

# JOURNAL OF PROCEEDINGS

OF THE

# Common Council

OF THE

CITY OF INDIANAPOLIS

In Marion County, in the State of Indiana

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SPECIAL MEETING

Tuesday, January 1, 1946

12 O'Clock Noon

The Common Council of the City of Indianapolis met in the Council Chambers at the City Hall, Tuesday, January 1, 1946, at 12:00 noon, with Margaret B. Jones, Deputy City Clerk, acting as temporary chairman, pursuant to the following call:

To the Members of the Common Council,  
Indianapolis, Indiana.

Gentlemen:

You are hereby notified that there will be a Special Meeting of the Common Council held in the Council Chamber on Tuesday, January 1, 1946, at 12:00 noon, the purpose of such Special Meeting being to elect officers of the Common Council for the year 1946, who shall serve until the first Monday of January, 1947; the appointment of the Council's standing committees for the year 1946 and the appointment of the Council's representative on the City Plan Commission; to receive any communications from the Mayor and other city officials; receive reports from standing and special committees of the Council on all ordinances, resolutions and any other matters pending before the Council; the introduction of appropriation, general and special ordinances and resolutions; call for and consider ordinances and resolutions on second reading and final action and receive any amendments on ordinances and resolutions pending before the Council; consider any unfinished or new business before the Council; and call for and consider on second reading and final action, and receive amendments, the following ordinances and resolutions: A. O. Nos. 88, 89; G. O. Nos. 95, 98, 101, 102, 103; S. O. Nos. 15, 16 (all in the year 1945); or any business that could be taken up at a regular Council meeting, and any other matters incidental thereto.

Respectfully

JOHN A. SCHUMACHER,  
President, Common Council

I, Frank J. Noll, Jr., Clerk of the Common Council of the City Indianapolis, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council prior to the time of such Special Meeting, pursuant to the rules.

In Witness Whereof, I have hereunto affixed my signature and caused the seal of the City of Indianapolis to be affixed.

FRANK J. NOLL, JR.,

(SEAL)

City Clerk

Which was read.

The Deputy Clerk called the meeting to order.  
The Deputy Clerk called the roll.

Present: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

The Chairman announced the first order of business to be the election of officers for the year 1946, and asked for nominations for the office of President of the Council.

Mr. Kealing made a motion to nominate Mr. Schumacher. The motion was seconded by Mr. Dauss and a motion was made by Mr. Bowers and seconded by Mr. Manly that the nominations be closed and the Deputy Clerk instructed to cast the unanimous vote of those present for Mr. Schumacher. The vote was cast as directed and the Chairman announced the election of Mr. Schumacher as President of the Council for the year of 1946.

On invitation of the Deputy Clerk, Mr. Schumacher took the chair. President Schumacher asked for nominations for the office of Vice President. Mr. Bowers nominated Mr. Kealing.

The nomination was seconded by Mr. Dauss. A motion

was made by Mr. Manly and seconded by Mr. Worley that the nominations be closed. The nominations were closed and Mr. Kealing was elected Vice President by the unanimous vote of the Council.

President Schumacher announced the appointment of the Standing Committees as selected for the year of 1946 as follows:

### COMMON COUNCIL

#### STANDING COMMITTEES FOR 1946

1. FINANCE COMMITTEE—Herman E. Bowers, Chairman; Edward R. Kealing, R. C. Dauss, Dr. Lucian B. Meriwether, A. Ross Manly.
2. PUBLIC WORKS COMMITTEE—Edward R. Kealing, Chairman; Herman E. Bowers, R. C. Dauss, William A. Brown, Max White.
3. PUBLIC SAFETY COMMITTEE—R. C. Dauss, Chairman; Edward R. Kealing, Herman E. Bowers, Otto H. Worley, Max White.
4. PUBLIC HEALTH COMMITTEE—Dr. Lucian B. Meriwether, Chairman; Edward R. Kealing, A. Ross Manly, Otto H. Worley, William A. Brown.
5. PARKS COMMITTEE—A. Ross Manly, Chairman; R. C. Dauss, Dr. Lucian B. Meriwether, Otto H. Worley, William A. Brown.
6. LAW AND JUDICIARY COMMITTEE—Otto H. Worley, Chairman; William A. Brown, Herman E. Bowers, Edward R. Kealing, Dr. Lucian B. Meriwether.

