

**POSTPONED REGULAR MEETING
CITY-COUNTY COUNCIL
Monday, July 12, 1976**

A Postponed Regular Meeting of the City-County Council of Indianapolis, Marion County, convened in Council Chambers of the City-County Building at 7:15 p.m., Monday, July 12, 1976, President SerVaas in the chair. Councilman Gilmer opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

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

PRESENT: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, 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.

ABSENT: Mrs. Hart.

CALL FOR POSTPONED REGULAR MEETING

The President called for the reading of Special Notices and the Clerk read the following:

**TO THE MEMBERS OF THE CITY-COUNTY COUNCIL
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 July 12, 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**

CORRECTION OF JOURNAL

President SerVaas called for additions or corrections to the Journal of June 14, 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:

June 22, 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 July 1, 1976, and July 8, 1976, a "Notice of Public Hearing on Zoning" on Proposal No. 248, 1976, and a "Notice to Taxpayers" on Proposal Nos. 235, 256, 257, 261, 262, and 264, 1976, for a Public Hearing to be held Monday, July 12, 1976, at 7:00 p.m., in the City-County Building.

Respectfully,

Beverly S. Rippy
City Clerk

June 17, 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:

FISCAL ORDINANCE NO. 41, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$96,255 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.

FISCAL ORDINANCE NO. 49, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$21,353 in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park District Fund.

FISCAL ORDINANCE NO. 50, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$312,355 in the Park District Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park District Fund.

FISCAL ORDINANCE NO. 53, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$38,000 in the Sanitation General Improvement Fund for purposes of the Department of Public Works, Sanitary Division, and reducing the unappropriated and unencumbered balance in the Sanitation General Improvement Fund.

FISCAL ORDINANCE NO. 54, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$250,000 in the County General Fund for purposes of the County Administrative Office of the Mayor and reducing the unappropriated and unencumbered balance in the County General Fund, appropriating \$250,000 in State Revenue Sharing Trust Fund for use of the County General Fund, and establishing conditions for the poor relief advances.

GENERAL ORDINANCE NO. 72, 1976 amending the Code of Indianapolis and Marion County, Indiana and more particularly Chapter 29, Section 29-92.

FISCAL ORDINANCE NO. 48, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$154,208 in the Park District Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that Department.

COUNCIL RESOLUTION NO. 8, 1976 appointing members to the Advisory Council to the office of Youth Development.

GENERAL ORDINANCE NO. 73, 1976 authorizing group health insurance payments to Health Maintenance Organization in lieu of health insurance payments, at the voluntary option of the employee of amending the Code of Indianapolis and Marion County to add a new Article III in Chapter 23.

GENERAL ORDINANCE NO. 74, 1976 amending the provisions for licensing and operation of amusement locations; amending the Code of Indianapolis and Marion County, Chapter 17, Article VI and VII, Section 17-184 through 17-191 and Section 17-219 through 17-223.

FISCAL ORDINANCE NO. 42, 1976 approving temporary tax anticipation borrowing.

FISCAL ORDINANCE NO. 40, 1976 amending the City-County Annual Budget for 1976 and appropriating an additional \$629,000 in the Sanitary District Fund for purposes of the Sanitation Division, Department of Public Works, and reducing the unappropriated and unencumbered balance in the Sanitary District Fund.

Respectfully submitted,

William H. Hudnut, III
Mayor

PRESENTATION OF PETITIONS

Councilman Howard presented Proposal No. 310, 1976, to the Council, with the request that it be adopted as a Special Resolution. Councilman Howard read the Proposal designating July 17, 1976, and July 18, 1976 as Indiana State Black Expo.

Proposal No. 310, 1976, was adopted by unanimous voice and retitled Special Resolution No. 13, 1976, which reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 1976

A SPECIAL RESOLUTION designating July 17, 1976, and July 18, 1976, as Indiana State Black Expo dates.

WHEREAS, July 17, 1976 and July 18, 1976, are the dates for the Indiana State Black Expo; and

WHEREAS, Indiana State Black Expo has attracted over 100,000 people, annually, from throughout the State of Indiana to Indianapolis, Marion County, Indiana; and

WHEREAS, Indiana State Black Expo will again be held in Indianapolis, Marion County, Indiana; and

WHEREAS, all the citizens of Indiana have participated and are in fact welcomed; and

WHEREAS, Indiana State Black Expo focuses on the many contributions Black Americans have made to the State of Indiana, now, therefore;

BE IT RESOLVED that the dates of July 17, 1976, and July 18, 1976, be designated Indiana State Black Expo.

The foregoing was passed by the City-County Council this 12th day of July, 1976.

INTRODUCTION OF GUESTS

Councilman Walters introduced his niece, Ms. Diane Walters, who was in the audience.

Councilman Vollmer introduced Deputy Mayor Hasbrook and Deputy Mayor Carroll.

Councilman Howard introduced Mr. Steve Kirk of the Arthur Anderson Company, who is reviewing the Center Township Trustee.

Councilman Tinder introduced Ms. Barbara Barnet who was recommended by the Rules and Public Policy Committee to fill the position of Assistant City Clerk. Mr. Tinder then moved, seconded by Mrs. Brinkman, the Council's approval of Ms. Barnet as Assistant City Clerk.

CITY-COUNTY COUNCIL MOTION

Mr. President

I move that the City-County Council approve the recommendation of the Rules and Public Policy Committee and appoint Barbara J. Barnet as Assistant Clerk of the City-County Council.

**John G. Tinder
Councilman**

The motion carried by unanimous voice vote.

INTRODUCTION OF PROPOSALS

Proposal No. 269, 1976. Introduced by Councilman Miller. The Clerk read the Proposal entitled, "A proposal for a General Ordinance 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. 270, 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. 271, 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. 272, 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. 273, 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 29-267, 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. 274, 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. 275, 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 29-267, 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. 276, 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. 277, 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. 278., 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. 279, 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. 280, 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. 281, 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. 282,289, 1976. Introduced by Councilman Durnil. The Clerk read the Proposal entitled, "A Proposal for Ordinances certified from the Metropolitan Plan Commission on June 21, 1976;" and the President referred them to the Committee of the Whole to be heard under Special Orders - Final Adoption.

