

**CITY-COUNTY COUNCIL  
INDIANAPOLIS, MARION COUNTY, INDIANA  
REGULAR MEETING  
Wednesday, May 9, 1979**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, convened in the Council Chambers of the City-County Building at 7:09 p.m., Wednesday, May 9, 1979, President SerVaas in the chair. Councillor David Page 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. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, 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 April 23, 1979. 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 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 Wednesday, May 9, 1979, 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

April 24, 1979

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on April 26, 1979 and May 3, 1979 a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 177, 178, 179, 186, 187, and 188, 1979 to be held on Wednesday, May 9, 1979 at 7:00 p.m. in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

April 25, 1979

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 ordinances and resolutions:

FISCAL ORDINANCE NO. 41, 1979, amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 and appropriating an additional one hundred seventy thousand dollars in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Division of Planning and Zoning, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

FISCAL ORDINANCE NO. 42, 1979, amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 and appropriating an additional two hundred fifty-one thousand seven hundred fifty dollars in the Transportation General Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

FISCAL ORDINANCE NO. 44, 1979, amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 transferring and appropriating two thousand six hundred thirty dollars in the Consolidated County Fund for purposes of the Division of Code Enforcement and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 48, 1979, amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 transferring and appropriating three hundred five thousand one hundred seventy-seven dollars in the Park General Fund for purposes of Parks & Recreation and reducing certain other appropriations for that department.

GENERAL ORDINANCE NO. 36, 1979, amending the Code of Indianapolis and Marion County by amending Section 27-105(c) to provide for modification of the time within which government units must pay rates or charges for use of sewerage facilities.

GENERAL ORDINANCE NO. 37, 1979, amending the Code of Indianapolis and Marion County by amending Sec. 12-265 to limit standpipe requirements.

**GENERAL ORDINANCE NO. 38, 1979, prohibiting parking on certain portions of Fletcher Avenue and Shelby Street.**

**GENERAL ORDINANCE NO. 39, 1979, establishing intersection controls in the Muirfield Subdivision.**

**GENERAL ORDINANCE NO. 40, 1979, establishing the speed limit of 35 miles per hour on a portion of Claredon Road.**

**SPECIAL RESOLUTION NO. 16, 1979, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds for Mechanics Laundry and Supply, Inc.**

Respectfully submitted,

s/William H. Hudnut, III  
MAYOR

### PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

Councillor Cantwell requested the Mayor to submit a plan to the public concerning ways of dealing with the gas shortage. Mr. Clark commented that such a plan was being developed.

**PROPOSAL NO. 215, 1979.** Due to public interest, consent was given for Mrs. Stewart to move the following:

#### CITY—COUNTY COUNCIL MOTION

Mr. President:

I move that the City-County Council do hold a further public hearing of Proposal No. 215, 1979, entitled: "A Proposal for a REZONING ORDINANCE" as certified by the Metropolitan Development Commission as Docket No. 79-Z-42, that the Council do hereby schedule the same for a public hearing before the full City-County Council at its next regular meeting on May 21, 1979, at 7:00 p.m., or as soon thereafter as the same may be heard; and that the Clerk be and is hereby instructed to cause the proper legal notices of such hearings to be given.

s/Betty Stewart

Councillor Cantwell seconded the motion which carried by a unanimous voice vote. Citizens interested in this proposal were then invited to stand.

#### INTRODUCTION OF GUESTS

Councillor Coughenour introduced two Perry Township firemen, Dan Maple and Clarence Dobb, and Chic Wieting from the Prosecutor's Office. Mr. Vollmer introduced an at-large Democratic candidate for Council, Mrs. Patricia Hessel.

## INTRODUCTION OF PROPOSALS

PROPOSAL NO. 191, 1979. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional one hundred twenty thousand eight hundred dollars (\$120,800) in the City General Fund for purposes of the Department of Administration, Division of Community Services, and reducing the unappropriated and unencumbered balance in the City General Fund;" and the President referred it to the Administration Committee.

PROPOSAL NO. 192, 1979. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance approving temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Park District Fund and Consolidated County Fund during the period July 1, 1979 to December 31, 1979, in anticipation of current taxes levied in the year 1978 and collectible in the year 1979, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said tax anticipation time warrants including the interest thereon: ratifying, approving, and confirming the proceedings had and action taken by the Police Special Service District Council, the Fire Special Service District Council, and the Sanitation Solid Waste District Council in authorizing the making the temporary loans and the issuance of tax anticipation time warrants to evidence such loans for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund; and fixing a time when this ordinance shall take effect;" and the President referred it to the Administration Committee.

PROPOSAL NO. 193, 1979. Introduced by Mr. West. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional three thousand five hundred dollars (\$3,500) in the County General Fund for purposes of Superior Court, Criminal Division, Room 2, and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the Public Safety & Criminal Justice Committee.

PROPOSAL NO. 194, 1979. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional twenty-nine thousand eight hundred eighty-four dollars (\$29,884) in the County General Fund for purposes of the County Administrative Office and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 195, 1979. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional one hundred seventy-three thousand two hundred forty dollars (\$173,240) in the County General Fund for purposes of the Marion County Board of Review and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 196, 1979. Introduced by Mr. Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional one hundred fourteen thousand seven hundred thirty-six dollars (\$114,736) in the 1976 Reassessment Fund for purposes of various county departments and reducing the unappropriated and unencumbered balance in the 1976 Reassessment Fund;" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 197, 1979. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional thirty thousand dollars (\$30,000) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Division of Planning and Zoning, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 198, 1979. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appro-

appropriating an additional one million two hundred eighty-six thousand two hundred sixty-five dollars (\$1,286,265) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund;" and the President referred it to the Parks & Recreation Committee.

