

## REGULAR MEETING CITY-COUNTY COUNCIL

Monday, October 6, 1975 7:13 P.M.

A Regular Meeting of the City-County Council of Indianapolis, Marion County convened in Council Chambers of the City-County Building at 7:13 p.m., Monday, October 6, 1975. President SerVaas in the chair. Councilman Clark opened the meeting with a prayer, followed by the Pledge of Allegiance.

### ROLL CALL

President SerVaas instructed the Clerk to take the roll. Twenty-seven members being present, he announced a quorum. *Present:* Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Robbins, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. *Absent:* Mr. Brown and Mr. Ruckelshaus.

### CORRECTION OF JOURNAL

President SerVaas called for additions or corrections to the Journal for September 22, 1975, as distributed. There being no additions or corrections to the minutes of September 22, 1975, the minutes stand approved, as distributed.

### OFFICAL COMMUNICATIONS

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

September 24, 1975

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS-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. Jean A. Wytenbach, the following City-County Ordinances.

**FISCAL ORDINANCE NO. 94, 1975**, amending the City-County Annual Budget for 1975 and appropriating an additional \$147,357.00 in the City General Fund for purposes of the Office of Youth Development, Department of Administration, and reducing the City General Fund.

**GENERAL ORDINANCE NO. 142, 1975**, amending the Municipal Code, particularly Title 4, Chapter 8, Section 812 thereof, parking prohibited at all time on certain streets, providing penalties, and fixing a time when the same shall take effect.

**GENERAL RESOLUTION NO. 13, 1975**, approving a Capital Improvements Budget for 1976-1977 for Marion County, and the Consolidated City of Indianapolis and certain other municipal corporations located in Marion County, whose budgets are subject to review by the City-County Council, prohibiting capital improvement expenditures except in accordance with the priorities established in said Capital Improvements Budget, and establishing procedures for implementation of budget control in accordance therewith.

On September 29, 1975, I approved with my signature and delivered to the City Clerk the following City-County Ordinances.

**GENERAL ORDINANCE NO. 141, 1975**, disannexing certain territory of the City of Indianapolis in order that it may be annexed to the City of Beech Grove.

**GENERAL RESOLUTION NO. 14, 1975**, approving certain amendments to the agreement establishing the "Indiana Heartland Coordinating Commission" and authorizing the Mayor, on behalf of the City, to execute such amended agreement.

Respectfully,

RICHARD G. LUGAR  
Mayor

RGL/vlw

October 3, 1975

Mr. Beurt R. SerVaas  
President, City-County Council  
241 City-County Building  
Indianapolis, Indiana 46204

Dear Mr. SerVaas:

It is our understanding that the Marion County Tax Adjustment Board has made a significant decrease in the budget of Department 3, Central Data Processing, for 1976. The amount of the decrease is \$867,814, and is in the area of equipment rental.

The undersigned members of the Computer Management Board hereby request that the City-County Council file with the State Board of Tax Commissioners an appeal requesting restoration of the budget of Central Data Processing to the level approved by the City-County Council.

We believe the budget for this department as reduced would be completely inadequate to allow it to assist the various City-County departments in performing their vital functions, such as tax assessment and collection, police protection, registration of voters, budget accounting, preparation of payroll, and others.

We respectfully request your favorable consideration of this request.

COMPUTER MANAGEMENT BOARD

John T. Kelliher Director,  
Central Data Processing

Lawrence L. Buell, Chairman

Murill M. Lowry, Vice Chairman

Jerome E. Forestal

Thomas P. O'Brien

Alfred D. Green

Harold J. Egenes

October 6, 1975

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS-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 September 25,

1975, and October 2, 1975, a "Notice of Public Hearing on Zoning", to be held at 7:00 p.m., in the Council Chambers of the City-County Building.

I also caused to be published in the Indianapolis Commercial and the Indianapolis News on September 29, 1975, and October 6, 1975, General Ordinance No. 142, 1975. And, on October 2, 1975, and October 9, 1975, General Ordinance No. 141, 1975, was published.

Respectfully,

JEAN A. WYTTENBACH  
City Clerk

/vlw

## PRESENTATION OF PETITIONS

President SerVaas called for any business that might be handled under Presentation of Petitions.

