

## REGULAR MEETING

Monday, March 1, 1943.  
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, March 1, 1943, at 7:30 p. m., in regular session. President Schumacher in the chair.

The Clerk called the roll.

Present: Mr. Bowers, Mr. Dauss, Mr. Jordan, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

Mr. Bowers moved that the Journal of the Common Council for the Regular Meeting of Feb. 15, 1943, be corrected in the following manner, to-wit:

On page 55, under heading of "Ordinances on Second Reading," the first sentence in the first paragraph be made to read as follows:

"Mr. Kealing called for Resolution No. 2, 1943, for second reading."

Which was seconded by Mr. Kealing and was unanimously passed by the Common Council.

## COMMUNICATIONS FROM THE MAYOR

February 8, 1943.

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

Gentlemen:

I have this day approved with my signature and delivered to Frank J. Noll, Jr., City Clerk, the following Resolution:

## RESOLUTION No. 1, 1943

A RESOLUTION pertaining to Police and Firemen's salaries.

Respectfully,

ROBERT H. TYNDALL.  
Mayor.

February 16, 1943.

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

Gentlemen:

I have this day approved with my signature and delivered to  
Frank J. Noll, Jr., City Clerk, the following ordinances:

## APPROPRIATION ORDINANCE No. 2, 1943

AN ORDINANCE appropriating Twenty-Five Thousand (\$25,000.00)  
Dollars from the unappropriated and unexpended 1942 balance  
of the General Fund of the Department of Public Health and  
Charities and allocating the same to a certain designated fund  
in said department, and fixing a time when the same shall  
take effect.

## APPROPRIATION ORDINANCE No. 3, 1943

as amended

AN ORDINANCE appropriating Six Hundred Ninety-Eight Dollars  
and Ninety Cents (\$698.90) from the unappropriated and un-  
expended 1942 balance of the General Fund of the Department  
of Public Health and Charities, Nurses Training School, Salaries  
and Wages, Regular No. 11, and allocating the same to a cer-  
tain designated fund in said department and fixing a time when  
the same shall take effect.

APPROPRIATION ORDINANCE No. 4, 1943

as amended

AN ORDINANCE appropriating Eight Thousand Two Hundred Twenty Dollars and Sixteen Cents (\$8,220.16) from the unappropriated and unexpended 1942 balance of the General Fund of the Department of Public Health and Charities, and allocating the same to a certain designated fund in said department and fixing the time when the same shall take effect.

GENERAL ORDINANCE No. 1, 1943

AN ORDINANCE amending General Ordinance No. 61, 1942, regarding the annual budget for 1943 for the Gamewell Division under the Department of Public Safety by reducing the number of Circuit Repairmen and Traffic Signal Repairmen, creating an additional General Foreman at a yearly salary of Three Thousand (\$3,000.00) Dollars; providing for the transfer of certain sums of money from certain numbered funds; and fixing a time when the same shall take effect.

RESOLUTION No. 2, 1943

A RESOLUTION approving, confirming and ratifying a certain permit granted by the Board of Public Works and Sanitation of the City of Indianapolis by its written order entered on the 15th day of February, 1943, to Indianapolis Railways, Incorporated, under and pursuant to the provisions of the agreement entered into by the City of Indianapolis and Indianapolis Railways, Incorporated, dated May 25, 1936, as amended and approved by General Ordinance No. 40, 1936.

Respectfully,

ROBERT H. TYNDALL,  
Mayor.

## COMMUNICATIONS FROM CITY OFFICIALS

March 1, 1943.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 5, 1943, appropriating the sum of \$1,100.00 from the estimated and unappropriated balance of the general fund for the year 1943 to the Board of Public Safety "Emergency Dog Pound Fund."

I respectfully recommend the passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,  
City Controller.

March 1, 1943.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 6, 1943, appropriating the sum of \$2,866.05 from the unexpended and unappropriated balance of the City General Fund for the year 1943 to the Department of Public Safety Budget, Fire Department, Fund No. 45, "Repair Parts," and Fund No. 72, "Equipment."

I respectfully recommend the passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,  
City Controller.

March 1, 1943]

City of Indianapolis, Ind.

