

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

REGULAR MEETINGS, MONDAY, DECEMBER 15, 1986

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 7:06 p.m., on Monday, December 15, 1986, with Councillor SerVaas presiding.

Councillor Beurt SerVaas lead the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

Councillor SerVaas requested the members to indicate their presence. The Clerk took the roll call of the Council, which was as follows:

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

ABSENT: Rhodes

President SerVaas announced that a quorum of twenty-eight members was present.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Williams introduced Mr. Dennis West, President of Eastside Community Investments.

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 Monday, December 15, 1986, 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

December 9, 1986

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 Thursday, December 4, 1986, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on Proposal Nos. 453, 715 and 716, 1986, to be held on Monday, December 15, 1986, at 7:00 p.m., in the City-County Building. A publisher's corrected version of Proposal No. 716, 1986, appeared in the Indianapolis NEWS on Saturday, December 6, 1986.

Respectfully,

s/Beverly S. Rippy
City Clerk

November 27, 1986

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. 117, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) appropriating an additional Thirty-five Thousand Dollars (\$35,000) in the County General Fund for purposes of the Marion County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund to provide for a loan for purposes of Franklin Township Poor Relief.

FISCAL ORDINANCE NO. 118, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) appropriating an additional Nineteen Thousand Dollars (\$19,000) in the Consolidated County Fund for purposes of the Department of Administration, Legal Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

FISCAL ORDINANCE NO. 119, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) appropriating an additional Six Thousand Four Hundred Dollars (\$6,400) in the Sanitary District Sinking Fund for purposes of payment of additional interest and bond registration fees and reducing the unappropriated and unencumbered balance in the Sanitary District Sinking Fund.

FISCAL ORDINANCE NO. 120, 1986, approves temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Consolidated County Fund, the Park District Fund, the Flood Control General Fund, the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund during the period January 1, 1987, to December 31, 1987, in anticipation of current taxes levied in the year 1986 and collectible in the year 1987, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said tax anticipation time warrants including the interest thereon; and fixing a time when this ordinance shall take effect.

FISCAL ORDINANCE NO. 121, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Four Hundred Thousand Dollars (\$400,000) in the County Welfare Fund for purposes of the Marion County Department of Public Welfare and reducing certain other appropriations for that Department.

FISCAL ORDINANCE NO. 122, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Ninety Thousand Five Hundred Dollars (\$90,500) in the County General Fund for purposes of the Information Services Agency and reducing certain other appropriations for that Agency.

FISCAL ORDINANCE NO. 123, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating One Hundred Thirty-five Thousand Dollars (\$135,000) in the County General Fund for purposes of the Marion County Sheriff and reducing certain other appropriations for that Office.

FISCAL ORDINANCE NO. 124, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Nine Hundred Dollars (\$900) in the County General Fund for purposes of the Marion County Superior Court, Criminal Division, Probation Department, and reducing certain other

appropriations for that Department.

FISCAL ORDINANCE NO. 125, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Five Hundred Sixty-two Dollars (\$562) in the County General Fund for purposes of the Marion County Superior Court, Civil Division, Room 2, and reducing certain other appropriations for that Court.

FISCAL ORDINANCE NO. 126, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Two Thousand Eight Hundred Ninety Dollars (\$2,890) in the County General Fund for purposes of the Cooperative Extension Service and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 127, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Ten Thousand Dollars (\$10,000) in the County General Fund for purposes of the Clerk of the Circuit Court and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 128, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Two Thousand Five Hundred Dollars (\$2,500) in the County General Fund for purposes of the Marion County Surveyor and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 129, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Two Hundred Twenty Dollars (\$220) in the County General Fund for purposes of the Decatur Township Assessor and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 130, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Two Thousand Five Hundred Dollars (\$2,500) in the County General Fund for purposes of the Court Services Agency and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 131, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Twenty-nine Thousand Eighty-five Dollars (\$29,085) in the Alcohol and Drug Services Fund for purposes of the Presiding Judge of the Municipal Court and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 132, 1986, amends the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Nineteen Thousand Four Hundred Twenty-one Dollars (\$19,421) in the Adult Probation Fees Fund for purposes of the Presiding Judge of the Municipal Court and reducing certain other appropriations for that office.

GENERAL ORDINANCE NO. 115, 1986, concerning the transportation of hazardous materials in and through Indianapolis and Marion County.

GENERAL ORDINANCE NO. 116, 1986, amends the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 117, 1986, creates a "County Grants Fund."

GENERAL ORDINANCE NO. 118, 1986, amends Article X of the "Code of Indianapolis and Marion County, Indiana", to authorize a method by which the departments of the consolidated city may make grants of money for public purposes.

GENERAL ORDINANCE NO. 119, 1986, amends the "Code of Indianapolis and Marion County, Indiana", Section 6-146, to provide for increased impoundment fees for second and subsequent impoundments.

GENERAL ORDINANCE NO. 120, 1986, amends the "Code of Indianapolis and Marion County, Indiana", by adding a new Sec. 31-7 to provide for a procedure for issuing franchises to public utilities for use of public right-of-way.

GENERAL ORDINANCE NO. 121, 1986, amends the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

SPECIAL ORDINANCE NO. 37, 1986, approves an amendment to the franchise contract between the City of Indianapolis, Indiana, and Indianapolis Cablevision, Inc., amending the designation of the operator from Indianapolis Cablevision, Inc., to Comcast Cable Leasing Partners L.P. and authorizing the lease of the Franchise Contract by Comcast Cable Leasing Partners, L.P. to Comcast Cablevision of Indianapolis, Inc. upon notice to the Cable Franchise Board of the City of Indianapolis, Indiana.

SPECIAL RESOLUTION NO. 125, 1986, in memory of Ruthann Popcheff.

COUNCIL RESOLUTION NO. 37, 1986, approves the appointment of M. D. Mike Higbee to serve as the Director of the Department of Metropolitan Development.

Respectfully submitted,

s/William H. Hudnut, III

November 27, 1986

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 Fire Special Service District, Mrs. Beverly S. Rippy, the following ordinance:

GENERAL ORDINANCE NO. 2, 1986, concerning leaves for members of the Indianapolis Fire Department.

Respectfully submitted,

s/William H. Hudnut, III

December 15, 1986

Mr. President and members of the City-County Council, with respect to Proposal No. 771, a petition was filed in my office this day requesting the Council to issue \$5 million of general obligation bonds of the City of Indianapolis for the purposes set forth in the petition and in Proposal No. 771. The petition was accompanied by a certificate of the Auditor of Marion County certifying that the petition has been signed by 5,554 owners of taxable real estate located within the City of Indianapolis.

