

**CITY-COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, February 27, 1978**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, convened in the Council Chambers of the City-County Building at 7:15 p.m., Monday, February 27, 1978, President SerVaas in the chair. Councilman Donald Miller opened the meeting with a prayer followed by the Pledge of Allegiance.

ROLL CALL

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

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

CORRECTION OF JOURNAL

The Chair called for additions or corrections to the Journal of February 13, 1978. There being no additions or corrections, the minutes were approved, as distributed.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that there will be a **REGULAR MEETING** of the City-County Council held in the City-County Building, in the Council Chambers on Monday, February 27, 1978, at 7:00 p.m., the purpose of such MEETING being to conduct any and all business that may properly come before the regular meeting of the Council.

Respectfully,

**s/Beurt SerVaas, President
City-County Council**

February 13, 1978

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 on February 16 and February 23, 1978, and in the Indianapolis NEWS on February 16, with a corrected version on February 17, and February 24, 1978, a NOTICE TO TAXPAYERS on Proposals No. 66, 67, and 72, 1978, for a Public Hearing to be held on Monday, February 27, 1978, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

February 15, 1978

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

Ladies and Gentlemen:

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

GENERAL RESOLUTION NO. 1, 1978, approving the action of the Board of Public Works with respect to the incorporation of certain additional territory into the Indianapolis Sanitary District.

SPECIAL RESOLUTION NO. 3, 1978, recognizing Reverend R. David Roberts and the Congregation of the Traders Point Christian Church for their work during the blizzard of 1978.

GENERAL ORDINANCE NO. 39, 1978, authorizing the Mayor to delegate to a Deputy Mayor his power to serve on the Board of Trustees of the Police and Fire Pension Funds. (Adds Code Section 2-223).

GENERAL ORDINANCE NO. 35, 1978, establishing a certain portion of St. Paul Street as one-way (Amends Code Section 29-166).

GENERAL ORDINANCE NO. 36, 1978, restoring parking on a certain portion of English Avenue (Amends Code Section 29-267).

GENERAL ORDINANCE NO. 37, 1978, changing intersection controls at certain intersections (Amends Code Section 29-92).

GENERAL ORDINANCE NO. 38, 1978, changing intersection controls at certain intersections, prohibiting left and right turns at enumerated locations, designating certain sections of Illinois St. and Capitol Avenue as one-way, prohibiting parking on certain portions of South St., prohibiting stopping, standing or parking on certain portions of certain streets, allowing parking on streets which formerly had restricted parking, and designating parking meter zones on certain streets. (Amends Code Sections 29-92, 29-152, 29-156, 29-166, 29-267, 29-268, 29-272 and 29-283).

FISCAL ORDINANCE NO. 10, 1978, amending the CITY—COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional seven hundred fifty thousand dollars (\$750,000) in the Sanitation Construction Fund for purposes of the Department of Public Works, Liquid Waste Division, and reducing the unappropriated and unencumbered balance in the Sanitation Construction Fund.

FISCAL ORDINANCE NO. 8, 1978, amending the CITY—COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional two million three hundred fifty-nine thousand seven hundred ninety-five dollars (\$2,359,795) in the Manpower Federal Programs Fund for purposes of Employment and Training Division, Department of Administration, and reducing the unappropriated and unencumbered balance in the Manpower Federal Programs Fund.

Respectfully submitted,

s/William H. Hudnut, III

PRESENTATION OF PETITIONS, MEMORIALS,
SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 96, 1978. Councilman Bayt introduced and read this proposal requesting the Administration to reinstate Engine Companies Nos. 3 and 19, and the Broad Ripple Engine Company. Because the Council did not know the Administration's position, Mr. Clark moved, seconded by Mr. Kimbell, to postpone Proposal No. 96, 1978, indefinitely. Mr. West stated that according to State statute the Council has no authority in matters such as this and that it should be heard before the Board of Public Safety. Following further discussion during which Mr. Bayt requested the proposal be postponed to a time certain, Mr. Clark's motion carried. Proposal No. 96, 1978, was postponed indefinitely on the following roll call vote; viz:

18 AYES: Mr. Anderson, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West.

11 NOES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Vollmer and Mr. Walters.

PROPOSAL NO. 97, 1978. Mr. Miller introduced and read this proposal creating procedures for the city and county departments to follow in establishing their budgets for 1979. Mr. Miller then moved the following amendment:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 97, 1978, as follows:

In Section 4, line 1, after the word "established" delete the period and add "within a reasonable period of time."

Add a Section 6 to read as follows:

Section 6. If the procedures established by this resolution are not included in any local government budget, the budget of that governmental unit shall be introduced at the prior year's funding level or the minimum funding level allowed by law.

s/Donald Miller

The motion carried by unanimous voice vote. Following discussion, the proposal was adopted by unanimous voice vote, retitled COUNCIL RESOLUTION NO. 7, 1978, and reads as follows:

CITY—COUNTY COUNCIL RESOLUTION NO. 7, 1978

A COUNCIL RESOLUTION establishing a system of Zero-Base Budgeting in preparation of the 1979 budgets.

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

SECTION 1. The 1979 budget requests shall be presented by program and definitive account description.

SECTION 2. All programs shall be presented with at least three funding levels:

- a. austerly,
- b. optimum,
- c. expanded

SECTION 3. All local government budgets shall be established by assigning priority rankings for the various program funding levels.

SECTION 4. A system of uniform definitive account descriptions for specific expenditures shall be established within a reasonable period of time.

SECTION 5. This resolution is adopted pursuant to Section 2—394 of the Code of Indianapolis and Marion County.

SECTION 6. If the procedures established by this resolution are not included in any local government budget, the budget of that governmental unit shall be introduced at the prior years funding level of the minimum funding level allowed by law.

INTRODUCTION OF GUESTS

Wayne Township Ward Chairman, Dave McNamar, was introduced by Mrs. Brinkman. Mr. Patterson introduced former City-County Councilman, Dwight Cottingham.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 83, 1978. Introduced by Councilman Rippel. The Clerk read the proposal entitled: "A Proposal for a General Ordinance creating a school zone on the streets adjacent to Indianapolis Public School No. 15 [Amends Code Section 29—137];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 84, 1978. Introduced by Councilman Rippel. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing weight limits on certain streets [Amends Code Section 29—224];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 85, 1978. Introduced by Councilman Rippel. The Clerk read the proposal entitled: "A Proposal for a General Ordinance changing intersection controls at certain intersections [Amends Code Section 29—92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 86, 1978. Introduced by Councilman Rippel. The Clerk read the proposal entitled: "A Proposal for a General Ordinance prohibiting parking on a certain portion of West Tibbs Avenue [Amends Code Section 29-267];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 87, 1978. Introduced by Councilman Rippel. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing intersection controls at certain intersections [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 88, 1978. Introduced by Councilman Rippel. The Clerk read the proposal entitled: "A Proposal for a General Ordinance creating intersection controls at certain intersections [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 89, 1978. Introduced by Councilman Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional one thousand four hundred eighty-five dollars (\$1,485) in the Crime Control Fund for purposes of Circuit Court and reducing the unappropriated and unencumbered balance in the Crime Control Fund;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 90, 1978. Introduced by Councilman West. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional twenty-two thousand three hundred ten dollars (\$22,310) in the Consolidated County Fund for purposes of the Criminal Justice Coordinating Agency, Department of Public Safety, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund;" and the President referred it to the Public Safety & Criminal Justice Committee.

PROPOSAL NO. 91, 1978. Introduced by Councilman Miller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional ten thousand seven hundred dollars (\$10,700) in the Consolidated County Fund for purposes of the Personnel Division, Department of Administration, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund;" and the President referred it to the Administration Committee.

PROPOSALS NOS. 92-94, 1978. Introduced by Councilman Durnil. The Clerk read the proposals entitled: "Proposals for Rezoning Ordinances certified from the Metropolitan Plan Commission on February 16, 1978." At this time Mr. Clark requested that Proposal No. 92, 1978, be submitted for public hearing on March 13, 1978. Consent was given. The President referred Proposals Nos. 93 and 94, 1978, to the Committee of the Whole to be heard under Special Orders - Final Adoption.

PROPOSAL NO. 95, 1978. Introduced by Councilman Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional twenty-five thousand dollars (\$25,000) in the County Welfare Fund for purposes of the Department of Public Welfare and reducing the unappropriated and unencumbered balance in the County Welfare Fund;" and the President referred it to the Community Affairs Committee.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 50, 1978. Mr. Schneider stated that the County & Townships Committee decided to hold this proposal for further study. The Council, however, did recess to a Committee of the Whole at 7:40 p.m. for public hearing and reconvened at 7:41 p.m.

PROPOSAL NO. 49, 1978. Mr. Schneider reported that the County & Townships Committee recommended passage of this proposal unanimously. He then called upon Mr. John Kelliher, Director of Data Processing, to explain the third party purchasing of their equipment. Mr. Kelliher stated that due to rental accruals the purchase price of the equipment had been reduced approximately 50 percent. The City would purchase the equipment from IBM and then resell it to a third party and then lease it from them at a reduced rate and save \$5,700 per month. Following discussion, the Council recessed at 7:50 p.m. for public hearing and reconvened at 7:51. Mr. Schneider then moved, seconded by Mr. Howard, for the adoption of Proposal No. 49, 1978. The motion carried on the following roll call vote; viz:

28 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, 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.

1 NOT VOTING: Mr. Cantwell.

Proposal No. 49, 1978, was retitled FISCAL ORDINANCE NO. 16, 1978, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 1978

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional three hundred twenty-three thousand four hundred eighty-one dollars (\$323,481) in the County General Fund for purposes of Central Data Processing and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 of the City-County Annual Budget for 1978, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of purchasing leased equipment financed by the sale and the lease-back of same equipment.

SECTION 2. The sum of three hundred twenty-three thousand four hundred eighty-one (\$323,481) 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:

CENTRAL DATA PROCESSING	COUNTY GENERAL FUND
50. Properties	\$ 323,481
TOTAL INCREASES	\$ 323,481

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

Unappropriated and unencumbered County General Fund	COUNTY GENERAL FUND
	\$ 323,481
TOTAL REDUCTIONS	\$ 323,481

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

PROPOSAL NO. 66, 1978. Mr. Rippel reported that the funds appropriated in this proposal would finance the salaries of 120 CETA employees who would be hired for seven months as of March 1 to hand clean various sections of the City. Some of the funds would be used for the purchase of equipment, materials and the rental of trucks. The Council recessed to a Committee of the Whole at 7:52 p.m. during which Mr. Don Christenson spoke against the passage of this proposal because it was a 104% increase of the budget and it did not include workers in the winter months. The Council reconvened at 7:53 p.m. Mr. Rippel moved, seconded by Mr. Howard, to adopt Proposal No. 66, 1978. The motion carried on the following roll call vote; viz:

27 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, 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.

2 NOT VOTING: Mr. Cantwell and Mr. McPherson.

Proposal No. 66, 1978, was retitled FISCAL ORDINANCE NO. 12, 1978, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 1978

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional nine hundred fifty thousand three hundred fifty-two dollars (\$950,352) in the Transportation Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation 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 1.03 of the City-County Annual Budget for 1978, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of hand cleaning project financed from CETA grant funds.

