

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

Monday, June 7, 1920.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, June 7, 1920, at 7:30 o'clock in regular session, President G. G. Schmidt in the chair.

Present: The Hon. G. G. Schmidt, President of the Common Council, and five (5) members, viz.: Messrs. Carnefix, Miller, Peake, Pettijohn and Willson.

Absent: Messrs. Brown, Furniss and Kirsch.

Mr. Miller moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

May 20th, 1920.

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

Gentlemen—I have this day signed and delivered to George O. Hutsell, City Clerk, Special Ordinance No. 11, and General Ordinance No. 47.

Your very truly,

CHARLES W. JEWETT.

May 20th, 1920.

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

Gentlemen—I have this day signed and delivered to George O. Hutsell, City Clerk, General Ordinance No. 39 and General Ordinance No. 52.

Your very truly,

CHARLES W. JEWETT.

May 28th, 1920.

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

Gentlemen—I am returning herewith General Ordinance No. 48, which ordinance I have vetoed for the reasons assigned in the legal opinion of the Legal Department, which opinion is herewith attached.

Yours very truly,

CHARLES W. JEWETT,

Mayor. *

May 28th, 1920.

Hon. Charles W. Jewett, Mayor, City Hall, City:

Dear Sir—In response to your request for an opinion regarding the legality of certain provisions of General Ordinance No. 48, 1920, the same amending certain sections of the plumbing provisions of General Ordinance No. 12, 1917, I submit the following:

I have talked with Doctor Morgan of the Board of Health and he states that in so far as this ordinance amends the other features of the ordinance than salary, it is all right.

Section 889 of General Ordinance No. 12, 1917, fixes the salary of the Chief Inspector and the assistant inspectors, and provides that they shall be paid out of the general funds of the City of Indianapolis, fixing the salary of the Chief Inspector at \$1,500.00. General Ordinance No. 48 amends this section by leaving out the assistant inspectors and increasing the salary of the Chief Inspector to \$2,500.00 per year. Under General Ordinance No. 12, 1917, and General Ordinance No. 48, 1920, the fees derived through this department are payable through the City Controller, and are paid by him into the treasury of the City of Indianapolis.

The section fixing the salary of the assistant inspectors and chief inspectors in both ordinances is invalid.

Acts 1919, chap. 144, section 7, of An Act pertaining to the Board of Health, among other things provides that the Board of Health shall have immediate control and direction of the city plumbing inspectors. Burns Revised Statutes, 1914, section 8839-A provides that the Board of Health shall have the exclusive management and control of the expenditure of all its funds and also gives them the exclusive power to fix the salary of all of its inspectors and other employees. Therefore, the Common Council of the City of Indianapolis has no authority to fix the salary of these inspectors.

The salary of the Chief Inspector of Plumbing has been fixed by the Board of Health at \$1,800.00 per year, and he has been and is paid by the Board of Health out of Board of Health funds. There has

never been any attempt to pay the salary of the Chief Inspector nor the Assistant Inspectors out of the General Fund of the City.

The next question is as to whether or not the fees received by the City Controller can be paid to the Board of Health. The only person authorized to receive such fees is the City Controller. Burns R. S. 1914, Section 8690, clause 8. Clause 9 of the same section provides that he shall pay the same into the city treasury. All money going into the city treasury becomes a part of the general fund of the city.

Burns R. S. 1914, section 8658, provides that no order or warrant for any purpose whatsoever shall be drawn against the funds of the city in the hands of the treasurer unless an appropriation has been made by ordinance for such purpose, and such appropriation is not exhausted. Therefore, these fees, or rather their equivalent, shall not be paid except by appropriation of the Council.

An ordinance appropriating these fees as such would not be valid, but each year at the time of the submission of the budget, the Council could appropriate a sum of money to the Board of Health equal to the estimated amount of fees to be derived from plumbing inspection.

On the other hand, regarding the salaries, though the Council has no authority to fix the same, nevertheless if it were deemed proper policy, the city could pay out of its general fund, if authorized by ordinance, the salaries of these inspectors, provided, of course, the salary had been fixed by the Board of Health.

Respectfully submitted,

HARRY E. YOCKEY,

Assistant City Attorney.

Approved:

SAMUEL ASHBY,

Corporation Counsel.

REPORTS OF CITY OFFICERS.

From the City Controller:

June 7th, 1920.

To the Honorable President and Members of the Common Council, Indianapolis, Ind.:

Gentlemen—I am enclosing you communication from the Board of Public Health and Charities, asking for the appropriation of Three Thousand Five Hundred (\$3,500.00) Dollars to carry on the work of the Venereal Disease clinic.

