

**REGULAR MEETING
CITY-COUNTY COUNCIL
Monday, May 17, 1976**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, convened in Council Chambers of the City-County Building at 7:12 p.m., Monday, May 17, 1976, President SerVaas in the chair. Councilwoman Brinkman opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

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

PRESENT: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

CORRECTION OF JOURNAL

President SerVaas called for additions or corrections to the Journal for April 26, April 30 and May 6, 1976. Councilman Cantwell stated he had a correction to the minutes of April 30, 1976; the correction being that he had called for a recess and had not been recognized. The Clerk advised that the call for a recess had been so noted on page 2 of the minutes of April 30, 1976. Following this discussion, the minutes were approved, as distributed.

OFFICIAL COMMUNICATIONS

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

**TO THE MEMBERS OF THE CITY-COUNTY COUNCIL
OF INDIANAPOLIS-MARION COUNTY:**

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 **May 17, 1976**, at **7:00 p.m.**, the purpose of such **MEETING** being to conduct any and all business that may properly come before a regular meeting of the Council.

Respectfully,

Beurt SerVaas
President

May 3, 1976

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 News and the Indianapolis Commercial on May 6, 1976, and May 13, 1976, a "Notice to Taxpayers" on Proposal Nos. 203 and 204, 1976, for a Public Hearing to be held on May 17, 1976, at 7:00 p.m., in the City-County Building.

Respectfully,

Beverly S. Rippy
City Clerk

May 3, 1976

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 May 7, 1976, and May 14, 1976, a "Notice of Public Hearing on Zoning" to be held Monday, May 17, 1976, at 7:30 p.m. in the City-County Building.

I also caused to be published in the Indianapolis Commercial and the Indianapolis News on May 7, 1976, and May 14, 1976, Proposal Nos. 189 and 192, 1976.

Respectfully,

Beverly S. Rippy
City Clerk

May 3, 1976

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 of the City of Indianapolis and Marion County, Mrs. Beverly S. Rippy, the following City-County Ordinances:

CITY COUNTY GENERAL RESOLUTION NO. 5, 1976 authorizing expenditure of \$3,458,220 by the Department of Metropolitan Development in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

CITY-COUNTY FISCAL ORDINANCE NO. 26, 1976 and appropriating an additional \$100,000 in the Park District Fund for purposes of the Department of Parks and Recreation, reducing the unappropriated and unencumbered balance in the Park District Fund.

CITY-COUNTY FISCAL ORDINANCE NO. 27, 1976 appropriating an additional \$58,395 in the Sanitation General Improvement Fund for purposes of Sanitation Division, Department of Public Works, and reducing the unappropriated and unencumbered balance in the Sanitation General Improvement Fund.

CITY-COUNTY FISCAL ORDINANCE NO. 29, 1976 appropriating an additional \$48,500 in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 1976 commending Dr. Cleo Walter Blackburn.

Respectfully,

William H. Hudnut, III
Mayor

May 6, 1976

**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 of the City of Indianapolis and Marion County, Mrs. Beverly S. Rippey, the following City-County Ordinances:

GENERAL ORDINANCE NO. 40, 1976 amending the "Code of Indianapolis and Marion County, Indiana" to include certain ordinances omitted through inadvertence or mistake from the recodification.

GENERAL ORDINANCE NOS. 41 through 57, 1976, amending the Code of Indianapolis and Marion County, Indiana and more particularly Section 29 (Traffic Ordinances) establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 58, 1976 changing the name of the Division of Manpower to the Division of Employment and Training (amends Section 2-216 and 2-217 of the Code of Indianapolis and Marion County, Indiana).

GENERAL ORDINANCE NO. 59, 1976 authorizing an additional clerk for Wayne Township Small Claims Court by amending City-County General Ordinance No. 114, 1975.

GENERAL RESOLUTION NO. 6, 1976 authorizing the expenditure for \$2,102,000 by the Community Services Division in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

GENERAL RESOLUTION NO. 7, 1976 authorizing the expenditure of \$2,128,000 by the Health & Hospital Corporation in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

GENERAL RESOLUTION NO. 8, 1976 authorizing expenditure of \$1,027,740 by the Dept. of Parks and Recreation in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

GENERAL RESOLUTION NO. 9, 1976 authorizing the expenditure of \$290,000 by the Department of Public Safety in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

GENERAL RESOLUTION NO. 10, 1976 authorizing expenditure of \$295,000 by the Department of Public Works in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

GENERAL RESOLUTION NO. 11, 1976 authorizing expenditure of \$2,213,740 by the Department of Transportation in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

Respectfully submitted,

William H. Hudnut, III
Mayor

May 11, 1976

**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 City-County Ordinances:

GENERAL ORDINANCE NOS 60-67, 1976 amending the Code of Indianapolis and Marion County, Indiana, and more particularly Chapter 29, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL RESOLUTION NO. 12, 1976 approving expenditures for positions in the Departments of Administration, Transportation, Parks & Recreation, and Tech 300.

GENERAL RESOLUTION NO. 13, 1976 authorizing and appropriating \$449,456.00 to the Division of Community Services in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

FISCAL ORDINANCE NO. 32, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$15,468 in the Consolidated County Fund for purposes of the Criminal Justice Coordinating Council, Department of Public Safety, and reducing the unappropriated and unencumbered balance for that division.

FISCAL ORDINANCE NO. 33, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$3,700 in the Consolidated County Fund for purposes of the Commission on Human Rights Division, Department of Administration, and reducing certain other appropriations for that division.

Respectfully submitted,

William H. Hudnut, III
Mayor

PRESENTATION OF PETITIONS

Councilman Schneider read Proposal No. 218, 1976, concerning a request for funding under a Community Development Application, which reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1976

A COUNCIL RESOLUTION expressing the Council's wishes with respect to the Community Development Application.

WHEREAS, the Department of Housing and Urban Development has demanded of the Consolidated City of Indianapolis that it develop a housing strategy wherein 1,400 units of housing under the Housing Assistance Plan, better known as subsidized housing, be developed, some outside the present Indianapolis school district boundary, and in the suburbs, as a condition of receiving \$12.9 million in federal funds known as the Community Development Fund; and

WHEREAS, the Mayor and his administration are attempting to remove the condition as a housing strategy alien to the precepts of free choice for the people of the Consolidated City of Indianapolis; and

WHEREAS, the principle of demands, guidelines, and requirements were never intended by Congress when it passed the Housing and Community Development Act; and

WHEREAS, this demand upon the Consolidated City of Indianapolis and Marion County amounts essentially to forced housing, now, therefore:

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

SECTION 1. That the City-County Council is desirous of withdrawing the Community Development Application if a subsidized housing strategy requirement is not removed by HUD.

The foregoing was passed by the City-County Council this day of , 1976.

INTRODUCTION OF GUESTS

Councilman Vollmer introduced Mr. Fred L. Madorin, Director of the Department of Transportation.

Councilman Howard introduced Mr. Ernest McGruder, Deputy Director of the Marion County Welfare Department.

INTRODUCTION OF PROPOSALS

Proposal No. 207, 1976. Introduced by Councilman Miller. The Clerk read the Proposal entitled; "A Proposal for a General Ordinance further amending the 'Code of Indianapolis and Marion County, Indiana,' and more particularly Chapter 29, Section 29-92, establishing regulations, providing penalties, and fixing a time when the same shall take effect;" and the President referred it to the Transportation Committee.

Proposals No. 208-212, 1976. Introduced by Councilman Durnil. The Clerk read the Proposal entitled; "A Proposal for Rezoning Ordinances certified from the Metropolitan Plan Commission on May 6, 1976;" and the President referred them to the Committee of the Whole to be heard under Special Orders - Final Adoption.

Proposal No. 213, 1976. Introduced by Councilman McPherson. The Clerk read the Proposal entitled; "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Six Hundred Twenty-Nine Thousand Dollars (\$629,000.00) in the Sanitary District Fund for purposes of Sanitation Division, Department of Public Works, and reducing the unappropriated and unencumbered balance in the Sanitary District Fund;" and the President referred it to the Public Works Committee.

Proposal No. 214, 1976. Introduced by Councilman West. The Clerk read the Proposal entitled; "A Proposal for a General Ordinance enlarging the boundaries of the Fire Special Service District and Police Special Service District of the City of Indianapolis, and fixing a time when the same shall be effective. (Amends SS 2-339 and 2-338 of the Code.);" and the President referred it to the Public Safety and Criminal Justice Committee.

Proposal No. 215, 1976. Introduced by Councilman West. The Clerk read the Proposal entitled; "A Proposal for a General Ordinance enlarging the boundaries of the Fire Special Service District of the City of Indianapolis and fixing a time when the same shall be effective. (Amends Code SS 2-339.)" and the President referred it to the Public Safety and Criminal Justice Committee.

Proposal No. 216, 1976. Introduced by Councilman West. The Clerk read the Proposal entitled; "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Eight Thousand Dollars (\$8,000.00) in the Crime Control Fund for purposes of the Juvenile Court and reducing the unappropriated and unencumbered balance in the Crime Control Fund;" and the President referred it to the Public Safety and Criminal Justice Committee.

Proposal No. 217, 1976. Introduced by Councilman West. The Clerk read the Proposal entitled; "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Thirty-Three Thousand Six Hundred Twenty-Two Dollars and Twenty-Two Cents (\$33,622.22) in the Crime Control Fund for purposes of the Juvenile Court and reducing the unappropriated and unencumbered balance in the Crime Control Fund;" and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS – PUBLIC HEARING

President SerVaas called for any proposals to be heard under Special Orders - Public Hearing. Members of the public were invited to speak on Proposals eligible for Public Hearing.

Proposal No. 194, 1976. President SerVaas stated he had been advised by Councilwoman Coughenour that the problems concerning this rezoning had been resolved. Councilman Clark moved, seconded by Councilman Tinder, to adopt Proposal No. 194, 1976.

The motion to adopt was carried by unanimous voice vote. Proposal No. 194, 1976, was retitled Rezoning Ordinance No. 45, 1976, and reads as follows:

**Rezoning Ordinance No. 45, 1976 75-Z-127A Perry Township
Councilmanic District No. 24
4040 Emerson Avenue, Indianapolis
Lawrence Weaver, Beechway Apartments and Robert Carr by James R. Nichols and
Henry Y. Dein, Attorneys, One Indiana Square No. 2050 request rezoning of 3.30
acres, being in D-4 district, to C-3 classification to permit commercial development.**

Proposal No. 189, 1976. Councilman Schneider advised that Proposal No. 189, 1976, was held in Committee. Councilman Schneider then moved, seconded by Councilman Tinder, to postpone Proposal No. 189, 1976, until the City-County Council meeting of June 14, 1976.

The motion to postpone was carried by a unanimous voice vote.