SECTION 2. The sum of nine hundred fifty thousand three hundred fifty-two dollars (\$950,352) 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 TRANSPORTATION		TRANSPORTATION FUND
10.	Personal Services	\$ 661,112
21.	Contractual Services	175,440
22.	Supplies	17,867
24.	Current Charges	56,190
25.	Current Obligations	39,743
TOTAL INCREASES		\$ 950,352

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

Unappropriated and unencumbered		TRANSPORTATION FUND
Transportation Fund		\$ 950,352
TOTAL REDUCTIONS		\$ 950,352

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

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

PROPOSALS NOS. 67 and 70, 1978. Mr. Miller requested that these proposals be heard together since they both pertained to the Personnel Division of the Department of Administration. Consent was given. Mr. Benson, Director of Personnel, explained that the centralizing of the personnel division initially required more people, but that later the Administration Department had committed itself to reducing its staff. The only new money appropriated is CETA money. The Council recessed to a Committee of the Whole at 8:11 p.m. for public hearing during which Don Christenson stated he could not understand where money was being saved when these proposals created a 74.5% increase in the Administration's personnel budget. The Council reconvened at 7:51 p.m. Following discussion, Proposals Nos. 67 and 70, 1978, were voted upon singly and adopted on the following roll call vote, respectively; viz:

Proposal No. 67, 1978:

23 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mr. Dowden, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, 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, Mr. Durnil, Mr. Rippel and Mr. Schneider.

2 NOT VOTING: Mr. Cantwell and Mrs. Coughenour.

Proposal No. 70, 1978:

22 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mr. Dowden, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. McGrath, 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, Mr. Durnil, Mr. Howard and Mr. Schneider.

2 NOT VOTING: Mr. Cantwell and Mrs. Coughenour.

Proposal No. 67, 1978, was retitled FISCAL ORDINANCE NO. 13, 1978, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 1978

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) and appropriating an additional four hundred eighty-nine thousand four hundred ninety-one dollars (\$489,491) in the Consolidated County Fund for purposes of the Personnel Division, Department of Administration, and reducing the unappropriated and unencumbered balance in the Consolidated County 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 1.03 of the City-County Annual Budget for 1978, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of expenses of reorganization of the personnel function.

SECTION 2. The sum of four hundred eighty-nine thousand four hundred ninety-one dollars (\$489,491) be, and the same is hereby, appropriated for the purposes as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION		CONSOLIDATED COUNTY FUND
	PERSONNEL DIVISION	
10.	Personal Services	\$ 378,942
21.	Contractual Services	41,681
22.	Supplies	6,150
24.	Current Charges	28,020
25.	Current Obligations	22,548
50.	Properties	12,150
	TOTAL INCREASES	\$ 489,491

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

Consolidated County Fund

Unappropriated and unencumbered	
Consolidated County Fund	\$ 489,491
TOTAL REDUCTIONS	\$ 489,491

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

Proposal No. 70, 1978, was retitled FISCAL ORDINANCE NO. 14, 1978, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 1978

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1978 (City-County Fiscal Ordinance No. 70, 1977) and transferring and appropriating an additional one hundred thousand three hundred ninety-six dollars (\$100,396) in the City General Fund for purposes of the Office of the Director of the Department of Administration and reducing certain other appropriations for that office.

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 1.03 of the City-County Annual Budget for 1978, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of reorganization of the personnel function of city government.

SECTION 2. The sum of one hundred thousand three hundred ninety-six dollars (\$100,396) 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 ADMINISTRATION	
OFFICE OF THE DIRECTOR	CITY GENERAL FUND
21. Contractual Services	\$ 100,396
TOTAL INCREASES	\$ 100,396

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

DEPARTMENT OF ADMINISTRATION	
OFFICE OF THE DIRECTOR	CITY GENERAL FUND
10. Personal Services	\$ 147,740
22. Supplies	2,400
24. Current Charges	8,460
25. Current Obligations	8,278
50. Properties	250
TOTAL REDUCTIONS	\$ 167,128

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

PROPOSAL NO. 72, 1978. Mr. Schneider reported that there were as yet no monies available for the funding of this proposal. He moved to postpone it to the meeting of March 13, 1978. By that time, the State Board of Tax Commissioners should have approved the 1978 Budget. The motion carried by unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 25, 1978. Mr. Gilmer moved, seconded by Mr. West, to strike Proposal No. 25, 1978. The motion carried by unanimous voice vote.

PROPOSAL NO. 63, 1978. Since the Transportation Committee had not received a required traffic study from the Department of Transportation, Mr. Rippel moved, seconded by Mr. Walters, to postpone Proposal No. 63, 1978, until the meeting of March 13, 1978. Consent was given.

PROPOSAL NO. 64, 1978. This proposal was a duplicate of one previously passed; therefore, Mr. Rippel moved, seconded by Mrs. Coughenour, to strike Proposal No. 64, 1978. The motion carried by unanimous voice vote.

PROPOSAL NO. 65, 1978. Following a brief committee report, Mr. Rippel moved, seconded by Mr. Tintera, to adopt Proposal No. 65, 1978. The motion carried on the following roll call vote; viz:

25 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Walters and Mr. West.

NO NOES.

4 NOT VOTING: Mr. Cantwell, Mr. Howard, Mr. Schneider and Mr. Vollmer.

Proposal No. 65, 1978, was retitled GENERAL ORDINANCE NO. 41, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 41, 1978

A GENERAL ORDINANCE prohibiting parking on a portion of 21st Street. [Amends Code Section 29—270] .

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

PART I

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

21st St (both sides):

Between Arlington Av & Shadeland Av

PART II

Violations of this ordinance shall be subject to those penalties now provided in the "Code of Indianapolis and Marion County, Indiana," for violations of the sections amended by this ordinance.

PART III

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 78, 1978. The Transportation Committee report was given by Mr. Rippel. He then moved, seconded by Mrs. Coughenour, to amend this proposal by changing the control from a signal to a stop sign. The motion carried by unanimous voice vote. Following further discussion, Proposal No. 78, 1978, As Amended, was adopted on the following roll call vote; viz:

23 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Walters and Mr. West.

NO NOES.

6 NOT VOTING: Mr. Bayt, Mr. Cantwell, Mr. Dowden, Mr. Howard, Mr. McPherson and Mr. Vollmer.

Proposal No. 78, 1978, As Amended, was retitled GENERAL ORDINANCE NO. 42, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 42, 1978

A GENERAL ORDINANCE establishing an intersection control at a certain intersection. [Amends Code Section 29—92]

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

PART I

Chapter 29 of the "Code of Indianapolis and Marion County, Indiana" specifically "Sec. 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 40, pg 2	S Ewing St & E Hanna Av & S Sherman Dr	E Hanna Av	Stop

PART II

Chapter 29 of the "Code of Indianapolis and Marion County, Indiana", specifically "Sec. 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 40, pg 2	S Ewing St & E Hanna Av & S Sherman Dr		Signal

PART III

Violations of this ordinance shall be subject to those penalties now provided in the CODE OF INDIANAPOLIS AND MARION COUNTY for violations of the sections amended by this ordinance.

PART IV

This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18—4—5—2.

PROPOSAL NO. 18, 1978. Mr. Miller presented the Administration Committee report concerning the vacation of the snack bar. Mr. Durnil opposed the passage of this proposal because the snack bar provides special assistance to the handicapped. Mr. Clark was in favor of the proposal since he felt the City should no longer subsidize the snack bar. Mr. Walters moved, seconded by Mr. Cantwell, to table Proposal No. 18, 1978. The motion was defeated by voice vote. Following lengthy Council discussion, the proposal was defeated on the following roll call vote; viz:

14 AYES: Mrs. Brinkman, Mrs. Chambers, Mr. Clark, Mr. Dowden, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. SerVaas, Mr. Tinder, Mr. Tintera, and Mr. West.

15 NOES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Schneider, Mr. Vollmer and Mr. Walters.

[Clerk's Note: By consent, Mr. Cantwell was excused from the remainder of the meeting.]

PROPOSAL NO. 69, 1978. According to Council rules, Mrs. Brinkman presented the Administration Committee report since Mr. Miller, the chairman, had voted with the minority. This proposal allotted 84 CETA positions to mainly youth and elderly. Mr. Tintera moved, seconded by Mr. Gilmer, to delete paragraph "IV," the Community Information Education Program, and renumber "V" to "IV." The motion carried on the following roll call vote; viz:

16 AYES: Mr. Anderson, Mrs. Brinkman, Mr. Clark, Mr. Durnil, Mr. Gilmer, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, and Mr. West.

10 NOES: Mr. Boyd, Mr. Campbell, Mrs. Chambers, Mrs. Coughenour, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Pearce, Mr. Vollmer and Mr. Walters.

3 NOT VOTING: Mr. Bayt, Mr. Cantwell and Mr. Dowden.

Mr. McGrath then moved, seconded by Mr. Dowden, to delete paragraphs "I" and "II". The motion failed on the following roll call vote; viz:

14 AYES: Mr. Anderson, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Rippel, Mr. Schneider, Mr. SerVaas, and Mr. West.

14 NOES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Pearce, Mr. Tinder, Mr. Tintera, Mr. Vollmer and Mr. Walters.

Following further discussion, Mrs. Brinkman moved, seconded by Mr. Hawkins, to adopt Proposal No. 69, 1978, As Amended. The motion carried on the following roll call vote; viz:

17 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

11 NOES: Mr. Anderson, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Rippel and Mr. Schneider.

Proposal No. 69, 1978, As Amended, was retitled COUNCIL RESOLUTION NO. 8, 1978, and reads as follows:

CITY—COUNTY COUNCIL RESOLUTION NO. 8, 1978

A COUNCIL RESOLUTION authorizing the allocation of public service employment expenditures from federal grants pursuant to the Comprehensive Employment and Training Act of 1973, as amended.

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

SECTION 1. From the amounts appropriated, the City-County Council hereby authorizes and approved the allocation of such appropriations for the programs and purposes set forth in the attached schedule amounts not exceeding those stated, to wit:

**COMPREHENSIVE EMPLOYMENT AND TRAINING ACT
SPECIAL PROJECT
Requests for Funding**

DEPARTMENT / AGENCY PROJECT PROGRAM PURPOSE	POSITION TITLE	NO. POS.	NO. MOS.	PROPOSED MAX. TOTAL BUDGET
Indiana Christian Leadership Conference	Youth Vanguard			
<u>Project Description:</u>				
I. Youth Vanguard - to provide social, spiritual, education, and recreational services to disadvantaged center city youth ages 4 - 21. (Conducted in conjunction with the Boy Scout Council and Y.W.C.A. Services provided: weekend camping, outreach services, youth advocacy with community resources, latch key program (youth 6 - 11 years), youth mother's programs, Saturday programs, field trips. II. Beam Nutrition Program to provide a coordinated approach of nutritional services to the disadvantaged. This program will be conducted in conjunction with the Community Service Council and the Indiana Campaign for nutrition	1. Program Asst.	1	12	
	2. Area Youth Coordinators	4	12	
	3. Outreach Wkrs. /Rec. Workers	20	12	
	*4. Neighborhood Program Aides	10	12	
	5. Secretaries	4	12	
	6. Nutrition Coord.	1	12	
	7. Hunger Line Specialist	1	12	
	8. Nutrition Direct Service Specialists	12	12	
	9. Nutrition Liason	1	12	
	10. Secretaries	2	12	

DEPARTMENT / AGENCY PROJECT PROGRAM PURPOSE	POSITION TITLE	NO. POS.	NO. MOS.	PROPOSED MAX. TOTAL BUDGET
Activities: food; "Hunger Line", direct services (e.g. transportation, advocacy, etc.), nutrition outreach services, coordinated nutritional services.				
III. Senior Citizens Services - to provide an outreach direct service and companionship program to senior citizens in center city which are not being served by multi-service centers. Services: outreach, direct services (transportation), companionship services, senior citizens self-sufficiency programs (program worked in conjunction with Indpls. Senior Citizen Centers, and program for independent living).	11. Outreach Sprs.	1	12	
	12. Outreach Counselors	8	12	
	13. Senior Aides (part-time)	6	12	
IV. Program Support Staff - to provide I.C.L.C. with support staff for the aforementioned programs and to develop and implement a Management Information System for I.C.L.C.	14. Payroll/ Personnel Clerks	2	12	
	15. Bookkeeper	1	12	
	16. Analyst	2	12	
	17. Lead Spr.	1	12	
		77		

SECTION 2. The appropriate departments and agencies of the Consolidated City are authorized to take such actions as are necessary to effect the programs and purpose approved in Section 1 for the period of time therein stated.