PROPOSAL NO. 199, 1979. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional one hundred three thousand five hundred sixty-five dollars (\$103,565) in the Flood Control General Fund for purposes of the Department of Public Works, Division of Flood Control, and reducing the unappropriated and unencumbered balance in the Flood Control General Fund;" and the President referred it to the Public Works Committee.

PROPOSAL NO. 200, 1979. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional one hundred ten thousand four hundred seventeen dollars (\$110,417) in the Sanitation General Fund for purposes of the Department of Public Works, Division of Liquid Waste, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund;" and the President referred it to the Public Works Committee.

PROPOSAL NO. 201, 1979. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional seven hundred fifty-eight thousand eighty-five dollars (\$758,085) in the City General Fund for purposes of the Department of Public Works, Administrative Division, and reducing the unappropriated and unencumbered balance in the City General Fund;" and the President referred it to the Public Works Committee.

PROPOSAL NO. 202, 1979. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Special Resolution ratifying and authorizing approval of an agreement between the City of Indianapolis and the City of Beech Grove for treatment of Beech Grove sewage by Indianapolis;" and the President referred it to the Public Works Committee.

PROPOSAL NO. 203, 1979. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance amending the Code of Indianapolis and Marion County by amending Chapter 30½ to establish certain requirements and procedures with respect to the control and abatement of environmental public nuisances and to provide penalties with respect to violations of this chapter;" and the President referred it to the Public Works Committee.

PROPOSAL NO. 204, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance prohibiting parking on Perkins Avenue and Minaqua Street area [Amends Code Section 29-267];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 205, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing a speed limit of 40 miles per hour at three different locations in the City [Amends Code Section 29-136];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 206, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing intersection control changes at Drexel Avenue and E. 11th Street [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 207, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing parking controls on Pennsylvania Street from 16th Street to a point 334 feet north of 16th Street on the east side [Amends Code Section 29-267];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 208, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing parking control changes at Brookside Parkway South Drive at Sherman Drive [Amends Code Section 29-271];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 209, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing a speed limit of 40 miles per hour on Railroad Road, from Stop 11 Road to County Line Road, South [Amends Code Section 29-136];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 210, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance restricting on-street parking for a specific segment, Wesleyan Road between Vincennes Road and DePauw Boulevard, with the College Park Commercial Park [Amends Code Section 29-267];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 211, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance establishing various intersection control changes in the area of Briarwood Drive and Sylvan Ridge Road [Amends Code Section 29-92];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 212, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a General Ordinance designating Eastern Avenue from 10th Street to St. Clair Street as one way [Amends Code Section 29-166];" and the President referred it to the Transportation Committee.

PROPOSAL NO. 213, 1979. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional two hundred fifty thousand dollars (\$250,000) in the Transportation General Fund for purposes of the Department of Transportation and reducing certain other appropriations for that agency;" and the President referred it to the Transportation Committee.

PROPOSAL NOS. 214-219, 1979. Introduced by Councillor McGrath. The Clerk read the proposals entitled: "Proposals for Rezoning Ordinances certified from the Metropolitan Plan Commission on May 3, 1979". By unanimous voice vote, Proposal No. 215, 1979, had been called for public hearing on May 21, 1979, by Mrs. Stewart. The President referred the remaining proposals to the Committee of the Whole to be heard under Special Orders – Final Adoption.

PROPOSAL NO. 220, 1979. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a General Resolution creating the Hospital Authority of Marion County;" and the President referred it to the Economic Development Committee. Mr. Tintera briefly explained that this proposal provided tax exempt bonding authority for private or public hospitals.



## MODIFICATIONS OF SPECIAL ORDERS

PROPOSAL NO. 213, 1979. Mr. McGrath moved the following:

### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Proposal No. 213, 1979, be placed upon the agenda of this meeting under Special Orders—Final Adoption.

s/David P. McGrath

The motion carried by unanimous voice vote. Upon recommendation of the President, the proposal was heard at this time. Mr. McGrath explained that the \$250,000 transfer was for the purpose of replenishing the supplies account which had been depleted during the winter for the purchase of salt and sand. Although the proposal was introduced at this meeting, the committee had discussed the appropriation and recommended its passage. Following discussion, Proposal No. 213, 1979, was adopted on the following roll call vote; viz:

28 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

NO NOES.

1 NOT VOTING: Mr. Cantwell.

Proposal No. 213, 1979, was retitled FISCAL ORDINANCE NO. 49, 1979, and reads as follows:

### CITY-COUNTY FISCAL ORDINANCE NO. 49, 1979

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating Two Hundred Fifty Thousand dollars (\$250,000) in the Transportation General Fund for purposes of the Department of Transportation and reducing certain other appropriations for that division.

### 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 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of providing for continued operation of the Department of Transportation in the supply area.

