

**CITY—COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, October 9, 1978**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, convened in the Council Chambers of the City-County Building at 7:11 p.m., Monday, October 9, 1978. President SerVaas in the chair. Councilman Paul Cantwell opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

President SerVaas instructed the Clerk to take the roll. Twenty-eight members being present, he announced a quorum.

PRESENT: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

ABSENT: Mr. Bayt.

CORRECTION OF JOURNAL

The Chair called for additions or corrections to the Journal of September 11, 1978. There being no additions or corrections, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

The Chair called for reading of Official Communications. The Clerk read the following:

**TO THE MEMBERS OF THE CITY—COUNTY COUNCIL OF THE CITY OF
INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

You are hereby notified that there will be a REGULAR MEETING of the City-County Council held in the City-County Building, in the Council Chambers, on Monday, October 9, 1978, at 7:00 p.m., the purpose of such meeting being to conduct any and all business that may properly come before the regular meeting of the Council.

Respectfully,

**Beurt SerVaas, President
City-County Council**

September 26, 1978

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis COMMERCIAL and the Indianapolis NEWS on September 28, 1978 and October 5, 1978, a NOTICE OF PUBLIC HEARING ON ZONING on Proposal No. 413, 1978, for a Public Hearing to be held on Monday, October 9, 1978, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

September 27, 1978

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 105, 1978, amending the CITY-COUNTY ANNUAL BUDGET FOR 1978 to reclassify the salaries and number of employees of the Lawrence Township Assessor.

FISCAL ORDINANCE NO. 106, 1978, amending the CITY-COUNTY ANNUAL BUDGET FOR 1978 transferring and appropriating eighty-six thousand dollars in the Park General Fund for purpose of the Administration Division of the Parks and Recreation Department and reducing certain other appropriations for that division.

GENERAL ORDINANCE NO. 91, 1978, altering prima facie speed limits on a certain section of West 16th Street and Connarroe Road.

GENERAL ORDINANCE NO. 92, 1978, amending Chapter 17 of Article XIX of the "Code of Indianapolis and Marion County" to delete certain provisions and add new provisions pertaining to inspections of taximeters by the city controller and weights and measures inspector.

GENERAL ORDINANCE NO. 93, 1978, amending the "Code of Indianapolis and Marion County," repealing licensing requirements for dealers in coal, coke and other solid fuels; street action photographers; lumber and millwork dealers; and, vault cleaners.

GENERAL ORDINANCE NO. 94, 1978, amending Article III, Chapter 2 of the "Code of Indianapolis and Marion County," by adding a new Section 2-145, creating a division of internal audit.

GENERAL ORDINANCE NO. 95, 1978, amending Article I, Chapter 6 of the "Code of Indianapolis and Marion County," by adding a new Section 6-38, providing dog and/or cat curbing regulations.

GENERAL ORDINANCE NO. 96, 1978, amending the "Code of Indianapolis and Marion County," by amending Section 27-12 to provide for a sewer connecting permit fee.

GENERAL RESOLUTION NO. 9, 1978, approving certain amendments to the 1978 calendar year budget of the Capital Improvements Board of Marion County.

GENERAL RESOLUTION NO. 10, 1978, approving the issuance of Metropolitan Thoroughfare District Bonds in the amount of five million seven hundred thousand dollars.

Respectfully submitted,

s/William H. Hudnut, III

September 28, 1978

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis COMMERCIAL and the Indianapolis NEWS on October 2, 1978 and October 9, 1978, a copy of City-County GENERAL ORDINANCE NO. 95, 1978.

Respectfully,

s/Beverly S. Rippey
City Clerk

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 423, 1978. Councilman Howard introduced and read this proposal commending President Carter for his efforts in promoting peace in the Middle East during the Camp David Summit. Mr. West then moved, seconded by Mr. Howard, to amend this proposal in the second "Whereas" clause by deleting the word "ensure" and substituting the word "initiate"; and in Section 1 by deleting the words "which might result in peace" and substituting the words "offering new confidence for peace". The motion carried by unanimous voice vote. During discussion, Mr. Tintera stated his opposition to the proposal on the basis that it did not concern the business of Indianapolis. Mr. Miller expressed his opinion that international affairs have an effect on the citizens. Proposal No. 423, 1978, As Amended, was then adopted by voice vote, retitled SPECIAL RESOLUTION NO. 17, 1978, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 17, 1978

A SPECIAL RESOLUTION commending President Carter.

WHEREAS, the President of the United States has long demonstrated his interest in peace in the Middle East and throughout the world; and

WHEREAS, President Carter recently concluded the "Camp David Summit" with President Anwar Sadat of Egypt and Prime Minister Menachem Begin of Israel, resulting in various agreements to initiate the formulations and executions of a peace treaty; now, therefore:

**BE IT RESOLVED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The City-County Council, on behalf of its members and for the citizens of Indianapolis and Marion County, commends President Jimmy Carter for a successful summit offering new confidence for peace in the Middle East.

SECTION 2. The Mayor of the City of Indianapolis is invited to join in the expression of this resolution by affixing his signature hereto.

SECTION 3. The Clerk of the Council is hereby instructed to suitably inscribe a copy of this resolution for delivery to President Jimmy Carter.

PROPOSAL NO. 431, 1978. Mr. Clark introduced this proposal authorizing the Mayor and other city officials to appeal to the State Board of Tax Commissioners the action of the County Board of Tax Adjustment. In response to questions from councilmen, Mr. Robert Elrod, General Counsel, stated that it was necessary to pass this proposal today because state law only provides ten days to appeal the action of the County Board of Tax Adjustment. Changes by the County Tax Board included removing \$10,000 from the City-County Council budget and \$9,000 from City Legal's budget, and redistributing the money to the budgets of the Human Rights Commission and the Marion County Association of Retarded Citizens. Mr. SerVaas stated that as a former member of the County Board of Tax Adjustment, the Board may only cut budgets, not raise them. Following discussion during which Mr. Cantwell voiced his opposition to the passage of this proposal, Proposal No. 431, 1978, was adopted on the following roll call vote; viz:

19 AYES: *Mr. Anderson, Mrs. Brinkman, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, and Mr. West.*

9 NOES: *Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Vollmer and Mr. Walters.*

Proposal No. 431, 1978, was retitled COUNCIL RESOLUTION NO. 16, 1978, and reads as follows:

CITY—COUNTY COUNCIL RESOLUTION NO. 16, 1978

A COUNCIL RESOLUTION authorizing the appropriate officers of the City of Indianapolis to appeal to the State Board of Tax Commissioners for an increase in the tax rate and levy as fixed by the County Board of Tax Adjustment and for an approval of a tax rate and levy sufficient to fund certain appropriations as originally submitted to the Marion County Board of Tax Adjustment.