Proposal No. 290, 1976. Introduced by Councilman Miller. 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 transferring Seven Hundred Fifty-Eight Thousand Four Hundred Dollars (\$758,400.00) in the Transportation General Fund for purposes of the Department of Transportation and reducing certain other appropriations for that Department;" and the President referred it to the Transportation Committee.

Proposal No. 291, 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 transferring and appropriating One Thousand Seven Hundred Fifty-Seven Dollars and Fifty-Six Cents (\$1,757.56) in the County General Fund for purposes of Criminal Court Probation Department and reducing certain other appropriations for that department;" and the President referred it to the Public Safety and Criminal Justice Committee.

Proposal No. 292,1976. 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 Three Thousand Nine Hundred Dollars (\$3,900.00) in the Crime Control Fund for purposes of the Municipal 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. 293, 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 Nine Thousand Nine Hundred Forty-Nine Dollars and Thirty-Eight Cents (\$9,949.38) in the Crime Control Fund for purposes of the Municipal 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. 294, 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 Ten Thousand Seven Hundred Ninety-Six Dollars and Forty-Four Cents (\$10,796.44) in the Crime Control Fund for purposes of Municipal 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. 295, 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 Nine Hundred Seventeen Dollars and Sixty-Four Cents (\$24,917.64) in the Crime Control Fund for purposes of Municipal 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. 296, 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 Hundred Ninety-Two Dollars and Three Cents (\$892.03) in the Crime Control Fund for purposes of Municipal 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. 297, 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-Five Thousand Dollars (\$25,000.00) in the County General Fund for purposes of the Prosecutor 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. 298, 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 One Thousand Three Hundred Dollars and Forty-One Cents (\$1,300.41) in the Crime Control Fund for purposes of the Prosecutor 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. 299, 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 Six Hundred Forty-Five Dollars and Forty-Six Cents (645.46) in the Crime Control Fund for purposes of the Prosecutor 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. 300, 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 Fifty-Thousand Dollars (\$50,000) in the County General Fund for purposes of the Juvenile Court 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. 301, 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 transferring Forty-Four Thousand Six Hundred Twenty-Four Dollars (\$44,624.00) in the Flood Control District Fund for purposes of the Flood Control Division of the Department of Public Works and reducing certain other appropriations for that Department;" and the President referred it to the Public Works Committee.

Proposal No. 302, 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 transferring One Hundred Eighty-Three Thousand and Eighteen Dollars (\$183,018.00) in the Sanitary District Fund for purposes of the Sanitary District of the Department of Public Works and reducing certain other appropriations for that Department;" and the President referred it to the Public Works Committee.

Proposal No. 303, 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 Sixty-Four Thousand Six Hundred Fifty-Eight Dollars and Sixty-Cents (\$64,658.60) in the Sanitary District Fund for purposes of the Sanitation Division of the 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. 304, 1976. Introduced by Councilman Clark. The Clerk read the Proposal entitled, "A Proposal for a General Resolution authorizing the City of Indianapolis to make application for a grant from the National Science Foundation, Intergovernmental Science and Research Utilization Office of the Research Applications, Directorate;" and the President referred it to the Administration Committee.

Proposal No. 305, 1976. Introduced by Councilman Tinder. 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 Million Dollars (\$1,000,000) 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 One Million Dollars (\$1,000,000.00) in the Federal Revenue Sharing Trust Fund for use of County General Fund, and establishing conditions for poor relief advances.

Proposal No. 306, 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 transferring Five Hundred Dollars (\$500.00) in the County General Fund for purposes of Superior Court, Room 3, and reducing certain other appropriations for that Department;" and the President referred it to the County and Townships Committee.

Proposal No. 307, 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 Sixteen Thousand Dollars (\$16,000.00) in the County General Fund for purposes of the County Election Board 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. 308, 1976. Introduced by Councilman Schneider. The Clerk read the Proposal entitled, "A Proposal for a General Ordinance fixing the salaries to be paid all elected and appointed officers and employees of the various townships in Marion County, Indiana, pursuant to I.C. 1971, 17-4-28;" and the President referred it to the County and Townships Committee.

Proposal No. 309, 1976. Introduced by Councilman Tinder. The Clerk read the

Proposal entitled, "A Proposal for a General Ordinance amending the "Rules of the City-County Council" to authorize the staff position of Deputy Clerk. (Amends Code to add Section 2-51);" and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PUBLIC HEARING

Proposal No. 248, 1976. Following discussion during which Councilman Miller spoke, Mr. Michael J. Kias attorney for the petitioners, asked that the Proposal be held until later in the meeting. Consent of Council was given for Proposal No. 248, 1976, to be heard at a later time due to the absence of several remonstrators. (Clerk's note: This Proposal was heard following Proposal No. 264, 1976)

Proposal No. 235, 1976. The Council recessed to a Committee of the Whole at 7:30 p.m., and reconvened at 7:31 p.m. After public hearing and following discussion during which Councilman Durnil spoke regarding the Proposal, Proposal No. 235, 1976, was passed on the following roll call vote; viz:

23 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Durnil, Mr. Gilmer, 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.

5 NOES: Mrs. Coughenour, Mr. Dowden, Mr. Gorham, Mr. McPherson and Mr. Schneider

Proposal No. 235, 1976, was retitled Fiscal Ordinance No. 57, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 57, 1976

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 (\$52,280.00) in the Redevelopment and Consolidated County Funds for purposes of the Department of Metropolitan Development and reducing the unappropriated and unencumbered balance in the Redevelopment and Consolidated County Funds.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 5 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 and extending certain personnel expenditures funded by Title II

of the Comprehensive Employment and Training Act of 1973.

SECTION 2. The sum of Fifty-Two Thousand Two Hundred Eighty Dollars (\$52,280.00) be, and the same if 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:

DEPARTMENT OF METROPOLITAN DEVELOPMENT

Urban Renewal Division	Redevelopment Fund
10. Personal Services	\$2,349.00
24. Current Charges	111.00
25. Current Obligations	153.00
Sub-total	\$2,613.00
Division of Planning & Zoning	Consolidated County Fund
10. Personal Services	\$13,000.00
24. Current Charges	444.00
25. Current Obligations	846.00
Sub-total	\$14,290.00
Division of Buildings	
10. Personal Services	\$23,684.00
24. Current Charges	777.00
25. Current Obligations	1,540.00
Sub-total	\$26,001.00
Division of Code Enforcement	
10. Personal Services	\$8,871.00
24. Current Charges	337.00
25. Current Obligations	708.00
Sub-total	\$9,916.00
TOTAL INCREASES	\$52,820.00

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

	Redevelopment Fund
Unappropriated and Unencumbered Redevelopment Fund	\$2,613.00
Unappropriated and Unencumbered Consolidated County Fund	\$50,207.00
TOTAL REDUCTIONS	\$52,820.00

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 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 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 12th day of July, 1976.

