

## REGULAR MEETING

### CITY-COUNTY COUNCIL

Monday, February 3, 1975

A Regular Meeting of the City-County Council of Indianapolis, Marion County convened in Council Chambers of the City-County Building at 7:15 p.m., Monday, February 3, 1975. President Hasbrook in the chair. Councilman Hinkle opened the meeting with a prayer, followed by the Pledge of Allegiance.

### ROLL CALL

President Hasbrook instructed the Clerk to take the roll. Twenty-seven members being present, he announced a quorum. *Present:* Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. *Absent:* Mr. Brown and Mr. Ruckelshaus.

### CORRECTION OF JOURNAL

President Hasbrook called for additions or corrections to the Journal for January 20, 1975, as distributed. There being an addition to the Minutes of the meeting of January 20, 1975, the minutes stand approved, as amended.

**OFFICIAL COMMUNICATIONS**

President Hasbrook called for reading of communications. The Clerk read the following:

December 23, 1974

Legislative Authorities  
Incorporated Cities and Towns  
In Marion County, Indiana

The City-County Council  
Indianapolis and Marion County, Indiana

The Board of Marion County Commissioners  
Marion County, Indiana

Ladies and Gentlemen:

After a public hearing on December 18, 1974, pursuant to I.C. 1971, 18-7-2-33 and 35, the Metropolitan Development Commission of Marion County adopted the following Resolution amending the COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA:

74-CPS-R-8 COMPREHENSIVE GENERAL LAND USE PLAN  
FOR MARION COUNTY, INDIANA — LAND AREA  
ADJACENT TO POST ROAD, extending from 34th  
Street north to Pendleton Pike.

Pursuant to I.C. 1971, 18-7-2-34, this Comprehensive Plan amendment (a copy of which is enclosed) is hereby certified to you.

Sincerely yours,

HAROLD J. EGENES  
Director

HJE/vs  
Enclosure

January 22, 1975

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS-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. Jean A. Wyttenbach, the following City-County Ordinances.

**FISCAL ORDINANCE NO. 1, 1975**, amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating the additional sum of \$25,000.00 in the Park District Fund for purposes of providing grants to the Indiana Repertory Theater, transferring and reallocating certain anticipated receipts of the City General Fund to the Park District Fund and reducing the Unappropriated Park District Fund.

**FISCAL ORDINANCE NO. 2, 1975**, amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating the additional sum of \$694,668.00 in the City General Fund, the Consolidated County Fund, Redevelopment Fund, Manpower Federal Program Fund, Community Services Program Fund, Transportation Fund, Park District Fund, and County General Fund for purposes of various departments of City and County government for use of Comprehensive Employment and Training Act grants, and reducing the unappropriated and unencumbered balances in said Funds.

**FISCAL ORDINANCE NO. 4, 1975**, A Proposal for Fiscal Ordinance of the Consolidated City of Indianapolis, Indiana, appropriating the sum of \$5,000,000.00 to be applied on the cost of construction, reconstruction and otherwise improving residential streets in the Consolidated City of Indianapolis, together with the incidental expenses to be incurred in connection therewith and on account of the issuance of bonds therefor.

**GENERAL ORDINANCE NO. 13, 1975**, A Proposal for a General Ordinance of the Consolidated City of Indianapolis, Indiana, authorizing the issuance and sale of bonds of said City for the

purpose of providing funds to be applied on the cost of construction, reconstruction and otherwise improving residential streets in said City, together with the incidental expenses to be incurred in connection therewith and on account of the issuance of bonds therefor.

**GENERAL ORDINANCE NO. 15, 1975**, amending Title 2, Chapter 4 of General Ordinance No. 1, 1970, as amended December 4, 1972, reestablishing Commission on Human Rights-Membership-Terms; Complaints; Non-Discrimination Clause in Public Contracts.

Respectfully,

RICHARD G. LUGAR  
Mayor

RGL/vlw

February 3, 1975

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be posted in three (3) public places and published in the Indianapolis News and the Indianapolis Commercial on January 24, and January 31, 1975, a "Notice to Taxpayers", of a public hearing on Proposal Nos. 19, 23, 24, 25, 29, 30, 31, 33, 36, 39, and 47, 1975, to be held on Monday, February 3, 1975, at 7:00 P.M., in the Council Chambers of the City-County Building.

I also caused to be published in the Indianapolis Commercial and the Indianapolis News on January 24, and January 31, 1975, G.O. Nos. 13 and 15, 1975.

Respectfully,

JEAN A. WYTENBACH  
City Clerk

JAW/vlw

## PRESENTATION OF PETITIONS, ETC.

Councilman Kimbell expressed his appreciation to the County Extension for their cooperation in letting the City-County Council use Room 422 for meetings and to Building Authority for a job well done in completing Council Chambers.

President Hasbrook introduced Mr. James A. Buck, Chairman of the IBA, Committee on Legal Aid, Mr. Karl J. Stipher, President, Indiana State Bar Association, Mr. Ray L. Sheaffer, Executive Director, Indianapolis Legal Aid Society, and Mr. Keith C. Reese, President, Indianapolis Bar Association, and granted Mr. Buck the opportunity to make a presentation on behalf of the IBA legal services project in the Multi Services Centers.

## INTRODUCTION OF GUESTS

Councilman Giffin introduced Mr. Dick Hadley, Wayne Township Trustee.

## INTRODUCTION OF PROPOSALS

*PROPOSAL NOS. 49-54, 1975.* Introduced by Councilman West. The Clerk read the Proposals entitled: "Proposals for Rezoning Ordinances certified from the Metropolitan Plan Commission on January 21, 1975;" and the President referred them to the Committee of the Whole, to be heard under Special Orders—Final Adoption.

*PROPOSAL NO. 55, 1975.* Introduced by Councilman SerVaas. The Clerk read the Proposal entitled: "A Pro-

posal for a General Ordinance amending the Rules of the City-County Council as found in Section 2-102 of Title 2, Chapter 1 of the Code of Indianapolis and Marion County, 1970, as amended;" and the President referred it to the Rules and Policy Committee.

*PROPOSAL NO. 56, 1975.* Introduced by Councilman SerVaas. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending the Rules of the City-County Council as found in Section 2-102 of Title 2, and Chapter 1 of the Code of Indianapolis and Marion County, 1970, as amended; and the President referred it to the Rules and Policy Committee.

*PROPOSAL NO. 57, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974, to change the salaries of personnel authorized for the office of the Warren Township Assessor;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 58, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional one thousand two hundred fifteen dollars and ninety cents (\$1,215.90) in the County General Fund for purposes of the Superior Court, Room 2, and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 59, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974, to change the salaries and number of personnel authorized for the office of the Presiding Judge—Municipal Courts;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 60, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional One hundred eight thousand seven hundred dollars (\$108,700.00) in the County General Fund for purposes of the Presiding Judge, Municipal Courts, and reducing certain other appropriations for those courts;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 61, 1975.* Introduced by Councilman Gorham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance further amending the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 8 & 9, and Sections thereof, restricting parking on East Market Street at the Market Square Sports Arena, creating a short term metered parking zone, establishing regulations, providing penalties, and fixing a time when the same shall take effect;" and the President referred it to the Transportation Committee.