WHEREAS, on September 29, 1978, the Marion County Board of Tax Adjustment modified and reduced the budget of the City of Indianapolis for the calendar year 1979; and

WHEREAS, unless the tax rate and levy are increased to provide funding for the budgets as submitted to the Marion County Board of Tax Adjustment, the City and those agencies whose budget is approved by the City-County Council will have insufficient funds to carry out their governmental functions during the calendar year 1979; and

WHEREAS, the City may appeal to the State Board of Tax Commissioners the decision of the County Board of Tax Adjustment by filing a statement of objections with the State Board of Tax Commissioners within ten days after publication by the County Board of Tax Adjusters of the notice of tax rates; and

WHEREAS, the City-County Council must authorize the filing of the statement of objections by adopting a resolution; now, therefore:

**BE IT RESOLVED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Mayor of the City and the President of the City-County Council are hereby authorized to prepare and file a statement of objections with the State Board of Tax Commissioners, thereby appealing for an increase in the tax rate and levy relevant to all budgets adopted or approved by the City-County Council in a manner which is sufficient to fund those budgets as originally submitted to the Marion County Board of Tax Adjustment.

SECTION 2. The Mayor of the City and the President of the City-County Council are hereby authorized to prepare and file a statement of objections with the State Board of Tax Commissioners, thereby appealing for a reestablishment of all budgets adopted or approved by the City-County Council as originally submitted to the Marion County Board of Tax Adjustment.

SECTION 3. The Mayor of the City and the President of the City-County Council are hereby authorized to execute such documents and furnish such information as may be necessary or proper to initiate and prosecute the appeal authorized by this ordinance.

PROPOSAL NO. 435, 1978. Councilman Howard introduced and read this proposal commending the Tuskegee Alumni Association for its service to the Tuskegee Institute. Mr. Howard also announced that Mr. John Ford, Mayor of Tuskegee, Alabama, will be visiting Indianapolis on October 21st, the 100th anniversary of the Institute. He then moved, seconded by Mrs. Chambers, its adoption. The motion carried by unanimous voice vote. Proposal No. 435, 1978, was retitled SPECIAL RESOLUTION NO. 18, 1978, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 18, 1978

WHEREAS, Tuskegee Institute will celebrate its 100th anniversary on October 21, 1978; and

WHEREAS, the Tuskegee Indianapolis Alumni Association will celebrate this occasion by bringing to the City the Honorable John Ford, Mayor of the City of Tuskegee, Alabama, in an effort to raise much needed scholarship funds; now, therefore:

**BE IT RESOLVED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. That the Indianapolis, Marion County, City-County Council on behalf of the City of Indianapolis commends the Tuskegee Alumni Association for its continued service to Tuskegee Institute.

SECTION 2. The Mayor of Indianapolis is invited to join in the expression of this resolution by affixing his signature hereto.

PROPOSAL NO. 375, 1978. Councilman Howard moved, seconded by Mr. Hawkins, to advance Proposal No. 375, 1978, on the agenda so that it could be heard by the Committee of the Whole. He then explained that he had received a

letter, which had been reproduced for all council members, from Mr. Daniel Karnowsky, stating that the pari-mutuel wagering issue could be added to the November 7 ballot as referendum if submitted on October 10. Mr. SerVaas commented that the constitutionality of pari-mutuel wagering was now before the Indiana Supreme Court, and that no action should be taken until a decision is handed down from the Court. Mr. West also pointed out that since absentee balloting has already begun, some citizens would be denied the right to vote on the issue. Mr. Clark said that it would be possible to have the question on the primary ballot. Following discussion, the motion to advance Proposal No. 375, 1978, on the agenda, failed on the following roll call vote; viz:

8 AYES: Mr. Campbell, Mr. Cantwell, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Vollmer and Mr. Walters.

19 NOES: Mr. Anderson, Mrs. Brinkman, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, and Mr. West.

1 NOT VOTING: Mr. Boyd.

PROPOSAL NO. 421, 1978. Consent was given to hear this proposal under Special Orders – Final Adoption.

INTRODUCTION OF GUESTS

Councilman Durnil introduced Mr. Charles Hawkins of the 18th ward.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 419, 1978. Introduced by Councilman Miller. The Clerk read the proposal entitled: "A Proposal for A Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional one million six hundred ten thousand dollars (\$1,610,000) in the Manpower Federal Programs Fund for purposes of the Employment and Training Division, Department of Administration, and reducing certain other appropriations for that division and reducing the unappropriated and unencumbered balance in the Manpower Federal Programs Fund;" and the President referred it to the Administration Committee.

PROPOSAL NO. 420, 1978. Introduced by Councilman Tintera. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance authorizing the City of Indianapolis to issue its "Industrial Development Revenue Bonds (Consolidated

Freightways Corporation of Delaware Project), Series A” in the principal amount of one million dollars (\$1,000,000) and approving and authorizing other actions in respect thereto;” and the President referred it to the Economic Development Committee.

PROPOSAL NO. 421, 1978. Introduced by Councilman McGrath. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) transferring and appropriating five hundred twenty-five thousand one hundred dollars (\$525,100) in the Transportation General Fund (Motor Vehicle Highway Tax) for purposes of the snow control program, Department of Transportation, and reducing certain other appropriations for that department;” and the President referred it to the Transportation Committee.

