

REGULAR MEETING

Monday, June 20, 1938

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, June 20, 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 eight members, viz: Theodore Cable, Silas J. Carr, Nannette Dowd, Adolph J. Friz, Edward R. Kealing, William A. Oren, John A Schumacher, Ross H. Wallace.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Oren, seconded by Mrs. Dowd.

COMMUNICATIONS FROM THE MAYOR

June 7, 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 the Honorable Daniel J. O'Neill, Jr., City Clerk, the following Ordinances and Resolutions:

SPECIAL ORDINANCE No. 6, 1938

AN ORDINANCE authorizing the sale, alienation and conveyance of certain land of the City of Indianapolis, and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 7, 1938

- AN ORDINANCE accepting Twelve Hundred Twenty Dollars (\$1220.00) given to the Indianapolis City Hospital as the bequest of Mrs. Catherine E. Stolte, deceased, under the provisions of her will; establishing a fund denominated "Gifts to City Hospital Fund;" allocating said sum of Twelve Hundred Twenty Dollars (1220.00) to said established and denominated fund; and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 8, 1938

- AN ORDINANCE authorizing the sale, alienation and conveyance of certain land of the City of Indianapolis, repealing Special Ordinance No. 3, 1938, as amended, and revoking the power granted thereby, and fixing an effective date hereof.

GENERAL ORDINANCE No. 46, 1938

- AN ORDINANCE approving an order of the Board of Public Safety of the City of Indianapolis designating and establishing a certain taxicab stand location in said city, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 47, 1938

- AN ORDINANCE amending sub-section (c) of Section 45 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 9, 1929, and General Ordinance No. 55, 1935, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 48, 1938

(As amended)

- AN ORDINANCE prohibiting parking of vehicles on certain streets of the City of Indianapolis, providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 49, 1938

- AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, by adding thereto sub-section (39), and fixing a time when the same shall take effect.

RESOLUTION No. 3, 1938

A RESOLUTION authorizing the Board of Public Works and Sanitation to file an application to the United States of America through the Federal Emergency Administration of Public Works for a grant to aid in financing the construction of a grade crossing elimination project on the Indianapolis Union Railroad and the Pennsylvania Railroad, and designating H. B. Steeg, City Civil Engineer, to furnish such information as the Government may request.

RESOLUTION No. 4, 1938

A RESOLUTION authorizing the Board of Public Works and Sanitation to file an application to the United States of America through the Federal Emergency Administration of Public Works for a grant to aid in financing the construction of South East Street, from South Street to Sanders Street, and designating H. B. Steeg, City Civil Engineer, to furnish such information as the Government may request.

RESOLUTION No. 5, 1938

A RESOLUTION authorizing the Board of Public Works and Sanitation to file an application to the United States of America through the Federal Emergency Administration of Public Works for a grant to aid in financing the re-construction of the West New York Street Bridge over White River, and designating H. B. Steeg, City Civil Engineer, to furnish such information as the Government may request.

RESOLUTION No. 6, 1938

A RESOLUTION authorizing the Board of Park Commissioners to file an application to the United States of America through the Federal Emergency Administration of Public Works for a grant to aid in financing the construction of a reinforced concrete bridge over the Central Canal at 38th Street, and designating J. Edward Perry, its Engineer, to furnish such information as the Government may request.

APPROPRIATION ORDINANCE No. 7, 1938

AN ORDINANCE of the "City of Indianapolis, Indiana, appropriating to the Department of Public Works the proceeds derived from the sale of "City of Indianapolis Relief Sewer Bonds of 1938—First Issue," provided for in General Ordinance No. 25, 1938, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 6, 1938

AN ORDINANCE of the City of Indianapolis, Indiana, appropriating to the Department of Public Works the proceeds derived from the sale of "City of Indianapolis Municipal Airport Development Bonds of 1938—First Issue," provided for in General Ordinance No. 30, 1938, and fixing a time when the same shall take effect.

Respectfully,

WALTER C. BOETCHER,
Acting Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

June 18, 1938.

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

Gentlemen:

Attached find copies of General Ordinance No. 52, 1938, an ordinance repealing Special Ordinance No. 5, 1937, which was an ordinance purporting to annex territory lying contiguous to the then boundaries of the City of Indianapolis. However, this Special Ordinance No. 5, 1937, did not set out a description which coincided with one of the then existing boundaries of the City of Indianapolis, and this ordinance, to repeal said Special Ordinance No. 5, 1937, is for the purpose of repealing same so that this error can be corrected by another ordinance setting out a description of territory, one boundary of which will coincide with one of the City's present boundary lines.