*PROPOSAL NO. 410, 1975.* Councilman Gilmer read the Proposal and moved, seconded by Councilman Clark that Proposal No. 410, 1975, be adopted. The Proposal for a Special Resolution with respect to certain actions of the Metropolitan Development Commission, was passed by unanimous voice vote. Proposal No. 410, 1975, was retitled Special Resolution No. 18, 1975, and reads as follows:

### CITY-COUNTY SPECIAL RESOLUTION NO. 18, 1975

A SPECIAL RESOLUTION with respect to certain actions of the Metropolitan Development Commission.

WHEREAS, the City-County Council has, from time to time, appropriated funds to allow the preparation and periodic undating of a Comprehensive General Land Use Plan for Marion County; and

WHEREAS, the Comprehensive General Land Use Plan has the significant purpose of guiding the long range growth of the community in a rational pattern so that the quality of life of citizens will be preserved and property values protected; and

WHEREAS, citizens of this community have a strong interest in having a Comprehensive General Land Use Plan on which they can rely in making personal and business decisions; and

WHEREAS, on July 16, 1969, the Eagle Creek Master Plan was officially adopted by the Metropolitan Plan Commission as a segment of the Marion County Comprehensive General Land Use Plan; and

WHEREAS, on May 7, 1969, the Marion County Council, a predecessor legislative unit to the City-County Council, approved the Parks Districts Zoning Ordinance which requires approval of a site and development plan by the Commission before development can be undertaken and states such approval will be given if sufficient identified documentation supported the petition and if the site and development plan was, among other requirements, consistent with the Comprehensive General Land Use Plan; and

WHEREAS, on December 4, 1974, after almost a year of study and analysis, the Metropolitan Development Commission amended the Eagle Creek Master Plan by adopting the Eagle Creek Park and Reservoir Area Plan as a segment of the Marion County Comprehensive General Land Use Plan; and

WHEREAS, on August 7, 1975, a petition was filed before the Metropolitan Development Commission requesting approval of a site and development plan for an 80 acre tract of land zoned PK-2 located at the northwest corner of Interstate 465 and 46th Street; and

WHEREAS, the petition was set for hearing before the Metropolitan Development Commission on October 1, 1975 and such Commission, by a vote of 5 to 3 voted to grant such approval, even though specific information required by the Ordinance had not been submitted, including information about vehicular access, drainage, sewers, and public utilities, and, more significantly, even though the density reflected by such site and development plan was approximately 15 units per acre, more than three times the density allowed by the Comprehensive General Land Use Plan; and

WHEREAS, it appears that the Metropolitan Development Commission, in granting such October 1 approval, did not excuse responsibility in securing adequate information upon which to make an intelligent decision and failed to exercise proper judgment in determining whether the development plan was consistent with the Comprehensive General Land Use Plan; now, therefore:

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

Section 1. The City-County Council deploras the action taken on October 1 by the Metropolitan Development Commission in granting an approval without consideration of information required by the Parks Districts Zoning Ordinance and in making a decision in conflict with the requirement of such Ordinance that the development plan be consistent with the Comprehensive General Land Use Plan.

Section 2. The City-County Council requests that the Metropolitan Development Commission set this approval for rehearing.

Section 3. The City-County Council requests that the Metropolitan Development Commission study the appropriateness of initiating an amendment of the Parks Districts Zoning Ordinance providing a Commission action in granting an approval of a site and development plan is subject to action by the Council.

*PROPOSAL NO. 411, 1975.* Councilman Tintera read the Proposal and moved, seconded by Councilman Caplinger that Proposal No. 411, 1975, be adopted. The Proposal for a Council Resolution approving appeal of actions of the County Board of Tax Adjustment and authorizing the president of the Council to execute such documents as are necessary to perfect an appeal to the State Board of Tax Commissioners, was *passed* on the following roll call vote; viz: *20 Ayes*: Mr. Caplinger, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Robbins, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. *4 Noes*: Mr. Bayt, Mr. Cantwell, Mrs. Chandler and Mr. Hawkins. (Mr. Boyd, Mr. Campbell and Mr. Elmore abstained from voting.) Proposal No. 411, 1975, was retitled Council Resolution No. 17, 1975, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 17, 1975

A COUNCIL RESOLUTION approving appeal of actions of the County Board of Tax Adjustment and authorizing the president of the Council to

execute such documents as are necessary to perfect an appeal to the State Board of Tax Commissioners.

