

**MINUTES OF THE CITY-COUNTY COUNCIL
AND SPECIAL SERVICE DISTRICT COUNCILS
OF INDIANAPOLIS, MARION COUNTY, INDIANA**

REGULAR MEETINGS - TUESDAY, MARCH 26, 1985

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:07 p.m., on Tuesday, March 26, 1985, with Councillor SerVaas presiding.

The meeting was opened with a prayer and the Pledge of Allegiance to the Flag by Councillor Betty Stewart.

ROLL CALL

Councillor SerVaas instructed the Clerk to take the roll call of the Council, which was as follows:

PRESENT: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West
ABSENT: Clark, Giffin, Page, Schneider

Twenty-five members being present, he announced a quorum was present.

OFFICIAL COMMUNICATIONS

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

**TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE,
FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT
COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY,
INDIANA:**

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Tuesday, March 26, 1985, at 7:00 p.m., the purposes of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,

s/Beurt SerVaas, President
City-County Council

March 12, 1985

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 March 14, 1985, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 109, 110, 112, 113, 114, 115, and 119, 1985, to be held on Tuesday, March 26, 1985, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

March 12, 1985

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 March 14, 1985, a copy of LEGAL NOTICE of General Resolution No. 3, 1985.

Respectfully,

s/Beverly S. Rippy
City Clerk

March 20, 1985

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. 16, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional One Thousand Six Hundred Twenty-two Dollars (\$1,622) in the County General Fund for purposes of the Marion County Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 17, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Seventy-five Thousand Dollars (\$75,000) in the County Cumulative Capital Development Fund for purposes of the Marion County Auditor and reducing the unappropriated and unencumbered balance in the County Cumulative Capital Development Fund.

FISCAL ORDINANCE NO. 18, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Six Thousand One Hundred Sixty-seven Dollars (\$6,167) in the County General Fund for purposes of the Superior Court - Criminal Division - Room V and reducing certain other appropriations for Superior Court - Criminal Division - Room III.

FISCAL ORDINANCE NO. 19, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) transferring and appropriating Twelve Thousand Seven Hundred Eighty-one Dollars (\$12,781) in the County General Fund for purposes of the Marion County Circuit Court and reducing the unappropriated and unencumbered balance in the County General Fund.

SPECIAL RESOLUTION NO. 19, 1985, honoring the Fifth Grade Class of Lew Wallace School No. 107.

SPECIAL RESOLUTION NO. 20, 1985, concerning the siting of a landfill in Marion County, Indiana.

Respectfully submitted,

s/William H. Hundt, III

March 20, 1985

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
POLICE SPECIAL SERVICE DISTRICT 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 Police Special Service District Council, Mrs. Beverly S. Rippy, the following ordinance:

FISCAL ORDINANCE NO. 1, 1985, amending the Police Special Service District Annual Budget for 1985 (P.S.S.D. Fiscal Ordinance No. 3, 1984) appropriating an additional Three Hundred Eight Thousand Nine Hundred Nine Dollars (\$308,909) in the City Cumulative Capital Development Fund for purposes of the Department of Public Safety, Police Division and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

Respectfully submitted,

s/William H. Hundut, III

**PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND
COUNCIL RESOLUTIONS --**

Councillor Miller requested that Proposal No. 124, 1985, be moved forward on the agenda to be heard at this time. Consent was given to this request.

PROPOSAL NO. 124, 1985. This proposal appoints Dan Whitmore to the Information Services Agency Management Board. Councillor Cottingham reported that the County and Townships Committee recommended Proposal No. 124, 1985, on March 20, 1985, Do Pass by a vote of 5-0. Mr. Whitmore has been involved in data processing for more than twenty years and would very much like to serve on the Information Services Agency Management Board. Councillor Cottingham moved, seconded by Councillor Miller for adoption. Proposal No. 124, 1985, was adopted by unanimous voice vote and retitled COUNCIL RESOLUTION NO. 10, 1985, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 10, 1985

A COUNCIL RESOLUTION appointing Dan C. Whitmore to the Information Services Agency Management Board.

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

SECTION 1. As a member of the Information Services Agency Management Board the Council appoints:

DAN C. WHITMORE

SECTION 2. The foregoing appointment shall be for a term of one (1) year beginning upon passage of this proposal, at the pleasure of the Council, and ending December 31, 1985, or when his respective successor is appointed.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 144, 1985. This proposal honors Wayne Township Volunteer Fire Department Firefighters Lieutenant Jeffrey Wilson, Private Tony Buckrop and Lieutenant Brian Griffith. Councillor McGrath read the resolution and co-sponsors Councillors Coughenour and Cottingham presented framed copies to

the firefighters present. Councillor McGrath moved, seconded by Councillor Cottingham for adoption. Proposal No. 144, 1985, was adopted by unanimous voice vote and retitled SPECIAL RESOLUTION NO. 21, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 1985

A SPECIAL RESOLUTION honoring Wayne Township Volunteer Fire Department Firefighters Lieutenant Jeffery Wilson, Private Tony Buckrop and Lieutenant Brian Griffith.

WHEREAS, a totally devastating residential dwelling fire occurred at midnight on December 11, 1984 at 1436 North High School Road; and

WHEREAS, in responding to the call firefighters Lieutenant Jeffrey Wilson, Private Tony Buckrop and Lieutenant Brian Griffith endangered their own lives for the welfare of others by ascending to the second level of the dwelling engulfed in flames to retrieve three trapped children; and

WHEREAS, these three firefighters have been placed in the American Red Cross Hall of Fame in recognition of their valiant and courageous attempt to save the lives of others; now, therefore:

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

SECTION 1. The Indianapolis-Marion County City-County Council recognizes and honors firefighters:

**LIEUTENANT JEFFREY WILSON
PRIVATE TONY BUCKROP
LIEUTENANT BRIAN GRIFFITH**

SECTION 2. The Council further holds these men in esteem for the community as a whole to look up to as an example of citizenship at its finest.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 145, 1985. This proposal memorializes Bernice Fraction. Councillor Boyd read the proposal and introduced Georgette Fraction, daughter; John Robert Fraction, son and Jon Charles Thomas, grandson of the late Bernice Fraction. Councillor Boyd also introduced Lydia Morrow, a representative of the Mapleton-Fall Creek Board of Directors of which Mrs. Bernice Fraction was a

very active member. Councillor Boyd moved, seconded by Councillor West for adoption. Proposal No. 145, 1985, was adopted by unanimous voice vote and retitled SPECIAL RESOLUTION NO. 22, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 1985

A SPECIAL RESOLUTION memorializing Bernice Fraction.

WHEREAS, Bernice Fraction passed away Friday, March 8, 1985; and

WHEREAS, Ms. Fraction's operatic voice filled concert halls, churches and theaters, in programs locally, nationally and internationally for many years; and

WHEREAS, Bernice Fraction's lyric-soprano tones were heard many times in operas, at the Indianapolis Symphonic Choir, the Indianapolis Opera, the Indianapolis Symphony, the Washington Opera, the Washington Symphony, for the past seven years at the Governor's Annual Prayer Breakfast, and at her own North United Methodist Church; and

WHEREAS, at an early age Bernice Fraction recognized her talent as a gift from God and so dedicated it for the rest of her life; 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 conveys its condolences to the family of Bernice Fraction.

SECTION 2. The City-County Council records its appreciation and gratitude for Ms. Bernice Fraction's sharing her wonderful and gifted talent with her friends, neighbors, our community, the nation, and mankind.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 146, 1985. This proposal recognizes the achievements of the American Business Women's Association and welcomes their 1985 Regional Convention. Councillor Boyd read the resolution and he and Councillor Journey introduced Mrs. Imigene Hines, a representative of the American Business Women's Association and presented to her a framed copy of the resolution. Councillor Boyd moved, seconded by Councillor Journey for adoption. Proposal No. 146, 1985, was adopted by unanimous voice vote and retitled SPECIAL RESOLUTION NO. 23, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 1985

A SPECIAL RESOLUTION recognizing the achievements of the American Business Women's Association and welcoming their 1985 Regional Convention.

WHEREAS, the American Business Women's Association was founded as a means of recognizing and promoting the professional, educational and cultural achievements of American women; and

WHEREAS, in pursuit of this objective the American Business Women's Association has become one of the fastest growing organizations of its type with over two thousand (2,000) chapters and one hundred five thousand (105,000) members in all fifty states and Puerto Rico; and

WHEREAS, the ABWA has continually demonstrated its support of our nations youth by awarding, since the inception of its scholarship fund, over two million dollars (\$2,000,000) in grants and aid; and

WHEREAS, the ABWA offers to all the American public a model and spirit of volunteer service and dedication worthy of our support and emulation; and

WHEREAS, the ABWA will be holding its 1985 regional convention in Indianapolis on April 12-14; now, therefore:

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

SECTION 1. The City of Indianapolis recognizes the achievements of the American Business Women's Association and commends it for the considerable contributions made to the American character through the fulfillment of association goals.

SECTION 2. The City of Indianapolis through its elected Council and Mayor extend to the American Business Women's Association warmest welcome, congratulations and wishes for a good future.

SECTION 3. The Mayor is invited to join with the Council in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 132, 1985. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$703,580 for the Central Equipment Management Division to acquire replacement vehicles for the Department of Transportation"; and the President referred it to the Administration Committee.

PROPOSAL NO. 133, 1985. Introduced by Councillors SerVaas, Miller, Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Gilmer, Hawkins, Howard, Giffin, Journey, McGrath, Nickell, Page, Rader, Rhodes, Shaw, Stewart, Strader, West. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of City of Indianapolis Redevelopment District Bonds of 1985 in the amount of \$45,750,000"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 134, 1985. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the disposal of property by the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 135, 1985. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$650,000 for the Parks Department, Administration Division to upgrade existing facilities"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 136, 1985. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$38,500 for the Parks Department, Administration Division to fulfill the requirements of the Community Development Block Grant Rules"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 137, 1985. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$12,000 for the Community Corrections Advisory Board to purchase equipment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 138, 1985. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the contract with IPL and the Board of Public Works for the street lights"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 139, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating

\$851,080 for the Department of Transportation to purchase snow removal equipment"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 140, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishes intersection controls in various subdivisions"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 141, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE adding parking controls to a portion of New Jersey Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 142, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishes a loading zone on a portion of Pennsylvania Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 143, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the disposal of property by the Department of Transportation"; and the President referred it to the Transportation Committee.

MODIFICATION OF SPECIAL ORDERS

PROPOSAL NO. 154, 1985. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION recommending that the Council sponsor and arrange a formal forum-symposium on waste disposal"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

[Clerk's Note: Councillor Schneider, chairman of the Economic Development Committee was absent at the March 13, meeting of the Committee. Councillor Clark served as Acting Chairman but was also absent from the Council meeting.

Mr. James T. Crawford, Bond Counsel for the City agreed to present the committee report on the following economic development bond issue proposals.”o

PROPOSAL NO. 125, 1985. This is a final bond ordinance authorizing the issuance of \$1,330,000 Economic Development Revenue Bonds for the Community Blood Bank of Marion County, Inc. d/b/a/ Central Indiana Regional Blood Center. Mr. Crawford reviewed the project as the purchase and renovation of an existing building located at 3450 North Meridian Street which will be used to provide the blood service needs of thirteen hospitals in Marion County in addition to twenty-six hospitals in twenty-five counties in Central Indiana. The Bonds are being purchased by Peoples Bank & Trust and Merchants National Bank. The interest rate will be 75½% of the prime rate of interest computed against a maximum prime of 16% from the date of delivery until March 31, 1986. Thereafter, the interest rate is 70% of the prime rate of interest computed against a maximum prime of 16%. The principal will have a fifteen-year maturity and is payable in 180 monthly installments. The final maturity is in the Year 2000. Councillor Gilmer moved, seconded by Councillor Stewart, for adoption. Proposal No. 125, 1985, was adopted on the following roll call vote; viz:

23 AYES: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader

NO NAYS

6 NOT VOTING: Clark, Giffin, McGrath, Page, Schneider, West

Proposal No. 125, 1985, was retitled SPECIAL ORDINANCE NO. 10, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 1985

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its “Economic Development Revenue Bonds (Community Blood Bank of Marion County, Inc. Project) in the aggregate principal amount of One Million Three Hundred Thirty Thousand Dollars (\$1,330,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Community Blood Bank of Marion County, Inc. d/b/a Central Indiana Regional Blood Center and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on March 13, 1985, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Community Blood Bank of Marion County, Inc. d/b/a Central Indiana Regional Blood Center (the "Company") consisting of the acquisition, renovation, installation and equipping of an existing building and the machinery and equipment to be installed therein plus certain site improvements to be located at 3450 North Meridian Street, Indianapolis, Indiana which will be used to provide blood service to hospitals located in central Indiana counties (the "Project") which will be initially owned and operated by Community Blood Bank of Marion County, Inc. d/b/a Central Indiana Regional Blood Center complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Bond Purchase Agreement, Loan Agreement, Mortgage and Security Agreement, First Mortgage Note and the form of the City of Indianapolis Economic Development Revenue Bonds (Community Blood Bank of Marion County, Inc. Project) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement consisting of the acquisition, renovation, installation and equipping of an existing building and the machinery and equipment to be installed therein plus certain site improvements to be located at 3450 North Meridian Street, Indianapolis, Indiana which will be used to provide blood service to hospitals located in central Indiana counties previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Community Blood Bank of Marion County, Inc. d/b/a Central Indiana Regional Blood Center for the purposes of financing the economic development facilities being acquired, renovated, installed and equipped or to be acquired, renovated, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Community Blood Bank of Marion County, Inc. d/b/a Central Indiana Regional Blood Center will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Bond Purchase Agreement, Loan Agreement, Mortgage and Security Agreement, First Mortgage Note and the form of the City of Indianapolis Economic Development Revenue Bonds (Community Blood Bank of Marion County, Inc. Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Bond Purchase Agreement, Loan Agreement, Mortgage and Security Agreement, First Mortgage Note and the form of the City of Indianapolis Economic Development Revenue Bonds (Community Blood Bank of Marion County, Inc. Project) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds (Community Blood Bank of Marion County, Inc. Project) in the aggregate principal amount of One Million Three Hundred Thirty Thousand Dollars (\$1,330,000) for the purpose of procuring funds to loan to Community Blood Bank of Marion

County, Inc. d/b/a Central Indiana Regional Blood Center in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Community Blood Bank of Marion County, Inc. on its First Mortgage Note in the principal amount of One Million Three Hundred Thirty Thousand Dollars (\$1,330,000), which will be executed and delivered by Community Blood Bank of Marion County, Inc. to evidence and secure said loan, and as otherwise provided in the above described Bond Purchase Agreement and Loan Agreement, Mortgage and Security Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any and at a rate of interest not to exceed 25% per annum except as provided in the event of a Determination of Taxability when the Taxable Rate (as defined in the Loan Agreement) would take effect.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Bond Purchase Agreement, Loan Agreement, Mortgage and Security Agreement, the City of Indianapolis Economic Development Revenue Bonds (Community Blood Bank of Marion County, Inc. Project), and the Endorsement to the First Mortgage Note approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Bond Purchase Agreement. The Mayor and City Clerk may by their execution of the Bond Purchase Agreement, Loan Agreement, Mortgage and Security Agreement, the Endorsement to the First Mortgage Note and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in the First Mortgage Note without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Bond Purchase Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds (Community Blood Bank of Marion County, Inc. Project) and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 126, 1985. This is an inducement resolution amending previously adopted Special Resolution No. 81, 1984, for Horace Mann, an Indiana limited partnership, to increase the amount from \$660,000 to \$875,000. Mr.