**SECTION 2.** The sum of Two Hundred Fifty Thousand Dollars (\$250,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

**SECTION 3.** The following increased appropriation is hereby approved:

<b>DEPARTMENT OF TRANSPORTATION</b>		<b>TRANSPORTATION GENERAL FUND</b>
22.	Supplies	<u>\$250,000</u>
<b>TOTAL INCREASES</b>		<b>\$250,000</b>

**SECTION 4.** The said increased appropriation is funded by the following reductions:

<b>DEPARTMENT OF TRANSPORTATION</b>		<b>TRANSPORTATION GENERAL FUND</b>
50.	Properties	<u>\$250,000</u>
<b>TOTAL REDUCTIONS</b>		<b>\$250,000</b>

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

PROPOSAL NO. 460, 1979. By consent, Proposal No. 460, 1979, was heard at this time. Mr. McGrath requested Council consent to postpone this proposal until the meeting of May 21st. Consent was given. Following the Transportation Committee meeting during which the committee recommended amending and adopting the proposal, information was received from the Restaurant Association concerning the parking on Monument Circle which Mr. McGrath believed the Transportation Committee should review. Proposal No. 460, 1979, was to be heard on May 16th.

#### SPECIAL ORDERS – PUBLIC HEARING

PROPOSAL NO. 134, 1979. Mr. West stated that at the previous Council meeting this proposal had been postponed. He then moved to amend Proposal No. 134, 1979, which removed 1978 over expenditures from the proposal, as follows:

#### CITY—COUNTY COUNCIL MOTION

**Mr. President:**

I move to amend Proposal No. 134, 1979, by deleting the introduced version and substituting therefor the version entitled: "Proposal No. 134, 1979, West Amended Version".

s/Stephen R. West

The motion carried by unanimous voice vote. The matter of over expenditure was to be referred to the Mayor. The Council recessed to a Committee of the Whole at 7:27 p.m. for public hearing, and reconvened at 7:28 p.m. Following public hearing, Proposal No. 134, 1979, As Amended, was adopted on the following roll call vote; viz:

25 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

NO NOES.

4 NOT VOTING: Mr. Cantwell, Mr. Clark, Mr. Howard, and Mr. Patterson.

Proposal No. 134, 1979, As Amended, was retitled FISCAL ORDINANCE NO. 50, 1979, and reads as follows:

**CITY—COUNTY FISCAL ORDINANCE NO. 50, 1979**

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating one hundred eleven thousand dollars (\$111,000) in the County General Fund for purposes of the Marion County Prosecutor and reducing certain other appropriations for the Prosecutor and the Auditor 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 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of funding the Title XX IV-D program, transferring funds from services personal to services contractual, hiring new people and transferring money from the Auditor to the Prosecutor.

SECTION 2. The sum of one hundred eleven thousand dollars (\$111,000) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing both the appropriations and the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

	PROSECUTOR	COUNTY GENERAL FUND
21.	Contractual Services	<u>\$111,000</u>
	TOTAL INCREASES	<u>\$111,000</u>

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

	PROSECUTOR	COUNTY GENERAL FUND
10.	Personal Services	\$ 26,133
	AUDITOR	
24.	Current Charges	4,507
25.	Current Obligations	20,405
	Unappropriated and unencumbered	
	County General Fund	<u>59,955</u>
	TOTAL REDUCTIONS	<u>\$111,000</u>

SECTION 5. Section 2.03(b)(5) of City-County Fiscal Ordinance No. 91, 1978, as further amended by City-County Fiscal Ordinance No. 5, 1979, be amended by deleting the crosshatched portions and adding the new items herein:

Personnel Classification	(5) PROSECUTING ATTORNEY		
	Maximum Number	Maximum Salary	Maximum Per Classification
Administrative Staff	3	19,000	40,000
Admin. Supervisors	5	15,500	67,000
Admin. Secretaries	7	11,000	70,000
General Secretaries	13	9,000	105,000
Computer Support	3	10,500	31,000
Investigators	4	20,000	54,000
Law Clerks	3	7,000	21,000
Para-legals	11	12,000	103,772
Chief Counsel	1	25,000	25,000
Supervisor Professional	7	23,000	125,000
Deputy Prosecutors	25	20,000	420,000
Deputy Prosecutors (Part Time)	<del>11</del> 5	10,000	<del>131,137</del> 41,375
CETA Clerical	3	10,000	27,000
Temporary			5,000
	<u><del>132</del> 89</u>		

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of ~~\$1,172,447~~ \$1,086,314.

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

PROPOSAL NO. 150, 1979. As reported by Mrs. Coughenour, the funds appropriated in this proposal would provide for the advertisement for sale numerous property sites within the City which are presently owned by the City. In response to a question posed by Mr. Durnil, she stated that this appropriation had not been submitted as part of the original 1979 budget. The Council recessed to a Committee of the Whole at 7:29 p.m. for public hearing, and reconvened at 7:30 p.m. Proposal No. 150, 1979, was then adopted on the following roll call vote; viz:

26 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Page, Miss Parker, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

NO NOES.

3 NOT VOTING: Mr. Cantwell, Mr. Howard, and Mr. Miller.

Proposal No. 150, 1979, was retitled FISCAL ORDINANCE NO. 51, 1979, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 51, 1979**

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional six thousand two hundred dollars (\$6,200) in the City General Fund for purposes of the Department of Public Works, Administration Division, and reducing the unappropriated and unencumbered balance in the City General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of securing appraisals and placing legal ads to sell city-owned surplus real properties.

