

**POSTPONED REGULAR MEETING
CITY-COUNTY COUNCIL
Tuesday, June 1, 1976**

A Postponed Regular Meeting of the City-County Council of Indianapolis, Marion County, convened in Council Chambers of the City-County Building at 7:21 p.m., Tuesday, June 1, 1976, President SerVaas in the chair. Councilman West opened the meeting with a prayer, followed by the Pledge of Allegiance.

President SerVaas instructed the Clerk to take the roll. Twenty-nine members being present, he declared 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 Mrs. West.

CALL FOR POSTPONED REGULAR MEETING

President SerVaas called for the reading of Special Notices and 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 **POSTPONED REGULAR MEETING** of the City-County Council held in the City-County Building, in the Council Chambers, on June 1, 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
City-County Council**

May 20, 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 20, 1976, and May 27 1976, a "Notice of Public Hearing on Zoning" to be held Tuesday, June 1, 1976, at 7:00 p.m. in the City-County Building.

I also caused to be published in the Indianapolis Commercial and the Indianapolis News on May 20, 1976, and May 27, 1976 Proposal Nos. 213, 216, and 217, 1976.

Respectfully

Beverly S. Rippy
City Clerk

CORRECTION OF JOURNAL

President SerVaas called for additions or corrections to the Journal for May 17, 1976, as distributed. There being no additions or corrections, the minutes were approved, as distributed.

OFFICIAL COMMUNICATIONS

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

May 24, 1978

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

Ladies and Gentlemen:

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

GENERAL RESOLUTION NO. 14, 1976 authorizing expenditure of \$530,000 by the Health and Hospital Corporation in anticipation of a federal grant under Title I of the Housing and Community Development Act of 1974.

GENERAL ORDINANCE NO. 70, 1976 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 clear air in the County.

Respectfully submitted,

William H. Hudnut, III
Mayor

PRESENTATION OF PETITIONS

Councilman Howard played a song entitled "Indianapolis" which was written by Mrs. Evelyn Pitschke. Councilman Howard moved, seconded by Councilman Vollmer, that the Council receive the song, with thanks to Mrs. Pitschke.

The motion was carried by unanimous voice vote.

Councilman Dowden presented a Resolution of the Community Affairs Committee concerning information required by the Committee in order to make a recommendation to the full Council.

Discussion of the Resolution followed, during which Councilman Dowden moved, seconded by Councilman Tinder, that the Council adopt the Resolution. Following further discussion, the Resolution was adopted on the following roll call vote; viz:

19 AYES: *Mr. Anderson, Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West.*

8 NOES: *Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Hawkins, Mr. Howard, Mr. Pearce and Mr. Vollmer.*

(Mrs. Journey and Mr. Walters did not vote.)

The Resolution of the Community Affairs Committee concerning the Center Township Trustee was retitled Council Resolution No. 7, 1976, and reads as follows:

COUNCIL RESOLUTION

WHEREAS, the Community Affairs Committee has been assigned the responsibility of a fact-finding inquiry into the office of the Center Township Trustee, with the aim of bringing back to the Council a recommendation; and,

WHEREAS, information from certain individuals and records is essential to the inquiry;

BE IT RESOLVED, that the Chairman of the Community Affairs Committee is hereby given the authority to subpoena individuals and records directly relating to this inquiry.

Councilman Cantwell moved, seconded by Councilman Bayt, to refer the Resolution of the Community Affairs Committee concerning the Center Township Trustee to the Rules and Public Policy Committee for investigation.

Following discussion, the motion failed on the following roll call vote; viz:

10 AYES: *Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Gorham, Mr. Hawkins, Mr. Howard, Mr. Pearce, Mr. Vollmer and Mr. Walters.*

18 NOES: *Mr. Anderson, Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mrs. Hart, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West.*

(Mrs. Journey did not vote.)

INTRODUCTION OF GUESTS

Councilman Howard introduced Mr. Columbus Mabry of the AFL-CIO

Councilman Walters introduced Ms. Sybil Allen, Coordinator, Drexel Gardens Multi-Service Center.

Councilman Miller introduced his wife, Marilyn, and her parents, Mr. and Mrs. Herman Buerger.

Councilman Vollmer stated that Deputy Mayor Thomas C. Hasbrook was present and requested he be recognized.

Councilman Durnil introduced Mr. Lawrence L. Buell, Marion County Treasurer.

INTRODUCTION OF PROPOSALS

Proposal Nos. 219-221, 1976. Introduced by Councilman Durnil. The Clerk read the Proposal entitled; "A Proposal for Rezoning Ordinances certified from the Metropolitan Plan Commission on May 20, 1976;" and the President referred it to the Committee of the Whole to be heard under Special Orders - Final Adoption.

Proposal No. 222, 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.

Proposal No. 223, 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.

Proposal No. 224, 1976. Introduced by Councilman Durnil. The Clerk read the Proposal entitled; "A Proposal for a General Ordinance amending the provisions for licensing and operation of amusement locations; amending the Code of Indianapolis and Marion County, Chapter 17, Article VI and VIII, Section 17-184 through 17-191 and Section 17-219 through 17-223;" and the President referred it to the Administration Committee.