Proposal No. 192, 1976. The Council recessed to a Committee of the Whole at 7:26 p.m. and reconvened at 7:27 p.m. After public hearing and following discussion during which Councilman West spoke, Proposal No. 192, 1976, was passed on the following roll call vote; viz:

28 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

No NOES. (Mr. Cantwell did not vote.)

Proposal No. 192, 1976, was retitled Fiscal Ordinance No. 34, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 1976

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Five Thousand Five Dollars and Twenty Cents (\$5,005.20) in the Crime Control Fund for purposes of Criminal Court Probation and reducing the unappropriated and unencumbered balance in the Crime Control 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 6 of the City-County Annual Budget for 1976, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of a word processing program for the Criminal Court Probation Department, funded by L.E.A.A. Grant No. G65C-GO1-15-046.

SECTION 2. The sum of Five Thousand Five Dollars and Twenty Cents (\$5,005.20), be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

Criminal Court Probation	Crime Control Fund
34.Equipment	\$5,005.20
TOTAL INCREASES	\$4,005.20

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

Unappropriated and Unencumbered	Crime Control Fund
Crime Control Fund	\$5,005.20
TOTAL REDUCTIONS	\$5,005.20

SECTION 5. This City-County Council has no intention of supplementing or financing the agency and/or projects approved herein by use of revenues from any local tax regardless of source. At anytime that knowledge is received that the state or federal financing of this agency or project is, or will be, reduced or eliminated, the supervisor or the County Auditor or both are directed to notify the City-County Council in writing of such proposed loss of revenue.

SECTION 6. This Ordinance shall be in full force and effect upon adoption and compliance with I.C. 18-4-5-2.

The foregoing was passed by the City-County Council this day of 1976.

Proposal No. 203, 1976. The Council recessed to a Committee of the Whole at 7:28 p.m. and reconvened at 7:29 p.m. After public hearing and following discussion during which Councilman Schneider spoke regarding the proposal . Proposal No. 203, 1976, was passed on the following roll call vote; viz:

29 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.
No NOES.

Proposal No. 203, 1976, was retitled Fiscal Ordinance No. 35, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 1976

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Three Thousand Dollars (\$3,000.00) in the County General Fund for purposes of the County Coroner and reducing certain appropriations for the County Treasurer.

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 6 of the City-County Annual Budget for 1976, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of increasing salaries of employees of the County Coroner.

SECTION 2. The sum of Three Thousand Dollars (\$3,000.00) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

County Coroner	County General Fund
10. Services Personal	\$3,000.00
TOTAL INCREASES	\$3,000.00

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

County Treasurer	County General Fund
10. Services Personal	\$3,000.00
TOTAL REDUCTIONS	\$3,000.00

SECTION 5. This Ordinance shall be in full force and effect from and after adoption and compliance with I.C. 18-4-5-2.

The foregoing was passed by the City-County Council this day of ,1976.

Proposal No. 204, 1976. The Council recessed to a Committee of the Whole at 7:31 p.m. and reconvened at 7:32 p.m. After public hearing, Councilman Dowden moved, seconded by Councilman Kimbell, to strike Proposal No. 204, 1976, as introduced and substitute Proposal No. 204, 1976, Committee Recommendation, which reads as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 204, 1976, be amended as follows:

Strike said proposal as introduced and substitute therefor, the draft entitled "Proposal No. 204, 1976, Committee Recommendation."

W. A. Dowden
Councilman

The motion to amend was carried by unanimous voice vote.

Following further discussion, Proposal No. 204, 1976, Committee Recommendation, was passed on the following roll call vote; viz:

28 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.
(Mr. Bayt did not vote.)

Proposal No. 204, 1976, Committee Recommendation, was retitled Fiscal Ordinance No. 36, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 1976

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Six Hundred Ninety-One Thousand Six Hundred Eighty-One Dollars (\$691,681.00) in the County Welfare and reducing certain other appropriations for that Department in the County Welfare Title XX 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 8 of the City-County Annual Budget for 1976, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of authorizing the use of Title XX funds to supplement the budget of the County Welfare Department.

SECTION 2. The sum of Six Hundred Ninety-One Thousand Six Hundred Eighty-One Dollars (\$691,681.00) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

Marion County Department Of Public Welfare	County Welfare Fund	County Welfare Title XX Fund	Total
10.Services Personal	\$159,700.00	\$464,000.00	\$623,700.00
24.Current Charges:			
Health Insurance	3,100.00	8,960.00	12,060.00
FICA/PERF	14,300.00	41,621.00	\$691,681.00

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

Marion County Department of Public Welfare	County Welfare Fund	County Welfare Title XX Fund	
10.Services Personal	\$464,000.00		
24.Current Charges:			
Health Insurance	8,960.00		
FICA / PERF	41,621.00		
Total Fund	\$514,581.00		
Unappropriated and Unencumbered County Welfare Title XX Fund			\$514,581.00
TOTAL REDUCTIONS			1,029,162.00

SECTION 5. To authorize the transfer of receipts in the "County Welfare Title XX Fund" to reimburse expenditures from "County Welfare Fund" for Title XX" eligible expenses, the sum of Four Hundred Fourteen Thousand Dollars (\$414,000.00) be, and is hereby, transferred and appropriated in the "County Welfare Fund" for reimbursement of expenses already paid which are eligible for Title XX reimbursement. The repayment pursuant to this section shall not be deemed to restore balances to appropriations already reduced by such expenditures.

SECTION 6. Recapitulation. After approval of the appropriations herein made, the County Department of Public Welfare's Annual Budget, as amended, shall be as follows:

COUNTY WELFARE FUND

Marion County Dept. of Public Welfare	Original *	Net Change **	As Amended	County Welfare Title XX Fund	Total
10. Services Personal	4,957,356	(304,300)	4,653,056	464,000	5,117,056
21. Services Contractual	598,145		598,145		598,145
22. Supplies	133,050		133,050		133,050
24. Current Charges	29,362,201	(33,181)	29,329,020	50,581	29,379,601
25. Current Obligations	15,364		15,364		15,364
50. Capital Outlay	57,830		57,830		57,830
Totals	35,123,946	(337,481)	34,786,465	514,581	35,301,046
Total Existing Before Budget				\$35,123,946	
Total Welfare Budget Per This Ordinance				35,301,046	
			Net Increase	\$ 177,100	
Application of Title XX Revenue:					
Transferred to Welfare:					
	New Appropriations			\$ 177,100	
	Additional Revenues			223,900	
					414,000
	Title XX Appropriation				514,581
			Total		\$928,581

*As adopted by Council and approved by State Board of Tax Commissioners, including CETA appropriations F.O. 1, 1976.

**Net effect of Sections 3 and 4 above.

SECTION 7. It is the intention of this Council that none of the provisions of this Ordinance shall be considered severable, so that if any provision be deemed invalid, the entire Ordinance shall be void and of no effect.

SECTION 8. This Ordinance shall be in full force and effect upon adoption and compliance with I.C. 18-4-5-2.

The foregoing was passed by the City-C ounty Council this 17 day of May , 1976.

SPECIAL ORDERS - UNFINISHED BUSINESS

Proposal No. 109, 1976, Committee Recommendation. Councilman Miller moved, seconded by Councilman Tintera, to amend Proposal No. 109, 1976, Committee Recommendation, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 109, 1976, Committee Recommendation, be amended as follows:

(a) In Section 3, line 5, strike the word:

Saturday

(b) In Section 3, strike line 6, and insert in lieu thereof:

from 12:00 Midnight to 9:00 a.m. and from 3:00 p.m. to 12:00 Midnight"

(c) Renumber Section 4 and 5 as 5 and 6 respectively;

(d) Add a new Section 4 as follows:

"Section 4. The Code of Indianapolis and Marion County, specifically Chapter 29, Sec. 29-269 "Parking Prohibited at All Times on Certain Days be amended by adding:

Prohibited on Sundays and Holidays

Washington Street on both sides from Southeastern Avenue to Sheridan Avenue"

**Don Miller
Councilman**

Discussion followed, during which many Council members spoke concerning the proposed amendment, and the fact that Proposal No. 109, 1976, Committee Recommendation, had been debated many times. Following this discussion, the amendment failed on the following roll call vote; viz:

13 AYES: Mr. Clark, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West.

16 NOES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. McPherson, Mr. Pearce, Mr. Schneider, Mr. Vollmer and Mr. Walters.

Following further discussion, Mr. Robert G. Elrod, General Counsel, summarized the status of Proposal No. 109, 1976, which was that the motion by Councilman Miller to amend Proposal No. 109, 1976, Committee Recommendation, of the last meeting had never been voted upon by the full Council.

Discussion of the amendment followed, during which Councilman Cantwell moved, seconded by Councilman Walters, to table Councilman Miller's amendment.

The motion to table was carried on the following roll call vote; viz:

15 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Schneider, Mr. Vollmer and Mr. Walters.

14 NOES: Mr. Clark, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West.

Councilman Tintera moved, seconded by Councilman Gilmer, to amend Proposal No. 109, 1976, Committee Recommendation, to prohibit parking from Southeastern to State Street, at all times.

The motion to amend failed on the following roll call vote; viz:

11 AYES: Mr. Clark, Mr. Durnil, Mr. Gilmer, Mrs. Hart, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. SerVaas, Mr. Tintera and Mr. West.

16 NOES: Mr. Anderson, Mr. Bayt, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Gorham, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. McPherson, Mr. Pearce, Mr. Schneider, Mr. Tinder, Mr. Vollmer and Mr. Walters.

(Mr. Boyd and Mrs. Brinkman did not vote.)

Further discussion followed, after which Councilman West moved, seconded by Councilman Kimbell, the Previous Question on the Main Motion was carried by unanimous voice vote.

Proposal No. 109, 1976, Committee Recommendation, was passed on the following roll call vote; viz:

19 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. McPherson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. Tinder, Mr. Vollmer, Mr. Walters and Mr. West.

8 NOES: Mr. Clark, Mr. Durnil, Mr. Gilmer, Mrs. Hart, Mr. Kimbell, Mr. Miller, Mr. Patterson and Mr. SerVaas.

Proposal No. 109, 1976, Committee Recommendation, was retitled General Ordinance No. 69, 1976, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 69, 1976

A GENERAL ORDINANCE further amending the "Code of Indianapolis and Marion County, Indiana", and more particularly Chapter 29, Sec. 29-267 & 270, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, striking Mass Transportation Authority General Ordinance No. 18, 1968, to wit:

Washington Street, on both sides, from Southeastern Avenue
to Edmondson Street.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Washington Street, on both sides, from Sheridan Avenue to
Edmondson Street.