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March 1, 1943.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 7, 1943, increasing the budget of the Board of Public Works and Sanitation for the year 1943 in the amount of \$17,472.17.

I respectfully recommend the passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,  
City Controller.

February 26, 1943.

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

Gentlemen:

I enclose herewith 19 copies of General Ordinance No. 3, pertaining to the licensing of certain businesses engaged in the manufacture and printing of pool tickets, etc.

I respectfully recommend the passage of this ordinance.

Very truly yours,

WILLIE B. SULLIVAN,  
Councilman.

March 1, 1943.

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

Gentlemen:

Attached please find copies of General Ordinance No. 4, 1943, authorizing the Board of Public Works and Sanitation to purchase one pulverizer to be used by the Sewage Disposal Plant to grind garbage.

I respectfully recommend the passage of this ordinance.

Yours very truly,

ROY E. HICKMAN,  
City Controller.

February 25, 1943.

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

Gentlemen:

Attached please find copies of proposed General Ordinance No. 5, 1943, regarding the City Dog Pound.

Yours very truly,

JOHN A. SCHUMACHER  
R. C. DAUSS

March 1, 1943.

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

Gentlemen:

Re: General Ordinance No. 6, 1943

The Board of Public Works and Sanitation respectfully submit herewith its resolution unanimously concurred in by the Board at its regular meeting, March 1st, 1943.

This resolution concerns the request of the Civil Aeronautics Administrator for the Board to enter into an agreement with said Administration in order that work previously begun on improvements at the Municipal Airport may be concluded. This will permit the City of Indianapolis to avail itself of approximately \$230,000.00 of additional funds, which will result in the construction of additional runways and border lights.

It is the request of this Board that the Council approve this resolution and authorize the Board of Public Works and Sanitation to enter into the lease agreement in accordance with General Ordinance No. 6, introduced at the present meeting of the Council, March 1st, 1943.

Respectfully,

BOARD OF PUBLIC WORKS AND SANITATION,

HARMON A. CAMPBELL,  
President.

At this time those present were given an opportunity to be heard on General Ordinance No. 2, 1943.

Mr. Manly asked for a recess. The motion was seconded by Mr. Dauss, and the Council recessed at 8:20 p. m.

The Council reconvened at 9:25 p. m. with the same members present as before.



## COMMITTEE REPORTS

Indianapolis, Ind., March 1, 1943.

To the President and Member 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. 2, 1943, entitled:

AN ORDINANCE amending Section 36 of General Ordinance No. 121, entitled: "An ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances," which ordinance is officially designated as Municipal Code of Indianapolis 1925;

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

OTTO H. WORLEY, Chairman  
WILLIE B. SULLIVAN  
HERMAN E. BOWERS  
EDWARD R. KEALING  
LUCIAN B. MERIWETHER

## INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller.

APPROPRIATION ORDINANCE No. 5, 1943

AN ORDINANCE appropriating the sum of Eleven Hundred Dollars (\$1,100.00) from the estimated unexpended and unappropriated balance of the general fund for the year 1943 to the Board of



Public Safety, "Emergency Dog Pound Fund"—and 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 there be and is hereby appropriated out of the estimated unexpended and unappropriated balance of the general fund for the year 1943, the sum of Eleven Hundred Dollars (\$1,100.00), and said sum appropriated and transferred to the Board of Public Safety, "Emergency Dog Pound Fund."

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 City Controller:

APPROPRIATION ORDINANCE No. 6, 1943

AN ORDINANCE appropriating the sum of Two Thousand Eight Hundred Sixty-Six Dollars and Five Cents (\$2,866.05) from the unexpended and unappropriated balance of the City General Fund to certain designated funds in the Department of Public Safety Budget, Fire Department, and fixing the time when same shall take effect.