Proposal No. 225, 1976. Introduced by Councilman Clark. 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 Ninety-Six Thousand Two Hundred Fifty-Five Dollars (\$96,255.00) in the Consolidated County Fund for purposes of the Legal Division, Department of Administration, and reducing certain other appropriations for the Division of Code Enforcement, Department of Metropolitan Development, and the unappropriated and unencumbered balance in the Consolidated County Fund;" and the President referred it to the Administration Committee.

Proposal No. 226, 1976. Introduced by Councilman Clark. 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 Forty-Three Thousand Six Hundred Ninety-Two Dollars (\$43,692.00) in the City General Fund for purposes of the Department of Administration and reducing the unappropriated and unencumbered balance in the City General Fund;" and the President referred it to the Administration Committee.

Proposal No. 227, 1976. Introduced by Councilman Clark. 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 Five Thousand Dollars (\$5,000.00) in the City General Fund for purposes of the Department of Administration and reducing the unappropriated and unencumbered balance in the City General Fund;" and the President referred it to the Administration Committee.

Proposal No. 228, 1976. Introduced by Councilman Clark. The Clerk read the Proposal entitled; "A Proposal for a Fiscal Ordinance approving temporary tax anticipation borrowing, authorizing the City of Indianapolis, to make temporary loans for the use of the Park District Fund, Sanitation Special Taxing District Fund, Sanitary Solid Waste General Fund, and Consolidated County Fund during the period July 1, 1976, to December 31, 1976, in anticipation of current taxes levied in the year 1975 and collectible in the year 1976, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said tax anticipation time warrants including the interest thereon: ratifying, approving, and confirming the proceedings had and action taken by the Police Special Service District Council and the Fire Special Service District Council in authorizing the making of the temporary loans and the issuance of tax anticipation time warrants to evidence such loans for the Consolidated City Police Force Account, the Police Pension Fund, the

Consolidated Fire Force Account, and the Firemen's Pension Fund; and fixing a time when this ordinance shall take effect;" and the President referred it to the Administration Committee.

Proposal No. 229, 1976. Introduced by Councilman Dowden. 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 Two Hundred Eighty-Four Thousand Six Hundred Sixty Dollars and Four Cents (\$284,660.04) in the County Welfare Fund for purposes of the County Department of Public Welfare, and reducing the unappropriated and unencumbered balance in the County Welfare Fund;" and the President referred it to the Community Affairs Committee.

Proposal No. 230, 1976. Introduced by Councilman Schneider. The Clerk read the Proposal entitled; "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1976 (City-County Fiscal Ordinance amending the City-County No. 91, 1975) and appropriating an additional One Thousand One Hundred Six Dollars and Fourteen Cents (\$1,106.14) in the Crime Control Fund for purposes of Superior Court, Room 3, and reducing the unappropriated and unencumbered balance in the Crime Control Fund;" and the President referred it to the County and Townships Committee.

Proposal No. 231, 1976. Introduced by Councilman Schneider. The Clerk read the Proposal entitled; "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1976 (City-County Fiscal Ordinance amending the City-County Annual Budget for 1976 (City-County Fiscal Ordinance No. 42, 1975) and appropriating an additional One Hundred Eighty-Eight Thousand Four Hundred Thirty-One Dollars and Twenty-Two Cents (\$188,431.22) in the County General Fund for purposes of the Cooperative Extension Service, Center Township Assessor, County Clerk, County Auditor, and Superior Court Room 5, and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County and Townships Committee.

Proposal No. 232, 1976. Introduced by Councilman Schneider. 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 Hundred Five Dollars (\$805.00) in the County General Fund for purposes of the County Assessor and reducing certain other appropriations for that office;" and the President referred it to the County and Townships Committee

Proposal No. 233, 1976. Introduced by Councilman Schneider. The Clerk read the Proposal entitled; "A Proposal for a Fiscal Ordinance authorizing Marion County to borrow on a temporary loan for the use of the County General Fund during the period July 1, 1976, to December 31, 1976, in anticipation of current taxes levied in the year 1975, and collectible in the year 1976, authorizing the issuance of tax anticipation time warrants to evidence such loan; pledging and appropriating the taxes to be received in said fund to the payment of said tax anticipation time warrants including the interest thereon;" and the President referred it to the County and Townships Committee.

Proposal No. 234, 1976. Introduced by Councilman Schneider. The Clerk read the Proposal entitled; "A Proposal for a General Resolution approving the schedule of charges for the care and maintenance of patients and residents of the Marion County Home and Julietta Convalescent Center as fixed by the County Home Board;" and the President referred it to the County and Townships Committee.

Proposal No. 235, 1976. Introduced by Councilman Durnil. 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 Fifty-Two Thousand Eight Hundred Twenty Dollars (\$52,820.00) in the Redevelopment and Consolidated County Funds for purposes of the Department of Metropolitan Redevelopment and Consolidated County Funds;" and the President referred it to the Metropolitan Development Committee.