PROPOSAL NO. 19, 1978. Mr. Schneider presented the County & Townships Committee report endorsing salary increases for certain Perry Township firemen. He then moved, seconded by Mr. Miller, to amend Proposal No. 19, 1978, by the insertion of the Committee Recommendations version in lieu of the proposal as introduced. The motion carried by unanimous voice vote. Following discussion, Mr. Schneider moved, seconded by Mr. Kimbell, to adopt Proposal No. 19, 1978, As Amended. The motion carried on the following roll call vote; viz:

26 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Cougneour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Vollmer, Mr. Walters and Mr. West.

1 NO: Mr. Tintera.

1 NOT VOTING: Mrs. Brinkman.

Proposal No. 19, 1978, As Amended, was retitled GENERAL ORDINANCE NO. 43, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 43, 1978

A GENERAL ORDINANCE amending City-County General Ordinance No. 61, 1977, to increase the salaries and number of personnel authorized for Perry Township.

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

SECTION 1. Section 6 of City-County General Ordinance No. 61, 1977, be and is hereby, amended by inserting the words and figures underlined and by deleting the words and figures cross-hatched, so as to read as follows:

SECTION 6. Perry Township. The maximum salaries of the elected and appointed officers and employees of Perry Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1978, and ending December 31, 1978, are fixed as follows:

POSITION	NUMBER OF PERSONNEL	ANNUAL RATE OF COMPENSATION	TOTAL COMPENSATION
Township Trustee	1	8,000	8,000
Township Clerk	1	8,269	8,269
Advisory Board Members	3	550	1,650
Clerk for Small Claims Court	2	8,269	16,538
Judge for Small Claims Court	1	12,000	12,000
FIRE DEPARTMENT PERSONNEL			
Director of Maintenance	1	12,950	12,950
Director of Maintenance	1	12,950	12,950
Firefighter I	<u>13</u> 4	<u>11,281</u>	<u>146,653</u> 45,124
Firefighter II	1	<u>11,688</u>	<u>11,688</u> 11,688
Chauffeurs	21	<u>12,433</u>	<u>261,093</u> 261,093
Total Longevity		<u>8,300</u>	<u>8,300</u> 8,300
POOR RELIEF PERSONNEL			
Suprs. of Investigators	1	8,269	8,269
Investigators	1	4,134	4,134
OTHER EMPLOYEES			
Custodian of Twp. Office & Caretaker of Cemeteries	1	3,600	3,600
TOTAL	<u>27</u> 38		<u>401,615</u> 401,615

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

PROPOSAL NO. 37, 1978. The Public Works Committee report was presented by Mr. McPherson, who moved, seconded by Mrs. Journey, to amend Proposal No. 37, 1978, as follows:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 37, 1978, as follows:

In Section 6, line 11, add the following sentence:

"The Director shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application, the quantity of pollutants that will be included in the discharge, the impact of those pollutants on the treatment system and such other factors as the Director deems appropriate."

In Section 12, lines 32, and 33, delete Sec. 27—12(h) and insert in lieu thereof a new Sec. 27—12(h) to read as follows:

"City sewer connection shall be performed by a licensed plumber with all required permits from the division of buildings."

s/Donald R. McPherson

In response to Mr. Durnil's question, Mr. McPherson responded that the Public Works Department did need the \$50 that was deleted by the amendment, but they would work that problem out at a later date. Mr. McPherson's amendment was then adopted by unanimous voice vote. Mr. David Hoppock, Director of Public Works, then gave an overview of the proposal stating that it sets regulations for sewage discharge and controls for the sewers. The rates are presented in a separate ordinance. Following discussion, Proposal No. 37, 1978, As Amended, was adopted on the following roll call vote; viz:

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

NO NOES.

1 NOT VOTING: Mr. Rippel.

Proposal No. 37, 1978, As Amended, was retitled GENERAL ORDINANCE NO. 44, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 44, 1978

A GENERAL ORDINANCE regulating the use of City sewers, the installation and connection of building sewers, and the discharge of waters and wastes into the City sewer; and providing penalties for violations thereof.

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

SECTION 1. Sec. 27-1 of Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by inserting the words underlined and deleting the words cross-hatched so as to read as follows:

Sec. 27-1. Definitions

As used in this chapter, the following terms shall have the meanings ascribed to them in this section unless the context specifically indicates otherwise:

"ASTM" shall mean the American Society for Testing and Materials.

"Board" shall mean the board of public works.

"BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

"Building drain" shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"City sewer" shall mean a sewer owned and operated by the City.

"Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

"Director" shall mean the director of the department of public works, or his authorized deputy, agent or representative.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Industrial user" shall mean any user of the waste water works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under division A, B, D, E and I, and except a user under Division I who discharges primarily segregated domestic waste or waste from sanitary conveniences.

"Industrial waste" shall mean the liquid waste from industrial manufacturing processes, trade or business, as distinct from domestic sewage.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

"Nonindustrial user" shall mean all users of the waste water works not included in the definition of "industrial user."

"Person" shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency, including but not limited to, the United States of America, the State of Indiana and all political subdivisions, authorities, districts, departments, agencies, bureaus and instrumentalities thereof, or any other legal entity.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Sanitary sewer" shall mean a sewer which carries sewage intended to carry only sanitary or sanitary and industrial wastes and to which storm, surface and ground waters are not intentionally admitted.

"Sewage normally discharged by a residence" shall mean the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month and thirty-five (35) pounds of suspended solids per month.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Shall" is mandatory; "May" is permissive.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

~~"Storm drain" or "storm sewer"~~ "Storm sewer" shall mean a City sewer which intended to carry only carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Suspended solids (SS)" shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

"Waste water" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

"Waste water treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Waste water works" shall mean all facilities for collecting, pumping, treating and disposing of sewage and/or industrial waste.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. Sec. 27-2 of Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by inserting the words underlined and deleting the words cross-hatched so as to read as follows:

Sec. 27-2. - Unlawful disposal of wastes.

~~---(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage or other objectionable waste.~~

~~---(b) It shall be unlawful for any person to discharge into any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted water, except where suitable treatment has been provided in accordance with this chapter.~~

(a) It shall be unlawful to discharge to any natural outlet or watercourse within the City any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the laws of the United States, State of Indiana, or the City.

(b) Except where a valid National Pollution Discharge Elimination System Permit exists, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a City sewer, is hereby required at his expense to connect such facilities directly with the proper City sewer in accordance with the provisions of this ordinance, within ninety (90) days after the day of official notice to do so, provided that said City sewer is within one hundred (100) feet (30.5 meters) of the property line, notwithstanding whether or not the facilities are served by any private sewage disposal system and within conditions as hereinafter provided.

SECTION 3. Sec. 27-3 of Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by inserting the words underlined and deleting the words cross-hatched so as to read as follows:

~~Sec. 27-3. When connection with public sewer required.~~ Unlawful discharges to public sewers.

~~---The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer or the city, is hereby required at his expense to install suitable toilet facilities therein and to connect the facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after the date of an official notice to do so, if the public sewer is within one hundred (100) feet (30.5 meters) of the property line.~~

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, or subsurface drainage into any sanitary sewer.

(b) Storm water and all other unpolluted drainage may be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a City sewer, or natural outlet.

(c) No person shall discharge or cause to be discharged to any City sewer wastewater or waste which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

(1) Wastes which create a fire or explosion hazard.

(2) Wastes which will cause corrosive structural damage to the wastewater works but in no case waste with a pH lower than 5.0 or higher than 10.0.

(3) Solid or viscous waste in amounts which would cause obstruction to the flow in City sewers, or other interference with the proper operation of the wastewater works.

(4) Wastes at a flow rate and/or pollutant discharge rate which is excessive over relative short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(d) In addition to the limitations contained in the foregoing provisions of Section 27-3, the provisions of Sections 307 and 308 of the "Federal Water Pollution Control Act Amendments" of 1972 and the U. S. EPA Regulations promulgated pursuant to said provisions are hereby by reference incorporated in this ordinance and made a part thereof. Two copies of said regulations are on file in the office of the clerk for public inspection, but in no event shall any person discharge or cause to be discharged a wastewater containing in excess of:

<u>Pollutant</u>	<u>Daily Average Concentration</u>
<u>Cadmium</u>	<u>1.0 mg/1</u>
<u>Chromium (Hex)</u>	<u>2.0 mg/1</u>
<u>Copper</u>	<u>1.0 mg/1</u>
<u>Cyanide (Total)</u>	<u>0.64 mg/1</u>
<u>Lead</u>	<u>2.0 mg/1</u>
<u>Nickel</u>	<u>2.0 mg/1</u>
<u>Phenals</u>	<u>0.5 mg/1</u>
<u>Zinc</u>	<u>2.0 mg/1</u>
<u>Mercury</u>	<u>0.005 mg/1</u>
<u>Petroleum Oil</u>	<u>100 mg/1</u>

Additional limitations on wastewater discharges are:

- (1) Having a temperature higher than 150 degrees Fahrenheit.
- (2) Containing any garbage not properly shredded.
- (3) Containing radioactive material, including but not limited to radioactive waste above limits, regulations or orders issued by the appropriate authority having control over their use.

SECTION 4. Sec. 27-4 of Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by inserting the words underlined and deleting the words cross-hatched so as to read as follows:

Sec. 27-4. Demaging waste water works. Industrial permits.

~~Ne- unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the waste water works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.~~

(a) All industrial users proposing to connect to or discharge into a City sewer must obtain a Discharge Permit before connecting to or discharging into a City sewer. All industrial users connected to or discharging into a City sewer must apply for a Discharge Permit within ninety (90) days after the effective date of this ordinance.

(b) The Director shall have authority to prescribe a Discharge Permit Application Form. The Application Form may require the following information:

- (1) Name, address, and Standard Industrial Classification number.
- (2) Volume of wastewater to be discharged.
- (3) The wastewater characteristics including but not limited to BOD, Suspended Solids, ammonia and pH.
- (4) Estimates of slug discharges.
- (5) Location of building drain and/or building sewer.
- (6) Federal pretreatment standards applicable to the discharge.
- (7) Any other information as may be deemed by the Director to be necessary to evaluate the Discharge Permit Application.

(c) The Discharge Permit Application is to be signed and sworn to by:

- (1) In the case of a corporation or an association, an officer, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates.
- (2) In the case of a partnership, a general partner.
- (3) In the case of a sole proprietorship, by the proprietor.
- (4) In the case of a government agency, by the principal executive officer.