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

Section 1. The City-County Council hereby approves the appeal of those actions of the Marion County Board of Tax Adjustment which reduce or modify the budgets of Marion County or the City of Indianapolis and authorized the filing of the statement pursuant to I.C. 1971, 6-1.5-17-15.

Section 2. The President of the City-County Council is hereby authorized to execute such statement of objections as is required by I.C. 1971, 6-1.5-17-15 for purposes of appealing the decisions of the Marion County Board of Tax Adjustment.

**INTRODUCTION OF GUESTS**

Councilman Kimbell introduced members of the (WINS) group, i.e. Women in Neighborhood Services dedicated to work in the community.

Councilman Gilmer introduced Mr. and Mrs. Pete Faye and Mr. and Mrs. Taggert from the (WINS) group. Mr. Gilmer also introduced sixteen students from the Guion Creek Middle School of Pike Township who were attending Council meeting with their teachers Mr. Galyen and Mr. Birchfield.

President SerVaas introduced two members from the Nora Community Council Mr. George Haerle and Mrs. Ruth Hayes.

**INTRODUCTION OF PROPOSALS**

*PROPOSAL NOS. 394-402, 1975.* Introduced by Councilman West. The Clerk read the Proposals entitled: "Proposals for Rezoning Ordinances certified from the Metropolitan Plan Commission on October 2, 1975;" and the President referred them to the Committee of the

Whole to be heard under Special Orders — Final Adoption.

*PROPOSAL NO. 403, 1975.* Introduced by Councilman Kimbell. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional One hundred thousand dollars (\$100,000) in the County General Fund for purposes of the Marion County Jail and reducing certain other appropriations for that department;" and the President referred it to the Criminal Justice and Public Safety Committee.

*PROPOSAL NO. 404, 1975.* Introduced by Councilman Kimbell. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Seven thousand four hundred sixty dollars (\$7,460) in the County General Fund for purposes of the Criminal Court Probation Office and reducing certain other appropriations for that department;" and the President referred it to the Criminal Justice and Public Safety Committee.

*PROPOSAL NO. 405, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled; "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Three thousand four hundred sixty dollars (\$3,460) in the County General Fund for purposes of the Washington Township Assessor and reducing certain other



appropriations for that office;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 406, 1975.* Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Nine hundred thirty-three dollars and eighty cents (\$933.80) in the County General Fund for purposes of the Franklin Township Assessor and reducing certain other appropriations for that office;" and the President referred it to the County and Townships Committee.

*PROPOSAL NO. 407, 1975.* Introduced by Councilman Kimbell. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance enlarging the boundaries of the Fire Special Service District of the City of Indianapolis, amending the "Code of Indianapolis and Marion County, 1970" and fixing a time when the same shall be effective;" and the President referred it to the Public Safety and Criminal Justice Committee.

*PROPOSAL NO. 408, 1975.* Introduced by Councilman Miller. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance further amending the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended, and more particularly Title 4-Traffic Code, Chapter 3, and Section 306 thereof, establishing controls at a residential intersection, establishing regulations, providing penalties, and fixing a time when the same shall take effect;" and the President referred it to the Transportation Committee.

*PROPOSAL NO. 409, 1975.* Introduced by Council-

man Griffith. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974, to change the salaries and number of personnel authorized for the County Department of Public Welfare;" and the President referred it to the Community Affairs Committee.

*PROPOSAL NO. 412, 1975.* Introduced by Councilman McPherson. The Clerk read the Proposal entitled: "A Proposal for a General Resolution approving Bond Issue No. 1, 1975, of the Department of Public Works;" and the President referred it to the Public Works Committee.

### SPECIAL ORDERS — PUBLIC HEARING

President SerVaas called for Proposals eligible for public hearing. Members of the public were invited to be heard on proposals eligible for public hearing.