Crawford stated that the project is the acquisition and renovation of the former I.P.S. School No. 13 for use as multi-family residential units (located in the Fletcher Place Historic District). The amendment is being requested because costs have exceeded original projections. Councillor Gilmer moved, seconded by Councillor Rader, for adoption. Proposal No. 126, 1985, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

5 NOT VOTING: *Clark, Giffin, McGrath, Page, Schneider*

Proposal No. 126, 1985, was retitled SPECIAL RESOLUTION NO. 24, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 1985

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Horace Mann, an Indiana limited partnership (the "Company") has previously advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate, and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to provide financing to the Company for the same, said economic development facilities to be the acquisition, renovation, installation and equipping of the vacant former IPS School No. 13 building which would contain approximately 21,400 net leasable square feet and the machinery and equipment to be installed therein plus certain site improvements to be located at 714 Buchanan Street, Indianapolis, Indiana, on approximately 0.89 acres of land which will be used as multi-family residential rental housing containing approximately 21 units (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 2 additional jobs at the end of one year and at the end of three years) to be achieved by the acquisition, renovation, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the City-County Council on September 10, 1984 adopted Special Resolution No. 81, 1984 which stated in part "The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of

the City ("Issuer") in an approximate amount of \$660,000 under the Act to be privately placed for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to Horace Mann, an Indiana limited partnership (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act"; and

WHEREAS, the Company has advised the City that the costs of the Project have increased and that it wishes to have the dollar amount of Special Resolution No. 81, 1984 increased to \$875,000; and

WHEREAS, it would appear that the increase in the dollar amount of the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, renovation, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; 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 finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of (\$875,000) under the Act to be privately placed for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to Horace Mann, an Indiana limited partnership (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to continue with the acquisition, construction, renovation, installation and equipping of the Project, approved by this City-County Council on September 10, 1984, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds subject to the caveat that this inducement resolution expires October 31, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of City-County Special Resolution No. 81, 1984 passed on September 10, 1984, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 127, 1985. This is an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for Shepard Poorman Communications Corporation in an approximate amount of \$5,500,000. The Company is involved in commercial printing and related graphic arts services and prints approximately seventy periodicals. Most of the Company's business is within the State of Indiana. Mr. Crawford stated that this resolution represents the Company's fourth request for economic development bond financing. Shepard & Poorman have exceeded employment projections on all three of the previously approved projects. The project is to build a 20,000 square foot addition to the Company's existing 61,500 square foot facility located at 7301 North Woodland Avenue. The office and plant areas will be expanded to accommodate an additional prepress and bindery operations. The project includes installation of a substantial amount of new equipment. Estimated costs for the \$5,500,000 project are as follows: \$600,000 building and \$4,900,000 equipment. It is anticipated that most of the equipment will be installed within twenty-four months. The estimated number of additional employment positions at the end of one year total twelve jobs with \$300,150 in additional payroll to the community. The three-year job estimate is fifty positions with \$1,250,600 in additional payroll. Councillor Curry pointed out that the proposal stated only 20 additional positions available in three years and this was considered a technical amendment to change it to the state 50 positions. The company reports a current annual payroll of \$3,976,956 with 159 positions. Councillor Stewart moved, seconded by Councillor Howard, for adoption. Proposal No. 127, 1985, was adopted on the following roll call vote; viz:

23 AYES: *Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

6 NOT VOTING: *Borst, Clark, Giffin, McGrath, Page, Schneider*

Proposal No. 127, 1985, was retitled SPECIAL RESOLUTION NO. 25, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 1985

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Shepard Poorman Communications Corporation (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to provide financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of an approximately 20,000 square foot addition to the existing 61,500 square foot facility and the machinery and equipment to be installed therein plus certain site improvements to be located at 7301 North Woodland Drive, Indianapolis, Indiana on approximately 9 acres of land which will be used by Shepard Poorman Communications Corporation to expand office and plant areas to accommodate additional prepress and bindery operations in the Company's commercial printing and related graphic arts services business (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 12 at the end of one year and 50 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; 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 finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Five Million Five Hundred Thousand Dollars (\$5,500,000) under the Act to be privately placed for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Shepard Poorman Communications Corporation (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, installation and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during the calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires October 31, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 128, 1985. This is an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for Haden Schweitzer Corporation in an approximate amount of \$1,250,000. Mr. Crawford stated that the Company started a satellite manufacturing operation in Indianapolis in July of 1980 as a temporary measure to alleviate periodic overflow at the Company's main manufacturing plant in Madison Heights, Michigan. The Company currently leases 45,000 square feet of industrial fabricating space located at 901 East Meecher Road. The lease will expire in July of 1985. The project is to purchase an existing 72,000 square foot facility located at 8301 East 33rd Street (currently owned by U.S. Steel). The structure will be remodeled along with capital improvements necessary for the manufacturing of process equipment for industrial (paint) finishing systems and various pollution control equipment. Estimated costs for the \$1,250,000 project are as follows: \$550,000 land and building, \$649,900 capital improvements and \$50,100 miscellaneous expenditures. The estimated number of additional employment positions at the end of one year total twenty-five jobs with \$576,000 in additional payroll to the community. The three-year job estimate is fifty positions with \$1,152,000 in additional payroll. The company reports a current annual payroll of \$785,000 with thirty-four positions. Councillor Stewart moved, seconded by Councillor Gilmer, for adoption. Proposal No. 128, 1985, was adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Clark, Giffin, Page, Schneider*

Proposal No. 128, 1985, was retitled SPECIAL RESOLUTION NO. 26, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 1985

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Haden Schweitzer Corporation (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to provide financing to the Company for the same, said economic development facilities to be the acquisition, renovation, installation and equipping of an existing building containing approximately 72,000 square feet and the machinery and equipment to be installed therein plus certain site improvements located at 8301 East 33rd Street, Indianapolis, Indiana on approximately 6 acres of land which will be used by Haden Schweitzer Corporation for administrative offices and the manufacturing of process equipment for industrial (paint) finishing systems, including spraybooths, ovens, electrocoat machines, washers, phosphate machines, pickling machines, degreasers and various pollution control equipment such as thermal and catalytic incinerators, scrubbers, and other pollution collection equipment (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 25 at the end of one year and 50 at the end of three years) to be achieved by the acquisition, renovation, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, renovation, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; 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 finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) under the Act to be privately placed for the acquisition, renovation, installation and equipping of

the Project and the sale or leasing of the Project to Haden Schweitzer Corporation (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, renovation, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and that the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires October 31, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 129, 1985. This is an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for Madan Company in an approximate amount of \$937,000. Mr. and Mrs. Madan own 100% of the stock of Continental Products, Inc. Mr. Crawford stated that Continental Products, Inc. currently leases 8,000 square feet at 2762 Rand Road in Park Fletcher, where it manufactures air conditioning, refrigeration, heat transfer and energy efficient equipment. The project is to construct a 30,000 square foot facility on 9.43 acres at the corner of Chief Lane and Stockberger

Road in Park Fletcher. The Madan Company will lease the facility to Continental Products, Inc. The Madan Company is not union and almost all of the employees live inside of Marion County. The Company has also hired students graduating from ITT and other technical colleges. Non-union labor has offered some savings because the Company's "free" labor rate ranges from \$5 to \$10 per hour compared to \$35-\$45 per hour elsewhere around the country for union rates. Another strength of the Company is that it is "full service" including engineering, marketing, assembling, packaging, etc. Estimated costs for the \$937,000 project are as follows: \$237,000 land, \$550,000 building and \$150,000 equipment. Construction is expected to begin immediately with occupancy by December 31, 1985. The estimated number of additional employment positions at the end of one year total twenty jobs with \$260,000 in additional payroll to the community. The three-year job estimate is forty-five positions with \$650,000 in additional payroll. The company reports a current annual payroll of \$300,000 with twenty-seven positions. Councillor Gilmer moved, seconded by Councillor Boyd, for adoption. Proposal No. 129, 1985, was adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Clark, Giffin, Page, Schneider*

Proposal No. 129, 1985, was retitled SPECIAL RESOLUTION NO. 27, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 1985

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Madan Company (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic

development financing to provide financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of a building containing approximately 30,000 square feet and the machinery and equipment to be installed therein plus certain site improvements located at the corner of Chief Lane and Stockberger Road in Park Fletcher, Indianapolis, Indiana on approximately 9.43 acres of land which will be used by Continental Products, Inc. for manufacturing air conditioning, refrigeration and heat transfer products and for related office space (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 20 at the end of one year and 45 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; 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 finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Nine Hundred Thirty-seven Thousand Dollars (\$937,000) under the Act to be privately placed to provide financing for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Madan Company (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds provided that at

the time of the proposed issuance of such bonds the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the City of Indianapolis by taking this action is not making any representation nor any assurances that any such allocable limit will be available, that inducement resolutions in aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and that no portion of such private activity bond limit has been guaranteed for the proposed project and subject to the further caveat that this inducement resolution expires October 31, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 130, 1985. This is an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for Joseph F. Sexton, a corporation controlled by Joseph F. Sexton, or a limited partnership of which Joseph F. Sexton or a corporation controlled by him is the general partner in an approximate amount of \$20,000,000. Mr. Crawford described the project as the construction of thirty-three individual apartment buildings containing a total of 554 units of multi-family residential rental housing (413,730 square feet net rentable). The project is to be located on 48.573 acres at 7800 West 38th Street. Monthly rental rates are expected to be approximately \$290 for a one-bedroom apartment and \$480 for a two-bedroom apartment. Estimated costs for the \$20,269,238 project are as follows: \$878,598 land, \$9,313,030 building, \$3,260,675 general conditions, \$3,407,510 financing costs, \$264,838 start-up costs, \$2,466,642 other development costs, and \$667,945 contingencies. The estimated number of additional employment positions at the end of one year total eight jobs with \$120,000 in additional payroll to the community. The three-year job estimate is also eight positions with \$150,000 in

additional payroll. There will also be several hundred construction jobs created. Councillor Curry moved, seconded by Councillor Howard, for adoption. Proposal No. 130, 1985, was adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Clark, Giffin, Page, Schneider*

Proposal No. 130, 1985, was retitled SPECIAL RESOLUTION NO. 28, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 1985

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Joseph F. Sexton, or a limited partnership of which Joseph F. Sexton or a corporation controlled by him is the general partner or a corporation controlled by Joseph F. Sexton (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to provide interim (construction) financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of approximately 554 units of multifamily residential rental housing contained in 33 individual buildings having a total gross building area of approximately 453,610 square feet and the machinery and equipment to be installed therein plus certain site improvements to be located at 7800 West 38th Street on approximately 48.573 acres of land, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 8 at the end of one year and at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, it would appear that the interim (construction) financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; 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 finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Twenty Million Dollars (\$20,000,000) under the Act to be privately placed to provide interim (construction) financing for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Joseph F. Sexton, or a limited partnership of which Joseph F. Sexton or a corporation controlled by him is the general partner or a corporation controlled by Joseph F. Sexton (the "Company") or the loaning of the proceeds of such interim (construction) financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, installation and equipping of the Project, this City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid interim (construction) financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds or refinancing of such bonds subject to the caveat that this inducement resolution expires October 31, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 131, 1985. This is an inducement resolution amending Special Resolution No. 15, 1985, for Joseph F. Sexton, a corporation controlled by Joseph F. Sexton, or a limited partnership of which Joseph F. Sexton or a corporation controlled by him is the general partner to increase the amount from \$18,000,000 to \$23,000,000. Mr. Crawford explained that the amendment is necessary to fully induce the total estimated cost of the Project. Councillor Stewart moved, seconded by Councillor Rader for adoption. Proposal No. 131, 1985, was adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Clark, Giffin, Page, Schneider*

Proposal No. 131, 1985, was retitled SPECIAL RESOLUTION NO. 29, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 1985

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Joseph F. Sexton, or a limited partnership of which Joseph F. Sexton or a corporation controlled by him is the general partner or a corporation controlled by Joseph F. Sexton (the "Company") has previously advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to provide interim (construction) financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of approximately 702 units of multifamily residential rental housing and the machinery and equipment to be installed therein plus certain site improvements to be located at 8300 Township Line Road on approximately 57.248 acres of land, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 8 at the end of one year and at the end of three years) to be achieved by the acquisition, construction, installation and

equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the City-County Council on February 25, 1985 adopted Special Resolution No. 15, 1985 which stated in part that "The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of \$18,000,000 under the Act to be privately placed to provide interim (construction) financing for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Company or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act"; and

WHEREAS, the Company has advised the City that it wishes to have the dollar amount of Special Resolution No. 15, 1985 increased to \$23,000,000; and

WHEREAS, it would appear that the increase in the dollar amount financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating or in the same market area or in or about Indianapolis, Indiana; 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 finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of Twenty-three Million Dollars (\$23,000,000) under the Act to be privately placed to provide interim (construction) financing for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Joseph F. Sexton, or a limited partnership of which Joseph F. Sexton or a corporation controlled by him is the general partner or a corporation controlled by Joseph F. Sexton (the "Company") or the loaning of the proceeds of such interim (construction) financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to continue with the acquisition, construction, installation and equipping of the Project approved by this City-County Council on February 25, 1985, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid interim (construction)

financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds or refinancing of such bonds subject to the caveat that this inducement resolution expires October 31, 1985 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Company, the City by official action extends the terms of this inducement resolution.

SECTION 4. All costs of the Project incurred after the passage of City-County Special Resolution No. 15, 1985 passed on February 25, 1985, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 147-153, 1985. Introduced by Councillor Borst. The Clerk read the proposals entitled: "GENERAL ORDINANCE and REZONING ORDINANCES certified by the Metropolitan Development Commission on March 21, 1985". No action was taken by the Council; and the proposals were deemed adopted. Proposal No. 147, 1985, was retitled GENERAL ORDINANCE NO. 23, 1985, and Proposal Nos. 148-153, 1985, were retitled REZONING ORDINANCE NOS. 32-37, 1985, and read as follows:

GENERAL ORDINANCE NO. 23, 1985 85-AO-1
Amending the CBD-Special Development District Zoning Ordinance (ORDINANCE 68-AO-7) to give the Commission discretion to approve a preliminary plan rather than a final plan, to authorize the Administrator to approve final plans consistent with the preliminary plan and to remove setback requirements.