Proposal No. 236, 1976. Introduced by Councilman Gilmer. 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 One Hundred Fifty-Four Thousand Two Hundred Eight Dollars (\$154,208.00) in the Park District Fund for purposes of Department of Parks and Recreation and reducing certain other appropriations for the Department;" and the President referred it to the Parks and Recreation Committee.

Proposal No. 237, 1976. Introduced by Councilman Gilmer. 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 Twenty-Two Thousand Three Hundred Fifty-Three Dollars (\$21,353.00) in the Park General Fund for purposes of Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park District Fund;" and the President referred it to the Parks and Recreation Committee.

Proposal No. 238, 1976. Introduced by Councilman Gilmer. 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 One Hundred Thirty-Two Thousand Three Hundred Fifty-Five Dollars (\$132,355.00) in the Park District Fund for purposes of Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park District Fund;" and the President referred it to the Parks and Recreation Committee.

Proposal No. 239, 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 Twenty-Four Thousand Eight Hundred Eighty-Eight Dollars and Eighty-Nine Cents (\$24,888.89) 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. 240, 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 Ninety-Five Thousand Seven Hundred Two Dollars and Fifty-Nine Cents (\$95,702.59) in the County General Fund for purposes of the Sheriff, Juvenile Center, Criminal Probation, Prosecutor, and Auditor, and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the Public Safety and Criminal Justice Committee.

Proposal No. 241, 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 Thirty-Eight Thousand Dollars (\$38,000.00) in the Sanitation Division, and reducing the unappropriated and unencumbered balance in the Sanitation General Improvement Fund;" and the President referred it to the Public Works Committee.

Proposal No. 242, 1976. Introduced by Councilman Kimbell. 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 Two Hundred Fifty Thousand Dollars (\$250,000.00) in the County General Fund for purposes of County Administrative Office of the Mayor and reducing the unappropriated and unencumbered balance in the County General Fund, appropriating Two Hundred Fifty Thousand Dollars (\$250,000) in State Revenue Sharing Trust Fund for use of County General Fund, and

establishing conditions for poor relief advances;” and the President referred it to the Rules and Policy Committee.

MODIFICATIONS OF SPECIAL ORDERS

President SerVaas called for any Modifications of Special Orders.

Councilman Patterson moved, seconded by Councilman Bayt, to place Proposal No. 109, 1976, on the agenda under Special Orders-Unfinished Business. The motion carried on the following roll call vote: viz:

22 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. McPherson, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Tinder, Mr. Tintera, Mr. Vollmer and Mr. Walters.

*5 NOES: Mr. Clark, Mr. Kimbell, Mr. Miller, Mr. SerVaas and Mr. West.
(Mr. Dowden and Mr. Schneider did not vote.)*

SPECIAL ORDERS - PUBLIC HEARING

President SerVaas called for any proposals to be heard under Special Orders - Public Hearing. Members of the public were advised this was a public hearing and were invited to speak concerning the proposals presented.

Proposal No. 212, 1976. Councilman Gorham spoke regarding the Proposal, stating he had been requested by the attorney for the petitioner to postpone the public hearing on this Proposal. Councilman Gorham then requested the members of the audience who had come concerning this Proposal to stand. Approximately 35-40 people stood. It was then announced that the public hearing on Proposal No. 212, 1976, would not be postponed, in view of the number of persons who were present to hear this Proposal.

President SerVaas stated each side had been allotted twenty (20) minutes to present their case. President SerVaas introduced Mr. Phillip H. Minton, Attorney for the Petitioners. Mr. Minton spoke briefly to the Council, then he introduced Mr. Roger Pate, a consulting engineer with American Consulting Engineers and Mr. Marshall Hawthorne, Realtor.

Following the presentation by Mr. Minton, the attorney for the remonstrators, Mr. Gordon Harper, spoke to the Council. Mr. Harper introduced several members of the public concerned with the requested rezoning. Among those introduced were:

Mr. Harold Sullivan, Director of Maintenance for Commercial Motor Freight; who stated he had been requested to speak on behalf of Gordon Transport, as well; Mrs. Wilma Brehob, owner of a greenhouse and nursery; Mr. Edwin Summeier, owner of a greenhouse; Dr. V. Statskar, geophysicist; and Mr. Joe Viehmann, Real Estate Appraiser. Following discussion of statements made by the above, Mr. Harper requested the Council overturn the rezoning decision and deny the request.

Mr. Minton then made his closing remarks to the Council, and again called upon Mr. Pate.

Following discussion of the above information presented by both the petitioners and the remonstrators, Councilman Patterson requested a representative of the Department of Metropolitan Development come before the Council to answer questions. Mr. Gary Stair answered questions on behalf of the Department of Metropolitan Development staff.

Considerable discussion followed, after which President SerVaas advised Council members that it would require at least 20 no votes to overturn the decision of the Zoning Board.