An ordinance correcting the error in description hereinabove referred to will be submitted after the repeal of this Special Ordinance No. 5, 1937.

We respectfully recommend the passage of this ordinance.

Very truly yours,

DEPARTMENT OF PUBLIC PARKS,
MARY E. GRIFFIN,

Secretary.

Indianapolis, June 20, 1938.

Mr. Dan O'Neill, Jr.,
City Clerk,
Indianapolis, Ind.

Dear Sir:

I am herewith submitting 16 copies of Resolution No. 7, 1938, relative to the 10 cent entrance charge to swim at pools located at Rhodius Park, Garfield Park, Ellenberger Park and Douglass Park after 2:00 p. m., in which I submit to the Common Council of the City of Indianapolis, Ind., and the Board of Park Commissioners for repeal.

Many boys and girls do not have the necessary funds to pay and this would deprive such children the pleasure of swimming.

Resolved that the Common Council of the City of Indianapolis, Ind.:

(1) That the swimming pools located at Rhodius Park, Garfield Park, Ellengerber Park and Douglas Park be open to the general public at all regular hours without any admission fee.

(2) That a copy of this resolution be sent to the Board of Park Commissioners.

EDWARD R. KEALING, Councilman.

June 17, 1938.

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

Dear Sir:

I am enclosing herewith copies of proposed Resolution No. 8, 1938, of the Common Council of the City of Indianapolis, 1938, authorizing the Board of Public Works and Sanitation to file an application with the United States of America for a grant to assist in the financing of the construction of a shop and hangar building at the Municipal Airport, which is self explanatory.

Will you kindly submit the same to the Common Council at its next meeting with the recommendation from the Board of Public Works and Sanitation that the same be passed under suspension of rules.

Very truly yours,

BOARD OF PUBLIC WORKS AND SANITATION
ERNEST F. FRICK
Executive Secretary

At this time those present were given a chance to speak on matters pending before the Council.

Mr. Oren asked for a recess. The motion was seconded by Mr. Wallace and the Council recessed at 7:55 p. m.

The Council reconvened at 8:30 p. m., with the same members present as before.

Mr. Raub asked if anyone present wished to speak on General Ordinance No. 51, 1938, but there was no response.

COMMITTEE REPORTS

Indianapolis, Ind., June 20, 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. 19, 1938, entitled:

Prohibiting trucks on certain streets

beg leave to report that we have had said ordinance under consid-
eration, and recommend that the same be passed as amended.

SILAS J. CARR, Chairman
NANNETTE DOWD
ROSS H. WALLACE
WM. O. OREN
JOHN A. SCHUMACHER

Indianapolis, Ind., June 20, 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. 31, 1938, entitled:

Prohibiting circuses on certain days

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

SILAS J. CARR, Chairman
NANNETTE DOWD
ROSS H. WALLACE

Indianapolis, Ind., June 20, 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. 51, 1938, entitled:

Amending the Zoning Ordinance

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

WM. A. OREN, Chairman
THEODORE CABLE
ROSS H. WALLACE
EDWARD R. KEALING
ADOLPH J. FRITZ

INTRODUCTION OF GENERAL ORDINANCES AND RESOLUTIONS

By the Board of Park Commissioners:

GENERAL ORDINANCE No. 52, 1938

AN ORDINANCE repealing Special Ordinance No. 5, 1937, and fixing a time when the same shall take effect.

WHEREAS, the Common Council of the City of Indianapolis, on the 21st day of June, 1937, did pass and enact Special Ordinance No. 5, 1937, an ordinance annexing certain territory to the City of Indianapolis, a part of which was purported to be contiguous to an existing boundary line of the City of Indianapolis; and

WHEREAS, said Special Ordinance No. 5, 1937, was signed and approved by the Mayor on the 24th day of June, 1937, and was thereafter published according to law in the Indianapolis News and Indianapolis Commercial on July 1 and 8, 1937; and

WHEREAS, within the time provided by law for the taking of appeals from annexation of territory, an appeal was taken to the Marion Circuit Court from the passage of said Special

Ordinance No. 5, 1937, and the annexation therein provided for, on the 17th day of July, 1937, by one Maurice H. Thompson, who filed a remonstrance on said date in said Circuit Court; and

WHEREAS, said appeal and said remonstrance have not been heard nor determined and the same are now pending in said Marion Circuit Court; and

WHEREAS, no part of the territory sought to be annexed by said Special Ordinance No. 5, 1937, is a part of the City of Indianapolis; and

WHEREAS, it has been discovered that no part of the territory described in said Special Ordinance No. 5, 1937, was contiguous to the existing boundary line of the City of Indianapolis;

NOW, THEREFORE:

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

Section 1. That Special Ordinance No. 5, 1937, be, and the same is, hereby repealed.