WHEREAS, there has arisen the unexpected necessity of replacing a boiler in Fire Station No. 30 at the cost of \$867.05 from Fund No. 45, Repair Parts; and

WHEREAS, it has been unexpectedly necessary to purchase a new Hercules Motor in the amount of \$1,585.00 as well as twelve Alfco Leader Line Nozzles at \$171.00 and 500 feet of  $\frac{3}{4}$ " Chemical Hose at \$243.00 because the foregoing materials, ordered in 1942, were not delivered in time for payment from the 1942 Budget and the original requisitions were cancelled and new orders written; NOW, THEREFORE,

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

Section 1. That the sum of Two Thousand Eight Hundred Sixty-Six Dollars and Five Cents (\$2,866.05) be and is hereby appropriated from the unexpended and unappropriated 1943 balance of the City General Fund to the following funds in the Department of Public Safety Budget, Fire Department, in the amounts specified, to-wit:

FUND No. 45—"Repair Parts".....	\$ 867.05
FUND No. 72—"Equipment" .....	1,999.00
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TOTAL.....	\$2,866.05

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

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

By the City Controller:

#### APPROPRIATION ORDINANCE No. 7, 1943

AN ORDINANCE amending General Ordinance No. 61, 1942, regarding the annual budget for 1943 concerning the Salaries, Wages and Compensations of certain employees of the Garbage Reduction and Sewage Disposal Plants under the Indianapolis Board of Public Works and Sanitation; providing for the appropriation and transfer of Seventeen Thousand Four Hundred Seventy-Two Dollars and Seventeen Cents (\$17,472.17) from the unexpended and unappropriated Working Balance of the Sanitation General Fund, 1943, and re-allocating same to certain numbered funds in said Department; and fixing a time when same shall take effect.

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

Section 1. That, beginning on April 1, 1943, the Wages, Salaries and Compensations of all of the employees provided by General Ordinance No. 61, 1942, for the Garbage Reduction and Sewage Disposal Plants, Department of Public Sanitation under the Board of Public Works and Sanitation, excepting the Plant Manager and Chemist in the Garbage Reduction Plant, and excepting the Plant Manager, Clarification Engineer and Pumping Station attendant in the Sewage Disposal Plant, shall be increased as follows: employees on the semi-monthly pay basis excepting Sewage Plant Operator Helpers, shall receive an increase of Twenty Dollars (\$20.00) per month; said Sewage Plant Operator Helpers shall receive an increase of Eleven Dollars and Eighty Cents (\$11.80) per month; and all employees hired on an hourly basis shall receive an increase of Eight Cents (\$.08) per hour;—and General Ordinance No. 61, 1942, relating to the “Budget of 1943” regarding said Wages, Salaries and Compensations of said employees be and the same is hereby amended in conformity therewith to read as follows from April 1, 1943, to December 31, 1943, inclusive:

GARBAGE REDUCTION

11. SALARIES AND WAGES, REGULAR:

Plant Manager .....	\$ 306.75
Asst. Mgr. Garbage Reduction.....	2,460.00
Gen. Mechanic, Senior.....	2,580.00
2 Gen. Mechanics.....	3,760.00
Foreman of Labor, Senior.....	2,380.00
2 Machinery Operators, skilled.....	3,600.00
Chemist .....	2,100.00
Clerk-Stenographer .....	1,640.00
Auto Mechanic .....	1,380.00
Engineer Opr., Junior .....	2,190.00
Fireman, Boiler .....	1,860.00
3 Machinery Opr. Helpers.....	5,040.00
Coal Passer .....	1,704.00
Boilermaker .....	2,100.00
Lab. Assistant .....	1,680.00
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Total Item No. 11.....	\$ 34,900.75

## 12. SALARIES AND WAGES, TEMPORARY:

11 Machinery Operators .....	\$ 18,753.93
6 Machinery operator helpers.....	9,204.33
3 Machinery operators, part time.....	3,104.12
General Laborers, skilled.....	1,374.87
General Laborers, watchman.....	1,913.97
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Total Item No. 12.....	\$ 34,351.22