Respectfully submitted,

s/ Beverly S. Rippy

ADOPTION OF THE AGENDA

Consent was given to the adoption of the agenda of the City-County Council and the Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils of December 15, 1986, as distributed.

ADOPTION OF JOURNALS

President SerVaas called for additions or corrections to the Journal of September 8, 1986. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 770, 1986. This proposal requests the review of services provided for dues and membership fees to the Indiana Association of Cities and Towns. President SerVaas stated that Councillors Durnil and Holmes, co-sponsors, have requested that Proposal No. 700 be assigned to the Administration Committee. Consent was given.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 737, 1986. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE approving the issuance of temporary tax anticipation time warrants for the County General Fund during the period of January 2, 1987 to December 30, 1987"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 738, 1986. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating

\$10,545 for the Perry Township Assessor for computer equipment for township assessors which will be connected to the Cole-Layer-Trumble computer center for the reassessment program"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 739, 1986. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$20,000 for the Warren Township Assessor for a reassessment liaison"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 740, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$14,185 for the Marion County Superior Court, Criminal Division, Room 6, to pay a public defender on a contractual basis"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 741, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$66,194 for the Forensic Services Agency for urine/drug testing"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 742, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$84,021 for the Forensic Services Agency for a drug testing program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 743, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,575 for the Prosecutor's Child Support IV-D Agency to fund a bailiff's salary which is currently being partially funded by the Circuit Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 744, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$267,303 for the Prosecuting Attorney for five existing state and/or federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 745, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$170,000 from a non-governmental source (Private Industry Council) for the Prosecuting Attorney for "Project Challenge"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 746, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$640 for the Marion County Superior Court, Juvenile Division, to appropriate Guardian Ad Litem fees collected by the Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 747, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$14,600 from private grant funds for the Marion County Superior Court, Juvenile Division, for Project Street Law for 1987"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 748, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,500 from private grant funds for the Marion County Superior Court, Juvenile Division, for Project Turnabout for 1987"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 749, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$46,082 for the Marion County Superior Court, Juvenile Division, to increase salaries of probation officers for 1987"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 750, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$15,000 for the Marion County Superior Court, Juvenile Division, for a drug testing program for all juveniles in detention"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 751, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$263,217 for the Community Corrections Agency for a state grant for the final half of the 1986-87 state fiscal year"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 752, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$92,868 for the Community Corrections Agency for jail service programs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 753, 1986. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$606,629 for the Department of Public Works, to transfer funds from the Liquid Waste Processing Operations Division to the newly created Water and Land Pollution Control Division"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 754, 1986. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by establishing weight load restrictions for a portion of Dandy Trail"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 755, 1986. Introduced by Councillor Bradley. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Vermont Street and Warman Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 756, 1986. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Forest Manor Avenue and 36th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 771, 1986. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$5,000,000 general obligation bonds for the purpose of providing

funds to pay for the construction, reconstruction and rehabilitation of curbs and sidewalks located on and along various public streets within the City"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 772, 1986. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$5,000,000 from proceeds of general obligation bonds for construction, reconstruction and rehabilitation of curbs and sidewalks located on and along various public streets within the City"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 773, 1986. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code with regard to license requirements for taxis and taxi drivers"; and the President referred it to the Administration Committee.

Councillor Gilmer stated that the Transportation Committee on January 5, 1986, would hold a special hearing at 4:30 p.m. to consider Proposal Nos. 771 and 772, 1986.

Councillor Dowden announced that the Public Safety and Criminal Justice Committee would meet on Wednesday, December 17, 1986, at 4:30 p.m. in Room 224 of the City-County Building.

Councillor West explained that the smaller-sized taxi companies have had increasing difficulties in being able to afford the recent increase in liability insurance requirements. The Administration Committee has discussed this problem and is supportive of changes in the liability insurance requirements. Councillor West noted that a portion of Proposal No. 773 would reduce the liability insurance requirements for taxis from \$500,000 to \$100,000. He indicated that the Controller's Office would be supportive of Council action on Proposal No. 773 since most insurance policies are written on a calendar year basis.

Councillor Curry inquired about the effective date of the ordinance.

Mr. Robert Elrod, General Counsel, stated that he would research Councillor Curry's question.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 735, 1986, is a special ordinance designating the parcel of land commonly known as 2502 Roosevelt Avenue as an economic development target area. PROPOSAL NO. 736, 1986, is a final bond ordinance authorizing the issuance of a \$542,500 Economic Development Revenue Bond for Eastside Community Investments, Inc. Councillor Schneider reviewed the project as the acquisition, construction, installation and equipping of a building containing approximately 18,600 square feet to be leased to various users for light manufacturing, warehousing, distribution and office space. The interest rate will be 9 1/4% initially and adjusted on January 1, 1997. The payment on principal and interest is \$4,968.58 per month commencing February 1, 1987. Payments on the principal and interest will be refigured on January 1, 1997, with a final maturity date of January 1, 2007. The Economic Development Committee on December 10, 1986, recommended Proposal Nos. 735 and 736, 1986, Do Pass by a 6-0 vote. Councillor Schneider moved, seconded by Councillor Rader, for adoption. Proposal Nos. 735 and 736, 1986, were adopted on the following roll call vote; viz:

25 AYES: *Borst, Boyd, Bradley, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*

NO NAYS

4 NOT VOTING: *Clark, Crowe, Durnil, Rhodes*

Proposal No. 735, 1986, was retitled SPECIAL ORDINANCE NO. 38, 1986, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 38, 1986

A SPECIAL ORDINANCE designating part of the Consolidated City as an Economic Development Target Area, which designation meets the requirements imposed by I.C. 36-7-12 for allowing industrial development bond financing for economic development facilities used for retail trade, banking, credit agencies or services.

