

## REGULAR MEETING

Monday, February 2, 1948

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, February 2, 1948, at 7:30 P. M., in regular session. President Emhardt in the chair.

The Clerk called the roll.

Present: Mr. Bright, Miss Connor, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

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

## COMMUNICATIONS FROM CITY OFFICIALS

January 22, 1948.

To: Mr. Chris Emhardt,  
President of the Common Council  
of the City of Indianapolis.

From: Phillip L. Bayt, Controller.

Transmitted herewith is copy of the Annual Report of Mr. Hilton U. Brown, Treasurer of the Board of Trustees of the Cornelia Cole Fairbanks Fund, for the year 1947, which is self explanatory.

Under the law, a copy of such Annual Report is to be sent to the Common Council of the City for its files.

For your information, a complete copy of this report is recorded in the Minute Book of the Controller, on pages 108-109 for the year 1948.

PHILLIP L. BAYT  
City Controller.

February 2, 1948.

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

Gentlemen:

Attached hereto are twenty-one (21) copies of proposed General Ordinance No. 1, entitled "An Ordinance of the City of Indianapolis, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied for the improvement and construction of additional equipment of the airport of said City."

I have been requested to prepare and file this Ordinance with you by the Board of Aviation Commissioners calling for the issuance of Two Hundred Fifty Thousand (\$250,000.00) bonds for development purposes at the Municipal Airport.

Yours turly,

J. W. PEDEN,  
Assistant City Attorney.

February 2, 1948.

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

Gentlemen:

Attached are copies of Special Ordinance No. 1, 1948, confirming and legalizing Acts of the Board of Sanitary Commission, as now authorized by the Acts of 1947. Chapter 324.

I respectfully recommend the passage of this Ordinance.

Yours very truly,

PHILLIP L. BAYT,  
City Controller.

## INTRODUCTION OF GENERAL ORDINANCES

By the Board of Aviation:

### GENERAL ORDINANCE NO. 1, 1948.

An Ordinance of the City of Indianapolis, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied for the improvement and construction of additional equipment of the airport of said City.

WHEREAS, on the 22nd day of January, 1948, the Board of Aviation Commissioners of the City of Indianapolis adopted a resolution (Resolution No. 19, 1948) determining that it was necessary to immediately begin the construction of additional docks, run-aways and parking facilities, to alter and remodel the control tower of said airport and all incidental and necessary work thereto, and requesting the Common Council of the City of Indianapolis to take the necessary steps to issue and sell bonds of the City in an amount not to exceed Two Hundred Fifty Thousand (\$250,000.00) Dollars for the purposes hereinabove stated, including the incidental expenses necessary to be incurred and in connection therewith, including all advertising costs, costs of printing and delivery of said bonds, and the costs of engineering services in connection with such construction; and

WHEREAS, some Federal funds will be available to meet a part of the expense of said improvements and expansion; and

WHEREAS, the Board of Aviation Commissioners has determined that the improvements and expansion may be made at a total cost to the City of Indianapolis of approximately Two Hundred Fifty Thousand (\$250,000.00) Dollars, including the incidental

expenses necessary to be incurred with such work, and has requested that funds in that amount be appropriated and provided, which request has been approved by the City Comptroller who has recommended that said appropriation be made, and that bonds of the City be issued to provide funds to meet such appropriations; and

WHEREAS, there are not now and will not be sufficient available funds in the Treasury of the City of Indianapolis with which to provide the amount required for the purposes herein set out; and

WHEREAS, it will be necessary for the City of Indianapolis to borrow the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars in order to procure funds necessary for the purposes set out herein and to provide for and to secure the repayment thereof, and to evidence such indebtedness by the issuance and sale of its bonds in said amount, payable from the general fund of the City of Indianapolis, or as may otherwise now or hereafter be authorized or required by law; and

WHEREAS, it is deemed wise, necessary and useful for the best present and future interest of the City of Indianapolis and its inhabitants to further develop and improve its Municipal Airport as proposed in said resolution of the Board; and

WHEREAS, a petition has been duly filed under the provisions of Chapter 119 of the Acts of 1937 by fifty (50) or more owners of taxable real estate in the City of Indianapolis requesting the Common Council to authorize the issuance of bonds of the City to provide funds for said purpose; and therefore,

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

Section 1. That the City of Indianapolis, acting by and through its Board of Aviation Commissioners, proceed with the improvements and enlargement of the airport facilities of the City, as more particularly set out in the resolution adopted by said Board on January 22nd, 1948.