*PROPOSAL NO. 62, 1975.* Introduced by Councilman Gorham. The Clerk read the Proposal entitled: "A pro-

posal for a General Ordinance further amending the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 10, and Section 1001 thereof, Permitting Commercial Loading Zone, establishing regulations, providing penalties, and fixing time when the same shall take effect;” and the President referred it to the Transportation Committee.

*PROPOSAL NO. 63, 1975.* Introduced by Councilman Kimbell. The Clerk read the Proposal entitled: “A Proposal for a General Ordinance amending Chapter 11, Title 4, of the Code of Indianapolis and Marion County, 1970, providing for the removal and storage of vehicles which are in violation of certain provisions of the Code, regulating the procedures for said removal of the licensing and contracting of private individuals or firms for the removal and storage of said vehicles, and fixing a time when the same shall take effect;” and the President referred it to the Public Safety Committee.

*PROPOSAL NO. 64, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: “A Proposal for a General Ordinance amending City-County General Ordinance No. 39, 1974, to modify the salaries fixed for employees of Washington Township, Marion County, Indiana;” and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 65, 1975.* Introduced by Councilman West. The Clerk read the Proposal entitled: A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance



No. 42, 1974) and appropriating an additional Fifteen thousand dollars (\$15,000.00) in the Consolidated County Fund for purposes of the Administration Division, Department of Metropolitan Development, and reducing the unappropriated Consolidated County Fund;" and the President referred it to the Rules and Policy Committee.

*PROPOSAL NO. 66, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974,, to authorize additional personnel for certain County offices and to fix maximum salaries for such positions to be financed by participation in the Comprehensive Employment and Training Act of 1973;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 67, 1975.* Introduced by Councilman Clark. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) appropriating the additional sum of Three hundred sixteen thousand five hundred ninety-seven dollars (\$316,597.00) in the City General Fund, the Consolidated County Fund, and Park District Fund for purposes of various departments of City and County Government for use of Title II Comprehensive Employment and Training Act grants, and reducing the unappropriated and unencumbered balances in said funds;" and the President referred it to the Administration Committee.

*PROPOSAL NO. 68, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A

Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974, to change the salaries of personnel authorized for the Marion County Juvenile Center;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 69, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1975) and appropriating an additional Six thousand seventy-five dollars (\$6,075.00) in the County General Fund for purposes of the Juvenile Court of Marion County and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 70, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Thirty-seven thousand five hundred sixty dollars and eighty cents (\$37,560.80) in the County General Fund for purposes of the Juvenile Court of Marion County and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 71, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County

General Ordinance No. 57, 1974, to change the salaries of personnel authorized for the office of the Marion County Juvenile Court;" and the President referred it to the County and Townships Committee.

### **MODIFICATIONS OF SPECIAL ORDERS**

President Hasbrook exercised his prerogative to transfer the Girl Scouts investigation into merit badge requirements to the Community Affairs Committee.

### **SPECIAL ORDERS—PUBLIC HEARING**

President Hasbrook called for proposals eligible for public hearing. Members of the public were invited to be heard on proposals eligible for public hearing.

Councilman Cottingham moved, seconded by Councilman Bayt that Proposal No. 19, 1975, be heard, although the Proposal had not been through Committee.

*PROPOSAL NO. 19, 1975.* President Hasbrook recessed to the Committee of the Whole at 7:40 p.m., and reconvened at 8:25 p.m. After public hearing, and following discussion, during which Councilman Cottingham spoke in favor of Proposal No. 19, 1975, Councilman Boyd moved, seconded by Councilman Bayt that Proposal No. 19, 1975, be placed on the Agenda for passage. The motion carried by unanimous voice vote.

Following further discussion, Councilman Griffith moved, seconded by Councilman Clark to amend Proposal No. 19, 1975, as follows:

## CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 19, 1975, be amended, as follows:

In Section 3, Line 6, remove the figures \$18,340.00 and insert in lieu thereof the figures \$8,340.00.

In Section 3, Line 7, remove the figures \$5,500.00 and insert in lieu thereof the figures \$1,500.00.

In Section 3, Line 8, remove the figures \$99,840.00 and insert in lieu thereof the figures \$85,840.00.

In Section 4, Lines 4 and 5, remove the figures \$99,840.00 and insert in lieu thereof the figures \$85,840.00.

DONALD N. GRIFFITH

Councilman Clark moved to amend further, as follows:

## CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 19, 1975, be amended to read as follows:

In Section 3, Line 4, remove the figures \$72,000.00 and insert in lieu thereof the figures \$60,000.00, with the Totals to be amended accordingly.

RICHARD F. CLARK

Councilman Griffith accepted the Amendment to his motion.

Councilman Boyd moved, seconded by Councilman Giffin that the question be divided. The motion was carried by unanimous voice vote.

The question on Councilman Clark's amendment passed by unanimous voice vote, and the question on

the balance of the motion failed to pass on a 11-16 vote.

Following further discussion. Proposal No. 19, 1975, *as amended*, passed on the following roll call vote; 21 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Hasbrook, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tintera, and Mr. West. 6 Noes: Mr. Cottingham, Mr. Dowden, Mr. Gorham, Mr. Griffith, Mr. Hinkle, and Mr. Schneider, Proposal No. 19, 1975, was retitled Fiscal Ordinance No. 5, 1975, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 1975

A FISCAL ORDINANCE amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating the additional sum of Eighty-seven thousand eight hundred forty dollars (\$87,840.00) in the County General Fund for the purposes of the Prosecuting Attorney and reducing the Unappropriated County General Fund.

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 5 of the City-County Annual Budget for 1975 be, and is hereby, amended by increases and reductions hereinafter stated for purposes of authorizing the Prosecutor to employ certain investigators.

Section 2. The sum of Eighty-seven thousand eight hundred forty dollars (\$87,840.00) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the Unappropriated County General Fund as shown in Section 4.

Section 3. The following additional appropriations are hereby approved:

## PROSECUTOR

	<b>County General Fund</b>
10. Services Personal	\$ 60,000.00
22. Supplies	4,000.00
24. Current Charges	18,340.00
50. Properties	5,500.00
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TOTAL INCREASES	\$ 87,840.00

Section 4. The said additional appropriations are funded by the following reductions:

	<b>County General Fund</b>
Unappropriated and Unencumbered County General Fund	\$ 87,840.00
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TOTAL REDUCTIONS	\$ 87,840.00

Section 5. This Ordinance shall be in full force and effect from and after adoption following public hearing, approval by the Mayor, and approval by the State Board of Tax Commissioners.