(d) The Discharge Permit shall be for a term of three years. Any person wishing to continue to discharge to a City sewer beyond the term of the Discharge Permit shall apply for a renewal of the Discharge Permit at least 30 days prior to the expiration of said permit.

(e) The Director may prescribe conditions to the Discharge Permit which may include the following:

(1) Applicable Federal and/or State laws, regulations or orders.

(2) Limits on the wastewater characteristics other than those in Section 27-3 including but not limited to polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the wastewater works. The Director shall apply applicable Federal pretreatment standards or in the absence of such standards, limits may be based on the best practical technology.

(3) Appropriate reporting of wastewater characteristics.

(f) There shall be a fee of \$10 for the original application for a Discharge Permit and a fee of \$2 for each renewal.

(g) It shall be unlawful for any person to discharge into a City sewer unless said person holds a valid Discharge Permit or has filed a Discharge Permit Application or Renewal Application, pending a decision by the Director. In addition to any remedies the City has to sanction unlawful discharges, the City may seek injunction relief.

(h) The Discharge Permits are issued to a specific person for a specific operation and do not constitute a property interest nor shall the Discharge Permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation.

SECTION 5. Sec. 27-5 of Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by inserting the words underlined and deleting the words cross-hatched so as to read as follows:

Sec. 27-5. Powers and authority of inspectors. Confidential information.

~~---(a) The director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The director or his representatives shall have no authority to inquire into any process, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.~~

~~---(b) While performing the necessary work on private properties referred to in subsection (1), the director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.~~

~~---(c) The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the waste water works lying within such easement. All entries and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.~~

The Director shall protect any information (other than effluent data) contained in the Application forms, or other records, reports or plans as confidential upon showing by any person that such information if made public would divulge methods of processes entitled to protection as trade secrets of such persons.

SECTION 6. Sec. 27-6 of Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by inserting the words underlined and deleting the words cross-hatched so as to read as follows:

Sec. 27-6. Procedure for the abatement of violations. Special agreements.

~~---(a) Any person found violating any provision of this chapter, except intentional damage to the waste water works, shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.~~

~~---(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall be guilty of a misdemeanor and, on conviction thereof, shall be punished as provided in section 1-8---~~

~~---(c) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.~~

Special agreements and arrangements between the Department and any person may be established when in the opinion of the Director unusual or extraordinary circumstances compel special terms and conditions. The Director shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application, the quantity of pollutants that will be included in the discharge, the impact of those pollutants on the treatment system and such other factors as the Director deems appropriate.

SECTION 7. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-7 to read as follows:

Sec. 27-7. Revocation of permits.

The Director may revoke the Discharge Permit of any person for any of the following:

(a) Violation of this ordinance or of any applicable State and/or Federal law including regulations;

(b) Failure to timely file any discharge reports;

(c) Failure to factually report wastewater characteristics;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(e) Violation of conditions of the permit.

SECTION 8. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-8 to read as follows:

Sec. 27-8. Notice of Revocation.

Except in cases of willfulness or those in which public health interest or safety requires otherwise, the revocation, withdrawal or suspension of a Discharge Permit is lawful only if, before the institution of proceedings thereof, the permittee has been given:

(a) Notice by the Director in writing of the facts of conduct which may warrant the action; and

(b) Opportunity to demonstrate or achieve compliance with all lawful requirements.

SECTION 9. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-9 to read as follows:

Sec. 27-9. Metering.

The Director may require, as is necessary to carry out the requirement of this ordinance, or Chapter 27 of the Indianapolis Code, any person to construct at his own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the Director may, when such a location would be impractical or cause undue hardship, upon his approval allow the facility to be constructed in the public right-of-way, provided however, the D.O.T. shall be the Authority through the Street Maintenance, Traffic and Street Engineering Divisions to determine the locations on public right-of-way the monitoring device and facility shall be placed.

The owner of the property abutting the public right-of-way to be used for the installation of the monitoring device, shall submit to the Permit Section a D.O.T. Temporary Right-of-Way Use Permit. The Permit Section shall furnish the property owner the Temporary Right-of-Way Use Form. The Maintenance, Traffic and Street Engineering Divisions staff of D.O.T. shall review the Temporary Right-of-Way Use Request and Site Plan and transmit their recommendations to the Transportation Board for approval.

SECTION 10. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-10 to read as follows:

Sec. 27-10. Right to inspect.

Whenever required to carry out the objectives of this Ordinance or Chapter 27 of this Code relating to user charges and industrial cost recovery, Federal or State Laws, the Director or his authorized representative, upon presentation of his credentials shall have a right of entry to, upon, or through any premises for purposes of an inspection, measuring, and sampling of the discharges. This right of entry shall include, but not be limited to, any equipment necessary to conduct said inspections, measuring and sampling. It shall be the duty of the person to provide all necessary clearance before entry and not to unnecessarily delay or hinder the Director in carrying out the inspection, measuring and sampling. The right of entry shall exist at any time there are discharges to the wastewater works.

SECTION 11. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-11 to read as follows:

Sec. 27-11. Liable for damage.

(a) Any person who discharges or causes to be discharged a waste which causes obstruction, damage or any other impairment to the wastewater works, the Director may assess a charge against said person for the work required to clean or repair the wastewater works and add such charges to said person's regular charge.

(b) Persons shall notify the Director immediately upon accidentally discharging wastes in violation of this Ordinance to enable countermeasure to be taken to minimize damage to the wastewater works.

SECTION 12. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-12 to read as follows:

Sec. 27-12. Connection permit.

(a) A connection permit shall be secured from the Director by the owner of the property or by his authorized agent before connecting any building sewer to a City sewer; altering or repairing said building sewer, the connection to the City sewer or the City sewer.

(b) An application for such connection permit shall be made on a form prescribed by the Director and may require the following information;

(1) Name and address of the owner and agent making application.

(2) Name, address and telephone number of the person to do the work.

(3) Plans for the building sewer and connections.

(4) Estimated date of start of work and completion time.

(5) Any other information as may be deemed necessary by the Director to carry out the provisions of this Ordinance.

(c) All construction associated with the building drain, building sewer and the City sewer connection shall be in accordance with the rules and regulations of the Administrative Building Council of the State of Indiana and applicable building ordinances of the City except that a cleanout structure shall be required for each connection made subsequent to the passage of this Ordinance. Such cleanout structure shall be located at the property line and so constructed as to allow the building sewer between the property line and the City sewer to be cleaned.

(d) It shall be the duty of any holder of a connection permit to notify the Director prior to backfilling the excavation in and around the City sewer and the public right-of-way to allow for an inspection of the work. The Director shall specify in the permit the notice time and place and reserves the right to waive such inspection with or without conditions.

(e) This Ordinance shall not be construed as contravening any ordinance of the City relating to construction within public streets, roads or rights-of-way but rather shall be supplemental thereto.

(f) The Board of Public Works may modify the Connections Permit fee, subsection (h) when connections to the City sewer are contemplated as part of the construction of the City sewer under a public improvement resolution or the exercise of its general powers and duties to construct City sewers.

(g) Except to the extent that it may be preempted by the acts of State and Federal agencies pursuant to State or Federal laws, rules or regulations, the Director may prohibit any connection to the City sewer if it is not demonstrated that there is sufficient capacity in all downstream sewers, lift stations, force main and treatment plants, including capacity for pollutants to accommodate any person applying for a connection permit. Such person shall provide the information deemed appropriate for evaluation by the Director.

(h) City sewer connection shall be performed by a licensed plumber with all required permits from the division of buildings." SECTION 13. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-13 to read as follows:

Sec. 27-13. Rules and regulations.

After the passage of this Ordinance, and from time to time thereafter as may be needed, the Board of Public Works may by resolution promulgate rules and regulations necessary to implement and carry out the provisions of this Ordinance and not inconsistent therewith. Before any such rules and regulations shall become effective, the Board of Public Works shall give notice and hold a public hearing, according to the procedure provided in IC 19-2-20.

SECTION 14. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-14 to read as follows:

Sec. 27-14. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 15. Chapter 27 of the Code of Indianapolis and Marion County be and is hereby amended by adding a new Section 27-15 to read as follows:

Sec. 27-15. Penalties.

(a) Any person who violates any provision of this Ordinance and upon conviction thereof shall be fined an amount not to exceed one thousand dollars. Each day's violation shall constitute a separate offense.

(b) Nothing in this Article shall restrict any right which may be provided by statute or common law to the City to bring other actions, at law or at equity.

SECTION 16. This ordinance shall be in full force and effect from and after its passage and compliance with IC 18-4-5-2.

PROPOSAL NO. 45, 1978. Mr. Tinder presented the Rules & Public Policy Committee report which supported the adoption of this proposal. If passed, the proposal would required monthly reports instead of quarterly reports from the Controller and Auditor. Following discussion, the proposal was adopted on the following roll call vote; viz:

24 AYES: Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

2 NOES: Mr. Bayt and Mr. Boyd.

2 NOT VOTING: Mr. Anderson and Mr. Miller.

Proposal No. 45, 1978, was retitled GENERAL ORDINANCE NO. 45, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 45, 1978

A GENERAL ORDINANCE amending the Rules of the Council and the Code of Indianapolis and Marion County to require and enforce regular accounting reports to the Council.

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

SECTION 1. The Rules of the Council, specifically Rule 5, section 4 (Section 2-102 of the Code of Indianapolis and Marion County) be, and is hereby amended by adding the words underlined to read as follows:

Sec. 2-102. Fiscal ordinances.

No proposal for a fiscal ordinance shall be initiated unless approved by the proper fiscal officer of the city or county or unless that officer has been notified by the clerk of its receipt at least seven (7) days before introduction. Any proposal for a fiscal ordinance appropriating or transferring funds shall not be approved for introduction if any of the financial data or reports required by section 2-360 of this Code are delinquent as to a fund which is the subject of such proposal.

SECTION 2. Sec. 2-360 of the Code of Indianapolis and Marion County be, and is hereby amended by inserting the words underlined and deleting the words crosshatched so as to read as follows:

Sec. 2-360. Financial reporting system established; to be submitted ~~MONTHLY~~ monthly; contents.

(a) To better monitor and manage the budgetary responsibilities of the council, there is hereby established a financial reporting system for revenue receipts and projections, for expenditures and encumbrances, and for appropriation balances.

(b) The controller and auditor are ~~REQUIRED~~ to submit ~~MONTHLY~~ monthly a report of revenue and revenue projections and expenditures and encumbrances by budget category to the city-county council.

(c) Such report shall be submitted within ~~THIRTY~~ ten (10) days of the end of each calendar month to the clerk of the council, and shall include:

(1) A statement in detail of all revenue received during the ~~MONTHLY~~ month with totals for the calendar year.

(2) An analysis of revenue to date compared to current year estimates.

(3) The month end balances of all budget accounts including expenditures and encumbrances for the month and for the year to date.

~~(4)~~ (4) A revised estimate of income for current year and by August first of each year a detailed estimate of revenue for the next calendar year.

PROPOSAL NO. 46, 1978. Mr. Schneider reported that the \$100 appropriated in this proposal would be used to hire temporary help when the only investigator took a vacation. After motion duly made and seconded, the proposal was adopted on the following roll call vote; viz:

23 AYES: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

1 NO: Mrs. Brinkman.

4 NOT VOTING: Mr. Anderson, Mr. Dowden, Mr. Howard and Mr. Miller.

Proposal No. 46, 1978, was retitled GENERAL ORDINANCE NO. 46, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 46, 1978

A GENERAL ORDINANCE amending City-County General Ordinance No. 61, 1977, to increase the salaries and number of personnel authorized for Decatur Township.