**REZONING ORDINANCE NO. 32, 1985 85-Z-1 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 9
715 EAST 38TH STREET, INDIANAPOLIS**
Jerry W. Moore requests the rezoning of 0.92 acres, being in the D-8 district, to the C-3 classification, to provide for the continued use of this site for retail commercial purposes.

**REZONING ORDINANCE NO. 33, 1985 85-Z-16 AMENDED PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
1702 EAST COUNTY LINE ROAD, INDIANAPOLIS**
Toys-R-Us, Inc., by Scott A. Lindquest, requests the rezoning of 17.3 acres, being in the C-3 district, to the C-4 classification, to provide for the construction of a 45,800 square foot toy store in an existing intergrated center.

**REZONING ORDINANCE NO. 34, 1985 85-Z-17 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13**

5457 ELMWOOD AVENUE, BEECH GROVE, INDIANA

Edward and Violet Angrick and Whiteco Metrocom, by Dixon B. Dann, request the rezoning of 4.09 acres, being in the D-3 district, to the I-2-S classification, to provide for development for permitted uses.

**REZONING ORDINANCE NO. 35, 1985 85-Z-20 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1**

6877 TOWNSHIP LINE ROAD, INDIANAPOLIS

Crooked Creek Community Council, Inc., by Harold J. Bell, requests the rezoning of 0.50 acre, being in the D-6 II district, to the SU-38 classification, to provide for the reuse of a residential structure for a community center.

**REZONING ORDINANCE NO. 36, 1985 85-Z-22 (85-DP-2) WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 6**

1050 RIVIERA DRIVE EAST, INDIANAPOLIS

Stenz and Associates requests the rezoning of 0.86 acre, being in the D-P district, to the D-P classification, to provide for the construction of a five-story apartment building containing a total of 52 dwelling units.

**REZONING ORDINANCE NO. 37, 1985 85-Z-48 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NOS. 16 & 21**

801 WEST WASHINGTON STREET, INDIANAPOLIS

Metropolitan Development Commission, by Jon A. Meeks, requests the rezoning of 253 acres, being in the D-5, D-8, SU-38, CBD-2, CBD-S, C-5, C-7, I-3-U and I-4-U districts, to the CBD-S classification, to provide for the development of White River Park.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 55, 1985. This proposal appropriates \$50,000 for the Central Equipment Management Division to purchase land for the new garage facility. Councillor Coughenour stated that the Parks Department had purchased property surrounding the Parks Department Headquarters for the purpose of building the new central garage. Proposal No. 55, 1985, appropriates funds which will reimburse the Parks Department for this purchase. The Administration Committee on March 18, 1985, recommended Proposal No. 55, 1985, Do Pass by a vote of 4-0. The President called for public testimony at 7:59 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Curry for adoption. Proposal No. 55, 1985, was adopted on the following roll call vote; viz:

25 AYES: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

4 NOT VOTING: Clark, Giffin, Page, Schneider

Proposal No. 55, 1985, was retitled FISCAL ORDINANCE NO. 20, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Fifty Thousand Dollars (\$50,000) in the Consolidated County Fund for purposes of the Department of Administration, Central Equipment Management Division and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for the purchase of land for the new garage facility.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) 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

CENTRAL EQUIPMENT MANAGEMENT DIV. CONSOLIDATED COUNTY FUND

4. Capital Outlay	<u>\$50,000</u>
TOTAL INCREASE	\$50,000

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

DEPARTMENT OF ADMINISTRATION

CENTRAL EQUIPMENT MANAGEMENT DIV. CONSOLIDATED COUNTY FUND

Unappropriated and Unencumbered Consolidated County Fund	<u>\$50,000</u>
TOTAL REDUCTION	\$50,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 109, 1985. This proposal appropriates \$28,060 for various county agencies to increase the salaries of county employees earning less than \$10,000. Councillor Cottingham reported that this does not appropriate funds

to ensure that every county employee makes at least \$10,000. Proposal No. 109, appropriates funds to the various department heads and it is left to their discretion which employees receive merit increases. The County and Townships Committee on March 20, 1985, recommended Proposal No. 109, 1985, Do Pass by a vote of 5-0. The President called for public testimony at 8:05 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Crowe for adoption. Proposal No. 109, 1985, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

5 NOT VOTING: *Clark, Giffin, Howard, Page, Schneider*

Proposal No. 109, 1985, was retitled FISCAL ORDINANCE NO. 21, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Twenty-eight Thousand Sixty Dollars (\$28,060) in the County General Fund for purposes of Various County Agencies and reducing certain other appropriations for the Marion County Auditor.

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 2.02 (a)(3),(6) and (9), (b)(4) and (5), and (c)(3) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds to increase salaries of county employees earning less than \$10,000.

SECTION 2. The sum of Twenty-eight Thousand Sixty Dollars (\$28,060) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>CLERK OF THE CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$ 5,773
<u>MARION COUNTY HEALTHCARE CENTER</u>	
1. Personal Services	18,415
<u>COUNTY RECORDER</u>	
1. Personal Services	438
<u>COUNTY TREASURER</u>	
1. Personal Services	767

SUPERIOR COURT - JUVENILE DIV.

1. Personal Services 1,717

JUVENILE DETENTION CENTER

1. Personal Services 950
TOTAL INCREASE \$28,060

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

COUNTY AUDITOR COUNTY GENERAL FUND

1. Personal Services (Fringes) \$28,060

TOTAL REDUCTION \$28,060

SECTION 5. The personnel schedules are hereby amended by deleting the cross-hatched portions and adding the new amounts as underlined herein:

(3) CLERK OF THE CIRCUIT COURT - Dept. 07

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Elected Official	1	35,355	35,355
Chief Deputy	1	26,045	26,045
Chief Clerk	1	24,513	24,513
Sr. Admin. Asst.	2	23,530	43,286
Admin. Asst.	1	18,375	20,378
Supervisor	10	18,375	120,000
Asst. Supervisor	6	16,120	64,000
Clerk Specialist I	8	14,700	77,885
Clerk Specialist II	45	13,650	472,995 476,619
Clerk Specialist III	50	11,466	435,975 459,621
Temporary			30,000
Vacancy Factor			(137,990) (33,127)
TOTAL	125	1,439,997	<u>1,344,575</u>

(3) MARION COUNTY HEALTHCARE CENTER - Dept. 21

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Administrator	1	39,399	39,399
Director of Nursing	1	32,014	32,014
Exec. Housekeeper/Laundry Manager	1	28,076	28,076
Registered Pharmacist	0	0	1,236
Business Manager	1	26,000	26,000
Coord. of Staff Develop.	1	24,641	24,641
Registered Dietician	1	24,641	24,641
Human Service Workers	2	24,440	45,385
Physical Plant Technicians	13	24,278	209,512
Chaplain	1	23,049	23,049
Registered Occup. Therapist	0	0	1,055
Directors of Food Service	2	19,906	38,820
Clinical Nurses	44	19,906	703,993 704,018

Office Technicians	22	17,617	267,911	<u>268,411</u>
Ancillary Technicians	4	15,318	47,825	<u>48,025</u>
Ancillary Assistants	6	14,937		<u>83,245</u>
Grooming Assistants	2	14,560		<u>17,399</u>
Supervisors	6	13,632	74,176	<u>74,276</u>
Activity Workers	7	12,747	70,912	<u>71,462</u>
Housekeeping/Laundry Asst.	34	10,968	317,198	<u>323,398</u>
Intern	1	10,640		<u>10,640</u>
Cooks	5	10,190	50,298	<u>50,596</u>
Nursing Assistants	78	9,459 9,459	726,112	<u>739,552</u>
Dietary Assistants	25	9,459 9,459	225,291	<u>229,791</u>
Dentist	1	5,134		<u>5,134</u>
Podiatrist	1	4,482		<u>4,482</u>
Board Per Diem				<u>2,100</u>
Vacancy Factor			(402,094)	<u>(408,879)</u>
TOTAL	260		2,699,069	<u>2,717,478</u>

(6) COUNTY RECORDER - Dept. 26

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Recorder	1	32,053	32,053
Chief Deputy Recorder	1	25,051	25,051
Fiscal Deputy	1	18,018	18,018
Admin. Secretary	1	13,153	13,153
Deputy Recorders I	3	13,983	38,375
Deputy Recorders II	19	12,200	212,910 <u>212,910</u>
<u>Vacancy Factor</u>			<u>19 (162)</u>
TOTAL	26		338,960 <u>339,398</u>

(9) COUNTY TREASURER - Dept. 30

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
County Treasurer	1	37,528	37,528
Chief Deputy	1	32,768	32,768
Asst. Chief Deputy	1	28,771	28,771
Section Chief	1	21,086	21,086
Specialist II	4	17,841	71,364
Supervisor II	7	13,887	97,209
Cashier	4	11,000	43,000
Accountant II	1	18,697	18,697
Secretary I	1	15,184	15,184
Bookkeeper II	12	11,663	148,419 <u>134,907</u>
Bookkeeper III	5	10,589	49,419 <u>49,990</u>
Temporary			<u>18,000</u>
<u>Vacancy Factor</u>			<u>0 (283)</u>
TOTAL	38		1,971,494 <u>568,221</u>

(4) SUPERIOR COURT - JUVENILE DIVISION - Dept. 65

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Judge	1	17,153	17,153
Administrators	3	36,698	87,231
Managers	14	25,643	295,580
Secretaries	4	13,734	148,780 49,880
Computer Operators	4	15,000	52,087
Clerk-Typists	15	12,668	1109,923 111,323
Referees	5	36,193	120,060
Court Reporters	6	21,708	125,181
Bailiffs	7	16,024	92,1215 92,345
Probation	61	23,504	909,337
Professional Staff	5	29,226	104,932
Maintenance Staff	8	13,009	89,1798 70,498
Jury Per Diem			8,160
Temporary Help			12,852
Vacancy Factor			(1198,868) (193,996)
TOTAL	133	1,860,196	1,862,623

(5) JUVENILE DETENTION CENTER - Dept. 53

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Administrator	1	27,100	27,100
Assistant Managers	5	23,896	100,783
Asst. Supervisor	6	15,701	87,622
Child Care Supervisors	67	15,620	821,308 821,408
Clerk Typist	7	13,146	76,625
Cook	9	12,858	96,971 97,521
Dir. of Nursing	1	21,008	21,008
Janitor/Maid	3	12,277	32,457 32,757
Laundry	2	11,371	120,468 20,916
Maintenance Men	5	11,099	53,739
Maint. Supervisor	1	18,377	18,377
Nurse	5	14,902	70,121
Overtime			28,000
Professional	2	22,932	44,506
Recreation Director	1	17,545	17,545
Recreation Staff	4	16,519	59,449
Seamstress	1	11,154	11,154
Social Serv. Director	1	18,673	18,673
Social Worker	7	16,247	101,033
Specialist	1	15,179	15,179
Temporary			10,822
Vacancy Factor			(60,682) (61,012)
TOTAL	129	1,872,376	1,673,326

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 112, 1985. This proposal appropriates \$460,756 for the Prosecutor's Child Support Agency for the Summer Project and the Automatic Data Processing System Upgrade Project. Councillor Dowden explained that the Summer Program is \$42,456 to hire 12 college students, who will help the Clerk's Office update the current divorces. The Automatic Data Processing System is the upgrade of the Child Support mini-computer. The appropriation includes \$292,810 Federal Financial Participation or 70% and \$125,490 of County Match dollars. The Public Safety and Criminal Justice Committee on March 13, 1985, technically amended Proposal No. 112, 1985 and recommended it Do Pass As Amended by a vote of 8-0. The President called for public testimony at 8:09 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst for adoption. Proposal No. 112, 1985, as amended, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

5 NOT VOTING: *Clark, Giffin, Howard, Page, Schneider*

Proposal No. 112, 1985, as amended, was retitled FISCAL ORDINANCE NO. 22, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 22, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Four Hundred Sixty Thousand Seven Hundred Fifty-six Dollars (\$460,756) in the County General Fund for purposes of the Prosecutor's Child Support Agency 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 2.02 (b)(23) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating \$42,456 for the Summer Project and \$418,300 for the Automatic Data Processing System Upgrade Project which is 70% (\$292,810) Title IV D reimbursed.

SECTION 2. The sum of Four Hundred Sixty Thousand Seven Hundred Fifty-six Dollars (\$460,756) 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:

PROSECUTOR'S CHILD SUPPORT AGENCY	COUNTY GENERAL FUND
1. Personal Services	\$53,683
2. Supplies	1,750
3. Other Services & Charges	2,023
4. Capital Outlay	<u>403,300</u>
TOTAL INCREASE	\$460,756

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

PROSECUTOR'S CHILD SUPPORT AGENCY	COUNTY GENERAL FUND
Unappropriated and Unencumbered County General Fund	<u>\$460,756</u>
TOTAL REDUCTION	\$460,756

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(23) PROSECUTOR'S CHILD SUPPORT IV-D AGENCY - Dept. 04

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Supervisor Professional	2	40,110	46,800
Administrative Supervisor	5	23,377	86,000
Deputy Prosecutors	9	36,135	167,136
Paralegals	26	19,513	350,000
Secretaries	24	16,926	265,264
Temporary			61,578 <u>60,261</u>
Vacancy Factor			<u>(60,000)</u>
TOTAL	66	831,778 <u>915,461</u>	

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 113, 1985. This proposal appropriates \$25,000 for the Prosecutor's Child Support Agency for consulting services for the Electronic Funds Transfer Pilot Project. Councillor Dowden stated that Indianapolis has been chosen as a national test site for this project which demonstrates how a private enterprise could contract with the office of a Clerk and Prosecutor for more efficient collection and distribution of child support dollars. These funds are 100% State reimbursed. The Public Safety and Criminal Justice Committee on March 13, 1985, recommended Proposal No. 113, 1985, Do Pass by a vote of 8-0. The President called for public testimony at 8:10 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Hawkins for adoption. Proposal No. 113, 1985, was adopted on the following roll call vote; viz:

24 AYES: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

5 NOT VOTING: Clark, Dowden, Giffin, Page, Schneider

Proposal No. 113, 1985, was retitled FISCAL ORDINANCE NO. 23, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the County General Fund for purposes of the Prosecutor's Child Support Agency 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 2.02 (b)(23) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for consultation services for the Electronic Funds Transfer Pilot Project which is 70% reimbursed by the federal program.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) 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:

PROSECUTOR'S CHILD SUPPORT AGENCY	COUNTY GENERAL FUND
3. Other Services & Charges	\$25,000
TOTAL INCREASE	<u>\$25,000</u>

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

PROSECUTOR'S CHILD SUPPORT AGENCY	COUNTY GENERAL FUND
Unappropriated and Unencumbered County General Fund	\$25,000
TOTAL REDUCTION	<u>\$25,000</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 114, 1985. This proposal appropriates \$18,230 for the Marion County Prosecutor and Auditor for the Latchkey Services Coordination Project. Councillor Dowden explained that this grant is for seven months and at the end

of that time, the established task force will continue independently or disband. This will be a coordination point for evaluating services for children who do not have organized activities after school. The Department believes that the omission of a concentrated effort to study this subject is leading to increased patterns of juvenile delinquency. The Public Safety and Criminal Justice Committee on March 13, 1985, recommended Proposal No. 114, 1985, Do Pass by a vote of 8-0. The President called for public testimony at 8:12 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Shaw for adoption. Proposal No. 114, 1985, was adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Clark, Giffin, Page, Schneider*

Proposal No. 114, 1985, was retitled FISCAL ORDINANCE NO. 24, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Eighteen Thousand Two Hundred Thirty Dollars (\$18,230) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and Auditor and reducing the unappropriated and unencumbered balance in the State and Federal 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 2.02 (a)(2) and (b)(22) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating funds for the Latchkey Services Coordination Project. The Grant is funded by the Federal Juvenile Justice Program.

