

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

Monday, March 4, 1918.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, March 4, 1918, at 7:30 o'clock in regular session, President Louis W. Carnefix in the chair.

Present: The Hon. Louis W. Carnefix, President of the Common Council, and eight members, viz.: Messrs. Kirsch, Peake, Willson, Miller, Schmidt, Furniss, Pettijohn and Brown.

Mr. Peake moved to dispense with the reading of the journal. Carried.

COMMUNICATIONS FROM THE MAYOR.

February 21, 1918.

*To the President and Members of the  
Common Council.*

Gentlemen:

I have this day signed and delivered to George O. Hutsell, City Clerk, the following ordinances:

Appropriations Ordinances Nos. 4, 5, 6 and 7.

General Ordinances Nos. 14, 15 and 16.

Yours very truly,

CHARLES W. JEWETT.

February 23, 1918.

*To the President and Members of the  
Common Council.*

Gentlemen:

I have this day signed and delivered to George O. Hutsell, City Clerk, General Ordinance No. 10.

Yours truly,

CHARLES W. JEWETT.

February 27, 1918.

*To the President and Members of the  
Common Council.*

Gentlemen:

I have this day signed and delivered to George O. Hutsell, City Clerk, the following ordinances:

Appropriation Ordinance No. 1. Signed by Mayor on January 29th.  
 Appropriation Ordinance No. 2. Signed by Mayor on January 28th.  
 Appropriation Ordinance No. 3. Signed by Mayor on January 28th.  
 General Ordinance No. 6. Signed by Mayor on January 29th.  
 General Ordinance No. 7. Signed by Mayor on January 28th.  
 General Ordinance No. 8. Signed by Mayor on February 6th.  
 General Ordinance No. 12. Signed by Mayor on February 5th.

Yours truly,

CHARLES W. JEWETT.

February 28, 1918.

*To the President and Members of the  
Common Council.*

Gentlemen:

General Ordinance No. 13 was signed by me on February 16th, 1918.

Yours truly,

CHARLES W. JEWETT.

## REPORTS FROM CITY OFFICERS.

From Board of Public Works:

March 4, 1918.

*To the Common Council, City of  
Indianapolis, Ind.*

Gentlemen:

I am directed by the Board of Public Works to submit for your consideration and action thereon an ordinance approving a certain contract or switch across the first alley west of Douglass Street according to blue print attached, in the City of Indianapolis, Indiana.

Yours truly,

W. F. CLEARY,  
Clerk Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Public Safety:

Indianapolis, Ind., March 4, 1918.

*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 Special Ordinance No. 2, 1918, entitled an ordinance changing the name of Chicago Street, from the Canal west to Parkway Boulevard, to "Edgemont Avenue," and repealing Special Ordinance No. 27, 1917, beg leave to report that we have had said ordinance under consideration, and recommend that the same do pass.

RUSSELL WILLSON, Chairman.  
J. P. BROWN,  
S. A. FURNISS,  
J. E. MILLER,  
LEE J. KIRSCH.

Mr. Willson moved that the report of the committee be concurred in. Carried.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works:

Referred to City Civil Engineer for investigation and report February 25, 1918.

SCHUYLER A. HAAS,  
GEO. LEMAUX,  
THOMAS A. RILEY,  
Board of Public Works.

SWITCH CONTRACT.

General Ordinance No. 17, 1918. An ordinance approving a certain contract granting Louis Sagalowsky the right to lay and maintain a sidetrack or switch across the first alley west of Douglass Street, according to blue print attached, in the City of Indianapolis, Indiana. Approved by H. W. Klausmann, City Civil Engineer, February 27, 1918.

Approved February 27, 1918.

SCHUYLER A. HAAS,  
GEO. LEMAUX,  
THOMAS A. RILEY,  
Board of Public Works.

Whereas, Heretofore, to-wit, on the 20th day of February, 1918, Louis Sagalowsky filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

*To the Board of Public Works,  
City of Indianapolis.*

Gentlemen:

The undersigned respectfully petitions for permission to lay and maintain a switch or sidetrack across the first alley west of Douglass Street, as per blue print attached, and description given below.

Very respectfully,

LOUIS SAGALOWSKY.