Proposal No. 256, 1976. The Council recessed to a Committee of the Whole at 7:35 p.m. and reconvened at 7:40 p.m. After public hearing and following discussion, Councilman Dowden moved, seconded by Councilman Howard, that Proposal No. 256, 1976, Committee Recommendation, be considered. The motion carried by unanimous voice vote.

CITY-COUNTY COUNCIL MOTION

Mr President:

I move to strike Proposal No. 256, 1976, as introduced and substitute therefor, the draft entitled:

Proposal No. 256, Committee Recommendation

**W. A. Dowden
Councilman**

Following further discussion, Proposal No. 256, 1976, Committee Recommendation, passed on the following roll call vote; viz:

22 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Coughenour, Mr. Dowden, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

*5 NOES: Mr. Clark, Mr. Durnil, Mr. Gorham, Mr. McPherson and Mr. Miller.
(Mr. Cantwell did not vote).*

Proposal No. 256, 1976. Committee Recommendation, was retitled F.O. No. 58, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 1976

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Two Hundred One Thousand and Forty-Four Dollars (\$201,044.00) in the County Welfare Fund for purposes of the Marion County Department of Public Welfare and reducing the unappropriated and unencumbered balance in the County Welfare 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 continuing employment of twenty-four (24) food stamp employees and salary increases for caseworkers.

SECTION 2. The sum of Two Hundred One Thousand and Forty-Four Dollars (\$201,044.00) 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

100. Personal Services	\$179,837.00
500. Current Charges	21,207.00
TOTAL INCREASES	\$201,044.00

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

County Welfare Fund

Unappropriated and Unencumbered County Welfare Fund	\$201,044.00
TOTAL REDUCTIONS	\$201,044.00

SECTION 5. This Ordinance is subject to funding changes contained in City-County Fiscal Ordinance No. 43, 1976, and shall not be in effect until after approval of that Ordinance by the State Board of Tax Commissioners.

The foregoing was passed by the City-County Council this 12th day of July, 1976.

Proposal No. 257, 1976. Upon motion duly made by Councilman Schneider, and seconded by Councilman Miller, Proposal No. 257, 1976, was postponed until the next scheduled meeting of the Council to be held on Monday, July 26, 1976.

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 257, 1976, be postponed until the next meeting on July 26, 1976.

**W. G. Schneider
Councilman**

Proposal No. 261, 1976. The Council recessed to a Committee of the Whole at 7:44 p.m. and reconvened at 7:47 p.m. After public hearing and following discussion during which Councilman West spoke, Proposal No. 261, 1976, was passed on the following roll call vote; viz:

27 AYES: *Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, 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. 261, 1976, was retitled Fiscal Ordinance No. 59, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 59, 1976

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Thirteen Thousand Six Hundred Fifty-Six Dollars and Fifteen Cents (\$13,656.15) in the County General Fund for purposes of the Marion County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

BE IT ORDAINED BY HE 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 purchasing uniforms and providing for payment of salaries for two (2) additional deputies for the Jail Detention Division of the Marion County Sheriff Department.

SECTION 2. The sum of Thirteen Thousand Six Hundred Fifty-Six Dollars and Fifteen Cents (\$13,656.15) 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 GENERAL FUND

Marion County Jail

10. Personal Services	\$9,324.66
24. Current Charges	1,989.00
25. Current Obligations	1,541.16

Marion County Auditor

24. Current Charges	255.84
25. Current Obligations	545.49
TOTAL INCREASES	\$13,656.15

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

COUNTY GENERAL FUND

Unappropriated and Unencumbered County General Fund	\$13,656.15
TOTAL REDUCTIONS	\$13,656.15

SECTION 5. 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 12th day of July, 1976.

Proposal No. 262, 1976. The Council recessed to a Committee of the Whole at 8:00 p.m. and reconvened at 8:06 p.m. After public hearing and following discussion during which Councilman West spoke, Mr. Boyd moved, seconded by Mr. Hawkins, to amend Proposal No. 262, 1976, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 262, 1976, be amended in Section 3, Line 5 as follows:

Delete under 35. Operating Expense \$2,458.53 and insert in lieu thereof:
35. Operating Expense \$2,498.53

The motion to amend was carried by unanimous voice vote.

Following further discussion, Proposal No. 262, 1976, As Amended, was passed on the following roll call vote; viz:

24 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

4 NOES: Mr. Anderson, Mrs Coughenour, Mr. Rippel and Mr. Schneider.

Proposal No. 262, 1976, As Amended, was retitled Fiscal Ordinance No. 60, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 1976

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1976 (City-County Fiscal Ordinance No. 91, 1975) and appropriating an additional Forty-four Thousand Four Hundred Forty-four Dollars and Forty-four Cents (\$44,444.44) in the Crime Control Fund for purpose of Prosecuting Attorney 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 an information system program for the Prosecuting Attorney financed by L.E.A.A. Grant No. G75C-C01-15-049.

SECTION 2. The sum of Forty-four Thousand Four Hundred Forty-four Dollars and Forty-four Cents (\$44,444.44) 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:

Prosecuting Attorney	Crime Control Fund
31. Personnel	\$41,195.91
33. Travel	750.00
35. Operating Expense	2,498.53
Total Increases	\$44,444.44

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

Crime Control Fund	
Unappropriated and Unencumbered	
Crime Control Fund	\$44,444.44
Total Reductions	\$44,444.44

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 12th day of July, 1976.

Proposal No. 264, 1976. The Council recessed to a Committee of the Whole at 8:07 p.m. and reconvened at 8:13 p.m. After public hearing during which Councilman West spoke, Councilwoman Brinkman moved, seconded by Councilman Schneider, to table Proposal No. 264, 1976.

The motion to table failed by a voice vote.