*PROPOSAL NO. 36, 1975.* The Council recessed to the Committee of the Whole at 8:50 p.m., and reconvened at 8:53 p.m. After public hearing, and following discussion, during which Councilman Clark spoke in favor of Proposal No. 36, 1975, Proposal No. 36, 1975, was passed on the following roll call vote; viz: 27 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. Proposal No. 36,

1975, was retitled Fiscal Ordinance No. 6, 1975, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 1975

A FISCAL ORDINANCE amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974- and appropriating an additional Seventy thousand three hundred twenty dollars (\$70,320.00) in the Flood Control District Fund for purposes of the Flood Control District, Department of Public Works, and reducing the unappropriated and unencumbered balance in the Flood Control District Fund.

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 4 of the City-County Annual Budget for 1975 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of authorizing additional employment pursuant to Title 2 of the Comprehensive Employment and Training Act of 1973 by use of anticipated unencumbered proceeds of a federal grant.

Section 2. The sum of Seventy thousand three hundred twenty dollars (\$70,320.00) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the appropriation as shown in Section 4.

Section 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS  
Flood Control District

	<b>Flood Control District Fund</b>
10. Personal Services	\$ 65,000.00
24. Current Charges	1,523.00
25. Current Obligations	3,803.00
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<b>TOTAL INCREASES</b>	<b>\$ 70,326.00</b>

Section 4. The said additional appropriations are funded by the following reductions:

	<b>Flood Control District Fund</b>
Unappropriated and Unencumbered Flood Control District Fund	\$ 70,326.00
<b>TOTAL REDUCTIONS</b>	<b>\$ 70,326.00</b>

Section 5. This Ordinance shall be in full force and effect from and after adoption, following public hearing, approval by the Mayor, and approval by the State Board of Tax Commissioners.

*PROPOSAL NO. 39, 1975.* The Council recessed to the Committee of the Whole at 8:55 p.m., and reconvened at 8:58 p.m. After public hearing, and following discussion, during which Councilman Clark spoke in favor of Proposal No. 39, 1975, Councilman Clark moved, seconded by Councilman Gilmer, to amend Proposal No. 39, 1975, as follows:

#### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 39, 1975, be amended as follows:

- a) In Section 3, Line 5, strike the figures "\$68,080.00" and insert in lieu thereof the figures "\$29,880.00"
- b) In Section 3, Line 6, strike the figures "2,000.00" and insert in lieu thereof the figures "400.00"
- c) In Section 3, Line 7, strike the figures "4,000.00" and insert in lieu thereof the figures "1,750.00"
- d) In Section 3, Line 8, strike the figures "\$74,080.00" and insert in lieu thereof the figures "\$32,030.00"



- e) In Section 3, strike in their entirety Lines 39 through 44.
- f) In Section 4, Line 3, strike the figures "\$161,757.00" and insert in lieu thereof the figures "\$119,707.00"
- g) In Section 4, strike Line 4 in its entirety
- h) In Section 4, Line 10, strike the figures "\$1,639,421.00" and insert in lieu thereof the figures "\$1,527,106.00"
- i) In the Title, strike the words and figures "One million six hundred thirty-nine thousand four hundred twenty-one dollars (\$1,639,421.00)" and insert in lieu thereof the words and figures "One million five hundred twenty-seven thousand one hundred six dollars (\$1,527,106.00)"
- j) In Section 2, Lines 1 and 2, strike the words and figures "One million six hundred thirty-nine thousand four hundred twenty-one dollars (\$1,639,421.00)" and insert in lieu thereof the words and figures "One million five hundred twenty-seven thousand one hundred six dollars (\$1,527,106.00)"

RICHARD F. CLARK  
Councilman

Following further discussion, Proposal No. 39, 1975, *as amended*, passed on the following roll call vote; viz: 25 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tintera, and Mr. West. 2 Noes: Mr. Dowden, and Mr. Schneider. Proposal No. 39, 1975, was retitled Fiscal Ordinance No. 7, 1975, and reads as follows:

## CITY-COUNTY FISCAL ORDINANCE NO. 7, 1975

A FISCAL ORDINANCE amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) appropriating the additional sum of One million five hundred twenty-seven thousand one hundred and six dollars (\$1,527,106.00) in the City General Fund, Sanitary District Fund, Consolidated County Fund, Transportation Fund, Park District Fund, and County General Fund for purposes of various departments of city and county government for use of Comprehensive Employment and Training Act Grants and reducing the unappropriated and unencumbered balances in said Funds

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, Sections 4 and 5 of the City-County Annual Budget for 1975 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of authorizing additional employment pursuant to Title VI of the Comprehensive Employment and Training Act of 1973, as amended, by use of anticipated and unencumbered proceeds of a federal grant.

Section 2. The sum of One million five hundred twenty-seven thousand one hundred six dollars (\$1,527,106.00) be, and is hereby, appropriated for the purposes as itemized in Section 3, by transferring the Unappropriated balances as shown in Section 4.

Section 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION  
Finance Division

	City General Fund
10. Services Personal	\$ 29,880.00
24. Current Charges	400.00
25. Current Obligations	1,750.00
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TOTAL	\$ 32,030.00

DEPARTMENT OF PUBLIC WORKS  
Office of the Director

	<b>City General Fund</b>
10. Services Personal	\$ 22,920.00
24. Current Charges	665.00
25. Current Obligations	1,340.00
	\$ 24,925.00

DEPARTMENT OF PUBLIC WORKS  
Municipal Garage Division

	<b>City General Fund</b>
10. Services Personal	\$ 58,552.00
24. Current Charges	1,548.00
25. Current Obligations	2,652.00
	\$ 62,752.00

DEPARTMENT OF PUBLIC WORKS  
Sanitary District

	<b>Sanitary District Fund</b>
10. Services Personal	\$273,912.00
24. Current Charges	12,576.00
25. Current Obligations	15,910.00
	\$302,398.00

DEPARTMENT OF PUBLIC WORKS  
Flood Control Division

	<b>Flood Control District Fund</b>
10. Services Personal	\$213,100.00
24. Current Charges	8,500.00
25. Current Obligations	11,325.00
	\$232,925.00

## DEPARTMENT OF TRANSPORTATION

	<b>Transportation Fund</b>
10. Services Personal	\$330,300.00
24. Current Charges	8,100.00
25. Current Obligations	21,600.00
50. Properties	40,000.00
	<hr/>
TOTAL	\$400,000.00

## DEPARTMENT OF PARKS AND RECREATION

	<b>Park District Fund</b>
10. Services Personal	\$368,358.60
24. Current Charges	21,548.98
25. Current Obligations	17,092.42
	<hr/>
TOTAL	\$407,000.00

## COOPERATIVE EXTENSION SERVICE

Dept. 01

	<b>County General Fund</b>
10. Services Personal	\$ 57,976.00
24. Current Charges	3,400.00
25. Current Obligations	3,700.00
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TOTAL	\$ 65,076.00

Section 4. The said additional appropriations are funded by reducing the unappropriated and unencumbered fund balances as follows:

City General Fund	\$119,707.00
Sanitary District Fund	302,398.00
Transportation Fund	400,000.00
Park District Fund	407,000.00
County General Fund	65,076.00
Flood Control District Fund	232,925.00
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TOTAL REDUCTIONS	\$1,527,106.00

Section 5. This Ordinance shall be in full force and effect from and after adoption, following public hearing, action by the Mayor as required by law, and approval by the State Board of Tax Commissioners.

