REGULAR MEETING

Monday, February 21, 1938
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, February 21, 1938, at 7:30 p. m., in regular session. President Edward B. Raub in the chair.

The Clerk called the roll.

Present: Edward B. Raub, President, and six members, viz: Theodore Cable, Silas J. Carr, Nannette Dówd, Adolph J. Fritz, Edward R. Kealing, John A. Schumacher.

Absent: William A. Oren, Ross H. Wallace.

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

COMMUNICATIONS FROM THE MAYOR

February 8 ,1938.

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

Gentlemen:

I have today approved with my signature and delivered to Mr. Daniel J. O'Neill, Jr., City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 2, 1938

AN ORDINANCE providing for the installation and maintenance of a railroad crossing danger signal device of four flashing light warning signals by the Indianapolis Union Railway Company at the intersection of North Rural Street with the tracks of the

Indianapolis Union Railway Company, providing a penalty for the violation thereof and declaring when the same shall take effect.

GENERAL ORDINANCE NO. 3, 1938

AN ORDINANCE approving a certain contract heretofore entered into by the Board of Public Safety, acting for the City of Indianapolis, with Franklin Township of Marion County, Indiana, and fixing a time when said ordinance shall take effect.

GENERAL ORDINANCE No. 4, 1938
(As Amended)

AN ORDINANCE authorizing certain boards of the City of Indianapolis to purchase materials, supplies, merchandise and equipment, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 6, 1938

AN ORDINANCE amending General Ordinance No. 97, 1937, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 7, 1938

AN ORDINANCE allocating the funds of the City of Indianapolis to be derived in the year 1938 from the tax levy and rate levied in the year 1937, in such a manner that the expenditures of said city for the year 1938 shall remain within the limitations fixed in accordance with Sections Five (5) and Eight (8) of Chapter 119 of the Acts of the Indiana General Assembly, 1937, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 8, 1938

AN ORDINANCE amending Section 1 of General Ordinance No. 64, 1937 (as amended), and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 12, 1938

AN ORDINANCE authorizing the City of Indianapolis to make a temporary loan in the sum of Five Thousand Dollars ($5,000) for the use of the Board of Health of said city, in anticipation of and payable out of current taxes of said Board of Health actually levied for the Tuberculosis Fund of said Board, and in course of collection for the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 13, 1938

AN ORDINANCE authorizing the City of Indianapolis to make a temporary loan in the sum of Twenty Thousand Dollars ($20,000) for the use of the Board of Health of said city, in anticipation of and payable out of current taxes of said Board of Health actually levied for the School Health Fund of said board and in course of collection for the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 2, 1938

AN ORDINANCE appropriating and allocating the sum of One Hundred Forty-four Thousand Nine Hundred Eighteen Dollars and Eighty-five Cents ($144,918.85) received on January 6, 1938, from the State of Indiana as revenue under the Gasoline Tax, to the following departments of the City of Indianapolis, in the amounts specified, in accordance with the provisions of subsections (b) of Sections 2 and 4 of General Ordinance No. 60, 1937, and fixing a time when the same shall take effect.

Respectfully,

WALTER C. BOETCHER,
Acting Mayor

COMMUNICATIONS FROM CITY OFFICIALS

February 21, 1938.

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

Gentlemen:

I beg leave to report that pursuant to the laws of the State of Indiana, I caused notice by publication to be inserted in the Indianapolis News and Indianapolis Times on February 8th and 15th, 1938, OF PETITIONS FOR AND DETERMINATION TO ISSUE BONDS for the improvement of South East Street, from South Street to Sanders Street. Copies of said notice were posted in the City Hall, Police Station and Court House.

Very truly yours,

DANIEL J. O'NEILL, Jr.
City Clerk

February 14, 1938.

Mr. Daniel J. O'Neill,
City Clerk.

Dear Sir:

In Re: G. O. No. 18, 1938.

I am enclosing herewith copies of a proposed switch contract, with the request that you cause the same to be submitted to the Common Council at its next meeting with the recommendation from the Board of Public Works and Sanitation that the same be passed.

Very truly yours,

BOARD OF PUBLIC WORKS AND SANITATION,
/s/ Ernest F. Frick,
Executive Secretary.

February 21, 1938.

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

Gentlemen:

Attached find copies of General Ordinance No. 20, 1938, an ordinance fixing the annual salaries of certain officers of the City of Indianapolis.

Under Section 21 of Chapter 233 of the Acts of 1933 of the General Assembly, it is made the duty of the common council, in the year in which elections for city officers are held, to fix the annual salaries of all officers provided for in such act. Such duty of the common council shall be performed before the first day of April of the year in which such elections are held.

This ordinance has fixed the maximum amount of salaries provided by law for such officers, and has been prepared for your convenience for such action as you choose to take.

Very respectfully yours,

DEPARTMENT OF LAW,
Clyde E. Baker,
Assistant City Attorney.