*PROPOSAL NO. 384, 1975.* The Council recessed to the Committee of the Whole at 7:34 p.m., and reconvened at 7:35 p.m. After public hearing, and following discussion, during which Councilman Caplinger spoke regarding the Proposal, *Proposal No. 384, 1975*, was *passed* on the following roll call vote; viz: *26 Ayes*: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Robbins, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. *No Noes.* (Mr. Schneider

abstained from voting.) Proposal No. 384, 1975, was retitled Rezoning Ordinance No. 94, 1975, and reads as follows:

R.O. #94, 1975 75-Z-88

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #11, 9420 EAST 38TH STREET, INDIANAPOLIS

Culasa Drake by A. H. M. Graves, Inc. by Thomas B. Laycock, II, Chairman, 3010 East 38th St. requests rezoning of 23.01 acres, being in D-7 district, to D-5 classification to provide for residential use by platting.

*PROPOSAL NO. 373, 1975.* The Council recessed to the Committee of the Whole at 7:39 p.m., and reconvened at 7:40 p.m. After public hearing, and following discussion, during which Councilman West spoke regarding the Proposal, *Proposal No. 373, 1975*, was *passed* on the following roll call vote; viz: *21 Ayes:* Mr. Boyd, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mrs. Gibson, Mr. Giffin, Mr. Gorham, Mr. Griffith, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Robbins, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. *5 Noes:* Mr. Bayt, Mr. Campbell, Mr. Cantwell, Mr. Elmore and Mr. Hawkins. (Mr. Gilmer abstained from voting.) Proposal No. 373, 1975, was retitled General Ordinance No. 144, 1975, and reads as follows:

75-AO-1 as amended G.O. #144, 1975

The Metropolitan Development Commission of Marion County, Indiana, proposes amendment to Marion County Council Ordinance No. 8-1957, as amended, and the Dwelling District Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, adopted as an amendment thereto, by the adoption of ORDINANCE 75-AO-1, as amended, amending the Home Occupation Regulations of section 2.16 of said Dwelling Districts Zoning

Ordinance and setting forth additional standards and requirements applicable to permitted home occupations.

*PROPOSAL NO. 366, 1975.* The Council recessed to the Committee of the Whole at 7:45 p.m., and reconvened at 7:50 p.m. After public hearing, and following discussion, during which Mr. Phil Secrest, Deputy County Auditor and Miss Elizabeth Samkowski, Director, Department of Public Welfare spoke regarding the Proposal, Councilman Griffith moved, seconded by Councilman Robbins to amend Proposal No. 366, 1975, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 366, 1975, be amended as follows:

Strike said Proposal as introduced and substitute therefor, the draft entitled Proposal No. 366, 1975, (Staff Report #2).

DONALD N. GRIFFITH,  
Councilman

The motion to amend was carried by a unanimous voice vote.

Following further discussion, *Proposal No. 366, 1975, as amended*, was passed on the following roll call vote; viz: *21 Ayes*: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mr. Patterson, Mr. Robbins, Mr. SerVaas,

Mr. Tinder, Mr. Tintera and Mr. West. 6 Noes: Mr. Caplinger, Mr. Dowden, Mr. Giffin, Mr. Gorham, Mr. Miller and Mr. Schneider. Proposal No. 366, 1975, as amended, was retitled Fiscal Ordinance No. 99, 1975, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 99, 1975

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Three million nine hundred thirty-seven thousand dollars 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.

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

Section 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 6 of the City-County Annual Budget for 1975 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of increased welfare costs.

Section 2. The sum of Three million nine hundred thirty-seven thousand dollars 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 WELFARE

	County Welfare Fund
24 (500) Current Charges	\$3,925,000.00
22 (300) Supplies	12,000.0
TOTAL INCREASES	\$3,937,000.00

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

DEPARTMENT OF PUBLIC WELFARE

	County Welfare Fund
24 (500) Current Charges	\$460,000.00

25 (600) Current Obligations	10,000.00
Unappropriated & Unencumbered Welfare Fund	3,467,000.00
<b>TOTAL REDUCTIONS</b>	<b>\$3,937,000.00</b>

Section 5. This Ordinance shall be in full force and effect from and after adoption, following public hearing and approval by the State Board of Tax Commissioners.