WHEREAS, I.C. 36-7-11.9 and I.C. 36-7-12 limits the use of industrial development bonds for financing economic development facilities for retail trade, finance, insurance, real estate or certain services; and

WHEREAS, the statute provides that such economic development facilities may be financed by industrial development bonds if the facility is located in an Economic Development Target Area and the City-County Council finds the facility will not have an adverse competitive impact on operating facilities of the same kind in the same market

area and will contribute significantly to the creation of permanent new job opportunities; and

WHEREAS, I.C. 36-7-12-38 authorizes the City-County Council, after favorable recommendation by the Economic Development Commission, to designate by ordinance a specific geographic area in the Consolidated City, no larger than 15% of the area of the Consolidated City, as an Economic Development Target Area; and

WHEREAS, I.C. 36-7-11.9-4 indicates that an Economic Development Target Area means a geographic area that:

"(1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property;

(2) has been designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under I.C. 36-7-11, I.C. 36-7-11.1, or I.C. 14-3-3.2; or

(3) encompasses buildings, structures, sites, or other facilities that are:

(A) listed on the national register of historic places established pursuant to the National Historic Preservation Act of 1966;

(B) listed on the register of Indiana historic sites and historic structures established under I.C. 14-3-3.3; or

(C) determined to be eligible for listing on the Indiana register by the Indiana state historic preservation officer."; and

WHEREAS, at its meeting on December 10, 1986 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as 2502 Roosevelt Avenue, Indianapolis, Indiana as an Economic Development Target Area which parcel are more specifically described as:

Block 2, Lot 4 in Rural/I-70 Industrial Park, Phase 2 Subdivision, an addition to the City of Indianapolis, as per plat thereof, recorded as Instrument No. 83-38809, in the Office of the Recorder of Marion County, Indiana.

Together with the following described parcel:

Part of Lot 1, Block 2 in Rural/I-70 Industrial Park, Phase 2 Subdivision, an Addition in Marion County, Indiana, the plat of which is recorded as Instrument No. 83-38809 in the Office of the Recorder of Marion County, Indiana, being more particularly described as follows:

Beginning at the Northmost corner of said Lot 1; thence South 68 degrees 24 minutes 41 seconds East along the North line of said Lot 1 a distance of 17.30 feet; thence South 01 degree 27 minutes 52 seconds West 171.69 feet to the South line of said Lot 1; thence North 87 degrees 39 minutes

59 seconds West along the said South line 112.00 feet to the Southwestmost corner of said Lot 1, (the next four (4) described courses being along the West line of said Lot 1); thence North 41 degrees 10 minutes 28 seconds West 17.92 feet; thence North 35 degrees 18 minutes 00 seconds East 93.83 feet; thence North 26 degrees 46 minutes 36 seconds East 74.27 feet; thence North 58 degrees 23 minutes 33 seconds East 29.96 feet to the Beginning Point, containing 0.317 acres, more or less.

now, therefore:

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

SECTION 1. It is hereby found that the parcels commonly known as 2502 Roosevelt Avenue, Indianapolis, Indiana which are more specifically described as:

Block 2, Lot 4 in Rural/I-70 Industrial Park, Phase 2 Subdivision, an addition to the City of Indianapolis, as per plat thereof, recorded as Instrument No. 83-38809, in the Office of the Recorder of Marion County, Indiana.

Together with the following described parcel:

Part of Lot 1, Block 2 in Rural/I-70 Industrial Park, Phase 2 Subdivision, an Addition in Marion County, Indiana, the plat of which is recorded as Instrument No. 83-38809 in the Office of the Recorder of Marion County, Indiana, being more particularly described as follows:

Beginning at the Northmost corner of said Lot 1; thence South 68 degrees 24 minutes 41 seconds East along the North line of said Lot 1 a distance of 17.30 feet; thence South 01 degree 27 minutes 52 seconds West 171.69 feet to the South line of said Lot 1; thence North 87 degrees 39 minutes 59 seconds West along the said South line 112.00 feet to the Southwestmost corner of said Lot 1, (the next four (4) described courses being along the West line of said Lot 1); thence North 41 degrees 10 minutes 28 seconds West 17.92 feet; thence North 35 degrees 18 minutes 00 seconds East 93.83 feet; thence North 26 degrees 46 minutes 36 seconds East 74.27 feet; thence North 58 degrees 23 minutes 33 seconds East 29.96 feet to the Beginning Point, containing 0.317 acres, more or less.

meet the requirement imposed by I.C. 36-7-11.9-4, as amended of having "... become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvements or character of occupancy, age obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property ...".

SECTION 2. This City-County Council hereby designates, pursuant to I.C. 36-7-11.9 and I.C. 36-7-12, as amended, the parcels set forth in Section 1 of this ordinance as an Economic Development Target Area.

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

Proposal No. 736, 1986, was retitled SPECIAL ORDINANCE NO. 39, 1986, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 39, 1986

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond (Eastside Community Investments, Inc. Project)" in the principal amount of Five Hundred Forty-two Thousand Five Hundred Dollars (\$542,500) 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 Eastside Community Investments, Inc. and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after public hearings conducted on December 10, 1986 pursuant to IC 36-7-12-24 and Section 147(F) of the Internal Revenue Code of 1986, 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 Eastside Community Investments, Inc. (the "Company") consisting of the acquisition, construction, installation and equipping of an approximately 18,600 square foot multi-use building and the machinery and equipment to be located therein plus certain site improvements on a tract of land located at 2502 Roosevelt Avenue, Indianapolis, Indiana which will be leased to various users for light manufacturing, warehousing, distribution, and office space uses complies with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively the "Act") 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 Loan Agreement, Promissory Note, Bond Purchase Agreement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bond (Eastside Community Investments, Inc. Project) (hereinafter referred to collectively as the "Financing Documents") 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 Financing Documents consisting of the Project 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 the Company for the purposes of financing the Project, and the repayment of said loan by the Company 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 the Act.

SECTION 2. The forms of the Financing Documents 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 Financing Documents 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 Bond (Eastside Community Investments, Inc. Project) in the principal amount of Five Hundred Forty-two Thousand Five Hundred Dollars (\$542,500) for the purpose of Procuring funds to loan to the Company in order to finance the economic development

facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its Promissory Note in the principal amount equal to the principal amount of the Bond issued which will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bond 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 Bond to the purchaser at a price not less than 97% of the principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest as set forth in the Financing Documents. It is expressly understood that costs of issuance may be paid by the Company in excess of 2% of the principal amount of the Bond if such costs in excess of 2% of the principal amount of the Bond are not paid from bond proceeds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk 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 Bond may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bond to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bond or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder of the Bond and after the issuance of said Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond 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 NOS. 757 - 769, 1986. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on December 9, 1986". The Council did not schedule Proposal Nos. 757 - 769, 1986, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 757 - 769, 1986, were retitled REZONING ORDINANCE NOS. 230 - 242, 1986, take effect thirty days after said certification, and read as follows:

**REZONING ORDINANCE NO. 230, 1986. 86-Z-113 AMENDED PERRY TOWNSHIP COUNCILMANIC DISTRICT NO. 20
4402 MADISON AVENUE, INDIANAPOLIS.**
Dallia, Incorporated, by Leonidas G. Condo, requests the rezoning of 0.19 acre, being in the D-3 district, to the C-3 classification, to permit retail commercial uses.