### SPECIAL ORDERS—FINAL ADOPTION

*PROPOSAL NO. 452, 1974.* Following discussion, during which Councilman Griffith spoke in favor of Proposal No. 452, 1974, Councilman Tintera moved, seconded by Councilman Griffith to amend Proposal No. 452, 1974, as follows:

#### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 452, 1974, be amended as follows:

By striking the Proposal as introduced and substituting therefor a draft marked "Proposal No. 452, 1974, As Amended"

GEORGE B. TINTERA  
Councilman

The motion was carried by unanimous voice vote.

Following further discussion, Proposal No. 452, 1974, *as amended*, was *passed* on the following roll call vote; viz: *21 Ayes:* Mr. Bayt, Mr. Cantwell Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mrs. Gibson, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tintera, and Mr. West. *5 Noes:* Mr. Campbell, Mr.

Elmore, Mr. Giffin, Mr. McPherson, and Mr. Schneider. Mr. Boyd abstained from voting. Proposal No. 452, 1974, was retitled Council Resolution No. 5, 1975, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 5, 1975

A COUNCIL RESOLUTION urging the Indiana General Assembly to grant autonomous status to the State university in Indianapolis, currently known as Indiana University-Purdue University at Indianapolis.

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

Section 1. This Council urgently requests the House and Senate of the Indiana General Assembly, in current session, to work actively and openly to achieve autonomous status for the State university located in Indianapolis, known as I.U.P.U.I.

Section 2. The Clerk of the Council is instructed to deliver copies of this Resolution to each member of the Marion County delegation in the Indiana General Assembly, for their consideration.

*PROPOSAL NOS. 1-6, 1975.* By consent, Proposal Nos. 1-6, 1975, were considered together. Following discussion, during which Councilman Gorham spoke in favor of the Proposals, Proposal Nos. 1-6, 1975, were *passed* on the following roll call vote; viz: 27 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Cappinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. Proposal Nos. 1-6,

1975, were retitled General Ordinances 18, 19, 20, 21, 22, and 23, 1975, respectively, and read as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 18, 1975

A GENERAL ORDINANCE further amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly TITLE 4—TRAFFIC CODE, CHAPTERS 8 & 9, and Various Sections thereof, Recodifying Parking Restrictions on Fall Creek Parkway, North Drive, including Newly Constructed Portions, Removing Remaining Metered Parking, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

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

Section 1. Title 4, Chapter 8, Section 814.1 thereof, Parking, Stopping Or Standing Prohibited Any And All Times On Certain Designated Streets be, and the same is hereby amended by the ADDITION of the following, to wit:

Street	Side	From	To
Fall Creek Parkway, North Drive	Both	Capitol Ave.	East 38th St.

Section 2. Title 4, Chapter 8, Section 817 thereof, Parking, Stopping Or Standing Prohibited Between 7:00 A.M., And 9:00 A.M., Exception on Sundays, On Certain Streets be, and the same is hereby amended by the DELETION of the following, to wit:

Street	Side	From	To
Fall Creek Parkway, North Drive	North	Capitol Ave.	East 40th St.

Section 3. Title 4, Chapter 9, Section 902 thereof Two Hour Parking Meter Zones be, and the same is hereby amended by the DELETION of the following, to wit:

Side	Street	From	To	Number of Meters
North	Fall Creek Parkway, N. Dr.	Capitol Ave.	Illinois	6

Section 4. This amendment shall be subject to the penalties as provided in Title 1, Chapter 1-601 of the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended.

Section 5. This Ordinance will be in full force and effect from and after its adoption by the Council, approval by the Mayor, and compliance with all laws pertaining thereto.

CITY-COUNTY GENERAL ORDINANCE NO. 19, 1975

A GENERAL ORDINANCE further amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly TITLE 4—TRAFFIC CODE, CHAPTERS 6 & 8, and SECTIONS thereof, Designating Two One-Way Alleys, Restricting Parking On Bungalow Court, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

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

Section 1. Title 4, Chapter 6, Section 602 thereof, One-Way Streets and Alleys be, and the same is hereby amended by the Addition of the following, to wit:

Street	From	To	Direction
1st N-S alley east of College Avenue	55th Street	Bungalow Court	North
2nd N-S alley east of College Avenue	Bungalow Court	55th Street	South

Section 2. Title 4, Chapter 8, Section 811 thereof, Parking Prohibited At All Times On Alleys, And Streets of Certain Widths be, and the same is hereby amended by the Addition of the following, to wit:

Street	Side	From	To
Bungalow Court	North	College Avenue	2nd N-S alley east of College Avenue

Section 3. This amendment shall be subject to the penalties as provided in Title 1, Chapter 1-601 of the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended.



Section 4. This Ordinance will be in full force and effect from and after its adoption by the Council, approval by the Mayor, and compliance with all laws pertaining thereto.

CITY-COUNTY GENERAL ORDINANCE NO. 20, 1975

A GENERAL ORDINANCE further amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly TITLE 4—TRAFFIC CODE, CHAPTER 4, and SECTION 403 thereof, Increasing the speed limit on Grey Road from 30 to 40 miles per hour, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

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

Section 1. Title 4, Chapter 4, Section 403 thereof, Alteration of Prima Facie Speed Limits be, and the same is hereby amended by the Addition of the following, to wit:

Street	From	To	Speed
Grey Road	Shelbyville Road	Southport Road	40 mph

Section 2. This amendment shall be subject to the penalties as provided in Title 1, Chapter 1-601 of the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended.

Section 3. This Ordinance will be in full force and effect from and after its adoption by the Council, approval by the Mayor, and compliance with all laws pertaining thereto.

CITY-COUNTY GENERAL ORDINANCE NO. 21, 1975

A GENERAL ORDINANCE further amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly TITLE 4—TRAFFIC CODE, CHAPTER 4, and SECTION 403 thereof, Reducing The Speed Limit On A Portion Of West 46th Street To 30 Miles Per Hour, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

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

Section 1. Title 4, Chapter 4, Section 403 thereof, Alteration of Prima Facie Speed Limits be, and the same is hereby amended by the Addition of the following, to wit:

Street	From	To	Speed
46th Street	Lafayette Road	I-465	30 mph

Section 2. This amendment shall be subject to the penalties as provided in Title 1, Chapter 1-601 of the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended.

Section 3. This Ordinance will be in full force and effect from and after its adoption by the Council, approval by the Mayor, and compliance with all laws pertaining thereto.

