

SPECIAL MEETING

Monday, April 24, 1972, 6:30 P.M.

A Special Meeting of the City-County Council of Indianapolis-Marion County convened in the Council Chambers in the City-County Building at 6:43 P.M. on Monday, April 24, 1972.

President Hasbrook in the Chair.

The Clerk called the roll.

Present: Mr. Bayt, Mr. Boyd, Mr. Broderick, Mr. Byrum, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Egenes, Mr. Elmore, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mrs. Miller, Mrs. Noel, Mr. Patterson, Mr. Ruckelshaus, Mr. Schneider, Mr. SerVaas, Mr. Tintera, Mr. West, and President Hasbrook.

Absent: Mr. Brown, Mrs. Gibson, and Mr. Gorham.

The Clerk read the call for the Special Meeting as follows:

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

Ladies and Gentlemen:

You are hereby notified that there will be a SPECIAL MEETING of the City-County Council held in the Council Chamber on Monday, April 24, 1972 at 6:30 P.M., the purpose of such SPECIAL MEETING being to receive communications from City-County Officials, introduce new proposals, consider for final adoption all eligible proposals, and to conduct any and all other business requiring the attention of the Council at this time.

Respectfully,

THOMAS C. HASBROOK,
President, City-County Council

I, Marjorie H. O'Laughlin, Clerk of the City of Indianapolis, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the City-County Council prior to the time of such SPECIAL MEETING pursuant to the rules.

IN WITNESS WHEREOF, I have hereunto affixed my signature and caused the seal of the City of Indianapolis to be affixed.

MARJORIE H. O'LAUGHLIN
Clerk of the City-County Council

(SEAL)

President Hasbrook called for additions or corrections to the Journal.

There being no corrections, the Journal of April 10, 1972, stands approved as distributed.

President Hasbrook called for the reading of communications.

OFFICIAL COMMUNICATIONS

April 11, 1972

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS
AND OF 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. Marjorie H. O'Laughlin, the following General Resolution.

CITY-COUNTY GENERAL RESOLUTION NO. 7, 1972, approving
Bond Issue No. 1, 1972, of the Department of Parks and Recreation.

Respectfully submitted.

RICHARD G. LUGAR
Mayor

PRESENTATION OF PETITIONS

Mr. SerVaas moved, seconded by Mr. Giffin, to re-appoint Mr. Harold Ransburg to the Board of Trustees of the Indianapolis-Marion County Building Authority.

Mr. Cantwell moved, seconded by Mrs. Noel, to appoint Mr. Jerome Forestal to the Board.

There being no further nominations, the Clerk called the roll of the members present.

Mr. Ransburg was reappointed by a 19-7 vote.

President Hasbrook called for the introduction of proposals.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 150, 1972

Introduced by Councilman Egenes.

A proposal for a General Resolution authorizing the Mayor to execute an amendment to the grant agreement with the U.S. for the Indianapolis Community Services Program.

Which was read and after discussion, referred to the Committee on Administration.

PROPOSAL NOS. 151 through 158, 1972

Introduced by Councilman Egenes.

A proposal for Rezoning Ordinances certified from the Metropolitan Development Commission on April 20, 1972.

Which were read and referred to the Committee of the Whole and placed on the agenda under Special Orders — Final Adoption.

PROPOSAL NO. 159, 1972

Introduced by Councilman Kimbell.

A proposal for a Fiscal Ordinance transferring \$7,500.00 for certain purposes of the Department of Public Safety and reducing other appropriations for that Department.

Which was read and referred to the Committee on Public Safety .

PROPOSAL NO. 160, 1972

Introduced by Councilman Cottingham.

A proposal for a Fiscal Ordinance transferring \$6,300.00 for certain purposes of the County Commissioners and reducing other appropriations for that office.

Which was read and referred to the Committee on County and Townships.

PROPOSAL NO. 161, 1972

Introduced by Councilman McPherson.

A proposal for a General Resolution approving the annexation of additional territory into the Indianapolis Sanitary District.

Which was read and referred to the Committee on Public Works.

PROPOSAL NOS. 162 through 164, 1972

Introduced by Councilman Cottingham.

PROPOSAL NO. 162, 1972

A proposal for a Fiscal Ordinance appropriating \$32,007.76 for creation and funding of the Domestic Relation Counseling Bureau and reducing the unappropriated County Fund.

PROPOSAL NO. 163, 1972

A proposal for a Fiscal Ordinance appropriating \$10,000.00 for certain purposes of the Criminal Court, Division I, and reducing the unappropriated County Fund.

PROPOSAL NO. 164, 1972

A proposal for a Fiscal Ordinance transferring \$3,000.00 for certain purposes of the County Sheriff and reducing certain other appropriations for that office.

Which were read and referred to the Committee on County and Townships.

PROPOSAL NO. 165, 1972

Introduced by Councilman Kimbell.