PROPOSAL NO. 422, 1978. Introduced by Councilman McGrath. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional five hundred sixty-five thousand eight hundred fifty-five dollars and eighty cents(\$565,855.80) in the Cumulative Bridge Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Cumulative Bridge Fund;” and the President referred it to the Transportation Committee.

PROPOSAL NOS. 424 – 430, 1978. Introduced by Mr. Durnil. The Clerk read the proposals entitled: “Proposals for Rezoning Ordinances certified from the Metropolitan Plan Commission on October 5, 1978;” and the President referred them to the Committee of the Whole to be heard under Special Orders – Final Adoption.

PROPOSAL NO. 432, 1978. Mr. Dowden moved, seconded by Mr. Tintera, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that the Rules of the Council on preparation, initiation, and introduction of proposals be suspended and the attached material be introduced as Proposal No. 432, 1978, although not timely submitted under the Rules.

s/William A. Dowden

The motion carried by unanimous voice vote. The Clerk then read the proposal entitled: “A Proposal for a Fiscal Ordinance amending the City-County Annual

Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional thirty-seven thousand dollars (\$37,000) in the Marion County Welfare Fund for purposes of the Marion County Children's Guardian Home and reducing the unappropriated and unencumbered balance in the Marion County Welfare Fund;" and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 433, 1978. Mr. McGrath moved, seconded by Mr. Tintera, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move that the Rules of the Council on preparation, initiation, and introduction of proposals be suspended and the attached material be introduced as Proposal No. 433, 1978, without being in proper form.

s/David P. McGrath

Consent was given. The Clerk then read the proposal entitled: "A Proposal for a General Ordinance establishing priorities and methods to effectuate and facilitate the efficient removal of snow and ice from public roads in all areas in the service district of the Department of Transportation of the Consolidated City of Indianapolis [Amends Code Section 29-316 through Section 29-320];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 434, 1978. Mrs. Chambers moved, seconded by Mrs. Journey, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move that the Rules of the Council on preparation, initiation, and introduction of proposals be suspended and the attached material be introduced and Proposal No. 434, 1978, without being in proper form.

s/Paula Chambers

Mrs. Chambers explained at the request of Mr. Schneider that the resolution must be submitted to the Department of Housing and Urban Development by November 1, 1978, which necessitates its introduction at this time. Consent was given. The Clerk then read the proposal entitled: "A Proposal for A General Resolution authorizing the City of Indianapolis to participate in the Community Development Programs and receive grants therefor as provided in the Housing and Community Development Act of 1974 as amended and designating and authorizing the Mayor as the appropriate officer of the City of Indianapolis to make application under said federal statute;" and the President referred it to the Metropolitan Development Committee.

SPECIAL ORDERS – PUBLIC HEARING

PROPOSAL NO. 413, 1978. Mr. Gilmer requested consent to waive the time limit on the Council's hearing of rezoning ordinances and hear this proposal in thirty days. This is the desire of the petitioner. There are no demonstrators. After General Counsel, Robert G. Elrod, confirmed the ability of the Council to do so and be statutorily correct, consent was given.

SPECIAL ORDERS – UNFINISHED BUSINESS

PROPOSAL NO. 391, 1978. Mr. McGrath reported that this proposal appropriating \$2,108 to the Parking Meter Fund from miscellaneous revenues of the Indianapolis Police Department would be heard in committee on October 18.

PROPOSAL NO. 365, 1978. Mr. Miller stated that this proposal was tabled at the Council meeting of September 25 in order to provide Council members with time to examine the committee recommendations version. He then rescinded the amendments he proposed at the September 25th meeting and moved, seconded by Mr. Kimbell, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 365, 1978, by inserting the version entitled "Committee Recommendations" in lieu of the introduced version.

I move to amend Proposal No. 365, 1978, Committee Recommendations, as follows:

1. Page 2, line 41, insert the word "or" after "basis".
2. Page 4, section 6, line 14, strike "accuing" and insert in lieu thereof the word "accruing".
3. Page 4, section 6, line 20, strike the word "Director" and insert in lieu thereof the word "Administrator".
4. Page 6, section 10, line 16, after the word "years", strike the word "and" and insert in lieu thereof the word "with".
5. Page 7, section 12, line 7, after "exceed", strike "ten (10)".
6. Page 8, section 16, line 1, after repeal, strike the word "of" and insert in lieu thereof the word "or".

s/Donald W. Miller

The amendments were adopted by unanimous voice vote. Mr. Tinder then explained, and Mr. Voilmer concurred, that the mandatory retirement age was not necessary. After several unsuccessful attempts to amend the proposal on the floor by deleting the mandatory retirement age, Mr. Patterson moved, seconded by Mr. Tinder, to remove Section 15 from the proposal and send it to committee, and consider the remainder of the proposal for adoption. The motion carried by unanimous voice vote. Proposal No. 365, 1978, As Amended, was then adopted on the following roll call vote; viz:

27 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

1 NOT VOTING: Mr. Howard.

Proposal No. 365, 1978, As Amended, was retitled GENERAL ORDINANCE NO. 97, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 97, 1978

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County" by modifying various provisions dealing with personnel.

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 23-1 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

Compensatory leave shall mean time off from regular hours of work which is granted for work performed or time served beyond the time constituting the normal workweek as determined at the discretion of the city or county offices, department, division, bureau or commission involved.

Court Jury Duty leave shall mean time off granted an employee who is summoned for jury duty or as a witness in an action in any court, provided however, no employee shall receive compensation in a proceeding in which such employee is a party or has an interest.

Employee shall mean and include all city and county employees, except policemen-officers, firemen-fighters, sheriff's deputies and any appointive or elective officers of the city or county, or their immediate subordinates whose duties and status are those of an officer.

Full-time employee shall mean an employee who is employed on a year-round basis and works the full regularly scheduled workweek of the office in which such employee works.

Holiday shall mean those days defined as such by the statutes of the state as they pertain to municipal and county government, or otherwise as officially declared by the mayor.

Leave day shall mean a work day when taken, but for computation purposes in this chapter, shall consist of eight (8) hour leave hours without regard to the actual length of the workday.