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", specifically Chapter 29, Section 29-270, Parking prohibited during specified hours on certain days, be, and the same is hereby amended by the addition of the following, to wit:

On Any Day Except Saturdays, Sundays or Holidays
from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m.
Washington Street, on both sides from Southeastern Avenue
to Sheridan Avenue.

SECTION 4. This amendment shall be subject to the penalties as provided in Chapter 1, Section 1-8 of the "Code of Indianapolis and Marion County, Indiana."

SECTION 5. This Ordinance shall be in full force and effect from January 1, 1977 after adoption and compliance with I.C. 18-4-5-2.

The foregoing was passed by the City-County Council this day of 1976.

Proposal No. 206, 1976. Councilman Patterson spoke regarding the Proposal, after which President SerVaas surrendered the gavel to Councilman Kimbell so that he could address some questions to Councilman Patterson.

Following some discussion of the Proposal, President SerVaas declared a recess. The Council recessed at 8:24 p.m. and reconvened at 8:33 p.m.

Discussion returned to Proposal No. 206, 1976. Proposal No. 206, 1976, was passed on the following roll call vote; viz:

25 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. SerVaas, Mr. Tinder, Mr. Vollmer, Mr. Walters and Mr. West.

2 NOES: Mr. Dowden and Mr. Schneider
(Mr. Bayt and Mr. Tintera did not vote.)

Proposal No. 206, 1976, was retitled General Resolution No. 14, 1976, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 14, 1976

A GENERAL RESOLUTION authorizing expenditure of Five Hundred Thirty Thousand Dollars (\$530,000) by the Health and Hospital Corporation in anticipation of a federal grant under Title 1 of the Housing and Community Development Act of 1974.

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

SECTION 1. The Council, in anticipation of a Federal grant under Title 1 of the Housing and Community Development Act of 1974, included in the City-County Annual Budget for 1976 an appropriation for various Community Development Program activities, with the understanding that when specific programs had been developed for the expenditure of such fund, the same would be presented to this Council. Said program having now been presented, the Council does hereby approve expenditure of anticipated Title 1 funds as stated in Section 2 of this Resolution.

SECTION 2. The City-County Council approves and authorizes the Health and Hospital Corporation to expend appropriations within approved budget levels in accordance with the following expenditure detail by function and programs:

Public Health Programs	\$530,000.00
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SECTION 3. The authorization contained in Section 2 of this Resolution shall be subject to all necessary favorable approval of the grant application and receipt of the funds thereunder.

SECTION 4. Although the programs herein approved are for an annual period, this Resolution shall not authorize the City to execute any contract which requires the City to fund any operating agency in excess of current appropriations, or for a period beyond December 31, 1976.

SECTION 5. The City-County Council has no intention of supplementing or financing the agency and/or projects approved herein by use of revenues from any local tax regardless of source. At anytime that knowledge is received that the state or federal financing of this agency or project is, or will be, reduced or eliminated, the supervisor or the City Controller or both are directed to notify the City-County Council in writing of such proposed loss of revenue.

SECTION 6. This Resolution shall be in full force and effect from and after its adoption and approval by the Mayor.

The foregoing was passed by the City-County Council this day of 1976.

Proposal No. 191, 1976. Following discussion during which Councilman Patterson spoke regarding the Proposal, Proposal No. 191, 1976, was passed on the following roll call vote; viz:

15 AYES: Mr. Anderson, Mr. Bayt, Mrs. Brinkman, Mr. Clark, Mr. Gilmer, Mrs. Hart, Mr. Kimbell, Mr. McPherson, Mr. Patterson, Mr. Pearce, Mr. Ser Vaas, Mr. Tinder, Mr. Vollmer, Mr. Walters and Mr. West.

13 NOES: Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gorham, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Miller, Mr. Rippel and Mr. Schneider.

(Mr. Tintera did not vote.)

Proposal No. 191, 1976, was retitled General Resolution No. 15, 1976, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 15, 1976

A GENERAL RESOLUTION approving certain amendments to the 1976 calendar year budget of the Capital Improvement Board of Marion County.

WHEREAS, by statute, the City-County Council is the reviewing authority for the approval of the budget of the Capital Improvement Board of Managers of Marion County, Indiana; and

WHEREAS, said Capital Improvement Board of Marion County has submitted certain amendments and revisions of its budget for the calendar year 1976; and

WHEREAS, the City-County Council has reviewed and considered the proposed amendments and changes in the budget; now, therefore:

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

SECTION 1. The calendar year budget for the Capital Improvement Board for 1976 is hereby amended and approved in accordance with the proposals adopted by the Capital Improvement Board of Managers which are detailed in their proposal which is attached to this Resolution and marked Exhibit "A."

SECTION 2. This Resolution shall be in full force and effect from and after adoption. The foregoing was passed by the City-County Council this day of ,1976.

Proposal No. 95, 1976. Following discussion during which Councilman McPherson spoke regarding the Proposal, Councilman McPherson moved, seconded by Councilman Rippel, to amend Proposal No. 95, 1976, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 95, 1976, be amended by substituting the following sections as revised as follows:

**Donald R. McPherson
Councilman**

Sec. 4-26. Promulgation of rules and regulations. (a) Notice of hearing. Before any rule regulation or standard is adopted by Air Pollution Control Board, as authorized by this article, it shall cause a notice to be published in a newspaper of general circulation printed and published in the county at least ten (10) days prior to the date set for a hearing. The notice shall include a statement of the time and place of the hearing, a reference to the subject matter of the proposed rule or regulation and reference to the fact that a copy of the proposed rule or regulation is on file at the office or the Division of Air Pollution Control and the office of the City Clerk where it may be examined; however, no rule or regulation shall be invalid because the reference to the subject matter thereof in such notice is inadequate or insufficient. (b) Filing of proposal. At least five (5) copies of a proposed rule or regulation shall be on file in the office of the Division of Air Pollution Control and in the office of the City Clerk from the date of publication of the notice required by subsection (a) continuously to the time of the hearing. Any interested persons shall be given an adequate opportunity to examine a copy of the proposed rule or regulation. The City Clerk shall furnish to each member of the City-County Council a copy of each proposed rule or regulation filed in the office of the City Clerk.

(c)Hearing. On the date set for a hearing on a proposed rule or regulation, any interested party shall be afforded an adequate opportunity to participate in the formulation of the proposed rule or regulation through the presentation of facts or arguments or the submission of written data or facts. All relevant matters presented shall be given full consideration by the Air Pollution Control Board. All hearings conducted by the Air Pollution Control Board shall be open to the public. Any person may appear and testify at a hearing, either in person, or by a duly authorized representative or attorney.

(d)Publication of adopted rules and regulations and review by the City-County Council. At the conclusion of a public hearing held pursuant to this section, the Air Pollution Control Board may adopt such rules and regulations or may provide for the continuation or the hearing as the board may deem appropriate, which further hearing may be held without the requirement of publication of notice. There shall be published a notice once each week for two (2) consecutive weeks after each board meeting at which rules or regulations were adopted that the Division of Air Pollution Control has adopted certain rules and regulations, giving the number of the same and the general title thereof and stating that copies thereof are available for examination in the office of the Division of Air Pollution Control and in the office of the City Clerk. If within thirty (30) days after the adoption of rules and regulations by the Air Pollution Control Board, the City-County Council shall by resolution or ordinance disapprove or reject such rules and regulations, the action of the Air Pollution Control Board in adopting such rules and regulations shall remain as they were in effect prior to disapproval or rejection by the City-County Council. After complying with the requirements for publication, and if such rules and regulations have not been disapproved or rejected by the City-County Council, such rules and regulations as are adopted by the board shall become effective.

(e)Alteration of existing rules or regulations. In case the Air Pollution Control Board desires to repeal, rescind or amend any rule or regulation, the same procedures shall be followed as are provided in this section for the promulgation of rules or regulations.

Sec. 4-57. Office of administrator established; appointment.

There is hereby established the office of the Administrator of the Division of Air Pollution Control, who shall be appointed by the Director of the Department of Public Works upon recommendation of the board and shall serve at the pleasure of the Director of the Department of Public Works as the full-time administrative head of the Division of Air Pollution Control.

Sec. 4-73. Appointment of members.

The members of the Air Pollution Control Board shall be appointed by the mayor and by the City-County Council as hereinafter provided and serve at the pleasure of the respective appointing authority.

Sec.4-74. Persons eligible for appointment and appointing authority.

The membership of the Air Pollution Control Board shall consist of the following persons appointed as here provided:

(1) A registered professional engineer in the state, having experience in the field of air pollution, appointed by the mayor.

(2) A licensed physician in the state, having experience in toxicology, appointed by the City-County Council.

(3) An attorney admitted to the bar in the state appointed by the mayor.

(4) A member experienced in solid waste disposal appointed by the City-County Council

(5) A member experienced in fuel technology and combustion appointed by the mayor.

(6) A member experienced in process manufacturing appointed by the City-County Council.

(7) A member representing industry appointed by the mayor.

(8) A member representing labor appointed by the City-County Council.

(9) A member representing the public at large appointed by the mayor.

Sec. 4-75. Terms of members.

The terms of the persons appointed to the Air Pollution Control Board shall be four (4) years, except that persons hereafter appointed members shall be appointed so that, insofar as possible, one (1) member appointed by each appointing authority shall be appointed annually.

Sec. 4-76. Filling vacancies.

Whenever a vacancy shall occur in the membership of the Air Pollution Control Board, the appointing authority as provided above shall appoint a member for the remaining portion of the unexpired term.

Article IV., Penalties for Violation (Sec. 4-154. Penalty.) should be deleted.

Discussion of the amendment followed, after which Councilwoman Coughenour moved seconded by Councilman Rippel, the Previous Question on the Amendment.

The motion carried by unanimous voice vote.

Councilman Clark moved, seconded by Councilman Gilmer, to further amend Proposal No. 95, 1976, by deleting the words: "and to order the posting of bonds by persons or firms subject to the jurisdiction of the board up to a maximum fifty thousand dollars to ensure compliance with the orders of the board," on page 27, lines 5 through 9 of the Proposal.

The motion to amend failed on the following roll call vote; viz:

12 AYES: Mr. Bayt, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Dowden, Mr. Durnil, Mr. Gorham, Mrs. Hart, Mr. Hawkins, Mr. Kimbell, Mr. Miller and Mr. Schneider.

15 NOES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mrs. Coughenour, Mr. Gilmer, Mr. Howard, Mrs. Journey, Mr. McPherson, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. SerVaas, Mr. Tinder, Mr. Vollmer and Mr. Walters.
(Mr. Tintera and Mr. West did not vote.)

Councilman West moved, seconded by Councilwoman Brinkman, to further amend Proposal No. 95, 1976, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 95, 1976, be amended as follows:

On page 27, lines 8 & 9, delete the following words:

"the orders of the board"

and insert the following words:

"an agreed schedule of compliance with the board, involving a period of compliance of four months or more."