*PROPOSAL NO. 370, 1975.* The Council recessed to the Committee of the Whole at 7:52 p.m., and reconvened at 7:54 p.m. After public hearing, and following discussion, during which Councilman Clark spoke regarding the Proposal, *Proposal No. 370, 1975*, was passed on the following roll call vote; viz: *19 Ayes:* Mr. Bayt, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. Robbins, Mr. SerVaas, Mr. Tintera and Mr. West. *8 Noes:* Mr. Boyd, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mr. Gorham, Mr. McPherson, Mr. Schneider and Mr. Tinder. Proposal No. 370, 1975, was retitled Fiscal Ordinance No. 100, 1975, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 100, 1975

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Twenty-five thousand dollars (\$25,000.00) in the Consolidated County Fund for purposes of the Legal Division, Dept. of Administration, and reducing the unappropriated and unencumbered 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 4 of the City-County

Annual Budget for 1975 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of paying judgements and legal settlements against the City of Indianapolis.

Section 2. The sum of Twenty-five thousand dollars (\$25,000.00) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

Section 3. The following additional appropriations are hereby approved:

**DEPARTMENT OF ADMINISTRATION**  
**Legal Division**

	<b>CONSOLIDATED COUNTY FUND</b>
24. Current Charges	\$25,000.00
TOTAL INCREASES	\$25,000.00

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

	<b>CONSOLIDATED COUNTY FUND</b>
UNAPPROPRIATED AND UNENCUMBERED CONSOLIDATED COUNTY FUND	\$25,000.00
TOTAL REDUCTIONS	\$25,000.00

Section 5. This Ordinance shall be in full force and effect from and after adoption, following public hearing, approval by the Mayor, and approval by the State Board of Tax Commissioners.

*PROPOSAL NO. 369, 1975.* Councilman Kimbell indicated that Proposal No. 369, 1975, will remain postponed pending future contact from the Auditor's office.

**SPECIAL ORDERS—FINAL ADOPTION**

President SerVaas called fro any Proposals eligible to be heard under Special Orders—Final Adoption.

*PROPOSAL NO. 371, 1975.* Following discussion, during which Councilman Tintera spoke regarding the Proposal, Councilman Tintera moved, seconded by Councilman Caplinger to amend Proposal No. 371, 1975, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 371, 1975, be amended as follows:

a) Add a new section 2A as follows:

Section 2A. That General Ordinance Nos. 23, 24, 25, 26, 27, 28, and 31, 1974, through inadvertance, were not codified in the "Code of Ordinances" as referred to in Section 1, that said ordinances are not repealed in Section 2, but are continued in full force and effect and the "Code" as printed shall be deemed amended to include the terms of said ordinances.

b) In Section 2, add the date December 1, 1975, and in Section 9, add the date 1st of December.

GEORGE TINTERA  
Councilman

The motion to amend was carried by a unanimous voice vote.

Councilman Boyd then moved, seconded by Councilman Kimbell to *further amend Proposal No. 371, 1975, as amended*, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 371, 1975, be amended as follows:

Add a Section 5A as follows:



Section 5A. That at least one copy of the official Code of Ordinance of the Consolidated City of Indianapolis and Marion County, Indiana, be provided for public reference for each Consolidate City Public Library and updated monthly by the City Clerk's Office according to the principles established in Section 5 above.

ROZELLE BOYD  
Councilman

The motion to further amend was carried by voice vote.

Following considerable debate, Councilman Griffith moved, seconded by Councilman Tintera the Previous Question on the main motion.

The Question being called on the adoption of Proposal No. 371, 1975, as amended, *Proposal No. 371, 1975, as amended*, was passed on the following roll call vote; viz: *23 Ayes*: Mr. Boyd, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Robbins, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. *4 Noes*: Mr. Bayt, Mr. Campbell, Mr. Cantwell and Mr. Hawkins. Proposal No. 371, 1975, as amended, was retitled General Ordinance No. 143, 1975, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 143, 1975

A GENERAL ORDINANCE adopting and enacting a new CODE OF ORDINANCE OF THE CONSOLIDATED CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA; establishing the same; providing for the repeal of certain ordinances not included therein, except as herein expressly provided; providing for the manner of amending such code of ordinances; and providing when said code of ordinances shall become effective.

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

Section 1. That a "Code of Ordinances" consisting of Chapters 1 through 32, inclusive, is hereby adopted and enacted as the "Code of Indianapolis and Marion County, Indiana," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City-County Council on or before February 17, 1975, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. That all provisions of such Code shall be in force and effect from and after December 1, 1975, in accordance with Section hereof, and all ordinances of a general and permanent nature of the Consolidated City of Indianapolis and Marion County, enacted on final passage on or before February 17, 1975, and not in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of such Code, except as herein provided.

