

## SPECIAL MEETING

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

June 14, 1920.

The Common Council of the City of Indianapolis met in the Council Chamber, June 14, 1920, at 7:30 o'clock p. m., in special session, President G. G. Schmidt in the chair, pursuant to the following call:

*To the Members of the Common Council, Indianapolis, Indiana:*

You are hereby notified that there will be a special meeting of the Common Council held in the Council Chamber on Monday, June 14, 1920, at 7:30 p. m., the purpose of such meeting being to receive communications from the Mayor or City Controller of said City and for further consideration of Appropriation Ordinance No. 12, 1920, and General Ordinances Nos. 49, 50, 53, 55, 56, 58 and 59, 1920.

Respectfully,

G. G. SCHMIDT,  
*President.*

I, George O. Hutsell, Clerk of the Common Council of the City of 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 meeting, pursuant to the rules.

GEORGE O. HUTSELL,  
*City Clerk.*

Which was read.

The Clerk called the roll.

Present: The Hon. G. G. Schmidt, President of the Common Council, and six (6) members, viz.: Messrs. Carnefix, Furniss, Miller, Peake and Willson.

## REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Indiana, June 14, 1920.

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

Gentlemen—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 12, 1920, entitled "An ordinance appropriating the sum of Thirty-five Hundred Dollars (\$3,500.00) to the Department of Public Health and Charities of the City of Indianapolis for the purpose of carrying out the provisions of General Ordinance No. 18, 1918, and fixing a 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.

W. B. PEAKE,  
LEE J. KIRSCH,  
S. A. FURNISS.

Mr. Peake moved that the report of the committee be concurred in. Carried.

From the Committee on Finance:

Indianapolis, Indiana, June 14, 1920.

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

Gentlemen—We, your Committee on Finance, to whom was referred General Ordinance No. 49, 1920, entitled "An ordinance fixing the salary of the bookkeeper in the Controller's office, repealing all ordinances in conflict therewith, and appropriating the sum of One Hundred Five (\$105.00) Dollars, to the Salary Fund of the City Controller's office, under the Department of Finance, and declaring a 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.

W. B. PEAKE,  
RUSSELL WILLSON,  
LEE J. KIRSCH,  
S. A. FURNISS.

Mr. Peake moved that the report of the committee be concurred in. Carried.

From the Committee on Finance:

Indianapolis, Indiana, June 14, 1920.

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

Gentlemen—We, your Committee on Finance, to whom was referred General Ordinance No. 50, 1920, entitled "An ordinance authorizing the City Controller to make a temporary loan of Five Hundred Thousand Dollars (\$500,000.00) for the Department of Public Sanitation in anticipation of a sale of bonds by said department, and payable out of the proceeds of the same, and fixing a 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.

W. B. PEAKE,  
RUSSELL WILLSON,  
LEE J. KIRSCH,  
S. A. FURNISS.

Mr. Peake moved that the report of the committee be concurred in. Carried.

From the Committee on Finance:

Indianapolis, Indiana, June 14, 1920.

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

Gentlemen—We, your Committee on Finance, to whom was referred General Ordinance No. 55, 1920, entitled "An ordinance creating the position of stenographic clerk in the Department of Finance, and providing a time when the ordinance shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

W. B. PEAKE,  
RUSSELL WILLSON,  
LEE J. KIRSCH,  
S. A. FURNISS.

Mr. Peake moved that the report of the committee be concurred in. Carried.

From the Committee on Finance:

Indianapolis, Indiana, June 14, 1920.

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

Gentlemen—We, your Committee on Finance, to whom was referred General Ordinance No. 56, 1920, entitled “An ordinance fixing the salary of the bond clerk under the Department of Public Works, and declaring a 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.

W. B. PEAKE,  
RUSSELL WILLSON,  
LEE J. KIRSCH,  
S. A. FURNISS.

Mr. Peake moved that the report of the committee be concurred in. Carried.

From the Committee on Finance :

Indianapolis, Indiana, June 14, 1920.

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

Gentlemen—We, your Committee on Finance, to whom was referred General Ordinance No. 58, 1920, entitled “An ordinance ratifying, confirming and approving a certain contract made and entered into on the 4th day of June, 1920, by and between the City of Indianapolis, by and through its Board of Public Works, and the Fisher Automobile Company, whereby said city is authorized to purchase from said Fisher Automobile Company one five-ton Model E Packard chassis, one No. 8200 Driver's Cab (curtains front and side), one Model H H 2 All-Steel Round-Corner Body with Model D Horizontal Hydraulic Hoist, one five-ton Packard Power Take-Off Transmission, for the sum of Six Thousand Four Hundred Forty-five Dollars and Ten Cents (\$6,445.10), designating the fund out of which the same shall be paid, and fixing a 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.

W. B. PEAKE,  
RUSSELL WILLSON,  
LEE J. KIRSCH,  
S. A. FURNISS.

Mr. Peake moved that the report of the committee be concurred in. Carried.

From the Committee on Public Safety:

Indianapolis, Indiana, June 14, 1920.

*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. 53, 1920, entitled "An ordinance approving a certain contract granting Jacob Solotken and the Cleveland, Cincinnati, Chicago & St. Louis Railway Company the right to lay and maintain a sidetrack or swith from a point south of Pratt street across the first alley west of Senate avenue, and better described as the ground adjoining the A. B. Meyer Coal Company yards, according to blue print attached, in the City of Indianapolis, Indiana," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

RUSSELL WILLSON, *Chairman.*

W. B. PEAKE,

LOUIS W. CARNEFIX.