February 21, 1938.

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

Gentlemen:

Submitted herewith is General Ordinance No. 21, 1938, ratifying the contract of Lawrence J. Street for the general construction, Strong Brothers for the plumbing and the Webb Electric Company for the

Indianapolis, Ind., February 21, 1938.

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. 15, 1938, entitled:

Purchase of 9 coupes—Police Dept.

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

SILAS J. CARR, Chairman.
NANNETTE DOWD.
JOHN A. SCHUMACHER.

Indianapolis, Ind., February 21, 1938.

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. 17, 1938, entitled:

Amending G. O. 64, 1937

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

SILAS J. CARR, Chairman.
NANNETTE DOWD
JOHN A. SCHUMACHER.

Indianapolis, Ind., February 21, 1938.

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

Gentlemen:

We, your Committee on Law and Judiciary, to whom was referred General Ordinance No. 10, 1938, entitled:

Improving South East Street

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

EDWARD R. KEALING, Chairman.
THEODORE CABLE.
ADOLPH J. FRITZ.

Indianapolis, Ind., February 21, 1938.

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

Gentlemen:

We, your Committee on Public Health to whom was referred Resolution No. 1, 1938, entitled:

Appropriating funds for treatment of venereal diseases

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

ADOLPH J. FRITZ, Chairman.
THEODORE CABLE.
NANNETTE DOWD.
EDWARD R. KEALING.

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Works and Sanitation:

SWITCH PERMIT

GENERAL ORDINANCE No. 18, 1938

AN ORDINANCE approving a certain agreement and permit granting Jesse C. Moore the right to lay and maintain a sidetrack or switch across Sixteenth Place according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS,

Heretofore, to-wit: on the 10th day of February, 1938, Jesse C. Moore 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:

I hereby respectfully petition this Honorable Board for a permit to construct a switch from the tracks of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, across Sixteenth Place as shown in the blue print filed herewith and attached hereto.

NOW, THEREFORE,

This agreement made and entered into this 10th day of February, 1938, by and between Jesse C. Moore of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH:

That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch from The Cleveland, Cincinnati, Chicago & St. Louis Railway Company in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point on the right of way of said Cleveland, Cincinnati, Chicago and St. Louis Railway Company forty-five (45) feet north of the north line of West Sixteenth Street, thence running northward across Sixteenth Place as shown by the blue print filed herewith and attached hereto,

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

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

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

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

(4) Said party of the first part agrees, upon the written order of said Board, made for any cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages

whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said Board where objections to such removal may be heard; but the decision of said Board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

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

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

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

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

Sixteenth Place

in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 10th day of February, 1938.

JESSE C. MOORE,
Party of the First Part.

WITNESS:

CITY OF INDIANAPOLIS
By
LOUIS C. BRANDT,
President,

ROBERT H. EBY,
M. E. TENNANT,
As Board of Public Works,
Party of the Second Part.

Approved by me
WALTER C. BOETCHER,
as Mayor.

AND, WHEREAS,

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

NOW, THEREFORE,

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

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

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

Attest:

.....
Clerk of the Common Council.

.....
President of the Common Council.

Approved by me, this.....day of....., 193...

.....
Mayor.

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

By Mr. Wallace:

GENERAL ORDINANCE No. 19, 1938

AN ORDINANCE amending Section 1 of General Ordinance No. 51, 1936 (as amended), and fixing a time when the same shall take effect.

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

Section 1. That Section 1 of General Ordinance No. 51, 1936 (as amended), be amended to read as follows:

Section 1. That Section 1 of General Ordinance No. 61, 1935, as amended, be and the same is hereby amended to read as follows:

Section 1. That the use of the following named streets of the City of Indianapolis is hereby prohibited for all automobiles weighing over one (1) ton, except passenger cars or motor buses devoted to the carriage of passengers for hire, to-wit:

(a) Thirty-eighth Street, from Northwestern Avenue to Keystone Avenue.

(b) Washington Boulevard, from Fall Creek Parkway, North Drive, to Westfield Boulevard.

(c) Illinois Street, from Fortieth Street to Westfield Boulevard.

(d) Meridian Street, from Sixteenth Street to Westfield Boulevard.

(e) Meridian Street (U. S. Road 31), from 61st Street to 64th Street.

(f) Union Street, from Merrill Street to Adler Street.

(g) College Avenue, north from Ninth Street to the city limits.

(h) Central Avenue, north from Ft. Wayne Avenue to Westfield Boulevard.

(i) Capitol Avenue, north from Sixteenth Street to Westfield Boulevard.

(j) Pennsylvania Street, from 38th Street to 54th Street, and from 61st Street to 64th Street.

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 Public Safety.