#### CITY-COUNTY GENERAL ORDINANCE NO. 22, 1975

A GENERAL ORDINANCE further amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly TITLE 4—TRAFFIC CODE, CHAPTER 8, and SECTION 814.1 thereof, Prohibiting Stopping Or Standing On A Portion Of North Meridian Street In Conformance To A Statutory State Regulation, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

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

Section 1. Title 4, Chapter 8, Section 814.1 thereof, Parking, Stopping Or Standing Prohibited Any And All Times On Certain Designated Streets be, and the same is hereby amended by the Addition of the following, to wit:

Street	Side of Street	From	To
North Meridian St.	West	West 20th St.	West 19th St.

Section 2. This amendment shall be subject to the penalties as provided in Title 1, Chapter 1-601 of the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended.

Section 3. This Ordinance will be in full force and effect from and after its adoption by the Council, approval by the Mayor, and compliance with all laws pertaining thereto.

CITY-COUNTY GENERAL ORDINANCE NO. 23, 1975

A GENERAL ORDINANCE further amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly TITLE 4—TRAFFIC CODE, CHAPTER 4, and SECTION 403 thereof, Reducing the speed limit on a portion of Madison Avenue to 45 Miles Per Hour In Conformance With A Statutory State Regulation, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

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

Section 1. Title 4, Chapter 4, Section 403 thereof, Alteration of Prima Facie Speed Limits be, and the same is hereby amended by the Addition of the following, to wit:

Road	From	To	Speed Limit Designated
Madison Avenue	Stop 10 Road	County Line Road—South	45 mph

Section 2. This amendment shall be subject to the penalties as provided in Title 1, Chapter 1-601 of the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended.

Section 3. This Ordinance will be in full force and effect from and after its adoption by the Council, approval by the Mayor, and compliance with all laws pertaining thereto.

*PROPOSAL NO. 13, 1975.* Following discussion, during which Councilman West spoke in favor of the Proposal, Proposal No. 13, 1975, was *passed* on the following roll call vote; viz: 27 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr.

Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. *No Noes*. Proposal No. 13, 1975, was retitled Council Resolution No. 6, 1975, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 6, 1975

A COUNCIL RESOLUTION confirming Zoning Board appointments

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

Section 1. As members of the Metropolitan Board of Zoning Appeals the Council appoints:

**Division II**

Russell Van Treese for a one (1) year term

**Division III**

Howard Keeler for a one (1) year term

Section 3. This Resolution shall be in full force and effect from and after its adoption.

*PROPOSAL NO. 18, 1975.* Following discussion, during which Councilman Cottingham spoke in favor of the Proposal, Proposal No. 18, 1975, was *passed* on the following roll call vote; viz: *24 Ayes*: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tintera, and Mr. West. *3 Noes*: Mr. Dowden, Mr. Gorham, and Mr. Schneider. Proposal No. 18, 1975, was retitled General Ordinance No. 24, 1975, and reads as follows:

## CITY-COUNTY GENERAL ORDINANCE NO. 24, 1975

A GENERAL ORDINANCE amending the City-County General Ordinance No. 57, 1974, to change the salaries and number of personnel authorized for the office of the Prosecuting Attorney.

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

Section 1. Section 4 of City-County General Ordinance No. 57, 1974, be, and is hereby, amended to change the salaries and number of personnel approved for the office of the Prosecuting Attorney by approving the following additional personnel:

## PROSECUTING ATTORNEY

Number	Position	Rate/Yearly	Total
6	Investigators	\$12,000.00	\$72,000.00

Section 2. This Ordinance shall be in full force and effect from and after adoption.

*PROPOSAL NO. 26, 1975.* Following discussion, during which Councilman Cottingham spoke in favor of Proposal No. 26, 1975, Councilman Cottingham moved, seconded by Councilman Bayt to amend Proposal No. 26, 1975, as follows:

## CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 26, 1975, be amended as follows:

- In Section 1, Line 7, under the heading "TOTAL", strike the figure "\$5,736.00" and insert in lieu thereof the figure "\$17,208.00"
- In Section 1, insert an additional line numbered "8" to read as follows:

"3	Investigators	\$5,736.00	\$17,208.00"
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DWIGHT L. COTTINGHAM  
Councilman

Following further discussion, Proposal No. 26, 1975, *as amended*, was *passed* on the following roll call vote; viz: 27 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. No Noes: Proposal No. 26, 1975, was retitled General Ordinance No. 25, 1975, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 1975

A GENERAL ORDINANCE amending City-County General Ordinance No. 39, 1974, to modify the salaries fixed for employees of Wayne Township, Marion County, Indiana.

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

Section 1. Section 10 of City-County General Ordinance No. 39, 1974, be and the same is hereby, amended to revise the salaries and personnel for Poor Relief by striking the words and figures as indicated and inserting the figures in brackets, to-wit:

Number	Position	Annual Rate	Total
1	Supervisors of	\$3,894.00	\$3,894.00
	Investigators	[\$7,494.00]	[\$7,494.00]
3	Investigators	\$5,736.00	\$17,208.00
1	Other Assistants	3,600.00	3,600.00

Section 2. The changes stated in Section 1 are approved in conformity to the actions of the Wayne Township Advisory Board and shall be effective upon passage and approval by the Mayor.

*PROPOSAL NO. 28, 1975.* Following discussion, during which Councilman Cottingham spoke in favor of the

Proposal, Proposal No. 28, 1975, was passed on the following roll call vote; viz: 26 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. 1 No: Mr. Cantwell. Proposal No. 28, 1975, was retitled General Ordinance No. 26, 1975, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 1975

A GENERAL ORDINANCE amending City-County General Ordinance No. 57, 1974, to authorize additional personnel for certain county offices and to fix the maximum salaries for such positions.

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

Section 1. City-County General Ordinance No. 57, 1974, be and is hereby further amended in Section 5, changing the section relating to the Central Data Processing Agency by deleting the following position, to-wit:

Number	Position	Annual Rate	Total
1	Audit and Accounting Control Assistant	\$7,531.00	\$7,531.00

and increasing the annual salary for Audit and Accounting Control from \$10,313.00 to \$17,844.00.

Section 2. City-County General Ordinance No. 57, 1974, be and is hereby further amended in Section 5 by addition of the following additional employees for the departments indicated, the maximum salaries for which shall be the amounts set opposite the position, to-wit:

## COOPERATIVE EXTENSION SERVICE

Number	Position	Per Annum Rate	Total
1	Extension Agent—Youth	\$7,300.00	\$7,300.00
1	Extension Agent Home Ec.	\$5,900.00	\$5,900.00
1	Secretary—Senior	\$6,573.00	\$6,573.00
1	Secretary	\$5,505.00	\$5,505.00

Section 3. This Ordinance shall be in full force and effect from and after adoption.