Proposal No. 212, 1976, was rejected on the following roll call vote:

5 AYES: Mr. Gilmer, Mr. Kimbell, Mr. McPherson, Mr. SerVaas and Mr. West.

*23 NOES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Durnil, Mr. Gorham, Mrs. Hart, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. Tinder, Mr. Tintera, Mr. Vollmer and Mr. Walters.
(Mr. Dowden did not vote.)*

President SerVaas called for a recess to allow members of the public to vacate Council Chambers. The meeting was reconvened at 9:34 p.m.

Proposal No. 213, 1976. Councilman West moved, seconded by Councilman Pearce, that Proposal No. 213, 1976, be postponed until the next meeting of the Council, scheduled for June 14, 1976.

The motion to postpone was carried by unanimous voice vote.

Proposal No. 216, 1976. The Council recessed to a Committee of the Whole at 9:38 p.m. and reconvened at 9:39 p.m. After public hearing and following discussion during which Councilman West spoke, Proposal No. 216, 1976, was

passed on the following roll call vote; viz:

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

Proposal No. 216, 1976, was retitled Fiscal Ordinance No. 37, 1976 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 1976

A FISCAL ORDINANCE amending the CITY-COUNTY BUDGET FOR 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Eight Thousand Dollars (\$8,000) in the Crime Control Fund for purposes of the Juvenile Court 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 training program for the Juvenile Court financed by L.E.A.A. Grant No. 76C-101-15-007.

SECTION 2. The sum of Eight Thousand Dollars (\$8,000.00) 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:

JUVENILE COURT	CRIME CONTROL FUND
32. Contractual Services	\$2,500.00
33. Travel	3,500.00
35. Operating Expense	2,000.00
TOTAL EXPENSES	\$8,000.00

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

CRIME CONTROL FUND	
Unappropriated and Unencumbered Crime Control Fund	\$8,000.00
TOTAL REDUCTIONS	\$8,000.00

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 1st day of June, 1976.

Proposal No. 217, 1976. The Council recessed to a Committee of the Whole at 9:40 p.m. and reconvened at 9:41 p.m. After public hearing and following discussion during which Councilman West spoke regarding the proposal, Proposal No. 217, 1976, was passed on the following roll call vote; viz:

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

Proposal No. 217, 1976, was retitled Fiscal Ordinance No. 38, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 1976

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.

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 drug abuse program for the Juvenile Court financed by L.E.A.A. Grant No. 76C-101-15-021.

SECTION 2. The sum of Thirty-Three Thousand Six Hundred Twenty-Two Dollars and Twenty-Two Cents (\$33,622.22) 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:

JUVENILE COURT	CRIME CONTROL FUND
31. Personnel	\$29,831.98
33. Travel	719.94
34. Equipment	\$1,000.00
35. Operating Expense	2,070.30
TOTAL EXPENSES	\$33,622.22

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

CRIME CONTROL FUND	
Unappropriated & Unencumbered	
Crime Control Fund	\$33,622.22
TOTAL REDUCTIONS	\$33,622.22

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 1st day of June, 1976

SPECIAL ORDERS - UNFINISHED BUSINESS

Proposal No. 109, 1976. Councilman Bayt spoke in favor of Proposal No. 109, 1976, and urged Council members to vote to override the Mayor's veto.

Councilman Miller read a letter from Mayor William H. Hudnut, III, addressed to the City-County Council and the City Clerk concerning his veto of the Proposal. Councilman Miller then summarized for the Council members some of the reasons cited by Mayor Hudnut for vetoing the Proposal, and urged Council to sustain the veto.

Discussion followed, after which Councilman Kimbell moved, seconded by Councilman Tintera, the Previous Question on the Main Motion. The Question being called, the motion passed on the following roll call vote; viz:

15 AYES: Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mrs. Hart, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. SerVaas, Mr. Tinder and Mr. Tintera.

13 NOES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Schneider, Mr. Vollmer, Mr. Walters and Mr. West.

(Mr. McPherson did not vote.)

President SerVaas advised the Council that it would require at least 20 Ayes to override the Mayor's veto.

Many Council members expressed concern over the number of times this Proposal had been brought before the Council, and explained their reasons for voting for or against the Proposal.

Following this discussion, President SerVaas called for the vote on Proposal 109, 1976. The Council failed to override the Mayor's veto of Proposal No. 109, 1976, on the following roll call vote; viz:

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

10 NOES: Mr. Clark, Mr. Durnil, Mr. Gilmer, Mrs. Hart, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tinder and Mr. Tintera.

(Mr. Rippel requested permission to abstain. Permission was granted by consent.)

Proposal No. 200, 1976. Councilman Miller moved, seconded by Councilman Tintera, to return Proposal No. 200, 1976, to Committee. The motion was carried by unanimous voice vote.

Proposal No. 201, 1976. Following discussion during which Councilman Miller spoke concerning the Proposal, Proposal No. 201, 1976, was passed on the following roll call vote; viz:

27 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, 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 and Mr. Dowden did not vote.)