Following discussion during which several Councilmen spoke regarding the Proposal, Councilman Howard moved, seconded by Councilman Cantwell, the Previous Question. The motion carried by voice vote.

The Previous Question being called, Proposal No. 264, 1976, was passed on the following roll call vote; viz:

20 AYES: *Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Dowden, Mr. Gorham, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.*

8 NOES: *Mr. Anderson, Mrs. Brinkman, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Patterson, Mr. Rippel and Mr. Schneider.*

Proposal No. 264, 1976, was retitled Fiscal Ordinance No. 62, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 1976

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 Nine Hundred Seventy-eight Dollars and Seventy-five Cents (\$52,978.75) in the Crime Control Fund for purposes of Prosecuting Attorney 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 an assistance to prosecutor, courts, and defenders program for the Prosecuting Attorney financed by the L.E.A.A. Grant No. G76C-G05-15-020.

SECTION 2. The sum of Fifty-two Thousand Nine Hundred Seventy-eight Dollars and Seventy-five Cents (\$52,978.75) 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:

Prosecuting Attorney	Crime Control Fund
10 .. Services Personal	\$52,978.75
TOTAL INCREASES	\$52,978.75

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

	Crime Control Fund
Unappropriated and Unencumbered	
Crime Control Fund	\$52,978.75
TOTAL REDUCTIONS	\$52,978.75

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 12th day of July, 1976.

Proposal No. 248, 1976. President SerVaas consented to lay Proposal No. 248, 1976, upon the table for consideration at this time due to petitioners and remonstrators all being present in Chambers.

The Council recessed to a Committee of the Whole at 8:20 p.m. and reconvened at 8:25 p.m. After public hearing during which Mr. Michael J. Kias, attorney for the petitioners, spoke stating that all disagreements had been resolved by the addition of covenants relative to storm water drainage, and that these covenants had been agreed upon by both the petitioners and remonstrators. Approximately six people stood when the remonstrators were called, verifying agreement to the covenants as follows:

EXHIBIT "A"

NOTE: Rules of the Metropolitan Development Commission require use of this form in recording covenants made with respect to rezoning cases in accordance with Improvement Location Permit Ordinance 71-AO-1, as amended, Article VI, Section 3. (a).

**COVENANT RELATIVE TO USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY**

In accordance with Improvement Location Permit Ordinance 71-AO-1, as amended, the fee simple owner of the real estate located in Marion County, Indiana, which is described below, makes the following COVENANTS relative to the use and development of that parcel of real estate:

Legal Description:

EXHIBIT "A"

LEGAL DESCRIPTION

**Petition of R. J. Realty, Inc.
6.01 Acres Stop 12 Road
Indianapolis, Indiana**

Part of the Northeast Quarter of Section 19, Township 14 North, Range 4 East, Marion County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said 1/4 Section; running thence North 0 degrees 14 minutes 40 seconds East and along the West line of said 1/4 Section 660 feet; thence North 89 degrees 50 minutes 10 seconds East and parallel to the South line of said 1/4 Section 437.37 feet; thence South 0 degrees 14 minutes 1/4 Section; thence South 89 degrees 50 minutes 10 seconds West and along said South line 437.37 feet to the point of beginning.

Statement of COVENANTS:

The undersigned Owner agrees and covenants that, prior to the issuance of an Improvement Location Permit for the development of the real estate described herein, as proposed in the rezoning petition referenced below, the Owner shall submit to the Department of Public Works detailed plans and specifications for all surface water drainage facilities to serve the development and obtain approval of such plans by the Department of Public Works. The Owner further covenants that, following the issuance of the said Improvement Location Permit and completion of the construction of the said surface water drainage facilities, evidence of compliance with the conditions of the Improvement Location Permit, and construction of the said surface water drainage facilities in accordance with the approved plans, shall be filed with the Metropolitan Development Commission. Such evidence of compliance shall include a written certification by a duly qualified engineer that the said construction was completed in accordance with the approved plans.

These COVENANTS shall run with the land for a period of 15 years from date (fifteen years unless otherwise specified). These COVENANTS may be modified by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS contained in this instrument shall be effective upon the adoption of rezoning petition No. 76-Z-28 by the City-County Council changing the zoning classification of the real estate from a SU zoning classification to a D12 zoning classification.

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning and Zoning of the Department of Metropolitan Development to record this Covenant in the office of the Recorder of Marion County, Indiana upon final approval of petition No. 76-Z-28 by the City-County Council.

IN WITNESS WHEREOF, owner(s) has executed this instrument this 9th day of July, 1976.

R. J. REALTY, INC.

ATTEST:

Signature : Robert J. Wilson (Seal)
Printed : Robert J. Wilson, Secretary

Signature : Robert J. Cook (Seal)
Printed : Robert J. Cook, President

STATE OF INDIANA

COUNTY OF MARION

Before me, a Notary Public in and for said County and State, personally appeared Robert J. Cook and Robert J. Wilson, the President and Secretary of R.J. Realty, Inc. owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9th day of July, 1976.

Signature : Michael J. Kias,
Printed : Michael J. Kias, Notary Public

My Commission expires:
July 12, 1979

This instrument was prepared by MICHAEL J. KIAS, HAGGERTY, HAGGERTY & KIAS 3045 S. Meridian St., Indianapolis, Indiana

*If the covenant is to include any plan, drawing, or exhibit, it must be reduced to recordable size, attached to this covenant and the owner shall identify it by adding hereto as an additional covenant the following language: "It is agreed that the attached (plan, drawing or exhibit) is incorporated by reference, made a part hereof and marked 'Exhibit .'" If there is more than one plan, drawing or exhibit, each must be identified separately.

There being no further discussion, Councilman Miller moved, seconded by Councilman Gorham, to adopt Proposal No. 248, 1976, with covenants. The motion carried by voice vote.

Proposal No. 248, 1976, was retitled Rezoning Ordinance No. 61, 1976, and reads as follows:

Proposal No. 246, 1976 76-Z-22 Decatur Township
Councilmanic District No. 19
4902 Mann Road, Indianapolis
Hi-Lo Development Company by James R. Nickels, Attorney, One Indiana Square
No. 2050 requests rezoning of 7.54 acres, being in A-2 district, to C-3
classification of permit commercial development.