**REZONING ORDINANCE NO. 231, 1986. 86-Z168 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
8807 SHELBY STREET, INDIANAPOLIS**

Osprey Investments, by Harry F. McNaught, Jr., requests the rezoning of approximately 10 acres, being in the A-2 district, to the HD-II classification, to allow multi-family residential development.

**REZONING ORDINANCE NO. 232, 1986. 86-Z-193 AMENDED PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
1103 WEST TROY AVENUE, INDIANAPOLIS.**

George Kopetsky II, by J. Lee Robbins, requests the rezoning of 42.01 acres, being in the A-1 and FP districts, to the GSB classification, to permit the excavation of sand and gravel.

**REZONING ORDINANCE NO. 233, 1986. 86-Z-201 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 11
3940 NORTH KEYSTONE AVENUE, INDIANAPOLIS.**

Bane Clene Corporation, by Henry Y. Dein, requests the rezoning of 1.1 acres, being in the C-5 district, to the C-S classification, to provide for the expansion of a carpet cleaning facility.

**REZONING ORDINANCE NO. 234, 1986. 86-Z-238 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
1510 EAST STOP TWELVE ROAD, INDIANAPOLIS.**

Tom O'Brien, Jr., by Philip A. Nicely, requests the rezoning of 14 acres, being in the C-4 district, to the C-5 classification, to provide for automobile dealerships.

**REZONING ORDINANCE NO. 235, 1986. 86-Z-239 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18
6802 ROCKVILLE ROAD, INDIANAPOLIS.**

West Washington Street Church of God Corporation, by Brian J. Touhy, requests the rezoning of 10.97 acres, being in the A-2 and D-3 districts, to the SU-1 classification, to provide for the construction of a church.

**REZONING ORDINANCE NO. 236, 1986. 86-Z-240 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 9
3841 BROADWAY STREET, INDIANAPOLIS.**

38th and College Redevelopment Partnership, by Halbet W. Kunz, requests the rezoning of 0.61 acre, being in the D-5 district, to the C-3 classification, to provide for retail use.

**REZONING ORDINANCE NO. 237, 1986. 86-Z-241 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 24
7639 MCFARLAND ROAD, INDIANAPOLIS.**

Sixth Street Church of Christ, Scientist, by William Patrick, requests the rezoning of 4 acres, being in the A-2 district, to the SU-1 classification, to provide for church use.

**REZONING ORDINANCE NO. 238, 1986. 86-Z-243 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5
12409 EAST 75TH STREET, INDIANAPOLIS.**

Anthony Development Corporation, by Douglas W. Pool, requests the rezoning of 43 acres, being in the A-2 district, to the D-3 classification, to provide for residential use by platting.

**REZONING ORDINANCE NO. 239, 1986. 86-Z-244 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
8560 SHELBY STREET, INDIANAPOLIS.**

Board of Trustees of General Assembly and Church of the Firstborn request the rezoning of 5 acres, being in the A-2 district, to the SU-1 classification, to provide for church use.

**REZONING ORDINANCE NO. 240, 1986. 86-Z-247 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 19
1818 SOUTH HIGH SCHOOL ROAD, INDIANAPOLIS.**

Yellow Freight Systems requests the rezoning of 29.84 acres, being in the "A" and I-2-S districts, to the I-4-S classification, to conform zoning to its use as a truck terminal and to permit expansion.

**REZONING ORDINANCE NO. 241, 1986. 86-Z-248 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
9201 WESLEYAN ROAD, INDIANAPOLIS.**

College Life Insurance Company of America, et al., by William F. LeMond, request the rezoning of 4.34 acres, being in the C-2 district, to the C-6 classification, to provide for a motel.

**REZONING ORDINANCE NO. 242, 1986. 86-Z-259 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 21
501 SOUTH MADISON AVENUE, INDIANAPOLIS.**

Brougher Insurance Group, Inc., by John M. Kyle III, requests the rezoning of 7.49 acres, being in the SU-2 district, to the CBD-2 classification, to provide for the conversion of a school into offices. The details of this petition are on file.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 688, 1986. This proposal appropriates \$10,000 for the Presiding Judge of the Municipal Court for a grant from the Department of Justice for drug testing evaluation. Councillor Dowden explained that Proposal No. 688 was postponed at the previous Council meeting in order that additional information be sent to the Councillors. Councillor Dowden noted that the information had been furnished and moved for adoption, seconded by Councillor Borst.

Councillor Nickell mentioned that there were other proposals being introduced at this evening's meeting concerning drug testing. It was her opinion that the proposals could be a duplication of services.

Councillor Borst supported passage of Proposal No. 688 by stating that the National Institution of Justice would gather much valuable information from the drug testing evaluation. He noted that no local funds were involved.

It was Councillor Schneider's opinion that adequate study has been conducted

for drug testing. He urged for the defeat of Proposal No. 688.

Councillor West supported passage and stressed that the drug testing evaluation was for "profile purposes" only. He stated that drugs are involved in a heavy portion of overall crimes.

The President called for public testimony at 7:41 p.m.

It was Councillor Williams' opinion that the people who are part of the major drug problem are not located in the Marion County Jail.

Councillor Howard supported passage by stating that drug testing is being done in many areas, such as testing athletes prior to athletic events.

Proposal No. 688, 1986, was defeated on the following roll call vote; viz:

11 AYES: Borst, Clark, Crowe, Curry, Giffin, Howard, Page, SerVaas, Shaw, Stewart, West

15 NAYS: Boyd, Bradley, Cottingham, Coughenour, Dowden, Gilmer, Holmes, Journey, McGrath, Miller, Nickell, Rader, Schneider, Strader, Williams

3 NOT VOTING: Durnil, Hawkins, Rhodes

PROPOSAL NO. 715, 1986. This proposal appropriates \$44,128 for the Prosecutor's Child Support IV-D Agency for expenses incurred for the Electronic Funds Transfer project which will be reimbursed by the federal government. Councillor Dowden stated that the Public Safety and Criminal Justice Committee on December 10, 1986, recommended Proposal No. 715, 1986, Do Pass by a 6-0-1 vote. The President called for public testimony at 7:44 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Nickell, for adoption. Proposal No. 715, 1986, was adopted on the following roll call vote; viz:

21 AYES: Borst, Boyd, Bradley, Cottingham, Coughenour, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, SerVaas, Shaw, Stewart, Strader, Williams

2 NAYS: Page, Schneider

6 NOT VOTING: Clark, Crowe, Curry, Durnil, Rhodes, West

Councillor Page explained that he voted "Nay" on the issue because within the past few months he has spoken to several women needing assistance on questions concerning child support. He has referred the women to the Prosecutor's Child Support IV-D Agency, but the women have again contacted Mr. Page and have told him that the Prosecutor's office was of no help. Councillor Page stressed that better communication is needed in this area.

