sum of Fifty Dollars (\$50.00), now in Fund No. 25—Repairs, in the office of the City Clerk, be and the same is hereby transferred therefrom and reappropriated to the following funds in the office of the City Clerk, in the following respective amounts:

Twenty-five Dollars (\$25.00) to Fund No. 36—Office Supplies, and Twenty-five Dollars (\$25.00) to Fund No. 72—Equipment.

Section 2. That the sum of Five Hundred Dollars (\$500.00), now in Department of Public Works Fund No. 12-2—Division of Sewer Sanitation, Laborers, be and the same is hereby transferred therefrom and reappropriated to Department of Public Works Fund No. 12-6—Division of Sidewalks and Curbs, Laborers.

Section 3. That the sum of Five Hundred Twenty-eight Dollars and Twenty Cents (\$528.20), now in Department of Public Safety, Salaries and Wages Temporary, be and the same is hereby transferred therefrom and reappropriated to Department of Public Safety, Market Refrigeration Fund No. 22—Heat, Light, Power and Water.

Section 4. That the sum of Five Thousand Dollars (\$5,000.00), now in Department of Public Safety, Fire Department Fund No. 72—Equipment, be and the same is hereby transferred therefrom and reappropriated in the following amounts to the following funds in the Department of Public Safety, Fire Department:

Three Thousand Dollars (\$3,000.00) to Fund No. 33—Garage and Motor.

Five Hundred Dollars (\$500.00) to Fund No. 41—Building Materials.

One Thousand Five Hundred Dollars (\$1,500.00) to Fund No. 45—Repair Parts.

Section 5. That the sum of Ten Thousand Five Hundred Dollars (\$10,500.00), now in Department of Public Safety, Police Department Fund No. 11—Salaries and Wages Regular, Patrolmen Second Grade, be and the same is hereby transferred therefrom and reappropriated to the following funds in the Department of Public Safety—Police Department, in the following amounts:

Six Thousand Dollars (\$6,000.00) to Fund No. 22—Heat, Light, Power and Water.

Four Thousand Five Hundred Dollars (\$4,500.00) to Fund No. 33—Garage and Motor.

Section 6. That the sum of Eight Hundred Dollars (\$800.00), now in Department of Public Safety, Police Department, Fund No. 54—Rents, be and the same is hereby transferred therefrom and reappropriated to Department of Public Safety, Police Department Fund No. 41—Building.

Section 7. 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 Finance.

By City Controller:

GENERAL ORDINANCE NO. 98, 1932

AN ORDINANCE transferring certain sums from certain numbered and designated funds of the City Controller to certain designated funds, and fixing a time when the same shall take effect.

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

Section 1. That the sum of Six Hundred Twenty-five Dollars (\$625.00) now in City Controller Fund No. 61—Interest, be and the same is hereby transferred therefrom and reappropriated to City Controller Fund No. 51—Insurance and Premiums.

Section 2. That the sum of Six Thousand Dollars (\$6,000.00) now in City Controller Fund No. 61—Interest, be and the same is hereby transferred therefrom and reappropriated to the City General Sinking Fund.

Section 3. 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 Finance.

By Legal Department:

GENERAL ORDINANCE NO. 99, 1932

AN ORDINANCE authorizing the employment of special attorneys to cooperate with the city legal department in collecting delinquent assessments of special benefits due the city either originally, or by reason of the payment by the city out of the "Special Assessment Delinquency and Deficit Fund" of bonds

and coupons issued upon waivers executed upon special benefit assessments, and providing for expenses and costs incident to such collections, and fixing a time when the same shall take effect.

WHEREAS, the General Assembly of the State of Indiana, by the Act of 1929, chapter 211, relating to the subject of Barrett Law Assessments, created a special fund designates as "Special Assessment Delinquency and Deficit Fund," to be used as thereinfor provided, and by the Act of 1931, chapter 99, the aforesaid Act of 1929, chapter 211, was repealed and the aforesaid special fund was, by Section 10 of said Act, transferred to and made a part of the fund of the same name designated by Section 7 of said Act of 1931, and said fund was made available for the payment of any improvement bonds and interest coupons maturing after March 16, 1929, for the payment of which assessments shall not have been collected, and upon such payment from said fund it was provided that said city shall become the owner of such bonds and coupons and have all the rights now or hereafter provided by law to enforce and collect such delinquent assessments; and by the Act of 1932, chapter 42, provision was made for the payment out of said fund, as provided by ordinance, of all necessary costs and expenses incident to the enforcement and collection of such delinquent assessments; and