A proposal for a General Ordinance disannexing certain territory of the City in order that it may be annexed to the City of Beech Grove.

Which was read and referred to the Committee on Public Works.

President Hasbrook called for proposals under unfinished business.

SPECIAL ORDERS — UNFINISHED BUSINESS

Mr. SerVaas moved, seconded by Mr. Egenes, to amend Proposal No. 128, 1972, as follows:

Mr. President:

I move to amend Proposal No. 128, 1972, by deleting in line 8 of Section 1, the word, "Monday", and inserting in lieu thereof, the words, "and third Mondays".

Beurt SerVaas
Councilman

The motion to amend passed by voice vote.

The proposal, as amended, passed on the following roll call vote:

Ayes 24, viz: Mr. Bayt, Mr. Boyd, Mr. Broderick, Mr. Byrum, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Egenes, Mr. Elmore, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mrs. Miller, Mrs. Noel, Mr. Patterson, Mr. Ruckelshaus, Mr. Schneider, Mr. SerVaas, and President Hasbrook.

Noes 2, viz: Mr. Tintera and Mr. West.

The proposal, retitled General Ordinance No. 38, 1972, reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 1972

CITY-COUNTY COUNCIL PROPOSAL NO. 128, 1972, As Amended
INDIANAPOLIS, MARION COUNTY, INDIANA

A GENERAL ORDINANCE amending the "RULES OF THE CITY-COUNTY COUNCIL" to accommodate certain changes in state law with respect to rezoning ordinances.

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

SECTION 1. Rule 2, Section 1 is amended to read as follows, to-wit: Section 1. Regular Meetings. Regular Meetings of the Council shall be held on the first and third Mondays of each month at half past six o'clock (6:30) P.M. prevailing local time in the Council Chamber. In the event that the date of the regular meeting is on a Holiday observed by state law or local ordinance for employees of the Consolidated City, the regular meeting shall be held on the next suc-

ceeding day that is not such a holiday or a Saturday or Sunday, unless the Council by a majority vote at a prior regular meeting shall cancel the meeting or postpone it to another date. The time or place of any regular meeting may be changed by majority vote at a prior regular meeting.

SECTION 2. The last sentence of Section 1 of Rule 6 is amended to read as follows, to-wit: If the Proposal is for a Rezoning Ordinance, the approval of which by the Metropolitan Development Commission has been certified by the clerk, the President shall inquire if any member moves that the Proposal be set for public hearing before the entire council; and if no such motion is adopted, the Proposal shall be placed on the agenda of the same meeting under "Special Orders—Final Adoption."

SECTION 3. Section 5 of Rule 6 is amended to read as follows, to-wit: Section 5. SPECIAL PROCEDURES FOR REZONING. A proposal for a Rezoning Ordinance may be adopted as other Ordinances are adopted, or, after public hearing, amended or rejected by a vote of two-thirds of the members of the council. Any other vote shall be indecisive and the proposal shall be considered postponed indefinitely, unless stricken from the files.

Mr. Gilmer moved, seconded by Mr. Elmore, to amend Proposal No. 129, 1972, as distributed at the April 10th meeting, and to delete in Section 5, line 32, the words "the same"; and insert in lieu thereof, the words "have attained the height of 8" and".

The motion to amend passed by voice vote.

Mr. Griffith moved, seconded by Mr. Ruckelshaus, to refer the proposal back to the Committee on Parks and Recreation.

The motion failed by a 6 aye, 20 nay standing vote.

Proposal No. 129, 1972, passed, as amended, on the following roll call vote:

Ayes 24, viz: Mr. Bayt, Mr. Boyd, Mr. Broderick, Mr. Byrum, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Egenes, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mrs. Miller, Mrs. Noel, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, Mr. West, and President Hasbrook.

Noes 2, viz: Mr. Elmore and Mr. Ruckelshaus.

The proposal was retitled General Ordinance No. 39, 1972, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 1972

PROPOSAL NO. 129, 1972
CITY-COUNTY COUNCIL

INDIANAPOLIS, MARION
COUNTY, INDIANA

COMMITTEE RECOMMENDATION
AS AMENDED

A GENERAL ORDINANCE amending and revising City-County General Ordinance No. 95, 1970, to provide certain changes in the requirements and procedures with respect to the control and removal of certain plant life and other conditions defined as forbidden botanical conditions.