Section 2. For the purpose of providing funds to pay the costs of such improvements and construction as set out more particularly in said resolution, including all incidental expenses necessary to be incurred in connection therewith and the issuance of bonds on account thereof, the City shall make a loan in the amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars. In order to procure said loan the City Comptroller is hereby authorized and directed to have prepared and to issue and sell the negotiable, direct obligation bonds of the City to be designated as "City of Indianapolis, Municipal Airport Development Bonds of 1948", in the aggregate principal amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars, which bonds shall be issued in the denomination of One Thousand (\$1,000) Dollars, shall be numbered consecutively from 1 to 250, inclusive, shall be dated April 3rd, 1948, and shall bear interest at a rate not exceeding three (3%) per cent per annum, (the exact rate of interest to be determined by bidding) which interest shall be payable on July 1st, 1949, and thereafter semi-annually on January 1st and July 1st of each year and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable at the office of the Treasurer of the City of Indianapolis in said City, in lawful money of the United States of America. Said bonds shall mature in numerical order in the amounts and on the dates as follows:

\$8,000.00 on January 1, 1950, and \$9,000.00 on July 1, 1950.

\$8,000.00 on January 1, 1951, and \$9,000.00 on July 1, 1951.

\$6,000.00 on each January 1 and July 1 of each succeeding year, to and including July 1, 1969.

Said bonds shall be signed in the name of the City of Indianapolis by the Mayor of said City, countersigned by the City Comptroller, and attested by the City Clerk who shall affix the seal of said City to each of said bonds. The interest coupons attached to said bonds shall be executed by placing thereon the facsimile signature of the City Comptroller, and said official, by the countersigning of said bonds, shall adopt as and for his own proper signature his facsimile signature appearing on said coupons.



Section 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA

State of Indiana

County of Marion

No. -----

\$1,000.00

CITY OF INDIANAPOLIS  
MUNICIPAL AIRPORT DEVELOPMENT BOND OF 1948

The City of Indianapolis, in Marion County, Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal amount of

ONE THOUSAND DOLLARS

on the first day of-----, 19-----, and to pay interest thereon from the date hereof until the principal is paid, at the rate of----- per cent (-----%) per annum, payable on the first day of July, 1949, and semi-annually thereafter on the first days of January and July in each year, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the office of the Treasurer of the City of Indianapolis, in said City and State of Indiana.

This bond is one of an authorized issue of two hundred fifty (250) bonds of the City of Indianapolis, of like date, denomination, tenor and effect, except as to dates of maturity, aggregating Two Hundred Fifty Thousand (\$250,000.00) Dollars, numbered consecutively from 1 to 250 inclusive, issued pursuant to an ordinance adopted by the Common Council of said City on the ----- day of -----, 1948, entitled "An Ordinance of the City of Indianapolis, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied for the improvement and construction of additional equipment of the airport of said City", and in strict accordance with 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 all acts amendatory thereof and supplemental thereto, including particularly Chapter 190 of the Acts of 1945 and Chapter 73 of the Acts of 1947, for the purpose of providing funds to pay the cost of improvement and construction of additional equipment of the airport of the City of Indianapolis.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law; that this bond and said total issue of bonds is within every limit of indebtedness prescribed by the constitution and laws of the State of Indiana, and that the full faith and credit of the City of Indianapolis is hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF the City of Indianapolis, in Marion County, Indiana, by ordinance of its Common Council has caused this bond to be signed in its corporate name by its Mayor, countersigned by its City Comptroller, its corporate seal to be hereunto affixed and attested by its City Clerk, and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of said City Comptroller, as of the third day of April, 1948.

CITY OF INDIANAPOLIS

By -----  
Mayor

Countersigned:  
-----  
City Comptroller

Attest:

-----  
City Clerk

(Interest Coupon)

Coupon No. ----- \$-----

On-----, 19----

the City of Indianapolis, Indiana, will pay to bearer at the office of the Treasurer of the City of Indianapolis, Indiana,----- Dollars in lawful money of the United States of America, being the interest then due on its Municipal Airport Development Bond of 1948.

## CITY OF INDIANAPOLIS

By----- (Facsimile)  
City Comptroller

Section 4. As soon as may be done after the passing of this ordinance the City Clerk shall give notice of the filing of taxpayers' petitions for and of this council's determination to issue said bonds. Said notice shall be published once each week for two (2) consecutive weeks in two (2) newspapers of opposite political parties, published in the City of Indianapolis, and said notice shall also be posted in three (3) public places in the City, as provided by law.

Section 5. Prior to the sale of said bonds the City Comptroller shall cause to be published a notice of such sale once each week for two weeks in two newspapers published in the City of Indianapolis, representing the two leading political parties. The date fixed for the sale shall not be earlier than eight (8) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are being issued, the total amount thereof, the maximum rate of interest thereon, the time and place of payment, the terms and conditions on which bids will be received and the sale made, and such other information as the City Comptroller shall deem necessary. The notice of said sale shall not, however, be published prior to the expiration of the period during which taxpayers may file remonstrances or objecting petitions to the issuance of said bonds. In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of Chapter 119 of the Acts of 1937, then the bond sale notice shall not be published unless and until the Common Council shall have determined that such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of Section 64-1332 Burns Statutes 1933, then the bond sale notice shall not be published unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of



the bonds herein authorized shall not be issued, then the City Comptroller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued and sold shall be the bonds of the latest maturity or maturities.