## SEWAGE DISPOSAL

## 11. SALARIES AND WAGES, REGULAR:

Plant Manager .....	\$ 4,500.00
Engineer, Mechanical .....	4,180.00
Engineer, Activated Sludge.....	3,073.25
Engineer, Clarification .....	2,520.00
Engineer, Power Plant.....	2,940.00
Chemist, Senior .....	2,700.00
Mechanic, General .....	2,190.00
Cost Acct. and Bkkpr.....	2,300.00
Foreman of Labor.....	2,220.00
Maintenance Foreman .....	2,580.00
9 Sewage Plant Operators.....	15,660.00
14 Sewage Plant Operator Helpers.....	22,186.50
3 Engineers, operating .....	6,570.00
Chemist, Lab. Assistant.....	1,740.00
3 Firemen, Boiler .....	5,580.00
2 Machinery opr. helpers.....	3,360.00
Boilermaker Helper .....	1,860.00
Machine Operator Helper .....	1,740.00
Machinist .....	2,316.00
Machinist Helper .....	1,740.00
Electrician .....	2,316.00
Electrician Helper .....	1,620.00
Mechanic General, Welder.....	1,800.00
General Maintenance, Painter.....	1,680.00
General Maintenance, Blacksmith.....	1,680.00
Engincer, Str. Pollution.....	1,980.00
2 Janitors .....	2,480.00
Coal Passer .....	1,704.00
3 Gen. Maintenance Men.....	5,040.00
Gen. Maintenance, Carpenter.....	1,680.00

Sewage Plant Worker.....	1,560.00
Pumping Station Attendant.....	300.00
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Total Item No. 11.....	\$115,795.75

12. SALARIES AND WAGES, TEMPORARY:

2 Power Shovel Operators.....	\$ 4,246.87
2 Machinery Operator Helpers.....	4,449.72
General Laborer, Watchman.....	968.42
General Laborer, Watchman.....	466.31
General Laborer, Watchman.....	1,097.76
7 General Laborers .....	5,622.28
Teamster and Team.....	2,566.44
3 Sewage Plant Workers, part time.....	1,283.44
Garage Mechanic .....	2,246.40
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Total Item No. 12.....	\$ 22,947.64

Section 2. That the sum of Seventeen Thousand Four Hundred Seventy-Two Dollars and Seventeen Cents (\$17,472.17) of the amount provided for in the unexpended and unappropriated working balance of the Sanitation General Fund for 1943 be and the same is hereby appropriated and transferred to the Board of Public Works and Sanitation Budget in keeping with the above, as follows:

FUND No. V-11, Garbage Reduction, Salaries and Wages,	
Regular .....	\$ 3,060.00
FUND No. V-12, Garbage Reduction, Salaries and Wages,	
Temporary .....	3,140.35
FUND No. VI-11, Sewage Disposal, Salaries and Wages,	
Regular .....	9,406.50
FUND No. VI-12, Sewage Disposal, Salaries and Wages,	
Temporary .....	1,865.32
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Total .....	\$17,472.17

Section 3. 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 Works.

## INTRODUCTION OF GENERAL ORDINANCES

By Councilman Sullivan:

### GENERAL ORDINANCE No. 3, 1943

AN ORDINANCE concerning the licensing of the manufacture for sale and distribution of pool tickets and lottery equipment and providing penalties for its violation.

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

Section 1. That no person, firm, partnership or corporation shall manufacture, or assemble or print for distribution or sale any ticket or card or paper or slip of paper or pool ticket on the result of any baseball game or games or upon figures contained in bank clearance statements or official weather reports or figures contained in stock market reports or the figures contained in any drawing, when as the result of the drawing the holder of the number so drawn receives the payment of money, unless the person, firm, partnership or corporation shall have a license therefor from the City of Indianapolis, Indiana.

Section 2. That the license hereby required and the amount of the fee therefor is hereby fixed at Fifteen Thousand (\$15,000.00) Dollars for six (6) months.

Section 3. PENALTY. Any person violating either of the foregoing two Sections shall, upon conviction, be fined in any sum not exceeding Three Hundred (\$300.00) Dollars and shall be imprisoned for six (6) months.



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

By the City Controller:

GENERAL ORDINANCE No. 4, 1943

AN ORDINANCE authorizing the Board of Public Works and Sanitation of the City of Indianapolis to purchase certain equipment by and through the duly authorized Purchasing Agent thereof, and fixing a time when the same shall take effect.