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

SECTION 1. General Ordinance No. 95, 1970, is revised and amended to read as follows, to-wit:

Sec. 1. When used in this ordinance, the following terms shall be defined as follows:

- (a) "Private property" means all real estate except real estate that is either owned or leased and occupied by the United States, the State of Indiana, Marion County or the City of Indianapolis.
- (b) "Municipal property" means real estate which is owned or used by Marion County, the City of Indianapolis, or one of their departments or agencies.
- (c) "Urban property" means all private property within the Consolidated City of Indianapolis except that defined herein as excluded property.
- (d) "Excluded property" means private property which is not within the Fire Special Service District nor included in a platted subdivision and which is either more than 100 feet distant from any residence, the cultivated portion of land used for the commercial or domestic agriculture or horticulture, a natural or developed wooded area, or land subject to federal programs or subsidy for retirement of land from agricultural production.
- (e) "Owner" means the holder of fee simple title to real estate and the life tenant (if there be one). For purpose of notice to the "owner", the "owner" shall be presumed to be the persons or entities shown as owner on the current property tax duplicate in the office of the Auditor of Marion County; notice shall be deemed given to the actual owner if mailed addressed as indicated by the said tax duplicate.
- (f) "Occupant" means the person, firm or corporation which is from time to time in possession or control of any

house or other building located on private property and is regularly using such structure for a residence or business.

- Sec. 2. Municipal property — Duty of City Departments — The duty is hereby imposed upon each Department of the Consolidated City to keep all municipal property used by the Department for municipal or proprietary functions of the City and all real property under its jurisdiction and control free from all weed and rank vegetation and practice good caretaking in the landscaping, mowing and pruning of the plant life on such property.
- Sec. 3. It shall be the duty of all owners and occupants of real property in Marion County to remove or cause to be abated any nuisance or “forbidden botanical condition” as specified in Sections 4 through 9 of this ordinance.
- Sec. 4. A “forbidden botanical condition” exists whenever any vegetation is abandoned, neglected or disregarded in such manner as to violate any valid law, ordinance or regulation of the state or any of its agencies, any ordinance of any municipal corporation having jurisdiction in Marion County, Indiana, any ordinance of the City of Indianapolis or regulation of any of its departments.
- Sec. 5. A “forbidden botanical condition” exists whenever weeds or rank vegetation are on urban property and have attained the height of 8” and are not cut, mown, or otherwise eliminated.
- Sec. 6. A “forbidden botanical condition” exists whenever any vegetation exists on private property in close proximity to any municipal property or governmental right-of-way or easement which because of its location, size or condition interferes with the public safety or lawful use of such property, right-of-way or easement or is in violation of any law of the state or any ordinance of the Consolidated City or any regulation of any of its

departments or agencies. Specifically, the owner, or person in control of any lot or parcel of land in the city, upon which any tree, shrub, vine, or plant may be standing adjacent to any public way, shall trim or cause to be trimmed, either at the property line or to a clear height of at least eight feet above the surface of such public way, all branches thereof which overhang any portion of such public way, or which obstruct or interfere with the passage of light from any street lighting system, and shall not plant or maintain any thereof so close to any property line as to obstruct thereby the vision of travelers along the streets. The city or its contractual agent, may enter upon any such private premises to do such trimming, as it determines to be necessary, or to remove any such obstruction herein prohibited. Said owner shall, remove from such tree, shrub, vine, or plant, all dead, decayed, unsightly, broken or dangerous limbs and branches that overhang, or are close to the public way; and when any such tree, shrub, vine or plant is dead, the owner shall remove the same.

- Sec. 7. A "forbidden botanical condition" exists whenever any person owning or controlling houses or other buildings or premises, or vacant lots, abutting on any public way fails to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity.
- Sec. 8. A "forbidden botanical condition" exists whenever the owner of urban property abutting upon a public way fails or refuses to keep free from tall weeds and vegetation and to mow the grass regularly on any strip of land between such property and the roadway which is not used for the paved portion of a sidewalk or roadway.
- Sec. 9. Any private property abandoned, neglected, or disregarded so as to permit the same to become unclean, with an accumulation of litter or waste thereon, including but not solely limited to, waste paper, rags, cans, bottles, boxes, lumber, metal, garbage, or disused or inoperable motor vehicles, trailers or any other machinery or appliances, or furniture thereon, unless specifically

authorized under existing laws and regulations, or to allow a rank growth of grass, weeds or other vegetation to remain thereon, or to permit the same to become unsightly, unsanitary, obnoxious, or a fire hazard, or a blight to the vicinity, or offensive to the senses of the users of any public way abutting such premises is hereby declared to be a public nuisance. If such a public nuisance exists in conjunction with a "forbidden botanical condition" such nuisance may be abated at the same time and in the same manner as the "forbidden botanical condition."

Sec. 10. Any "forbidden botanical condition" is hereby declared a public nuisance; and the City of Indianapolis may proceed against such nuisances in accordance with the remedies provided in this ordinance, by initiation of civil action in any court of competent jurisdiction in Marion County or pursue any other remedy authorized by law.

Sec. 11. Responsibility for causing removal of forbidden botanical conditions.

The Director of the Department of Parks and Recreation, or his delegate, shall upon determining the existence of a "forbidden botanical condition" cause appropriate action to be taken for the removal of such condition; except if the existing forbidden botanical condition affects the responsibility or functions of any other department of the Consolidated City, the Director of such department or his delegate, shall initiate appropriate action for the removal of such condition.