*PROPOSAL NO. 37, 1975.* At the request of the Committee Chairman, Proposal No. 37, 1975, was held in Committee, until the next Council Meeting of February 18, 1975.

*PROPOSAL NO. 38, 1975.* Following discussion, during which Councilman Gilmer spoke in favor of the Proposal, Proposal No. 38, 1975, was *passed* on the following roll call vote; viz: *21 Ayes:* Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Dowden, Mr. Elmore, Mrs. Gibson, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. Tintera, and Mr. West. *5 Noes:* Mr. Cantwell, Mr. Cottingham, Mr. Durnil, Mr. Gorham, and Mr. SerVaas. Mr. Giffin was out of Council Chambers. Proposal No. 38, 1975, was retitled General Ordinance No. 27, 1975, and reads as follows:

## CITY-COUNTY GENERAL ORDINANCE NO. 27, 1975

A GENERAL ORDINANCE amending and revising Chapter 3, Title 9 of the "Municipal Code of the City of Indianapolis, 1951, as amended" with respect to "Trees, Shrubs, and Plants."



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

Section 1. Chapter 3, Title 9 of the "Municipal Code of the City of Indianapolis, 1951, as amended" is hereby repealed and the following sections hereof are substituted in its place:

**Section 2. Duty of the Department of Parks and Recreation.**

It shall be the duty of the Department of Parks and Recreation (hereinafter referred to as the "Department") to enforce the provisions of this ordinance, and prosecutions by the Consolidated City of Indianapolis for violations hereof may be initiated by the Department, or by the Director of the Department through or in cooperation with the Office of the City Prosecutor.

**Sec. 3 Definition of Terms**

As used in this ordinance, the following terms shall have the following meanings:

- (a) When used by itself, the word "Tree" shall mean any woody, perennial plant and includes those having a single main stem which grows to a minimum height of over ten (10) feet.
- (b) "Flora" shall mean all trees, shrubbery and other plants which grow to a height of more than twelve (12) inches, but expressly excluding weeds and grasses of all types.
- (c) "Private Property" shall mean all real estate within Marion County, except real estate that is owned, leased, controlled or occupied by the State of Indiana, Marion County, the Consolidated City of Indianapolis or any Departments or Agencies thereof.
- (d) "Owner" shall mean any one (1) or more of the following:
  - 1. The owner or owners in fee simple of a parcel of real estate, including the life tenant or tenants;
  - 2. The record owner or owners as reflected by the most current records in the Township Assessor's office of the Township in which the real estate is located; or

3. The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.
- (e) "Occupant" means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization or any owner, person, persons or entities who are from time to time in possession of or exercising dominion and control over any house or other structure located on private property.
- (f) "Person" means any individual, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization or any owner, person, persons or entities.

#### Sec. 4. Location of Trees and Flora

The Department may adopt such reasonable rules and regulations for the location and control of flora in or upon all public streets, alleys, ways, places and parks in Marion County. Hereafter, no tree shall be planted in any public street, alley, way, place or park in Marion County less than fifty (50) feet from any other tree planted along the same street, alley, way, place or public park or at a distance of less than two (2) feet from any established sidewalk or curb bordering any public street, alley, way or place, except by written permission of or as may be otherwise determined by the Department. The Department shall control all flora now growing, or at any time grown in or on any public street, alley, way, place or park and shall also control the maintenance, removal or relocation thereof.

#### Sec. 5 Permit To Plant Flora

No person shall plant any shade or ornamental flora on or in any portion of a public street, alley, way, place or park in Marion County, unless the Department shall have first approved the kind or variety thereof, designated the location therefor and granted a special permit for such planting. A similar permit shall be required for the removal of any shade or ornamental flora if not done by the Department. Hereafter, the Department shall have continuing control over any flora planted, grown, located or relocated. Any permit required by the provisions hereof shall not obviate the requirements for obtaining any other permits or licenses required by any other ordinance or statute of the State of Indiana.

**Sec. 6. Prohibited Species.**

- (a) The following tree species shall not be used by anyone for planting along any public street, alley, way, place or park, to-wit: *Acer negundo* (box elder), *Acer saccharinum* (silver maple), *Catalpa bignoniodes* (southern catalpa), *Populus nigra* "Italica" (Lombardy poplar), *Populus deltoides* (cottonwood), *Populus eugenei* (Carolina poplar), *Salix* species (all willows) and *Ulmus pumila* (Siberian elm). Other species of trees or growths may at any time and from time to time be excluded by the Department.
- (b) All flora planted by any person in or on any public street, alley, way, place or park, with the Department's permission, shall be trimmed by any abutting owner or occupant so as not to obstruct such public street, alley, way, place or park. The City shall not place, nor permit to be placed, any tree or flora which will cause or tend to cause a hazardous or unsafe condition either for pedestrians or motorists.

**Sec. 7 Duty of Property Owner**

- (a) The owner or occupant of any private property in Marion County which borders or lies adjacent to any public street, alley, way, place or park and upon which any trees or flora may be standing, shall trim or cause such trees or flora to be trimmed, either at the property line, or to a clear height of at least eight (8) feet above the surface of any abutting way or place, and fourteen (14) feet above any public street or alley. All branches or parts thereof which overhang any portion of a public street, alley, way or place, or which obstruct or interfere with the passage of light from any street lighting system, shall be trimmed or cut; nor shall any person plant or maintain any tree or flora so close to any property line as to obstruct the vision or free passage of pedestrians or motorists along the streets or public ways. The Consolidated City or its contractual agent or agents may enter upon private property to do such cutting or trimming as may be necessary to remove any offending and obstructing tree or flora that is prohibited by the provisions hereof.
- (b) An owner shall, and the Consolidated City of Indianapolis may, remove from flora all dead, decayed, unsightly, broken or dangerous limbs, branches or parts thereof or any that overhang or are close to any public street, alley, way or place,

and, when any such flora is dead, the owner shall completely remove the same, or, after notice to and failure of the owner so to do, the Department or its lawful agents may cause such removal and charge the cost thereof to the owner in accordance with the procedures hereinafter provided.

#### **Sec. 8 Injuring or Trimming Flora**

- (a) No person shall damage, remove, deaden, destroy, break, carve, cut, deface, trim or in any way injure or interfere with any flora that is growing in or on any public street, alley, way, place or park within the Consolidated City without the written consent of the Department first obtained, except as may be necessary in an emergency to remove or abate any dangerous or unsafe condition.
- (b) No persons owning or controlling any public utility lines upon, above or below the earth's surface, which are within the right of way of any public street, alley, way or place, shall trim any flora or cause it to be trimmed or its roots to be cut without first having submitted to the Department a plan of the work to be done and receiving a permit therefor.