Leave without pay shall mean time off granted an employee for which time pay is not authorized or granted.

Military leave shall mean time off without pay granted to an employee who is a member of the Indiana National Guard or of the various reserve forces of the army, navy, marines, coast guard, air force or other forces of the United States, when such member is called to active duty therein or in an emergency, in compliance with all acts of congress relating to military service, reservists and rights of veterans and time off with pay, as limited herein.

Part-time employee shall mean an employee who is employed on a year-round basis, but for less than the average workweek of the office in which such employee works.

Sick leave shall mean time off granted an employee whose illness, injury or disability prevents him from working. If such illness, injury or disability is covered and compensated under the workman's compensation laws, the employee shall not be entitled to sick leave compensation only to the extent that the workman's compensation is less than the regular daily pay of the employee.

~~Supervisor shall mean only those individuals in authority in any office who have been authorized by the officer at its head to carry out the respective policies of the office in matters subject to this chapter, and may include any such officer who acts therein for himself, unless the context provides otherwise.~~

Supervisor means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

Temporary or seasonal employee shall mean an employee who is employed on less than year-round basis or for a limited period of time.

Vacation leave shall mean paid time off granted for annual vacation or for other personal reasons ~~which are not included in any other leave category defined in this section.~~

SECTION 2. Sec. 23-3 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-3. Personnel manual; promulgation of rules and regulations.

The director of administration is specifically authorized and directed to ~~prepare and publish~~ promulgate employee manuals and other regulations to advise employees of personnel procedures, provided such actions are not inconsistent with the provisions of this chapter.

SECTION 3. Sec. 23-24(c) of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-24(c). The mayor department head or any elected county official shall have the authority to authorize any officer or office to extend the maximum leaves of absence prescribed in this article, for certain specific individuals or classes of employees, when the nature of the work and normal employment practices make such action advisable for health reasons or other grounds deemed reasonable by him to justify any exemptions.

SECTION 4. Sec. 23-25 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-25. Leave allowances generally.

Leave allowances shall be as indicated in the categories set out in this article. All leave periods are for the total time in any calendar year. ~~It is recommended that vacation leave be taken for not less than five (5) consecutive workdays or forty (40) work hours.~~ Any employee transferring between city and county offices and departments covered by this chapter shall be considered to be in continued employment for leave purposes and such transfer shall not affect the employee's status as to accrued leave or eligibility for leave.

SECTION 5. Sec. 23-26 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-26. Vacation leave.

(a) Accrual:

- (1) Employees with less than a total of ten (10) years' employment shall receive ten (10) vacation days; the vacation leave shall accrue monthly at the rate of five-sixths of one leave day per month.
- (2) Employees with a total of ten (10) years' employment but less than twenty (20) years' employment shall receive fifteen (15) vacation leave days, which shall accrue monthly at the rate of one and one-quarter (1 1/4) leave days per month.
- (3) Employees with a total of twenty (20) or more years' employment shall receive twenty (20) vacation leave days, which shall accrue at the rate of one and two-thirds (1 2/3) leave days per month.

(b) Conversion to work hours and week. One full day's absence shall be considered eight (8) leave (work) hours in all cases. Vacation leave taken for five (5) or more consecutive working days shall be charged at the rate of five (5) leave days per calendar week, without regard to the length of the workweek in the particular department.

(c) Persons ineligible for leave. In the first year of service, no employee shall take any vacation leave until after six (6) months of continuous employment.

~~(d) Unaccrued vacation leave. Requests for unaccrued vacation leave must be made in writing to the department or division head or officeholder.~~

~~(e-d)~~ Vacation dates. An employee may select request the dates of his individual vacation leave, subject to the approval of the supervisor based on work needs of the office, department or division; but the final right to allocate vacation leave shall rest with office, department, division, bureau or commission involved in order to preserve efficiency and provide the necessary service.

~~(f-e)~~ Part-time employees. Part-time employees are entitled to leave; however, leave pay for these employees shall not exceed the rate of their average weekly or monthly salary during the previous six (6) months of employment.

~~(g-f)~~ When vacation leave does not accrue. No vacation leave shall accrue while an employee is on status of leave without pay. No temporary or seasonal employee is eligible to accrue vacation leave or pay.

~~(h-g)~~ Maximum accrual. Vacation leave may not be accrued beyond a maximum of thirty (30) leave days or two hundred forty leave hours. Vacation leave shall be taken within the calendar year in which it is accrued; however, at the discretion of the official, up to one-half year's a maximum of eighty (80) hours earned vacation leave may be carried over from one calendar year to the next calendar year. Provided such officials retain the right to schedule such carry-over vacation leave at their discretion in order to maintain the efficiency of the operation involved.

SECTION 6. Sec. 23-27 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-27. Sick leave.

(a) Accrual. ~~All employees shall be entitled to twelve (12) days ninety-six (96) hours of sick leave per year. Sick leave~~ Full time employees shall accrue sick leave at the rate of one day per month without limit up to a maximum of twelve (12) days (ninety-six (96) hours) per year. Part-time employees shall accrue sick leave on a pro rata basis (based on the percentage of the normal workweek which they work). Temporary or seasonal employees shall not accrue sick leave.

(b) Unearned leave. Sick leave cannot be used prior to accrual.

(c) Justification. The burden of proof rests with the employee to convince his supervisor that sick leave is justifiable. The supervisor may ~~demand~~ require a medical certificate or other evidence of illness ~~as requested.~~

(d) Malingering. In case of malingering, the supervisor may designate such leave as vacation leave or leave without pay or as grounds for dismissal.

(e) Conversion. Any employee accruing eighteen (18) days of sick leave subsequent to July 1, 1973, shall be eligible to accrue excess accumulated sick leave. ~~With respect to such excess accumulated sick leave,~~ The employee may convert such excess accumulated sick leave to vacation leave at a rate of one vacation day for two (2) days of excess accumulated sick leave. If the employee wishes to make such conversion, he or she must file a written request with the director of the department of administration by January first or July first of each year. If such employee wishes to make such an election, he/she must file a written request with the Personnel Administrator by December 15th or June 15th of each year.