Proposal No. 247, 1976 76-Z-27 Washington Township
Councilmanic District No. 1
1308 East 91st Street, Indianapolis
Walter G. Justus, 1398 North Shadeland Avenue by J. Scott Barratt, Attorney,
600 Union Federal Building requests rezoning of 2.01 acres, being in D-7
district, to C-1 classification to permit commercial use.

Proposal No. 248, 1976 76-Z-28 Perry Township
Councilmanic District No. 25
1618 East Stop 12 Road, Indianapolis
R. J. Realty, Inc. by Michael J. Kias, Attorney, 3045 South Meridian Street
requests rezoning of 6.01 acres, being in SU district, to D-12 classification
to permit construction of two-family dwellings by platting.

**Proposal No. 249, 1976 75-Z-42 Franklin Township
Councilmanic District No. 13
5328 Shelbyville Road, Indianapolis
Tippecanoe Development Co., Inc. by John Smith, President, 2500 Glick Street
Lafayette, Indiana 47905 by Thomas J. Murphy, Attorney, 1100 Circle Tower Bldg.
requests rezoning of 27.70 acres being in D-7 district, to D-4 classification to
permit residential use by platting.**

**Proposal No. 250, 1976 76-Z-49 Center Township
Councilmanic District No. 15
4502 East 10th Street, Indianapolis
Paul W. Steward & Omer J. Stocker by Gene R. Leeuw, Attorney, One Indiana Square
No. 2130 request rezoning of 0.10 acre, being in D-5 district, to C-3 classification
to permit retail sales of mean and sundries.**

**Proposal No. 251, 1976 76-Z-52 Center Township
Councilmanic District No. 23
4001 Southeastern Avenue, Indianapolis
Paul & Lucille Messer by Bill & Ramona Boruff, 1107 Leisure Lane, Greenwood,
Indiana request rezoning of 2.11 acres, being in D-3 district, to C-7 classification
to permit repair.**

**Proposal No. 252, 1976 76-Z-53 Lawrence Township
Councilmanic District No. 3
6201 Oaklondon Road, Indianapolis
Omer R. & Joann M. Voekel, 12437 East 62nd Street by Merle B. Rose, Attorney,
610 Union Title Building request rezoning of 1.03 acres, being in A-2 district,
to C-5 classification to permit auto repair and remodeling shop.**

**Proposal No. 253, 1976 76-Z-65 Lawrence Township
Councilmanic District No. 3
9453 East 96th Street, Indianapolis
The Shorewood Corporation and Dr. William H. W. & Sylviane A. P. Lunn by
T. E. Cunningham, Attorney, 6302 North Rucker Road, Suite No.1 request rezoning
of 8.01 acres, being in A-2 district, to D-P classification permit a Planned
Unit Development**

**Proposal No. 254, 1976 76-Z-80 Wayne Township
Councilmanic District No.19
6709 Balmoral Road, Indianapolis
The Metropolitan Development Commission, 2021 City-County Building, Indianapolis,
Indiana proposes rezoning 3.18 acres, being in A-2 district, to D-3 classification
to provide for residential use.**

SPECIAL ORDERS - UNFINISHED BUSINESS

Proposal Nos. 226 and 227, 1976. By consent, Proposal Nos. 226 and 227, 1976 were considered together. Following discussion, Councilman Clark moved, seconded by Councilman Campbell, to amend Proposal No. 226, 1976, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 226, 1976, be amended as follows:

In Section 3, in line 4, strike the figures \$25,000, and insert in lieu thereof \$13,300

In line 5, strike the figures \$10,750, and insert in lieu thereof the figures \$26,500

Strike line 6 entirely

In line 7, strike the figures \$885.00, and insert in lieu thereof the figures \$440.00

In line 8, strike the figures \$2,557.00, and insert in lieu thereof the figures \$800.00, and

In line 9, strike the figures \$3,700, and insert in lieu thereof the figures \$2,652.00.

**Richard F. Clark
Councilman**

Following a question and answer period during which Mrs. Faye I. Mowery, Director of the Department of Administration, explained the program, Deputy Mayor Hasbrook indicated to the Council that he wished their support for Mrs. Mowery in order for this Proposal to be put into effect.

Considerable discussion followed after which Councilman Tintera moved, seconded by Councilman Clark, the Previous Question on the Amendment. The motion carried by voice vote.

The Previous Question being called on the amendment, the motion to amend Proposal No. 226, 1976, carried on the following roll call vote; viz:

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

5 NOES: Mrs. Coughenour, Mr. Dowden, Mrs. Journey, Mr. Rippel and Mr. Schneider.

(Mr. Bayt was excused from Chambers at this time due to serious illness in his family and did not vote).

Following further discussion, Proposal No. 226, 1976, As Amended, and Proposal No. 227, 1976, were passed on the following roll call vote; viz:

17 AYES: Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

10 NOES: Mr. Anderson, Mr. Boyd, Mr. Cantwell, Mrs. Coughenour, Mr. Dowden, Mr. Gorham, Mr. Howard, Mrs. Journey, Mr. Rippel and Mr. Schneider.

Proposal No. 226, 1976, As Amended, and Proposal No. 227, 1976, were retitled Fiscal Ordinance No. 55, 1976, and Fiscal Ordinance No. 56, 1976, respectively, and read as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 55, 1976

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.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 5 of the City-County Annual Budget for 1976, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of a personnel reclassification task force.

SECTION 2. The sum of Forty-Three Thousand Six Hundred Ninety-Two Dollars (43,692.00) 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:

Department of Administration	
Office of the Director	City General Fund
10. Personal Services	\$13,300.00
21. Contractual Services	26,500.00
24. Current Charges	440.00
25. Current Obligations	800.00
50. Properties	2,652.00
TOTAL INCREASES	\$43,692.00

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

	City General Fund
Unappropriated and Unencumbered	
City General Fund	\$43,692.00
TOTAL REDUCTIONS	\$43,692.00

SECTION 5. 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 12th day of July, 1976

CITY-COUNTY FISCAL ORDINANCE NO. 56, 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 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.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 5 of the City-County Annual Budget for 1976, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of appropriating a federal intergovernmental assistance grant to finance expenses of the personnel reclassification task force.