#### **Sec. 9 Moving Building Where Flora Affected**

- (a) No person shall move any building or structure on, upon or along any public street, alley, way or place or within any public park without first obtaining a special permit from the Department and then only in such manner as shall not damage or destroy any flora. The application for such permit shall identify the building or structure to be moved and the proposed route over which it is to be moved.
- (b) In the event it becomes necessary to relocate, trim, care or replace any flora in or upon any public street, alley, way, place or public park because of the removal or transportation of any building or structure, such relocation, trimming, care or replacement shall be done by the Department or its agents or, when directed by the Department, by any person upon his own premises at the expense of the applicant. Should such relocation, trimming, care or replanting of any such flora or any acts in the moving of any building or structure result in the death of any such flora within one (1) year from the date of such moving, the applicant shall replace such flora at his, her or its expense, as may be required by the Department.

Before any such permit is granted, the applicant shall either (1) execute an indemnity bond with surety to the satisfaction of the Department or (2) deposit a cash bond with the Department equal to One Hundred Fifty Dollars (\$150.00) per tree and a like sum for all flora combined which it is anticipated will be adversely affected by any such move. The bonds so deposited shall be retained by the Department until all flora or its replacement has been provided for and all damage sustained remedied to the reasonable satisfaction of the Department.

**Sec. 10 Protection of Flora During Building Operations.**

In connection with the erection, alteration or repair of any building or structure, or other construction activity, the owner thereof, or his agent or independent contractor, shall take all necessary steps to prevent injury to any flora growing in any public street, alley, way, place or public park.

**Sec. 11 Attaching Animals or Signs To or Injuring Flora**

It shall be unlawful for any person to fasten or attach in any manner to any flora growing in any public street, alley, way, place or park any rope, sign, poster or handbill or other object or animal or pet, or in any other way to injure or deface or permit any animal to injure or deface any such flora.

**Sec. 12 Removal of Protective Devices**

It shall be unlawful for any person to remove, damage or misuse any guard or device at any time placed around or intended to protect any flora growing in or on any public street, alley, way, place or park in Marion County without the written consent of the Department first obtained.

**Sec. 13 Open Space Around Flora**

Without the prior written consent of the Department no person shall place or maintain upon the ground in or on any public street, alley, way, place or park in Marion County, any stone, cement or other articles or material, or permit soil compaction, the effect of any of which might be to injure or impede the free passage of water and air to the roots of any flora growing in any such public street, alley, way, place or park without leaving an open space of ground of not less than two (2) feet in width around the flora. Whenever there is no such open space about any existing flora in

or on any public street, alley, way, place or park, the Department may create such open space as it deems necessary; provided only that, in so doing, the Department shall not damage, destroy or obstruct the whole or any part of any existing sidewalk, curb or pavement.

#### **Sec. 14 Electrical Devices Near Flora**

Without the written consent of the Department, no person shall attach any electric wire, insulator or other device for holding an electric wire to any flora growing in or on any public street, alley, way, place or park in Marion County. So far as practicable, every person owning or maintaining any wire or wires charged with electricity shall securely fasten and place them so that they will not damage or come in contact with any flora in or on any public street, alley, way, place or park or constitute a hazard to any person or animal, all in accordance with established safety standards.

#### **Sec. 15 Damaging or Destroying Flora**

It shall be unlawful for any person in Marion County to willfully damage or destroy any flora or to use any chemicals of any kind, or other hazardous materials, which in any way tend to damage, destroy or kill flora in or on any public street, alley, way, place or park.

#### **Sec. 16 Destruction of Diseased Flora**

The Department shall have the exclusive authority to destroy flora in or on public streets, alleys, ways, places and parks if infected by disease or injurious insects or if, in the judgment of the Department, it represents a dangerous condition or hazard to the public. Such destruction may also be effected when necessary for the protection of other flora or in any other case when the public safety, health or welfare is or may be adversely affected.

#### **Sec. 17 Permits by the Department**

Every special permit granted by the Department under the provisions of this ordinance shall specifically describe the work to be done, and, except for persons holding annual permits for work of such nature, all permits shall expire by law sixty (60) days after date, unless extended by the Department. No charge shall be made for any special permit, unless otherwise provided by ordinance.

### Sec. 18 Interference With the Department

No person shall hinder, prevent, delay or interfere with the Department, or any of its agents, in the planting, maintenance or removal of any flora that may be growing in or on any public street, alley, way, place or park in Marion County or in the removal of any stone, cement or other materials or articles from or about the trunk or stem of any flora that may be growing in or about any public street, alley, way, place or park or otherwise interfere with the Department in the performance of any other duty prescribed by the provisions of this ordinance.

### Sec. 19 Preliminary Notice of Violation

If the Department determines that a violation of Sections 4 through 7, inclusive, of this ordinance exists upon private property or property owned by the United States Government which is occupied, the Director of the Department or his or her delegate (hereinafter referred to as the "responsible party") may give a preliminary notice to the owner or occupant of such property, either verbally or by posting the notice on the property. Such preliminary notice shall state the nature of the alleged violation, the action deemed necessary to correct the condition complained of and fix a date not sooner than two (2) calendar weeks thereafter, when the property will be re-inspected to determine if compliance has been effected. If, upon re-inspection, it is determined that the violation has been corrected, the owner or occupant shall not be liable for any charges by reason of the preliminary notice procedure.

### Sec. 20 Formal Notice of Violation

If any violation of Sections 4 through 7, inclusive, is not corrected as a result of the preliminary notice, or no preliminary notice is given, or the condition exists on a vacant lot or unoccupied improved real estate, the responsible party shall give to the owner or owners of such real estate written notice of the existence of the condition. Such notice shall be given by certified mail, return receipt requested, directed to the owner at his or her last and usual place of residence as determined by resort either to the most recent edition of Polk's City or Suburban Directory or the records of the applicable Township Assessor's Office. The notice shall state the nature of the violation, describe the real estate upon which the condition exists, demand the abatement of the condition and set a date, not sooner than two (2) calendar weeks after the date of such

notice, when the property shall be re-inspected to determine if abatement has been effected. If the certified mail is not returned within thirty (30) calendar days or if the address of the owner is unknown and cannot be ascertained after due diligence, it shall be sufficient to give notice to any offending owner by publication once in a newspaper of general circulation in Marion County, Indiana. The owner or owners notified by publication shall have ten (10) days from the date of the published notice in which to abate the offending condition.

#### **Sec. 21 Failure to Abate Condition After Notice**

If, upon re-inspection of the offending real estate, and, where notice has been given by publication after the elapse of the ten (10) days notice period, it is determined by the responsible party that abatement has not occurred, the responsible party, or its contractual agent, shall enter upon such private property or property owned by the United States Government and abate the offending condition.

#### **Sec. 22 Procedural and Labor Charges**

For its services rendered in the enforcement of this ordinance to any owner or owners, the owner or owners so affected shall pay to the Department or the Treasurer of Marion County the following fees and charges:

- (a) Ten Dollars (\$10.00) for each inspection to determine compliance with the provisions of this ordinance.
- (b) Eight Dollars (\$8.00) for determining property ownership.
- (c) Any out-of-pocket costs for publication of notice pursuant to Section 20.
- (d) Ten Dollars (\$10.00) for services performed in perfecting a lien.
- (e) Three Dollars (\$3.00) for each time a First Class letter is mailed to an owner or owners.
- (f) Five Dollars (\$5.00) for preparing and sending a Certified letter.