Such leave which is converted to vacation leave, shall be deducted from the sick leave accumulation of such employee. Accrued sick leave of an employee must be verified by either the director of administration for city employees, or the county auditor for county employees.

(f) Separation of Employment. Upon separation from employment by reason of death, permanent disability as defined by the Social Security Act, or retirement under circumstances such that the employee would be eligible for retirement benefits under social security or any other plan in effect by the employer, any employee with more than one year of employment from the last date of hire will be entitled to compensation for accrued accumulated sick leave at one-half his or her regular daily rate of compensation.

SECTION 7. Sec. 23-28 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-28. Military leave.

Time off without pay shall be granted to employees in compliance with acts of congress relating to military service, reservists and the rights of veterans.

In addition, all employees who are members of the Indiana National Guard or of the reserve components of the army, navy, marines, coast guard, air force or other armed forces of the United States, or who are subject to and are called upon for any military or war duties under the provisions of any state or federal statute, shall be entitled to a leave of absence from their respective government duties for any periods of time they are so called for and are engaged in any active duties. The first ~~fifteen (15)~~ ten (10) working days (eighty hours) of military leave shall be without loss of time or regular pay. ~~Persons who are called to active duty shall be entitled to resume their employment after the active duty period shall have ended.~~

SECTION 8. Sec. 23-39 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

~~Sec. 23-29.~~ Court Jury Duty leave.

~~Time off with regular pay shall be granted an employee who is summoned for jury duty or as a witness in an action in any court, provided, however, no employee shall receive compensation in any proceeding in which that employee is a party or has an interest, except in the case of that employee being the victim in a criminal proceeding. Any jury duty or witness fee so received shall be paid to the controller or county auditor, as the case may be, by the employee and be deposited in the general fund of the city or county.~~

SECTION 9. Sec. 23-30 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

~~Sec. 23-30.~~ Leave without pay.

~~Time off may be granted to an employee for any services for which pay is not authorized. This leave may be authorized when the supervisor has determined that no other leave is relevant to the purpose of or is sufficient for the length of the desired leave. A maximum of ninety (90) days shall be allowed in any one calendar year, except in cases where employees are called to active duty with any of the armed forces as provided in this article for military leave.~~

Sec. 23-30. Unpaid leaves of absence.

(a) Employees may be granted a leave of absence without pay, provided a written application is submitted for approval and provided further that such leave does not interfere with the efficient operation of the office, department, division, bureau or commission.

An employee desiring a leave of absence shall make written application to the appropriate administrative official and receive written approval from such official before the commencement of the requested leave. The application approval shall state the dates for which leave is requested and granted, and the reasons therefor.

(b) An employee who becomes temporarily disabled and as a result will be unable to work at full capacity for an extended period of time may receive, upon written request and physician's confirmation of disability, an unpaid temporary disability leave of absence. Such temporary disability leave shall include leaves by reason of pregnancy and females shall be accorded a pregnancy leave in a manner consistent with leave extended because of other temporary disabilities.

Except as hereinafter provided with respect to pregnancy leaves, such temporary disability leaves shall not exceed ninety (90) calendar days.

Employees may be granted a maternity leave of absence without pay. Such leave shall normally be taken by the employee beginning at a time when, for medical reasons, the employee's doctor determines that the employee should no longer work. The employee agrees to present a doctor's statement that employment is or is not medically approved. The employee must give her department head a report of her medical condition every thirty (30) days and at least two (2) weeks' advance notice of the date she intends to return to work. Such employee will be returned to her regular job, if available; if not available, then to another comparable job which may be available. The employee must return to work within the period of time recommended by the physician, not to exceed two (2) months after the termination of the pregnancy; provided, however, that for good and sufficient medical cause, the date of return may be extended, provided such is prescribed by the physician.

(c) Temporary disability leave shall commence only after all vacation, sick leave or other accumulated leaves have been exhausted.

(d) During a period of any leave, the employee's position may be filled. The employee will be returned to his former position, if available; if not available, then to another comparable job which may be available.

(e) Violation of the terms of any leave of absence may be grounds for dismissal.

SECTION 10. Sec. 23-32 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-32. Holidays.

(a) The following are designated as city holidays; namely

- New Years Day (January 1)
- Martin Luther King Day (January 15)
- Presidents Day (3rd Monday of February)
- Good Friday (Friday preceding Easter)
- Memorial Day (last Monday of May)
- Independence Day (July 4th)
- Labor Day (1st Monday of September)
- Thanksgiving Day (4th Thursday of November)
- Friday after Thanksgiving Day
- Christmas Day (December 25th)
- Primary Election Day and
- General Election Day in years with state and municipal elections

and all employees shall receive full pay for such days. Employees who are in functions which must necessarily be continued on holidays shall receive compensatory leave or overtime for work on holidays as determined by the competent authority of each office.

~~(e) Hourly workers shall be paid for holiday time and shall be paid also straight time in addition to holiday time for any and all time authorized for work on a holiday, if the employee works a regular workday before and after the holiday.~~

(b) Days celebrated as holidays. When any of these holidays occurs on Sunday, the Monday succeeding shall be designated as the legal holiday. For employees who are employed in functions which must necessarily be continued at all times, a policy of compensatory leave or overtime for work on holidays shall be determined by the competent authority of each office in cooperation with the director of the department of administration. When any holiday occurs on Saturday, the Friday preceding shall be designated as the legal holiday.

(c) Holiday pay for unworked holiday. Eligible hourly workers shall receive holiday pay at the employee's regular straight time rate for each of the designated holidays.

(d) Pay for working on a holiday. Eligible employees shall be paid straight time in addition to holiday pay for any and all time authorized for work on the day designated as the holiday or compensatory time off as the case may be.

(e) Eligibility. To be eligible the employee must work the full scheduled workday before and the full scheduled workday following the holiday unless the employee is on a paid leave of absence. There shall be no duplication or pyramiding of holiday pay for holidays falling on Saturday or Sunday but which are observed on other days.