By the Legal Department:

GENERAL ORDINANCE No. 20, 1938

AN ORDINANCE fixing the annual salaries for certain officers 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. Pursuant to Sections 12 and 13 of Chapter 233 of the Acts of 1933 of the General Assembly of the State of Indiana, the following annual salaries are hereby fixed for the following officers of the City of Indianapolis, effective January 1, 1939:

Mayor	$6,000.00
Controller	3,600.00
Deputy Controller	3,000.00
City Clerk	2,400.00
County Treasurer ex officio City Treasurer	1,600.00
Corporation Counsel	4,500.00
City Attorney	3,600.00

City Engineer	4,500.00
President of Board of Public Safety	2,500.00
Three (3) Members of Board of Public Safety, (each)	900.00
Board of Public Works and Sanitation	
President	3,000.00
Three (3) Members (each)	2,100.00
City Purchasing Agent	3,600.00
Nine (9) Members of the Common Council (each)	600.00
County Auditor, for Services to Civil City	600.00

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

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

By the Board of Public Safety:

GENERAL ORDINANCE No. 21, 1938

AN ORDINANCE authorizing the Board of Public Safety to enter into certain contracts for the erection and equipment of a new Engine House on West Michigan Street, and fixing a time when the same shall take effect.

WHEREAS, the Board of Public Safety has determined to construct a new Engine House (No. 1), located at West Michigan Street and White River Parkway; and

WHEREAS, on the 9th day of February, 1938, said Board of Public Safety did adopt the following resolution:

BE IT RESOLVED by the Board of Public Safety That they hereby accept the bid of Lawrence J. Street for the general contract to erect Engine House No. 1, to be located at West Michigan Street and White River Parkway, in the sum of $13,280.85, from which amount there shall be deducted the sum of $250.00 as the owner will do the grading beyond 20 feet of building, as per alternate No. 2, and to which amount there shall be added the sum of $90.00 for waterproofing, as per alternate No. 1, making a net price of $13,120.85 for the work to be done as per the plans and specifications prepared by Pierre & Wright, Architects.

BE IT FURTHER RESOLVED, That the bid of Strong Brothers for plumbing in the sum of $1,798.00, and the bid of the Webb Electric Company for the electric wiring of the same in the sum of $940.00 be accepted, all in accordance with the plans and specifications as prepared by the J. M. Rotz Engineering Company.

All of the above awards to be subject to the approval of the City Council of the general contract of Lawrence J. Street as above set out.

NOW, THEREFORE,

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

Section 1. That the action of the Board of Public Safety, as set out in the preamble of this ordinance, is hereby ratified, approved and confirmed, and said board is hereby authorized and empowered to execute the several contracts with the successful bidders, as set out in the above resolution of the board adopted February 9, 1938, and on the respective terms, and for the respective purposes, as therein set out.

Section 2. 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 Public Safety.

By the Purchasing Department:

GENERAL ORDINANCE No. 22, 1938

AN ORDINANCE authorizing the Board of Public Works and Sanitation to purchase one road grader for use of the Street Commissioner's 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 Board of Public Works and Sanitation, through its duly authorized purchasing agent, be, and it hereby is, authorized and empowered to purchase one (1) road grader with eleven (11) tooth scarifier attachment with canopy top—gasoline or

On motion of Mr. Carr, seconded by Mr. Kealing, General Ordinance No. 9, 1938, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 9, 1938, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Schumacher, President Raub.

Mr. Carr called for General Ordinance No. 14, 1938, for second reading. It was read a second time.

On motion of Mr. Carr, seconded by Mrs. Dowd, General Ordinance No. 14, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 14, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Schumacher, President Raub.

Mr. Carr called for General Ordinance No. 15, 1938, for second reading. It was read a second time.

On motion of Mr. Carr, seconded by Mr. Fritz, General Ordinance No. 15, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 15, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Schumacher, President Raub.

Mr. Carr called for General Ordinance No. 17, 1938, for second reading. It was read a second time.

Mr. Carr made a motion to strike General Ordinance No. 17, 1938, from the files. The motion was seconded by Mr. Fritz and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Schumacher, President Raub.

Mr. Fritz called for General Ordinance No. 10, 1938, for second reading. It was read a second time.

On motion of Mr. Fritz, seconded by Mr. Carr, General Ordinance No. 10, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 10, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Schumacher, President Raub.

Mr. Fritz called for Resolution No. 1, 1938, for second reading. It was read a second time.

On motion of Mr. Fritz, seconded by Mr. Kealing, Resolution No. 1, 1938, was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 1, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Schumacher, President Raub.

Resolution No. 4 and General Ordinance No. 106, 1937, also General Ordinances No. 11 and 16, 1938, were held for further consideration at the request of the chairmen of the committees to whom they were referred.

On motion of Mr. Fritz, seconded by Mrs. Dowd, 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 21st day of February, 1938, 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.

Edward D. Raub,
President.

Attest:

Daniel J. O'Neill Jr.
City Clerk.

(SEAL)