WHEREAS, all bids for the equipment hereinafter described in Section 1 were duly advertised according to law, opened in public before the Board of Public Works and Sanitation and the award made to the lowest and best bidder; NOW, THEREFORE,

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

Section 1. That the Board of Public Works and Sanitation of the City of Indianapolis be and it is hereby authorized and empowered to purchase through the Department of Public Purchase by its Purchasing Agent, the hereinafter designated equipment:

- 1 Only 36" x 36" Pulverizer to be used by the Sewage Disposal Plant to grind garbage. F.O.B. Columbus, Ohio. Requisition No. 12212.....\$2,950.00

Section 2. That the purchase price for said above named equipment shall be paid out of funds heretofore appropriated to the Board of Public Works and Sanitation for such purchase.

Section 3. 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 Councilmen Schumacher and Dauss:



## GENERAL ORDINANCE No. 5, 1943

AN ORDINANCE amending Sections 77 and 78 of General Ordinance No. 121, 1925, being "An Ordinance Concerning the government of the City of Indianapolis, providing penalties for its violation, with stated exceptions, repealing all former ordinances," as amended by General Ordinance No. 46, 1930, and providing for the employment of a Veterinary, the establishment of a place of sale for the sale and gift of certain dogs, the empowering of the Dog Pound Keeper to accept gifts and donations for and on behalf of the Dog Pound, and the creation of an "Emergency Dog Pound Fund" for the purpose of defraying expenses of maintaining the Dog Pound, place of sale and Veterinary expenses, and fixing a time when the same shall take effect.

WHEREAS, the humane disposal of dogs required to be killed under the provisions of this act requires the skilled services of a Veterinary, and

WHEREAS, restrictions under the present war emergency requires the establishment of a centrally located place for the sale and donation of dogs under this Ordinance; and

WHEREAS, from time to time benevolently minded parties are desirous of making gifts and donations to the Dog Pound; NOW, THEREFORE,

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

Section 1. That Section 77 of General Ordinance No. 121, 1925, being "An Ordinance concerning the government of the City of Indianapolis, providing penalties for its violation, with stated exceptions, repealing all former Ordinances," as amended by General Ordinance No. 46, 1930, be amended to read as follows:

"Section 77. **Impoundings Dogs.** It shall be the duty of the pound-keeper to capture and impound in the public pound all dogs found within the corporate limits of the city not wearing the collar and tag herein provided for. Such pound-keeper shall immediately upon receiving any dog at the pound make a complete registry of the same, recording the breed, color, sex, and whether licensed or not, and if licensed he shall, if known, enter the name and address of the owner or keeper of such dog, and the number of the licensed

dog, which record shall be made in a book to be provided for such purpose, and which shall be kept open to public inspection. Impounded licensed dogs shall be kept separate from unlicensed dogs. A list of all licensed dogs so impounded shall be forthwith sent to the City Controller, who shall keep a record of the same and who shall also forthwith give notice in writing, by mail, to the owner or keeper of such licensed dog. The pound-keeper, immediately upon the impounding of any dog, shall post in a conspicuous place, at the pound, a notice to the public, and within twelve (12) hours thereafter if the City Controller's Office shall then be open to the public, or if not so open as soon after the expiration of said twelve (12) hours as said office shall be so open shall post in a conspicuous place a notice to the public at such office, giving a description of such dog required by this ordinance to be taken, and such pound-keeper shall keep such dog confined in such pound for five days after the time of such impounding unless such dog be sooner redeemed as hereinafter provided for, and if not so redeemed he shall then have the right to have such dog killed in a humane manner by a duly qualified **Veterinary**. Provided, that after the expiration of five days from the date of such posting at the office of the City Controller, the pound-keeper may dispose of any impounded dog by gift or sale to any person (the owner or keeper preferred) who shall pay the pound fee provided for in this ordinance, if a licensed dog, and if an unlicensed dog to anyone (the owner or keeper preferred) who (provided such person is a resident of the City of Indianapolis) shall pay such pound fee for the current year. In all cases where the person purchasing any dog shall be a non-resident of the City of Indianapolis, such person shall not be required to pay the license fee for the current year, but shall be required to pay the pound fee, and in addition thereto such sum of money as the pound-keeper shall deem reasonable for the purchase of such dog. **Under the direction of the Board of Public Safety, the pound-keeper may establish a place of sale at a central location in said city for the purpose of such gifts or sales.** The pound-keeper shall execute a bill of sale to the person to whom such dog shall be delivered under the provisions of this ordinance, and such bill of sale shall transfer to such person the title of the original owner in and to such dog. If such dog shall not have been redeemed or otherwise disposed of as in this section provided for, within ten days from the time of its impounding the same shall be destroyed in the manner provided for in this section. The carcasses of all dogs killed as herein provided for shall be sold to the highest bidder therefor, or if not sold, shall be disposed of to the satisfaction and approval of the Department of Public Health and Charities of such City.

