

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, February 5, 1917.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, February 5, 1917, at 7:30 o'clock in regular session, President Michael J. Shea in the chair.

Present: The Hon. Michael J. Shea, President of the Common Council, and 6 members, viz.: Messrs. Barry, Young, McGuff, Miller, Porter and Graham.

Absent, 2, viz.: Messrs. Lee and Connor.

Mr. Porter moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., January 25, 1917.

To the President and Members of the Common Council, Indianapolis, Ind.:

GENTLEMEN—I have approved and signed the following ordinances:

1. Appropriation Ordinance No. 3, 1917, the same being an ordinance entitled, "An ordinance appropriating \$12,397 to the Department of Finance for payment of loan heretofore authorized and fixing a time when the same shall take effect."

2. Appropriation Ordinance No. 4, 1917, the same being an ordinance entitled, "An ordinance appropriating the sum of \$1,900 to the Department of Finance for payment of assessments against property belonging to the State of Indiana."

3. Appropriation Ordinance No. 5, 1917, the same being an ordinance entitled, "An ordinance appropriating \$5,000 to the Department of Public Works for Flood Prevention purposes and fixing a time when the same shall take effect."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., January 31, 1917.

To the President and Members of the Common Council, Indianapolis, Ind.:

GENTLEMEN—I have approved and signed the following ordinances:

1. Appropriation Ordinance No. 1, 1917, the same being an ordinance entitled, "An ordinance appropriating five hundred (\$500) dollars to the Department of Finance to be used for the City Planning Exhibit of the American City Bureau, and fixing a time when the same shall take effect."

2. Appropriation Ordinance No. 2, 1917, the same being an ordinance entitled, "An ordinance appropriating the sum of \$1,800 to the Miscellaneous Expense of the City Offices Fund of the Department of Finance, and fixing a time when the same shall take effect."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

REPORTS FROM CITY OFFICERS.

From the Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., February 5, 1917.

To the Honorable Common Council, City of Indianapolis:

GENTLEMEN—I am directed by the Board of Public Works to submit for your consideration and approval an ordinance approving a certain contract entered into between the City of Indianapolis and the Johnson Excelsior Manufacturing Company, wherein said company is granted the right to lay and maintain an additional siding or switch across Keystone Avenue, as more fully shown in the accompanying blue print, and described at length in such contract.

Very truly yours,

JOSEPH P. TURK,
Clerk, Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Finance:

INDIANAPOLIS, IND., February 5, 1917.

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. 3, 1917, entitled "An ordinance transferring funds

of the Department of Public Works and re-appropriating the same," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

A. D. PORTER,
EDWARD P. BARRY,
FRANK GRAHAM,

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

From the Committee on Finance:

INDIANAPOLIS, IND., February 5, 1917.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred General Ordinance No. 4, 1917, entitled "An ordinance transferring funds of the Department of Public Works and re-appropriating the same," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

A. D. PORTER,
EDWARD P. BARRY,
FRANK GRAHAM,

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

From the Committee on Finance:

INDIANAPOLIS, IND., February 5, 1917.

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

GENTLEMEN—We, your Committee on Finance, to whom was referred General Ordinance No. 5, 1917, entitled "An ordinance transferring funds of the Department of Public Works and re-appropriating the same," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

A. D. PORTER,
EDWARD P. BARRY,
FRANK GRAHAM,

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Mr. Barry:

General Ordinance No. 6, 1917: An ordinance authorizing and providing for the employment of carpenters by the Board of Public Works of the City of Indianapolis, and fixing their salaries, repealing all conflicting ordinances and fixing a time when same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis that the salaries of journeymen carpenters shall be placed at \$4.60 per day and the salary of the foreman shall be \$5.00 per day.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That this ordinance shall take effect May 1, 1917.

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

By the Board of Public Works:

SWITCH CONTRACT.

General Ordinance No. 7, 1917: An ordinance approving a certain contract granting the right to lay and maintain a sidetrack or switch from -----, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: On the 5th day of February, 1917, Johnson Excelsior and Manufacturing Company, a manufacturing corporation of Indiana, filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN—Your petitioner, Johnson Excelsior and Manufacturing Company, respectfully requests permission to lay and maintain an additional siding or switch across Keystone Avenue in said City, to begin at the east line of said avenue and run across it in a southwesterly direction, so that said siding at the center line of said avenue shall be five hundred and eighty-five (585) feet north along said line from the point of the intersection of said line with the center line of Minnesota Street. Said proposed siding shall at the east line of said avenue connect with the Hobart and Mathews siding now crossing said avenue north of the tracks of the Indianapolis Union Railway Company, and shall run to and serve the factory and plant your petitioner is about to construct west of said avenue, and shall be as shown on the plat hereto attached, marked Exhibit "A."

THE JOHNSON EXCELSIOR MFG. CO.

CAROLINE JOHNSON, President.

NOW, THEREFORE, This agreement, made and entered into this 5th day of February, 1917, by and between Johnson Excelsior and Manufacturing Company, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH, That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from the east to the west line of Keystone Avenue, north of the Belt Railroad, in the City of Indianapolis, which is more specifically described as follows:

A single track spurring from the Hobart and Mathews siding at about the point where said siding crosses the east line of Keystone Avenue, which track crosses said avenue in a southwesterly direction, and so that at the center line of said avenue said track is five hundred and eighty-five (585) feet north along said center line from the intersection of said center line with the center line of Minnesota Street; hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinances passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects-----
-----, shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said Board, as hereinbefore set forth.