SECTION 2. The sum of Five Thousand Dollars (\$5,000.00) 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:

Department of Administration	
Office of the Director	City General Fund
22 Supplies	\$5,000.00
Total Increases	\$5,000.00

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

	City General Fund
Unappropriated & Unencumbered City	
General Fund	\$5,000.00
Total Reductions	\$5,000.00

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 County Controller 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 12th day of July, 1976.

SPECIAL ORDERS - FINAL ADOPTION

Proposal No. 200, 1976. Following discussion during which Councilman Miller spoke regarding the Proposal, Councilman Miller moved, seconded by Councilman Gilmer, that Proposal No. 200, 1976, be STRICKEN.

The motion was carried by a unanimous voice vote.

Proposal No. 222 and 223, 1976. By consent, Proposal Nos. 222 and 223, 1976 were considered together. Following discussion, Proposal Nos. 222 and 223, 1976, were adopted by unanimous voice vote.

Proposal Nos. 222 and 223, 1976 were retitled General Ordinance Nos. 75 and 76, 1976, respectively, and read as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 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 addition of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
No.2,Pg.1	DePauw Blvd. & Wesleyan Rd.	DePauw Blvd.	Stop
No.2,Pg.1	Northwestern Av. & Vincennes Rd.	Northwestern Av. Northwestern Av.	Stop Stop
No.2,Pg.1	Vincennes Rd. & Wesleyan Rd.	Purdue Rd. Vincennes Rd.	Stop Stop
No.3,Pg.4	Purdue Rd. & Vincennes Rd.	Purdue Rd.	Stop

SECTION 2. This amendment shall be subject to the penalties as provided in Chapter 1, Section 108 fo the "Code of Indianapolis and Marion County, Indiana."

SECTION 3. 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 12th day of July, 1976.

CITY-COUNTY GENERAL ORDINANCE NO. 76, 1976

A GENERAL ORDINANCE further amending the "Code of Indainapolis 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 Indainapolis 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.2,Pg.1	Guion Rd. & W. 80th St.	(none)	None
No.2,Pg.1	Payne Rd. & W. 80th St.	(none)	None
No.2,p.1	Westover Dr. & W. 80th St.	(none)	None

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.2,Pg.1	Braddock Rd. & Payne Rd.	Payne Rd.	Stop
No.2,Pg.1	Guion Rd. & Westover Dr.	Guion Rd.	Stop
No.2,p.1	Guion Rd. W. 80th St.	Guion Rd.	Stop
No.2,Pg.1	Payne Rd. & W. 80th St.	Payne Rd.	Stop
No.2,Pg.1	Westover Dr. & W. 80th St.	W. 80th 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 12th day of July, 1976.

Proposal No. 259, 1976. Following discussion during which President SerVaas surrendered the gavel to the Vice President to speak on the Proposal, Councilman Durnil moved, seconded by Councilwoman Journey, to amend Proposal No. 259, 1976. Due to the amendment not being fully prepared, no action was taken to amend the Proposal at this time.

Following further discussion, Coouncilman Tintera moved, seconded by Councilman Cantwell, to return Proposal No. 259, 1976, back to committee for further consideration.

The motion was carried by unanimous voice vote.

Proposal No. 258, 1976. Folloiwing discussion during which Councilman Tintera spoke regarding the Proposal, Proposal No. 258, 1976, was adopted on the following roll call vote, viz:

27 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, 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. 258, 1976, was retitled Special Ordinance No. 1, 1976, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 1976

A SPECIAL ORDINANCE of the City of Indianapolis authorizing the final terms of the financing of economic development facilities, the issuance and sale of Revenue Bonds and the loaning of the proceeds thereof to Paper Manufacturers Company and other matters relating thereto.

WHEREAS, the Indianapolis Economic Development Commission adopted a Resolution on June 7, 1976, approving the financing of certain economic development facilities to be acquired and either leased to or owned by Paper Manufacturers Company, and finding that said financing of economic development facilities complies with the purposes and provisions of I.C. 18-6-4.5 and that said financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens, and further approved the final forms of Loan Agreement, Note, and Indenture of Trust (such documents being hereinafter referred to collectively as the "Financing Agreement" referred to in I.C. 18-6-4.5), which Resolution of the Indianapolis Economic Development Commission has been transmitted hereto; and

WHEREAS, the Report of the Indianapolis Economic Development Commission has heretofore been presented to the Metropolitan Plan Commission, which Commission has commented favorably thereon; and

WHEREAS, the Indianapolis Economic Development Commission has heretofore approved and recommended the adoption of the proposed form of Ordinance by this City-County Council; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the proceeds thereof to Paper Manufacturers Company for the acquisition and construction of such facilities and the repayment of said loan by Paper Manufacturers Company to be evidenced and secured by a Note of Paper Manufacturers Company, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Indianapolis and its citizens.

SECTION 2. The forms of the Loan Agreement, Note and Indenture of Trust approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the City Clerk.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, (Paper Manufacturers Company Project), (the "Bonds") in the total principal amount of Five Hundred Sixty Thousand Dollars (\$560,000) for the purpose of procuring funds to loan to Paper Manufacturers Company in order to pay the cost of acquisition and construction of the economic development facilities, as more particularly set out in the indenture of Trust and Loan Agreement incorporated herein by reference, which Bonds will be payable as to the principal of, premium, if any, and interest on solely from the payments made by Paper Manufacturers Company on its Note, in the aggregate principal amount of Five Hundred Sixty Thousand Dollars (\$560,000) which will be executed and delivered by Paper Manufacturers Company to evidence and secure said loan and from other sources under the Loan Agreement, or as otherwise provided in the Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Indianapolis.

SECTION 4. The City Controller is authorized and directed to sell the Bonds to Merchants National Bank & Trust Company of Indianapolis for itself at a rate or rates of interest on the Bonds not to exceed 8-1/4% per annum and at a price of 100% of the principal amount thereof. In connection with the sale of the Bonds the City Controller may consult with the Mayor, Counsel for the Indianapolis Economic Development Commission and officers or representatives of Paper Manufacturers Company.

SECTION 5. The Mayor, City Clerk and City Controller are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction, including the Bonds authorized herein. The signatures of the Mayor, City Clerk and Controller on the Bonds and coupons affixed to the Bonds may be facsimile signatures. The Controller is authorized to arrange for the delivery of the Bonds to Merchants National Bank & Trust Company of Indianapolis, payment for which shall be made to the Trustee named in the Indenture of Trust.