Section 2. That Section 78 of General Ordinance No. 121, 1925, being "An Ordinance concerning the government of the City of Indianapolis, providing penalties for its violation, with stated exceptions, repealing all former Ordinances," as amended by Section 2 of General Ordinance No. 46, 1930, be amended to read as follows:

Section 78. **That gifts, donations and benevolences to the Dog Pound may be accepted by the pound-keeper for and on behalf of the Dog Pound, and all monies received under the provisions of this ordinance, whether by donation, sale or otherwise, shall be paid to the City Controller on the first day of the week succeeding the one during which such monies were received. Provided, however, that all purchase monies received for dogs sold to non-residents of said City, exclusive of pound fee, and all gifts and donations of monies, shall constitute a special fund to be known as the "Emergency Dog Pound Fund," to be used by the Board of Public Safety in defraying the maintenance expenses of said Dog Pound, including said Veterinary and place of sale expenses. The City Controller shall weekly make due settlement for all monies received under the provisions of this ordinance with the City Treasurer.**

Section 3. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication as by law required.

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

By the Board of Public Works and Sanitation:

GENERAL ORDINANCE No. 6, 1943

AN ORDINANCE approving a certain agreement with the ADMINISTRATOR OF CIVIL AERONAUTICS OF THE UNITED STATES DEPARTMENT OF COMMERCE concerning the use of the Indianapolis Municipal Airport and the construction of certain projects in connection therewith; the authorizing of the Indianapolis Board of Public Works and Sanitation to enter into same, and the fixing of the time when the same shall take effect.

WHEREAS, the Administrator of Civil Aeronautics of the United States Department of Commerce (hereinafter referred to as the "Administrator"), with the approval of a Board composed of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, has designated as necessary for national defense a project (herein called the "Project") for development of the Indianapolis Municipal Airport (herein called the "Airport"), which Project is identified as 904-12-12; and

WHEREAS, as a condition precedent to release and operation of the Project, the Administrator requires that the City of Indianapolis (herein called the "City") have certain property interests in the landing area of the Airport and the lands to be improved under the Project and enter into an agreement with the United States (herein called the "Government"), in the manner and form hereof; and

WHEREAS, the City of Indianapolis is legally, financially and otherwise able to enter into such an agreement and desires to avail itself of the benefits of prosecution of the Project, and

WHEREAS, the Board of Public Works and Sanitation of the City of Indianapolis has by Resolution adopted at its meeting held on March 1, 1943, proposed to enter into such agreement with the Administrator of Civil Aeronautics of the United States Department of Commerce; NOW, THEREFORE,

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

SECTION 1. That said agreement shall read as follows:

"Section 1. That for and in consideration of development of the airport by the government as contemplated by the project, the City of Indianapolis does hereby covenant and agree with the Government as follows; this agreement to become effective upon the award of any construction contract for any portion of the Project or the inauguration or any portion of the Project under force account, and shall terminate six months after the date on which hostilities of the present war in which the United States is engaged, shall cease.

(a) The Government shall have the right to determine the exact nature of the improvements to be made under the Project and



the amount of Federal funds to be expended. The City of Indianapolis will co-operate with the Government to insure prosecution of the Project without interference or hindrance, and agrees to permit the agents and employees of the Government, and all persons authorized by the Administrator, to enter upon, use, and occupy the property to be developed, as the Administrator may deem necessary or desirable in connection with the construction and use by the government.

(b) The City of Indianapolis agrees to indemnify and save harmless the Government against and from any and all claims and damages which may arise from or in connection with the carrying out of the Project, excepting claims for injuries or death to persons resulting from wilfull or negligent acts or omissions of the Government or any of its officers, employees, agents, or agencies, all other claims sounding in tort, and claims for materials furnished or work performed pursuant to authority given by officers, employees, or agents of the Government.