SECTION 2. The sum of six thousand two hundred dollars (\$6,200) 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 PUBLIC WORKS	
ADMINISTRATION DIVISION	
	CITY GENERAL FUND
21. Contractual Services	<u>\$6,200</u>
TOTAL INCREASES	<u>\$6,200</u>

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

Unappropriated and unencumbered	
City General Fund	<u>\$6,200</u>
TOTAL REDUCTIONS	<u>\$6,200</u>

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

PROPOSAL NO. 177. Since this proposal had not been heard in committee, it was postponed until the Council meeting of May 21, 1979.

PROPOSAL NO. 178, 1979. By consent, this proposal was postponed until the meeting of May 21st.

PROPOSAL NO. 179, 1979. Mrs. Coughenour stated that this proposal was a reappropriation of a 1978 Community Development Block Grant for Pogue's Run Dam project, Phase II, not started during 1978 because of delays in Phase I. There is the possibility of losing Phase III funding if Phase II is not reappropriated. The Council recessed to a Committee of the Whole at 7:31 p.m. for public hearing, and reconvened at 7:32 p.m. Following discussion, Proposal No. 179, 1979, was adopted on the following roll call vote; viz:

26 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Page, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

NO NOES.

3 NOT VOTING: Mr. Cantwell, Mr. Miller, and Miss Parker.

Proposal No. 179, 1979, was retitled FISCAL ORDINANCE NO. 52, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 52, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional one hundred sixty-six thousand six hundred fourteen dollars (\$166,614) in the Flood General Fund for purposes of the Department of Public Works, Division of Flood Control, and reducing the unappropriated and unencumbered balance in the Community Development Block Grant 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 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the completion of Phase II water hold-back for Northeastern and Central Marion County financed by re-appropriation of 1978 Community Development Block Grant funds.

SECTION 2. The sum of one hundred sixty-six thousand six hundred fourteen dollars (\$166,614) 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:

PUBLIC WORKS DEPARTMENT	
DIVISION OF FLOOD CONTROL	
21. Contractual Services	<u>\$166,614</u>
TOTAL INCREASES	\$166,614

SECTION 4. The said additional appropriations are funded by the following reductions:  
COMMUNITY DEVELOPMENT  
BLOCK GRANT FUNDS

Unappropriated and unencumbered Community Development Funds	<u>\$166,614</u>
TOTAL REDUCTIONS	\$166,614

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

PROPOSAL NO. 186, 1979. Since Mr. Tintera had been acting chairman at the County & Townships Committee at which this proposal had been discussed, he presented the committee report. Mr. Tintera stated that this proposal had been amended to \$54,653 at the time of introduction. This proposal appropriates funds for the mailing of the Homestead Credit Claim forms in compliance with the Property Tax Relief Program enacted by the 1979 General Assembly. Mr. West suggested mailing the forms with an existing mailing from the assessors' offices or the treasurer's office. The President stated that those offices would be informed of Mr. West's idea. The Council recessed to a Committee of the Whole at 7:34 p.m. for public hearing, and reconvened at 7:35 p.m. Following discussion, Proposal No. 186, 1979, As Amended, was adopted on the following roll call vote; viz:

29 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Wlaters, and Mr. West.

NO NOES.

Proposal No. 186, 1979, As Amended, was retitled FISCAL ORDINANCE NO. 53, 1979, and reads as follows:

**CITY—COUNTY FISCAL ORDINANCE NO. 53, 1979**

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional fifty-four thousand six hundred fifty-three dollars (\$54,653) in the County General Fund for purposes of the County Auditor, Central Data Processing, and the various township assessors 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 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of funding the mailing of the Homestead Credit Claims forms for Marion County in compliance with the Homestead provision of the Property Tax Relief program enacted by the 1979 General Assembly.

SECTION 2. The sum of fifty-four thousand six hundred fifty-three dollars (\$54,653) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

**COUNTY GENERAL FUND**

<b>MARION COUNTY AUDITOR</b>			
22.	Supplies	<u>\$ 1,500</u>	
	Sub-total		\$ 1,500
<b>CENTRAL DATA PROCESSING</b>			
22.	Supplies	<u>2,250</u>	
	Sub-total		2,250
<b>CENTER TOWNSHIP ASSESSOR</b>			
21.	Contractual Services	9,000	
22.	Supplies	<u>5,400</u>	
	Sub-total		14,400
<b>DECATUR TOWNSHIP ASSESSOR</b>			
21.	Contractual Services	783	
22.	Supplies	<u>410</u>	
	Sub-total		1,193
<b>FRANKLIN TOWNSHIP ASSESSOR</b>			
21.	Contractual Services	783	
22.	Supplies	<u>410</u>	
	Sub-total		1,193

COUNTY GENERAL FUND

<b>LAWRENCE TOWNSHIP ASSESSOR</b>			
10.	Personal Services	1,980	
21.	Contractual Services	2,430	
22.	Supplies	<u>1,174</u>	
	Sub-total		5,584
<b>PERRY TOWNSHIP ASSESSOR</b>			
21.	Contractual Services	3,130	
22.	Supplies	<u>1,540</u>	
	Sub-total		4,670
<b>PIKE TOWNSHIP ASSESSOR</b>			
21.	Contractual Services	924	
22.	Supplies	<u>480</u>	
	Sub-total		1,404
<b>WARREN TOWNSHIP ASSESSOR</b>			
21.	Contractual Services	3,756	
22.	Supplies	<u>1,848</u>	
	Sub-total		5,604
<b>WASHINGTON TOWNSHIP ASSESSOR</b>			
21.	Contractual Services	5,250	
22.	Supplies	<u>4,555</u>	
	Sub-total		9,805
<b>WAYNE TOWNSHIP ASSESSOR</b>			
21.	Contractual Services	4,550	
22.	Supplies	<u>2,500</u>	
	Sub-total		<u>7,050</u>
	<b>TOTAL INCREASES</b>		<b>\$54,653</b>