Proposal No. 201, 1976, was retitled General Ordinance No. 71, 1976, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 71, 1976

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.

**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 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
No.6Pg.16	Moller Rd. & W. 46th St.	(none)	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
No.6Pg.16	Moller Rd. & W. 46th St.	W 46th St.	Stop

SECTION 3. 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 4. This Ordinance shall be in full force and effect from and after its 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. 205, 1976. Following discussion during which Councilman Durnil spoke regarding the Proposal, Proposal No. 205, 1976, was passed on the following roll call vote; viz:

17 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Clark, Mr. Durnil, Mr. Gilmer, Mrs. Hart, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Walters and Mr. West.

11 NOES: Mr. Anderson, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Gorham, Mr. McPherson, Mr. Miller, Mr. Rippel, Mr. Schneider and Mr. Vollmer

(Mr. Howard did not vote.)

Proposal No. 205, 1976, was retitled General Resolution 16, 1976, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 16, 1976

A GENERAL RESOLUTION authorizing expenditure of Ninety Thousand Dollars (\$90,000) by the Department of Metropolitan Development 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 funds, 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 Department of Metropolitan Development to expend appropriations within approved budget levels in accordance with the following expenditure detail by function:

Community Development Planning	\$90,000.00
--------------------------------	-------------

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. 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 of 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

Proposals No. 219-221, 1976. No action was taken on Proposals No. 219-221, 1976. Proposals No. 219-221, 1976, were retitled Rezoning Ordinance No. 50-52, 1976, respectively, and reads as follows:

**Rezoning Ordinance No. 50, 1976 76-Z-39 Franklin Township
Councilmanic District No. 13
6160 Shelbyville Road, Indianapolis
Kenneth and Helen Suits, 1821 North Post Road request rezoning of 3.51 acres,
being in A-2 district, to SU-1 classification to permit church use.**

**Rezoning Ordinance No. 51, 1976 76-Z-47 Washington Township
Councilmanic District No. 2
836 East 86th Street, Indianapolis
Clarence Kissel, Jr., Trustee, 1837 West 96th Street requests rezoning of 1.26
acres, being in D-2 district, to C-1 classification to permit an office building.**

**Rezoning Ordinance No. 52, 1976 76-Z-48 Warren Township
Councilmanic District No. 13
92 North Mitthoefer Road, Indianapolis
M. Carolyn O'Brien, 6161 English Avenue requests rezoning of 5.98 acres, being
in C-2 and D-2 districts, to C-3 classification to permit commercial development.**

Proposal No. 96, 1976. Councilman West moved, seconded by Councilman Tinder, to strike Proposal No. 96, 1976, as introduced and substitute therefor the draft entitled Proposal No. 96, 1976, Committee Recommendation, which reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 1976

A GENERAL ORDINANCE concerning wreckers and tow trucks, providing for the licensing of same (adding Article XXVI to Chapter 17 of the Code), and creating the Indianapolis-Marion County Wrecker Board for the supervision of same (adding Division 5, Article VII, Chapter 2 of the Code), and repealing Code Chapter 29, Article VI, Motor Vehicles, Sections 29-370, 29-371, 29-372, 29-373, 29-374, 29-388, 29-389, and G.O. No. 20, 1968, and G.O. No. 154, 1975 concerning procedures for impoundment and disposition of certain vehicles.

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

SECTION ONE The Code of Indianapolis and Marion County, 1975, Chapter 17, be and is hereby amended by renumbering Article XXVI as Article XXVII, adding a new article to read as follows:

ARTICLE XXVI. WRECKERS

Sec. 17-920. Definitions.

"Wrecker" shall mean any vehicle used or engaged in the business of towing service, whereby vehicles are towed or otherwise removed by the use of a truck or other vehicle particularly adapted for that purpose.

"Vehicle" shall mean any motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer, truck-tractor, bus house-car or motor bicycle.

"Board" shall mean the Indianapolis-Marion County Wrecker Board, established by Chapter 2, Article VII, Division 5 of this Code.

"License" and "Licensee" shall carry the meanings prescribed for them in Chapter 17, Article 1, Section 17-1, of this Code.

"Wrecker Service" shall mean the business or corporate entity owning and operating wrecker vehicles in the business of providing towing service for other vehicles.

"Towing Service" shall mean the act of removing and/or transporting any vehicle by means of a truck or other vehicle particularly adapted for that purpose.

"Owner" shall mean the owner of a wrecker service, as defined in this article.

"Person" shall mean any natural person, corporation, partnership.

"Disposal Agent" shall mean a Class A Wrecker Licensee, hereunder, who shall have the responsibility for receiving and disposing as scrap to salvage yards certain abandoned or junk or impounded vehicles acquired by city agencies which are valued below the limit set by applicable law and which are not claimed by owners.

"Straight Tow Fee" shall mean a fee established by this article for towing service performed for a passenger car without the use of dollars or additional equipment beyond the regular wrecker.

Sec.17-921. License Required.