President Schumacher announced the next order of business to be the election of a representative to the City Plan Commission.

Mr. Bowers nominated Mr. Worley.

The nomination was seconded by Mr. Manly. A motion was made by Mr. Bowers and seconded by Mr. Dauss that the nominations be closed and the Deputy Clerk instructed to cast the unanimous vote of those present for Mr. Worley. The vote was cast as directed and President Schumacher announced the election of Mr. Worley as the Council's representative to the City Plan Commission.

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

## COMMUNICATIONS FROM THE MAYOR

December 20, 1945

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 the City Clerk, Mr. Frank J. Noll, Jr., the following ordinances:

### GENERAL ORDINANCE NO. 97, 1945

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of

Section 26 of General Ordinance No. 96, 1928, as amended; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 99, 1945

AN ORDINANCE authorizing the Board of Public Works and Sanitation to contract for the purchase, through its duly authorized Purchasing Agent, of certain equipment, to be paid for out of funds hereto-fore appropriated; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 100, 1945 (as amended)

AN ORDINANCE TO AMEND Sections E-101, E-103, and E-104 and adding thereto a new section to be numbered Section E-118; Division E - Part One of General Ordinance No. 121, 1925 and to amend Section 7 of General Ordinance No. 69, 1942; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 87, 1945

AN ORDINANCE transferring, reappropriating and reallocating the sum of Sixteen Hundred (\$1600.00) Dollars from a certain fund in the City Market, Department of Public Safety, to another designated fund in the same Division and Department; and fixing a time when the same shall take effect.

SPECIAL ORDINANCE NO. 14, 1945

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.

RESOLUTION NO. 10, 1945

WHEREAS, FOR the purpose of protecting the interests of the citizens of the City of Indianapolis, the Common Council has, by resolution recently adopted, requested the Executive Department of the City to become a party to proceedings pending before the Public Service Commission for the establishment of rates and fares to be charged by the Indianapolis Railways, Incorporated; and

Respectfully,

ROBERT H. TYNDALL,  
Mayor



January 1, 1946]

City of Indianapolis, In

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December 21, 1945

Mr. Frank J. Noll, Jr.,  
City Clerk,  
City of Indianapolis, Indiana.

Dear Mr. Noll:

I am returning herewith Appropriation Ordinance No. 86, 1945 without my signature for the following reasons:

This ordinance attempts to transfer from Fund No. 11, Fire Department, Department of Public Safety, to certain funds of the Dog Pound Division and "in order to pay for purchases made without purchase orders when there are no balances in the various funds" the law is so well settled in Indiana that purchases cannot be made by city departments unless there is sufficient balance in the appropriation to cover the purchases. This ordinance shows on its face that the purchases for which the transfer is sought have already been made. Therefore, Appropriation Ordinance No. 86, 1945 is invalid on its face.

Very truly yours,

ROBERT H. TYNDALL,  
Mayor

December 22, 1945

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 the City Clerk, Mr. Frank J. Noll, Jr., the following ordinance:

GENERAL ORDINANCE NO. 104, 1945

AN ORDINANCE authorizing and empowering the City Controller of the City of Indianapolis, Indiana, to pay out monies now held in the Special Fund heretofore created under Appropriation

Ordinance No. 82-1945 and designated as Policeman and Fireman Equipment Fund, as herein provided; and fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,  
Mayor

### COMMUNICATIONS FROM CITY OFFICIALS

January 1, 1946

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

Gentlemen:

In Re: Appropriation Ordinances Nos. 88 and 89, 1945

I beg leave to report that pursuant to the laws of the State of Indiana, I caused "Notice to Taxpayers" to be inserted in the following newspapers, to wit:

A. O. No. 88, and 89, 1945—Friday, December 21 and 28, 1945—The Indianapolis Times and Indianapolis Commercial, that taxpayers would have the right to be heard on the above ordinances at the meeting of the Common Council to be held January 1, 1946, 12:00 noon and by posting copies of said notices in the City Hall, Court House and Police Station in the City of Indianapolis, which notices remained posted for ten days or more prior to date of hearing.