Section 6. All bids for said bonds shall be sealed and shall be presented to the City Comptroller at his office. Bidders for said bonds shall be required to name the rate of interest which the bonds are to bear, not exceeding three per cent (3%) per annum, and such interest rate shall be in multiples of one-fourth ( $\frac{1}{4}$ ) of one per cent (1%), and not more than one interest rate shall be named by each bidder. The Comptroller shall award the bonds to the highest qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest at the rate named to the date of delivery, shall be considered. The Comptroller shall have full right to reject any and all bids. In the event the Comptroller shall receive no satisfactory bid for said bonds at the time fixed in said notice, he shall be authorized to continue to receive bids thereafter from day to day until a satisfactory bid has been received.

Section 7. The City Comptroller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Comptroller and City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided. After said bonds shall have been properly executed, the City Comptroller shall deliver the same to the City Treasurer, and shall take his receipt therefor, and upon the consummation of the sale of said bonds the City Comptroller shall then certify to the Treasurer the amount which the purchaser is to pay for the same; thereupon said Treasurer shall be authorized to receive from the purchaser the amount so certified by the Comptroller and to deliver the bonds to such purchaser.

Section 8. This ordinance shall be in full force and effect immediately upon its passage and signing by the Mayor.

Passed and adopted by the Common Council of the City of Indianapolis on the-----day of February, 1948.

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Presiding Officer

Attest:

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City Clerk

Presented by me to the Mayor of the City of Indianapolis on the-----day of February, 1948, at the hour of-----o'clock. --- M.

-----  
City Clerk

This ordinance approved and signed by me on the -----day of -----, 1948, at the hour of -----o'clock --- M.

-----  
Mayor

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

INTRODUCTION OF SPECIAL ORDINANCES

By the City Controller:

SPECIAL ORDINANCE NO. 1, 1948

AN ORDINANCE authorizing the Board of Sanitary Commissioners of the City of Indianapolis to appropriate and pay from any available funds of the Department of Public Sanitation, any or all of the certain several additional annual salaries, as now authorized by the Acts of 1947, Chapter 324; and legalizing prior payments thereof.

WHEREAS, the General Assembly of Indiana, by the amendatory Acts of 1947, Chapter 324 and also similar prior acts has prescribed that in any city which owns or operates a sewage disposal plant, or any other utility or utilities, the Common Council shall, by ordinance duly enacted, provide that the Mayor,

City Attorney, City Engineer, City Controller, City Clerk or Clerk-Treasurer and Chairman of the Board of Public Works of such city may receive, from the funds of such sewage disposal plant or other utility or utilities, a compensation in addition to their annual salaries otherwise authorized by law, which additional compensation to each shall not exceed the sum total of One Thousand Two Hundred (\$1,200.00) Dollars per year; and

WHEREAS, the budget of the Department of Public Sanitation, approved in 1947 and effective for the year 1948, has appropriated to its Fund No. 11, Other Statutory Compensation, the sum of Twenty-Four Hundred (\$2400.00) Dollars and said Department then designated on its records that such sum was intended for payments of One Thousand Two Hundred (\$1200.00) Dollars each to the City Controller and Corporation Counsel (who now performs the duties of City Attorney in cities of the first class); and such Board of said Department has by law, at all times, full and exclusive discretionary control over all its funds and the appropriation and expenditure thereof, and so may at any time authorized the aforesaid and also any further such annual payments to any or all of such six officers aforesaid, if funds therefor are available, and as such payments may be otherwise provided for by law.

NOW, THEREFORE, pursuant to the requirement of the aforesaid statute;

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

Section 1. That the aforesaid preamble is hereby incorporated in this section by this reference thereto, and in accordance therewith, the Board of Sanitary Commissioners of said city is hereby authorized, acting in its discretion, to provide for by resolution and to appropriate and pay from any available funds of the sewage disposal plant operated by said Department of Public Sanitation, the aforesaid additional annual salaries of One Thousand Two Hundred (\$1200.00) Dollars each to any or all of such officers, either as so already appropriated by it, or as may be hereafter so appropriated by it, pursuant to all laws at any time applicable thereto; and such annual salary payments and any arrears thereof may be made, when

and as other city salaries are paid, for all of the year 1948, and also for each succeeding year, so long as the statutes so authorize and while this ordinance remains unchanged and in effect.

Section 2. That where any such payments have been heretofore made in any prior years and in good faith to any such officers by said Board, or by any of its predecessors, in the absence of a specific ordinance similarly authorizing the same, or where any such appropriations in any annual budget of said Department were merely approved by inclusion there of in the general annual budget of said city, the same are hereby ratified and legalized.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

There being no further business the President entertained a motion for adjournment. On motion of Mr. Seidensticker the Common Council adjourned at 8:30 P. M. Which motion was seconded by Mr. Bright.

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 2nd day of February, 1948, 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.

*Christian J. Eshardt*

President.

ATTEST:

*Richard G. Stewart*

City Clerk.

(SEAL)





February 2, 1948]

City of Indianapolis, Ind.

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