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 Law and Judiciary.

By Councilman Kealing:

RESOLUTION No. 7, 1938

WHEREAS, there are adequate funds in the Department of the Board of Park Commissioners of Indianapolis to defray the necessary expenses, and

WHEREAS, there is a ten cent entrance charge to swim in the swimming pools located at Rhodius Park, Garfield Park, Ellenberger Park and Douglass Park after 2:00 p. m., and

WHEREAS, there are hundreds of our city's boys and girls who cannot enter the said pools after 2:00 p. m. because they do not have the ten cent admission fees, and

WHEREAS, the ten cent charge is working a hardship upon the boys and girls of this city who do not have the ten cent admission fees, and

WHEREAS, there is plenty of room in the city pools to accommodate all of the said children at all times, and

WHEREAS, there are adequate funds collected from the tax payers to maintain the parks and swimming pools,

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

FIRST: That the swimming pools located at Rhodius Park, Garfield Park, Ellenberger Park and Douglass Park be open to the general public at all regular hours without any admission fees.

SECOND: That a copy of this Resolution be sent to the Board of Park Commissioners.

Council

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

By the Board of Public Works and Sanitation:

RESOLUTION No. 8, 1938

A RESOLUTION authorizing the Board of Public Works and Sanitation to file an application to the United States of America through the Federal Emergency Administration of Public Works for a grant to aid in financing the construction of a shop and hangar building at the Municipal Airport and designating M. G. Johnson, Airport Engineer, to furnish such information as the Government may request.

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

Section 1. That M. G. Johnson, Airport Engineer, be and he is authorized to execute and file an application on behalf of the Board of Public Works and Sanitation to the United States of America for a grant to aid in financing the construction of a shop and hangar building at the Municipal Airport.

Section 2. That M. G. Johnson, Airport Engineer, be and he is hereby authorized and directed to furnish such information as the United States of America through the Federal Emergency Administration of Public Works may reasonably request in connection with the application which is herein authorized to be filed.

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

ORDINANCES ON SECOND READING

Mr. Oren called for General Ordinance No. 51, 1938, for second reading. It was read a second time.

On motion of Mr. Oren, seconded by Mr. Cable, General Ordinance No. 51, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 51, 1938, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 19, 1938, for second reading. It was read a second time.

Mr. Carr presented the following written motion to amend General Ordinance No. 19, 1938:

Indianapolis, Ind., June 20, 1938.

Mr. President:

I move that General Ordinance No. 19, 1938, be amended as follows:

By striking out all of sub-section (j) of Section 1 and substituting in lieu thereof the following:

"Pennsylvania Street, from 16th Street north to Westfield Boulevard."

SILAS J. CARR, Councilman.

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

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

On motion of Mr. Carr, seconded by Mrs. Dowd, General Ordinance No. 19, 1938, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 19, 1938, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 31, 1938, for second reading. It was read a second time.

Mr. Carr made a motion to strike General Ordinance No. 31, 1938, from the files. The motion was seconded by Mr. Fritz, and passed by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Schumacher, Mr. Wallace, President Raub.

Noes, 1, viz: Mr. Oren.

Mr. Kealing asked that the rules be suspended for further consideration and passage of Resolution No. 7, 1938. The motion was seconded by Mr. Oren, but failed of passage as shown by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Noes, 1, viz: Mr. Fritz.

Mr. Cable asked that the rules be suspended for further consideration and passage of Resolution No. 8, 1938. The motion was seconded by Mrs. Dowd, but failed of passage as shown by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Noes, 1, viz: Mr. Kealing.

On motion of Mr. Schumacher, seconded by Mr. Wallace, the Common Council adjourned at 8:55 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 20th day of June, 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 R. Raut,

President.

Attest:

Samuel J. Orville,

City Clerk.

(SEAL)