Very truly yours,

FRANK J. NOLL, JR.,  
City Clerk.

January 1, 1946

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



Gentlemen:

In Re: General Ordinance No. 100, 1945

I hereby report that pursuant to the laws of the State of Indiana, I caused publication to be inserted in the following newspapers, to-wit:

G. O. No. 100, 1945—Friday, December 28, 1945 and January 4, 1946—The Marion County Mail and The Indianapolis Commercial, and that said ordinance is in full force and effect as of the last date of publication.

Very truly yours,

FRANK J. NOLL, JR.,  
City Clerk.

January 1, 1946

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

Gentlemen:

In Re: General Ordinance No. 101, 1945  
(Zoning Ordinance)

I hereby report that pursuant to the laws of the State of Indiana, I caused "Notice to Interested Citizens" that General Ordinance No. 101, 1945 (Zoning Ordinance) was published on Wednesday, December 19, 1945 in The Indianapolis News and The Indianapolis Star for a hearing on January 1, 1946, 12:00 o'clock noon.

Very truly yours,

FRANK J. NOLL, JR.,  
City Clerk.

December 31, 1945

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

Gentlemen:

I am herewith submitting twenty-six (26) copies of General Ordinance No. 1, 1946, authorizing the appointment of a representative to negotiate with Federal Agencies for the purpose of procuring housing facilities for veterans.

I urgently recommend the immediate passage of this ordinance for the reason that all legal steps are temporarily held in abeyance until a representative is duly authorized by the Common Council to negotiate and sign papers.

Respectfully,

ROBERT H. TYNDALL,  
Mayor

January 1, 1946

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

Gentlemen:

Submitted herewith are copies of Resolution No. 1, 1946, concerning rates and fares of the Indianapolis Railways, Inc. rate case.

Very truly yours,

JOHN A. SCHUMACHER,  
Councilman

At this time those present were given an opportunity to be heard on Appropriation Ordinances Nos. 88, 89, 1945. General Ordinances Nos. 95, 98, 101, 102, 103, 1945, and Special Ordinances Nos. 15 and 16, 1945.

COMMITTEE REPORTS

January 1, 1946

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  
Appropriation Ordinance No. 88, 1945, entitled

AN ORDINANCE amending the 1946 Budget to create positions  
and fix salaries for the Missouri Street Public Health Center,

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

LUCIAN B. MERIWETHER, Chairman  
EDWARD R. KEALING  
A. ROSS MANLY  
OTTO H. WORLEY  
WM. A. BROWN

January 1, 1946

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

Gentlemen:

We, your Committee on Public Works, to whom was referred  
Appropriation Ordinance No. 89, 1945, entitled

AN ORDINANCE amending the 1946 Budget by creating a new  
item under Fund 11, and eliminating another item in the same  
fund, Dairy Division, Administration, Department of Public  
Health and Hospitals,

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

EDWARD R. KEALING, Chairman  
HERMAN E. BOWERS  
R. C. DAUSS  
WM. A. BROWN  
MAX WHITE

December 31, 1945

Mr. Otto H. Worley, Chairman  
Committee on Law & Judiciary  
Common Council of the  
City of Indianapolis.

Dear Mr. Worley:

At the meeting of the City Plan Commission on December 27, 1945, General Ordinance No. 95, 1945 was again discussed, in view of the postponement of action by the Common Council, and a motion to rescind the previous favorable recommendation of the City Plan Commission was unanimously carried, together with recommendation that the ordinance be withdrawn in the belief that the matter of land use in the area covered by Ordinance No. 95 could probably be worked out later through petition to the Board of Zoning Appeals if and when the present owner prepares complete plans for the use of the area involved, provided it includes five acres or more.