**Stephen West
Councilman**

CITY-COUNTY GENERAL ORDINANCE NO. 70, 1976

A PROPOSAL FOR A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," especially Chapter 4, Air Pollution Control, by amending certain organizational and staff descriptions and duties to be consistent with the Consolidated First-Class Cities and Counties Act, Indiana Code 1971, 18-4-1-1 through 18-4-24-25, and to modify certain Board and staff authorities to be consistent with the objectives of obtaining and maintaining clean air in the County.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana" be and is hereby amended by modifying Chapter 4, Air Pollution Control, to read as follows, to-wit:

CHAPTER 4

AIR POLLUTION CONTROL

Art. I. In General, SS4-1-4-24

Art II. Administration and Enforcement, SS4-25-4-147

Div. 1. Generally, SS4-25-4-55

Div. 2. Bureau Division of Air Pollution Control, SS4-56-4-71

Div. 3. Air Pollution Control Board, SS4-72-4-92

~~Div. 4. Enforcement Personnel, SS4-93-4-110~~

Div. 5.4. Installation of New Equipment and Alteration of Existing Equipment,
SS4-111-4-128

Div. 6.5. Fees, SS4-129-4-147

Art. III. Minimum Standards, SS4-148-4-153

Art. IV. Penalties for Violation

ARTICLE I. IN GENERAL

Sec. 4-1 Definitions.

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

Administrator shall mean the Administrator of the Division of Air Pollution Control,
Department of Public Works.

Air contaminant shall mean particulate matter, dust, fumes, gas, mist, odors, smoke, soot or vapor, or any combination thereof, and also radioactive substances.

Air contaminant source shall mean any and all sources of emission of air contaminants, whether privately or publicly owned or operated

Air pollution shall mean the presence in the outdoor atmosphere or ambient air of one (1) or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

Ambient air shall mean any surrounding air.

ASME shall mean the American Society of Mechanical Engineers.

ASTM shall mean the American Society for Testing and Materials.

AICHE shall mean the American Institute of Chemical Engineers.

Atmosphere shall mean the air that envelopes or surrounds the earth.

Board shall mean the Indianapolis Air Pollution Control Board.

Btu (British thermal unit) shall mean the quantity of heat required to raise one (1) pound of water from fifty-nine (59) degrees to sixty (60) degrees Fahrenheit.

~~Bureau shall mean the bureau of air pollution control.~~

Chimney or stack shall mean any conduit, duct, vent, flue, or opening of any kind whatsoever arranged to conduct any product, such as particulate, gaseous or effluent emissions, into the open air or atmosphere.

Combustion for indirect heating shall mean the combustion of fuel to produce usable heat that is to be transferred through a heat-conducting material barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.

Division shall mean the Division of Air Pollution Control, Department of Public Works, Consolidated City of Indianapolis.

~~Director shall mean the director of the Indianapolis Bureau of Air Pollution Control.~~

Domestic heating plant shall mean a device generating heat for a single-family residence or for any structure designed and used exclusively as a dwelling for three (3) families or less. Without limiting the generalities of the foregoing, this term also included hot water heaters, stoves and space heaters used in connection with the foregoing establishments.

Domestic refuse-burning equipment shall mean any refuse-burning equipment or incinerators used for a single-family residence or with any structure designed and used exclusively as a dwelling for three (3) families or less.

Dust shall mean solid particulate matter released into or carried in the atmosphere by natural forces or by any fuel-burning, combustion or process equipment or device, by construction work or by manual, mechanical or industrial processes, including but not restricted to crushing, grinding, milling, drilling, demolishing, shoveling, sweeping, bagging, covering, conveying, transferring, transporting and the like.

Dust-separating equipment shall mean any device for separating dust from the gaseous medium in which it is carried.

Equipment shall be one of the following:

(1) Existing shall mean things such as machines, devices, articles, contrivances of installations which are in being and have not been abandoned as defined in this section on January 1, 1968, or actual construction was lawfully begun or the design was more than fifty (50) per cent completed prior to January 1, 1968, except that any such existing equipment, machine, device, article, contrivance or installation which, subsequent to January 1, 1968, is altered, repaired or rebuilt at a cost of thirty (30) per cent or more of its replacement cost shall be deemed to be new as defined in this subsection, and except that the cost of air pollution control equipment and the cost of its installation on existing equipment is not to be construed as a cost of altering, repairing or rebuilding existing equipment. For the purpose of this subsection, "abandon" shall mean the cessation of the use of equipment, machines, devices, articles, contrivances or installations for a period in excess of one (1) year prior to the enactment of General Ordinance 109, 1967, from which this chapter is derived.

(2) New shall mean any equipment, the design of which is less than fifty (50) per cent completed on January 1, 1968. If any existing equipment is to be altered at a cost of thirty (30) per cent or more of its replacement cost, it shall be considered new equipment. Any equipment which is altered or modified such that the amount of air contaminant emissions is materially increased shall be considered new equipment. The

cost of air pollution control equipment and the cost of its installation on existing equipment is not to be considered as a cost of altering, repairing or rebuilding such existing equipment.

Flammable material shall mean material that will ignite and burn; such materials shall be considered as flammable even though flameproofed, treated with a fire retardant or plastered.

Fly ash shall mean particulate matter capable of being gasborne or airborne, consisting essentially of fused ash and/or burned or unburned material resulting from the combustion of fuel or refuse.

Fuel-burning or combustion equipment shall mean any furnace, incinerator, boiler, fuel-or-refuse-burning equipment, device, contrivance or apparatus that is used for the burning of fuel or other combustible material or is used in connection with any process which generates heat and emits products of combustion; and shall include methods or forms of manufacturing, chemical, metallurgical or mechanical processing which emits smoke, particulate, gas or other matter. This definition shall include all appurtenances thereto, including ducts, breeching, control equipment, fly ash or dust collectors, electric precipitators, smoke-prevention equipment, fuel-or ash-handling equipment, stacks and chimneys.

Fumes shall mean gases or vapors that are of such a character as to cause air pollution.

Furnace shall mean an enclosed space provided for the ignition and/or combustion

Gasoline shall mean a petroleum distillate having a Reid vapor pressure of four (4) pounds or over.

IIA shall mean the Incinerator Institute of America.

Incinerator shall mean a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid or gaseous combustible wastes are ignited and burned efficiently and the solid residues therefrom contain little or no combustible material.

Incinerator-Multichamber shall mean any refuse-burning equipment consisting of two (2) or more combustion chambers in series.

Indianapolis area shall mean the Consolidated City of Indianapolis itself and the (10) miles from its corporate boundaries in all directions in the county including all of Marion County.

Indirect heat exchanger shall mean any apparatus or device that transfers usable heat through a heat-conducting material barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the heat-carrying medium.

Internal-combustion engine shall mean any engine in which the combustion of gaseous, liquid or pulverized solid fuel takes place within one (1) or more chambers.

Mist shall mean a suspension of any finely divided liquid in any gas or atmosphere.

Odor shall mean a substance which affects the sense of smell.

Open burning or open fire shall mean any burning of combustible materials wherein the products of combustion are emitted directly into the open air without passing through a stack or chimney.

Particulate matter shall mean any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions or which is suspended in or discharged into the atmosphere.

Process shall mean any action, operation or treatment embracing chemical, industrial or manufacturing facts, such as, but not limited to, heat-treating furnaces, by-product coke plants, cupolas, heating and reheating furnaces, electric steel furnaces, ferrous and nonferrous foundries, asphalt concrete mix plants, cement plants and equipment used in connection therewith, and all other methods or forms of manufacturing or processing that emit smoke, particulate matter or gaseous matter in excess of the minimum quantities established by this chapter or the rules and regulations issued pursuant to this chapter.

Process weight shall mean the total weight of all materials introduced into any source of operation. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

Process weight rate shall mean:

(1) For continuous or long-run, steady-rate source operation, the total process weight for the entire period of continuous operation, or for a typical portion thereof, divided by the number of hours of such period, or portion thereof.

(2) For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the hours of actual process operation during such a period.

(3) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

Refuse shall mean and include garbage, rubbish, trade waste and trash.

Refuse-burning equipment shall mean any equipment, device or contrivance used for the destruction of refuse and other waste by burning and all appurtenances thereto.

Ringelmann chart shall mean the chart published and described in the United States Bureau of Mines Information Circular 8333, which shall include later current circulars and charts and which are illustrated graduated shades of gray to black for use in estimating the light-obscuring powers of smoke.

Ringlemann number shall mean the number appearing on the Ringlemann chart describing the density of smoke emission. Where the density of smoke as observed falls between two (2) consecutive Ringelmann numbers, the lower Ringelmann number shall be considered the density of the smoke observed.

Smoke shall mean small, gasborne particles resulting from incomplete combustion, consisting predominately, but not exclusively, of carbon, ash and other combustible materials which form a visible plume in the air.

Smoke monitor shall mean a device using a light source and a light detector which can automatically measure and record the light-obscuring power of smoke at a specific location in the flue or stack of a source. Measuring and recording shall be at intervals of not less than fifteen (15) seconds.

Source operation shall mean the last operation preceding the emission of an air contaminant, which operation:

(1) Results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and

(2) Is not an air pollutant abatement operation.

Standard conditions shall mean a gas temperature of seventy (70) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute (psia).

Standard cubic foot (SCF) shall mean a measure of a volume of gas under standard conditions.

Submerged fill pipe shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank; or, when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen (18) inches or is twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

~~Superintendent shall mean the superintendent of air pollution control.~~

Trade wastes shall mean all solids, liquids or vapors resulting from construction, land clearing of plant life other than annual crops grown on the premises in the course of agricultural operations, building operations or the prosecution of any business, trade or industry, including, but not by way of limitation, plastic or rubber products, chemicals, cinders, fly ash, trees, brush and other forms of solid or liquid waste material.

Volatile organic materials shall mean any material containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element, which has a vapor pressure of two and five-tenths (2.5) pounds per square inch absolute or greater under actual conditions. (G.O. 109, 1967, S1.3; G.O. 23, 1969, S1; G.O. 37, 1969, S1; G.O. 69, 1972, SS1,2).

Sec.4.2. Pollution of atmosphere declared unlawful.

It shall be unlawful for any person to permit or cause the emission into the outdoor atmosphere of air contaminants in such quantities and of such duration as to be injurious to humans, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life and property in violation of this chapter and the regulations adopted pursuant to this chapter. (G.O. 109, 1967, S1.1.)

Sec. 4-3. Territorial application of chapter.