I am submitting ordinance covering same and recommend its passage.

Yours very truly,

ROBERT H. BRYSON,
City Controller.

June 7, 1920.

Robert H. Bryson, City Controller, City of Indianapolis:

Dear Sir—A special fund for the maintenance of the Venereal Disease Clinic conducted under the supervision of the Board of Health is now depleted. It will therefore be necessary to have an additional appropriation of \$3,500.00 to maintain this clinic until September 1, after which time the department is hopeful that the clinic will be self-supporting.

I therefore recommend that you submit to the Honorable City Council a bill for an ordinance authorizing an appropriation of \$3,500.00 for the venereal disease fund.

Respectfully yours,

H. G. MORGAN.

June 5th, 1920.

To the Honorable President and Members of the Common Council, Indianapolis, Ind.:

Gentlemen—I am enclosing you ordinance in triplicate for a temporary loan of \$500,000.00, in anticipation of the fall payment of taxes.

The increased cost of managing the affairs of the city on account of the increased pay and cost of materials, makes it necessary that this loan be made the fore part of July in order that the payrolls of July 15th, may be met.

We will have paid two loans made in February and April and also \$270,000.00 of the loans made last October, by July 1st. The payment of which depletes the available cash of the General fund. Therefore it is necessary to make this loan at once.

Your very truly,

ROBERT H. BRYSON,
City Controller.

June 7th, 1920.

To the Honorable President and Members of the Common Council, Indianapolis, Ind.:

Gentlemen—Enclosed please find ordinance, creating a position of stenographic clerk in the Department of Finance. The recent changes in this office, by which Mr. Akin was transferred to the Barrett Law

Department and Mr. Thomas made Deputy Controller, makes it necessary that we have another stenographic clerk in this office, whose duties, in addition to work in this office, will be to be at the disposal of the Common Council.

Inasmuch as Mr. Thomas will still continue his duties as book-keeper, this ordinance will not require an appropriation.

I recommend the passage of this ordinance.

Your very truly,

ROBERT H. BRYSON,
City Controller.

June 5th, 1920.

To the Honorable President and Members of the Common Council, Indianapolis, Ind.:

Gentlemen—Enclosed please find communication from the Board of Public Works, asking for the salary of the Bond Clerk, of said department, to be fixed at the rate of \$1,000 per year.

I am submitting ordinance covering same and would recommend its passage.

Your very truly,

ROBERT H. BRYSON,
City Controller.

June 3rd, 1920.

Mr. Robert H. Bryson, City Controller, City:

Dear Sir—I am submitting herewith, for your approval and transmission to the Common Council, an ordinance fixing the salary of the bond clerk under the Department of Public Works at the rate of One Thousand Dollars per year.

Yours truly,

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

June 7th, 1920.

To the Honorable President and Members of the Common Council, Indianapolis, Ind.:

Gentlemen—I am enclosing a communication, from the Board of Public Works, asking that the sum of Five Thousand (\$5,000.00) Dollars be transferred from the "Street and Alley Improvement Fund" to a fund to be known as "Brookside Avenue Permanent Improvement Fund."

I am submitting ordinance covering same and recommend its passage.

Your very truly,

ROBERT H. BRYSON,
City Controller.

June 7th, 1920.

Mr. Robert H. Bryson, City Controller, City:

Dear Sir—I am submitting herewith for transmission to the Common Council an ordinance transferring the sum of \$5,000.00 from the Street and Alley Improvement Fund of the Department of Public Works to a fund under said department to be known as the Brookside Avenue Permanent Improvement Fund.

Yours truly,

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

From the Board of Public Works:

June 7th, 1920.

To the Honorable President and Members of the Common Council, Indianapolis, Ind.:

Dear Sir—I am submitting herewith, for your approval an ordinance ratifying, confirming and approving a certain contract between the City of Indianapolis, by and through its Board of Public Works, and the Fisher Automobile Company for the purchase of one 5½-ton Packard truck with equipment for the sum of \$6,445.10.

Yours truly,

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

June 3, 1920.

Mr. George O. Hutsell, City Clerk, City:

Dear Sir—I am submitting herewith, for transmission to the Common Council, an ordinance ordering the improvement of Tenth Street from Illinois to West Streets, by resurfacing the roadway, in accordance with Improvement Resolution No. 9591.

The remonstrance against this improvement, filed May 21st, 1920, accompanies this letter. There are nine resident property owners, six of whom have signed the remonstrance.

Yours truly,

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

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller :

APPROPRIATION ORDINANCE NO. 12, 1920.