(f) Failure to report for scheduled work. Any employee scheduled to work on a day designated as a holiday, who fails to report for work or absents himself or herself for that day, shall not be eligible for holiday pay or compensatory time off as the case may be.

SECTION 11. Sec. 23-33 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-33. Death leave.

~~Upon the death of a member of the immediate family, that is, a spouse, mother, father, son, daughter, brother, sister, an employee shall be entitled to receive a maximum of four (4) working days off with pay. Such days must be charged against either sick leave or vacation leave accrued and unused at the end of the calendar year; exceptions to this may be granted only by the mayor or a county officer, as the case may be.~~

Upon the death of a member of the immediate family, i.e., spouse, mother, father, son, daughter, brother, sister, an employee will receive a maximum of three (3) working days leave with pay. The director of the department has discretion to grant three days for leave to be charged against earned vacation or sick time for a death of someone other than those listed above. Documentation of the appropriate circumstances may be required of the employee, i.e., death certificate or article.

Additional time off without pay may be granted at the discretion of the city or county offices, department, division, bureau or commission.

SECTION 12. Sec. 23-34 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-34. Temporary and occupational leaves.

The head of any office may approve temporary leaves and occasional leaves, with pay, to permit employees to attend conventions, short training sessions, to observe operations in other cities or counties deemed beneficial to government, or for other purposes approved by such officer. Leaves for these purposes shall be granted in addition to other leave benefits listed in this chapter, but shall not be granted to exceed five (5) additional leave days in any calendar year. The mayor or county officer may grant such leaves, with pay, to any employee in any instance and for any reason he deems sufficient.

SECTION 13. Sec. 23-41 of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-41. Group Health Insurance Authorized.

(a) The director of the department of administration is hereby authorized to negotiate group health insurance coverage for the employees of Marion County and the Consolidated City of Indianapolis and police officers, firefighters and sheriff's deputies and their dependents.

(b) If such contract is negotiated, the City or County, as the case may be, is authorized to the extent of the appropriations and therefor to pay such portion of the premium for "employees only" and dependents coverage as may be authorized by the Mayor.

(c) The controller and the auditor are authorized to withhold, with the employee's consent, from the employee's compensation ~~the employee's share of such health insurance premium and the cost of dependent coverage, if offered.~~

SECTION 14. Sec. 23-42(a) of the "Code of Indianapolis and Marion County" is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 23-42(a).

The director of the department of administration is authorized to negotiate a contract or contracts with an established Health Maintenance Organization (as defined in the "Health Maintenance Organization Act of 1973." 87 Stat 914) for guaranteed medical services for employees of Marion County and the Consolidated City of Indianapolis and police officers, firefighters and sheriff's deputies and their dependents.

SECTION 16. The repeal or amendment by this ordinance of other ordinances or parts of other ordinances does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued under the repealed or amended ordinances as if this ordinance had not been adopted.

SECTION 17. Should any section or any part of any section of this ordinance be declared invalid for unconstitutionality or any other reason, the remaining sections and parts of sections of this ordinance shall not be effected, provided such remaining sections and parts of sections of this ordinance can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 18. This ordinance shall be in effect from and after November 1, 1978.

SPECIAL ORDERS – FINAL ADOPTION

PROPOSAL NO. 396, 1978. Mr. West reported for the Public Safety & Criminal Justice Committee that a committee recommendations version was recommended for adoption. The amended version increased the transfer from \$30,000 to approximately \$86,000. The increase is to be used for fleet maintenance, gasoline tax, and the purchase of sirens and red lights. He then moved, seconded by Mr. Tintera, the adoption of Proposal No. 396, 1978, Committee Recommendations, and deleting the introduced version. The motion carried by unanimous voice vote. Proposal No. 396, 1978, As Amended, was then adopted on the following roll call vote; viz:

26 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

2 NOT VOTING: Mrs. Chambers and Mr. Clark.

Proposal No. 396, 1978, As Amended, was retitled FISCAL ORDINANCE NO. 107, 1978, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 107, 1978

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) transferring and appropriating eighty-six thousand twenty-six dollars and thirteen cents (\$86,026.13) in the County General Fund for purposes of the Sheriff's Department and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 of the City-County Annual Budget for 1978, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of paying an outstanding bill for federal tax on gasoline, fleet service and maintenance, and purchase of siren and red lights for new cars.

SECTION 2. The sum of eighty-six thousand twenty-six dollars and thirteen cents (\$86,026.13) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

SHERIFF'S DEPARTMENT		COUNTY GENERAL FUND
21.	Contractual Services	\$83,645.64
50.	Properties	<u>2,380.49</u>
TOTAL INCREASES		\$86,026.13

SECTION 4. The said increased appropriations are funded by the following reduction:

SHERIFF'S DEPARTMENT		COUNTY GENERAL FUND
10.	Personal Services	\$30,000.00
22.	Supplies	3,500.00
24.	Current Charges	<u>52,526.13</u>
TOTAL REDUCTIONS		\$86,026.13

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 395, 1978. This proposal authorizes economic development bonds for Payless Cashways, Inc., in the amount of \$750,000 for the construction of a distribution center. In the terms of employment, 20 to 25 new jobs would be created. Following discussion, Proposal No. 395, 1978, was adopted on the following roll call vote; viz:

24 AYES: *Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.*

1 NO: *Mr. Hawkins.*

3 NOT VOTING: *Mr. Cantwell, Mr. Lyons and Mr. Schneider.*

Proposal No. 395, 1978, was retitled SPECIAL RESOLUTION NO. 19, 1978, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 1978

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either owned by or leased or sold to a company; and

WHEREAS, Payless Cashways, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposed that the City acquire, construct and equip two economic development facilities and sell or lease the same to the

Company or that the City loan the proceeds of such a financing to the Company for such purposes said economic development facilities to be 28,000 and 37,500 square foot redistribution centers (including the real estate on which they are located and the equipment to be installed therein), to be located near the intersection of 71st Street and Guion Road, Indianapolis, Indiana, on an approximate seven acre tract of land (the "Project"); and

WHEREAS, the diversification of economic development and increase in job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition and construction of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

BE IT RESOLVED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Indianapolis, Indiana, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis; and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City in an amount not to exceed \$750,000 under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Company or the loaning of the proceeds of such a financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, the City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taken of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter either lease the same to the Company or loan the proceeds of such financing to the Company for the same purposes.