No wrecker service or wrecker service owner shall engage in the business of providing towing service within the Consolidated City of Indianapolis and Marion County, Indiana, or offer such service to any motor vehicle upon the streets or public right of way of such city and county unless a license has been issued and is in force for each wrecker so owned and operated and wrecker operator so employed or used, as provided in this article.

17-922. License Transferable.

Any wrecker license issued pursuant to the provisions of this article may be transferred to any other person only upon the following conditions:

- a. the sale or change of ownership or control of the wrecker service by or from the authorized license to another person, and
- b. the approval of the Wrecker Board.

Such transferor-licensee shall make application to the Wrecker Board for transfer of license in writing on forms obtained from the Controller for that purpose.

No wrecker operators license issued pursuant to the provisions of this article shall be assigned or transferred to any other person.

17-923. Wrecker License & Wrecker Operator License.

Wrecker licenses granted and issued by the Controller shall expire one year from date of issuance and shall be of two types, "Class A," and "Class B."

(1.) Class A. Wrecker License

- a. A Class A Wrecker License shall grant to the licensee the privilege of providing towing service for motor vehicles on the public streets and highways of the Consolidated City of Indianapolis and Marion County for one year from date of issuance.
- b. A Class A Wrecker License shall grant to the licensee a franchise zone of operations within the Police Special Service District of the Consolidated City of Indianapolis to provide towing service for public and private vehicles at the request of the Indianapolis Police Department for one year from date of issuance.
- c. A Class A Wrecker License shall grant to the licensee the responsibility of "disposal agent" for the Indianapolis Police Department for abandoned or junk vehicles found on public and private property, removed and disposed of according to applicable law and regulations of the Wrecker Board.
- d. A Class A Wrecker License shall be issued in the name of the wrecker service owner for each wrecker owned or operated by such owner.

(2) A Class B Wrecker License shall grant to the licensee the privilege of providing towing service for motor vehicles on the public streets and highways of the Consolidated City of Indianapolis and Marion County for one year from date of issuance. A Class B. Wrecker license shall be issued in the name of the wrecker service owner for each wrecker owned or operated by such owner.

(3) A wrecker operator license shall be granted and issued by the Controller to those applicants meeting the requirements as established by the Wrecker Board, upon application to the Controller in writing on forms supplied for that purpose. A wrecker operator license shall be issued in the name of the operator and be carried on his person while operating a wrecker. Such license shall expire one year from date of issuance.

Sec. 17-924. Requirements of Class A. Licensees.

- (1) Applicants for Class A Wrecker Licenses shall meet all requirements and standards for equipment and service as shall be established by the Wrecker Board.
- (2) Applicants for Class A. Wrecker Licenses shall apply in writing to the Controller on forms supplied for that purpose. The Controller shall forward all applications to the Wrecker Board for its consideration.

The Wrecker Board shall evaluate the applications and direct the Controller or the Indianapolis Police Department to make such investigations as the Board deems necessary. The Wrecker Board shall then select from the applicants meeting its Class A requirements those to be granted franchises for city towing services in zones of operation as the Board shall establish. The Board shall base its selection on the following criteria:

- a. location, size, capacity, condition, and security of applicant's storage lot; b. number, type, condition, and capacity of applicant's vehicles and equipment available for use in towing; c. communications facilities for contact with applicant's vehicles; d. experience and past performance of applicant in the wrecker service industry.

(3) Class A. licensees, as disposal agents for abandoned or junk vehicles for the city within their respective zones, shall remove such vehicles as requested, hold for the requisite period of time, and sell at public auction vehicles valued at \$100.00 or more, the proceeds of which sale, less allowable storage costs, shall be deposited in the city's revolving junk vehicle fund, to be used to help defray administrative costs of procedures established by this article. Vehicles impounded at police order which remain unclaimed after the requisite period of time shall be disposed of in like manner. All vehicles so held valued under \$100.00 shall be released to the licensee, who shall sell same to a scrap metal processing firm or junk yard not disapproved by the Board. The licensee shall certify to the Board that each such vehicle was sold for disposal as scrap or for parts salvage, to whom, and date of sale. Proceeds of such sale, less allowable storage costs, shall be deposited in the city's revolving junk vehicle fund, as above.

(4) The appraiser and auctioneer for all vehicles handled by Class A licensees shall each be appointed by the Controller for a term of one year, which may be renewed, and shall be compensated by the Controller from the revolving junk fund. They each shall be persons experienced in their respective fields.

(5) Class A licenses shall charge the vehicle owner of a vehicle requested towed by police the straight tow fee as established in this article in all cases except where "dolly" equipment is necessary. In the case of a motor vehicle accident, Class A licenses shall completely clean the streets of all glass and debris attributable to the accident at no charge.

Sec. 17-925. License Fees.