SECTION 4. The said additional appropriations are funded by the following reductions:  
**COUNTY GENERAL FUND**

Unappropriated and unencumbered	
County General Fund	<u>\$54,653</u>
<b>TOTAL REDUCTIONS</b>	<b>\$54,653</b>

SECTION 5. Section 2.03(d) of City-County Fiscal Ordinance No. 91, 1978, be amended by deleting the crosshatched portions and inserting the underlined portions, to wit:

(4) <b>LAWRENCE TOWNSHIP ASSESSOR</b>			
Personnel	Maximum	Maximum	Maximum
Classification	Number	Salary	Classification
Chief Deputy /Adm. Mgr.	1	13,500	13,500
Dept. Supervisors	2	13,000	21,655
Deputies	8	10,533	32,064
Temporary Salaries			<u>8,854</u> 10,344
	<u>11</u>		

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of ~~\$94,195~~ \$96,115.

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

PROPOSAL NOS. 187 and 188, 1979. These proposals were postponed until the Council meeting of May 21st since they were to be heard in committee on May 15th.

SPECIAL ORDERS – FINAL ADOPTION

PROPOSAL NO. 151, 1979. Mrs. Coughenour moved, seconded by Mrs. Brinkman, the following technical amendment to this proposal amending the Code concerning the installation and inspection of sewers:



CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 151, 1979, as follows:

In Section 3, line 70, (page 5), insert the word "neither" after the word "if".

In Section 3, line 71:

Delete the first "and" and insert in lieu thereof the word "nor".

Delete the words "do not make" and insert in lieu thereof the words "had made".

s/Beulah Coughenour

The amendment was adopted by unanimous voice vote. Proposal No. 151, 1979, As Amended, was then adopted on the following roll call vote; viz:

28 AYES: Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

NO NOES.

1 NOT VOTING: Mr. Anderson.

Proposal No. 151, 1979, As Amended, was retitled GENERAL ORDINANCE NO. 41, 1979, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 41, 1979

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Chapter 27 to require a grease interceptor be installed for some commercial buildings, to allow a bonded, insured contractor or homeowner to install sewers running between building drain and city sewer, and to allow inspection authority to the Division of Buildings and provide that the Division receive part of the permit fee.

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

SECTION 1. Section 27-1 of Article I of Chapter 27 of the Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words crosshatched 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 that 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)~~ two (2) feet (.6 meters) outside the inner face of the building wall way.

"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 Divisions 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 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.

"Sewer work" shall mean the connecting of any building sewer to a city sewer, the making of a significant alteration to or significant repair of a building sewer, the connecting of a building sewer to a building drain or the altering or repairing of a city sewer.

"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 exceed 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 sewer" shall mean a city sewer intended to carry only storm and surface waters.

"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.** Section 27-3 of Article I of Chapter 27 of the Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

**Sec. 27-3.** Regulation of discharges to public sewers.

(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 waters 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 waste water or wastes 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 waste water 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 waste water works.
- (4) Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

(d) A grease interceptor shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotel, hospital, sanitarium, factory or school kitchens; or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size and method of installation of the grease interceptor shall meet the requirements imposed by the Administrative Building Council of the State of Indiana. On a showing of good cause, the administrator of the division of buildings may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters.

(e) In addition to the limitation contained in the foregoing provisions of this section, 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 chapter and made a part thereof. Two (2) copies of said regulations are on file in the office of the clerk for public inspections, but in no event shall any person discharge or cause to be discharged a waste water containing in excess of:

"Pollutant"	"Daily Average Concentration (mg/l)"
Cadium . . . . .	1.0
Chromium (hex) . . . . .	2.0
Copper . . . . .	1.0
Cyanide (total) . . . . .	0.64
Lead . . . . .	2.0
Nickel . . . . .	2.0
Phenols . . . . .	0.5
Zinc . . . . .	2.0
Mercury . . . . .	0.005
Petroleum oil . . . . .	100

Additional limitations on waste water discharges are:

- (1) Having a temperature higher than one hundred fifty (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 3. Section 27-22 of Article II of Chapter 27 of the Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 27-22. Connections.

- (a) ~~“[Permit required]” 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 accomplishing any sewer work. There shall be charged for a permit a fee of fifteen dollars (\$15.00). The board may revise the amount of such fee, but not more than once in each calendar year. A part of such fee not less than ten dollars (\$10.00) shall be allocated to the division of buildings to defray the cost of making inspections.~~
- (b) ~~“[Application]” 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) If the owner is not doing the sewer work, the N-name, address and telephone number of the person to do the work contractor;~~
  - ~~(3) Address, and if necessary, the legal description of the premises where the work is to be done.~~
- ~~(3) (4) Plans for the building sewer and connections;~~
- ~~(4) (5) Estimated date of start of work and completion time;~~
- ~~(5) (6) Any other information as may be deemed necessary by the director to carry out the provisions of this chapter.~~
- (c) “[Who May Apply]” Application for a connection permit shall be made by:
- (1) An owner of a one or two family residence, if the sewer work actually is going to be accomplished by the homeowner; or
  - (2) A plumbing contractor licensed by the state and registered under Section 8-270; or
  - (3) A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of this chapter.
- ~~(e) (d) “[Conformance with administrative building council regulations; cleanout structure required.]” All sewer work and any other construction actually performed on or associated with the building drain, building sewer and the city sewer connection of the building sewer to the city sewer 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 February 27, 1978. 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.~~
- (e) “[Bonding Requirements]” Surety bond requirements are met if the contractor has filed and maintains with the Consolidated City of Indianapolis a surety bond in the amount of two thousand five hundred dollars (\$2,500) which is:

(1) Issued by a surety authorized to do business in Indiana;

(2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee; and

(3) Conditioned upon:

- a. The proper performance of all sewer work in accordance with state law, rules of the Administrative Building Council, provisions of the Code of Indianapolis and Marion County and rules and requirements of the department of public works;
- b. Prompt payment of all fees owed the Consolidated City of Indianapolis as set forth in this chapter;
- c. Prompt payment to the Consolidated City of Indianapolis for any loss, damage, expense, claim, demand or judgment for damages to property of the Consolidated City of Indianapolis caused by any action, negligent or otherwise, of the contractor, his agents or employees while engaged in any sewer work; and
- d. Prompt payment to an unknown third party obligee for any loss, damage, expense, claim, demand or judgment for damages to property to an unknown third party obligee caused by any action, negligent or otherwise, of the contractor, his agents or employees while engaged in any sewer work.

(f) "[Insurance requirements]" Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy assuring all sewer work accomplished by the contractor or under permits obtained by the contractor and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such contractor or the Consolidated City of Indianapolis arising out of sewer work being performed by or on behalf of the contractor in the minimum amounts of three hundred thousand dollars (\$300,000) for any occurrence relative to which there is injury or death to one or more persons and one hundred thousand dollars (\$100,000) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the City of Indianapolis. The insurance carrier shall give notice both to the contractor and the City of Indianapolis at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

~~(d)~~ (g) "[Inspection notice]" It shall be the duty of any holder of a connection permit to notify the director division of buildings that sewer work is available for inspection 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 connection of the building sewer to the city sewer, along the entire length of the building sewer and in and around the connection of the building sewer to the building drain. However, part of the building sewer excavation may be backfilled where such filling is necessary to the digging of another part of the building sewer trench. The director shall specify, in the connection permit, how such notice shall be given. The holder of the permit may proceed to backfill if neither the division of buildings nor the department of public works had made an inspection within a three-hour period after the sewer work is done or such notice is given, whichever is later. Expiration of time from such three-hour period will only occur when the division of buildings is open for business. An inspection may be waived, with or without conditions, with the concurrence of the director and the administrator of the division of buildings.

- (e) (h) "[Supplemental to other construction ordinances.]" This chapter shall not be construed as contravening any ordinance of the city relating to construction within public streets, road or rights-of-way but rather shall be supplemental thereto.
- f) (i) "[Modification of permit fee.]" The board of public works may modify the connection permit fee by reducing the fee no lower than the amount which is to be received by the division of buildings 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.
- (e) (j) "[Evaluation by director.]" Except to the extent that it may be preempted by the acts of state and federal agencies pursuant to the state or federal laws, rules or regulations, the director may prohibit any connection to the of a building sewer to a city sewer if it is not demonstrated that there is sufficient capacity in all downstream sewers, lift stations, force mains and treatment plants, including capacity for pollutants, to accommodate any person apply for a connection permit. ~~Such person~~ The applicant for the permit shall provide the information deemed appropriate for evaluation by the director.
- (h) (k) "~~Licensed plumber, permits required.~~" ~~City sewer connections shall be performed by a licensed plumber with all required permits from the division of buildings.~~ "[Right of entry]" The division of buildings and the department of public works shall each or both have the right of entry to, upon, or through any premises for purposes of inspection of sewer work and any other construction activity performed on or associated with the connection of the building sewer to the city sewer.
- (l) "[Expiration of permit]" The connection permit shall expire by operation of law if work is not initiated within one hundred fifty (150) days from the date of issuance. The director may, however, for good cause extend the duration of the permit for a reasonable period.
- (m) "[Enforcement of bond]" An action may be initiated in court of competent jurisdiction relative to the bond provided for in Section 27-22(e).  
(1) The corporation counsel of the Consolidated City of Indianapolis may initiate proceedings to forfeit a bond:
  - a. As a penalty for repeated code violations by a contractor, his agents or employees; or
  - b. To indemnify the Consolidated City of Indianapolis against any loss, damage or expense sustained by the City by reason of the conduct of the contractor, his agents or employees;(2) A person, partnership or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written notice of the code deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorneys' fees based on actual time expended determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action, unless the court in its discretion determines that an award of attorneys' fees would be inappropriate.

SECTION 4. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by council and compliance with IC 18-4-5-2.

PROPOSAL NOS. 180-184, 1979. Since these proposals were routine intersection controls and speed limit changes, consent was given to hear them as a whole. Mr. McGrath reported that the committee recommended passage of all the proposals. Following discussion, Proposal Nos. 180-184, 1979, were adopted on the following roll call vote; viz:

28 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Patterson, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

NO NOES.

1 NOT VOTING: Mr. Durnil.

Proposal Nos. 180-184, 1979, were retitled GENERAL ORDINANCE NOS. 42-46, 1979, and read as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 42, 1979**

A GENERAL ORDINANCE establishing a speed limit of 40 miles per hour for a portion of Millersville Road. [Amends Code Section 29-136].