Sec. 12. Preliminary notice.

If the forbidden botanical condition exists upon property which is occupied, the Director responsible under the preceding Section for removal of the forbidden botanical condition may give a preliminary notice to the occupant or by posting the notice upon the occupied premises on such property. The preliminary notice shall state the nature of the alleged forbidden botanical condition, the action deemed necessary to correct the situation, and

fix a date not sooner than seven (7) days thereafter when the property will be re-inspected and inform the occupant that he has until such date to correct the forbidden botanical condition. If upon re-inspection in accordance with that notice it is determined that the condition has been corrected, the owner or occupant shall not be liable for any charges by reason of the preliminary notice procedure.

Sec. 13. Formal notice of hearing.

If the forbidden botanical condition is not corrected as a result of the preliminary notice or if no preliminary notice is given, the Director responsible for removal of such condition may give formal notice of a hearing. Such notice shall be given by certified mail, return receipt requested. Such notice shall state the location of the alleged forbidden botanical condition, describe the real estate upon which the alleged condition exists, state the action deemed necessary to correct the condition and fix a date and time when the owner may be heard before the Board or its designated hearing Officer, of the Department whose Director gives the notice. The notice shall be mailed to the owner at the address appearing on the current tax duplicate in the office of the Auditor of Marion County at least ten (10) days prior to the hearing. In addition, notice may be mailed by first class mail to the owner or to occupant of the property and a copy of the notice posted on the property.

Sec. 14. Formal Hearing.

The hearing shall be held before the Board, or its designated hearing officer, of the Department whose Director gives the notice required by Section 13. If the owner or someone in his behalf fails to appear at the hearing, the Board, or its designee, shall make an order that the Director remove the forbidden botanical condition. If the owner appears, the Board or its designee, shall proceed to hear evidence and determine if a forbidden botanical condition exists. Such hearing may be continued from time to time as determined by the Board, or its designee. If on final decision, the Board or its

designee determines that a forbidden botanical condition exists, it shall order that the Director remove the forbidden botanical condition, but may give the owner not more than fifteen (15) days to correct the condition before the Director shall proceed. Upon determination that a forbidden botanical condition exists, the Board, or its designee, shall retain continuing jurisdiction until the forbidden botanical condition is removed and charges are fixed against the owner as provided in Section 16.

Sec. 15. Procedure to establish a lien.

If the Board or its designee determines that actual notice pursuant to Section 13 has not been given or that the notice is otherwise insufficient as a matter of law upon which to base a lien, the Board may direct further actual notice to the owner or any other notice sufficient pursuant to the Indiana Rules of Procedure to establish in rem jurisdiction which shall require the owner to appear before the Board for a formal hearing to determine charges in accordance with Section 16.

Sec. 16 Charges to be fixed by the Board.

If a Board determines pursuant to Section 14, that a forbidden botanical condition exists, the Board shall fix the charges to be collected from the owner, which shall be:

- 1) Five Dollars (\$5.00) for preparing and giving notice as required in Section 13 and this section.
- 2) Five Dollars (\$5.00) for each time an employee of the department inspected the property for purposes of complying with the provisions of this ordinance; and
- 3) If the City removes the forbidden botanical condition a charge for such services computed in accordance with Section 17.

A notice of the meeting of the Board to fix charges pursuant to this section shall be given by first class

United States Mail, addressed as the original notice required by Section 13 or to such other address or person as may be made a matter of record at the hearing provided by Section 14.

Sec. 17. Charges.

The charges assessed for the cost of removal of forbidden botanical conditions shall be as follows:

a) For cutting grass, weeds and rank vegetation, a minimum charge of \$75.00 plus:

(1) on platted lots within developed subdivisions, \$10.00 per each one thousand square feet or fraction thereof in excess of six thousand (6,000) square feet as determined from the size of the lot as shown on the plat; or

(2) on all property other than platted lots in developed subdivisions, \$25.00 per acre for each acre or fraction thereof in excess of one acre.

b) For cutting, pruning or removing any trees, vines, bushes, hedges, shrubs — the actual cost, if such work is done under contract, or the cost to the city for labor computed at \$5.00 per man hour or part thereof devoted to such work, plus \$7.50 per hour for each piece of equipment used.

c) For the removal of any debris, rubbish, junk appliances, motor vehicles, garbage or similar materials when such condition exists in conjunction with a forbidden botanical condition, the actual cost, if such work is done under contract, or the cost to the city for labor computed at \$5.00 per man hour or part thereof devoted to such work, plus \$7.50 per hour for each piece of equipment used.

Sec. 18. Charges are a lien on the real estate.

The charges as fixed pursuant to Section 16 shall be a lien upon the real estate upon which the forbidden botanical condition exists. The Board upon fixing the charges pursuant to this ordinance shall direct that the owner of the real estate be billed by the department for the charges as assessed which statement shall give the owner sixty (60) days in which to pay the charges or an additional late charge of 5% shall be added to the charges. If such statement is not paid within the time given, the Board shall adopt an assessment roll setting forth the owner, description of the real estate and amount of charges. The roll shall be forwarded to the assessment bureau and processed for collection by the County Auditor and City Treasurer as special assessment and taxes are collected.