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

SECTION 1. Section 3 of City-County General Ordinance No. 61, 1977, be and is hereby amended by changing the total in line 13 to 24,770 and by inserting a new line 11a as follows:

POSITION	NUMBER OF PERSONNEL	ANNUAL RATE OF COMPENSATION	TOTAL COMPENSATION
11A Part-time help for Investigator			\$100

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

PROPOSAL NO. 71, 1978. This proposal which corrects an error made by City-County Fiscal Ordinance No. 2, 1978, was recommended for passage by the County & Townships Committee. Following discussion, the proposal was adopted on the following roll call vote; viz:

24 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. McGrath, Mr. McPherson, Mr. Patterson, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

4 NOT VOTING: Mr. Anderson, Mr. Howard, Mr. Kimbell and Mr. Miller.

Proposal No. 71, 1978, was retitled FISCAL ORDINANCE NO. 15, 1978, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 1978

A FISCAL ORDINANCE amending the City-County Annual Budget for 1978 (City-County Fiscal Ordinance No. 70, 1977, as amended) to correct an error in an amendment made by City-County Fiscal Ordinance No. 2, 1978.

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

SECTION 1. Section 2.02(f) of the City-County Annual Budget for 1978 as amended by City-County Fiscal Ordinance No. 2, 1978, is hereby further amended by striking the figures "\$2,200" appearing in paragraph (3) and inserting in lieu thereof the figures "\$4,200."

PROPOSAL NO. 485, 1977. Mr. Tinder moved, seconded by Mr. West, to hear Proposal No. 485, 1977, at the Council meeting of March 13, 1978, in order to give the sponsor more time to research more information. The motion carried by unanimous voice vote.

PROPOSAL NO. 496, 1977. Mr. Tinder, the chairman of the Rules & Public Policy Committee, reported that this proposal gave City employees the option to defer compensation to later years for income tax purposes. Mr. Kimbell moved, seconded by Mr. Clark, to amend Proposal No. 496, 1977, in Section 1, by deleting line 38 beginning with the word "If", and deleting lines 39 through 45, and deleting Sec. 23-37 (e), which is lines 76 through 80. The motion carried by unanimous voice vote. Following discussion, the proposal, as amended, was adopted on the following roll call vote; viz:

21 AYES: Mr. Bayt, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Howard, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

7 NOES: Mr. Anderson, Mr. Hawkins, Mrs. Journey, Mr. Pearce, Mr. Rippel, Mr. Schneider and Mr. Tinder.

Proposal No. 496, 1977, As Amended, was retitled GENERAL ORDINANCE NO. 47, 1978, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 47, 1978

A GENERAL ORDINANCE authorizing the establishment of deferred compensation agreements with city and county employees. [Adds new article to Chapter 23 of Code].

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

SECTION 1. Chapter 23 of the CODE OF INDIANAPOLIS AND MARION COUNTY be, and is hereby, amended by renumbering Article IV of Chapter 23 as Article V and by adding a new Article IV, authorizing deferred compensation agreements with employees, to read as follows, to wit:

**ARTICLE IV
DEFERRED COMPENSATION AGREEMENTS**

Sec. 23-31. Definitions. For purposes of this article the following words shall have the meanings herein stated:

- (a) "deferred compensation" shall mean the amount subject to agreement under section 23-33;
- (b) "deferred compensation plan" shall mean any plan established pursuant to section 23-32;
- (c) "deferred compensation account" shall mean the account established for each employee who has agreed to receive deferred compensation;
- (d) "eligible employee" shall mean any person employed by either the City of Indianapolis or by Marion County except those whose wages are established by collective bargaining agreements.

Sec. 23-32. Deferred Compensation Plan Authorized. A deferred compensation plan for eligible employees is hereby authorized to be established as provided in this article or pursuant to IC 5-10-1.1-7.

Sec. 23-33. Deferred Compensation Agreements. If approved by the official responsible for hiring an eligible employee, such employee may participate in the deferred compensation plan by signing an agreement as provided in Section 23-34 designating a portion of his or her compensation to be paid as "deferred compensation."

Sec. 23-34. Required Terms of Agreement. The agreement specified in Section 23-33 shall be executed by the eligible employee and by the Mayor on behalf of the City or County and shall contain the following provisions:

(a) The eligible employee shall agree that the salary or other total compensation, authorized by statute, ordinance or the responsible salary administrator or the position held by such employee, shall be reduced by multiples of \$25 per month but not less than \$100 per month.

(b) The employer, either city or county, shall agree that the amount of deferred compensation shall be paid on each July 1 and January 1 into a deferred compensation account designated for the eligible employee.

(c) The employee shall agree that the deferred compensation account shall be the absolute property of the employer, and employee shall have no rights to that account except in accordance with Section 23-36.

(d) Employee shall agree that his deferred compensation shall not change during the calendar year, but the agreement may be amended as to amount of increments specified in subsection (a) of this section by written addendum signed by employer and employee to be effective January 1 of the next calendar year.

Neither the existence of such agreement or any of its provisions shall be continued to confer upon the employee any right to continue his employment for any specific period or at any particular rate of compensation. Any deferred compensation specified in such agreement shall accrue and be payable only upon June 30 and December 31 for the six months (or less) of employment prior thereto. No agreement shall be valid unless approved by the Corporation Counsel of the City of Indianapolis.

Sec. 23-35. Management of Deferred Compensation Accounts. All deferred compensation accounts established pursuant to this Article shall be invested in such manner as the employee designates.

Sec. 23-36. Withdrawal or Retirement. The deferred compensation account shall be paid to the eligible employee on the following conditions:

(a) If the employee voluntarily terminates his employment or is discharged before age 62, the balance in his or her deferred compensation account as of the date of termination shall be payable to the eligible employee either by assignment of the investment of the account if such investment was selected by the employee or by series of not less than three substantially equal annual payments beginning not sooner than twelve months after termination as selected by the employee, provided however, no increase in such investment shall be included.

(b) If the employee retires or leaves the employment of the City and County after age 62, his or her deferred compensation accounts shall be paid to him or her in such manner and at such intervals as the employee may designate.

(c) If the employee should die while employed by the City or County or before his or her deferred compensation account has been paid in full, the entire balance shall be paid to the beneficiary designated by the employee according to the directives of the employee, or in the absence of such designation, to the estate of the employee.

Sec. 23-37. General Provisions.

(a) Payment of deferred salary pursuant to a plan and agreement authorized by this section shall not be assignable nor be subject to garnishment, attachment, or other legal process by the employee's creditors, or by any person or persons designated as beneficiaries of such plan or agreement, or by any other payee of the funds provided therein.

(b) No rights in the employee to continue in his employment with the city or the county for any period of time shall be created by such plan or agreement, nor are any other obligations created on the part of the city or county or rights in the employee or his/her beneficiaries.

(c) The funds deferred and payable pursuant to such an agreement shall be supplemental to any and all other public or private pension funds the employee already or may become eligible for and participating in, and no reduction of any retirement pension or other benefit provided an employee by law shall be authorized or made as a result of such employee's contracting with the city or the county pursuant to a deferred compensation plan.

(d) Withdrawals from the plan or agreement termination may be made at anytime and the employer may establish a reasonable early withdrawal charge, stated in the agreement.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption.

PROPOSALS NOS. 60 and 61, 1978. Consent was given to Mr. West to report on these proposals together since both proposals concerned the annexation of the Windridge area. Proposal No. 60, 1978, annexed the area into the Police District and Proposal No. 61, 1978, annexed it into the Fire District. Annexation of the land will subject all of the property in that area to the same regulations. Following discussion, Proposals Nos, 60 and 61, 1978, were adopted singly on the following roll call votes; viz:

Proposal No. 60, 1978

26 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

NO NOES.

2 NOT VOTING: Mrs. Brinkman and Mr. Patterson.

Proposal No. 61, 1978

26 AYES: Mr. Anderson, Mr. Bayt, Mr. Boyd, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Pearce, Mr. Rippel, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

NO NOES.

2 NOT VOTING: Mrs. Brinkman and Mr. Patterson.

Proposals Nos. 60 and 61, 1978, were retitled GENERAL ORDINANCES NOS. 48 and 49, 1978, and read as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 48, 1978

A GENERAL ORDINANCE enlarging the boundaries of the Police Special Service District of the City of Indianapolis and fixing a time when the same shall be effective. [Amends Code Section 2-338].

WHEREAS, the Council, after public hearing, now determines that reasonable and adequate police protection can be provided within such expanded area by the City Police Force and that the extension of such boundaries is in the public interest of the citizens of the Consolidated City of Indianapolis; now, therefore:

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

SECTION 1. The boundaries of the Police Special Service District of the City of Indianapolis be, and are hereby, extended to include the following territorial area of the Consolidated City, to wit:

PARCEL A
LEGAL DESCRIPTION
PROPOSED PARK AREA
SOUTH AND EAST OF RELOCATED FALL CREEK PARKWAY

Land being part of the East half of the Northeast quarter of Section 9, and part of the Northwest quarter of Section 10, Township 16 North, Range 4 East in Marion County, State of Indiana, more particularly described as follows:

Commencing at the Northeast corner of the aforementioned Northwest quarter of Section 10; running thence N 88°40'02" W on and along the North line thereof a distance of 2166.68 feet to a point in the centerline of Fall Creek, more or less; the next 11 calls being more or less along said centerline; running thence S 04°16'02" E a distance of 89.557 feet to a point in the North line of the real estate conveyed by Warranty Deed to the Sisters of Providence of St. Mary-of-the-Woods recorded February 23, 1926, in Land Record 79, page 407 in the Office of the Recorder of Marion County, said point being the point of beginning of the real estate described herein; continuing thence S 04°16'02" E a distance of 303.943 feet; running thence S 14°05'02" E a distance of 176.00 feet; running thence S 08°38'58" W a distance of 147.00 feet; running thence S 42°23'58" W a distance of 156.00 feet; running thence S 56°38'58" W a distance of 373.00 feet; running thence S 45°08'58" W a distance of 240.00 feet; running thence S 59°38'58" W a distance of 128.00 feet; running thence S 73°38'58" W a distance of 125.00 feet; running thence N 88°05'02" W a distance of 233.00 feet; running thence N 78°05'47" W a distance of 309.518 feet to a point in the Easterly right-of-way line for Emerson Way as per I.S.H.C. plans for project U.S.-467(1), fiscal year 1960; (the following call being on and along said right-of-way line); running thence N 07°46'41" E a distance of 233.990 feet; running thence S 82°13'19" E a distance of 34.605 feet; running thence S 81°16'54" E a distance of 89.418 feet; running thence S 69°28'15" E a distance of 49.292 feet; running thence S 62°07'29" E a distance of 119.265 feet to the point of curvature of a curve concave Northerly having a central angle of 76°26'37" and a radius of 382.030 feet; running thence Easterly around said curve an arc distance of 509.702 feet (said arc being subtended by a chord having a bearing of N 82°03'23" E and a length of 472.730 feet); running thence N 43°05'04" E tangent to the last described curve a distance of 214.210 feet to the point of curvature of a curve concave Northwest having a central angle of 69°30'06" and a radius of 503.370 feet; running thence Northeasterly and Northwesterly around said curve an arc distance of 610.604 feet (said arc being subtended by a chord having a bearing of N 09°05'01" E and a length of 573.851 feet); running thence N 23°34'36" W a distance of 147.283 feet; running thence N 29°33'49" E a distance of 89.940 feet to a point in the South line of real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in Town Lot Record 941, page 506 in the Office of the Recorder of

Marion County, said point being 100.00 feet South measured perpendicular from the aforesaid North line of Section 10; (the following 2 calls being along said South line); running thence S 88°40'02" E parallel with the aforementioned North line of Section 10 a distance of 264.312 feet; running thence N 00°13'32" E parallel with the West line of Section 10 a distance of 10.872 feet to a point in the North line of the real estate conveyed to the Sisters of Providence of St. Mary-of-the-Woods by Warranty Deed recorded February 23, 1926 in Land Record 79, page 407 in the Office of the Recorder of Marion County; running thence S 88°40'02" E on and along the North line of said real estate a distance of 45.385 feet to the point of beginning; containing in all 9.811 Acres; subject, however, to all legal highways, rights-of-way and easements.

