

REGULAR MEETING

Monday, May 15, 1933.

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at City Hall, Monday, May 15, 1933, 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 seven members, viz: Fred C. Gardner, George A. Henry, Carl A. Hildebrand, James A. Houck, Chas. C. Morgan, Maurice E. Tennant, Clarence I. Wheatley.

Absent: Leo F. Welch.

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

COMMUNICATIONS FROM CITY OFFICIALS

May 15, 1933.

*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. 8, 1933, appropriating the sum of Four Hundred Fifty-five Dollars and Eighty-seven Cents (\$455.87) from the unexpended balance of the General Fund for the year 1932 to various funds in the Department of Public Safety; and also appropriating the sum of Three Thousand Seven Hundred Seventy-seven Dollars and Sixty-two Cents (\$3,777.62) from the anticipated unexpended and unappropriated balance in the General Fund for the year 1933 to the Department of Public Safety, Building Department, Electrical Inspection Division; and also appropriating the sum of Five Hundred Thirty-nine Dollars and Twenty-seven Cents (\$539.27) from the anticipated unexpended and unappropriated balance of the Department of Public Works Airport Fund for the year 1933 to various funds of the Department of Public Works Municipal Airport.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WM. L. ELDER,
City Controller.

May 11, 1933.

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

Dear Sir:

Pursuant to the City of Indianapolis taking over the inspection of electrical installations, formerly handled by the Indiana Inspection Bureau, it is necessary to ask for the appropriation of sufficient money with which to operate this new department from July 1st for the remainder of the year. We therefore, respectfully request that an ordinance be presented to the Common Council asking for the appropriation from the unexpended and unappropriated balance of the general fund of Three Thousand Seven Hundred Seventy-seven Dollars and Sixty-two Cents (\$3,777.62) and reappropriate same to the Building Department Budget, Electrical Inspection Division for the operation of this division as follows:

Fund No. 11—Salaries and Wages Regular—\$3,227.62	
1 Chief Inspector @ \$2,351.25 per year 6 mo.....	\$1,175.62
2 Inspectors—each @ \$2,052.00 per year 6 mo.....	2,052.00

Fund No. 21—Communication and Transportation...\$	50.00
Fund No. 36—Office Supplies	200.00
Fund No. 72—Equipment	300.00

Total.....	\$3,777.62

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
/s/ WALTER O. LEWIS,
Executive Secretary.

May 15, 1933.

*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 \$500.00 to be used in paying certain fees for expert advice and services as appraiser and engineer in connection with water rate hearings held before the United States District Court.

I recommend that said sum of \$500.00 be set aside and made available out of said fund for the purposes aforesaid to be paid by my warrant.

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

Very truly yours,

WM. L. ELDER,
City Controller.

May 15, 1933.

*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 Mr. John Deery the sum of \$500.00 for services as architectural appraiser and engineer. These services consist of advising the City of Indianapolis and testifying before the United States District Court of Indiana, in connection with the water rate hearing.

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 this contingency and approving this proposed expenditure from such appropriation.

Very truly yours,

(signed) R. H. SULLIVAN,
Mayor.

May 15, 1933.

*Hon. President and Members
of the Common Council:*

I have been requested to present to you for introduction General Ordinance No. 34, 1933.

CHARLES C. MORGAN,
Councilman.

May 15, 1933.

*Hon. President and
Members of the Common Council
of the City of Indianapolis.*

Gentlemen:

Please find hereto attached fourteen (14) copies of a proposed ordinance repealing General Ordinance No. 23, 1933, being "An Ordinance licensing and regulating Itinerant Produce Dealers and Wholesale Produce Dealers, defining who are Itinerant Produce Dealers and Wholesale Produce Dealers, providing penalties for the violation thereof, repealing all ordinances in conflict therewith and declaring a time when the same shall take effect."

I am presenting this ordinance on behalf of the Poultry Dealers' Association of Indianapolis, recently organized. My investigation of the law of Indiana satisfies me that the Legislature has failed to delegate to municipalities authority to license produce dealers, as is attempted by Ordinance No. 23. It is my opinion that the right to regulate certain businesses does not of itself carry with it the right to license dealers conducting such business nor to tax them unless license and tax is expressly mentioned in the law pursuant to which an ordinance is enacted. Furthermore, Ordinance No. 23 is considered discriminating and in restraint of trade in its effect and void for these reasons also.

On behalf of my clients, I urgently recommend that this repeal ordinance be passed.

Very respectfully,

CLYDE P. MILLER.

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

The Council reconvened from its recess at 8:15 p. m., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., May 15, 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 Appropriation Ordinance No. 5, 1933, entitled Appropriating and allocating \$28,142.26 and \$1,481.56 to various funds of the Department of Public 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.

F. C. GARDNER.

MAURICE E. TENNANT.

Indianapolis, Ind., May 15, 1933.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 6, 1933, entitled Appropriating \$500.00 from balance Airport Fund 1933 to Public Works, Municipal Airport, 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.

F. C. GARDNER.

MAURICE E. TENNANT.

Indianapolis, Ind., May 15, 1933.

*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. 7, 1933, entitled Appropriating \$2,000.00 from 1932 balance to Department of Public Safety, Police Department Fund No. 53, 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.
F. C. GARDNER,
MAURICE E. TENNANT.

Indianapolis, Ind., May 15, 1933.

*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. 33, 1933, entitled Authorization to purchase 10,000 tons of coal for City Hospital, 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.
F. C. GARDNER.
MAURICE E. TENNANT.