Sec. 19. The failure to remove any "forbidden botanical condition" within ten (10) days after the decision pursuant to Section 15 by a Board of any Department of the Consolidated City that such condition exists shall be a misdemeanor and upon conviction may be punished by a fine not exceeding Five Hundred Dollars (\$500.00) to which may be added imprisonment not exceeding ninety (90) days.

Sec. 20. Whenever a Board, pursuant to Section 14, orders a Director to cause a nuisance to be abated, the necessary work may be done by employees of the department or by another department pursuant to agreement, or under contract with private contractors.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption, approval by the Mayor, and publication according to law. Upon the effective date of this ordinance the Sections of General Ordinance No. 95, 1970, as amended or repealed by this ordinance shall no longer be in effect except that the adoption of this ordinance shall not effect any proceeding for collection of charges as assessed under General Ordinance 95, 1970, which charges shall be collected in accordance with that ordinance as in effect at the time of assessment.

SPECIAL ORDERS — FINAL ADOPTION
OF PROPOSALS

President Hasbrook called for proposals eligible for final action.

After discussion, Proposal No. 136, 1972, passed on the following roll call vote :

Ayes 21, viz: Mr. Bayt, Mr. Boyd, Mr. Broderick, Mr. Byrum, Mr. Campbell, Mr. Cantwell, Mr. Cottingham, Mr. Egenes, Mr. Elmore, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mrs. Miller, Mrs. Noel, Mr. Patterson, Mr. SerVaas, Mr. Tintera, Mr. West, and President Hasbrook.

Noes 5, viz: Mr. Clark, Mr. Dowden, Mr. Giffin, Mr. Ruckelshaus, and Mr. Schneider.

The proposal was retitled Fiscal Ordinance No. 10, 1972, and reads as follows :

CITY-COUNTY FISCAL ORDINANCE NO. 10, 1972

CITY-COUNTY COUNCIL PROPOSAL NO. 136, 1972
INDIANAPOLIS, MARION COUNTY, INDIANA

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1972 (City-County General Ordinance No. 192, 1971, as amended) and transferring and appropriating the sum of Forty Thousand Dollars (\$40,000.00) for certain purposes of the Department of Metropolitan Development and reducing the certain other appropriations for other Divisions of that Department

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, the CITY-COUNTY ANNUAL BUDGET FOR 1972, as amended, is hereby further amended by the increases and reductions hereinafter stated for the purpose of providing certain additional appropriations for administration of the Department of Metropolitan Development.

SECTION 2. The sum of Forty Thousand Dollars (\$40,000.00) be, and the same is hereby, 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:

DEPARTMENT OF METROPOLITAN DEVELOPMENT	
ADMINISTRATION	
	City Fund
2. Services Contractual	\$40,000.00
	<hr/>
TOTAL INCREASES	\$40,000.00

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

DEPARTMENT OF METROPOLITAN DEVELOPMENT	
BUILDINGS	
	City Fund
1. Services Personal	\$30,000.00
CODE ENFORCEMENT	
	City Fund
1. Services Personal	\$10,000.00
	<hr/>
TOTAL REDUCTIONS	\$40,000.00

SECTION 5. This Ordinance shall be in full force and effect from and after adoption and approval by the Mayor.

After discussion, Proposal No. 149, 1972, passed on the following roll call vote:

Ayes 22, viz: Mr. Bayt, Mr. Boyd, Mr. Broderick, Mr. Byrum, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Cottingham, Mr. Egenes, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mrs. Miller, Mrs. Noel, Mr. Patterson, Mr. Ruckelshaus, Mr. SerVaas, Mr. Tintera, Mr. West, and President Hasbrook.

Noes 4, viz: Mr. Dowden, Mr. Elmore, Mr. Giffin, and Mr. Schneider.

The proposal was retitled General Resolution No. 8, 1972, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 8, 1972

CITY-COUNTY COUNCIL PROPOSAL NO. 149, 1972
INDIANAPOLIS, MARION COUNTY, INDIANA

A proposal for a General Resolution approving the amendment of the application and the contract with the Department of Housing and Urban Development of the United States to conform with the requirements of Public Law 91-646 of the 91st Congress known as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act" to provide \$225,000 additional funds for relocation payments to displacees in the Project Indiana R-70 Area, all of which funds would be furnished by the Federal Government.