WHEREAS, a large amount of such bonds and coupons have been now and will be hereafter paid out of said fund and thereby have and will become the property of the city, and said Act of 1931 charges the city with the duty of collecting such delinquencies for the purpose of reimbursing said fund with the proceeds of such collections; and

WHEREAS, the collection of all such delinquent collections involves considerable necessary expense for postage, supplies, printing or otherwise preparing, sending and serving notices to and upon such delinquents, and for a search of the public records and procuring necessary partial abstracts of title, so that payment may be properly demanded and foreclosure suits on such delinquent assessments may be properly instituted and prosecuted, and also for other necessary costs and expenses incident thereto, and all such work will necessitate a large amount of time and detailed preparation by special counsel familiar from experience with such work; and

WHEREAS, there is also a large amount of benefit assessments now

due and delinquent and payable direct to the city, and that may hereafter become so due and payable, under various statutory proceedings for the condemnation and appropriation of property in the opening and/or widening of various public streets, also in connection with work involved in flood prevention, construction of sewers and drains, elevation of railroad tracks and other public work, wherein such assessments are not or may not be primarily due to and collectible by some contractor or other person, but are payable originally to said city, and the collection of all such delinquencies is necessary to balance the assessment rolls and pay all awards of damages in the various improvements and public work therein involved; but such kind of assessments are not now and may not be hereafter covered by the provisions of said Act of 1931, chapter 99, or other acts, except where waivers thereon have been executed; and whereas formal demands for payment and suits to foreclose the liens of such delinquent benefit assessments may be necessary to collect the same, the same emergency exists for the employment of special counsel to collect such assessments and to foreclose such liens, as in the cases where waivers have been signed; but, under the statutes, the payment of expenses and costs and attorneys' fees involved in any such foreclosures and collections must be provided for out of other funds of said city, except such part as may be recovered by judgments obtained in such actions; and

WHEREAS, the present staff of the legal department of the City of Indianapolis cannot give the necessary time and attention to such work aforesaid, because of the constant pressure of a large amount of other city business, and by reason of all the premises it is deemed necessary that additional special counsel be furnished by the common council to assist and act under the supervision of said legal department in protecting the city's interests and carrying out promptly and properly the provisions of said duties under all of said statutes;

NOW, THEREFORE,

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

Section 1. That for the purpose of meeting the situation as set forth in the foregoing preamble, which is here incorporated as a part hereof by this reference thereto, the Corporation Counsel of the City of Indianapolis, with the approval of the Mayor, is hereby authorized and directed to employ one or more special assistant

attorneys to represent said city, under the direction and control of and in cooperation with the legal department thereof, in all respects whatsoever pertaining to the several matters described and referred to in the preamble hereof, and to execute a written contract with such special attorneys which shall provide all the terms of such service and for the payment of reasonable compensation to such attorneys and for the payment of all necessary expenses and costs, including court costs, where assessed against the city, incidental to such collection of delinquent special assessments, maturing after March 16, 1929, and incurred either before or after the filing of any such suits relating thereto; *provided*, however, that the compensation of such special attorneys shall not exceed five percent (5%) of the amount collected upon any delinquent assessments, upon which waivers have been signed, collected by them prior to judgments thereon; *provided*, however, that such compensation shall not be calculated upon the interest on delinquency or any advance interest upon prepaid assessments; and that the term of any such contract shall not extend more than one year beyond the term of the mayor serving when it is executed; and that such contract shall provide, except as herein specified, for the time and method of paying all such attorney fees, expenses and costs and for proper reports thereof to the city controller.

Section 2. All expenses and costs and attorneys' fees aforesaid incurred under such contract and arising out of the collection of any such delinquent assessments upon which waivers have been signed, shall be charged to and payable by the city controller, upon proper warrants, out of any funds available therefor in said "Special Assessment Delinquency and Deficit Fund," and the amounts required to pay any such warrants shall be deemed as being hereby continuously appropriated, from time to time, out of such fund in such amounts as may be necessary and sufficient to pay said several items of expenses, costs and attorneys' fees.