Now, Therefore, This agreement, made and entered into this 27th day of February, 1918, by and between Louis Sagalowsky, 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 right of way for a sidetrack or switch across the first alley west of Douglass Street, in the City of Indianapolis, which is more specifically described as follows: Commencing at a point on the C., C., C. & St. L. Ry. Co.'s sidetrack, which point is 644 feet south of the south line of New York Street and five feet west of the west line of Douglass Street, thence in a westerly direction 94 feet to the east line of the first alley west of Douglass Street said track will cross the east line of said alley at a point 665 feet south of the south line of New York Street, thence in a westerly direction across said alley crossing the west line of said alley at a point 668 feet south of the south line of New York Street, said track continuing westerly about 90 feet to the end of Lot No. 32, 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 and maintain said track upon the terms and conditions herein-after set forth, to-wit:

(1) They shall be so laid, 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.

(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 tracks.

(3) The crossing where said track intersects with said alley 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 good 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.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks 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 the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall 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 violations 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 contract, 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 in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across the first alley west of ouglass Street, in the City of Indianapolis, all as shown by the drwaing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 27th day of February, 1918.

LOUIS SAGALOWSKY,  
Party of the First Part.

Witness: ALBERT LAUCK.

CITY OF INDIANAPOLIS, by

SCHUYLER A. HAAS, President,  
GEO. LEMAUX,  
THOMAS A. RILEY,  
Board of Public Works,  
Party of the Second Part.

And, Whereas, Said contract 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,

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract 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.

Which was read a first time.

Mr. Peake moved that the rules be suspended and General Ordinance No. 17, 1918, be placed upon its passage.

The roll was called and the motion to suspend the rules failed to carry by the following vote:

Ayes, 4, viz.: Messrs. Kirsch, Peake, Pettijohn and President Carnefix.

Noes, 5, viz.: Messrs. Willson, Miller, Schmidt, Furniss and Brown.

General Ordinance No. 17, 1918, was referred to Committee on Public Works.

From Special Committee on Rules:

General Ordinance No. 18,—1918.

An ordinance amending Sections 664, 665 and 667 of General Ordinance No. 12.—1917, entitled "An ordinance concerning the Government of the City of Indianapolis, Providing Penalties for its Violation and, with Stated Exceptions, Repealing all Former Ordinances," and repealing all ordinances or part of ordinances in conflict herewith.

*Be it ordained by the Common Council of the City of Indianapolis:*

SECTION 1. That Section Six Hundred and Sixty-four (664) of General Ordinance No. 12,—1917, being the above entitled ordinance, be, and the same is hereby amended to read as follows:

*Clerk.* It shall be the duty of the City Clerk to keep an accurate journal of the proceedings of the Common Council.

He shall have at least one hundred and fifty copies of said proceedings printed after each regular or special meeting, one copy of which shall be presented to each member within ten days after the meeting, and at least fifty (50) copies of which shall be kept on file, to be bound at the end of the year, with a proper index thereto, which shall be the official journal of the Common Council of said city. But nothing in this ordinance shall be construed to mean that it shall be the duty of the City Clerk to bind or prepare an index to said proceedings of the Common Council.

Immediately after the last Council meeting in each calendar month he shall also cause to be printed at least fifty Council Calendars, one of which shall be mailed to each Councilman, to the Mayor, the head of each Executive Department of the City Government, and to the Judge of the City Court. The remaining copies of said calendar shall be distributed upon request to other city officials or citizens in the judgment of the Clerk.

Each issue of said calendar shall supplement its predecessor, and shall contain separate tables of all General Ordinances, Special Ordinances, Appropriation Ordinances, and Resolutions, respectively, upon which any official action shall have been had within the year and up to the date of publication, with the last action thereon and date thereof. It is hereby intended that said calendar shall contain the substance and be in the form of the tables printed on pages 9 to 15 of the Official Council Proceedings of 1910, except that any matters pending and undisposed of after the last meeting in any year shall be carried over and shown upon the calendar for the succeeding year.

He shall arrange a roll call in the order of districts and where there are two councilmen from the same district their names shall be placed alphabetically.

He shall keep a proper file of all papers and documents of every kind and character, and shall hold them subject to the orders of the Common Council.

He shall be the custodian of all ordinances, resolutions, petitions, memorials, and all other papers pertaining to the business of the Common Council, except when such ordinances, resolutions, petitions, memorials or other papers are necessarily in the hands of any committee for the consideration of such committee.