(c) It is understood and agreed that all improvements made under the Project shall be the sole and absolute property of the City of Indianapolis except where specifically agreed otherwise, in writing, prior to the undertaking of the improvement or installation in question.

(d) The City of Indianapolis agrees that, continuously during the term of this agreement, the Airport will be operated as such, and for no other purpose, and that unless utilized exclusively for military purposes, it will at all times be operated for the use and benefit of the public, on reasonable terms and without unjust discrimination, and without grant or exercise of any exclusive right for the use of the Airport within the meaning of Section 303 of the Civil Aeronautics Act of 1938.

(e) The City of Indianapolis agrees that it will at all times during the term of this agreement maintain in good and serviceable condition and repair the entire landing area of the Airport and all improvements, facilities, and equipment which have been or may be made, constructed, or installed with Federal Aid, including all improvements made under the Project, other than facilities and equipment owned by the Government; Provided, That during any period the said landing area or airport improvements, facilities, or equipment are leased by or licensed to the Government for military purposes, the

City of Indianapolis shall be obligated to bear only that proportion of the expense of maintenance of the landing area or airport improvements, facilities, or equipment so leased or licensed, which their non-military use bears to their total use.

(f) Insofar as it is within its power and reasonably possible, the City of Indianapolis will prevent any use of land either within or outside the boundaries of the Airport, including the construction, erection, alteration, or growth, of any structure or other object thereon, which would be a hazard to the landing, taking off, or maneuvering of aircraft at the Airport, or otherwise limit its usefulness as an airport.

(g) In order to protect the rights and interests of the Government under this agreement, the City of Indianapolis agrees that it will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency. The City of Indianapolis further agrees that it will not execute any deed, lease, operation or management agreement, or other instrument affecting the airport or any portion or facility thereof or interest therein, even though the other party to the transaction is the Government acting through the War Department or Navy Department, unless thirty days' notice of its intention so to do has been given to the Administrator, or unless the Administrator has waived the right to such notice. A copy of the proposed instrument in question shall be attached to said notice, which shall state the date upon which the same is to be executed.

(h) The City of Indianapolis agrees that, if requested to do so by the War Department or Navy Department, at any time during the present war in which the United States is engaged, it will lease the landing area of the Airport to the Government for military or naval use, at a reasonable rental, for a term of one year, renewable annually at the option of the Government for such period as the Government may designate; Provided, That the lease shall contain an express stipulation that its term shall not exceed the duration of the present war in which the United States is engaged and six months after the cessation of hostilities. Such lease shall also contain a covenant on the part of the Government to permit, by instruments in writing, use of the leased premises as a public Municipal Airport, as it is now used, by commercial, private, and other non-military

aircraft, and to bear all of the expense of maintaining and keeping in good repair the leased premises and all improvements and facilities thereon, other than that proportion of the cost of such maintenance for which the City of Indianapolis assumes responsibility under Section 1 (e) hereof. The City of Indianapolis further agrees that, during all times that the landing area of the Airport is not held by the Government under lease, the Government shall have the right to use such area in common with others, without charge, to the extent possible without requiring limitation of non-military operations.

(1) Provided that, the foregoing provisions of this agreement shall not apply to that portion of the airport which is now occupied by the Civil Aeronautics Administration under lease dated January 17, 1938, during the term of said lease or any renewal thereof.

(2) Provided further that nothing contained in this agreement shall in any way supersede or invalidate any lease or leases which the City of Indianapolis now has with any Commercial Airline for non-military use of the facilities of said airport, or interfere in any way with the renewal thereof; nor shall anything contained in this agreement interfere with or prevent the use of said airport by private and non-military aircraft; but the right to grant such use of said airport shall continue to remain wholly within the power and discretion of the City of Indianapolis.