SECTION 2. The sum of Eighteen Thousand Two Hundred Thirty Dollars (\$18,230) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

MARION COUNTY PROSECUTOR	STATE AND FEDERAL GRANT FUND
31. Personal Services	\$11,388
34. Equipment	1,600
35. Operating Expenses	2,000
	<hr/>
	\$14,988

MARION COUNTY AUDITOR

31. Personal Services (Fringes)

TOTAL INCREASE

3,242
\$18,230

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

MARION COUNTY PROSECUTOR

STATE AND FEDERAL GRANT FUND

Unappropriated and Unencumbered

State and Federal Grant Fund

TOTAL REDUCTION

\$18,230
\$18,230

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Deputy Prosecutors	4	32,000	62,000
Witness Coordinator	1	18,000	18,000
Paralegal	1	17,000	17,000
Investigator	1	21,000	21,000
Project Analyst	1	11,000	11,000
Director	4	25,500	58,000
Volunteer Coordinator	1	15,000	15,000
Project Coordinator	0/1	0 9,240	0 5,331
Secretary	<u>3/4</u>	14,500	<u>29,000 31,057</u>
Counselor	2	15,000	29,000
Screening Deputy	1	12,000	10,000
Intern	1	13,000	6,500
Data Entry Clerk	1	13,000	6,500
Vacancy Factor	—	—	<u>(56,525)</u>
TOTAL	<u>21 23</u>		<u>222,175/ 233,863</u>

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 115, 1985. This proposal appropriates \$22,000 for the Prosecutor for a federal training grant and the White Collar Crime and Public Corruption Investigations. Councillor Dowden explained that the first grant appropriates \$2,000 for two deputy prosecutors to attend a seminar sponsored by the National College of District Attorneys and the remaining \$20,000 will continue investigations relating to two matters of white collar crime. The Public Safety and Criminal Justice Committee on March 13, 1985, recommended Proposal No. 115, 1985, Do Pass by a vote of 8-0. The President called for public testimony at 8:19 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Holmes for adoption. Proposal No. 115, 1985, was adopted on the following roll call vote; viz:

25 AYES: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

4 NOT VOTING: Clark, Giffin, Page, Schneider

Proposal No. 115, 1985, was retitled FISCAL ORDINANCE NO. 25, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 25, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Twenty-two Thousand Dollars (\$22,000) in the County General Fund for purposes of the Marion County Prosecutor 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 2.02 (b)(22) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating \$2,000 for a Federal Training Grant and \$20,000 for White Collar Crime and Public Corruption Investigations which will both be reimbursed.

SECTION 2. The sum of Twenty-two Thousand Dollars (\$22,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:	
MARION COUNTY PROSECUTOR	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$22,000</u>
TOTAL INCREASE	\$22,000

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

MARION COUNTY PROSECUTOR	COUNTY GENERAL FUND
Unappropriated and Unencumbered County General Fund	<u>\$22,000</u>
TOTAL REDUCTION	\$22,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 119, 1985. This proposal appropriates \$300,000 for the Marion County Auditor for the renovation of the Juvenile Detention Center. Councillor

Dowden stated that the engineers working on the renovation of the Juvenile Detention Center have indicated that the roof needs immediate attention in order to create a safe atmosphere for the children. The new roof will have a guarantee for a certain length of time. The Public Safety and Criminal Justice Committee on March 13, 1985, recommended Proposal No. 119, 1985, Do Pass by a vote of 8-0. The President called for public testimony at 8:20 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Nickell for adoption. Proposal No. 119, 1985, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

5 NOT VOTING: *Clark, Giffin, Gilmer, Page, Schneider*

Proposal No. 119, 1985, was retitled FISCAL ORDINANCE NO. 26, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 26, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Three Hundred Thousand Dollars (\$300,000) in the County Cumulative Building Fund for purposes of the Marion County Auditor and reducing the unappropriated and unencumbered balance in the County Cumulative Building 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 2.02 (a)(2) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating the County Cumulative Building Fund for renovation of the Juvenile Center.

SECTION 2. The sum of Three Hundred Thousand Dollars (\$300,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:
MARION COUNTY AUDITOR COUNTY CUMULATIVE BUILDING FUND

4. Capital Outlay	<u>\$300,000</u>
TOTAL INCREASE	<u>\$300,000</u>

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

MARION COUNTY AUDITOR	COUNTY CUMULATIVE BUILDING FUND
Unappropriated and Unencumbered	
County Cumulative Building Fund	<u>\$300,000</u>
TOTAL REDUCTION	\$300,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 21, 1985. This proposal amends the Code concerning activities in the right-of-way. Councillor Gilmer stated that this proposal had been thoroughly discussed and investigated and all sides had been willing to make and did made compromises for the betterment of the City. Councillor Gilmer outlined the following changes made by Proposal No. 21, 1985: 1) Establishes more stringent material specifications and standards for all material used in repairing cuts; 2) Establishes material specifications and standards for cold mix; 3) Establishes a training program for everyone involved in street cuts; 4) Gives the Department of Transportation six months to establish testing standards and specifications for use in measuring compaction and deflection; 5) Rescinds all waivers; 6) Establishes a procedure for "Council Review" of the Department of Transportation Board activities regarding street cuts; 7) Establishes more strict application, bonding, indemnification, notification, and approval procedures and levies more meaningful fees and fines; 8) Requires all temporary cuts to be returned to "as like condition" in a more timely manner; 9) Deletes redundant and repetitious language found in the original ordinance; and 10) makes everyone involved in street cuts accountable for the quality of their cuts. The Transportation Committee on March 20, 1985, recommended Proposal No. 21, 1985, Do Pass As Amended by a vote of 5-0. Councillor Curry moved to technically amend Proposal No. 21, 1985, by adding the term "minimum" in two places, on page 8, subsection (7)(A)(i) before the word "depth" so it would read ". . . a minimum" depth of two (2") inches . . ." and again on page 9, subsection (7)(B)(i) to read ". . . a minimum depth of two (2") inches . . .". The amendment passed by a unanimous voice vote. Councillor Gilmer moved, seconded by Councillor McGrath for adoption. Proposal No. 21, 1985, as amended, was adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Clark, Giffin, Page, Schneider*

Proposal No. 21, 1985, as amended, was retitled GENERAL ORDINANCE NO. 24, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 1985

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", concerning activities in the right-of-way.

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

SECTION 1. Article VII of Chapter 28 (Sections 28-321 through 28-323) of the "Code of Indianapolis and Marion County, Indiana", is hereby repealed, and a new Article VII adopted to read as follows:

ARTICLE VII. ACTIVITIES IN THE RIGHT-OF-WAY

Sec. 28-321. Applicability.

(a) This Article establishes minimum standards governing all activities and work performed by any person, partnership, corporation or other entity, including departments, divisions, agencies or boards of the City, in, on, under or over public rights-of-way containing roads dedicated to and accepted by the City.

(b) The minimum standards established by this Article shall not govern new street and bridge design and construction. The standards for new street and bridge design and construction are set forth in Article II of this Chapter.

Sec. 28-322. Duties and responsibilities of the department of transportation.

(a) The Department of Transportation ("DOT") shall be responsible for regulating and controlling all activities and work performed by any person, partnership, corporation or other entity, including departments, divisions, agencies or boards of the City, in, on, under and over public rights-of-way containing roads dedicated to and accepted by the City and for enforcing compliance with the minimum standards established by this Article and the provisions of regulations adopted by the Transportation Board pursuant to this Article.

(b) The DOT shall be responsible for recommending to the Transportation Board proposed regulations to be adopted by the Transportation Board as required by Sec. 28-323.

Sec. 28-323. Duties and responsibilities of the transportation board.

(a) The Transportation Board ("Board") shall, in accordance with the procedures specified in subsection (b) of this Sec. 28-323, adopt regulations deemed necessary and appropriate in order for the Board and the DOT to carry out their duties

and responsibilities under this Article, including, but not limited to, regulations establishing:

- (1) standards for traffic controls for construction and maintenance operations or activities in, on, under and over the public rights-of-way containing streets dedicated to and accepted by the City, which standards shall be designed to protect members of the public using such public rights-of-way and to be consistent, to the extent practicable, with the "Indiana Manual on Uniform Traffic Control Devices", the "Indiana State Highway Standard Specifications, 1985 Edition", and all other State and Federal statutes, recognizing, however, that traffic controls for projects within public rights-of-way subject to the jurisdiction of the DOT may be less stringent than the traffic controls required in connection with work on State or Federal highways where traffic will be traveling at much greater speeds;
- (2) restrictions with respect to when and how work should be performed in public rights-of-way containing streets dedicated to and accepted by the City in certain geographical areas, such as the area around Monument Circle, Hoosier Dome and Convention Center or in areas during times when special events, such as the 500 Mile Race and State Fair, are being held;
- (3) time periods when work in, under, on or over public rights-of-way containing streets dedicated to and accepted by the City should, except in cases of emergencies, be prohibited, such as during rush hours;
- (4) minimum standards for compaction or deflection testing or both; and
- (5) a schedule of fees for the enforcement of the provisions of this Article or the regulations duly adopted by the Board.

(b) Before any regulation is adopted by the Board pursuant to this Sec. 28-323, the Board shall cause a notice to be published in at least two (2) newspapers of general circulation printed and published in Marion County, Indiana at least twenty-one (21) days prior to the date set for a hearing on the proposed regulation. Said notice shall include a statement of the time and place of said hearing, a reference to the subject matter of the proposed regulation or regulations and refer to the fact that a copy of said regulation or regulations is on file in the office of the Board where it may be examined. At the same time said notice is sent to the newspapers for publication, a copy thereof shall be mailed to each public utility serving in Marion County. At least five (5) copies of said proposed regulation or regulations shall be on file at the office of the Board from the date of the first publication of said notice continuously until the said hearing and any interested person shall be given an adequate opportunity to examine a copy of said proposed regulation or regulations. On the date set for hearing, any interested party in person or by attorney shall be afforded an adequate opportunity to participate in the formulation of the proposed regulation or regulations through the presentation of facts or argument or the submission of written data or views. All relevant matter presented shall be given full the Board. If the Board, following the hearing and consideration and all relevant matter presented, adopts the regulation or regulations, either as proposed or as proposed with modifications or amendments, the regulation or regulations adopted by the Board shall be submitted to the Corporation Counsel of the City for his approval as to legality. When the regulation or regulations have been approved by the Corporation

Counsel of the City, the regulation or regulations shall be filed with the clerk of the Council for publication. The regulation or regulations shall become effective thirty (30) days after the date filed with the clerk of the Council, unless the council prior thereto amends the regulations or suspends their effective date. If the Board desires to repeal, rescind or amend any regulation adopted by it, the same procedure shall be followed as prescribed herein for adoption of a regulation.

(c) The Transportation Board, in cooperation with the Department of Transportation, shall establish a program pursuant to which instruction shall be provided to individuals who will be making, restoring or inspecting excavations in public right-of-way. Said program will consist of instruction concerning the proper methods of making and restoring excavations as set forth in this Article. The instruction program shall be conducted by competent individuals who are not individuals who will be making, restoring or inspecting excavations in the public rights-of-way in accordance with this Article. The cost associated with such instructional program shall be recovered as admission fees from those individuals attending such program. Persons attending and satisfactorily completing such instructional program shall receive a certificate to that effect. The instruction program established pursuant to this paragraph shall be implemented so that the first instruction program is conducted within ninety (90) days following the effective date of this ordinance. The program shall be offered at such frequencies so as to ensure that all individuals who will be making, restoring and inspecting excavations in the public rights-of-way after September 1, 1985, will be able to attend and complete the instructional program by that date. All DOT inspectors shall be required to attend the instructional program.

(d) There may be circumstances where it will be appropriate for the Board to grant a temporary exception or a permanent variance from either the standards established by this Article or the provisions of the regulations adopted by the Board. The Board should only grant exceptions or variances which it determines would be consistent with public safety and interest, would not frustrate the intent and policies expressed by this Article or the Board's regulations and would not endanger the traveling public using the public rights-of-way. The procedure concerning exceptions or variances shall be as follows:

- (1) Any person or entity subject to the provisions of this Article or the regulations adopted by the Board may submit a written application to the Board requesting a temporary exception or a permanent variance from a specific minimum standard established by this Article or a provision of a regulation adopted by the Board, setting forth the reasons why the exception or variance should be granted. Copies of the application shall also be provided to the Director of the DOT and to the Permit Section of the DOT.
- (2) The Board shall consider said application at its next regularly scheduled meeting held more than seven (7) days following receipt of the application and, by written order, grant said application if it determines that such action would be consistent with the public safety and interest, would not frustrate the intent and policies expressed by this Article or the Board's regulations and would not endanger the traveling public using the public rights-of-way. The Board may prescribe alternative measures to be used in lieu of those from which it granted an exception or variance. If the Board denies the application, it shall set forth in its order the reasons for the denial. The order granting or denying the application shall be mailed to the applicant by certified mail, return receipt requested.
- (3) If the exception or variance is approved by the Board, the Board shall certify its order to the Clerk of the Council. The exception or variance shall become effective thirty (30) days thereafter, unless the Transportation Committee of the Council shall reject or modify the order of the Board.

- (4) Exceptions or variances granted by the Board may be revoked by the vote of a majority of the Board upon finding after notice and hearing, that the person or entity granted the exception or variance is violating the terms of the Board's order granting the exception or variance or that the action of such person or entity pursuant to the exception or variance unreasonably jeopardizes the public safety or interest. The revocation of an exception or variance shall not affect the validity of any other exception or variance in effect for that person or entity.

Sec. 28-324. Right-of-way excavation permit required.