**PARCEL B
LEGAL DESCRIPTION
PROPOSED FALL CREEK
PARKWAY RELOCATION**

Land being part of the East half of the Northeast Quarter of Section 9, and part of the Northwest quarter of Section 10, Township 16 North, Range 4 east in Marion County, State of Indiana, more particularly described as follows:

Commencing at the Northeast corner of the aforementioned Northwest quarter of Section 10; running thence N 88°40'02" W on and along the North line thereof a distance of 2166.68 feet to a point in the centerline of Fall Creek, more or less; the next call being more or less along said centerline; running thence S 04°16'02" E a distance of 89.557 feet to a point in the North line of the real estate conveyed by Warranty Deed to the Sisters of Providence of St. Mary-of-the-Woods recorded February 23, 1926, in Land Record 79, page 407 in the Office of the Recorder of Marion County; running thence N 88°40'02" W on and along said North line a distance of 45.385 feet to a point in the South line of real estate conveyed to the City of Indianapolis by Warranty deed recorded December 16, 1935, in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; (the following 4 calls being along said South line); running thence S 00°13'32" W parallel with the west line of Section 10 a distance of 10.872 feet to a point that is 100.00 feet South measured perpendicular from the North line thereof; running thence N 88°40'02" W parallel with said North line a distance of 264.312 feet to the point of beginning of the real estate described herein; continuing thence N 88°40'02" W parallel with said North line a distance of 2.227 feet; running thence S 65°13'32" W a distance of 168.238 feet to a point that is Northeasterly measured along the South line of said real estate deeded to the City of Indianapolis a distance of 14.25 feet from the West line of Section 10; running thence S 27°21'11" E a distance of 202.195 feet; running thence S 06°30'21" E a distance of 87.098 feet to a point on a curve having a central angle of 57°34'59" and a radius of 398.370 feet; running thence Southerly around said curve an arc distance of 400.367 feet (said arc being subtended by a chord having a bearing of S 15°02'35" W and a length of 383.729 feet); running thence S 43°50'04" W tangent to the last described curve a distance of 214.210 feet to the point of curvature of a curve concave Northwesterly having a central angle of 76°26'37" and a radius of 277.030 feet; running thence Southwesterly around said curve an arc distance to 369.611 feet (said arc being subtended by a chord having a bearing of S 82°03'23" W and a length of 342.801 feet); running thence N 59°43'19" W tangent to the last described curve a distance of 119.160 feet; running thence N 59 15'51" W a distance of 65.038 feet; running thence N 72°51'14" W a distance of 86,790 feet; running thence N 58°10'40" W a distance of 64.364 feet to a point in the Easterly right-of-way for Emerson Way as per I.S.H.C. plans for project U.S.-467(1), fiscal year 1960; (the following two calls being on and along said right-of-way); running thence S 14°06'59" W a distance of 89.537 feet; running thence S 07°46'41" W a distance of 66.010 feet; running thence S 82°13'19" E a distance of 34.605 feet; running thence S 81°16'54" E a distance of 89.418 feet; running thence S 69°28'15" E a distance of 49.292 feet; running thence S 62°07'29" E a distance of 119.265 feet to the point of curvature of a curve concave Northerly having a central angle of 76°26'37" and a radius of 382.030 feet; running thence Easterly and Northeasterly around said curve an arc distance of 509.702 feet (said arc being subtended by a chord having a bearing of N 82°03'23" E and a length of 472.730 feet); running thence N 43°50'04" E

tangent to the last described curve a distance of 214.210 feet to the point of curvature of a curve concave Northwest having a central angle of $69^{\circ}30'06''$ and a radius of 503.370 feet; running thence Northeasterly and Northerly around said curve an arc distance of 610.604 feet (said arc being subtended by a chord having a bearing of $N 90^{\circ}05'01'' E$ and a length of 573.851 feet); running thence $N 23^{\circ}34'36'' W$ a distance of 147.283 feet; running thence $N 29^{\circ}33'49'' E$ a distance of 89.940 feet to the point of beginning; containing in all 4.290 Acres; subject, however, to all legal highways, rights-of-way and easements.

**PARCEL C
LEGAL DESCRIPTION
PROPOSED COMMERCIAL AREA**

Land being part of the Northeast quarter of Section 9, and part of the Northwest quarter of Section 10, Township 16 North, Range 4 East in Marion County, State of Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Northwest quarter of Section 10; running thence $S 00^{\circ}13'32'' W$ on and along the West line of Section 10 a distance of 180.340 feet to a point in the South line of real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in the Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; said point being the point of beginning of the real estate described herein; running thence $N 65^{\circ}13'32'' E$ on and along said South line a distance of 14.250 feet; running thence $S 27^{\circ}21'11'' E$ a distance of 202.195 feet; running thence $S 06^{\circ}30'21'' E$ a distance of 87.098 feet to a point on a curve having a central angle of $57^{\circ}34'59''$ and a radius of 398.370 feet; running thence Southerly around said curve an arc distance of 400.367 feet (said arc being subtended by a chord having a bearing of $S 15^{\circ}02'35'' W$ and a length of 383.729 feet); running thence $S 43^{\circ}05'04'' W$ tangent to the last described curve a distance of 214.210 feet to the point of curvature of a curve concave Northwesterly having a central angle of $76^{\circ}26'37''$ and a radius of 277.030 feet; running thence Southwesterly around said curve an arc distance of 369.611 feet (said arc being subtended by a chord having a bearing of $S 82^{\circ}03'23'' W$ and a length of 342.801 feet); running thence $N 59^{\circ}43'19'' W$ tangent to the last described curve a distance of 119.160 feet; running thence $N 59^{\circ}15'51'' W$ a distance of 65.038 feet; running thence $N 72^{\circ}51'14'' W$ a distance of 86.790 feet; running thence $N 58^{\circ}10'40'' W$ a distance of 64.364 feet to the point in the Easterly right-of-way for Emerson Way as per I.S.H.C. plans for project U.S.-467(1), fiscal year 1960; (the following call being on and along said right-of-way); running thence $N 14^{\circ}06'59'' E$ a distance of 91.629 feet to a point in the South line of said real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; (the following 3 calls being along said South line); running thence $N 35^{\circ}22'32'' E$ a distance of 343.666 feet to the point of curvature of a curve concave Southeasterly having a central angle of $29^{\circ}51'00''$ and a radius of 399.06 feet; running thence Northeasterly around said curve an arc distance of 207.902 feet (said arc being subtended by a chord having a bearing of $N 50^{\circ}18'02'' E$ and a length of 205.559 feet); running thence $N 65^{\circ}13'32'' E$ tangent to the last described curve a distance of 428.119 feet to the point of beginning; containing in all 11.211 Acres; subject, however, to all legal highways, rights-of-way and easements.

**PARCEL D
LEGAL DESCRIPTION
PROPOSED VACATION OF
FALL CREEK PARKWAY**

Land being part of the Northeast quarter of Section 9, and part of the Northwest quarter of Section 10, Township 16 North, Range 4 East in Marion County, State of Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northeast quarter of Section 9; running thence S 00°13'32" W on and along said East line a distance of 70.000 feet to a point on the North line of the real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; running thence S 65°13'32" W (this and the following 3 calls being on and along said North line) a distance of 81.787 feet to the point of beginning of the real estate described herein; continuing thence S 65°13'32" W a distance of 392.963 feet to the point of curvature of a curve concave Southeasterly having a central angle of 29°51'00" and a radius of 499.060 feet; running thence Southwesterly around said curve an arc distance of 260.000 feet (said arc being subtended by a chord having a bearing of S 50°18'02" W and a length of 257.070 feet); running thence S 35°22'32" W tangent to the last described curve a distance of 217.122 feet to a point in the Easterly right-of-way line for Emerson Way as per I.S.H.C. plans for project U.S. - 467(1), fiscal year 1960; running thence S 02°56'30" E on and along said Easterly right-of-way line a distance of 161.286 feet to a point in the Southerly line of said real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; (the following 4 calls being along said South line); running thence N 35°22'32" E a distance of 343.666 feet to the point of curvature of a curve concave Southeasterly having a central angle of 29°51'00" and a radius of 399.06 feet; running thence Northeasterly around said curve an arc distance of 207.902 feet (said arc being subtended by a chord having a bearing of N 50°18'02" E and a length of 205.559 feet); running thence N 65°13'32" E tangent to the last described curve a distance of 428.119 feet to a point in the aforementioned East line of said Northeast quarter of Section 9, said point being S 00°13'32" W a distance of 180.340 feet from the Northeast corner thereof; continuing thence N 65°13'32" E a distance of 14.250 feet; running thence N 27°21'11" W a distance of 65.782 feet; running thence N 78°20'28" W a distance of 57.730 feet to the point of beginning; containing in all 2.174 Acres; subject, however, to all legal highways, rights-of-way, and easements.

PARCEL E

Land being a part of the northeast quarter of Section 9, Township 16 North, Range 4 East, Marion County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section, running thence West along the north line of said quarter section 507.20 feet; thence southwesterly on a forward deflection angle to the left of 55 degrees 30 minutes a distance of 30.33 to the BEGINNING POINT OF THIS DESCRIPTION, said point being on the south right-of-way line of 56th Street; thence southwesterly on the last described course 188.70 feet; thence southwesterly deflecting to the right 48 degrees 10 minutes a distance of 99.4 feet to the easterly right-of-way line of Emerson Avenue; thence northeasterly deflecting to the right 104 degrees 01 minutes and along said right-of-way line 145 feet; thence northeasterly deflecting to the right 69 degrees 49 minutes and along said right-of-way line 69.58 feet; thence northeasterly deflecting to the right 5 degrees 24 minutes and along said right-of-way line 56.36 feet to a point on the south right-of-way line of 56th Street, said point being 25 feet south of the north line of said quarter section; thence East deflecting to the right 8 degrees 06 minutes and along said right-of-way line 65.13 feet to the point of beginning, containing 0.49 acres.

PARCEL F

Land being a part of the Northeast Quarter of Section 9, Township 16 North, Range 4 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to wit:

Commencing at the Northeast corner of the said Northeast Quarter of Section 9, and running thence West on and along the North line of the said Northeast Quarter and the center line of 56th Street, 507.20 feet to a point; thence deflecting 55 degrees 30

minutes to the left in a Southwesterly direction, a distance of 345.38 feet to the place of beginning of this description; thence deflecting 90 degrees 08 minutes to the right in Northwesterly direction, 43.00 feet to a point; thence deflecting 62 degrees 03 minutes to the right in a Northeasterly direction 67.30 feet to a point; thence deflecting 75 degrees 59 minutes right in a Northeasterly direction, 100.00 feet to a point; thence deflecting 131 degrees 50 minutes to the right in a Southwesterly direction, 126.35 feet to the place of beginning, containing in all 0.135 acres, more or less.