INTRODUCTION OF APPROPRIATION ORDINANCES

By City Controller:

APPROPRIATION ORDINANCE NO. 8, 1933

AN ORDINANCE appropriating the sum of Three Thousand Seven Hundred Seventy-seven Dollars and Sixty-two Cents (\$3,777.62) from the anticipated unexpended and unappropriated balance in the General Fund for the year 1933 to the Department of Public Safety, Building Department, Electrical Inspection Division; and also appropriating the sum of Four Hundred Fifty-five Dollars and Eighty-seven Cents (\$455.87) from the

Police Dept. Fund No. 21, Communication and Transportation	3.21
Police Dept. Fund No. 25, Repair Charges	128.20
Police Dept. Fund No. 45, Repair Parts	72.01
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Total.....	\$455.87

Section 3. That there be and there is hereby appropriated out of the anticipated unexpended and unappropriated balance in the Department of Public Works, Airport Fund, for the year 1933, to the following funds of the Department of Public Works, Municipal Airport, the sum of Five Hundred Thirty-nine Dollars and Twenty-seven Cents (\$539.27):

Fund No. 22, Heat, Light, Power and Water.....	\$387.90
Fund No. 26, Other Contractual	50.00
Fund No. 38, General Supplies	25.59
Fund No. 43, Street and Alley Materials.....	75.78
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Total.....	\$539.27

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.

INTRODUCTION OF GENERAL ORDINANCES AND RESOLUTIONS

By Mr. Morgan:

GENERAL ORDINANCE NO. 34, 1933

AN ORDINANCE repealing General Ordinance No. 23, 1933, being "An Ordinance licensing and regulating itinerant produce dealers and wholesale produce dealers, defining who are itinerant produce dealers and wholesale produce dealers, providing penalties for the violation thereof, repealing all ordinances in conflict therewith, and declaring a time when the same shall take effect," declaring an emergency and fixing a time when the same shall take effect.

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

Section 1. That General Ordinance No. 23, 1933, being "An Ordinance licensing and regulating itinerant produce dealers and wholesale produce dealers, defining who are itinerant produce dealers and wholesale produce dealers, providing penalties for the violation thereof, repealing all ordinances in conflict therewith, and declaring a time when the same shall take effect," be and the same is hereby repealed.

Section 2. Whereas an emergency exists for the immediate taking effect of this ordinance, the same shall be in full force and effect from and after its passage and approval by the Mayor.

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

By City Controller:

RESOLUTION NO. 2, 1933

WHEREAS, the City of Indianapolis, in presenting its case in the water rate hearings now being held before the United States District Court, has needed to employ the assistance of expert advice and services as appraisers and engineers; and

WHEREAS, John Deery has rendered such services as architectural appraiser and engineer, on an agreed total of One Thousand Dollars (\$1,000.00), for which services to date there is now due on account the sum of Five Hundred Dollars (\$500.00); and

WHEREAS, John Deery has not yet been paid anything for said services, and there is thereby created an obligation of said city; and

WHEREAS, the Mayor of said city has 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 Five Hundred Dollars (\$500.00) 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, 1933, of the aggregate amount of Five Hundred Dollars (\$500.00), 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.

Mr. Wheatley made a motion that the rules be suspended as to the time of filing of copies of ordinances, and that General Ordinance No. 35, 1933, be received for introduction and considered by the Council. The motion was seconded by Mr. Morgan and passed by the following roll call vote:

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

By Mr. Wheatley:

GENERAL ORDINANCE NO. 35, 1933

AN ORDINANCE amending sub-section 41 of Section 476, General Ordinance 121, 1925, fixing the time when the same shall take effect.

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

Section 1. That sub-section 41 of Section 476 of General Ordi-

nance 121, 1925, be and the same is hereby amended to read as follows:

(41) For each motor truck and/or motor driven commercial vehicle not exceeding two thousand (2,000) pounds capacity, Four Dollars (\$4.00) and for each additional 2,000 pounds or fraction thereof Four Dollars (\$4.00).

Section 2. 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.

ORDINANCES ON SECOND READING

Mr. Houck called for General Ordinance No. 33, 1933, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Henry, General Ordinance No. 33, 1933, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 33, 1933, was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Houck called for Appropriation Ordinance No. 5, 1933, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Henry, Appropriation Ordinance No. 5, 1933, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 5, 1933, was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Houck called for Appropriation Ordinance No. 6, 1933, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Henry, Appropriation Ordinance No. 6, 1933, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 6, 1933, was read a third time by the Clerk and passed by the following roll call vote.

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

Mr. Houck called for Appropriation Ordinance No. 7, 1933, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Henry, Appropriation Ordinance No. 7, 1933, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 7, 1933, was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Houck asked for suspension of the rules for further consideration and passage of Resolution No. 2, 1933. The motion was seconded by Mr. Morgan and passed by the following roll call vote:

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

The rules were suspended.

The Council reverted to a previous order of business.

COMMITTEE REPORT

Indianapolis, Ind., May 15, 1933.

*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 Resolution No. 2, 1933, entitled Authorizing payment of \$500 from Mayor's Contingent Fund to John Deery, beg leave to report that we have had said Resolution under consideration, and recommend that the same be passed under suspension of the rules.

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

ORDINANCES ON SECOND READING

Mr. Houck called for Resolution No. 2, 1933, for second reading. It was read a second time.

On motion of Mr. Houck, seconded by Mr. Morgan, Resolution No. 2, 1933, was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 2, 1933, was read a third time by the Clerk and passed by the following roll call vote:

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

MISCELLANEOUS BUSINESS

Mr. Tennant announced that the Committee on Public Safety was not ready to report on General Ordinance No. 32, 1933, and asked for further time for consideration of said ordinance which was granted.

On motion of Mr. Wheatley, seconded by Mr. Henry, the Common Council adjourned at 8:30 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 15th day of May, 1933, 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 Grett

City Clerk.

(SEAL)