Section 2A. That General Ordinance Nos. 23, 24, 25, 26, 27, 28, and 31, 1974, through inadvertance, were not codified in the "Code of Ordinances" as referred to in Section 1, that said ordinances are not repealed in Section 2, but are continued in full force and effect and the "Code" as printed shall be deemed amended to include the terms of said ordinances.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

- (a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code.
- (b) Any ordinance or resolution promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or any contract or obligations assumed by the City.
- (c) Administrative ordinances or resolutions of the City-County Council not in conflict or inconsistent with the provisions of such Code.
- (d) Any right or franchise granted by the Consolidated City.
- (e) Any ordinance dedicating, naming, establishing, locating, opening, paving, widening, vacating, etc., any street or public way in the City.
- (f) Any appropriation ordinances.
- (g) Any ordinance levying or imposing taxes.
- (h) The zoning ordinance or any amendment thereto.

- (i) Any ordinance establishing or prescribing grades in the City.
- (j) Any ordinance providing for local improvements and assessing taxes therefor.
- (k) Any ordinance dedicating or accepting any plat or subdivision in the City.
- (l) Any ordinance extending or contracting the boundaries of the City.
- (m) Any ordinance prescribing the number, classification, or compensation of any city officers or employees, not inconsistent herewith.
- (n) Any ordinance declaring certain property to be a public nuisance and authorizing procedures for the demolition of same.
- (o) Any ordinance pertaining to the lease of the city-county building.
- (p) Any administrative traffic regulations.

Such repeal shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

*Section 4.* That any and all additions or amendments to such Code when passed in such form as to indicate the intention of the City-County Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Code of Indianapolis and Marion County, Indiana," shall be understood and intended to include such additions and amendments.

*Section 5.* That two (2) copies of such Code shall be kept on file in the office of the City Clerk, preserved in looseleaf form. It shall be the express duty of the City Clerk or someone authorized by that officer to insert in their designated places all amendments or ordinances which indicate the intention of the City-County Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may from time to time be repealed by the City-County Council. This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the official Code of Ordinances of the Consolidated City of Indianapolis and Marion County, Indiana.

*Section 5A.* That at least one copy of the official Code of Ordinances of the Consolidated City of Indianapolis and Marion County, Indiana, be provided for public reference to each Consolidated City Public Library and updated monthly by the City Clerk's Office according to the principles established in Section 5 above.

*Section 6.* That in case of the amendment of any section of such Code for which a penalty is not provided the general penalty as provided in Section 1-8 of such Code shall apply to the section as amended or in case each amendment

contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same Chapter, the penalties so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

*Section 7.* That it shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Consolidated City to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 1-8 of the Code of Ordinances.

*Section 8.* That all ordinances or parts of ordinances in conflict herewith or with the Code of Ordinances adopted hereby are, to the extent of such conflict, hereby repealed.

*Section 9.* That this ordinance shall be in full force and effect from and after the 1st day of December \_\_\_\_, 1975.

*Section 10.* That this ordinance shall be printed and published in looseleaf form by order of the City-County Council.

*PROPOSAL NO. 390, 1975.* Following discussion, during which Councilman West spoke regarding the Proposal, *Proposal No. 390, 1975*, was passed on the following roll call vote; viz: *27 Ayes:* Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Robbins, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. *No. Noes.* Proposal No. 390, 1975, was retitled Special Ordinance No. 1, 1975, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 1975

A SPECIAL ORDINANCE changing the name of a certain street in Marion County, Indiana.

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

Section 1. That the name of the street presently known as Bridgeport Road, beginning at the intersection of West Banta Road, continuing south approximately one-half mile to Camby Road, as such streets are located in the City of Indianapolis, Indiana, be changed to, and designated as, STANLEY ROAD.

Section 2. This Ordinance shall be in full force and effect from after adoption and approval by the Mayor.