(1) Applications for a Class A Wrecker License shall be accompanied by a fee of \$25.00 for each vehicle of the owner required to be licensed. In addition, a franchise fee of \$500.00 shall accompany the application. Applicants not receiving licenses shall have all fees returned. An applicant unsuccessful in obtaining a Class A. Wrecker License with accompanying franchise may elect to apply for a Class B Wrecker License, in which case the Controller shall return the franchise fee to the applicant and retain the wrecker license fee to be applied toward the Class B Wrecker License.

(2) Application for a Class B Wrecker License shall be accompanied by a fee of \$25.00 for each vehicle of the owner required to be licensed. Applicants not receiving licenses shall have all fees returned.

(3) Applications for wrecker operator's license shall be accompanied by a fee of \$5.00. All fees collected under this section shall be deposited as required by Section 17-35 of this Code.

Sec. 17-926. Fees Charged the Public

The maximum fee to be charged the public by a Class A Wrecker Licensee for a straight tow as requested by police shall be \$15.00, except that for straight tows of vehicles illegally parked within The Mile Square, the maximum fee shall be \$12.50; provided however if the use of "dolly" equipment is required, an additional charge of up to ten dollars (\$10.00) will be allowed. The maximum storage at police request shall be \$2.50 per day, commencing the day following the day the vehicle was towed.

Sec.17-927. Responsible City Agency

For the purposes of this article, the agency of local government responsible for the removal and disposition of abandoned and junk vehicles, in accordance with the provisions herein, is the Department of Public Safety, through its division of the Indianapolis Police Department pursuant to I.C. 1971, 9-9-1.5, as amended. Such agency is authorized to charge a \$15.00 fee of any purchaser of such vehicle, or or an unclaimed impounded vehicle, who obtains same at public auction held as authorized herein, for deposit in the city's revolving junk vehicle fund, for administrative expenses incurred in administering this article.

Sec. 17-928. License Revocation and Suspension

Violation by a licensee or his agents; servants or employees of any provision of this article or of any duly adopted rule or regulation of the Board or of any city ordinance or law of the State of Indiana shall be cause for either revocation or suspension of the license granted hereunder. Revocation procedures providing notice and hearing shall be adopted by the Board for all licenses granted hereunder. Upon approval of corporation counsel, such regulations shall become effective and shall be given to each applicant for license hereunder. The Board shall hear all complaints and charges against a licensee and recommend to the Controller action to be taken accordingly.

After his license has been revoked, a licensee shall not make application for new license until one year has elapsed from date of revocation.

Sec. 17-929. Restrictions on Wrecker License

No wrecker licensee shall respond to any call from a city or county law enforcement agency for a wrecker either at the scene of a motor vehicle accident or a traffic violation

which authorizes a tow-in without having been specifically licensed for such service by the Wrecker Board and the Controller, or specifically summoned by a law enforcement agency outside the police service district. The act of responding without such authorization is declared to be a severe traffic hazard and a danger to the health, safety, and welfare of the residents of this Consolidated City and County; provided that, nothing in this article shall prevent the Sheriff of Marion County from using wreckers and wrecker operations of his choosing for towing vehicles under his jurisdiction throughout Marion County.

No wrecker licensee shall monitor a police frequency radio for its own monetary gain without first obtaining written permission to so monitor from the head of that particular law enforcement agency.

Sec. 17-930. Liability of City and Wrecker Licensee

The Consolidated City of Indianapolis or Marion County or any agency thereof shall not be liable for any loss or damage which may occur to any vehicle which is removed pursuant to this article. The Wrecker licensee shall have sole responsibility for any articles of personal property remaining in the vehicle and not placed in the property room of the Indianapolis Police Department by the police officer requesting the vehicle's impoundment. Such articles of personal property remaining in the vehicle shall not be held by the wrecker licensee in lieu of the towing service fee, but shall be returned by the licensee or his agents to the owner thereof upon sufficient showing by the owner of identification and proof of ownership. The police officer directing the removal of a vehicle shall verify what personal property is contained therein prior to its removal and impound such articles as may, in his discretion, need the security of the police property room. He shall list articles taken to the property room and articles left in the vehicle for his records and the wrecker operator shall co-sign the list for verification.

SECTION TWO Chapter 2, Article VII, of the Code of Indianapolis and Marion County, Indiana, be an is hereby amended by adding a new Division 5 to read as follows:

DIVISION 5. INDIANAPOLIS-MARION COUNTY WRECKER BOARD

Sec. 2-320. Definitions.

"Wrecker" shall mean any vehicle used or engaged in the business of towing service, whereby vehicles are towed or otherwise removed by the use of a truck or other vehicle particularly adapted for that purpose.

"Vehicle" shall mean any motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer, truck tractor, bus, house-car or motor bicycle.

"Board" shall mean the Indianapolis-Marion County Wrecker Board, created by this division.

"License" and "Licensee" shall carry the meanings prescribed for them in Chapter 17, Article 1, Section 17-1, of this Code.

"Wrecker Service" shall mean the business or corporate entity owning and operating wrecker vehicles in the business of providing towing service for other vehicles.

"Towing Service" shall mean the act of removing and/or transporting any vehicle by means of a truck or other vehicle particularly adapted for that purpose.