AN ORDINANCE, appropriating the sum of Thirty-Five Hundred Dollars (\$3,500.00) to the Department of Public Health and Charities of the City of Indianapolis for the purpose of carrying out the provisions of General Ordinance No. 18, 1918, 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 the sum of Thirty-Five Hundred Dollars (\$3,500.00) to the Department of Public Health and Charities of the City of Indianapolis for the purpose of carrying out the provisions of General Ordinance No. 48, 1918.

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller :

GENERAL ORDINANCE NO. 54, 1920.

AN ORDINANCE, authorizing the City Controller to make a temporary loan or loans of Five Hundred Thousand Dollars (\$500,000.00) in anticipation of current revenues, appropriating the sum of Five Hundred Thirteen Thousand, Seven Hundred Fifty Dollars (\$513,750.00) for the payment of same, 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 City Controller be and is hereby authorized and empowered to negotiate a temporary loan or loans in anticipation of the current revenues of said city for the current year, not exceeding a total sum of Five Hundred Thousand Dollars (\$500,000.00) for a period not exceeding five and one-half months, provided said period shall not extend beyond December 31, 1920, at a rate of interest not

exceeding six per cent per annum. The City Controller is further authorized and empowered to negotiate such loan or loans in such amounts and at such times as the City Controller may deem necessary, provided that no part of such loan or loans shall be made to extend beyond the period hereinbefore mentioned.

Said loan shall be on competitive bidding after one notice in a daily newspaper in the City of Indianapolis, the bidding to be on the rate of interest to be paid and the loan to be made from the lowest bidder, under such conditions as may be directed by the City Controller. The Mayor and the City Controller are hereby authorized and directed to execute the proper obligations of the City of Indianapolis for the amount so borrowed, and to the payment of such obligations, the faith of the city is hereby irrevocably pledged.

Sec. 2. That there be and is hereby appropriated to the Department of Finance the sum of Five Hundred Thirteen Thousand, Seven Hundred Fifty Dollars (\$513,750.00) for the purpose of the payment of said loan or loans at such times as the same shall become due.

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

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

By the City Controller:

GENERAL ORDINANCE NO. 55, 1920.

AN ORDINANCE, creating the position of stenographic clerk in the Department of Finance, and providing a time when the ordinance shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the position of stenographic clerk in the Department of Finance is hereby authorized.

Sec 2. The salary of such stenographic clerk shall be Twelve Hundred Dollars (\$1,200.00) per annum, and the duties of such position shall be as prescribed by the City Controller.

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

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

By the City Controller :

GENERAL ORDINANCE NO. 56, 1920.

AN ORDINANCE, fixing the salary of the bond clerk under the Department of Public Works, and declaring 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 salary of the bond clerk in the Department of Public Works be and the same is hereby fixed at the rate of One Thousand Dollars (\$1,000.00) per year.

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

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

By the City Controller :

GENERAL ORDINANCE NO. 57, 1920.

AN ORDINANCE, transferring the sum of Five Thousand Dollars (\$5,000.00) from the Street and Alley Improvement Fund of the Department of Public Works to a fund under said department to be known as the Brookside Avenue Permanent Improvement Fund, and declaring 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 transferred the sum of Five Thousand Dollars (\$5,000.00) from the Street and Alley Improvement Fund of the Department of Public Works, and that the same be and is hereby transferred to and appropriated to a fund to be known as the Brookside Avenue Permanent Improvement Fund of the Department of Public Works, for the purpose of the permanent improvement of Brookside Avenue from the north property line of first alley north of Eighteenth street to a point 354.9 feet north, except 18.08 feet in the center of the street occupied by street car tracks.

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

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

By the Board of Public Works:

GENERAL ORDINANCE NO. 58, 1920.

AN ORDINANCE, ratifying, confirming and approving a certain contract made and entered into on the 4th day of June, 1920, by and between the City of Indianapolis, by and through its Board of Public Works, and the Fisher Automobile Company, whereby said city is authorized to purchase from said Fisher Automobile Company one five-ton model E Packard chassis, one No. 8200 Driver's Cab (curtains front and side), one Model H. H. 2 All Steel Round-Corner Body with Model D Horizontal Hydraulic Hoist, one five-ton Packard Power take off transmission, for the sum of Six Thousand, Four Hundred Forty-Five Dollars and Ten Cents (\$6,445.10), designating the fund out of which the same shall be paid, 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. Whereas, on the 4th day of June, 1920, the City of Indianapolis, by and through its Board of Public Works, entered into a certain contract and agreement with the Fisher Automobile Company, which contract is in words and figures as follows, to-wit:

CONTRACT

This contract, made and entered into this the 4th day of June, 1920, by and between the City of Indianapolis, State of Indiana, acting by and through its Board of Public Works, party of the first part, and the Fisher Automobile Company, party of the second part, witnesseth:

That the party of the second part hereby agrees to sell, furnish and deliver to the party of the first part one 5-ton Model E Packard Chassis, one No. 8200 Driver's Cab (curtains front and side), one Model H. H. 2 All Steel Round Corner Body with Model D. Horizontal Hydraulic Hoist, one 5-ton Packard Power Take Off Transmissions, manufactured by the Packard Motor Cor Company of Detroit, Michigan, all of which are to be furnished and delivered in accordance with the proposal and specifications attached thereto, submitted to said Board of Public Works by the party of the second part on the 28th day of May, 1920, which proposal and specifications attached thereto are by reference made a part of this contract the same as if actually copied and included herein, subject to the following terms and conditions:

First. All of said equipment to be delivered, set up, ready to run, in Indianapolis, on or before the day following the ratification of this contract by the Common Council, it being agreed that the party of

the second part is hereby permitted to drive said truck and equipment from factory to Indianapolis, at its expense and risk.

Second. For and in consideration of said truck and equipment, the party of the first part hereby agrees to pay the party of the second part the sum of Six Thousand, Four Hundred Forty-Five Dollars and Ten Cents (\$6,445.10), on or before the 10th day of October, 1920, provided all of said apparatus and equipment has been delivered to, and accepted by said city at that time.

Third. The party of the second part agrees to furnish to the party of the first part, warranty and guaranty from the Packard Motor Car Company of Detroit, Michigan, as to the material and workmanship of said truck and equipment.

Fourth. This contract on the part of the said city is made subject to the approval of the Common Council of said city.

IN TESTIMONY WHEREOF, said parties have hereunto set their hands this the 4th day of June, 1920.

CITY OF INDIANAPOLIS,

By George Lemaux,
Mark H. Miller,
Thomas A. Riley,
Board of Public Works,
Party of the First Part.

FISHER AUTOMOBILE CO.,

F. Ellis Hunter, Secy.,

Party of the Second Part.

Sec. 2. That the foregoing contract made and entered into on the 4th day of June, 1920, between the City of Indianapolis, by and through the Board of Public Works, and said Fisher Automobile Company, be and the same is hereby in all things ratified, confirmed and approved, in accordance with the terms, provisions and conditions thereof.

Sec. 3. That the Board of Public Works and the Department of Finance of said city, is hereby authorized to use Six Thousand, Four Hundred Forty-Five Dollars and Ten Cents (\$6,445.10) of the appropriation of Seven Thousand, Five Hundred Dollars (\$7,500.00) made for "Equipment and Supplies, Unimproved Street Department" in Appropriation Ordinance No. 28, 1919, to pay the amount due under said contract.

Sec. 4. This ordinance shall be in full force from and after its passage.

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

By the Board of Public Works:

GENERAL ORDINANCE NO. 59, 1920.

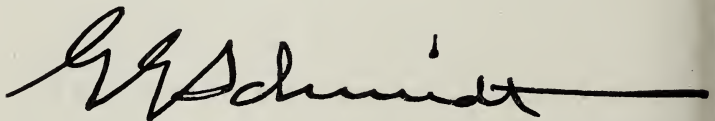
AN ORDINANCE, Ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Tenth Street from the west property line of Illinois Street to the east property line of West Street, except crossings of Capitol, Senate, Canal and C., C., C. & St. L. tracks, by resurfacing the roadway with wooden block, asphalt, bituminous concrete or brick; paving wings of intersecting streets and alleys in a similar manner and to widths shown on plans, as provided for under Improvement Resolution No. 9591, adopted April 26th, 1920.

Sec. 1. *Be it Ordained by the Common Council of the City of Indianapolis, Indiana:* THAT, Whereas the Board of Public Works of the City of Indianapolis, Indiana, in the manner prescribed by law, adopted on April 26th, 1920, advertised same and notified abutting property owners by mail, and confirmed without modification on May 19th, 1920, Improvement Resolution No. 9591 for the improvement of said Tenth Street; And whereas within ten days of the date of hearing, six (6) of nine (9) resident property owners interested filed a remonstrance against said improvement. Therefore be it ordained by the Common Council of the City of Indianapolis, Indiana, that the Board of Public Works of the City of Indianapolis, Indiana, be and the same is hereby ordered to improve Tenth Street, in accordance with Improvement Resolution No. 9591.

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

Which was read a first time and referred to the Committee on City's Welfare.

On motion of Mr. Willson the Common Council at 9:50 o'clock p. m. adjourned.



President.

Attest:



City Clerk.