(a) Except as otherwise provided in subsection (b) of this Sec. 28-324, no person, partnership, corporation, or other entity, including departments, divisions, agencies or boards of the City, shall cut, drill, dig or excavate in or under a public right-of-way containing a street dedicated to and accepted by the City without first having obtained a right-of-way excavation permit from the DOT. Application for said permit shall be in accordance with Sec. 28-325.

(b) In the event a person, partnership, corporation, or other entity, including departments, divisions, agencies or boards of the City, find it necessary to cut, drill, dig or excavate in or under a public right-of-way containing a street dedicated to and accepted by the City for the purpose of restoring a utility service to a person or entity or for the purpose of making immediate repairs and at such time the Permit Section of the DOT is not staffed because, for example, it is after normal business hours or the Mayor of the City has declared a weather emergency or it is a City holiday, the person, partnership, corporation or other entity may drill, cut, dig or excavate in or under the public right-of-way without first filing an application for and obtaining a right-of-way excavation permit. The application for the right-of-way excavation permit shall, however, be filed on the first business day on which the Permit Section of the DOT is staffed following the commencement of work.

Sec. 28-325. Application for right-of-way excavation permit.

(a) Application. The application for a right-of-way excavation permit shall be submitted to the Permit Section of the Department of Transportation and shall include the following:

- (1) a properly executed permit application, in the form designated by the department, including but not limited to, the following information:
- (A) the name and address of the applicant;
 - (B) the name and address of the person performing the work to be done in the right-of-way, if other than the applicant;
 - (C) the nature of, and the reason for, the work to be performed;
 - (D) the location of the worksite and the dimensions of the excavation;
 - (E) the anticipated length of time to complete the work;
 - (F) the method of traffic control to be used by the applicant at the worksite;
 - (G) any other pertinent information requested by the department of transportation; and
 - (H) after September 1, 1985, certification that the work to be performed under the right-of-way excavation permit will be under the supervision of a person who has attended and satisfactorily completed the instructional program established pursuant to Sec. 28-323 (c).

- (2) a general liability insurance policy as described in subsection (c), unless the applicant is a public utility or already has a statement of insurance on file;
- (3) a performance or maintenance bond as specified in subsection (d), unless the applicant is a public utility;
- (4) an indemnification agreement as specified in subsection (e), unless the applicant is a public utility and already has an approved indemnification agreement on file; and
- (5) written approval from the department of public works as specified in subsection (f), if the proposed work involves a sanitary sewer, storm sewer, or affects drainage within the public right-of-way.

(b) Permit fee. A permit fee of forty dollars (\$40.00) for a single cut shall be paid when application is submitted and is not refundable. Additional cuts on a new multiple-cut permit shall require an additional payment of twenty dollars (\$20.00) per cut.

(c) General liability insurance policy. The applicant shall either file or have on file with the City of Indianapolis a general liability insurance policy. The statement of insurance shall be on file with either the Division of Development Services of the Department of Metropolitan Development or the DOT Permit Section. The insurance company shall be licensed to do business in the State of Indiana. The amount of insurance shall be not less than five hundred thousand dollars (\$500,000.00) for injury to one person and not less than one million dollars (\$1,000,000.00) for injuries to more than one person and not less than two hundred fifty thousand dollars (\$250,000.00) for damages to property. The insurance policy shall have a Rider attachment for all listed general contractors to be covered on right-of-way excavation permit.

(d) Performance bond. The performance bond posted with respect to each permit shall not be released until an approved inspection is received on the restoration of the public right-of-way. The applicant shall either file or have on file with either the Division of Development Services of the Department of Metropolitan Development or the DOT Permit Section a performance/maintenance bond. The company writing the bond shall be licensed to do business in the State of Indiana. The bond shall be in the penal amount of not less than ten thousand dollars (\$10,000.00) for a single street cut and one hundred thousand dollars (\$100,000.00) for unlimited multiple street cuts in any year. The bond shall be in effect for a duration of three (3) years from the date of issuance of each permit.

(e) Indemnification agreement form. The applicant for a right-of-way excavation permit shall either file or have on file with either the Division of Development Services of the Department of Metropolitan Development or the Permit Section of the DOT an indemnification agreement in which the applicant agrees to indemnify and hold harmless the City from and against all claims, actions, damages and expenses, including reasonable attorneys' fees, based on any alleged injury (including death) to any person or damage to any property arising, or alleged to have arisen out of any act of commission or omission with respect to the activity or work of the applicant (or persons, corporations or firms authorized by the applicant) in a public right-of-way subject to the City's jurisdiction pursuant to a right-of-way excavation permit issued by the DOT.

(f) **Drainage approval.** The applicant for a right-of-way excavation permit shall submit a letter or form of approval from the Department of Public Works within the application when the proposed work involves a sanitary sewer, storm sewer or affects drainage within a public right-of-way. The permit holder shall be responsible for maintaining adequate drainage flow during and after the work authorized by the right-of-way excavation permit.

(g) **Exemptions.** The requirements of subsections (b), (c), (d) and (e) shall not apply to applications on behalf of the Departments of Transportation or Public Works, if the work is to be performed by city employees.

Sec. 28-326. Issuance of right-of-way excavation permit.

(a) **Issuance.** Upon receipt of a completed application pursuant to Sec. 28-325, approval of the worksite, and payment of application and any other fees as specified, the DOT may issue a right-of-way excavation permit to the applicant. The DOT may issue the permit (by authorizing the work to proceed and assignment of a permit number) prior to receipt of the application and other required documentation, provided such application is submitted on the following business day.

(b) **Duration.** The permit shall be issued for a sixty (60) day time period, beginning at the time of its issuance. Upon applicant's justified request, the permit may be extended for sixty (60) days by the DOT.

(c) **Activation.** The applicant shall be responsible to activate the permit by notifying the Inspection Section, Maintenance Division, Department of Transportation at least one business day in advance of starting the work, unless the Permit Section authorizes the work to begin sooner. Upon notification and activation the permit holder must begin work within three business days. If, for any reason, the permit holder thereafter determines that he or it will not be able to perform the work or activity as scheduled, the permit holder shall immediately notify the Inspection Section.

(d) **Display of permit.** Once work commences in accordance with the issued right-of-way excavation permit, a copy of the permit shall be available at the worksite or the permit holder must be able to verify to a DOT inspector at the worksite that a permit has been issued and to whom.

Sec. 28-327. Standards for right-of-way excavations.

(a) **In general.** Any work within a public right-of-way for which a right-of-way permit is required by this Article must be performed in accordance with, and conform to, the standards of this section.

(b) **Worksites.** The permit holder shall be responsible for the safe and expeditious movement of vehicular and pedestrian traffic through the worksite and for the safety of the work force performing the work in the public right-of-way pursuant to the right-of-way excavation permit.

(c) **Color Coding.** All cuts made in the road surface shall be color coded according to the purpose of the cut with a paint which will remain visible until final inspection is made. The color scheme to be used is:

ELECTRIC
CABLE TELEVISION
TELEPHONE

SAFETY RED
PINK
SAFETY ALERT ORANGE

WATER
OIL
GAS
SANITARY
STEAM

SAFETY PRECAUTION BLUE
GREY
HIGH VISIBILITY YELLOW
SAFETY GREEN
WHITE

(d) Removal of Surface. The minimum width of all cuts shall be twelve (12) inches, unless a lesser width is specifically allowed by DOT.

(1) Concrete Streets and Alleys. Two methods of concrete surface removal are acceptable:

- (A) All cuts shall be sawed to one-third the depth of the pavement with a concrete saw. A minimum saw cut of two inches (2") is required. The cut shall then be completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut.
- (B) All cuts shall be made with a mechanical hammer equipped with a suitable chisel. Before final repairs are made, the cuts shall be "squared." This shall be done by sawing to one-third the depth of the pavement with a concrete saw. A minimum saw cut of two inches (2") is required. The cut shall then be completed with a mechanical hammer equipped with a suitable chisel.

Whenever possible, cuts should be made at pavement joints. Where the area of the cut exceeds fifty percent (50%) of a panel or a diagonal cut is made, the entire panel shall be removed.

(2) Asphalt Streets and Alleys. Two methods of asphalt surface removal are acceptable:

- (A) All cuts shall be sawed to one-third the depth of the pavement and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. A minimum saw cut of two (2) inches is required.
- (B) All cuts shall be made with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. Before final repairs are made, the cuts shall be "squared". The edges of all cuts are to be straight.

(3) Brick Streets and Alleys. All cuts must be made with a mechanical hammer equipped with a suitable chisel.

(4) Asphalt over Concrete or Brick.

(A) Two methods of asphalt removal are acceptable:

- (i) All cuts shall be sawed to one-third the depth of the asphalt and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut.
- (ii) All cuts shall be made with a mechanical hammer equipped with a suitable chisel. Before final repairs are made, the cut shall be "squared". The edges of the asphalt are to be straight.

- (B) **Brick Removal.** All cuts in the brick or concrete part of the pavement shall be made by a mechanical hammer equipped with a suitable chisel.
- (5) **Shot Seal Streets and Alleys.** All cuts shall be made by a mechanical hammer equipped with a suitable chisel. The edges are to be straight and parallel.
- (6) **Stone and/or Gravel Streets and Alleys.** All cuts may be made by mechanical or manual means.
- (7) **Sidewalks and Driveways.**

(A) Two methods of concrete surface removal are acceptable:

- (i) All concrete surface cuts are to be sawed to a minimum depth of two (2") inches with a concrete saw and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut.
- (ii) All cuts shall be made with a mechanical hammer equipped with a suitable chisel. Before final repairs are made, the cuts shall be "squared". This shall be done by sawing to one-third the depth of the pavement with a concrete saw. A minimum saw cut of two (2") inches is required. The cuts shall then be completed with a mechanical hammer equipped with a suitable chisel.

Whenever possible, cuts should be made at pavement or panel joints. All panels of sidewalks that are cut are to be removed.

(B) Two methods of asphalt surface removal are acceptable:

- (i) All asphalt surface cuts are to be sawed to a minimum depth of two (2") inches and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. The edges of all cuts are to be straight.
- (ii) All cuts shall be made with a mechanical hammer equipped with a suitable chisel. Before final repairs are made, the cuts shall be "squared". The edges of all cuts shall be straight.

(C) All brick surface cuts are to be made with a mechanical hammer equipped with a suitable chisel.

(D) All stone or gravel surface cuts are to be made by a mechanical or manual means.

Sec. 28-328. Standards for restoration of the public right-of-way.

(a) In general. All cuts, excavations, or other damage done to the right-of-way pursuant to a valid right-of-way permit shall be restored in such a way as to return the right-of-way to its condition prior to any work performed in connection with a valid right-of-way permit. Restoration of the public right-of-way upon completion of work performed under a valid right-of-way permit shall be performed by the permit holder in accordance with the standards set forth in this section and the applicable regulations adopted by the Transportation Board.

(b) Specifications of materials. All materials, unless specifically stated otherwise, shall be in accordance with current "Indiana State Highway Commission Standard Specifications" and all revisions and addendums to that document.

- (1) GRANULAR BACKFILL
 - (A) SUBGRADE sand or "B" borrow
 - (B) SUBBASE No. 53 stone
- (2) CONCRETE
 - CEMENT CONTENT six bags per cubic yard, high early strength
 - COMPREHENSIVE STRENGTH 4,000 PSI
 - SLUMP 3 to 5 inches
 - AIR ENTRAINMENT 5 to 8 percent
 - COARSE AGGREGATE size 5L
 - FINE AGGREGATE Six 14A or 14B

Retempering concrete by adding water or by other means will not be permitted for continuous operation. When concrete is delivered in transit mixers or agitators, water may be added and additional mixing performed in particular cases to increase the slump. The addition of water and mixing shall be under the direction of a DOT inspector or engineer.

- (3) ASPHALT
 - (A) HOT ASPHALTIC EMULSION - SURFACE Type IV Mixture
 - (B) HOT ASPHALTIC EMULSION - BASE No. 4, No. 5, No. 5D
 - (C) HOT ASPHALTIC EMULSION - BINDER No. 8, No. 9
 - (D) HOT ASPHALTIC CONCRETE - SURFACE Type "B" Mixture
 - (E) HOT ASPHALTIC CONCRETE - BASE No. 4, No. 5
 - (F) HOT ASPHALTIC CONCRETE - BINDER No. 8, No. 9
 - (G) PRIME COAT Asphalt emulsion AE-PL
 - (H) TACK COAT Asphalt emulsion AE-T
 - (I) COLD MIX BITUMINOUS No. 5 Limestone Class A
No. 11 Limestone Class A
No. 24 Natural Sand
Modified AE-300 or
Modified AE-150

(i) Coarse Patch Mix. Cold mix bituminous coarse patch mix shall consist of a blend of No. 5 stone, No. 11 stone and No. 24 natural sand in accordance with the following percentage by weight: No. 5 stone, 40%; No. 11 stone, 20%; and No. 24 sand, 40%. The Bitumen Residue (determined by ASTM D2712 Method E Vacuum Extraction) shall be 4.4 + 0.3 (6.3% AE-300 or AE-150 modified with moisture). Only coarse patch mix previously approved by the DOT at the manufacturing plant may be used.

(ii) Fine Patch Mix. Cold mix bituminous fine patch mix shall consist of a blend of No. 11 stone and No. 24 natural sand in accordance with the following percentage by weight: No. 11 stone, 60%, and No. 24 sand, 40%. The Bitumen Residue (determined by ASTM D2172 Method E Vacuum Extraction) shall be 4.6 + 0.3 (6.3% AE-300 or AE-150 modified with moisture). Only fine patch mix previously approved by the DOT at the manufacturing plant may be used.

- (4) Topsoil, agricultural limestone, fertilizer, grass seed, mulch, soil curing compound and joint material are to be according to current Indiana state Highway Commission Standard Specifications and all revisions and addendums to that document.

(c) Backfill. All excavations shall be backfilled in accordance with this subsection.

- (1) Granular Backfill. All cuts made in or under any road surface shall be backfilled with granular material. Where a cut either transverses or parallels the road surface, granular backfill shall be placed in that portion of the cut located within three (3) feet of the road surface or within a distance of equal to one-half (½) the depth of the cut, whichever is greater. The permit holder, at its option, shall place granular backfill either:

- (A) in 12-inch (12") maximum loose lifts and compact each layer by mechanical means to at least ninety-five percent (95%) of its maximum dry density, or
- (B) in 24-inch (24") maximum loose lifts and compact each layer by a combination of saturation and mechanical means to at least ninety-five percent (95%) of its maximum dry density, or
- (C) in such other size lifts as has been certified to the DOT by a professional engineer to achieve at least ninety-five percent (95%) of its maximum dry density for each lift using equipment available to the permit holder and approved by the DOT. Maximum dry density shall be determined in accordance with ASTM Designation D 698.