Said party of the second part by virtue of 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 in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across-----
in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 5th day of February, 1917.

THE JOHNSON EXCELSIOR MFG. CO.

CAROLINE JOHNSON, President.

Party of the First Part.

Witness:

CITY OF INDIANAPOLIS.

By J. A. RINK, President.

E. L. ZIEGLER,

GEO. B. GASTON,

Board of Public Works.

Party of the Second Part.

AND, WHEREAS, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

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

By Mr. McGuff:

General Ordinance No. 8, 1917: An ordinance to prohibit the use of any building, located within twenty-five feet of any dwelling-house, for stabling horses, cows and other animals, and to prohibit the stabling

of any horses, cows and other animals within twenty-five feet of any dwelling-house within the corporate limits of the City of Indianapolis.

STABLING ANIMALS.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that it shall be unlawful for any person to keep, stable, shelter or enclose any horse, mare, colt, mule, jack, jenny, bull, bullock, heifer, calf, colt, sheep, hogs or swine of any kind, geese or ducks, within twenty-five feet of any dwelling-house in this city or in any building located within twenty-five feet of any such dwelling-house.

PENALTY.

SECTION 2. Any person who shall violate any of the provisions of Section 1 of this ordinance shall, upon conviction, be fined in any sum not less than one dollar nor more than ten dollars, and every day that any such animal or animals shall be kept, stabled, sheltered or enclosed, in violation of said Section 1, shall be deemed a separate violation thereof.

PUBLICATION.

SECTION 3. This ordinance shall be in force from and after its passage and publication once every week for two consecutive weeks in The Indianapolis Commercial, a newspaper of general circulation in said city.

ED. MCGUFF,
By request.

Which was read a first time and referred to the Committee on Law and Judiciary.

By President Shea:

General Ordinance No. 9, 1917: An ordinance amending Subdivision 1 of Rule 2, of the Rules for Procedure of the Common Council of Indianapolis, as established by General Ordinance No. 2, 1914.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That Subdivision 1 of Rule 2 as set forth in the Rules of Procedure for the Common Council, embodied in General Ordinance No. 2, 1914, be amended to read as follows:

SUBDIVISION 1 OF RULE 2.

1. Ordinances shall be of three distinct classes, viz.: First, appropriation ordinances; second, special ordinances relating to special matters; third, general ordinances in distinct files according to the number of their readings, and shall give each ordinance of each class a distinct number in the order of its introduction, and shall place such files on the Clerk's desk at the opening of each meeting.

All ordinances shall be read three times before they may be put to vote upon passage, unless these rules shall be suspended, but no ordinance shall be put upon its passage without having been read in its entirety at least once by the Clerk, nor shall any ordinance or resolution be passed upon the same day it is introduced, except by unanimous consent of the Common Council: Provided, that in any case where the ordinance has been

submitted to and considered by the committee of the whole, the rules may be suspended and such ordinance placed upon its passage after reading the same once by title only.

SECTION 2. This ordinance shall be in force from and after its passage.

Which was read a first time and referred to the Committee on Law and Judiciary.

By Mr. McGuff:

Special Ordinance No. 1, 1917: An ordinance fixing the name of a certain street in the City of Indianapolis and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the alley running north and south between New Jersey Street and Central Avenue from Nineteenth Street to Fall Creek be and the same is hereby named and shall be known as Peck Street.

SECTION 2. This ordinance shall take effect and be in full force from and after its passage.

ED. MCGUFF,
By request.

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

INTRODUCTION OF MISCELLANEOUS BUSINESS.

By President Shea:

Resolution No. 1, 1917:

Be it resolved by the Common Council of the City of Indianapolis, That notice is hereby given that at the next regular meeting of the Common Council, which will be held on February 19, 1917, a vote will be taken on General Ordinance No. 9, 1917, relating to an amendment of Subdivision 1 of Rule 2 as set forth in General Ordinance No. 2, 1914, approved January 6, 1914, establishing the rules of procedure for the Common Council.

Which was read a first time.

Mr. Barry moved that the rules be suspended and Resolution No. 1, 1917, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 7, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Graham and President Michael J. Shea.

Noes, none.

Mr. Barry moved that Resolution No. 1, 1917, be adopted.

The roll was called and Resolution No. 1, 1917, was adopted by the following vote:

Ayes, 7, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Graham and President Michael J. Shea.

Noes, none.

ORDINANCES ON SECOND READING.

Mr. Porter called for General Ordinance No. 3, 1917, for second reading. It was read a second time.

Mr. Porter moved that General Ordinance No. 3, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 3, 1917, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Graham and President Michael J. Shea.

Noes, none.

Mr. Porter called for General Ordinance No. 4, 1917, for second reading. It was read a second time.

Mr. Porter moved that General Ordinance No. 4, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 4, 1917, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Graham and President Michael J. Shea.

Noes, none.

Mr. Porter called for General Ordinance No. 5, 1917, for second reading. It was read a second time.

Mr. Porter moved that General Ordinance No. 5, 1917, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 5, 1917, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Barry, Young, McGuff, Miller, Porter, Graham and President Michael J. Shea.

Noes, none.

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

Michael J. Shea
.....
President.

ATTEST:

Thomas A. Riley
.....
City Clerk.