Respectfully yours,  
NOBLE P. HOLLISTER,  
Director-Secretary,  
CITY PLAN COMMISSION

January 1, 1946

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

Gentlemen:

We, your Committee on Law & Judiciary, to whom was referred General Ordinance No. 95, 1945, entitled

AN ORDINANCE amending Zoning Ordinance (Maple Road and C. I. & L. R. R.)

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

OTTO H. WORLEY, Chairman  
WM. A. BROWN  
HERMAN E. BOWERS  
EDWARD R. KEALING  
LUCIAN B. MERIWETHER

January 1, 1946

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

Gentlemen:

We, your Committee on Parks, to whom was referred General Ordinance No. 98, 1945, entitled

AN ORDINANCE approving the removal of Pennsylvania Railroad warning signals,

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

A. ROSS MANLY, Chairman  
R. C. DAUSS  
LUCIAN B. MERIWETHER  
OTTO H. WORLEY  
WM. A. BROWN

December 31, 1945

Mr. Otto H. Worley, Chairman  
Committee on Law & Judiciary  
Common Council of the  
City of Indianapolis.

Dear Mr. Worley:

At the meeting of the City Plan Commission on December 27, 1945, General Ordinance No. 101, 1945, involving change of zoning as to class of use at a certain location on North Illinois Street, in the City of Indianapolis, was reviewed.

Upon roll-call vote, four members voted to disapprove this ordinance, three members for approval and one member did not vote. This vote under law does not constitute decisive action by the City Plan Commission, although as it stands an attitude of disapproval is apparently predominant.

The feeling expressed by those opposed was that in certain classes of use where a considerable area was already devoted to business use, as in this instance, and where indications pointed to

a need for a more extensive increase looking toward the future, it was undesirable to favor an ordinance involving only a partial increase.

Respectfully yours,

NOBLE P. HOLLISTER,  
Director-Secretary  
CITYPLAN COMMISSION

January 1, 1946

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

Gentlemen:

We, your Committee on Law & Judiciary, to whom was referred General Ordinance No. 101, 1945, entitled

AN ORDINANCE amending Zoning Ordinance (38th & Illinois), 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  
WM. A. BROWN  
HERMAN E. BOWERS  
EDWARD R. KEALING  
LUCIAN B. MERIWETHER

January 1, 1946

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. 102, 1945, entitled

AN ORDINANCE authorizing an additional 50 taxicab licenses, beg leave to report that we have had said ordinance under consider-



ation, and recommend that the same be held for further consideration.

R. C. DAUSS, Chairman  
EDWARD R. KEALING  
HERMAN E. BOWERS  
OTTO H. WORLEY  
MAX WHITE

January 1, 1946

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

Gentlemen:

We, your Committee on City Welfare, to whom was referred  
General Ordinance No. 103, 1945, entitled

AN ORDINANCE establishing a loading zone at S. Capitol and  
Kentucky Avenue,

beg leave to report that we have haid said ordinance under consider-  
ation, and recommend that the same be stricken from the files.

MAX WHITE, Chairman  
WM. A. BROWN  
A. ROSS MANLY  
LUCIAN B. MERIWETHER  
HERMAN E. BOWERS

January 1, 1946

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred  
Special Ordinance No. 15, 1945, entitled

AN ORDINANCE authorizing the sale of certain land, Virginia  
and East Street,

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

R. C. DAUSS, Chairman  
EDWARD R. KEALING  
HERMAN E. BOWERS  
OTTO H. WORLEY  
MAX WHITE

January 1, 1946

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

Gentlemen:

We, your Committee on Election, to whom was referred Special Ordinance No. 16, 1945, entitled

AN ORDINANCE annexing certain territory to the City, Kessler Blvd and the corporation line,

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

WM. A. BROWN, Chairman  
MAX WHITE  
R. C. DAUSS  
HERMAN E. BOWERS  
A. ROSS MANLY

## INTRODUCTION OF GENERAL ORDINANCES

By the Mayor:

### GENERAL ORDINANCE NO. 1, 1946

AN ORDINANCE providing for the appointment by the Mayor of a representative, for and on behalf of the City of Indianapolis, to negotiate with the proper federal agency or agencies, now existing or hereafter created, and to do all things necessary, for the purpose of securing any facilities now or hereafter provided for the housing of Veterans by the Federal Government, by and through any of its agencies, and providing 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 Mayor of the City of Indianapolis be and the same is hereby authorized, empowered and directed to appoint a representative to negotiate, for and on behalf of the City of Indianapolis, with the proper agency or agencies now or hereafter existing, and to do all things necessary, including the signing of all papers, contracts and written instruments, for the purpose of procuring any facilities, now or hereafter provided, by the Federal Government for the housing of Veterans.

Section 2. The Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

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

## INTRODUCTION OF RESOLUTIONS

By Councilman Schumacher:

### RESOLUTION NO. 1, 1946

WHEREAS, The Public Service Commission of Indiana recently, in connection with proceedings concerning rates and fares of the Indianapolis Railways, Inc., adopted a so called temporary schedule of rates which had been submitted to the commission by the railway company, and

WHEREAS, The Public Counselor of the State has filed with the commission his motion for the cancellation, by the commission, of such existing temporary rates, and for the adoption by the commission of a new and lower schedule of rates, to in effect until a final decision has been rendered upon the pending petition of said railway company, and

WHEREAS, It is the opinion of this council, if and when it is deemed proper by said commission to adopt a new temporary schedule of rates for said company, that, this time, the schedule of rates hereby offered by the citizens and patrons of the company should be adopted by the commission;

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

representing the citizens of Indianapolis, do now hereby, for and in behalf of said citizens, recommend to said commission for its consideration and approval the following schedule of rates, which rates are deemed by this council to be not only fair to the patrons; but also, in view of information obtained as to the financial condition of the company and its income, to be equitable to the company, its owners and the employees. Said schedule of rates herein submitted and recommended being as follows, to-wit: 7 cents for a cash fare; four tokens for 25 cents; free transfers and a 5 cent fare for school children.

BE IT FURTHER RESOLVED, That the Clerk of this Council be, and is hereby directed, forthwith to submit to said public serv-commission, a certified copy of this resolution.

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

#### ORDINANCES ON SECOND READING

Mr. Dauss called for Appropriation Ordinance No. 89, 1945 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Kealing, Appropriation Ordinance No. 89, 1945 was ordered engrossed, read a third time, and placed upon its passage.

Appropriation Ordinance No. 89, 1945 was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Worley called for General Ordinance No. 95, 1945

for second reading. It was read a second time.

Mr. Worley moved that General Ordinance No. 95, 1945 be stricken from the files. Which was seconded by Mr. Bowers and carried by the following roll call vote:

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

Mr. White called for General Ordinance No. 103, 1945, for second reading. It was read a second time.

Mr. White moved that General Ordinance No. 103, 1945, be stricken from the files. Which was seconded by Mr. Manly and carried by the following roll call vote:

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

Mr. Dauss called for Special Ordinance No. 15, 1945, for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. White, Special Ordinance No. 15, 1945, was ordered engrossed, read a third time, and placed upon its passage.

Special Ordinance No. 15, 1945, was read a third time by the Clerk and passed by the following roll call vote:

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

Mr. Brown called for Special Ordinance No. 16, 1945,

for second reading. It was read a second time.

On motion of Mr. Brown, seconded by Mr. Kealing, Special Ordinance No. 16, 1945, was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 16, 1945, was read a third time by the Clerk and passed by the following roll call vote:

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

On motion of Mr. Worley, seconded by Mr. Dauss, the Common Council adjourned at 1:00 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 January, 1946, at 12:00 o'clock noon.

In Witness Whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.



Attest:

ATTEST:

*John A. Schumaker*

President

*Frank J. Hall Jr.*

City Clerk

(SEAL)