PROPOSAL NO. 377, 1978. Mr. Tinder moved, seconded by Mr. West, to amend Proposal No. 377, 1978, with the following technical amendments: (1) in Section 2, lines 26 and 28, delete the words "Police and Fire Special Service District" and insert in lieu thereof "Marion County", and (2) in Section 2, line 34 delete the words "Exclusive Representative". The motion carried by unanimous voice vote. Mr. Tinder further explained that this proposal promulgated procedures for the

resolution of impasses and did not promulgate procedures for collective bargaining. Since all parties involved did not agree with this proposal, Mr. West moved, seconded by Mr. Gilmer, to postpone indefinitely Proposal No. 377, 1978, Committee Recommendations. The motion carried by unanimous voice vote.

PROPOSAL NO. 376, 1978. Mr. Tinder stated that the Rules & Public Policy Committee recommended striking this proposal establishing procedures for the settlement of wage-related disputes with City and County law enforcement agencies and City firefighters. He therefore moved, seconded by Mr. Tintera, to strike the proposal. The motion carried by unanimous voice vote.

PROPOSAL NOS. 400 – 404, 1978. Mr. McGrath stated that these were all requests for routine traffic signals and parking prohibition. At his request, consent was given to hear these proposals as a whole. Mr. Lyons then moved, seconded by Mr. Kimbell, to amend Proposal No. 403, 1978, as follows:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 403, 1978, as follows:

Part I, Line 4, delete the words "Shadeland Avenue" and insert in lieu thereof the words "Emerson Avenue".

Part I, line 5, delete the number "35" and insert in lieu thereof the number "40".

Part I, add the following lines 6, 7 and 8, to read as follows:

**21st Street
between Emerson Avenue and Shadeland Avenue
35 MPH**

s/Max L. Lyons

Mr. Lyons explained that the amended version increased the speed limit to 40 miles per hour on the portion of 21st Street which is four lanes, which is the speed which most motorists use between Arlington and Shadeland. Mrs. Stewart stated that the residents of her district did not want the speed increased to 40 miles per hour. Following discussion, the amendment failed on the following roll call vote; viz:

11 AYES: Mr. Anderson, Mrs. Brinkman, Mrs. Coughenour, Mr. Dowden, Mr. Gilmer, Mrs. Journey, Mr. Lyons, Mr. Miller, Mr. Pearce, Mr. Schneider, and Mr. SerVaas.

16 NOES. Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mrs. Chambers, Mr. Durnil, Mr. Hawkins, Mr. Howard, Mr. Kimbell, Mr. McGrath, Mr. Patterson, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

1 NOT VOTING: Mr. Clark.

Following further discussion, Proposal Nos. 400 - 404, 1978, were voted on as a whole and adopted on the following roll call vote; viz:

27 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

1 NOT VOTING: Mr. Cantwell.

Proposal Nos. 400 - 404, 1978, were retitled GENERAL ORDINANCES NOS. 98 - 102, 1978, and read as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 1978

A GENERAL ORDINANCE creating a loading zone at 500 North Meridian Street. [Amends Code Section 29-331].

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

PART I

Chapter 29 of the "Code of Indianapolis and Marion County" specifically "Sec. 29-331. Passenger and material loading zones," be, and the same is hereby amended by the addition of the following, to wit:

Meridian Street, on the west side, from a point 184 feet north of the north curbline of Michigan Street extending north a distance of 44 feet; for the use and occupancy of the American States Insurance Company, 500 North Meridian Street.

PART II

Violations of this ordinance shall be subject to those penalties now provided in the "Code of Indianapolis and Marion County" for violations of the sections amended by this ordinance.

PART III

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

CITY-COUNTY GENERAL ORDINANCE NO. 99, 1978

A GENERAL ORDINANCE designating the speed limit on Morris Street between Belmont and Washington Streets as 35 miles per hour. [Amends Code Section 29-136].

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

PART I

Chapter 29 of the "Code of Indianapolis and Marion County," specifically "Sec. 29-136. Alteration of prima facie speed limits," be, and the same is hereby amended by the addition of the following, to wit:

Morris Street
from Belmont Street to Washington Street
35 MPH
PART II

Violations of this ordinance shall be subject to those penalties now provided in the "Code of Indianapolis and Marion County" for violations of the section amended by this ordinance.

PART III

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

CITY—COUNTY GENERAL ORDINANCE NO. 100, 1978

A GENERAL ORDINANCE prohibiting parking at all times on Thompson Road between Meridian Street and Keystone Avenue [Amends Code Section 29-267].

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

PART I

Chapter 29 of the "Code of Indianapolis and Marion County," specifically "Sec. 29-267. Parking prohibited at all times," be, and the same is hereby amended by the addition of the following, to wit:

Thompson Road
On both sides, from Meridian Street to Keystone Avenue

PART II

Violations of this ordinance shall be subject to those penalties now provided in the "Code of Indianapolis and Marion County" for violations of the section amended by this ordinance.

PART III

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

CITY—COUNTY GENERAL ORDINANCE NO. 101, 1978

A GENERAL ORDINANCE designating the speed limit on 21st Street between Sherman Drive and Shadeland Avenue as 35 miles per hour. [Amends Code Section 29-136].

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

PART I

Chapter 29 of the "Code of Indianapolis and Marion County," specifically "Sec. 29-136. Alteration of prima facie speed limits," be, and the same is hereby amended by the addition of the following, to wit:

21 Street
between Sherman Drive and Shadeland Avenue
35 MPH

PART II

Violations of this ordinance shall be subject to those penalties now provided in the "Code of Indianapolis and Marion County" for violations of the section amended by this ordinance.

PART III

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

CITY-COUNTY GENERAL ORDINANCE NO. 102, 1978

A GENERAL ORDINANCE establishing intersection controls at certain intersections and designating the speed limit on a portion of Georgetown Way as 40 miles per hour. [Amends Code Sections 29-92 and 29-136].