Section 3. It may also be provided in the aforesaid contract with the special attorneys employed for the aforesaid purposes that they shall assist the members of the legal department in the collection of any delinquent assessments upon which waivers have not been executed, involved in any public improvements where such assessments are payable originally to the city for application upon any damage rolls; *provided*, that no fees shall be paid or due to any such attorneys for any such services, except as allowed by the court as a part of any judgments rendered in foreclosure proceedings, which fees so allowed by the court shall be collectible solely from the defendants and may be paid direct to such special attorneys

by the county clerk, or defendants; or if collected by the city shall be appropriated for and paid to said attorneys; but any expenses and costs involved in such actions and not collectible and collected from the defendants shall be payable out of any of the general funds of any department of such city available for that purpose, or that may be hereafter appropriated therefor.

Section 4. 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 Finance.

By Board of Health:

GENERAL ORDINANCE NO. 100, 1932

AN ORDINANCE transferring certain sums of money from certain numbered funds of the Department of Public Health and Charities and reappropriating the same to other numbered funds of said Department; 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 following transfers of funds within the Department of Public Health and Charities be and the same are hereby made:

From Board of Health No. 11, Salaries, \$1,200.00 to Board of Health No. 61, Interest.

From Board of Health No. 11, Salaries, \$540.00 to Board of Health No. 215, Transportation.

From Board of Health No. 25, Repairs, \$50.00 to Board of Health No. 3431, Inst. and Med.

From Board of Health No. 31, Foods, \$400.00 to Board of Health No. 3431, Inst. and Med.

From Board of Health Lab. No. 352, Food and Milk, \$30.00 to Board of Health No. 3431, Inst. and Med.

From Board of Health Lab. No. 11, Salaries, \$150.00 to Board of Health No. 213, Street Car Tokens.

From Board of Health Lab. No. 38, Supplies General, \$100.00 to Board of Health No. 3431, Inst. and Med.

From Board of Health Lab. No. 333, Tires, Tubes, \$150.00 to Board of Health No. 331, Gasoline.

From Board of Health Lab. No. 333, Tires, Tubes, \$25.00 to Board of Health No. 332, Oil.

From Board of Health Lab. No. 333, Tires, Tubes, \$16.00 to Board of Health No. 322, Ice.

From Board of Health Child Hygiene Fund No. 11, Salaries, \$2,012.00 to Board of Health Child Hygiene Fund 316, Milk, Cream and Ice Cream.

From Board of Health Child Hygiene Fund No. 317, Other Food Supplies, \$150.00 to Board of Health Child Hygiene Fund 343, Med., Surg. and Dental.

From Board of Health Lab. Fund 343, Med., Surg. and Dental, \$300.00 to Board of Health Child Hygiene Fund No. 343, Med., Surg. and Dental.

From Board of Health Lab. Fund 344, Other Med. Supplies, \$300.00 to Board of Health Child Hygiene Fund No. 343, Med., Surg. and Dental.

From Board of Health Lab. Fund 72, Equipment, \$250.00 to Board of Health Fund 213, Street Car Tokens.

From Board of Health Child Hygiene Fund 11, Salaries, \$85.00 to Board of Health Fund No. 36, Office.

Board of Health Plumbing Fund 332, Oil, \$25.00 to Board of Health Child Hygiene Fund No. 38, Supplies General.

From Board of Health Plumbing Fund 331, Gas, \$30.00 to Board of Health Child Hygiene Fund No. 38, Supplies General.

From Board of Health Plumbing Fund No. 11, Salaries, \$172.62 to Board of Health Plumbing Fund No. 12, Salaries Temporary.

From T. B. Fund No. 11, Salaries, \$1,000.00 to T. B. Fund No. 31, Foods.

From T. B. Fund No. 11, Salaries, \$50.00 to T. B. Fund No. 36, Office.

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

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

INTRODUCTION OF RESOLUTION

By City Controller:

RESOLUTION NO. 3, 1932

WHEREAS, there is not now available in the City General Sinking Fund, a sufficient fund of money to pay certain obligations of the City of Indianapolis and interest thereon, due to delinquencies and delays in the payment of taxes, the exact amount of which has not yet been determined at the office of the county auditor.

WHEREAS, said obligations are a liability against said city, and

WHEREAS, the Mayor of said city is determined that the facts aforesaid present a contingency requiring the expenditure of a part of the appropriation reserved for said Mayor's contingency fund, to-wit, the sum of Thirteen Thousand One Hundred Eighty-nine Dollars and Thirty-eight Cents (\$13,189.38) therefrom, and he has accordingly notified the City Controller of the circumstances making such expenditure necessary, and

WHEREAS, the City Controller has given his approval to the proposed expenditure and notified the City Council in writing, giving all pertinent facts regarding the contingency and the manner in which it is proposed to meet the contingency,

NOW, THEREFORE,

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

1. That the Common Council hereby approves and authorizes the expenditure, during the current fiscal year ending December 31, 1932, the aggregate amount of Thirteen Thousand One Hundred Eighty-nine Dollars and Thirty-eight Cents (\$13,189.38) or any part thereof out of the Mayor's Contingency Fund for the purposes specified in the preamble hereof.