PARCEL G

Land being part of the Northeast Quarter of the Northeast Quarter of Section 9, Township 16 North, Range 4 East, Washington Township, Marion County, Indiana, and more particularly described as follows:

Beginning at the northeast corner of Section 9, Township 16 North, Range 4 East; running thence south upon and along the east line of said section 69.80 feet; thence on a deflection angle of 64 degrees and 40 minutes to the right 474.73 feet upon and along the north right-of-way of Fall Creek Parkway, North Drive; thence on a deflection angle of 99 degrees and 15 minutes to the right 282.12 feet to a point on the north line of said section (said line being the center line of 56th street); thence east upon and along the north line of said section 507.35 feet to the place of beginning, containing 1.93 acres, more or less.

Subject to easements and restrictions of record and rights-of-way.

SECTION 2. Section 2-338(b) of the "Code of Indianapolis and Marion County, Indiana," is hereby amended to include an additional paragraph appropriately numbered by the Clerk, containing the descriptions in Section 1 of this ordinance as an expansion of the Police Special Service District as provided in Section 1.

SECTION 3. This Ordinance shall be in full force and effect from and after adoption and compliance with IC 18-4-5-2.

CITY—COUNTY GENERAL ORDINANCE NO. 49, 1978

A GENERAL ORDINANCE enlarging the boundaries of the Fire Special Service District of the City of Indianapolis and fixing a time when the same shall be effective. [Amends Code Section 2-339] .

WHEREAS, the owners of real property amounting to seventy-five percent (75%) in assessed valuation of the real property hereinafter described have petitioned to have said real estate included within the boundaries of the Fire Special Service District of the City of Indianapolis; and

WHEREAS, the Department of Metropolitan Development has made its findings of fact and recommendations with respect to said petition, which findings of fact and recommendations were mailed to the Indianapolis Fire Chief, Washington Township Trustee, Lawrence Township Trustee, and petitioners at least thirty (30) days prior to the hearing before this Council; and

WHEREAS, this Council, after public hearing, now determines that reasonable and adequate fire protection can be provided within such expanded area by the City Fire Force and that the extension of such boundaries is in the public interest of the citizens of the Consolidated City of Indianapolis; now, therefore:

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

SECTION 1. The boundaries of the Fire Special Service District of the City of Indianapolis be, and are hereby, extended to include the following territorial area of the Consolidated City, to wit:

**PARCEL A
LEGAL DESCRIPTION
PROPOSED PARK AREA
SOUTH AND EAST OF RELOCATED FALL CREEK PARKWAY**

Land being part of the East half of the Northeast quarter of Section 9, and part of the Northwest quarter of Section 10, Township 16 North, Range 4 East in Marion County, State of Indiana, more particularly described as follows:

Commencing at the Northeast corner of the aforementioned Northwest quarter of Section 10; running thence N 88°40'02" W on and along the North line thereof a distance of 2166.68 feet to a point in the centerline of Fall Creek, more or less; the next 11 calls being more or less along said centerline; running thence S 04°16'02" E a distance of 89.557 feet to a point in the North line of the real estate conveyed by Warranty Deed to the Sisters of Providence of St. Mary-of-the-Woods recorded February 23, 1926, in Land Record 79, page 407 in the Office of the Recorder of Marion County, said point being the point of beginning of the real estate described herein; continuing thence
S 04°16'02" E a distance of 303.943 feet; running thence
S 14°56'02" E a distance of 176.00 feet; running thence
S 08°38'58" W a distance of 147.00 feet; running thence
S 42°23'58" W a distance of 156.00 feet; running thence
S 56°38'58" W a distance of 373.00 feet; running thence
S 45°08'58" W a distance of 240.00 feet; running thence
S 59°38'58" W a distance of 128.00 feet; running thence
S 73°38'58" W a distance of 125.00 feet; running thence
N 88°51'02" W a distance of 233.00 feet; running thence
N 78°57'47" W a distance of 309.518 feet to a point in the Easterly right-of-way line for Emerson Way as per I.S.H.C. plans for project U.S.-467(1), fiscal year 1960; (the following call being on and along said right-of-way line); running thence N 07°46'41" E a distance of 233.990 feet; running thence S 82°13'19" E a distance of 34.605 feet; running thence S 81°16'54" E a distance of 89.418 feet; running thence S 69°28'15" E a distance of 49.292 feet; running thence S 62°07'29" E a distance of 119.265 feet to the point of curvature of a curve concave Northerly having a central angle of 76°26'37" and a radius of 382.030 feet; running thence Easterly around said curve an arc distance of 509.702 feet (said arc being subtended by a chord having a bearing of N 82°03'23" E and a length of 472.730 feet); running thence N 43°50'04" E tangent to the last described curve a distance of 214.210 feet to the point of curvature of a curve concave Northwest having a central angle of 69°30'06" and a radius of 503.370 feet; running thence Northeasterly and Northwesterly around said curve an arc distance of 610.604 feet (said arc being subtended by a chord having a bearing of N 09° 05'01" E and a length of 573.851 feet); running thence N 23°34'36" W a distance of 147.283 feet; running thence N 29°33'49" E a distance of 89.940 feet to a point in the South line of real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County, said point being 100.00 feet South measured perpendicular from the aforesaid North line of Section 10; (the following 2 calls being along said South line); running thence S 88°40'02" E parallel with the aforementioned North line of Section 10 a distance of 264.312 feet; running thence N 00°13'32" E parallel with the West line of Section 10 a distance of 10.872 feet to a point in the North line of the real estate conveyed to the Sisters of Providence of St. Mary-of-the-Woods by Warranty Deed recorded February 23, 1926 in Land Record 79, page 407 in the Office of the Recorder of Marion County; running thence S 88°40'02" E on and along the North line of said real estate a distance of 45.385 feet to the point of beginning; containing in all 9.811 Acres; subject, however, to all legal highways, rights-of-way and easements.

**PARCEL B
LEGAL DESCRIPTION
PROPOSED FALL CREEK
PARKWAY RELOCATION**

Land being part of the East half of the Northeast Quarter of Section 9, and part of the Northwest quarter of Section 10, Township 16 North, Range 4 east in Marion County, State of Indiana, more particularly described as follows:

Commencing at the Northeast corner of the aforementioned Northwest quarter of Section 10; running thence N 88°40'02" W on and along the North line thereof a distance of 2166.68 feet to a point in the centerline of Fall Creek, more or less; the next call being more or less along said centerline; running thence S 04°16'02" E a distance of 89.557 feet to a point in the North line of the real estate conveyed by Warranty Deed to the Sisters of Providence of St. Mary-of-the-Woods recorded February 23, 1926, in Land Record 79, page 407 in the Office of the Recorder of Marion County; running thence N 88°40'02" W on and along said North line a distance of 45.385 feet to a point in the South line of real estate conveyed to the City of Indianapolis by Warranty deed recorded December 16, 1935, in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; (the following 4 calls being along said South line); running thence S 00°13'32" W parallel with the west line of Section 10 a distance of 10.872 feet to a point that is 100.00 feet South measured perpendicular from the North line thereof; running thence N 88°40'02" W parallel with said North line a distance of 264.312 feet to the point of beginning of the real estate described herein; continuing thence N 88°40'02" W parallel with said North line a distance of 2.227 feet; running thence S 65°13'32" W a distance of 168.238 feet to a point that is Northeasterly measured along the South line of said real estate deeded to the City of Indianapolis a distance of 14.25 feet from the West line of Section 10; running thence S 27°21'11" E a distance of 202.195 feet; running thence S 06°30'21" E a distance of 87.098 feet to a point on a curve having a central angle of 57°34'59" and a radius of 398.370 feet; running thence Southerly around said curve an arc distance of 400.367 feet (said arc being subtended by a chord having a bearing of S 15°02'35" W and a length of 383.729 feet); running thence S 43°50'04" W tangent to the last described curve a distance of 214.210 feet to the point of curvature of a curve concave Northwesterly having a central angle of 76°26'37" and a radius of 277.030 feet; running thence Southwesterly around said curve an arc distance of 369.611 feet (said arc being subtended by a chord having a bearing of S 82°03'23" W and a length of 342.801 feet); running thence N 59°43'19" W tangent to the last described curve a distance of 119.160 feet; running thence N 59 15'51" W a distance of 65.038 feet; running thence N 72°51'14" W a distance of 86,790 feet; running thence N 58°10'40" W a distance of 64.364 feet to a point in the Easterly right-of-way for Emerson Way as per I.S.H.C. plans for project U.S.-467(1), fiscal year 1960; (the following two calls being on and along said right-of-way); running thence S 14°06'59" W a distance of 89.537 feet; running thence S 07°46'41" W a distance of 66.010 feet; running thence S 82°13'19" E a distance of 34.605 feet; running thence S 81°16'54" E a distance of 89.418 feet; running thence S 69°28'15" E a distance of 49.292 feet; running thence S 62°07'29" E a distance of 119.265 feet to the point of curvature of a curve concave Northerly having a central angle of 76°26'37" and a radius of 382.030 feet; running thence Easterly and Northeasterly around said curve an arc distance of 509.702 feet (said arc being subtended by a chord having a bearing of N 82°03'23" E and a length of 472.730 feet); running thence N 43°50'04" E tangent to the last described curve a distance of 214.210 feet to the point of curvature of a curve concave Northwest having a central angle of 69°30'06" and a radius of 503.370 feet; running thence Northeasterly and Northerly around said curve an arc distance of 610.604 feet (said arc being subtended by a chord having a bearing of N 90°05'01" E and a length of 573.851 feet); running thence N 23°34'36" W a distance of 147.283 feet; running thence N 29°33'49" E a distance of 89.940 feet to the point of beginning; containing in all 4.290 Acres; subject, however, to all legal highways, rights-of-way and easements.

PARCEL C
LEGAL DESCRIPTION
PROPOSED COMMERCIAL AREA

Land being part of the Northeast quarter of Section 9, and part of the Northwest quarter of Section 10, Township 16 North, Range 4 East in Marion County, State of Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Northwest quarter of Section 10; running thence S 00°13'32" W on and along the West line of Section 10 a distance of 180.340 feet to a poing in the South line of real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in the Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; said point being the point of beginning of the real estate described herein; running thence N 65°13'32" E on and along said South line a distance of 14.250 feet; running thence S 27°21'11" E a distance of 202.195 feet; running thence S 06°30'21" E a distance of 87.098 feet to a point on a curve having a central angle of 57°34'59" and a radius of 398.370 feet; running thence Southerly around said curve an arc distance of 400.367 feet (said arc being subtended by a chord having a bearing of S 15°02'35" W and a length of 383.729 feet); running thence S 43°50'04" W tangent to the last described curve a distance of 214.210 feet to the point of curvature of a curve concave Northwesterly having a central angle of 76°26'37" and a radius of 277.030 feet; running thence Southwesterly around said curve an arc distance of 369.611 feet (said arc being subtended by a chord having a bearing of S 82°03'23" W and a length of 342.801 feet); running thence N 59°43'19" W tangent to the last described curve a distance of 119.160 feet; running thence N 59°15'51" W a distance of 65.038 feet; running thence N 72°51'14" W a distance of 86.790 feet; running thence N 58°10'40" W a distance of 64.364 feet to the point in the Easterly righty-of-way for Emerson Way as per I.S.H.C. plans for project U.S.-467(1), fiscal year 1960; (the following call being on and along said righty-of-way); running thence N 14°06'59" E a distance of 91.629 feet to a point in the South line of said real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; (the following 3 calls being along said South line); running thence N 35°22'32" E a distance of 343.666 feet to the point of curvature of a curve concave Southeasterly having a central angle of 29°51'00" and a radius of 399.06 feet; running thence Northeasterly around said curve an arc distance of 207.902 feet (said arc being subtended by a chord having a bearing of N 50°18'02" E and a length of 205.559 feet); running thence N 65°13'32" E tangent to the last described curve a distance of 428.119 feet to the point of beginning; containing in all 11.211 Acres; subject, however, to all legal highways, rights-of-way and easements.