*PROPOSAL NO. 399, 1975.* Following discussion, during which Councilman Schneider spoke regarding the Proposal, Councilman Schneider moved, seconded by Councilman Gilmer that Proposal No. 399, 1975, be held for a Public Hearing before the full City-County Council at its next meeting on October 20, 1975, and reads as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that the City-County Council do hold, a further public hearing of Proposal No. 399, 1975, entitled "A Proposal for a REZONING ORDINANCE" as certified by the Metropolitan Development Commission as Docket No. 75-Z-86 that the Council do hereby schedule the same for a public hearing before the full City-County Council at its next regular meeting on October 20, 1975, 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.

DONAL R. MCPHERSON  
Councilman

The motion for a Public Hearing was carried by voice vote.

*PROPOSAL NO. 396, 1975.* Following discussion, during which Councilman Schneider spoke regarding the Proposal, Councilman Schneider moved, seconded by

Councilman Kimbell that Proposal No. 396, 1975, be held for a Public Hearing before the full City-County Council at its next meeting on October 20, 1975, and reads as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that the City-County Council do hold a further public hearing on Proposal No. 396, 1975, entitled "A Proposal for a REZONING ORDINANCE" as certified by the Metropolitan Development Commission as Docket No. 75-Z-105, that the Council do hereby schedule the same for a public hearing before the full City-County Council at its next regular meeting on October 20, 1975, 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.

WILLIAM G. SCHNEIDER  
City-County Councilman

The motion for a Public Hearing was carried by a unanimous voice vote.

*PROPOSAL NOS. 394, 395, 397, 398, 400, 401, & 402, 1975.* No action was taken on Proposal Nos. 394, 395, 397, 398, 400, 401 & 402, 1975. The above mentioned Proposals were retitled Rezoning Ordinance Nos. 96 thru 102, 1975, respectively, and read as follows:

R.O. #96, 1975  
75-Z-95

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #20, 2102 EAST NATIONAL AVENUE, INDIANAPOLIS

Chester & Mildred L. Chase by Larry S. Pugh, Attorney, 8243 East Washington St. request rezoning of 0.41 acre, being in D-4 district, to C-7 classification to permit commercial development.

R. O. #97, 1975  
75-Z-102

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18, 7251  
ROCKVILLE ROAD, INDIANAPOLIS

Prospect Investment Corp., P. O. Box 68007 by Wilson S. Stober, Attorney, 810 Fletcher Trust Bldg. requests rezoning of 2.45 acres, being in D-5 district, to C-3 classification to permit commercial development.

R. O. #98, 1975

75-Z-109

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #21, 1799  
KENTUCKY AVENUE, INDIANAPOLIS

Ned A., J. O. and Walkter T. Sharp, 1730 South Harding Street request rezoning of 4.96 acres, being in I-4-U district, to C-7 classification to permit construction of a warehouse and office addition to provide for sales and service of farm equipment.

R. O. #99, 1975

75-Z-113

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15, 5000  
NOWLAND AVENUE, INDIANAPOLIS

Seccina Memorial High School by Archbishop George Biskup by Terrence P. Pehler, Attorney, 412 Union Federal Building requests rezoning of 10.67 acres, being in D-5 district, to SU-2 classification to permit existing school, convent and auxiliary buildings.

R. O. #100, 1975

75-Z-115

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4, 4950  
EAST 56TH STREET, INDIANAPOLIS

Georgia E. Shackelford by William F. LeMond, Attorney, 412 Union Federal Bldg. requests rezoning of 1.42 acres, being in D-2 district, to C-3 classification to permit a restaurant.

R. O. #101, 1975

75-Z-116

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4, 5620  
EMERSON WAY, INDIANAPOLIS

Georgia E. Shackelford by William F. LeMond, Attorney, 412 Union Federal Bldg. requests rezoning of 2.28 acres, being in D-2 district, to C-1 classification to permit a bank and offices.

R. O. #102, 1975

75-Z-129

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 11, SOUTH-EAST CORNER OF 30TH STREET AND RURAL STREET, INDIANAPOLIS

City of Indianapolis, Dept. of Metropolitan Development, Division of Urban Renewal, Archie Kuoppala, Administrator, 1942 City-County Building request rezoning of 11.27 acres, being in SU-2 district, to PK-1 classification to permit park uses, as per plans filed.

### ADJOURNMENT

Upon motion duly made by Councilman Clark, seconded by Councilman Tintera, the meeting adjourned at 8:28 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 6th, day of October, 1975.

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



ATTEST:

*President*

(SEAL)

*Clerk of the City-County Council*