2. This resolution becomes effective from and after its passage and approval by the Mayor.

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

ORDINANCES ON SECOND READING

Mr. Tennant called for General Ordinance No. 84, 1932, for second reading. It was read a second time.

Mr. Tennant presented the following written motion to amend General Ordinance No. 84, 1932:

Indianapolis, Ind., December 5, 1932.

Mr. President:

I move that General Ordinance No. 84, 1932, be amended by striking out all of Section 2 of said ordinance and by inserting in lieu thereof the following:

“Section 2. That Section 488 of General Ordinance No. 121, 1925, be amended to read as follows:

SEC. 488—LOCATION AND SCOPE OF CITY MARKET

The south half of square 43 in the City of Indianapolis is hereby established and declared to be a city public market for the sale of provisions, meats, fish, dressed poultry and game, eggs, milk, cheese, butter, honey, flowers, vegetables and fruits in their natural state and their canned or preserved products, also bakery products and grocery store goods. Provided, that one section in the east market and one section in the west market shall be set aside and designated for a restaurant or lunch room, to be inclosed; and that the inclosed sections known as store rooms and having sidewalk entrances, may be occupied as grocery or food stores. The market so established shall be known as the City Market.

I further move that Section 3 of said ordinance be amended by striking out said section, and inserting in lieu thereof the following:

“Section 3. That Section 489 of General Ordinance No. 121, 1925, be and the same is hereby amended to read as follows:

SEC. 489—MARKET MASTER

A Market Master for the City Market shall be appointed by the Board of Public Safety for the term of four (4) years, or during the will and pleasure of the Board, at a salary fixed by the Common Council. In the appointment of such Market Master the Board shall take into account the fitness of all applicants for such position to intelligently and efficiently perform the duties of the position, particularly as integrity of

character and experience in managing a business of the character conducted in the City Market, the Board to determine such fitness by competitive examination, and shall appoint the applicant securing the highest rating in such competitive examination. He shall take the usual oath of office and execute sufficient official bond, in a penal sum fixed by the Common Council, before entering upon the duties of his office. The Board of Public Safety may appoint an assistant market master and such other employes as are necessary, to serve during the will and pleasure of the Board, at salaries fixed by the Common Council.

I move further that Section 4 of said ordinance be amended by striking out said Section 4 and by inserting in lieu thereof the following:

“Section 4. That Section 490 of General Ordinance No. 121, 1925, be and the same is hereby amended to read as follows:

SEC. 490—MARKET MASTER'S DUTIES

The Market Master shall have general supervision of the City Market. It shall be his duty to co-ordinate the management and the standholding interests in the market in such way as to render an efficient service to the public, protect the patrons from unfair merchandizing and promote the common welfare of the standholders. He shall have power, under direction of the Board of Public Safety, to rent all unleased and unoccupied stands in the market to casual marketers on a daily or weekly basis at rentals to be fixed by the Board, and shall collect all rents from such casual marketers, giving receipts in duplicate therefor, and pay such moneys to the city comptroller. He shall enforce the ordinances of said city relating to the City Market, carry out the rules and orders promulgated by the Board of Public Safety, and shall co-operate with other departments of the city government, as directed by the Board, in the proper regulation and government of said City Market.

I move further that Section 6 of said ordinance be amended by striking out said Section 6, and by inserting in lieu thereof the following:

“Section 6. That Section 492 of General Ordinance No. 121, 1925, be and the same is hereby amended to read as follows:

SEC. 492—STAND LEASES

Not later than the 15th of December, 1932, and the 1st day of December of each year thereafter, the Market Master shall

submit to the Board of Public Safety for its approval an appraisal of the rental value of each stand, such rental to be determined, as near as may be, by the location of the stands, but such value shall not be enhanced by the character of trade its occupant may have established by his personal merit or skill. Thereupon the Board shall enter into contracts with owners or applicants for stands and store rooms on the basis of such last appraisal for annual, semi-annual or monthly periods, rent payments to be made at times fixed by the Board and to be paid in advance. The year shall begin as of January 1. Provided, that the Board may make lease contracts for store rooms for a longer period than one year but not to exceed three years. Any person who has held a stand or store room for the past preceding year, and who has paid all rents and charges on all accounts relating to the market, and who has complied with all the rules and ordinances relating to the market, shall be permitted to retain such stand for another year if, in addition to the rent, he shall pay a premium equal to 10% of the said last appraised rental thereof.