~~The Consolidated City of Indianapolis and Marion County city and that area within the county ten (10) miles from the corporate boundaries of the city shall constitute the jurisdictional area of this chapter. (G.O. 109, 1967, S2.1; G.O. 23, 1969, S2)~~

Secs. 4-4-24. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT DIVISION I. GENERALLY

Sec. 4-25. Purposes for ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~e~~Control and for ~~a~~Air ~~p~~Pollution ~~e~~Control ~~b~~Board; general authority.

In order to achieve and maintain such a reasonable degree of purity of the air in and above the Consolidated ~~e~~City of Indianapolis and Marion County ~~and its immediately surrounding territory~~ as shall be consistent with maximum employment and full industrial development, and as shall be technically feasible, economically reasonable and necessary for the protection of the normal health, the general welfare, the property and the people of the city Indianapolis and Marion County and its immediately surrounding territory, there is established within the ~~executive~~ Department of Public Works, a ~~bureau-Division of a~~Air ~~p~~Pollution ~~e~~Control administered by ~~a director an~~ Administrator and an ~~a~~Air ~~p~~Pollution ~~e~~Control ~~b~~Board with provisions for:

(1) The registration of air pollution sources; (2) Making and enforcement of rules and regulations; (3) Issuance of permits for the installation, construction additions or alteration of process, fuel-burning, refuse-burning or control equipment pertaining thereto which may be a source of air contaminants, and establishing fees therefor; (4) Inspections and tests of process, fuel-burning, refuse-burning and control equipment pertaining thereto; (5) The issuance of certificates of operation; (6) The prohibition of certain acts causing air pollution; (7) Fines and penalties for violations. (G.O. 109, 1967, SS1.2)

Sec. 4-26. Promulgation of rules and regulations.

(a) Notice of hearing. Before any rule, regulation or standard is adopted by the Air Pollution Control Board, as authorized by this article, it shall cause a notice to be published in a newspaper of general circulation printed and published in the county at least ten (10) days prior to the date set for a hearing. The notice shall include a statement of the time and place of the hearing, a reference to the subject matter of the proposed rule of regulation and reference to the fact that a copy of the proposed rule or regulation is on file at the office of the Division of Air Pollution Control and at the office of the City Clerk where it may be examined; however, no rule or regulation shall be invalid because the reference to the subject matter thereof in such notice is inadequate or insufficient.

(b) Filing of proposal. At least five (5) copies of a proposed rule or regulation shall be on file in the office of the Division of Air Pollution Control and in the office of the City Clerk from the date of publication of the notice required by subsection (a) continuously to the time of the hearing. Any interested persons shall be given an adequate opportunity to examine a copy of the proposed rule or regulation. The City Clerk shall furnish to each member of the City-County Council a copy of each proposed rule or regulation filed in the office of the City Clerk.

(c) Hearing. On the date set for a hearing on a proposed rule or regulation, any interested party shall be afforded an adequate opportunity to participate in the formulation of the proposed rule or regulation through the presentation of facts or arguments or the submission or written data or facts. All relevant matters presented shall be given full consideration by the Air Pollution Control Board. All hearings conducted by the Air Pollution Control Board shall be open to the public. Any person may appear and testify at a hearing, either in person, or by a duly authorized representative or attorney.

(d) Publication of adopted rules and regulations and review by the City-County Council. At the conclusion of a public hearing held pursuant to this section, the Air Pollution Control Board may adopt such rules and regulations or may provide for the continuation of the hearing as the board may deem appropriate, which further hearing may be held without the requirement of publication of notice. There shall be published a notice once each week for two (2) consecutive weeks after each board meeting at which rules or regulations were adopted that the Division of Air Pollution Control has adopted certain rules and regulations, giving the number of the same and the general title thereof and stating that copies thereof are available for examination in the office of the Division of Air Pollution Control and in the office of the City Clerk. If within thirty (30) days after the adoption of rules and regulations by the Air Pollution Control Board, the City-County Council shall by resolution or ordinance disapprove or reject such rules and regulations, the action of the Air Pollution Control Board in adopting such rules and regulations shall be of no effect and the rules and regulations shall remain as they were in effect prior to disapproval or rejection by the City-County Council. After complying with the requirements for publication, and if such rules and regulations have not been disapproved or rejected by the City-County Council, such rules and regulations as are adopted by the board shall become effective.

(e) Alteration of existing rules or regulations. In case the Air Pollution Control Board desires to repeal, rescind or amend any rule or regulation, the same procedures shall be followed as are provided in this section for the promulgation of rules or regulations.

Sec. 4-27. Certificate for operation of existing equipment in compliance with this chapter.

(a) The owner or person responsible for maintenance or any existing process, fuel-burning, refuse-burning or control equipment, which is a source of air contaminant of the type covered by this chapter and the rules and regulations promulgated pursuant to this article, and which emits such contaminants in amounts in excess of the minimums provided in such rules and regulations, shall file with the division a report setting forth:

(1) The nature and quantity of the air contaminant produced; and (2) A description of any devices designed to control the emission of such contaminants into the atmosphere.

(b) Upon receipt of the report pursuant to subsection (a) and payment of the required fee, the ~~superintendent administrator of air pollution control~~ shall if he is satisfied that the process, fuel-burning, refuse-burning and control equipment does not allow the emission into the atmosphere of air contaminants in excess of the maximums provided in this chapter or the rules and regulations promulgated pursuant to this article, issue to such person a certificate of operation for the process, fuel-burning, refuse-burning, and control equipment. The certificate of operation may be renewed on the ~~third~~ fourth anniversary and every ~~three~~ four (4) years thereafter, so long as the equipment remains in satisfactory operation. An invoice for renewal of the certificate of operation shall be submitted to the owner of record by the ~~bureau~~ Division of Air Pollution Control.

(c) If the ~~director Administrator of the bureau of air pollution control~~ shall find that the process, fuel-burning, refuse-burning or control equipment results in the emission into the atmosphere of air contaminants in excess of the maximum amounts provided in this chapter and the rules and regulations promulgated pursuant to this article, the ~~director administrator~~ shall order the applicant to submit a program for bringing such process, fuel-burning, refuse-burning or control equipment in compliance with Section 4-28. (G.O. 109, 1967, SS5.1)

Sec. 4-28. Program for bringing nonconforming equipment into compliance.

(a) Where emission sources ~~in existence prior to January 1, 1968~~, do not meet the emission limitations prescribed in the rules and regulations established pursuant to this article, a program to meet the requirements stipulated in the rules and regulations shall be developed and offered to the ~~director Administrator~~ Administrator of the ~~bureau~~ Division of Air Pollution Control by the owner of the equipment causing the emission.

(b) In evaluating a program promulgated pursuant to subsection (a), the owner and the ~~director Administrator~~ Administrator of the ~~bureau~~ Division of Air Pollution Control shall take into consideration the following factors:

(1) Action taken to control atmospheric pollution within emission limitations in effect prior to January 1, ~~1968~~ 1975; (2) Efficiency of any existing control equipment relative to that which would be required to meet emission limitations of this regulation; (3) Temporary interim control measures intended to minimize existing pollution levels; (4) The effect the source of emission has on air pollution generally or in the immediate vicinity of the source. ~~(5) The degree of control in relation to other similar facilities which produce air pollution; (6) The age and prospective life of the facility in question.~~

The following factors may be taken into consideration in evaluating such program:

(1) The degree of control in relation to other similar facilities which produce air pollution; (2) The age and prospective life of the facilities in question.

(c) A program promulgated pursuant to this section shall be submitted upon the order

action on the appeal. A fee of twenty-five dollars (\$25.00) shall be posted to cover the costs of the hearing and this shall be refunded only if the appeal is sustained. The ~~director or the superintendent~~ administrator whose action or failure to act is the subject of the appeal shall forthwith furnish to the board his information relating to the case. The board shall, not less than ten (10) days after the date of filing of the appeal, set a date for the hearing and shall give notice thereof by mail to the interested parties. The board may at its discretion grant a continuance.

(c) Hearing. At the hearing on an appeal under this section, any party may appear in person or by agent or attorney and present evidence, both written and oral, pertinent to the questions and issues involved and may examine and cross-examine witnesses. The ~~Air Pollution Control Board~~, after the hearing, shall examine and affirm, modify or reverse the decision, ruling, requirement, rule or order of the ~~director of the bureau of air pollution control or the superintendent~~ Administrator of ~~Air Pollution Control~~, or order his to act. The decision of the board shall be binding on the ~~director or the superintendent~~ administrator and the appellant unless reversed by a court of competent jurisdiction. (G.O. 109, 1967, SS 3.3)

Sec. 4-32. Variances.

(a) Grounds; scope. In the event that the ~~Air Pollution Control Board~~ shall find that the compliance by a particular person with the provisions of this chapter or of rules and regulations adopted by the board pursuant of this article would result:

(1) In an arbitrary and unreasonable taking of property, or (2) In a practical closing and elimination of any lawful business, occupation or activity, or (3) In an undue hardship upon any person; without a sufficient corresponding benefit or advantage to the public in the reduction of air contamination the board shall prescribe other and different requirements, not more burdensome than the requirements of this chapter or of the general rules and regulations adopted pursuant to this article, applicable to plants and equipment operated by such person; provided, however, no such variance may permit or authorize the maintenance of a nuisance.

(b) Notice of hearing. A variance authorized by this section shall be granted only after a public hearing, notice of which shall be published in the same manner as notice shall be given before promulgation by the air pollution control board of any rules or regulations. In addition, the person requesting a variance shall, not less than fifteen (15) days prior to the date of the hearing, either deliver personally or by registered or certified mail to the owner of all real estate located within six hundred (600) feet of the ~~plant or equipment~~ continuous building within which or the physical equipment (if it is not within a building) for which the variance is sought (as the names of such owners shall appear on the latest bound records of the appropriate township assessors), a notice setting forth the name of the petitioner, the time and place of the hearing and a general description of the plant or equipment for which variance is sought and the nature of the variance sought.

(c) Limitations and modifications of variances. Any variance granted pursuant to this section shall be subject to such limitations as to time and to such other conditions or limitations as the ~~Air Pollution Control Board~~ may prescribe at the time of granting such variance. Any variance granted pursuant to this section may be revoked or modified ~~by the board by written order, after a public hearing, notice of which shall be published in the same manner as notice shall be given before promulgation by the board of any rules or regulations, which hearing shall be held not more than ten (10) days after written notice of the hearing and its purpose.~~ Notice shall have been be served on the person or persons who will be subjected to greater restrictions if the variance is revoked or modified as proposed at least ten (10) days prior to the proposed revocation, and Such notice shall also be served upon all other persons who appeared before the Board at the time of granting of the variance or who have filed with the Board a written request for the notification. (G.O. 109, 1967, SS 3.4)

Sec. 4-33. Primary enforcement officers.