Proposal No. 715, 1986, was retitled FISCAL ORDINANCE NO. 133, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 133, 1986

A FISCAL ORDINANCE amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) appropriating an additional Forty-four Thousand One Hundred Twenty-eight Dollars (\$44,128) in the County General Fund for purposes of the Prosecutor's Child Support IV-D 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 2.01 (b)(23) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Prosecutor's Child Support IV-D Agency for expenses incurred for the Electronic Funds Transfer project which will be reimbursed by the federal government.

SECTION 2. The sum of Forty-four Thousand One Hundred Twenty-eight Dollars (\$44,128) 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:

<u>PROSECUTOR'S CHILD SUPPORT IV-D AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	\$44,128
TOTAL INCREASE	\$44,128

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	\$44,128
TOTAL REDUCTION	\$44,128

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

PROPOSAL NO. 716, 1986. This proposal authorizes the City of Indianapolis and Marion County, Indiana, to issue its resource recovery bonds (Ogden Martin Systems of Indianapolis, Inc. Project) Series 1986. Councillor Coughenour reported that the City of Indianapolis will have no liability in this \$37 million bond issue. The Indiana National Bank will serve as trustee. The Public Works Committee on December 11, 1986, recommended Proposal No. 716, 1986, Do Pass by a 6-0 vote. The President called for public testimony at 7:48 p.m.

Councillor Dowden questioned why another \$37 million is needed when the City issued \$109 million of bonds for Ogden Martin in late 1985.

Mrs. Barbara Gole, Director of the Department of Public Works, confirmed that the City is exempt from any liability arising from the non-payment of this debt. Ogden Martin has a letter of credit from the Swiss Bank Corporation, with a AAA rating.

Mrs. Gole explained that there is no mortgage on the Ogden facility and that there is no link for the City between the two bond issues. The bond issue approved in 1985 involves the City because of the tipping fee (10% of energy revenues); Ogden's source of revenue to repay the bond issue comes from the management fee and the tipping fee.

Councillor SerVaas stated that he has studied the matter at length, particularly with regard to the City's involvement in the second bond issue. It was Councillor SerVaas' understanding that Proposal No. 716 represents an agreement by the City to assist the contractor in borrowing additional funds that it may or may not apply to this project. Dr. SerVaas confirmed that the letter of credit was submitted and that this \$37 million bond issue is not linked to the 1985 bond issue. He was assured by the Corporation Counsel that the City has no obligation on the repayment of the bonds if Ogden defaults.

Councillor Miller supported passage of Proposal No. 716, noting that an official position statement was written by bond counsel (Ice, Miller, Donadio & Ryan) explaining that the City has no obligation towards the repayment of the bonds.

The President called for public testimony at 8:00 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Boyd, for

adoption. Proposal No. 716, 1986, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*
1 NAY: *Dowden*
NOT VOTING: *Rhodes*

Proposal No. 716, 1986, was retitled SPECIAL ORDINANCE NO. 40, 1986, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 40, 1986

A SPECIAL ORDINANCE authorizing the Consolidated City of Indianapolis and Marion County, Indiana, to issue its resource recovery revenue bonds (Ogden Martin Systems of Indianapolis, Inc. Project), Series 1986, approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Public Works ("Board") and the City-County Council of Indianapolis and Marion County ("Council") adopted inducement resolutions in 1984 inducing the acquisition, construction, installation and equipping of certain sewage and solid waste facilities ("Project") at the southwest corner of Raymond and Harding Streets in the City of Indianapolis ("City"); and

WHEREAS, the City has previously issued \$109,000,000 of its resource recovery revenue bonds under these inducement resolutions to finance a portion of the costs of the Project in December 1985; and

WHEREAS, the Board conducted a public hearing on December 1, 1986, in accordance with IC 36-9-31, as amended ("Act") and Section 103(k) of the Internal Revenue Code of 1954, as amended and in effect immediately prior to the enactment of the Tax Reform Act of 1986 ("Code"), and adopted a resolution on that date approving the plan of financing of a portion of the Project ("Resolution"), which Resolution was transmitted to this Council; and

WHEREAS, the Board found in the Resolution that the plan of financing, which involves the issuance and sale of the City's resource recovery revenue bonds and the lending of the proceeds to Ogden Martin Systems of Indianapolis, Inc. ("Company") to pay a portion of the cost of the Project, complies with the purposes and provisions of the Act and that such financing including any future refunding of bonds issued under this Ordinance, would be of benefit to the health and welfare of the City and its citizens; and

WHEREAS, the Board in the Resolution recommended the adoption of this form of ordinance ("Ordinance") by this Council and has further approved the substantially final forms of the Financing Agreement, dated as of December 1, 1986, between the City and the Company ("Agreement"); the Guaranty Agreement dated as of December 1, 1986 between the City and Ogden Corporation ("Guaranty"); the Trust Indenture, dated as of December 1, 1986 ("Indenture"), between the City and The Indiana National Bank, as Trustee ("Trustee"); and a Purchase Contract, relating to bonds issued

under this Ordinance ("Bonds"), as more fully described herein ("Purchase Contract"), between the City and Smith Barney, Harris Upham & Co., Incorporated and City Securities Corporation (collectively, "Underwriter") (the documents referred to in this paragraph being referred to herein collectively as "Financing Documents" and further approved the distribution of offering materials relating the Bonds); and

WHEREAS, the Board has transmitted the Financing Documents to the Council for approval of those substantially final forms; 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 (a) the financing of the Project; (b) the issuance and sale of the Bonds officially designated as the City of Indianapolis, Adjustable Tender Resource Recovery Revenue Bonds (Ogden Martin Systems of Indianapolis, Inc. Project), Series 1986 issued pursuant to this Ordinance in an amount not to exceed \$40,000,000 and the lending of the proceeds of the Bonds to the Company under the Agreement; (c) the acquisition, construction, installation and equipping of the Project; (d) the payment of principal of, premium, if any, purchase price, where necessary, and interest on the Bonds by the City pursuant to the Indenture; (e) the assignment to the Trustee of the City's rights under the Agreement and the Guaranty to performance by the Company and Ogden Corporation; (f) the securing of the Bonds by the granting of the City's interest in the Agreement, the Guaranty and the Trust Estate defined in the Indenture to the Trustee; and (g) any future refunding of the Bonds comply with the purposes and provisions of the Act and will be of benefit to the health and welfare of the City and its citizens.