SEC. 2. That Section Six Hundred and Sixty-five (665) of General Ordinance No. 12,—1917, being the above entitled ordinance, be, and the same is hereby amended to read as follows:



*Sergeant-at-Arms.* The Sergeant-at-Arms shall act as messenger for the Common Council and shall deliver into the hands of the proper committee chairman all ordinances, resolutions, petitions, memorials, or other papers or documents, within two days after any meeting of the Common Council at which the same shall have been referred to any committee.

He shall at all times be subject to the orders of the Common Council or the President thereof.

All communications, petitions, resolutions and memorials addressed to the Common Council and received from those other than city officials or city employees, bearing on or dealing with contemplated or pending ordinances, shall be referred to the committee having such ordinances in charge, shall not be read in the Council meetings, except by request of a member of the Council.

Sec. 3. That subdivision 1, of Section Six Hundred Sixty-seven (667) of General Ordinance No. 12,—1917, being the above entitled ordinance, be, and the same is hereby amended to read as follows:

*Ordinances.* Ordinances shall be of three distinct classes, viz.: First, appropriation ordinances; second, special ordinances relating to special matters; third, general ordinances relating to the government of the city. The Clerk shall keep each class of ordinances in distinct files, according to the number of their readings, and shall give each ordinance of each class a distinct number in the order of its introduction, and shall place such files on the Clerk's desk at the opening of each meeting.

All ordinances shall be read three times before they may be put to vote upon passage, unless these rules shall be suspended, but no ordinance shall be put upon its passage without having been read in its entirety at least once by the clerk, nor shall any ordinance or resolution be passed upon the same day it is introduced, except by unanimous consent, and then only in case there are present and voting at least two-thirds of all the members-elect of the Common Council: Provided, That in any case where an ordinance has been submitted to and considered by the Committee of the Whole, the rules may be suspended and such ordinance placed upon its passage by reading the same once by title only; that Clause Ten (10) of said section be, and the same is hereby amended to read as follows:

All resolutions presented for any action by the Council shall be read by the Clerk and immediately referred to a proper committee by the President, and no debate shall be in order upon such resolution until the same shall have been reported back to the Council by the committee

to which it was referred; all proposed ordinances shall be prepared and presented to the Council in triplicate.

SEC. 4. That Section Six Hundred and Sixty-nine (669) of General Ordinance No. 12,—1917, being the above entitled ordinance, be, and the same is hereby amended to read as follows:

*Reconsideration.* When any question has been once decided in the affirmative or negative, any member voting with the majority may move a reconsideration thereof on the same or the next regular meeting: Provided, That no such motion shall be introduced at the next regular meeting, unless the member intending to make the same shall have given written notice of such intention at the meeting at which the vote which he desired to have reconsidered was taken. A resolution once adopted may be rescinded by subsequent resolution, and ordinances passed may be repealed by subsequent ordinances.

SEC. 5. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SEC. 6. This ordinance shall be in full force and effect from and after its passage.

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

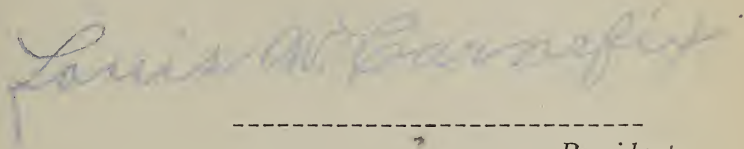
Mr. Willson called for Special Ordinance No. 2, 1918, for second reading. It was read a second time.

Mr. Willson moved that Special Ordinance No. 2, 1918, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 2 was read a third time and passed by the following vote:

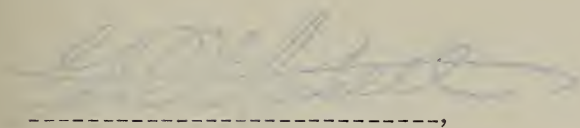
Ayes, 9, viz.: Messrs. Kirsch, Peake, Willson, Miller, Schmidt, Furniss, Pettijohn, Brown, and President Carnefix.

On motion of Mr. Brown the Common Council, at 8:45 o'clock p. m., adjourned.



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*President.*

ATTEST:



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*City Clerk.*