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

PART I

Chapter 29 of the "Code of Indianapolis and Marion County," specifically "Sec. 29-92. Schedule of intersection controls," be, and the same is hereby amended by the addition of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
No 16, pg 5	Georgetown Way & Moller Road	Georgetown Way	Stop
No 16, pg 6	Moller Road & Old Moller Road	Moller Road	Stop

PART II

Chapter 29 of the "Code of Indianapolis and Marion County," specifically "Sec. 29-136. Alteration of prima facie speed limits," be, and the same is hereby amended by the addition of the following, to wit:

Georgetown Way
from Lafayette Road to Moller Road
40 MPH

PART III

Violations of this ordinance shall be subject to those penalties now provided in the "Code of Indianapolis and Marion County" for violations of the section amended by this ordinance.

PART IV

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 421, 1978. Mr. McGrath reported that this proposal authorized the transfer of funds in the budget of the Department of Transportation for the purchase of snow removal equipment. Following discussion, the proposal was adopted on the following roll call vote; viz:

24 AYES: Mr. Anderson, Mr. Boyd, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

4 NOT VOTING: Mrs. Brinkman, Mr. Cantwell, Mr. Howard and Mr. Schneider.

Proposal No. 421, 1978, was retitled FISCAL ORDINANCE NO. 108, 1978, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 108, 1978

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) transferring and appropriating five hundred twenty-five thousand one hundred dollars (\$525,100) in the Transportation General Fund (Motor Vehicle Highway Tax) for purposes of the snow control program, Department of Transportation, and reducing certain other appropriations for that department.

BE IT ORDAINED BY THE CITY—COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1978, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of procuring 61 additional trucks and 45 additional snow plows.

SECTION 2. The sum of five hundred twenty-five thousand one hundred dollars (\$525,100) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF	TRANSPORTATION
TRANSPORTATION	GENERAL FUND
50. Properties	<u>\$525,100</u>
TOTAL INCREASES	\$525,100

SECTION 4. The said increased appropriation is funded by the following reductions:

DEPARTMENT OF	TRANSPORTATION
TRANSPORTATION	GENERAL FUND
21. Contractual Services	\$275,100
22. Supplies	150,000
23. Materials	<u>100,000</u>
TOTAL REDUCTIONS	\$525,100

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NOS. 424 — 430, 1978. No action was taken and these proposals, and they were retitled REZONING ORDINANCE NOS. 158, and 152 — 157, 1978, consecutively, and read as follows:

REZONING ORDINANCE NO. 158, 1978. 78-Z-123 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18
4210 ROCKVILLE ROAD, INDIANAPOLIS

Hamilton Bros. Inc., by Henry Y. Dein, Attorney, One Indiana Square 1650 requests rezoning of 7.78 acres, being in A-1 district, to C-3 classification to permit the construction of a neighborhood shopping center.

REZONING ORDINANCE NO. 152, 1978. 78-Z-138 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 5

3702 NORTH MITTHOEFFER ROAD, INDIANAPOLIS

Phil Nichols by Henry Y. Dein, Attorney, One Indiana Square 1650 requests rezoning of 11.62 acres, being in C-3 district to C-4 classification to permit the expansion of existing shopping center.

**REZONING ORDINANCE NO. 153, 1978. 78-Z-143 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 21**

2317 WEST JACKSON STREET, INDIANAPOLIS
Board of School Commissioners of the City of Indianapolis by Landman and Beatty, Attorney, 400 Union Federal Building requests rezoning of 0.61 acres, being in D-5 district, to SU-2 classification to permit public school use.

**REZONING ORDINANCE NO. 154, 1978. 78-Z-146 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 20**

2605 KENTUCKY AVENUE, INDIANAPOLIS
Martin Marietta Corporation by Bruce R. Karr, Attorney, 1313 Merchants Bank Building requests rezoning of 52.46 acres, being in I-3-S and I-4-S districts to SU-23 classification to permit the location of permanent stockpiling of gravel, sand, borrow and other mineral and earthen materials, mined on the premises and elsewhere.

**REZONING ORDINANCE NO. 155, 1978. 78-Z-147 WAYNE & DECATUR
TOWNSHIPS**

**COUNCILMANIC DISTRICT NO. 20
2605 KENTUCKY AVENUE, INDIANAPOLIS**

Martin Marietta Corporation and Emil Strakis, Trustee by Bruce R. Karr, Attorney, 1313 Merchants Bank Building requests rezoning of 426.73 acres, being in I-2-S, I-3-S, I-4-S, SU-13 and D-5 districts, to G-S-B (secondary) classification to permit (i) mining, quarrying and excavating of gravel, sand, borrow and other mineral and earthen materials, and (ii) location of temporary plants for processing and stockpiling, and temporary stockpiling of gravel, sand, borrow and other mineral and earthen materials mined on the premises.

**REZONING ORDINANCE NO. 156, 1978. 78-Z-150 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3**

7510 NORTH SHADELAND AVENUE, INDIANAPOLIS
S. J. Groves and Sons Company by William F. LeMond, Attorney, 600 Union Federal Building requests rezoning of 28.25 acres, being in A-2 district, to D-6 II classification to permit the construction of apartment buildings.

**REZONING ORDINANCE NO. 157, 1978. 78-Z-158 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 12**

2342 NORTH RITTER AVENUE, INDIANAPOLIS
The First Bible Church by Joseph F. Webb, Trustee, 721 North Fulton Street requests rezoning of 3.44 acres, being in D-4 district, to SU-1 classification to provide for church use.

ANNOUNCEMENTS AND ADJOURNMENT

Mrs. Coughenour invited anyone to attend the meeting of the Solid Waste Task Force on Thursday, October 12, 1978, at 1:30 p.m., in Room 442 of the City-County Building. The meeting should last about two hours.

There being no further business and upon motion duly made and seconded, the meeting adjourned at 8:45 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County, held at its Regular Meeting on the 9th day of October, 1978.

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

ATTEST:


President


Clerk of the City-County Council

(SEAL)