- (g) Ten Dollars (\$10.00) per man hour, or fraction thereof, for services rendered in the abatement of a violation.
- (h) The actual costs incurred by the Department for the use of each piece of equipment used for abating a violation.

**Sec. 23 Lien**

From and after the effective date of the first performance by the Department or other responsible party of any act or service for any owner or owners in connection with the enforcement of this ordinance, the Department shall have a lien upon the offending property to the full extent of the value of the act or acts performed, or the services rendered, or both, in accordance with the fee schedule set forth in Section 22. Such liens shall be perfected in the manner following:

- (a) By the adoption by the Board of Parks and Recreation of the City of Indianapolis at any regular or special meeting thereof of an Assessment Resolution which shall give the name of the owner or owners, a description of the offending private property and the amount of the charges being assessed.
- (b) The certification of such Assessment Resolution to the Auditor of Marion County, who, by Special Assessment, shall cause the amount thereof to be placed on a tax duplicate for the offending private property or property owned by the United States Government which shall be subject to collection as in the nature of an additional or supplemental real property tax owing.
- (c) Contemporaneously with the certification of the Assessment Resolution to the County Auditor, the Department or other responsible party may additionally elect to render a written statement of the amount due to each offending owner.

**Sec. 24 General Penalty**

The failure of any person, firm, corporation or partnership or any officer or Director thereof to fail, refuse or neglect to abate or otherwise correct a condition on private property which exists in violation of this ordinance, after notice thereof in accordance with the terms hereof, shall be deemed to be a misdemeanor, and, upon conviction thereof, any such person, firm, corporation or

partnership or an officer or Director thereof may be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), to which may be added imprisonment not exceeding ninety (90) days. Moreover, to the extent that a violation of this ordinance results in the loss or damage to any flora, the person, firm, corporation or partnership, or an officer or agent thereof responsible for such loss or damage, may be additionally required to make restitution to the extent of such loss or damage.

#### Sec. 25 Administrative Rules, Regulations and Specifications

It shall be the duty of the Director of the Department to promulgate such reasonable rules, regulations and specifications as may be necessary to the proper enforcement of this ordinance.

#### Sec. 26 Severability Clause

The provisions of this ordinance shall be severable, and, if any section, subsection, sentence, clause or phrase hereof shall be held to be invalid or unconstitutional for any reason, such invalidity or unconstitutionality shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases, but they shall remain in full force and effect.

*PROPOSAL NOS. 49-54, 1975.* No action was taken on Proposal Nos. 49-54, 1975. Proposal Nos. 49-54, 1975, were retitled Rezoning Ordinances 9-14, 1975, and read as follows:

R. O. No. 9, 1975 — 74-Z-202 — Proposal No. 49, 1975—

CENTER TOWNSHIP, COUNCILMANIC DISTRICT NO. 9,  
3757 NORTH CAPITOL AVENUE, INDIANAPOLIS

Exxon Corp. by William F. LeMond, Attorney, 412 Union Federal Building, request rezoning of 0.36 acres, being in D-5 district, to C-4 classification to permit commercial development.

R. O. No. 10, 1975 — 74-Z-205 — Proposal No. 50, 1975—

PIKE TOWNSHIP, COUNCILMANIC DISTRICT NO. 1,  
3810 WEST 86TH STREET, INDIANAPOLIS

Cletis R. Foster by Stephen D. Mears, Attorney, One Indiana

Square #2050, request rezoning of 0.80 acre, being in D-2 district, to C-1 classification to convert residence to a dental office.

R. O. No. 11, 1975 — 75-Z-1 — Proposal No. 51, 1975—

PIKE TOWNSHIP, COUNCILMANIC DISTRICT NO. 8,  
4380 LAFAYETTE ROAD, REAR, INDIANAPOLIS

Bill C. Duncan, Eugene L. Henderson, Herman L. Drury, Robert L. Pritchard, Mary M. Drury, Margaret V. Drury, Ollie and Lola Eicher by William F. LeMond, Attorney, 412 Union Federal Building requests rezoning of 5.17 acres, being in A-2 and D-6 II districts, to C-7 classification to provide for commercial development.

R. O. No. 12, 1975 — 75-Z-2 — Proposal No. 52, 1975—

PIKE TOWNSHIP, COUNCILMANIC DISTRICT NO. 8,  
4380 LAFAYETTE ROAD, INDIANAPOLIS

Bill C. Duncan, Eugene L. Henderson, Robert L. Pritchard, Mary M. Drury, Margaret V. Drury, Ollie and Lola Eicher by William F. LeMond, Attorney, 412 Union Federal Building, request rezoning of 26.46 acres, being in A-2 district, to C-5 classification to provide for commercial development.

R. O. No. 13, 1975 — 75-Z-9 — Proposal No. 53, 1975—

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT NO. 19,  
7329 and 7351 ROCKVILLE ROAD, INDIANAPOLIS

J. Kurt, Jr. & Carolyn Mahrtdt by John Urbahns, Attorney, 211 North Delaware, request rezoning of 15.54 acres, being in D-5 and C-3 districts, to C-4 classification to permit commercial uses.

R. O. No. 14, 1975 — 75-Z-14 — Proposal No. 54, 1975—

PERRY TOWNSHIP, COUNCILMANIC DISTRICT NO. 24,  
6871 DERBYSHIRE ROAD, INDIANAPOLIS

The City of Southport by William F. LeMond, Attorney, 412 Union Federal Bldg. requests rezoning of 3.05 acres, being in A-2 and D-2 districts, to PK-1 classification for park purposes.

## ANNOUNCEMENTS AND ADJOURNMENT

Councilman Cottingham invited the public to attend

the County and Townships meeting to be held Tuesday, February 11, 1975, in Room 221.

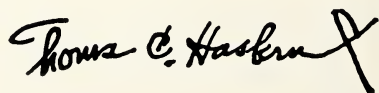
Councilman Hasbrook announced that he would like names submitted from Councilmen to fill the vacancies on the Human Rights Commission.

Councilman SerVaas announced that the Rules and Policy meeting will be held Thursday, February 13, 1975, at 1:30 p.m., in Room 221.

Upon motion made by Councilman Tintera, seconded by Councilman Giffin, the meetings adjourned at 10:00 p.m.

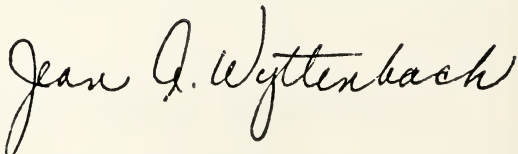
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County held at its Regular Meeting on the 3rd day of February, 1975.

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



President

ATTEST



Clerk of the City-County Council

(SEAL)