The ~~director~~ Administrator of the bureau Division of ~~Air Pollution Control~~ and the ~~superintendent of air pollution control~~ shall be in charge of the enforcement of this

of the ~~director~~ Administrator of the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~c~~Control within such a time limit as shall be determined to be reasonable, but not more than ninety (90) days after the order. Such program shall include an estimate of time required to be completed, which shall not exceed three (3) years after the date of approval of the program by the ~~director~~ Administrator, the owner of the equipment causing the emission shall not be in violation of this chapter so long as the program is observed and reports indicating the progress of said program are submitted semiannually to the ~~director~~ administrator by the owner of the equipment causing the emission in question. If progress of the program is not maintained in accordance with the provisions of the program, the ~~director~~ administrator may suspend the program and issue a violation notice.

(d) In the event the owner of the equipment causing the emission and the ~~director~~ administrator cannot evolve a mutually acceptable program or if the program cannot be completed within three (3) years after approval by the ~~director~~ Administrator of the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~c~~Control, the matter shall be referred to the ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board for resolution and determination, after a hearing at which the ~~director~~ administrator and the owner of the equipment causing the emission shall have an opportunity to present facts and arguments of an acceptable program which shall be binding upon both the owner and the ~~director~~ administrator. In making its determination, the board shall also take into consideration the factors noted in paragraphs (1) through (4) of subsection (b) of this section.

(e) When a program under this section has resulted in the equipment complying with this chapter and the rules and regulations promulgated pursuant to this article, the ~~director~~ Administrator of the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~c~~Control shall issue a certificate of operation which shall be renewed as provided in section 4-27. (G.O. 109, 1967, SS5.2)

Sec. 4-29. Transferability of certificates of operation.

No certificate of operation for new or existing equipment issued pursuant to this article shall be transferable. (G.O.109, 1967, SS6.2)

Sec.4-30. Confidentiality of data or information.

Data or information relating to processes or production unique to one person or firm, or the disclosure of such information which, if made public, would tend to adversely affect the competitive position of that person or firm, will not be required to obtain an installation permit or certificate of operation under any provision of this article. Nothing in this section shall be construed as a permit to violate any of the air quality objectives, standards or rules and regulations or the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~c~~Control. Notwithstanding the provisions of this section, in all cases the emission quantity, stack parameters, and sulfur and ash content of rules will be required. (G.O. 109, 1967, SS6.3)

Sec. 4-31. Appeals.

(a) Grounds. Any person may take an appeal to the ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board if:

(1) He is taking exception to and affected by any final decision, ruling, requirement, rule or order the director Administrator of the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~c~~Control or the superintendent of air pollution control (2) He makes a request to the ~~director~~ Administrator of the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~c~~Control ~~of the superintendent of air pollution control~~ and he fails to act upon the request within ten (10) days.

(b) Perfecting appeal. An appeal pursuant to this section shall be taken within fifteen (15) days of the action complained of by filing with the ~~director~~ Administrator of the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~c~~Control or the ~~superintendent of air pollution control~~, a notice of appeal directed to the ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board specifying the grounds of the appeal and the relief desired. An appeal shall act as a stay of the decision, ruling, requirement, rule or order in question until the board has taken final

chapter and the enforcement of the rules and regulations adopted pursuant to this article. (G.O. 109, 1967, SS3.5)

Sec. 4-34. Citation of violators; judicial enforcement.

(a) Where a violation of this chapter or of any rule or regulation promulgated pursuant to this article occurs, the ~~director~~ Administrator of the ~~bureau~~ Division of ~~air~~ Pollution ~~Control~~ or the ~~superintendent of air pollution control~~ shall cite, in writing, the violator, which citation shall state the time allowed for compliance with this chapter or rules or regulations promulgated pursuant to this article.

(b) Upon the failure of the violator to achieve final compliance within the time stipulated in the citation issued pursuant to subsection (a), the ~~director of the bureau of air pollution control~~ administrator may forward a notice of violation to the city ~~prosecutor~~ legal division with a copy to the violator, who shall file a complaint of ordinance violation against the person not in compliance with this chapter or the rules and regulations promulgated pursuant to this article. The city prosecutor shall thereupon prosecute such case in the Municipal Court of Marion County.

(c) In lieu of the enforcement procedure designated in subsection (b), the ~~director~~ Administrator of the ~~bureau~~ Division of ~~air~~ Pollution ~~Control~~ may direct the ~~department of law~~ City of Indianapolis legal division to enjoin any nuisance or any health hazard or other air pollution condition by appropriate action to enjoin or restrain the nuisance or health hazard in the civil courts, as the city may be authorized to accomplish the abatement of nuisances under existing law.

(d) In lieu of all the foregoing, the administrator may prescribe any other action described in rules and regulations adopted by the board or in Article IV of this Chapter concerning penalties. (G.O. 109, 1967, SS3.5)

Sec. 4-35. Emergency abatement and powers.

(a) Any other provision of this chapter to the contrary notwithstanding, if the ~~director~~ Administrator of the ~~bureau~~ Division of ~~air~~ Pollution ~~Control~~ finds that emissions from the operation of one (1) or more air contaminant sources is causing imminent danger to human health or safety, he may order the person responsible for the operation in question to reduce or discontinue emissions immediately and such an order shall fix a place and time not later than twenty-four (24) hours thereafter for a hearing to be held before the ~~air~~ Pollution ~~Control~~ Board. Not more than twenty-four (24) hours after the commencement of such a hearing and without the adjournment thereof, the board shall affirm, modify or set aside the order of the ~~director~~ administrator.

(b) Nothing in this section shall be construed to limit any power which the mayor or any other officer may have to declare an emergency and act on the basis of such declaration if such power is conferred by statute or constitutional provision, or is inherent to the office. (G.O. 109, 1967, SS8.1 8.2)

Sec.4-36. Obstruction of enforcement personnel.

Any person who shall fail to submit plans or reports or who shall refuse to comply with or who shall assist in the violation of any of the provisions of this chapter, or who shall, in any manner, hinder, obstruct, delay, resist, prevent or in any way interfere with the ~~superintendent of air pollution control~~ administrator or air pollution control inspectors, or police officers, in the performance of any duty herein prescribed, or who shall refuse any of them entrance at reasonable hours to any premises on which the provisions of this chapter or rules or regulations promulgated pursuant to this article are being or may be violated, or who shall refuse to permit the inspection or examination of such a building, establishment, premises or enclosure for the purpose of enforcement of this chapter, shall be subject to the penalties provided for a violation of this chapter.

Secs. 4-37-4-55. Reserved.

DIVISION 2. ~~BUREAU~~ DIVISION OF AIR POLLUTION CONTROL

Sec. 4-56. Established; purpose.

There is hereby established a ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~e~~Control for the administration and enforcement of this chapter, which ~~bureau~~ division shall be within the ~~executive department~~ Department of Public Works. The ~~executive~~ Department of Public Works shall administer this chapter through the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~e~~Control. (G.O. 109, 1967, SS2.2).

Sec. 4-57. Office of Administrator established; appointment.

There is hereby established the office of the Administrator of the Division of Air Pollution Control, who shall be appointed by the Director of the Department of Public Works upon recommendation of the board and shall serve at the pleasure of the Director of the Department of Public Works as the full-time administrative head of the Division of Air Pollution Control.

Sec. 4-58. Qualifications of the ~~director~~ administrator.

The ~~director~~ Administrator of the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~e~~Control shall be ~~either~~ a graduate engineer, a graduate industrial hygienist or a doctor of medicine, having experience in air pollution control or air pollution abatement and having proven executive administrative and personnel relations experience. (G.O. 109, 1967, SS2.4)

Sec. 4-59. General duties of the ~~director~~ administrator.

The ~~director~~ Administrator of the ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~e~~Control shall:

(1) Direct and administer the activities of the ~~bureau~~ division staff; (2) Make rules and regulations pertaining to the administration of the ~~bureau~~ Division of Air Pollution Control, subject to the approval of the ~~a~~Air ~~p~~Pollution ~~e~~Control ~~b~~Board; (3) Recommend to the ~~a~~Air ~~p~~Pollution ~~e~~Control ~~b~~Board proposals for additions or revisions to the regulations of this chapter; (4) Receive and institute complaints; (5) Prepare the annual budget, subject to the approval of the ~~a~~Air ~~p~~Pollution ~~e~~Control ~~b~~Board; (6) Institute enforcement actions necessary to insure compliance with the prevention and abatement sections as may be provided for in this chapter; (7) Be responsible for the preparation and execution of public relations plans and educational plans for securing the cooperation of the public in the reduction of air pollution; (8) Cooperate with federal, state, county and other agencies concerned with air pollution with regard to studies, abatement programs, public complaints and similar matters; (9) Serve as secretary to the ~~a~~Air ~~p~~Pollution ~~e~~Control ~~b~~Board without vote or membership thereon. (G.O. 109, 1967, SS2.4) (10) Be responsible for staffing, training, and promotion of the division staff according to City of Indianapolis personnel procedures and policies, with concurrence of the board; (11) Provide and maintain written qualifications requirements for each of the division staff to assure technical capability and performance of the division's responsibility under this ordinance, subject to approval of such qualification requirements by the board; (12) Delegate responsibility and authority to an acting administrator as necessary.

Sec. 4-60. Remedial authority.

The ~~bureau~~ Division of ~~a~~Air ~~p~~Pollution ~~e~~Control may take such appropriate action as it deems necessary to remedy any air pollution caused by a person cited for a violation, including the extension of time in which to correct defects and a direct order to comply with this chapter or the rules and regulations adopted pursuant to this article. (G.O. 109, 1967, SS3.5)

Sec. 4-61. Registration of air pollution sources.

To bring about compliance with this chapter and the rules and regulations promulgated

pursuant to this article in an orderly and systematic manner, the ~~bureau~~ Division of Air Pollution Control shall maintain a registration of air pollution sources emitting contaminants in excess of the minimums established by such rules and regulations, and it shall acquire ~~and take over from any prior air pollution control bureau~~ all existing records in this regard and shall continue such records and maintain the register of a current and continuing basis. (G.O. 109, 1967, SS4.1)

Sec. 4-62. Logistics authority.

The ~~bureau~~ Division of Air Pollution Control is authorized to acquire and to use all necessary equipment, devices, methods and systems to measure the quality of the ambient air in the control area and to keep records, charges, data and statistics and to conduct tests, make inspections and do all that is necessary to control the purity of the Indianapolis area atmosphere. (G.O. 109, 1967, SS4.2)

Secs. 4-63-4-71. Reserved.

DIVISION 3. AIR POLLUTION CONTROL BOARD

Sec. 4-72. Established; composition.

There is hereby established an Air Pollution Control Board, which shall consist of nine (9) members. (G.O. 109, 1967, SS2.2, 2.5)

Sec. 4-73. Appointment of members.