WHEREAS, the Department of Metropolitan Development (Department) of the City of Indianapolis is currently administering and executing its contract with the Department of Housing and Urban Development (HUD) of the United States of America for the rehabilitation and redevelopment of the urban renewal project area known as Project Indiana R-70, which contract, under the terms of which substantial financial assistance is furnished by HUD, is dated December 31, 1969 and is known as Contract No. Ind. R-70 (LG), Project No. Indiana R-70 (Contract); and

WHEREAS, The Common Council of the City of Indianapolis by its Special Resolution No. 23, 1969, dated December 15, 1969, did approve said Project Indiana R-70's Urban Renewal Plan and the relocation program and the Department's filing of its application for HUD financial assistance to carryout said Urban Renewal Plan; and

WHEREAS, The Common Council of the City of Indianapolis, predecessor to the present City-County Council of the City of Indianapolis and Marion County, Indiana, by its Special Resolution No. 23, 1969, dated December 15, 1969, approved said Urban Renewal Plan, the program for relocation of those displaced and the filing of the application for HUD financial assistance under Title I of the Housing Act of 1949, as amended; and

WHEREAS, Public Law 91-646 of the 91st Congress of the United States, known as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", was enacted and became effective January 2, 1971, providing considerably broadened and extended rights to persons, families and business concerns displaced by an urban renewal project area undertaken with federal financial assistance, which rights include, but are not limited to, moving expenses, dislocation allowances, personal property loss payments, replacement housing payments for owners and tenants, relocation assistance and other benefits; and

WHEREAS, in order for the Department to receive the additional federal funds from HUD under the Contract to enable the Department to furnish the R-70 displacees with the increased relocation payments, the Contract, referred to herein, with HUD must be amended; and

WHEREAS, it is in the best interests of all displacees of the said Project Indiana R-70 urban renewal area and of the Department that it be authorized and directed to amend its application and its contract with HUD to so provide that said additional relocation payments of \$225,000 be included in said contract and that the Department be fully reimbursed by HUD for said relocation payments; and

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, did on April 5, 1972, approve and adopt its Resolution No. 44, 1972, authorizing and directing the Department of Metropolitan Development to amend both its Application for and contract with, HUD to provide additional federal funds for the Department's execution of its urban renewal project, Project Indiana R-70, to enable the Department to make \$225,000 additional relocation payments as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (U.S. Public Law 91-646), all of which \$225,000 is to furnished by HUD;

NOW, THEREFORE:

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

Sec. 1. That additional financial assistance is made necessary for the full execution and carrying out of urban renewal project, Project Indiana R-70, because of the increased relocation payments to displacees of said project requested by the Uniform Relocation Assistance and Policies Act (U.S. Public Law 91-646) and the amendment of the application and the contract for federal financial assistance with HUD to provide \$225,000 additional funds, all to be furnished by HUD is now hereby approved.

Sec. 2. That this resolution be in full force and effect from and after its passage and approval by the Mayor.

Mr. Byrum discussed Proposal Nos. 131 through 135, 1972, and requested that one vote count be taken for all of the proposals.

Proposal Nos. 131 through 135, 1972, passed on the following roll call vote :

Ayes 26, viz: Mr. Bayt, Mr. Boyd, Mr. Broderick, Mr. Byrum, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Egenes, Mr. Elmore, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mrs. Miller, Mrs. Noel, Mr. Patterson, Mr. Ruckelshaus, Mr. Schneider, Mr. SerVaas, Mr. Tintera, Mr. West, and President Hasbrook.

The proposals were retitled General Ordinance Nos. 40 through 44, 1972, and read as follows :

CITY-COUNTY GENERAL ORDINANCE NO. 40, 1972

CITY-COUNTY COUNCIL PROPOSAL NO. 131, 1972
INDIANAPOLIS, MARION COUNTY, INDIANA

A GENERAL ORDINANCE amending the "Municipal Code of Indianapolis 1951," as amended, and more particularly Title 4, Chapter 7, Section 709 thereof, Vehicles Must Stop Before Entering Preferential Streets, 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:

SECTION 1. Title 4, Chapter 7, Section 709 thereof, Vehicles Must Stop Before Entering Preferential Streets, is hereby, amended by the addition of the following:

Preferential

Spring Mill Road
91st Street

Stop

92nd Street
Kenwood Dr.

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

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

CITY-COUNTY GENERAL ORDINANCE 41, 1972

CITY-COUNTY COUNCIL PROPOSAL NO. 132, 1972
INDIANAPOLIS, MARION COUNTY, INDIANA

A GENERAL ORDINANCE amending the "Municipal Code of Indianapolis 1951," as amended, and more particularly Title 4, Chapter 7, Section 709 thereof, Vehicles Must Stop Before Entering Preferential Streets, 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:

SECTION 1. Title 4, Chapter 7, Section 709 thereof, Vehicles Must Stop Before Entering Preferential Streets, is hereby, amended by the addition of the following:

Preferential

Stop

Winton Avenue

Thrush Drive

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

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

CITY-COUNTY GENERAL ORDINANCE NO. 42, 1972

CITY-COUNTY COUNCIL PROPOSAL NO. 133, 1972
INDIANAPOLIS, MARION COUNTY, INDIANA

A GENERAL ORDINANCE amending the "Municipal Code of Indianapolis 1951," as amended, and more particularly Title 4, Chapter 7, Section 709 thereof, Vehicles Must Stop Before Entering Preferential Streets, and Chapter 7, Section 711 thereof, Stopping at Certain Intersections, 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:

SECTION 1. Title 4, Chapter 7, Section 709 thereof, Vehicles Must Stop Before Entering Preferential Streets, be, and the same is hereby, amended by the deletion of the following:

<u>Preferential</u>	<u>Stop</u>
Central Ave.	49th St.
Washington Blvd.	49th St.
Pennsylvania St.	56th St.
Central Ave.	54th St.