SECTION 2. The substantially final forms of the Financing Documents are hereby approved, are incorporated herein by reference, shall be inserted in the minutes of the Council and kept on file in the office of the Clerk in accordance with the provisions of IC 36-1-5-4. Two copies of each of the Financing Documents are on file in the office of the Clerk for public inspection pursuant to that statute.

SECTION 3. The City shall issue its Adjustable Tender Resource Recovery Revenue Bonds (Ogden Martin Systems of Indianapolis, Inc. Project), Series 1986, in the total principal amount not exceeding \$40,000,000 and maturing not later than December 1, 2016 (with the final maturity date to be set forth in the Indenture at the time of the issuance of the Bonds), for the purpose of procuring funds to finance a portion of the Project, all as described and defined in the Indenture and as more particularly set out in the Agreement, which Bonds will be payable as to principal, premium, if any, purchase price, where necessary, and interest solely from the revenues and receipts arising out of or in connection with the Agreement or as otherwise provided or described therein, or, to the extent paid out of moneys attributable thereto, the Guaranty, drawings under a letter of credit, payments under an insurance policy or drawings or payments under another credit enhancement facility or liquidity facility as further set forth in the Indenture. The Bonds bearing interest at variable rates (as provided in the Indenture) ("Daily Bonds" and "Weekly Bonds") or at a short term interest rate (as defined in the Indenture) ("Short-Term Interest Rate Bonds") shall be issued only in fully registered form, may be issued in denominations of \$100,000 or integral multiples of \$5,000 in excess thereof, unless converted to a long term interest rate (as provided in the Indenture) ("Long-Term Interest Rate Bonds") in which case the Long-Term Interest Rate Bonds will be issued in denominations of \$5,000 or integral multiples thereof, and shall be redeemed as provided in the Indenture. Payments of principal, premium, if any, and interest (at redemption or maturity) on the Bonds are payable at the principal corporate trust office of the Trustee or any paying agent or tender agent appointed in accordance with the Indenture. Payments of interest (other than as described in the foregoing

sentence) are payable by check or draft mailed, or, in certain circumstances, wire transfer, to the registered address of the registered owners of the Bonds. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit or public funds of the City, nor are the Bonds a debt of the City under the Constitution of the State of Indiana.

SECTION 4. The Mayor and Controller are authorized and directed to sell such Bonds to the Underwriter pursuant to the Purchase Contract at rates of interest determined according to the Indenture, but in no event to exceed 15% per annum, at a price not less than 97% of the principal amount of the Bonds.

SECTION 5. The Mayor, Controller and the Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to the Financing Documents and any other document or closing certificate which may be necessary or desirable to consummate the transactions contemplated by this Ordinance, including the Bonds. The Mayor and the Controller are expressly authorized to approve any modifications or additions to the Financing Documents which take place after the date of this Ordinance after consultation with the Corporation Counsel; it being the express understanding of this Council that the Financing Documents are in substantially final form, respectively, as of the date of this Ordinance. The approval of these modifications or additions shall be conclusively evidenced by the execution and attestation thereof, if such execution or attestation is necessary for the particular Financing Document and the affixing of the seal thereto or the imprinting of the seal thereon, where necessary, as approved by this Council by this Ordinance without further consideration by this Council; provided, however, that no such modification or addition shall change the maximum principal amount of, maximum interest rate or rates on, or the manner in which the interest rate or rates will be determined, or the final maturity of the Bonds without further consideration by this Council. The signature of the Mayor and the Controller on the Bonds may be either manual or facsimile signatures and the Bonds shall be executed as set forth in the Indenture. The Controller is authorized to arrange delivery of such Bonds to the Trustee. Payment for the Bonds will be made to the Trustee and after such payment the Bonds will be delivered by the Trustee to the Underwriter. The Controller and the Trustee may, however, arrange with the Underwriter to allow the Underwriter to have custody of the Bonds prior to the time of actual delivery and payment for purposes of making arrangements for the final delivery of the Bonds to the ultimate purchasers so long as no such final deliveries are made until payments to the Trustee are made as set forth in this Section.

SECTION 6. The distribution by the Underwriter of offering materials containing a description of the Bonds and the City relating to the Bonds is hereby approved.

SECTION 7. The provisions of this Ordinance and the Indenture securing the Bonds shall constitute contracts binding between the City and the respective owners of the Bonds, and after the issuance of the Bonds, this Ordinance shall not be repealed or amended in any respect which may adversely affect the rights of any such owner so long as any Bonds or the interest thereon remains unpaid.

SECTION 8. All ordinances and parts of ordinances in conflict or inconsistent herewith are hereby repealed.

SECTION 9. 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. 486, 1986. This proposal amends the Code by establishing benefits for members of the Marion County Sheriff's Department. Councillor Dowden explained that the benefits are similar to those provided for members of the Indianapolis Fire and Police Departments. The proposal, as amended, was supported by both the City-County Legal Division and Mr. Mike Owens, Labor Negotiator for the City. The Public Safety and Criminal Justice Committee on December 10, 1986, recommended Proposal No. 486, 1986, Do Pass As Amended by a 7-0 vote.

Councillor SerVaas noted that Proposal No. 486 was "revenue neutral", i.e. that it does not affect pay scales or change fringe benefits.

Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 486, 1986, As Amended, was adopted on the following roll call vote; viz:

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

1 NOT VOTING: Rhodes

Proposal No. 486, 1986, As Amended, was retitled GENERAL ORDINANCE NO. 122, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 122, 1986

A GENERAL ORDINANCE concerning benefits for members of the Marion County Sheriff's Department.

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

SECTION 1. Chapter 23-1/2 of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by adding a new Article VI which reads as follows:

ARTICLE VI. MARION COUNTY SHERIFF'S DEPARTMENT MERIT DEPUTY BENEFITS

Sec. 23-1/2 - 46. Annual leave.

(a) Each active deputy of the Marion County Sheriff's Department hired on or before August 31, 1986, shall receive hereafter not less than one hundred twenty (120)

hours annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said department hired on or before August 31, 1986, who shall have served from ten (10) years to twenty (20) years on said department shall receive not less than one hundred sixty (160) hours annual leave with full salary each and every fiscal year. Provided, further that any active member of said department hired on or before August 31, 1986, who shall have served for more than twenty (20) years shall be entitled to forty (40) hours additional annual leave to be added to his regular annual leave. The time for such annual leave shall be subject to the approval of the Sheriff.