The members of the Air Pollution Control Board shall be appointed by the mayor and by the City-County Council as hereinafter provided and serve at the pleasure of the respective appointing authority.

Sec. 4-74. Persons eligible for appointment and appointing authority.

The membership of the Air Pollution Control Board shall consist of the following persons appointed as here provided:

(1) A registered professional engineer in the state, having experience in the field of air pollution, appointed by the mayor. (2) A licensed physician in the state, having experience in toxicology, appointed by the City-County Council (3) An attorney admitted to the bar in the state appointed by the mayor. (4) A member experienced in solid waste disposal appointed by the City-County Council. (5) A member experienced in fuel technology and combustion appointed by the mayor. (6) A member experienced in process manufacturing appointed by the City-County Council. (7) A member representing industry appointed by the mayor. (8) A member representing labor appointed by the City-County Council. (9) A member representing the public at large appointed by the mayor.

Sec. 4-75. Terms of members.

The terms of persons appointed to the Air Pollution Control Board shall be four (4) years, except that persons hereafter appointed members shall be appointed so that, insofar as possible, one (1) member appointed by each appointing authority shall be appointed annually.

Sec. 4-76. Filling vacancies.

Whenever a vacancy shall occur in the membership of the Air Pollution Control Board, the appointing authority as provided above shall appoint a member for the remaining portion of the unexpired term.

Sec. 4-77. Compensation of members.

The members of the ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board shall serve without compensation. (G.O. 109, 1967, SS2.5)

Sec. 4-78. Organization

The chairman and the vice-chairman of the ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board shall be elected by the board members, shall be members of the board and shall serve for one (1) year. (G.O. 109, 1967, SS 2.5)

Sec. 4-79. Meetings.

The ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board shall meet at least once each month and more often if deemed necessary by the chairman or two (2) members of the board. All members shall be notified of all meetings. (G.O. 109, 1967, SS2.5)

Sec. 4-80. Voting.

A quorum of the ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board shall consist of five (5) members. A majority of the entire board shall decide all votes on rules and regulations or changes thereto; all other votes shall be decided by a majority vote of those present. (G.O. 109, 1967, SS2.5)

Sec. 4-81. Minutes and records.

The ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact; it shall also keep records of its hearings and other official actions. (G.O. 109, 1967, SS3.2)

Sec. 4-82. Powers and duties generally.

The ~~a~~Air ~~p~~Pollution ~~c~~Control ~~b~~Board shall have the following powers and duties:

(1) After thorough study and investigation, to prepare and develop a comprehensive, effective and continuing program for the prevention, abatement and control of air contaminants within the area subject to this chapter by:

(a) Setting air quality objectives; (b) Determining need for specific controls to achieve and maintain the air quality objectives; (c) Making and amending rules and regulations and setting standards based on need, technical, feasibility and economic practicability.

(2) To secure necessary scientific, technical, administrative and operational assistance by contract or otherwise, and to employ and remove at pleasure professional and technical advisors, experts and other employees of the division, whether skilled or unskilled, as it deems requisite for the performance of its duties, upon recommendation of the administrator.

(3) To institute investigations, consider complaints, listen to and decide on appeals, grant or deny variances, hold hearings, issue orders and authorize and direct appropriate enforcement action permitted by law and deemed necessary to achieve compliance with the rules and regulations pursuant to this chapter, and to order the posting of bonds by persons or firms subject to the jurisdiction of the board up to a maximum fifty thousand dollars to ensure compliance with an agreed schedule of compliance with the board, involving a period of compliance of four months or more, taking into consideration:

(a) The character and degree of injury or interference with comfort, safety, health or the reasonable use of enjoyment of the property;

(b) The social and economic value of the activity causing the emission; and

(c) The practicability, both scientific and economic, of reducing or eliminating the emission resulting from such activity.

(4) To adopt, amend and replace as necessary standards, rules and regulations under this chapter which shall be incorporated and made a part of this chapter, violations of which shall be violations of this chapter.

(5) To maintain a register of violators.

(6) To list variances and compliance deadlines.

(7) To exclude small sources of air contamination by establishing practical minimum quantities of each air contaminant below which neither control nor registration of the source of emission shall be required. (G.O. 109, 1967, SS2.5)

(8) To appoint an acting administrator in the event of a vacancy in the office of administrator.

Secs. 4-83-3-92. Reserved.

DIVISION 4. ENFORCEMENT PERSONNEL

(This entire division, being Sections 4-93 through 4-100 of the existing Chapter, is repealed.)

DIVISION 5.4. INSTALLATION OF NEW EQUIPMENT AND ALTERATION OF EXISTING EQUIPMENT

Sec. 4-111. Permit required.

It shall be unlawful for any person to construct or install any process, fuel-burning, refuse burning or control equipment pertaining thereto, which will be a source of air contaminant of a type covered by and in excess of the minimum set forth in this chapter and the rules and regulations promulgated pursuant to this article, or to reconstruct or alter any such process, fuel burning, refuse-burning or control equipment in such a way as to change the nature or increase the amount of any air contaminant produced thereby, or to effect any change in the equipment designed to control such air contaminant without first obtaining a permit therefor as provided in this division, if such source will result in violation of applicable ambient air standards. An application for a permit in duplicate shall be filed with the division as provided for in this chapter. (G.O. 109, 1967, SS6.1)

Sec. 4-112. Applications for permit.

~~(a) Where compliance is not certified.~~ A person desiring a permit required by this division shall file an application therefor with the ~~bureau~~ Division of Air Pollution Control, setting forth:

(1) The nature and quantity of the air contaminant product; (2) Two (2) sets of properly prepared plans and specifications of the air contaminant control equipment used in connection therewith; (3) Such other data as the ~~superintendent~~ administrator of air pollution control may reasonably require to evaluate the amount of such contaminants which may enter the atmosphere.

~~(b) Where compliance is certified in lieu of an application under subsection (a) of this section, a person desiring a permit required by this division may, at his option, file with the bureau of air pollution control and application containing;~~

~~(1) A certificate stating the nature and quantity of the air contaminant that the process, fuel-burning or refuse-burning may emit, and~~

~~(2) Stating that the control equipment proposed, if any, complies with each and all of the applicable provisions and limitations of this chapter. (G.O. 109, 1967, SS6.1)~~

Sec. 4-113. Action on permit application; issuance.

~~(a) When compliance is not certified.~~ An application for a permit required by this division which has been made pursuant to subsection (a) of section 4-112 and does not contain certification of compliance with of this chapter shall be acted on within thirty (30) calendar days after it is filed in the office of the bureau Division of Air Pollution Control, unless such application is subject to provisions of subsection (b) of this section, in which case the Division of Air Pollution Control will act within sixty (60) calendar days after it is filed. The superintendent administrator of air pollution control shall notify the person applying for the permit of the approval or reasons for rejection of the application in writing.

~~(b) When compliance is certified.~~ An application for a permit required by this division which has been made pursuant to subsection (b) of section 4-112 and does contain certification of compliance with this chapter shall be acted upon by the superintendent of air pollution control within ten (10) days after receipt of the application. The board shall establish levels of potential emissions above which a public notice will be required. Such public notice will be published in a newspaper of general circulation in Marion County, Indiana at least thirty (30) days prior to approval or disapproval of permit applications subject to this subsection and shall include the name and location of construction, installation, reconstruction or alteration. The Division of Air Pollution Control shall make available for public inspection the permit application information and an analysis of impact on air quality at the office of the administrator during the period of any required public notice.

(c) Issuance or permit. Upon approval of the application for a permit required and upon the payment of the prescribed fees, the superintendent administrator of air pollution control shall issue a permit for the construction, installation, reconstruction or alteration of the process, fuel-burning, refuse-burning or control equipment. (G.O. 109, 1967, SS6.1)

Sec. 4-114. Conformity with permits; effect of violation.

(a) No construction, installation, reconstruction or alteration shall be made which is not in accordance with the plans, specifications and other pertinent information upon which the installation permit was issued pursuant to this division, without first obtaining written approval therefor from the ~~superintendent~~ administrator of air pollution control.

(b) A violation of a permit issued pursuant to this division shall be sufficient cause for the ~~director~~ Administrator of the bureau Division of Air Pollution Control to stop all work in connection with the permit and he is hereby authorized to seal the installation. No further work shall be done until the ~~director~~ administrator is assured that the condition in question will be corrected and that the work will proceed in accordance with the permit. (G.O. 109, 1967, SS 6.1)

(c) In no case will the issuance of a permit by the division affect the responsibility of the owner or operator to comply with this Chapter or applicable rules and regulations adopted by the board.

Sec. 4-115. Expiration or permit.

If the construction, installation, reconstruction or alteration for which a permit is required by this division is not started within one (1) year of the date of the permit, the permit will become void and all fees shall be forfeited, unless an extension of time is warranted and granted by the ~~director~~ Administrator of the ~~bureau~~ Division of Air Pollution Control. (G.O. 109, 1967, SS 6.1)

Sec. 4-116. Transferability of permit.

No permit issued pursuant to this division shall be transferable. (G.O. 109, 1967, SS 6.2)

Sec. 4-117. Certificate of operation.

(a) The person responsible for the installation, construction, or alteration of any process, fuel-burning, refuse-burning or control equipment for which an installation permit is required by this division shall notify the ~~bureau~~ Division of Air Pollution Control when the work is completed and ready for final inspection. Pending the inspection, the process or equipment may be operated for the purpose and in the manner for which the installation permit was approved. Emission tests at the expense of the permittee may be required by the ~~superintendent~~ administrator of air pollution control before the ~~insuring~~ issuing of an initial certificate of operation.

(b) After it is demonstrated to the satisfaction of the ~~superintendent~~ administrator of air pollution control that the process, fuel-burning, refuse-burning or control equipment subject to this division is being operated in compliance with this chapter, a certificate of operation shall be issued by the ~~superintendent~~ division. The certificate of operation shall be renewed every ~~three (3)~~ four (4) years so long as such equipment remains in ~~satisfactory~~ lawful operation as provided in section 4-27.

(c) A certificate of operation issued pursuant to this section shall be kept posted on or near the installation for which it was issued.

(d) A certificate of operation issued pursuant to this section shall properly identify the equipment to which it pertains and shall specify the class or rule, type of refuse, or type of raw materials used, if any, which have been successfully used in the operating test. (G.O. 109, 1967, SS 6.2)

Sec. 4-118. Failure of equipment to be in compliance with this chapter.

(a) The failure to operate successfully under test within the limitations and requirements of this chapter shall constitute sufficient grounds for ordering changes in the process, fuel-burning, refuse-burning or control equipment or appurtenances subject to this division before the initial certificate of operation can be granted. When the ~~superintendent~~ administrator of air pollution control refuses to issue a certificate of operation, the ~~director~~ division is authorized to seal the process, fuel-burning, refuse-burning or control equipment until the person required to procure the certificate of operation shall have complied with the provisions of this chapter.