- (2) Earth Backfill. Earth backfill may be used in locations not requiring granular backfill. The earth backfill shall be made compatible with the adjacent surface. In established lawn areas, this includes compacting in not less than two lifts for each five (5) feet of depth of the cut, topping off with topsoil, fertilizing, seeding, mulching and restoring all contours. If the contours are greater than a 3:1 slope, restoration of the grass shall be made by sodding. Under sidewalks, the earth backfill shall be compacted in not less than three (3) lifts for each five (5) feet of depth of the cut. If the sidewalk fails as a result of settlement of a cut, the permit holder making such cut shall be responsible for repairing and restoring said sidewalk, including recompacting the backfill in the cut.

(d) Temporary Surface Restoration. Temporary surface repairs may be made as follows:

- (1) The surface may be temporarily repaired by use of cold mix bituminous to the top of the cut, compacted by a mechanical tamp or vibrator;
- (2) Overnight while work is continually in progress, the cut may be covered with steel plates having a minimum thickness of three-fourths inch (3/4") which shall be secured so as not to move and so as not to constitute a hazard when open to traffic;

Any cut temporarily repaired under this section shall be permanently repaired, by removing the cold mix bituminous to a depth of at least one and one-half (1½") inches below the adjoining road surface and permanently restoring the cut as required in subsection (e) of this section. Final restoration of all cuts shall be made within thirty (30) days of the completion of the temporary repairs, except that cuts made between

November 10 and April 1 need not be repaired until June 1. The permit holder shall notify the Inspection Section within two business days of completion of final restoration.

(e) **Permanent Surface Restoration.** Permanent repairs shall be in accordance with the standards of this subsection. The restoration of the surface of all cuts shall be completed by such methods and in such manner that the plane of the surface of the repair, at the time of completion and thereafter, will be flush with all contiguous surfaces and will create no dissymmetry with the topography of the roadway.

- (1) **Concrete Streets and Alleys.** Final repairs to concrete streets and alleys are to be made with concrete. When repairing or replacing reinforced concrete having a thickness of six (6) inches or more, either (i) the steel reinforcement shall be replaced in kind (temporarily bending the reinforcing steel out of the way and then bending it back into position when the concrete is replaced) and properly fastened to the adjacent reinforcement, or (ii) No. 5 bars, two (2) feet long, shall be drilled and grouted into the existing pavement sides one (1) foot deep at two (2) foot center-to-center spacing with a minimum of two bars per side. If the concrete being replaced or repaired is less than six (6) inches thick, the steel reinforcement may be replaced in kind and properly fastened to the adjacent reinforcement or the repaired and replaced concrete may be bonded to the existing concrete by epoxy. All new concrete must be protected against excessive dehydration by the application of a membrane type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4) inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic.
- (2) **Asphalt Streets and Alleys.** The base material used in connection with all final repairs to asphalt streets and alleys shall be either hot asphalt or cold mix bituminous coarse patch mix placed in four inch (4") lifts compacted with a mechanical tamp or vibrator. A one and one-half inch (1½") hot asphalt surface shall be used on any asphalt surface street repair except when repairs are made in any thoroughfare, or any roadway other than a thoroughfare where so designated by the DOT, when such thoroughfare or roadway has been assigned a project number for resurfacing, in which case the one and one-half inch (1½") hot asphalt surface may be deleted and the base material brought up to the level of the existing pavement. All edges or joints of existing pavement shall be thoroughly cleaned and tack coated prior to the placement of the hot asphalt surface. All faces of exposed curbing shall be tacked below the finished pavement elevation. All joints shall be sealed with a hot iron.
- (3) **Brick Streets and Alleys.** Brick streets shall be restored to their original surface condition and pattern. At the discretion of the DOT, brick alleys shall be restored to their original surface condition and pattern. If such repair of an alley is not directed, the repairs shall be made with concrete. All new concrete shall be protected against all excessive dehydration by the application of a membrane type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4) inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic.
- (4) **Asphalt over Concrete or Brick Streets.** As a general rule, whatever type of material that was excavated shall be replaced.

- (A) Concrete or deep strength asphalt is to be used to replace concrete or brick to the level of the existing concrete base. The new concrete shall be protected against excessive dehydration by the application of a membrane type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4) inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic. Asphalt shall then be used to complete the repair. The concrete and all vertical sides shall be thoroughly cleaned and tacked. All faces of exposed curbing shall be tacked below the finish elevation. Asphalt shall be placed in three (3) inch lifts and compacted with a mechanical tamp or vibrator. The top one and one-half inches (1½") shall be hot mix asphalt. All joints shall be sealed with a hot iron.
- (B) At the discretion of DOT, repairs to asphalt over concrete or brick streets and alleys may be made completely with asphalt. All vertical sides shall be thoroughly cleaned and tacked. All faces of exposed curbing shall be tacked below the finish elevation. Asphalt shall be placed in three (3) inch lifts and compacted with a mechanical tamp or vibrator. The top one and one-half inches (1½") shall be hot mix asphalt. All joints are to be sealed with a hot iron.
- (5) Shot Seal Streets or Alleys. All repairs shall be made with asphalt. Asphalt shall be placed in three (3) inch lifts and compacted with a mechanical tamp or vibrator.
- (6) Stone or Gravel Street. All repairs shall be made with granular backfill.
- (7) Sidewalks.
 - (A) Brick sidewalks are to be restored to their original surface condition and pattern.
 - (B) Concrete sidewalks are to be repaired with concrete. However, it does not have to be high early strength. All new concrete must be protected against excessive dehydration by the application of a membrane type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4) inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic.
 - (C) Asphalt sidewalks shall be repaired with asphalt. All edges or oints of existing pavement shall be thoroughly cleaned and tacked. Asphalt shall be placed in three (3) inch lifts and shall be compacted by a mechanical tamp or vibrator. All joints shall be sealed with a hot iron.
 - (D) Gravel or stone sidewalks shall be restored to within six (6) inches of the surface with No. 53 stone or granular material and then topped off with material similar to the original surface.
 - (E) If the cut is outside three (3) feet of the road surface or outside a distance equal to one-half (1/2) the depth of the cut, whichever is greater, the cut may be backfilled with earth backfill compacted in not less than three (3) lifts for each five (5) feet of depth of the cut.

(8) Driveways.

- (A) Brick driveways shall be restored to their original surface and pattern.
 - (B) Concrete driveways shall be repaired with concrete to original specifications. The new concrete shall be protected against excessive dehydration by the application of a membrane type curing compound. The new concrete shall be protected from all traffic for thirty-six (36) hours. If this is done by the use of plates, the plates shall be steel with a minimum three-fourths (3/4) inch thickness. These plates shall be secured so as not to move and so as not to constitute a hazard when they are open to traffic.
 - (C) Asphalt driveways shall be repaired with asphalt. All edges or joints of existing pavement shall be thoroughly cleaned and tacked. Asphalt shall be placed in three (3) inch lifts and is to be compacted by mechanical tamp or vibrator. The top one and one-half inches (1½") shall be hot mix asphalt. All joints shall be sealed with a hot iron.
 - (D) Gravel or stone driveways shall be restored to within six (6) inches of the surface with No. 53 stone or granular material and topped off with material similar to the original surface.
 - (E) If the cut is outside three (3) feet of the road surface or outside a distance equal to one-half (1/2) of the depth of the cut, whichever is greater, the cut may be backfilled with earth backfill compacted in not less than three (3) lifts for each five (5) feet of depth of the cut.
- (9) Gravel or Stone Berm. All repairs to gravel or stone berms shall be restored to within 12 inches of the surface with compacted granular backfill, and topped off with material similar to the original surface. If the cut is outside three (3) feet of the road surface or outside a distance equal to one-half (½) the depth of the cut, whichever is greater, the cut may be backfilled with earth backfill.

(f) Resurfacing Because of Cuts. The DOT shall determine it necessary to resurface the pavement in any five hundred (500) feet segment if either of the following conditions are found since the segment was last resurfaced:

- (1) Cut(s) encompass more than thirty-three (33) percent of the total square footage;
or
- (2) Ten (10) or more lateral cuts on any, or a combination of any, of the lanes.

DOT having made the determination to resurface, then such permit holder or combination of permit holders shall be liable for the cost of resurfacing the pavement surface, which cost shall not exceed the cost of a one (1) inch overlay of hot asphalt over the area to be resurfaced. The DOT shall notify the responsible permit holder or combination of permit holders, as well as all utilities, that the pavement surface in that location will be resurfaced, if possible during the next construction season, but such construction will commence no later than one hundred eighty (180) days after notification by the DOT. Utilities should perform whatever work they desire to do in the right-of-way in that area prior to the resurfacing. The DOT shall be responsible for contracting, supervising and inspecting the resurfacing and upon completion of the resurfacing, shall bill the responsible permit holder or combination of permit holders for it or their share of the cost of the resurfacing. If more than one construction season has passed, the

cost shall be based on the cost of resurfacing in the first construction season following the DOT's notification that the area will be resurfaced. When a combination of permit holders is involved, the cost for the resurfacing, as limited above, shall be allocated by the DOT among the permit holders based on the ratio of square footage of pavement surface within the area disturbed by all permit holders. The issuance of a right-of-way excavation permit by the Department of Transportation and the acceptance of the permit by an applicant/permit holder shall be construed as agreement to this resurfacing requirement.

(f) **Lawn Restorations.** Within thirty (30) days after completion and restoration of a cut in a portion of an established lawn within the public right-of-way, the permit holder shall inspect the cut and if it has settled more than two (2) inches below the adjacent surface, the permit holder will fill and compact the settled area and reseed or resod. The permit holder shall inspect the cut again within thirty (30) days following the original restoration and, if the cut has again settled more than two (2) inches below the adjacent surface, shall fill and compact the settled area and reseed or resod. Such inspections and fillings will continue each thirty (30) days until an inspection discloses that the cut has not settled more than two (2) inches below the adjacent surface in any thirty (30) day period.

Sec. 28-329. Inspection and testing.

(a) Within thirty (30) days after completion of temporary and final restoration of all cuts and after any repairs requested pursuant to subsection (b), the Inspection Section, Maintenance Division, Department of Transportation, shall inspect each cut and its restoration and may test such restorations by use of deflection testing equipment.

(b) If the inspection discloses that the restoration was not done in the manner required by this Article and the regulations adopted hereunder, does not satisfy the standard of subsection (e) of Sec. 28-328, or after September 1, 1985, has a test deflection in excess of any standards adopted by the Transportation Board, the Inspection Section shall so notify the permit holder. Within five (5) working days of such notification, the permit holder shall repair and resurface the cut to comply with this Article and pay to the DOT an additional fee of one hundred dollars (\$100.00) for reinspection of the repair.

(c) The permit holder shall be responsible for all pavement cuts until such time as the pavement area in which such cut was made is resurfaced. In the event the DOT determines that a cut was not restored in accordance with the provisions of the Article or the Board's regulations or that the cut has failed for any reason, the DOT shall direct the permit holder who made such cut to take corrective action. If such action is not taken within five (5) working days after notification, or such shorter time as directed by the DOT if the DOT determines that the failed cut poses a significant danger to the traveling public, the DOT shall take whatever action it deems necessary to protect the safety of the public and the permit holder shall be assessed an amount sufficient to reimburse the DOT for any expenses it may have incurred therewith, plus fees in the amount specified in the regulations adopted by the Board establishing fees for the enforcement of the standards established by this Article and the regulations adopted by the Board pursuant to this Article.

Sec. 28-330. Waivers rescinded.

All waivers granted by the Director of the DOT pursuant to the Right-of-way Activity Manual, with amendments, made a part of the Code of Indianapolis and Marion County by General Ordinance 37, 1980 and General Ordinance 50, 1982, are hereby rescinded.

Sec. 28-331. Violations.

(a) Violations of the standards established by this Article or the provisions of the regulations adopted by the Board pursuant to this Article shall subject the permit holders to payment of fees specified in the regulations adopted by the Board establishing a schedule of fees for the enforcement of the standards established by this Article and the regulations adopted by the Board pursuant to this Article.

(b) Failure to conform to any of the provisions of this ordinance, including any standards established by the department of transportation shall constitute a violation of this ordinance. All violations shall be subject to the penalties of section 1-8 of this Code.

SECTION 2. (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 3. Should any provision (section, paragraph, sentence, clause, or any 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. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect after April 1, 1985.

PROPOSAL NO. 62, 1985. This proposal establishes the allocation priorities for cumulative capital development funds. Councillor McGrath reported that the legal questions surrounding Proposal No. 62, have now been answered and the Rules and Policy Committee amended the proposal to reflect these changes. The changes are as follows: drainage has been moved from County to City Cumulative Funds and from \$780,000 to \$720,000; sewers will be funded out of the City instead of County Cumulative Fund from the amount of \$390,000 to \$360,000; bridges, streets and roads will be funded out of the County Cumulative Fund from the amount of \$720,000 to \$780,000; and parks and recreation will also be funded out of the County Cumulative Fund from the amount of \$360,000 to \$390,000. The Rules and Policy Committee on March 19, 1985, recommended Proposal No. 62, 1985, Do Pass As Amended by a vote of 6-0. Councillor McGrath moved, seconded by Councillor Journey for adoption. Proposal No. 62, 1985, as amended, was adopted on the following roll call vote; viz:

23 AYES: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader

2 NAYS: Curry, West

4 NOT VOTING: Clark, Giffin, Page, Schneider

Proposal No. 62, 1985, as amended, was retitled GENERAL RESOLUTION NO. 5, 1985, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 1985

A GENERAL RESOLUTION concerning the disposition of cumulative capital development funds.

WHEREAS, P.L. 44-1984, Section 16 and 17, created I.C. 36-9-14.5, the county cumulative capital development fund, and I.C. 36-9-15.5, the municipal cumulative capital development fund; and

WHEREAS, the City-County Council adopted the county cumulative capital development fund and the municipal cumulative capital development fund by passing Special Ordinances 35 and 36, 1984; and

WHEREAS, the property tax levy associated with the adoption of the cumulative capital development funds is estimated to provide additional revenues of approximately \$3.75 million; and

WHEREAS, it is the desire of the City-County Council to provide guidance in the allocation of these additional revenues to the various departments and county government; 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 hereby establishes the following allocation guidelines for the 1985 cumulative capital development funds:

County Cumulative Capital Development Fund

county jails, courthouses and hospitals	\$ 780,000
parks and recreation	390,000
bridges, streets and roads	780,000
	<u>\$1,950,000</u>

City Cumulative Capital Development Fund

drainage (Dept. of Public Works)	\$ 720,000
sewers (Dept. of Public Works)	360,000
public safety - police vehicles	<u>720,000</u>
	\$1,800,000

TOTAL ALLOCATION **\$3,750,000**

SECTION 2. Any department wishing to use money from the cumulative capital development funds must nonetheless follow the procedure established by law for the appropriation of public funds.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 93, 1985. This proposal amends Chapter 8½ of the Code concerning cable television. Councillor Coughenour stated that Proposal No. 93 amends our current ordinance to be in compliance with new federal statutes. One major change is that anyone interested in a franchise shall file a Letter of Intent with the Cable Franchise Board. The Board shall then determine if it is in the best interest of the City to issue a Request for Proposals. The federal statutes have reduced local governments ability to regulate cable television rates, but included in Proposal No. 93, Section 8½-61(e), states that the operator shall not discriminate as to rates and charges among customers of basic services and (f), states that the city may require and regulate the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals. The Administration Committee on March 18, 1985, recommended Proposal No. 93, 1985, Do Pass by a vote of 4-0. Councillor Coughenour moved, seconded by Councillor Gilmer for adoption. Proposal No. 93, 1985, was adopted on the following roll call vote; viz:

24 AYES: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, West

NO NAYS

5 NOT VOTING: Clark, Giffin, Page, Schneider, Strader

Proposal No. 93, 1985, was retitled GENERAL ORDINANCE NO. 25, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 1985

A GENERAL ORDINANCE amending Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana".