PARCEL D
LEGAL DESCRIPTION
PROPOSED VACATION OF
FALL CREEK PARKWAY

Land being part of the Northeast quarter of Section 9, and part of the Northwest quarter of Section 10, Township 16 North, Range 4 East in Marion County, State of Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northeast quarter of Section 9; running thence S 00°13'32" W on and along said East line a distance of 70.000 feet to a point on the North line of the real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; running thence S 65°13'32" W (this and the following 3 calls being on and along said North line) a distance of 81.787 feet to the point of beginning of the real estate described herein; continuing thence S 65°13'32" W a distance of 392.963 feet to the point of curvature of a curve concave Southeasterly having a central angle of 29°51'00" and a radius of 499.060 feet; running thence Southwesterly around said

curve an arc distance of 260.000 feet (said arc being subtended by a chord having a bearing of S 50°18'02" W and a length of 257.070 feet); running thence S 35°22'32" W tangent to the last described curve a distance of 217.122 feet to a point in the Easterly right-of-way line for Emerson Way as per I.S.H.C. plans for project U.S. - 467(1), fiscal year 1960; running thence S 02°56'30" E on and along said Easterly right-of-way line a distance of 161.286 feet to a point in the Southerly line of said real estate conveyed to the City of Indianapolis by Warranty Deed recorded December 16, 1935 in Town Lot Record 941, page 506 in the Office of the Recorder of Marion County; (the following 4 calls being along said South line); running thence N 35°22'32" E a distance of 343.666 feet to the point of curvature of a curve concave Southeasterly having a central angle of 29°51'00" and a radius of 399.06 feet; running thence Northeasterly around said curve an arc distance of 207.902 feet (said arc being subtended by a chord having a bearing of N 50°18'02" E and a length of 205.559 feet); running thence N 65°13'32" E tangent to the last described curve a distance of 428.119 feet to a point in the aforementioned East line of said Northeast quarter of Section 9, said point being S 00°13'32" W a distance of 180.340 feet from the Northeast corner thereof; continuing thence N 65°13'32" E a distance of 14.250 feet; running thence N 27°21'11" W a distance of 65.782 feet; running thence N 78°20'28" W a distance of 57.730 feet to the point of beginning; containing in all 2.174 Acres; subject, however, to all legal highways, rights of-way, and easements.

PARCEL E

Land being a part of the northeast quarter of Section 9, Township 16 North, Range 4 East, Marion County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section, running thence West along the north line of said quarter section 507.20 feet; thence southwesterly on a forward deflection angle to the left of 55 degrees 30 minutes a distance of 30.33 to the BEGINNING POINT OF THIS DESCRIPTION, said point being on the south right-of-way line of 56th Street; thence southwesterly on the last described course 188.70 feet; thence southwesterly deflecting to the right 48 degrees 10 minutes a distance of 99.4 feet to the easterly right-of-way line of Emerson Avenue; thence northeasterly deflecting to the right 104 degrees 01 minutes and along said right-of-way line 145 feet; thence northeasterly deflecting to the right 69 degrees 49 minutes and along said right-of-way line 69.58 feet; thence northeasterly deflecting to the right 5 degrees 24 minutes and along said right-of-way line 56.36 feet to a point on the south right-of-way line of 56th Street, said point being 25 feet south of the north line of said quarter section; thence East deflecting to the right 8 degrees 06 minutes and along said right-of-way line 65.13 feet to the point of beginning, containing 0.49 acres.

PARCEL F

Land being a part of the Northeast Quarter of Section 9, Township 16 North, Range 4 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to wit:

Commencing at the Northeast corner of the said Northeast Quarter of Section 9, and running thence West on and along the North line of the said Northeast Quarter and the center line of 56th Street, 507.20 feet to a point; thence deflecting 55 degrees 30 minutes to the left in a Southwesterly direction, a distance of 345.38 feet to the place of beginning of this description; thence deflecting 90 degrees 08 minutes to the right in Northwesterly direction, 43.00 feet to a point; thence deflecting 62 degrees 03 minutes to the right in a Northeasterly direction 67.30 feet to a point; thence deflecting 75 degrees 59 minutes right in a Northeasterly direction, 100.00 feet to a point; thence deflecting 131 degrees 50 minutes to the right in a Southwesterly direction, 126.35 feet to the place of beginning, containing in all 0.135 acres, more or less.

PARCEL G

Land being part of the Northeast Quarter of the Northeast Quarter of Section 9, Township 16 North, Range 4 East, Washington Township, Marion County, Indiana, and more particularly described as follows:

Beginning at the northeast corner of Section 9, Township 16 North, Range 4 East; running thence south upon and along the east line of said section 69.80 feet; thence on a deflection angle of 64 degrees and 40 minutes to the right 474.73 feet upon and along the north right-of-way of Fall Creek Parkway, North Drive; thence on a deflection angle of 99 degrees and 15 minutes to the right 282.12 feet to a point on the north line of said section (said line being the center line of 56th street); thence east upon and along the north line of said section 507.35 feet to the place of beginning, containing 1.93 acres, more or less.

Subject to easements and restrictions of record and rights-of-way.

SECTION 2. Section 2-339(b) of the "Code of Indianapolis and Marion County, Indiana," is hereby amended to include an additional paragraph appropriately numbered by the Clerk, containing descriptions in Section 1 of this ordinance as an expansion of the Fire Special Service District as provided in Section 1.

SECTION 3. This Ordinance shall be in full force and effect from and after adoption and compliance with IC 18-4-5-2.

PROPOSALS NOS. 92 - 94, 1978. At the request of Mr. Clark, consent was given for Proposal No. 92, 1978, to be heard in public hearing on March 13, 1978. No action was taken on Proposals Nos. 93 and 94, 1978, and they were retitled REZONING ORDINANCES NOS. 28 and 29, 1978, and read as follows:

**REZONING ORDINANCE NO. 28, 1978. 78-Z-29 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13**

5610 SOUTH FRANKLIN ROAD, INDIANAPOLIS

Metropolitan Development Commission by Bruce C. Brown, Administrator, Division of Planning and Zoning, Metropolitan Development Department, 2021 City-County Building requests rezoning of 18.59 acres, being in C-4 & D-6 II district to C-4 classification to permit commercial development (to correct mapping error in 75-Z-145).

**REZONING ORDINANCE NO. 29, 1978. 78-Z-30 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13**

5810 SOUTH FRANKLIN ROAD, INDIANAPOLIS

Metropolitan Development Commission by Bruce C. Brown, Administrator, Division of Planning and Zoning, Metropolitan Development Department, 2021 City-County Building requests rezoning of 10.90 acres, being in C-4 district, to D-6 II classification to permit multi-family dwellings (to correct mapping error in 75-Z-144).

UNFINISHED BUSINESS

PROPOSAL NO. 73, 1978. Mr. Schneider stated that the Washington Township firemen's salaries would be comparable to those of the Indianapolis Fire Department if this proposal were passed. He then offered the following amendment:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 73, 1978, by deleting the underlined figures under the columns "Annual Rate of Compensation" and "Total Compensation" in lines 10, 11, 12, 13, 14, 15, 16 and 25, and inserting new figures as follows:

10 Fire Chief	1	15,124	16,000	17,124	16,000
11 Asst. Chief	4	13,118	14,200	14,127	56,800
12 Captain	5	12,178	12,350	13,144	66,750
13 Lieutenant	10	12,148	12,750	12,157	127,500
14 Chauffeurs	27	11,171	12,300	22,119	332,100
15 Privates	4	10,143	10,600	11,128	42,400
16 Probationary	5	1,131	9,600	1,131	48,000
TOTAL	72			77,150	810,959

s/William Schneider

Discussion followed, during which Mr. Tintera stated his concern for increasing salary increases for uniformed public servants and perhaps the non-uniformed public servant was being ignored. The proposal, as amended, was then adopted on the following roll call vote; viz:

23 AYES: Mr. Anderson, Mr. Bayt, Mr. Campbell, Mrs. Chambers, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Dumil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Vollmer, Mr. Walters and Mr. West.

4 NOES: Mrs. Brinkman, Mr. Pearce, Mr. Rippel and Mr. Tintera.

1 NOT VOTING: Mr. Boyd.

Proposal No. 73, 1978, As Amended, was retitled GENERAL ORDINANCE NO. 50, 1978, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 1978

A GENERAL ORDINANCE amending City-County General Ordinance No. 61, 1977, to increase the salaries of personnel authorized for Washington Township.

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

SECTION 1. Section 9 of City-County General Ordinance No. 61, 1977, be and is hereby, amended by inserting the words and figures underlined and by deleting the words and figures cross-hatched, so as to read as follows:

POSITION	NUMBER OF PERSONNEL	ANNUAL RATE OF COMPENSATION	TOTAL COMPENSATION
Township Trustee	1	8,400	8,400
Township Clerk	1	7,529	7,529
Advisory Board Members	3	600	1,800
Clerk for Small Claims Court	3	6,836	20,508
Part-time Clerk-Typist for Small Claims Court	1	3,308	3,308

POSITION	NUMBER OF PERSONNEL	ANNUAL RATE OF COMPENSATION	TOTAL COMPENSATION
Judge of Small Claims Court	1	12,000	12,000
FIRE DEPARTMENT PERSONNEL			
Fire Chief	1	15,000 16,000	15,000 16,000
Asst. Chief	4	13,000 14,200	52,000 56,800
Captain	5	12,900 13,350	64,500 66,750
Lieutenant	10	12,000 12,750	120,000 127,500
Chauffeurs	27	11,900 12,300	321,300 332,100
Privates	4	10,100 10,600	40,400 42,400
Probationary	5	9,000 9,600	45,000 48,000
Mechanic	1	12,600	12,600
Secretary	1	5,250	5,250
Extra Compensation for Para Medics		2,500	2,500
Total Year Longevity		24,900	24,900
POOR RELIEF PERSONNEL			
Supvrs. of Investigators	1	7,178	7,178
Investigators - Full Time	2	6,064	12,128
Investigator - Part Time	1	3,308	3,308
TOTAL	72		782,500 810,959

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

ANNOUNCEMENTS AND ADJOURNMENT

Mr. SerVaas announced Mrs. Chambers and Mr. Bayt as the Council's delegates to the National League of Cities Conference, March 5 -7, in Washington D.C. There being no further business and upon motion duly made and seconded, the meeting adjourned at 10:05 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County, held at its Regular Meeting on the 27th day of February, 1978.

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

ATTEST:

Beurt SerVaas
President

Dorothy L. Gray
Clerk of the City-County Council

(SEAL)