SECTION 2. Title 4, Chapter 7, Section 711 thereof, Stopping at Certain Intersections — Four-Way Stops, be, and the same is hereby, amended by the addition of the following:

Four-Way Stop Intersections

49th Street and Central Avenue
49th Street and Washington Boulevard
56th Street and Pennsylvania Street
54th Street and Central Avenue

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

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and compliance with all laws pertaining thereto.

CITY-COUNTY GENERAL ORDINANCE NO. 43, 1972

CITY-COUNTY COUNCIL PROPOSAL NO. 134, 1972
INDIANAPOLIS, MARION COUNTY, INDIANA

A GENERAL ORDINANCE amending the "Municipal Code of Indianapolis 1951," as amended, and more particularly Title 4, Chapter 8, Section 812 thereof, Parking Prohibited at all Times on Certain Streets, 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:

SECTION 1. Title 4, Chapter 8, Section 812 thereof, Parking Prohibited at all Times on Certain Streets, is hereby, amended by the addition of the following:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Shady Hills Dr.	Both	Traders Lane	Intersection of Shady Hills East & West Drives

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

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

CITY-COUNTY GENERAL ORDINANCE NO. 44, 1972

CITY-COUNTY PROPOSAL NO. 135, 1972

A GENERAL ORDINANCE amending the "Municipal Code of Indianapolis 1951," as amended, and more particularly Title 4, Chapter 8, Section 813 thereof, SPECIAL PARKING PRIVILEGES FOR CERTAIN PERSONS AND/OR VEHICLES IN CERTAIN LOCATIONS, 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:

SECTION 1. Title 4, Chapter 8, Section 813 thereof, SPECIAL PARKING PRIVILEGES FOR CERTAIN PERSONS AND/OR VEHICLES IN CERTAIN LOCATIONS, is hereby amended by the addition of the following:

- (f) Any vehicle so authorized by the Marion County Department of Public Welfare may park at any time in the following location:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
S. Meridian St.	East	30 feet of the North Curb Line on the North Side of E. Georgia St.	118 feet from the North Curb Line of the North Side of E. Georgia St.

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

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

After discussion, Proposal No. 137, 1972, passed on the following roll call vote:

Ayes 26, viz: Mr. Bayt, Mr. Boyd, Mr. Broderick, Mr. Byrum, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Egenes, Mr. Elmore, Mr. Gif-

fin, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mrs. Miller, Mrs. Noel, Mr. Patterson, Mr. Ruckelshaus, Mr. Schneider, Mr. SerVaas, Mr. Tintera, Mr. West, and President Hasbrook.

The proposal was retitled Fiscal Ordinance No. 11, 1972, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 1972

CITY-COUNTY COUNCIL PROPOSAL NO. 137, 1972
INDIANAPOLIS, MARION COUNTY, INDIANA

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1972 (City-County General Ordinance No. 192, 1971, as amended) and transferring and appropriating the sum of Seven Hundred Dollars (\$700.00) for certain purposes of the Department of Public Safety and for certain other appropriations for that Department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, the CITY-COUNTY ANNUAL BUDGET FOR 1972, as amended, is hereby further amended by the increases and reductions hereinafter stated for the purpose of providing additional appropriations for the Department of Public Safety.

SECTION 2. The sum of Seven Hundred Dollars (\$700.00) be, and the same is hereby, 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:

DEPARTMENT OF PUBLIC SAFETY

	City Fund
1. Services Contractual	\$700.00
	<hr/>
TOTAL INCREASES	\$700.00

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

DEPARTMENT OF PUBLIC SAFETY

	City Fund
7. Properties	\$700.00
	<hr/>
TOTAL REDUCTIONS	\$700.00

SECTION 5. This ordinance shall be in full force and effect from and after adoption and approval by the Mayor.

The Council took no action on Proposal Nos. 151 through 158, 1972.