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

SECTION 1. Article I of Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", is amended by repealing Sec. 8½-1, Sec. 8½-2 and Sec. 8½-4 and by substituting therefor the following new sections:

Sec. 8½-1. Findings and declaration of purpose.

(a) Because the operation of a cable television system requires the permission of the city to use the public ways, the council determines that it is proper and expedient to franchise such systems.

(b) The council hereby finds that it is in the interest of the city that the public ways be used to make cable television available to the people of the city. It is intended that the provisions of this chapter should facilitate and encourage orderly and responsible development of a system or systems which will provide the people of the city with cable television service which is versatile, reliable and efficient; which is responsive to the needs and interest of the community; and which provides the widest possible diversity of information sources and services to the public. The provisions of this chapter shall be construed liberally to further this purpose.

Sec. 8½-2. Definitions.

As used in this chapter:

(a) the term "the Act" means the Cable Communications Policy Act of 1984, an amendment to the Communications Act of 1934 (47 U.S.C. "1601 et. seq.);

(b) the term "affiliate", when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person;

(c) the term "board" means the cable franchise board of the city, created by Section 8½-138 of this chapter;

(d) the term "cable channel" or "channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel (as television channel is defined by the federal communications commission by regulation);

(e) the term "operator" or "cable operator" means any person or group of persons (A) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system and who has been granted a franchise by the city or by any predecessor, governmental officer or organization authorized to grant a franchise.

(f) the term "cable service" means the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

(g) the term "cable television system" "cable system" or "system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the city, but such term does not include (A) a facility that serves only to retransmit the television signals of 1 or more television broadcast stations; (B) a facility that serves only subscribers in 1 or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of title II of the Communication Act of 1934, as amended except that such facility shall be considered a cable system (other than for purposes of Section 621(c)

the Act (47 U.S.C. Section 1621(c)) to the extent such facility is used in the transmission of video programming directly to subscribers; or (D) any facilities of any electric utility used solely for operating its electric utility systems;

(h) the term "franchise" means an initial authorization, or renewal thereof including a renewal of an authorization which has been granted subject to Section 626 of the Act (47 U.S.C. Section 1626), issued by the city whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system;

(i) the term "other programming service" means information that a cable operator makes available to all subscribers generally;

(j) the term "person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity;

(k) the term "public, educational, or governmental access facilities" means (A) channel capacity designated for public, educational, or governmental use; and (B) facilities and equipment for the use of such channel capacity;

(l) the term "public way" means the surface and the area above and below the surface of any public street, highway, lane, alley, sidewalk path, right-of-way or easement, and any public utility easement or right-of-way dedicated generally for public utility uses;

(m) the term "subscriber" means any person who contracts or agrees to purchase the regular subscriber service, pay television, or any other service provided by a cable system, and includes anyone actually using such service;

(n) the term "video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station;

(o) the term "gross accrued revenues" means any and all revenues derived from the cable television operations of grantee under the franchise granted by the city whose terms are defined herein and as reflected in the financial statements of grantee, specifically excluding (1) any and all taxes or fees on services furnished by the grantee imposed directly on any subscriber or user by any city, county, state or other governmental unit, and collected by the grantee for such entity, (2) any and all interest income from any source attributed to such cable television operations, (3) any and all net income derived by grantee from the sale and transfer of cable television assets, and (4) and all amounts of bad debts from such cable television operations that are written off by grantee;

(p) the term "clerk of the council" or "clerk" means clerk of the city-county clerk;

(q) the term "city" means the Consolidated City of Indianapolis, Marion County, Indiana, a municipal corporation of the State of Indiana.

8½-4. Previously awarded franchises.

This chapter shall apply to all franchise contracts whether granted before, on or after the effective date of this ordinance.

SECTION 2. Article II, Division 2 of Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", is amended by repealing Section 8½-21 through and including 8½-28, and substituting therefor the following:

Sec. 8½-21. Letter of intent.

(a) Any person interested in obtaining a cable television franchise may file a letter of intent expressing such interest with the board. The letter of intent must contain or be accompanied by:

- (1) A description of the geographic area proposed to be served;
- (2) A description of the type of service to be provided by the applicant; and
- (3) An explanation of the reasons why the granting of a franchise for the area described would be in the best interests of the city and its citizens and would not adversely affect the provision of cable service by existing franchises.

(b) Upon the receipt of a letter of intent the board shall determine whether a request for proposals for a cable franchise should be issued for the area described in the letter of intent. The board may determine to issue a request for proposals for an area larger than the area requested in the letter of intent. In making its determination the board may conduct such investigations as it deems appropriate, provided that the board shall hold at least one public hearing at which interested parties may appear and offer evidence concerning whether a request for proposals should be issued. Notice of the time and place of the public hearing shall be given in accordance with I.C. 5-3-1. Personal notice of the time and place of public hearing shall be given by mail to the person who filed the notice of intent and to all other operators of cable systems regulated by this chapter. The board's decision to issue or not issue a request for proposals shall be made within ninety (90) days of the date on which the letter of intent was received in the office of the board.

(c) In making its determination whether to issue a request for proposals the board shall consider whether the grant of a franchise for the area would be in the best interests of the city and its citizens and in so determining shall consider the following factors:

- (1) The need for cable service in the area;
- (2) Whether the granting of an additional franchise for the area will provide an improvement in cable services in the area or in other areas in the county;
- (3) Whether the granting of an additional franchise for the area will have a significantly adverse impact on the provision of cable service by other operators which have franchise to serve the area;
- (4) Whether the granting of an additional franchise furthers or impedes the purposes contained in Section 8½-1;
- (5) Any other factors which the board considers relevant to assure the continued provision of cable services that are responsive to the needs and interests of the city and its citizens.

(d) The board's determination will be made in writing and made a part of the records of the board.

(e) The board's determination may be reviewed by the council in its discretion, and the council may affirm or reverse the board's decision by adopting a resolution to that effect. The council may hold such public hearings, meetings and conduct such investigations as it deems appropriate and may consider new evidence in making its determination. The council's decision shall be based on the factors set forth in

subsection (c) hereof. The board's determination will be considered final if the council does not initiate proceedings under this subsection within thirty (30) days of the board's decision or if the council does not adopt a resolution as provided herein within one hundred twenty (120) days of the board's decision.

(f) Nothing in this section shall be construed to limit the power of the board or the council to issue a request for proposals on its own initiative.

Sec. 8½-22. Requests for proposals.

(a) In the event the board determines to issue a request for proposals for a cable television franchise, it shall prepare a request for proposals. In its request for proposals the board shall establish the term of the franchise and such requirements as it deems appropriate, including, but not limited to, the following:

- (1) That applicants provide designated channel capacity for public, educational or governmental uses and/or channel capacity on institutional networks for educational or governmental use;
- (2) That applicants provide cable channels for commercial use in conformity with the requirements of Section 612 of the Act (47 U.S.C. Section 1612);
- (3) That applicants provide certain facilities and equipment related to the establishment or operation of the cable system;
- (4) That applicants promise to provide cable service to subscribers on a non-discriminatory basis and to provide such service to any group of residential subscribers regardless of the income of the residents of the local area in which such group resides;
- (5) That the applicants agree to provide cable television service within all areas having a specified density of living units within the franchise territory. Such density shall be expressed in terms of number of living units per mile of system.

(b) The board shall require an application fee in its request for proposals, which fee shall be in the amount of one hundred dollars (\$100.00) plus two and one-half cents for every home or apartment, hotel or motel unit in the geographic area covered by the request for proposals.

Sec. 8½-23. Application for franchise.

(a) Upon the preparation of the request for proposals, the board shall give notice of the request for proposals by:

- (1) Posting the notice in three (3) public places;
- (2) Publication of the notice once each week for two (2) weeks in two newspapers of general circulation in the city; and
- (3) Mailing of the notice to any person the board knows to be interested in submitting an application.

The board may, in its discretion, publish the notice in any newspaper of national circulation and in trade magazines or publications of the cable television industry.

(b) The notice shall name a date upon which applications must be received at the office of the board and shall state that the forms of the request for proposals are available at the office of cable communications. The date for the receipt of the applications shall not be more than 30 days following the first publication of the notice required by Sec. 8½-23 (a)(2).

Sec. 8½-24. Contents of applications.

The board shall reject any application which does not contain the following:

(a) A description of the area of the requested franchise; provided that during the hearing process the board and council may consider modifications to the description of the area of franchise in any bid application.

(b) A construction schedule. Such schedule must specify the period of time from the execution of the franchise contract within which cable television service shall be made available to areas having the density required under Sec. 8½-22 (a)(5).

(c) A schedule indicating the initial tap-in and connection charges and the monthly rates to be charged subscribers.

(d) A description of the insurance policies to be acquired in satisfaction of the requirements of this chapter.

(e) A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to the following, and to whatever, extent required by the city:

(i) The names, residence and business address of all officers, directors and associates of the applicant.

(ii) The names, residence and business addresses of all officers, persons and entities having, controlling or being entitled to have or control five (5) per cent or more of the ownership of the applicant and the respective ownership share of each such person or entity.

(iii) The names and addresses of any affiliate of the applicant and a statement describing the nature of any such affiliate's business activity, including but not limited to cable television systems owned or controlled by the applicant, its affiliates, and the area served thereby.

(iv) A detailed description of all previous experience of the applicant in providing cable television system service and in related or similar fields.

(v) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the board, setting forth a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free net and uncommitted cash resources to construct and operate the proposed system in the city, or other acceptable evidence in writing that the applicant is financially capable of constructing and operating the proposed system.

(vi) A statement identifying, by place and date, any other cable television franchises awarded to the applicant or its affiliates; the status of such franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of the applicant's and its affiliate's resources committed to the completion thereof.

(g) A copy of any agreement covering the franchise area, if existing between the applicant and any public utility subject to regulation by the Indiana Public Service Commission, providing for use of any facilities of the public utility, including but not limited to poles, lines or conduits.

Sec. 8½-25. Report on application and notification of operators.

Upon receipt of the applications for a franchise, the board may refer the same to the director of the cable communications office, who shall prepare an evaluation of the applications and a recommendation of which applicant, if any, should be granted a franchise. The director's evaluation and recommendation shall be filed with the board within sixty (60) days. The director shall also send written notification of the receipt of such application(s) to all cable television system operators which have a franchise governed by this chapter.

Sec. 8½-26. Hearing on application.

(a) Within forty (40) days of receipt of the applications, or receipt of the report and recommendations of the director of the cable communications office, if applicable, the board shall hold a public hearing to take evidence and hear argument on whether to grant a cable television franchise to one or more of the applicants either in the form proposed in an application, or as proposed by the board, or otherwise, and if so, the nature and extent thereof. The board shall base its determination hereunder on the criteria contained in Sec. 8½-27. Notice of such hearing shall be given by publication in accordance with I.C. 5-3-1, and if the board deems appropriate, in one or more trade journals of the cable television industry.

(b) At the time set for such hearing, or an adjournment thereof, the board shall proceed to hear all written protests and other submissions and to hear evidence and argument from any interested persons in addition to any applicants or potential applicants. A record shall be kept of such hearing and the evidence presented therein.

(c) The board may propound regulations to govern the conduct of such hearings so as to allow for the orderly and efficient presentation of evidence and argument, and to prevent unnecessary duplication or delay.

Sec. 8½-27. Factors governing board's determination.

In making any determination hereunder, the board shall base its decision on the following factors:

- (a) The quality of the service, which the applicant promises and of which the applicant is capable;
- (b) The rates to the subscribers;
- (c) The income and expense to the city;
- (d) The needs of other users of the public right-of-way;
- (e) The effect on the ability of existing franchisees to perform their obligations under their franchise contracts;

(f) The experience, character, background and financial responsibility of any applicant, its management and owners; and

(g) The technical and performance quality of facilities and equipment related to the establishment or operation of a cable system; and

(h) The demonstrated willingness and ability of any applicant to meet construction and physical requirements and to abide by policies and limitations imposed by law or franchise agreements; and

(i) Any other considerations deemed pertinent by the board to its task of safeguarding the public health, safety and welfare, and facilitating and encouraging the orderly and responsible development of cable television system which will provide the people of the city with cable television service which is versatile, reliable, and efficient. The board shall make its determinations based on the record with a written statement of its findings and conclusions, and the reasons therefor.

Sec. 8½-28. Board action on application.

Within forty-five (45) days after the conclusion of the hearing provided for in Sec. 8½-26, the board shall determine whether to grant a franchise to one or more of the applicants.

(a) If the board shall determine after hearing that any application should be denied, such determination shall be final, subject to the appeal provisions of Sec. 8½-30.

(b) If the board shall determine after hearing that a franchise should be granted to one or more the applicants it shall adopt by resolution the proposed form of franchise contract, to which the applicant shall indicate its agreement in writing within fifteen (15) days. If the applicant does not agree in writing to the terms of such form of a franchise contract within fifteen (15) days, then its application shall be deemed denied.

(c) An application may not be amended after it is received by the board, except in any case in which only one application is received, said application may be amended for cause shown upon the unanimous consent of the board.

(d) The grantee or grantees shall pay the city a sum of money sufficient to reimburse it for all of its publication and other expenses incurred in connection with the granting of a franchise pursuant to the terms of this ordinance.

(e) No provision of this division shall be construed to require the city to grant any franchise contract and the board or the council may reject any and all applications.

Sec. 8½-29. Additional powers of the board.

(a) The board may also at any time, on its own motion, conduct public hearings to determine whether it is feasible or desirable to grant any cable television franchise by issuing a request for proposals. The board shall base its determination on the criteria contained in Sec. 8½-21. Such hearings shall be advertised in accordance with the provisions I.C. 5-3-1.

(b) The board may for good cause extend any of the time limits imposed in Secs. 8½-21 through 8½-28.