"Owner" shall mean the owner of a wrecker service, as defined in this article.

"Person" shall mean any natural person, corporation, partnership.

"Disposal Agent" shall mean a Class A Wrecker Licensee, hereunder, who shall have the responsibility for receiving and disposing as scrap to salvage yards certain abandoned or junk or impounded vehicles acquired by city agencies which are valued below the limit set by applicable law and which are not claimed by owners.

"Straight Tow Fee" shall mean a fee established by this article for towing service performed for a passenger car without the use of dollies or additional equipment beyond the regular wrecker.

Sec. 2-321. Wrecker Board; Authority

a. There is hereby created the Indianapolis-Marion County Wrecker Board, to which authority is granted to license by and through the Controller wreckers and wrecker operators, as provided in this article and in Article XXVI of this Code, and to adopt such rules and regulations as may be required to aid in the administration of such licensing and of suspension and revocation of licenses.

b. The Board may delegate administrative matters under its authority as it shall

determine.

c. Counsel for the Board shall be counsel of the Controller.

d. The Board shall publish its rules and regulations from time to time for the information of the public.

Sec. 2-322. Membership of the Board.

The Board shall be composed of three members chosen as follows:

a. The Director of the Department of Public Safety, ex officio

b. a person appointed by the Mayor to serve at his pleasure for a term of one year

c. a person appointed by the City-County Council to serve at its pleasure for a term of one year.

All members shall serve without compensation, and until their respective successors are appointed and qualify.

Sec. 2-232. Officers, Meetings

The Chairman and officers of the Board shall be chosen by the members at the first meeting of the Board annually. The Board shall meet at least four (4) times annually, or at special meetings which may be called by the Chairman to hear complaints or applicants or to establish regulations. Clerical assistance shall be provided from the license division of the Controller.

Sec. 3-324. Rules and Regulations.

The Board, in the exercise of its rule making powers under this article, shall adopt regulations which govern the following subjects:

a. Minimum standards required for wreckers for Class A and Class B Licensees.

b. Minimum standards required for wrecker operator licensees.

c. Minimum standards required for wrecker lots used by Class A and Class B Licensees for storage and general operations.

d. Minimum standards for extent of communications capabilities and service hours available to the public for Class A and service hours available to the public for Class B Licensees.

e. Procedures to be followed for Class A Licensees in providing towing service for private vehicles for city agencies.

f. Minimum coverage of liability and casualty insurance required of Class A and Class B Licensees.

g. Procedures for periodic inspections for Class A and Class B Licensees to assure compliance with regulations.

h. Zones in which Class A Licensees are to operate, providing towing service for private vehicles for city police and other agencies.

i. Fee schedules for any towing services by Class A Licensees at the request of a city agency beyond the maximum straight tow fee established by Article "XXVI", to be approved by the City-County Council.

j. All application and license forms required.

~~SECTION THREE~~ The Code of Indianapolis and Marion County, 1975, Chapter 29, Motor Vehicles, Sections 29-370, 29-371, 29-372, 29-373, 29-374, 29-388, 29-389, General Ordinances No. 20, 1969, and No. 154, 1976, be and are hereby repealed.

~~SECTION FOUR~~ If any provision of this ordinance or the application thereof to any person or circumstances is declared invalid, such invalidity shall not affect the other provisions or applications or this ordinance, which can be given effect without the invalid provision or provisions, and to this end the provisions of this ordinance are declared to be severable.

~~SECTION FIVE~~ This Ordinance, upon passage and approval by the Mayor, according to applicable law, shall be in full force and effect from and after June 1, 1976.

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

The motion was carried by unanimous voice vote.

Discussion followed, during which Councilwoman Brinkman moved, seconded by Councilman Cantwell, to postpone Proposal No. 96, 1976, Committee Recommendation, until the next meeting of the City-County Council scheduled for June 14, 1976. The motion to postpone was carried on the following roll call vote; viz:

18 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Gilmer, Mrs. Hart, Mrs. Journey, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Vollmer and Mr. Walters.

10 NOES: Mr. Bayt, Mr. Clark, Mr. Durnil, Mr. Gorham, Mr. Hawkins, Mr. Howard, Mr. Kimbell, Mr. Tinder, Mr. Tintera and Mr. West.

NEW BUSINESS

Councilman McPherson nominated Mr. Arlie Ullrich to serve as the City-County Council appointment to the Air Pollution Control Board.

President SerVaas reminded Council members that the meeting on June 14, 1976, would be the last session of the City-County Council until July 12, 1976, and stressed that any matters requiring Council action should be brought before the Council on June 14, 1976.

ADJOURNMENT

Upon motion duly made by Councilman Kimbell, seconded by Councilman Tintera, the meeting was adjourned at 10:43 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 and Marion County held at its Special Meeting on the 1st day of June, 1976.

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

ATTEST:

Burt Sewer
PRESIDENT

(SEAL)

Franklin K. King
CLERK OF THE CITY-COUNTY COUNCIL