Mr. Willson moved that the report of the committee be concurred in. Carried.

From the Committee on City's Welfare:

Indianapolis, Indiana, June 14, 1920.

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

Gentlemen—We, your Committee on City's Welfare, to whom was referred General Ordinance No. 59, 1920, entitled "An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Tenth street from the west property line of Illinois street to the east property line of West street, except crossings of Capitol, Senate, Canal and C., C. & St. L. tracks, by resurfacing the roadway with wooden block, asphalt, bituminous concrete or brick; paving wings of intersecting streets and alleys in a similar manner and to widths shown on plans, as provided for under Improvement Resolution No. 9591, adopted April 26th, 1920," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

LOUIS W. CARNEFIX.

LEE J. KIRSCH,

Mr. Carnefix moved that the report of the committee be concurred in. Carried.

ORDINANCES FOR SECOND READING.

Mr. Peake called for Appropriation Ordinance No. 12, 1920, for second reading. It was read a second time.

Mr. Peake moved that Appropriation Ordinance No. 12, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 12, 1920, was read a third time and failed to pass by the following vote:

Ayes, 4, viz.: Messrs. Furniss, Kirsch, Peake and President G. G. Schmidt.

Noes, 3, viz.: Messrs. Carnefix, Miller and Willson.

Mr. Peake called for General Ordinance No. 49, 1920, for second reading. It was read a second time.

Mr. Peake moved that General Ordinance No. 49, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 49, 1920, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Willson and President G. G. Schmidt.

Mr. Peake moved that General Ordinance No. 50, 1920, for second reading. It was read a second time.

Mr. Peake moved that General Ordinance No. 50, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 50, 1920, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Willson and President G. G. Schmidt.

Mr. Peake called for General Ordinance No. 55, 1920, for second reading. It was read a second time.

Mr. Peake moved that General Ordinance No. 55, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 55, 1920, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Willson and President G. G. Schmidt.

Mr. Peake called for General Ordinance No. 56, 1920, for second reading. It was read a second time.

Mr. Peake moved that General Ordinance No. 56, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 56, 1920, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Willson and President G. G. Schmidt.

Mr. Peake called for General Ordinance No. 58, 1920, for second reading. It was read a second time.

Mr. Peake moved that General Ordinance No. 58, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 58, 1920, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Willson and President G. G. Schmidt.

Mr. Willson called for General Ordinance No. 53, 1920, for second reading. It was read a second time.

Mr. Willson moved that General Ordinance No. 53, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 53, 1920, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Willson and President G. G. Schmidt.

Mr. Carnefix called for General Ordinance No. 59, 1920, for second reading. It was read a second time.

Mr. Carnefix moved that General Ordinance No. 59, 1920, be ordered engrossed, read a third time and placed upon its passage. Carried.



General Ordinance No. 59, 1920, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Carnefix, Furniss, Kirsch, Miller, Peake, Willson and President G. G. Schmidt.

The Clerk read the following letter:

June 12, 1920.

Honorable Samuel Ashby,  
Corporation Counsel,  
Indianapolis, Indiana.

Dear Sir:

On behalf of the Common Council, I would like an opinion from you, in detail, respecting the powers and duties of the Council in connection with the regulation, management, maintenance and control of the city market.

Clause 20 of Section 8655 of the Statutes, which section defines the powers of the Council, reads: "To direct the location and regulate the management of all public markets and market places," etc. Clause 51 reads: "To establish, maintain and regulate pounds, market houses, market places," etc.

On the other hand, Section 8779 of the Statutes, in defining the duties and powers of the Board of Public Safety, provides, among other things: "Such Boards shall have the care, management, supervision and exclusive control of all matters and property relating to, or connected with, market places and the foods sold therein."

The Council desires to know just where its powers and duties leave off, and those of the Safety Board begin; in other words, are these provisions above quoted contradictory, or do they simply mean that the Board of Safety shall conduct the market according to and under the ordinances, rules and laws as enacted by the Council?

To be more specific, has the Common Council the power, by ordinance, to direct what class of merchandise shall be sold in the market, the amount of stand rentals, how many stands, or how much space shall be allotted to each stand holders, hours and days for transacting business, and, in general, to enact such ordinances as it sees fit for the direction of the Board of Safety in its conduct of the market.

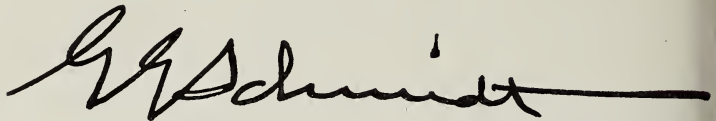
The Council will appreciate an early and comprehensive opinion, covering these points.

G. G. SCHMIDT,

*President of the Common Council.*

On motion of Mr. Willson the letter was ordered spread on the minutes.

On motion of Mr. Carnefix the Common Council at 8:35 o'clock P. M. adjourned.

A handwritten signature in cursive script, appearing to read "G. Schmidt", followed by a long horizontal line extending to the right.

*President.*

Attest:

A handwritten signature in cursive script, appearing to read "J. A. Bell", followed by a long horizontal line extending to the right.

*City Clerk.*