SECTION 6. The provisions of this Ordinance and the Indenture of Trust securing the Bonds shall constitute a contract binding between the City of Indianapolis and the holders of the Bonds, and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Bonds or the interest thereon remain unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signature by the Mayor.

The foregoing was passed by the City-County Council this 12th day of July, 1976.

Proposal No. 263, 1976. Following discussion during which Councilman West spoke, Proposal No. 263, 1976, was adopted on the following roll call vote; viz:

27 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, 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. 263, 1976, was retitled Fiscal Ordinance No. 61, 1976, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 1976

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1976 (City-County Fiscal Ordinance No. 91, 1975) and transferring and appropriating an additional One Thousand Seven Hundred Twenty-two Dollars (\$1,722.00) in the County General Fund for purposes of the Criminal Court Probation Department and reducing certain other appropriations for that department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 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 meeting increases contractual costs of the Criminal Court Probation Department.

SECTION 2. The sum of One Thousand Seven Hundred Twenty-two Dollars

(\$1,722.00) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the appropriations as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

Criminal Court Probation Dept.	County General Fund
21, Services Contractual	\$1,722.00
TOTAL INCREASES	\$1,722.00

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

Criminal Court Probation Dept.	County General Fund
10, Services Personal	\$1,722.00
TOTAL REDUCTIONS	\$1,722.00

SECTION 5. 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 12th day of July, 1976.

Proposal No. 268, 1976. Following discussion during which Mr. Charles Gebuhr and Sargeant Young of the City License Division spoke, several Councilmen gave their opinions regarding the Proposal. Councilman Tintera then moved, seconded by Councilman Gilmer, the Previous Question. The motion carried by unanimous voice vote.

The Previous Question being called, Proposal No. 268, 1976, was adopted on the following roll call vote; viz:

- 26 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Gorham, 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. Walters and Mr. West.
- 1 NO: Mr. Vollmer.

Proposal No. 268, 1976, was retitled General Ordinance No. 78, 1976, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 1976

A GENERAL ORDINANCE amending Section 17-638 of the "Code of Indianapolis and Marion County, Indiana," increasing the fares charged by taxicabs.

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 Chapter 16, Section 17-638, be and is hereby amended, by deleting the cross-hatched portions and inserting the underlined portions, so as to read as follows, to-wit:

Section 17-638 Fares

(a) Generally, No person owning, operating or controlling a taxicab shall charge other than the schedule of rates at the time authorized by ordinance. Each licensee shall maintain a schedule of rates, chargeable for the use of such taxicab at all times, in plain view of any passenger seated in the rear seat.

(b) More than one passenger. If more than one person occupies or engages a taxicab for a common route or destination, or by time, the operator may make a charge of ~~the cents~~ ~~(~~6.10~~)~~ twenty-five cents (\$0.25) for each extra person who has attained the age of fifteen (15) years. No person operating a taxicab shall carry any other passenger, without obtaining the consent of the prior passenger who shall not be obligated to pay any extra fare for refusing such consent. If more than one passenger engages a taxicab for rides to other than a common destination, or on a time bases, the fare for the first person leaving the taxicab shall be the metered fare, or for the time consumed, between the point of origin and the destination of the person. The fare for each successive person leaving the taxicab shall be the metered fare, or the time, solely for the distance between successive destinations and, the taximeter shall be reset, or time noted, at each destination, so that only the proper fare shall be charged between successive destinations.

(c) Waiting time. When a taxi arrives at the place to which it has been called for a passenger, the driver shall give notice of his arrival to such person, and for the first three (3) minutes following the notice there shall be no time charge for waiting, but for any waiting time thereafter either at the place of call or en route to the passenger's destination, the waiting charge authorized by the current schedule shall be paid. However, no waiting time shall be charged in any case where it is caused by the premature arrival of the driver at the place of call, or where delays occur en route due to the condition of the taxicab or the driver.

(d) Payment of fare. No person who requests and receives transportation in any taxicab shall fail or refuse to pay the proper fare or charge authorized by this article.

(e) Receipt. If demanded by the passenger, the driver of a taxicab shall deliver to the passenger at the time of payment a signed receipt on a form containing the driver's name and taxicab driver's license number, the cab number and the taximeter number, together with the distance or time, or both, for which the charge is made, the total amount paid and by whom, and the date of payment.

(f) Filing schedules. Every licensee under this article shall file with the controller copies of every current fare schedule, which shall be open to the public, showing all rates and charges which the licensee has established and requires in payment for any of its services. The schedules shall conform to this section and it shall be unlawful for any licensee of his agent to charge or receive any fare greater than is specified in the current schedule.

(g) ~~Fifty-five cents (\$0.55)~~ Seventy-five cents (\$0.75) for the first one-sixth mile, then cents (\$0.10) for each one (1) minute waiting time over the first three (3) minutes as herein before specified. Eight dollars (\$8.00) per hour for use at an hourly rate; provided that there shall be an additional charge of sixty cents (\$0.60) per mile for each mile in excess of twelve (12) miles driven during any one hour.

Provided that the minimum for any fare originating from Weir Cook Municipal Airport shall be one dollar and fifty cents (\$1.50).

Provided however, that rates higher than above may be charged for the transportation of handicapped persons in taxicabs, if the taxicab transporting such persons is specifically equipped for that purpose. The schedule of such special rates shall be filed with and approved by the Controller.

(h) Baggage. Each passenger shall be permitted to carry in the vehicle with him his personal baggage weighing not over seventy (70) pounds without extra charge.

SECTION 2. This Ordinance shall be in full force and effect from and after adoption in accordance with applicable law.

The foregoing was passed by the City-County Council this 12 day of July, 1976.

Proposal No. 265, 1976. Following discussion during which Councilman McPherson spoke regarding the Proposal, Councilman McPherson moved, seconded by Councilman Gorham, that Proposal No. 265, 1976 be STRICKEN.

The motion was carried by unanimous voice vote.

Proposal No. 266, 1976. Following discussion during which Councilman Tinder spoke regarding the Proposal, Proposal No. 266, 1976, was adopted by unanimous voice vote.