The proposals were retitled Rezoning Ordinance Nos. 67 through 74, 1972, and read as follows:

CITY-COUNTY REZONING ORDINANCES
NOS. 67 THROUGH 74, 1972

CITY-COUNTY PROPOSALS NOS.
151 THROUGH 158, 1972

71-Z-150 P. No. 151, 1972 R. O. No. 67, 1972	James E. Murphy, Dodd Realty, Inc. & James E. Huffer by William F. LeMond, Attorney, 412 Union Federal Bldg. request rezoning of 87.25 acres, being in I-2-S district, to C-3 classification to provide for an integrated plan of development for retail sales, services and office park. Located 5835-6211 East 82nd Street, Indianapolis, Lawrence Township.
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- 71-Z-151 Blaine & Wilda Zook, Donald & Eda Fountain by
P. No. 152, 1972 William F. LeMond, Attorney, 412 Union Federal
R. O. No. 68, 1972 Bldg. request rezoning of 20.00 acres, being in A-2
district, to C-4 classification to provide for a de-
partment store and related commercial facilities.
Located 6200 East 82nd Street, Indianapolis,
Lawrence Township.
- 72-Z-10 The Indiana National Bank, Trustee by W. B.
P. No. 153, 1972 French, Vice-Pres. by Charles G. Castor, Attorney,
R. O. No. 69, 1972 One Indiana Square #2050 requests rezoning of
203.00 acres, being in A-2 & GBS districts, to D-1
classification to provide for residential use by plat-
ting. Located on the south side of West 86th Street,
west side of Conarroe Road, 6700-7000 blocks of
West 38th St., Indianapolis, Pike Township.
- 72-Z-36 Douglas L. and Joanne S. Walker by William F.
P. No. 154, 1972 LeMond, Attorney, 412 Union Federal Bldg. re-
R. O. No. 70, 1972 quest rezoning of 0.27 acre, being in C-1 district, to
C-S classification to provide for a neighborhood
marketing facility. Located 4514 East 16th Street,
Indianapolis, Center Township.
- 72-Z-49 Lawrence W. Bowling by William H. Williamson,
P. No. 155, 1972 Attorney, 1005 First Federal Bldg. requests re-
R. O. No. 71, 1972 zoning of 3.25 acres, being in D-3 district, to C-3
classification to provide for existing commercial
use and expansion of such use. Located 4737 & 4738
West Thompson Road, Indianapolis, Decatur Town-
ship.
- 72-Z-78 Alvin M., Sol M., Leon Mordoh and Alfred Fischer
P. No. 156, 1972 by Alfred Fischer, Trustee, 816 First Federal
R. O. No. 72, 1972 Bldg. request rezoning of 3.00 acres, being in D-3
district, to D-7 classification to permit the develop-
ment of multi-family housing. Located 8931 East
45th Street, Lawrence, Indiana.

72-Z-83 Metropolitan School District of Wayne Township,
 P. No. 157, 1972 6448 West Ohio St. and Wayne Township Volunteer
 R. O. No. 73, 1972 Fire Dept., Company No. 9, Inc. by William Wur-
 ster, Attorney, 1101 Peoples Bank Bldg. request
 rezoning of 3.00 acres, being in SU-2 district, to
 SU-9 classification to permit construction of a fire
 station. Located 7510 West 10th Street, Indian-
 apolis, Wayne Township.

72-AO-2 The Metropolitan Development Commission of
 P. No. 158, 1972 Marion County, Indiana proposes amendment to
 R. O. No. 74, 1972 Marion County Council Ordinance No. 8-1957, as
 amended, and the HOSPITAL DISTRICTS ZON-
 ING ORDINANCE OF MARION COUNTY, IN-
 DIANA, 68-AO-8, as amended, including the HOS-
 PITAL DISTRICT ZONING MAP, which is a part
 thereof, by rezoning to the HOSPITAL DIS-
 TRICTS ONE AND TWO (HD-1 and HD-2) re-
 spectively, certain land as designated on the at-
 tached Map, and amending said HOSPITAL DIS-
 TRICT ZONING MAP by the addition of said
 Map (which is incorporated herein by reference
 and made a part hereof).

ANNOUNCEMENTS AND ADJOURNMENT

Mr. West announced that Mr. Stanley Kramer of the
 Indiana State Chamber of Commerce, would address the
 Committee on Economic Development on Tuesday, April
 27, 1972, at 4:00 P.M. in Room 242.

Mr. Gilmer announced that a Parks and Recreation
 Committee meeting would be held on Tuesday, April 25,
 1972, at 2:00 P.M. in Room 260.

Mr. McPherson announced that the Committee on

Public Works would be changed from May 1, 1972 to May 4, 1972, at 4:00 P.M. in Room 260.

Mr. SerVaas announced that the regular meeting of May 2, 1972, would be postponed and a Special meeting of the City-County Council would be held at 6:30 P.M. on Monday, May 8, 1972.

There being no further business, on motion of Mr. Giffin, seconded by Mr. Ruckelshaus, the meeting adjourned at 7:55 P.M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County held on the 24th day of April, 1972, at 6:30 P.M.

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

Thomas C. Hasbun

President

ATTEST

Maryanne N. O'Laughlin

(SEAL)

Clerk of the City-County Council