**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, specifically "Sec. 29-136. Alteration of prima facie speed limits," be, and the same is hereby amended by the addition of the following, to wit:

Millersville Road from 46th Street to Emerson Way, 40 MPH



**PART II**

Violations of this ordinance shall be subject to those penalties now provided in the Code of Indianapolis and Marion County for violations of the section 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.

**CITY—COUNTY GENERAL ORDINANCE NO. 43, 1979**

A GENERAL ORDINANCE establishing a speed limit of 35 miles per hour on a portion of Lynhurst Drive. [Amends Code Section 29-136].

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

**PART I**

Chapter 29 of the Code of Indianapolis and Marion County, specifically, "Sec. 29-136 Alteration of prima facie speed limits," be, and the same is hereby amended by the addition of the following, to wit:

Lynhurst Drive, from Kentucky Avenue to 10th Street, 35 MPH

**PART II**

Violations of this ordinance shall be subject to those penalties now provided in the Code of Indianapolis and Marion County for violations of the section 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.

**CITY—COUNTY GENERAL ORDINANCE NO. 44, 1979**

A GENERAL ORDINANCE establishing intersection controls at five intersections in Marion County [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, 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. 27, pg. 6	E. Michigan Street & Mitchner Avenue	None	None
No. 27, pg. 4	S. Franklin Road & Rawles Avenue	S. Franklin	Stop
No. 40, pg. 3	Gray Road & Shelbyville Road	Shelbyville Road	Stop

**PART II**

Chapter 29 of the Code of Indianapolis and Marion County, 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. 27, pg. 6	E. Michigan Street & N. Mitchner Avenue	N. Mitchner Avenue	Stop
No. 19, pg. 5	N. Dearborn Street & E. 35th Street	E. 35th Street	Stop

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
No. 13, pg. 1	Avalon Trail, Finchley Rd. & Johnson Road	Johnson Road	Stop
No. 27, pg. 4	English Av, Franklin Rd., & Rawles Avenue	None	4-way Stop
No. 40, pg. 3	Gray Rd., Shelbyville Rd., & Thompson Road	None	4-way Stop

**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.

**CITY-COUNTY GENERAL ORDINANCE NO. 45, 1979**

A GENERAL ORDINANCE establishing intersection controls at certain intersections near 34th and Moller Road [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, 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. 16, pg. 7	Penway Ct., Penway St., & Ruskin Place	Ruskin Place	Yield
No. 16, pg. 5	Gerrard Avenue & Ruskin Place	Ruskin Place	Yield
No. 16, pg. 4	Falcon Lane & Penway Street	Falcon Lane	Yield
No. 16, pg. 5	Falcon Lane & Gerrard Avenue	Gerrard Avenue	Yield
No. 16, pg. 5	Penway Street & Gerrard Avenue	Gerrard Avenue	Yield
No. 16, pg. 8	36th Street & 36th Court	None	None
No. 16, pg. 5	36th Street & Gerrard Avenue	Gerrard Avenue	Yield
No. 16, pg. 3	Dunk Drive & Norfolk Street	Dunk Drive	Yield
No. 16, pg. 2	Dunk Drive & Christopher Lane	Dunk Drive	Yield
No. 16, pg. 3	Dunk Drive & Gerrard Avenue	Dunk Drive	Yield
No. 16, pg. 5	34th Place & Gerrard Avenue	Gerrard Avenue	Yield

**PART II**

Chapter 29 of the Code of Indianapolis and Marion County, 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. 16, pg. 7	Penway Ct., Penway St., & Ruskin Place	Ruskin Place	Stop
No. 16, pg. 5	Gerrard Avenue & Ruskin Place	Ruskin Place	Stop
No. 16, pg. 4	Falcon Lane & Penway Street	Falcon Lane	Stop
No. 16, pg. 5	Falcon Lane & Gerrard Avenue	Gerrard Avenue	Stop
No. 16, pg. 5	Penway Street & Gerrard Avenue	Gerrard Avenue	Stop
No. 16, pg. 8	36th Street & 36th Court	36th Street	Yield
No. 16, pg. 5	36th Street & Gerrard Avenue	Gerrard Avenue	Stop
No. 16, pg. 3	Dunk Drive & Norfolk Street	Dunk Drive	Stop
No. 16, pg. 2	Dunk Drive & Christopher Lane	Dunk Drive	Stop
No. 16, pg. 3	Dunk Drive & Gerrard Avenue	Dunk Drive	Stop
No. 16, pg. 5	34th Place & Gerrard Avenue	Gerrard Avenue	Stop

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.

CITY—COUNTY GENERAL ORDINANCE NO. 46, 1979

A GENERAL ORDINANCE establishing an intersection control at 16th Street and Tremont [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, 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. 24, pg. 16	Tremont & 16th Street	16th Street	Stop

PART II

Violations of this ordinance shall be subject to those penalties now provided in the Code of Indianapolis and Marion County for violations of the section 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. 127, 1979. As reported by Mr. Miller, this proposal transfers \$63,000 for four additional personnel at the Central Garage. Some personnel had been eliminated at the Transportation, Public Works, and Parks & Recreation garages in order to accommodate the additional positions at the Central Garage. In response to Mr. West's question regarding Central Garage's request for a complete year's salary for the positions when there are only seven months remaining this year, Mr. Miller said it was in order to have full years dollars for next year. Following discussion, Proposal No. 127, 1979, was adopted on the following roll call vote; viz:

21 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Gilmer, Mr. Hawkins, Mrs. Journey, Mr. Kimbell, Mr. Miller, Mr. Page, Miss Parker, Mr. Patterson, Mr. Pearce, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, and Mr. Walters.