Sec. 8½-30. Council review of rejections.

Any person whose application is rejected by the board may, within ten (10) days of such action, petition the council for a review of that decision by filing notice

thereof and a copy of the resolution of the board with the clerk of the council. If the council determines that the rejection is improper under this division, it may by resolution direct the board to reconsider its action. In making its determination hereunder the council shall consider as evidence, and give due weight to, the findings and conclusions of the board and shall consider the criteria contained in Sec. 8½-27.

Sec. 8½-31. Council action on recommended contracts.

Within thirty (30) days of the board's resolution recommending a franchise and contract, the council shall introduce an ordinance approving and confirming the contract as accepted in the board's resolution. The council shall act upon the ordinance within sixty (60) days of its introduction, except that such time may be extended by the council for good cause. The council may:

(a) Adopt the ordinance, subject to the veto of the mayor, in which case the director of the cable communications office will be directed to execute the franchise contract, and ten (10) days after the mayor signs the ordinance, the franchise contract holder shall pay an award fee by certified check payable to the city, in an amount equal to twenty cents (\$0.20) for every home or apartment, hotel or motel unit in the geographic area covered by the franchise, provided that such award fee shall not be less than five hundred dollars (\$500.00), or;

(b) Defeat the ordinance, in which case the application shall be denied, or;

(c) By resolution direct the board to consider certain modifications or amendments for the franchise contract, in which case the board shall reconsider the application.

In making its determination hereunder, or under Sec. 8½-30, the council shall review the record of proceedings before the board, and it may, in its discretion, consider new evidence. In making its determination hereunder, the council shall consider as evidence, and give due weight to, the findings and conclusions of the board, and shall consider the criteria contained in Sec. 8½-27. Under no circumstances shall the council by ordinance approve or confirm any franchise contract unless the precise language has been accepted by the board prior to the council's action.

SECTION 3. Article IV of Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", is amended by repealing Sec. 8½-61, 8½-62, 8½-65 and 8½-66; by renumbering Sec. 8½-63 as Sec. 8½-62, Sec. 8½-64 as Sec. 8½-63, Sec. 8½-67 as Sec. 8½-65 and Sec. 8½-68 as Sec. 8½-66 and by adopting the following new Secs. 8½-61 and 8½-64:

Sec. 8½-61. Subscribers rates and charges.

(a) The city may regulate rates and charges to subscribers for signals distributed to the extent permitted by Section 623 of the Act (47 U.S.C. Section 1623) or any regulations promulgated pursuant thereto by the federal communications commission.

(b) To the extent the city is permitted to regulate rates and charges, the following procedures shall be used to review and approve changes in rates and charges:

- (1) The operator shall follow the procedures specified for changes in rates and charges set forth in the operator's franchise contract.
- (2) In addition to submitted any amended schedule of rates and charges to the council for approval as required by its franchise contract, the operator shall also submit such schedule to the board for its recommendation to the council.

Along with such amended schedule, the operator shall submit to the board and council evidence showing rates charged by cable television systems providing comparable services in comparable localities and the following financial reports which shall reflect the operations of the system:

- (i) Balance sheet.
 - (ii) Income statement.
 - (iii) Cash flow statement.
 - (iv) Statement of source of application of funds.
 - (v) Detailed supporting schedules of expenses, income, assets and other items as may be required.
- (3) The criteria for the board's recommendation and the council's decision shall be the establishment of rates and charges which are fair, reasonable and non-discriminatory. Fair and reasonable shall mean what is fair and reasonable to both the operator and the subscribers and shall be generally defined as the minimum rates and charges necessary to meet all applicable costs of service, including fair return on all invested capital, all assuming efficient and economical management of the system.
 - (4) The operator's accounting records applicable to the system shall be available for inspection by the city at all reasonable times. The city shall have access to records of financial transactions for the purpose of verifying burden rates or other indirect costs prorated to the operation of this system. The documents listed above shall include sufficient detail and/or footnotes as may be necessary to provide the city with the information needed to make accurate determinations as to the financial condition of the system. All financial statements shall be certified as accurate by an officer of the operator.
 - (5) Any disagreement between the city and the operator concerning interpretations and calculations of the financial and statistical information provided by the operator may be submitted to a court of competent jurisdiction.
 - (6) The city reserves the right to review the purchase price of any transfer or assignment of the system, and any assignee to the franchise expressly agrees that any negotiated sale value which the council deems unreasonable will not be considered in the rate base for any subsequent request for service increases.

(c) The procedures specified in subsection (b) hereof shall apply only to the extent they do not conflict with regulations concerning rates promulgated by the federal communications commission pursuant to Section 623 of the Act (47 U.S.C. Section 1623).

(d) Any request for a change in subscriber rates and charges, whether filed under the procedures set forth in subsection (b) hereof or filed pursuant to any other procedures which may apply, shall be deemed to be granted if final action has not been taken by the city on such request within 180 days after receipt of the request by the board unless the 180-day period is extended by mutual agreement of the operator and the city.

(e) Regardless of whether the city regulates or is authorized to regulate rates and charges to subscribers, the operator shall not discriminate as to rates and charges among customers of basic service.

(f) In any request for proposals or as a condition of the renewal of existing franchises, the city may require and regulate the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

Sec. 8½-64. Cable channels for public, educational or governmental use.

(a) The operator shall provide any public, educational or governmental access channel required under its franchise on a non-discriminatory basis. The operator shall provide such services, facilities, or equipment relating to public, educational, or governmental use of channel capacity as are required under this franchise.

(b) The board may promulgate rules and procedures for the use of channel capacity designated for public, educational or governmental access.

(c) In the case of any franchise under which channel capacity is designated for public, educational, or governmental use, the board may promulgate rules and procedures under which the operator is permitted to use such channel capacity for the provision of other services if such channel capacity is not being used for such designated purposes and rules and procedures under which such permitted uses will cease.

(d) The operator shall be responsible for preventing the presentation on public educational or governmental access channels of:

- (1) any material designed to promote the sale of commercial products or services; and
- (2) prerecorded programming which violates the provisions of the "Code of Indianapolis and Marion County, Indiana" with respect to obscenity and pornography.

(e) The operator shall have no authority to control the programs presented over any public access channel and shall have no legal liability for obscenity or pornography except for productions originating from facilities within the control of the operator.

SECTION 4. Article V of Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", is amended by adding a new Section 8½-89 to read as follows:

Sec. 8½-89. Modifications of franchise.

Any operator may obtain a modification of the requirements of its franchise to the extent permitted by and in accordance with the procedures set forth in Section 625 of the Act (47 U.S.C. Section 1625). A request for modification shall be filed with the board and must be approved by the board and the council in order to be effective.

SECTION 5. Article VII of Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", is amended by repealing Section 8½-111 and substituting therefor a new Section 8½-111 to read as follows:

Sec. 8½-111. Term and renewal of franchise.

(a) Any franchise contract granted pursuant to Article II hereof shall take effect and be in force from and after its effective date for a term specified in the franchise contract not to exceed fifteen (15) years upon the conditions set forth in this chapter and the franchise contract, except that any franchise awarded prior to the date stated in Sec. 8½-4 shall be in force from and after its effective date for such term as may be provided in said franchise contract.

(b) A franchise contract may be renewed in accordance with the procedures and standards specified in Section 626 of the Act (47 U.S.C. Section 1626). Such renewal procedures and standards shall apply to any franchise contract, notwithstanding any contract provision to the contrary and regardless of when such franchise was granted.

(c) Any requirement for public notice of any proceeding conducted pursuant to Section 626 of the Act (47 U.S.C. Section 1626) shall be given in accordance with I.C. 5-3-1 or other applicable provision of state law and shall also be given by the cable operator who's franchise is being considered for renewal on at least one channel of the cable system pursuant to rules for such notice established by the board.

(d) If the city conducts a proceeding authorized by Section 626 (a) of the Act (47 U.S.C. Section 1626(a)), the board shall, at the completion of such proceedings, notify the cable operator of the following:

- (1) the date such proceedings were completed;
- (2) whether the board is requesting the operator to submit a proposal for a renewal, and if so, setting forth the requirements for such a proposal;
- (3) the date by which a renewal proposal shall be submitted by the operator.

(e) The decision to grant or deny a proposal for renewal shall be made by the board, subject to approval by the council.

SECTION 6. Article VIII of Chapter 8½ of the "Code of Indianapolis and Marion County, Indiana", is amended by repealing Sec. 8½-121 thereof.

SECTION 7. 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 provision shall not be affected, if and only if such remaining provision can, without the invalid provision or provisions, be given the effect intended by the council in adoption of this chapter. To this end the provisions of this ordinance are severable.

SECTION 8. Any person that has pending with the board on the effective date of this ordinance an application for a franchise to furnish cable service may amend its application to comply with the provisions of Sec. 8½-24 of this ordinance, which shall then be considered by the board in accordance with the provisions of Sec. 8½-25 and following.

SECTION 9. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 102, 1985. This proposal establishes a loading zone on a portion of Lockerbie Street. Councillor Gilmer explained that several citizens attended the committee meeting to speak against Proposal No. 102 and the Transportation Committee on March 20, 1985, recommended Proposal No. 102, 1985, To Be Stricken by a vote of 5-0. Councillor Rhodes, sponsor of this proposal, stated his support of the committee's action and pointed out that there is a large problem in Lockerbie with the parking and it's something that needs to be corrected. Councillor Gilmer moved, seconded by Councillor Rhodes, to strike Proposal No. 102, 1985. The motion passed by a unanimous voice vote.

PROPOSAL NO. 111, 1985. This proposal transfers \$12,849 for the Juvenile Detention Center for plaintiff attorney fees. Councillor Dowden explained that two federal lawsuits were filed in 1979 and partially resolved in December, 1982. Proposal No. 111, transfers funds to pay plaintiff attorney fees which the Juvenile Detention Center has been ordered to pay. The Public Safety and Criminal Justice Committee on March 13, 1985, recommended Proposal No. 111, 1985, Do Pass by a vote of 9-0. Councillor Dowden moved, seconded by Councillor Nickell for adoption. Proposal No. 111, 1985, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, West*

NO NAYS

5 NOT VOTING: *Clark, Giffin, Page, Schneider, Strader*

Proposal No. 111, 1985, was retitled FISCAL ORDINANCE NO. 27, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) transferring and appropriating Twelve Thousand Eight Hundred Forty-nine Dollars (\$12,849) in the County General Fund for purposes of the Juvenile Detention Center 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 2.02 (b)(5) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for plaintiff attorney fees in a suit against the Juvenile Detention Center.

SECTION 2. The sum of Twelve Thousand Eight Hundred Forty-nine Dollars (\$12,849) 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:

JUVENILE DETENTION CENTER	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$12,849</u>
TOTAL INCREASE	\$12,849

SECTION 4. The said increased appropriation is funded by the following reductions:
JUVENILE DETENTION CENTER COUNTY GENERAL FUND

2. Supplies \$12,849
TOTAL REDUCTION \$12,849

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 116, 1985. This proposal changes intersection controls at Beechwood and Fenton Avenues. Councillor Gilmer reported that the citizens in this area had requested the stop sign to help slow down the traffic because there are no sidewalks in the neighborhood. It is a safety hazard for the residents who walk in the neighborhood, they must walk in the street. The Transportation Committee on March 20, 1985, recommended Proposal No. 116, 1985, Do Pass by a vote of 5-0. Councillor Gilmer moved, seconded by Councillor Durnil for adoption. Proposal No. 116, 1985, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, West*

NO NAYS

5 NOT VOTING: *Clark, Giffin, Page, Schneider, Strader*

Proposal No. 116, 1985, was retitled GENERAL ORDINANCE NO. 26, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 1985

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 1	Beechwood St. & Fenton Av.	Beechwood St.	STOP

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 1	Beechwood St. & Fenton Av.	NONE	4-WAY STOP

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL SERVICE DISTRICT COUNCILS

POLICE SPECIAL SERVICE DISTRICT COUNCIL

The President called the Police Special Service District Council to order at 8:55 p.m. Twenty-five members being present, he announced a quorum.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 110, 1985. This proposal appropriates \$84,600 for the Police Division for overtime, equipment and training expenses which will be reimbursed. Councillor Dowden explained that the expenditures are for overtime patrol enforcement efforts of the DWI Task Force, the purchase of 24 portable breath testing devices and 4 radar units, training for DWI task force personnel, a computer terminal printer and related software. The Public Safety and Criminal Justice Committee on March 13, 1985, recommended Proposal No. 110, 1985, Do Pass by a vote of 8-0. The President called for public testimony at 8:56 p.m.

There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst for adoption. Proposal No. 110, 1985, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West*
 NO NAYS

5 NOT VOTING: *Clark, Dowden, Giffin, Page, Schneider*

Proposal No. 110, 1985, was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1985, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1985

A FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1985 (P.S.S.D. Fiscal Ordinance No. 3, 1984) appropriating an additional Eighty-four Thousand Six Hundred Dollars (\$84,600) in the Police General Fund for purposes of the Department of Public Safety, Police Division and reducing the unappropriated and unencumbered balance in the Police General Fund.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT 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 of the Police Special Service District Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for overtime, equipment and training which will be reimbursed by the Indiana Division of Highway Traffic Safety and by the University of North Carolina, Highway Safety Research Center.

SECTION 2. The sum of Eighty-four Thousand Six Hundred Dollars (\$84,600) 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 SAFETY

POLICE DIVISION

- 1. Personal Services
- 3. Other Services & Charges
- 4. Capital Outlay
- TOTAL INCREASE**

POLICE	GENERAL	FUND
	\$50,000	
	22,700	
	<u>11,900</u>	
	\$84,600	

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

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

- Unappropriated and Unencumbered
- Police General Fund
- TOTAL REDUCTION**

POLICE	GENERAL	FUND
	<u>\$84,600</u>	
	\$84,600	

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

There being no further business the Police Special Service District Council adjourned at 8:57 p.m.

President SerVaas reconvened the meeting of the City-County Council at 8:57 p.m.

PROPOSAL NO. 95, 1985. This proposal appropriates \$360,000 for the Administration Division, Department of Parks and Recreation to improve park facilities

at various locations. Councillor Durnil requested that this be postponed until the April 15, 1985, Council meeting. Consent was give to this request.

ANNOUNCEMENTS AND ADJOURNMENT

Councillor West announced that the Public Works Committee meeting schedule for Thursday, March 28, 1985, has been moved to Thursday, April 4, 1985, at 5:00 p.m.

Councillor Miller recognized Mr. Harry E. Eakin who is attending his last Council meeting in his current capacity of County Auditor. He is leaving this position to become the State Insurance Commissioner for Governor Orr.

There being no further business and upon motion duly made and seconded, the meeting adjourned at 9:02 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis, Police, Fire and Solid Waste Collection Special Service District Councils on the 26th day of March, 1985.

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


President

ATTEST:


Clerk of the City County Council

(SEAL)