Section 2. In order to satisfy the Government that the City of Indianapolis is qualified to sponsor the Project under the project eligibility requirements of the Civil Aeronautics Administration and to induce the Government to proceed with the Project in accordance with the offer made by the City of Indianapolis in Section 1 hereof, the City of Indianapolis does hereby represent and warrant to the Government as follows:

(a) That the City of Indianapolis has title in fee simple to all lands comprising the landing area of the Airport and to all lands to be improved under the Project, which lands are shown on the sketch attached hereto as part of Exhibit A, and that said lands are held free from any lien, lease, easement, or other encumbrance, other than those described as follows:

Easement to State of Indiana of 40 ft. DR 1030, p. 2721; Dated December 29, 1939; Recorded 2-27-40.



Lease to Roscoe Turner Aeronautical Corp. for term of 20 years with privilege of renewal 20 years @ \$12. per year. Misc. Records 313, p. 5; Dated 7-1-40; Recorded 7-12-40.

Encumbrance Mortgage from Roscoe Turner Aeronautical Corp. on lease, to Reconstruction Finance Corp. \$60,000.00 Mortgage Record 1246, p. 223; Chattel Mortgage 40, page 55. Dated 3-10-41; Recorded 3-14-41.

As well as miscellaneous concession leases not required to be recorded, etc.

(b) That the City of Indianapolis has the power and authority to adopt this agreement through its Common Council, and to perform all of the covenants contained herein;

(c) That the City of Indianapolis is financially and practically able to perform all of the covenants contained in this agreement;

(d) That there is no pending or threatened litigation or other legal proceedings, and no material and relevant fact, which might adversely affect the prosecution of the Project, the operation of the Airport, or the performance of any of the covenants contained in Section 1 hereof, which has not been brought to the attention of the Administrator;

(e) That the Common Council of the City of Indianapolis is the proper body to approve this agreement and has complied with all requirements of law in so doing;

(f) That such of the above representations and warranties as involve questions of law are made upon the advice of the Corporation Counsel of the City of Indianapolis, whose certificate as to such matters has previously been delivered to the Common Council and is annexed hereto and made a part hereof, as Exhibit A.

Section 3. That Corporation Counsel and Secretary of the Board of Works be and they are authorized and directed to furnish the Administrator copies of all documents representing or evidencing the encumbrances described in Section 2(a) hereof, together with such legal and factual information relative to the Airport, the Project, and this resolution as the Administrator may reasonably request.

Section 4. That four certified copies of the Ordinance approving this agreement be sent forthwith to the Administrator, through the Regional Manager of the Civil Aeronautics Administration, 608 South Dearborn Street, Chicago, Illinois.

Section 5. That this agreement shall be effective upon the approval and adoption by said Administrator."

SECTION 2. That the Board of Public Works and Sanitation of the City of Indianapolis is hereby authorized and directed to enter into said agreement for and on behalf of the City of Indianapolis, Indiana,

Section 3. 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 Works.

Mr. Kealing requested that the rules be suspended for further consideration and passage of General Ordinance No. 6, 1943. The motion was seconded by Mr. Dauss and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bowers, Mr. Dauss, Mr. Jordan, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

The Council reverted to previous order of business.

## COMMITTEE REPORT

Indianapolis, Ind., March 1, 1943.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred General Ordinance No. 6, 1943, entitled:

AN ORDINANCE approving a certain agreement with the ADMINISTRATOR OF CIVIL AERONAUTICS OF THE UNITED STATES DEPARTMENT OF COMMERCE concerning the use of the Indianapolis Municipal Airport and the construction of certain projects in connection therewith; the authorizing of the Indianapolis Board of Public Works and Sanitation to enter into same, and the fixing of the time when the same shall take effect;

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

EDWARD R. KEALING  
HERMAN E. BOWERS  
R. C. DAUSS  
WILLIE B. SULLIVAN  
CARSON C. JORDAN

#### ORDINANCES ON SECOND READING

Mr. Kealing called for General Ordinance No. 6, 1943, for second reading. It was read a second time.

On motion of Mr. Kealing, seconded by Mr. Dauss, General Ordinance No. 6, 1943, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 6, 1943, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bowers, Mr. Dauss, Mr. Jordan, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

On motion of Mr. Kealing, seconded by Mr. Bowers, the Common Council adjourned at 9:30 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 1st day of March, 1943, 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.



President.

Attest:



City Clerk.

(SEAL)