(b) Each active deputy of the Marion County Sheriff's Department hired after August 31, 1986, shall receive hereafter not less than eighty (80) hours annual leave with full salary each and every fiscal year. Provided that hereafter any active member of said department hired after August 31, 1986, who shall have served seven (7) continuous years but less than fifteen (15) continuous years on said department shall receive not less than one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired after August 31, 1986, who shall have served fifteen (15) or more continuous years on said department shall receive not less than one hundred sixty (160) hours annual leave. The time for such annual leave shall be subject to the approval of the Sheriff.

Sec. 23-1/2 - 47. Accumulation and carryover of annual leave days.

Annual leave shall be taken within the calendar year in which it is accumulated. Up to a maximum of one hundred twelve (112) hours of earned annual leave may be carried from one calendar year to next calendar year, provided the Sheriff retains the right to schedule such annual leave at his discretion in order to maintain the efficient operation of the department.

Sec. 23-1/2 - 48. Sick leave.

(a) Any deputy of the Marion County Sheriff's Department hired on or before August 31, 1986, who is unable to perform the duties of his employment by reason of sickness, accident or injury, is entitled to not less than ninety (90) calendar days' sick leave with full pay in a twelve (12) month period or for the period of such incapacity, should said period be less than ninety (90) days.

In the case of a deputy incurring a sickness, accident or injury in the direct line of duty, the Sheriff, with the approval of the Merit Board, may, upon the written application of the deputy, extend paid sick leave. Before any extension may be rendered, a medical doctor or psychologist retained by the Department must certify the deputy as unfit for active duty. If the deputy is unable to return to work within the period of such incapacity, he will be placed on disability pension pursuant to the procedures established by IC 36-8-10. The Merit Board, consistent with the terms of this ordinance, shall establish guidelines, policies, and procedures for the administration of paid sick leaves and extensions thereof.

(b) Any active deputy of the Marion County Sheriff's Department hired after August 31, 1986, shall receive sick leave as follows:

1. On-duty injury. Any active deputy of the Marion County Sheriff's Department hired after August 31, 1986, who is unable to perform the duties of his/her employment by reason of sickness, accident or injury incurred in the direct line of duty as certified by a medical doctor or psychologist retained by the Department, shall be entitled to sick leave with full pay for the period of such incapacity. However, such sick leave period shall not exceed ninety (90) calendar days in a twelve (12) month period. The Sheriff, with approval of the Merit Board may, in accordance with established guidelines, extend paid sick leave.

Before any extension may be granted a medical doctor or psychologist retained by the Department must certify the deputy as unfit for active duty. If the deputy is unable to return to work, he will be placed on disability pension pursuant to procedures established by IC 36-8-10. The merit board, consistent with the terms of this ordinance, shall establish guidelines, policies, and procedures for the administration of paid sick leaves and extensions thereof.

2. Non-duty injury.

i. Definitions

- (a) "Sick leave shall mean time off granted a deputy whose sickness, accident, injury or disability prevent him/her from performing duties directed by the Department. Sick leave is intended to provide relief from loss of pay in cases of absence from work due to established incapacity to perform assigned duties, as defined and directed by the Department, but is not to be regarded as an optional leave right.
- (b) "Reasonable evidence" shall mean a certificate from a medical doctor licensed to practice medicine and employed by the police and fire medical clinic or medical doctor approved by the Department that the subject deputy is incapable of performing assigned duties as defined and directed by the Department. Before granting or continuing sick leave with pay, the Department may require evidence that the employee is actually sick or disabled.

ii. Accrual.

- (a) Upon commencement of employment the deputy shall have a bank of ninety-six (96) hours of sick leave for non-duty sickness, accidents or injuries. Upon completion of one year of employment, a deputy shall accrue sick leave at a rate of eight (8) hours per month or ninety-six (96) hours per year.
- (b) Deputies starting work on or before the fifteenth (15) day of the month shall have their account credited with a full month's accrual of sick time on the first day of the month following the month in which they were hired.
- (c) Deputies starting work on or after the sixteenth (16) day of the month shall have their account credited with a full month's accrual of sick time on the first day of the second month after they were hired.
- (d) A deputy must work one month before time can be credited to his/her account.
- (e) Sick leave will only accrue if a deputy works or is paid for more than one-half the month; provided, however, no deputy shall continue to accrue sick leave or other paid leave while receiving pension disability payments.

iii. Unearned Leave.

Sick leave cannot be used prior to accrual and cannot be earned while on any leave without pay status.

- iv. **Justification.** The burden of proof rests with the deputy to convince the Department that sick leave is justifiable. The Department may require medical certificate or other evidence of illness as requested. Sick leave is only to be used for a personal doctor's appointment and/or personal illness.
- v. **Sick Leave Abuse.** In the case of sick leave abuse the Department may designate such leave as vacation leave, leave without pay, or as grounds for disciplinary action, including dismissal.
- vi. **Separation from Employment.** Accrued sick leave will not be paid upon termination, except upon separation from employment by reason of: a) death,

b) retirement under circumstances such that the employee would be eligible for retirement benefits under State law, or c) in the event of a lay-off, if such lay-off is anticipated to last longer than six (6) months, an employee will be entitled to compensation for accrued accumulated sick leave at one-half his/her regular daily rate of compensation.

- vii. Charging Sick Leave. Sick leave may only be taken pursuant to Departmental regulations.
- viii. Carryover. Accrued sick leave may be carried over from year to year.
- ix. Accrual of Other Paid Leave. Vacation days shall accrue to deputies while on paid sick leave.

(c) Any active member of the Department not requiring sick leave during any calendar year shall receive three (3) days' compensatory leave (perfect attendance days) with full pay in addition to any vacation provided for herein; officers utilizing sick leave for on-duty accident or injury shall not be disqualified for perfect attendance days. This figure may be arrived at by computing each of three (3) four-month periods separately during the year as set forth in Departmental regulations, and awarding one day of compensatory leave (perfect attendance day) for each four-month period in which an active member of the Department requires no sick leave. Compensatory leave days (perfect attendance days) earned under this section must be used pursuant to Departmental regulations.

(d) Compliance with Departmental Policy. All sick leave related to non-duty sicknesses, accidents and injuries must comply with Departmental rules, regulations, orders and standard operating procedures.

Sec. 23-1/2 - 49. Holidays.

Deputies scheduled to work five (5) days followed by two (2) days off shall receive ten (10) paid holidays annually pursuant to Departmental regulations. Deputies scheduled to work a five-two/five-three (5-2-5-3) schedule, shall not receive paid holidays. The scheduling of Deputies is at the discretion of the Sheriff and may be regulated by Departmental guidelines.

SHRIFTS/23-1/2-49. HOLIDAYS.