Proposal No. 266, 1976, was retitled General Ordinance No. 77, 1976, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 1976

A GENERAL ORDINANCE amending Chapter 23, Article 11, Sec.23-27, of the "Code of Indianapolis and Marion County, Indiana."

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, Chapter 23, Article 11, Sec. 23-27, be and is hereby amended, by deleting the cross-hatched portions and inserting the underlined portions, so as to read as follows, to wit:

Sec.23-27. Sick Leave.

(a) **Accrual.** All employees shall be entitled to twelve (12) days (ninety-six (96) hours) of sick leave per year. Sick leave shall accrue at the rate of one day per month without limit.

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

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

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

(e) ~~Whenever a~~Any employee accruing has accrued accumulated sick leave in excess of eighteen (18) days of sick leave subsequent to July, 1973 shall be eligible to accrue excess accumulated sick leave. with respect to any such excess accumulated leave that has accrued after July first, 1976, such employee may elect. ~~With respect to such excess accumulated sick leave, the employee may elect:~~

(1) To convert such excess accumulated sick leave to vacation leave at at rate of one vacation day for two (2) days of accumulated sick leave; or

(2) To receive compensation therefor at one-half his or her daily rate.

~~Such election shall be made, if at all as of January first or July first of each year.~~

If the employee wishes to make such an election, he/she must file a written request with the Personnel Director by January first of July first of each year.

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

employees, or the county auditor for county employees.

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

The foregoing was passed by the City-County Council this 12th day of July, 1976.

Proposal Nos. 282-289, 1976. No action was taken on Proposal Nos. 282 through 288, 1976. Proposal Nos. 282 through 288, 1976, were retitled Rezoning Ordinance Nos. 62 through 68, 1976, respectively, and reads as follows:

**Proposal No. 282, 1976 76-Z-26-B Center Township
Councilmanic District No. 16
1431 North Delaware Street, Indianapolis
Jimani an Indiana General Partnership, 1441 North Delaware Street by Bruce N. Pennamped, Attorney, 708 Union Federal Building requests rezoning of 0.20 acres being in D-8 district to C-1 classification to permit a medical office and clinic.**

**Rezoning Ordinance No. 63, 1976 76-Z-56 Warren Township
Councilmanic District No. 12,
5133-5137 East 16th Street, Indianapolis
George F. Jr. & Dorothy M. Parker by Walt's Super Market, Inc., 2440 LaFayette Road by Clarence H. Doninger, Attorney 710 Guaranty Building request rezoning of 0.63 acre. being in D-5 district, to C-3 classification to permit use in connection with adjacent supermarket.**

**Rezoning Ordinance No. 64, 1976 76-Z-56 Lawrence Township
Councilmanic District No. 5
9460 East 38th Street, Indianapolis
Milton J. Fineberg & Assoc., Inc., 101 East Carmel Drive, Carmel, Indiana requests rezoning of 13,71 acres, being in D-6 II district, to D-5 classification to permit residential use by platting.**

**Rezoning Ordinance No. 65, 1976 76-Z-57 Wayne Township
Councilmanic District No. 1
7425 West 21st Street, Indianapolis
Chapel Rock Christian Church, Inc. by Robert L. Creasey, Chairman of the Board, 1055 North Girls School Road requests rezoning of 24,64 acres, being in D-4 district, to SU-1 classification to permit church uses.**

**Rezoning Ordinance No. 66, 1976 76-Z-58 Warren Township
Councilmanic District No. 13
9345 Brookville Road, Indianapolis
Burge Terrace Baptist Church by Horace Gilaspy, Chairman of the Board of Deacons, 9345 Brookville Road requests rezoning of 13.20 acres, being in A-2 district, to SU-1 classification to permit additional area for existing church.**

**Rezoning Ordinance No. 67, 1976 76-Z-60 Warren Township
Councilmanic District No. 23
7100 East Troy Avenue, Indianapolis
Indiana State Highway Commission by L.R. Sadlier, District Engineer, Box 667, Greenfield, IN. 46140 requests rezoning of 9.99 acres, being in A-2 district, to SU-1 classification to permit building a "Domar" type salt storage building.**

**Rezoning Ordinance No. 68, 1976 76-Z-85 Pike Township
Councilmanic District No. 1
3160 West 79th Street, Indianapolis
The Metropolitan Development Commission, 2021 City-County Building, Indianapolis,
Indiana proposes rezoning 7.85 acres, being in SU-38 district to A-1 classification
to permit residential use.**

**Proposal No. 289, 1976 76-AO-3
The Metropolitan Development Commission of Marion County, Indiana proposes
amendment to said Marion County Council Ordinance No. 8-1957, as amended, and
all zoning ordinances adopted as parts thereof, by the adoption of Ordinance
75-AO-3, amending the COMMERCIAL ZONING ORDINANCE OF MARION COUNTY, INDIANA
(69-AO-1) (as amended) setting forth land uses permitted, regulations,
specifications, requirements and development and performance standards applicable
thereto, etc.**

Councilman Durnil moved, seconded by Councilman Gilmer, that Proposal No. 289, 1976, be scheduled for public hearing on July 26, 1976.

The motion carried by unanimous voice vote.

NEW BUSINESS

Councilman McPherson explained that Mr. Arlie Gerlich had been chosen by the Public Works Committee to serve on the Air Pollution Control Board. Following discussion, Councilman McPherson moved, seconded by Councilman West, the Council's approval of Mr. Gerlich to serve as a member of the Air Pollution Control Board.

The motion carried by unanimous voice vote.

Councilman McPherson then announced that on Thursday morning July 22, there will be a meeting of the Air Pollution Control Board in Room W121 of the City-County Building regarding trash burning in the County.

ANNOUNCEMENTS

Councilman Patterson announced that there would be no meeting of the Municipal Corporations Committee of July 14, 1976.

President SerVaas invited all Councilmembers to a dinner at the Naval Armory, Third Floor, on Tuesday evening, July 20th.

President SerVaas asked Committee Chairmen to take five minutes before committee meetings to brief committee members.

ADJOURNMENT

Upon motion made by Councilman Cantwell, seconded by Councilman Tintera, the meeting was adjourned at 10:10 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 12th day of July, 1976.

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

ATTEST:


PRESIDENT

(SEAL)


CLERK OF THE CITY-COUNTY COUNCIL