a. Not more than one stand on the market shall be leased, rented or occupied by any one person, firm or company. Provided, that the Board of Public Safety may, by resolution duly adopted and recorded upon the minutes, authorize the renting of two, three or four stands to the same person, but such stands must adjoin each other. When two or more stands are allotted jointly they shall be operated as one stand. No other member of the family, firm or company occupying a stand shall be granted permission to rent a stand on the market.

b. The Board of Public Safety shall have authority to reject applicants for stands by the following class of persons:

1. Non-taxpayers of the City of Indianapolis and Marion County.
2. Non-residents of the City of Indianapolis and Marion County.
3. Persons convicted of a felony or found guilty of violating the weights and measures law and meat inspection laws, or the rules and regulations of the City Market, or of this and other ordinances relating to the City Market.
4. Standholders who have defaulted on their leases, or whose rent to the city is in arrears more than one year.

c. No lease shall be sold, transferred or assigned, nor shall the stand leased herein be sublet without the adoption of a resolution by the Board of Public Safety permitting the same to be done.

d. In the event that any standholder shall not occupy his stand for ten (10) consecutive market days, or shall purchase or sell said stand contrary to this ordinance, or violate any ordinances of said city relating to the City Market, the lease to such stand shall terminate and all rentals paid therefor shall be forfeited as liquidated damages and said city shall have the right to release said stand.

e. The city specifically reserves the right to remodel and repair said market place, or any part thereof, at any and all times during the term of any lease, and the marketer agrees to the suspension of such lease during such remodeling or repairing and to vacate such leased stand or stands during such time; provided, that the city shall refund to said marketer the unearned amount of rental for the period of such suspension; provided, further, that in the event that such remodeling is of such a nature that requires the vacation of said stand or store, then such lease shall terminate, in which event the city shall refund to said marketer the unearned amount of rental which said marketer may have paid to said city in advance.

To amend General Ordinance No. 84, 1932, section 498, appearing as section 7 of this ordinance, under the heading "Board of Public Safety Duties," as follows:

Strike out paragraph 4 of said section 498 and substitute the following therefor:

"4. Establish a checking room for the convenience of patrons of the market."

Also, strike out paragraph 9 of said section 498, and renumber paragraph 10, making it paragraph 9.

MAURICE E. TENNANT,
Councilman.

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

Ayes, 8, viz: Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

On motion of Mr. Tennant, seconded by Mr. Welch, General Ordinance No. 84, 1932, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 84, 1932, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Houck called for General Ordinance No. 91, 1932, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Wheatley, General Ordinance No. 91, 1932, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 91, 1932, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Houck called for General Ordinance No. 92, 1932, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Wheatley, General Ordinance No. 92, 1932, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 92, 1932, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Houck called for General Ordinance No. 94, 1932, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Wheatley, General Ordinance No. 94, 1932, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 94, 1932, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Hildebrand called for General Ordinance No. 95, 1932, for second reading. It was read a second time.

On motion of Mr. Hildebrand, seconded by Mr. Morgan, General Ordinance No. 95, 1932, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 95, 1932, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Noes: Mr. Henry.

Mr. Tennant called for General Ordinance No. 96, 1932, for second reading. It was read a second time.

On motion of Mr. Tennant, seconded by Mr. Henry, General Ordinance No. 96, 1932, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 96, 1932, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

Mr. Hildebrand called for Special Ordinance No. 6, 1932, for second reading. It was read a second time.

On motion of Mr. Hildebrand, seconded by Mr. Morgan, Special Ordinance No. 6, 1932, was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 6, 1932, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Henry, Mr. Hildebrand, Mr. Houck, Mr. Morgan, Mr. Tennant, Mr. Welch, Mr. Wheatley, President Ropkey.

On motion of Mr. Henry, seconded by Mr. Wheatley, the Common Council adjourned at 9:35 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 5th day of December, 1932, at 7:30 p. m.

IN WITNESS WHEREOF, We have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

Ernest C Ropkey

President.

Attest:

Henry O Goett

City Clerk.

(SEAL)