5 NOES: Mrs. Coughenour, Mr. Dowden, Mr. Howard, Mr. Lyons, and Mr. Schneider.

3 NOT VOTING: Mr. Durnil, Mr. McGrath, and Mr. West.

Proposal No. 127, 1979, was retitled FISCAL ORDINANCE NO. 54, 1979, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 54, 1979**

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating sixty-three thousand dollars (\$63,000) in the City General Fund for purposes of the Central Equipment Management Division, Department of Administration, and reducing certain other appropriations for that division.

**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 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of creating four (4) new positions to better allow the General Repair facility to control inventory and better serve user departments.

SECTION 2. The sum of sixty-three thousand dollars (\$63,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION		
CENTRAL EQUIPMENT MANAGEMENT DIVISION		CITY GENERAL FUND
10.	Personal Services	\$44,995
24.	Current Charges	2,640
25.	Current Obligations	2,865
50.	Properties	<u>12,500</u>
	<b>TOTAL INCREASES</b>	<b>\$63,000</b>

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

<b>DEPARTMENT OF ADMINISTRATION</b>		
<b>CENTRAL EQUIPMENT</b>		
<b>MANAGEMENT DIVISION</b>		
21.	Contractual Services	\$12,500
22.	Supplies	<u>50,500</u>
	<b>TOTAL REDUCTIONS</b>	<b>\$63,000</b>

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

PROPOSAL NOS. 214-219, 1979. Proposal No. 215, 1979, had been called for public hearing on May 21st by Mrs. Stewart earlier in the meeting. No action was taken on Proposal Nos. 214, and 216-219, 1979. They were retitled REZONING ORDINANCES NOS. 61-65, 1979, and read as follows:

**REZONING ORDINANCE NO. 61, 1979 78-Z-154 PERRY TOWNSHIP**  
**COUNCILMANIC DISTRICT NO. 25**  
**8002 SOUTH MERIDIAN STREET, INDIANAPOLIS**  
Henry C. & M. Maxine Scheid request rezoning of 0.75 acre, being in C-1 district, to C-3 classification to permit commercial development.

**REZONING ORDINANCE NO. 62, 1979 79-Z-46 PERRY TOWNSHIP**  
**COUNCILMANIC DISTRICT NO. 20**  
**3216 SOUTH EAST STREET, INDIANAPOLIS**  
Douglas & Jean T. DeCoster and Arthur W. Hage Construction Co. request rezoning of 1.27 acres, being in D-3 district, to C-4 classification, to provide for repair, sale and rental of four wheel drive and other vehicles and parts.

**REZONING ORDINANCE NO. 63, 1979 79-Z-48 CENTER TOWNSHIP**  
**COUNCILMANIC DISTRICT NO. 21**  
**138 SOUTH COLLEGE AVENUE, INDIANAPOLIS**  
Robert L. Anderson, Sr., 140 S. College Avenue requests rezoning of 1.51 acres, being in I-4-U and Regional Center Secondary district, to C-ID classification, to provide for expansion of existing facilities.

**REZONING ORDINANCE NO. 64, 1979 79-Z-53 WAYNE TOWNSHIP**  
**COUNCILMANIC DISTRICT NO. 18**  
**298 NORTH ROENA STREET, INDIANAPOLIS**  
Donald C. Skiles, 4817 West 25th Street, Speedway, Indiana, requests rezoning of 2.00 acres, being in I-2-U and A-1 districts, to C-ID classification, to provide for an electrical contractor.

**REZONING ORDINANCE NO. 65, 1979 79-Z-55 FRANKLIN TOWNSHIP**  
**COUNCILMANIC DISTRICT NO. 24**  
**4425 SOUTH EMERSON AVENUE, INDIANAPOLIS**  
Oklahoma Oil Company, Indianapolis, requests rezoning of 0.68 acres, being in D-4 district, to C-3 classification, to provide for construction of an Omelet Shoppe and self service gasoline facilities.

**UNFINISHED BUSINESS**

PROPOSAL NO. 301, 1979. Mr. Tinder moved, seconded by Mr. Tintera, to strike this proposal concerning the promulgation of standards to be applied by the Ethics Board in determining conflicts of interest by City-County Council members. The motion carried on a voice vote.

## ANNOUNCEMENTS AND ADJOURNMENT

Mr. Gilmer commented on the poor condition of the grounds surrounding the City-County Building and the City Market. He requested the Department of Public Works to improve the appearance of those two places.

President SerVaas announced that the Wayne Township Assessor, Phil Hinkle, had invited all Councillors to visit his office in Room 1542 on Monday, May 21st from 4:30 to 5:30 p.m.

President SerVaas also commented on the Indianapolis Star's use of the word Councillor in place of Councilman, Councilwoman, or Council member.

There being no further business, upon motion duly made and seconded, the meeting adjourned at 8:10 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 9th day of May, 1979.

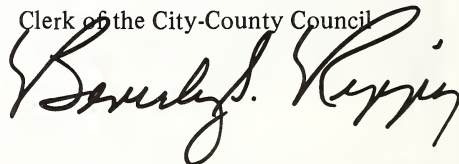
In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

ATTEST:

President



Clerk of the City-County Council



(SEAL)