(b) The ~~director~~ Administrator of the ~~Division of Air Pollution Control~~ is authorized to seal any equipment for which a certificate of operation was originally issued pursuant to this division and has not been renewed. (G.O. 109, 1967, SS 6.2)

Secs. 4-119-4-128. Reserved.

DIVISION ~~6.5.~~ FEES

Sec. 4-129. Installation and alteration permits.

The fees for the inspection of plans and the issuance of a permit for the installation, erection and construction, reconstruction, alteration of or addition to fuel-burning, combustion or process equipment or devices, or arresting of the discharge of smoke, particulate, liquid, gaseous or other air contaminant matter pursuant to this article shall be as follows:

(1) Fuel-burning equipment, used for space heating, steam and hot water or power generation, for each unit:

Of a capacity of at least 650,000 Btu/hr and less than 2,880,000 Btu/hr.	\$15.00
Of a capacity of 2,880,000 Btu/hr. or more	\$25.00

(2) Refuse-burning equipment, for each unit:

With less than 15 square feet of grate area	10.00	<u>15.00</u>
With 15 or more square feet of grate area	45.00	<u>25.00</u>

(3) Process equipment, per each installation permit:

Installation cost of less than \$100,000.00	15.00
Installation cost of more than \$100,000.00	25.00

(4) Permit to sell or rent domestic incinerators. (G.O. 109, 1967, SS7.1) 10.00 25.00

Sec. 4-130. Fees for certificates of operation.

Fees for the issuance or renewal of certificates of operation which may require inspection of fuel-burning, combustion or process equipment or devices shall be as follows:

(1) Fuel-burning equipment, used for space heating, steam and hot water or power generation, for each unit:

Of a capacity of 650,000 Btu/hr and less than 2,880,000 Btu/hr	\$15.00
Of a capacity of 2,880,000 Btu/hr. or more	25.00

(2) Refuse-burning equipment, for each unit:

With less than 15 square feet of grate area	55.00	<u>15.00</u>
with 15 square feet or more of grate area	10.00	<u>25.00</u>

(3) Sand or grit blasting contractors:

Up to and including 3 guns	15.00
More than 3 guns	25.00

(Individual employees are not licensed.)

(4) Process equipment: Per chimney or stack emitting air contamination in excess of the minimums, but below the maximums established by the rules and regulations 5.00 15.00
(G.O. 109, 1967, SS7.2)

Sec. 4-131. Payment.

All fees or penalties prescribed by this chapter for the issuance of permits, licenses or certificates, or for the inspection of plans, premises or equipment shall be paid to the controller, who shall render to the person making the payment a receipt stating the amount and purpose for which the fee or penalty has been paid, a duplicate of which shall be made part of the records of the city. All fees and penalties thus received shall be deposited with the controller (G.O. 109, 1967, SS 7.3)

Sec. 4-132. Action to recover unpaid fees.

All fees or penalties prescribed by this chapter shall constitute a debt due the city. The

corporation counsel shall, at the direction of the ~~director~~ Administrator of the ~~bureau~~ Division of ~~Air p~~ Air ~~Control~~ Control, institute a civil suit in the name of the city to recover the amount of any such unpaid fee or penalty. No civil judgment, or any act by the corporation counsel, the ~~director~~ administrator or the violator shall bar or prevent a prosecution for each violation of this chapter. (G.O. 109, 1967, SS 7.4).

Secs. 4-133-4-147. Reserved.

ARTICLE III. MINIMUM STANDARDS

Sec. 4-148. Legislative policy; regulations to become a part of this chapter.

The prevention of ~~atmospheric pollution~~ in the Indianapolis and ~~Marion County~~ area, an industrial metropolitan complex, must be accomplished by adherence to atmospheric purity standards, which in a large measure must be done through engineering and scientific means, through measurement and control devices superimposed on chemical, manufacturing and combustion processes. Since air pollution abatement, control and prevention is special technical field, the city-county council expressly delegates to the ~~bureau~~ Division of ~~Air p~~ Air ~~Control~~ Control, to its personnel and to such professional consultants as it may retain, the duty of determining such standards and the adoption of preventative measures, devices and processes which prevent the escape of pollutants into the atmosphere. The ~~Air p~~ Air ~~Control~~ Control ~~Board~~ is expressly and specifically empowered and the power of the city-county council is directly delegated, to the board to set air quality objectives, determine the need for specific controls to maintain air purity and to make and amend rules and regulations and set standards to control air contamination within the area. Such standards, rules and regulations, when adopted as provided in this chapter, shall become a part of this chapter and by this delegated power expressly incorporated in this chapter. All future regulations made in compliance with this chapter shall, upon their adoption, become a part of this chapter. The board is delegated the power to adopt further standards, rules and regulations, when adopted, shall become a part of this chapter, as provided above, and violators of such rules and regulations and prescribed standards shall be subject to all penalties of this chapter. (G.O. 109, 1967, SS 9.1)

(Sections 4-149 through 4-153 superseded by the current Rules and Regulations of the Indianapolis Air Pollution Control Board.)

SECTION 2. Article II, Division 4, of Chapter 4, Air Pollution Control, of the "Code of Indianapolis and Marion County, Indiana" is hereby repealed. The former Division 5 of Article II is renumbered Division 4 and the former Division 6 is renumbered Division 5. Article III, Sections 4-149 through 4-153, of Chapter 4, Air Pollution Control, of the "Code of Indianapolis and Marion County, Indiana" are also repealed, such sections having been superseded by current Rules and Regulations of the Indianapolis Air Pollution Control Board.

SECTION 3. This ordinance shall be in full force and effect from and after June 1, 1976.

The foregoing was passed by the City-County Council this 17 day of May, 1976.

Proposals No. 208-211, 1976. Proposals No. 208-211, 1976 were passed by unanimous voice vote, and were retitled Rezoning Ordinances No. 46-49, 1976, respectively, and read as follows:

Rezoning Ordinance No. 46, 1976 76-Z-31 Center Township
Councilmanic District No. 16
1525 East Riverside Drive, Indianapolis
L. Fish Furniture Company by James N. Calhoun by G. Ronald Heath, Attorney,
708 Union Federal Building requests rezoning of 0.74 acre, being in C-5 district,
to C-7 classification to permit Parcel Dispatch Service.

**Rezoning Ordinance No. 47, 1976 76-Z-38 Center Township
Councilmanic District No. 19
2835 North Illinois Street, Indianapolis
Fairbanks Broadcasting Company, Inc. by Leonard J. Beatley, Assistant Secretary
by John A Grayson, Attorney, 111 Monument Circle 10th Floor requests rezoning
of 0.65 acre, being in D-9 district, to SU-35 classification to permit
telecommunications tower and associated building.**

**Rezoning Ordinance No. 48, 1976 76-Z-40 Pike Township
Councilmanic District No. 1
7401 West 86th Street, Indianapolis
Donn E. Perry, 8577 Zionsville Road requests rezoning of 45.73 acres, being in
A-2 district, to D-1 classification to permit residential use by platting.**

**Rezoning Ordinance No. 49, 1976 76-Z-41 Wayne Township
Councilmanic District No. 14
6566 West Washington Street, Indianapolis
We Care Health Centers, Inc. by William F. LeMond, Attorney, 412 Union
Federal Building requests rezoning of 1.10 acres, being in C-7 and D-3
districts to C-3 classification to permit an indoor restaurant.**

**75-Z-114 Center Township
Councilmanic District No. 20
830 West Troy Avenue, Indianapolis
Edward J. Underwood by JEP's, Inc. by William E. Koch, President by Phillip
H. Minton, 900 Circle Tower requests rezoning of 28.30 acres, being in I-3-U
district, to GSB (Gravel Sand and Barrow) classification to permit the
extraction of gravel sand and barrow.**

Proposal No. 212, 1976. Councilman Gorham moved, seconded by Councilman Kimbell, that a public hearing be scheduled for Proposal No. 212, 1976, on June 1, 1976. The motion reads as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that the City-County Council do hold, a further public hearing of Proposal No. 212, 1976, entitled "A Proposal for a REZONING ORDINANCE" as certified by the Metropolitan Development Commission as Docket No. 75-Z-114 that the Council do hereby schedule the same for a public hearing before the full City-County Council at its next regular meeting on June 1, 1976, at 7:00 p.m. or as soon thereafter as the same may be heard; and that the Clerk be and is hereby instructed to cause the proper legal notices of such hearings to be given.

**Mr. Gorham
Councilman**

The motion carried by unanimous voice vote.

ANNOUNCEMENTS

President SerVaas advised members of the Council that there was no meeting of the Rules & Public Policy Committee scheduled prior to the next meeting date of the

Council, and he felt members of the Council should be aware of this, in view of the fact that Proposal No. 218, 1976, had been referred to that Committee for recommendation.

Councilman West moved, seconded by Councilman Boyd, that the next meeting of the City-County Council be scheduled for Tuesday, June 1, 1976. The motion carried by unanimous voice vote.

President SerVaas announced he had received a letter from Mr. Patrick E. Chavis, III, attorney for the Center Township Trustee, concerning funds being made available to the Center Township Trustee for "poor relief." President SerVaas read the letter to the Council, and requested that Mr. Dowden, as chairman of the Community Affairs Committee, take the communication and other related materials to his committee for the purpose of holding public hearings and whatever deliberations might be necessary to advise the Council of some means of action.

President SerVaas advised Council members that new stationery had arrived and could be obtained in Room 241.

President SerVaas stated he had been contacted by Channel 20 and was advised that due to the lighting in Council Chambers, they had been unable to televise the proceedings of the Council as they had planned. President SerVaas will check to see what can be done to improve the lighting in Council Chambers to enable Channel 20 to televise Council proceedings.

Councilman Dowden, Chairman of the Community Affairs Committee, said his Committee would be glad to act as a fact-finding body concerning the Center Township Trustee's office. Councilman Dowden then asked if subpoena powers would be granted the Committee, if necessary. Councilman Dowden was advised that subpoena power would be granted, if they became necessary.

Councilman Durnil requested that space be made available to the new Assistant Attorney, Mr. Kenneth T. Roberts, to join the rest of the Council staff during Council proceedings. President SerVaas advised arrangements would be made.

ADJOURNMENT

Upon motion made by Councilman Kimbell, seconded by Councilman Clark, the meeting was adjourned at 10:00 p.m.

We hereby certify 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 17th day of May, 1976.

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

ATTEST

Brent Sewal
PRESIDENT

(SEAL)

Donald S. Kypny
CLERK OF THE CITY-COUNTY COUNCIL