DEPUTIES SCHEDULED TO WORK FIVE (5) DAYS FOLLOWED BY TWO (2) DAYS OFF SHALL RECEIVE TEN (10) PAID HOLIDAYS ANNUALLY PURSUANT TO DEPARTMENTAL REGULATIONS. DEPUTIES SCHEDULED TO WORK A FIVE-TWO/FIVE-THREE (5-2-5-3) SCHEDULE, SHALL NOT RECEIVE PAID HOLIDAYS. THE SCHEDULING OF DEPUTIES IS AT THE DISCRETION OF THE SHERIFF AND MAY BE REGULATED BY DEPARTMENTAL GUIDELINES.

DEPUTIES SCHEDULED TO WORK FIVE (5) DAYS FOLLOWED BY TWO (2) DAYS OFF SHALL RECEIVE TEN (10) PAID HOLIDAYS ANNUALLY PURSUANT TO DEPARTMENTAL REGULATIONS. DEPUTIES SCHEDULED TO WORK A FIVE-TWO/FIVE-THREE (5-2-5-3) SCHEDULE, SHALL NOT RECEIVE PAID HOLIDAYS. THE SCHEDULING OF DEPUTIES IS AT THE DISCRETION OF THE SHERIFF AND MAY BE REGULATED BY DEPARTMENTAL GUIDELINES.

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 other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if 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 upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 523, 1986. This proposal amends the Code by changing the intersection control at Bennett Drive and West 38th Street. Councillor Holmes sponsored Proposal No. 523 which authorizes the installation of a traffic signal at this intersection. Councillor Gilmer explained that the signal is needed to ensure the safety of motorists and pedestrians in the area because the intersection serves as both a school crossing and pedestrian crossing for nearby retail shops. There are also no sidewalks in the vicinity. The Transportation Committee on December 10, 1986, recommended Proposal No. 523, 1986, Do Pass by a 4-0 vote. Councillor Gilmer moved, seconded by Councillor Holmes, for adoption. Proposal No. 523, 1986, was adopted on the following roll call vote; viz:

26 AYES: *Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Cröwe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

3 NOT VOTING: *Rhodes, Schneider, Williams*

Proposal No. 523, 1986, was retitled GENERAL ORDINANCE NO. 123, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 123, 1986

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> 16, Pg. 2	<u>INTERSECTION</u> Bennett Dr & W 38th St	<u>PREFERENTIAL</u> W 38th St	<u>TYPE OF CONTROL</u> STOP
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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> 16, Pg. 2	<u>INTERSECTION</u> Bennett Dr & W 38th St	<u>PREFERENTIAL</u> NONE	<u>TYPE OF CONTROL</u> SIGNAL
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SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 641, 1986. This proposal amends the Code by establishing a procedure for designating vendors in conjunction with certain types of amateur athletic events. Councillor West explained that with the increasing number of amateur athletic competitions in the City, an ordinance is needed to establish procedures for designating vendors. Referring to the Pan Am Games to be held in Indianapolis in 1987, Councillor West stated that the intent of the ordinance is not to prohibit other vendors from receiving licenses but to bar peddlers from using the Pan Am logo without its permission. The Administration Committee on December 8, 1986, recommended Proposal No. 641, 1986, Do Pass As Amended by a vote of 7-0-1. The amendments were to add additional definitions and general legal language for better clarification in the ordinance. Councillor West moved, seconded by Councillor McGrath, for adoption.

Mr. Rod Shepherd, Administrator of Licensing for the Controller's Office, explained that under the new regulations provided by Proposal No. 641 there will be no limit to the number of identification cards issued per license holder. The former ordinance ruled that there shall be no more than five peddler identification cards per license holder.

Mr. Fred Armstrong, City Controller, explained that the licensed operator is liable for actions of his employees.

Mr. Armstrong noted that more information will be available once venue sites are selected by the Pan Am Council.

Councillor Clark expressed concern that visitors to Indianapolis may be "ripped off" by high prices.

Mr. Armstrong clarified that the ordinance only pertains to public property.

Proposal No. 641, 1986, As Amended, was adopted on the following roll call vote; viz:

24 AYES: *Boyd, Bradley, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, SerVaas, Shaw, Stewart, Strader, West, Williams*

NO NAYS

5 NOT VOTING: *Borst, Crowe, Nickell, Rhodes, Schneider*

Proposal No. 641, 1986, As Amended, was retitled GENERAL ORDINANCE NO. 124, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 124, 1986

A GENERAL ORDINANCE concerning sales associated with certain types of amateur athletic events.

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

SECTION 1. Chapter 22 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by adding a new Article III which reads as follows:

ARTICLE III. AMATEUR ATHLETIC EVENTS

Sec. 22 - 51. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section.

Amateur Athletic Event - an athletic event or competition organized under the jurisdiction of a national or international governing body which is authorized to promote, encourage and organize amateur athletics.

Concessionaire - a person authorized by the local committee and designated by the controller to sell merchandise, food or beverages in conjunction with the amateur athletic event.

Designated Premises - a specific facility or geographic location, designated by the local committee and approved by the controller, at which either a sanctioned activity or a sponsored activity will occur; such a facility or geographic location sited adjacent to a venue.

Local Committee - a local group granted the authority by a national or international governing body to organize and host an amateur athletic event.

Sanctioned Activity - an activity or special event not conducted by the local committee, but which has been approved by the local committee as an opportunity to encourage community support for the amateur athletic event.

Sponsored Activity - an activity or special event conducted by the local committee, for the purpose of supporting the amateur athletic event.

Venue - a location designated by the local committee at which some portion of the amateur athletic event will be held.

Sec. 22 - 52. Legislative policy.

(a) The City of Indianapolis and Marion County, as the Amateur Sports Capital of America, desires to encourage and promote amateur athletic events in the community, and desires to foster a festive community atmosphere in conjunction with amateur athletic events.

(b) The City recognizes the importance of its role in the success of amateur athletic events, and desires to encourage a maximum number of opportunities whereby the community may illustrate its support of amateur athletic events.

Sec. 22 - 53. Sales permitted; concessions authorized.

(a) Notwithstanding any other provision of this Code, there shall be permitted the sale of merchandise, food or beverages in conjunction with amateur athletic events.

Such sales will be permitted only as follows:

(1) Sanctioned Activities - the local committee shall notify the Controller not less than seventy-two (72) hours prior to any sanctioned activity to be held in conjunction with the amateur athletic event, of the date and time of such activity, and of the designated premises at which the sanctioned activity is to occur. Persons designated by the controller as concessionaires pursuant to this article shall be permitted to sell merchandise, food or beverages at the designated premises only up to one hour prior to the activity, and up to one hour following the conclusion of the activity.

(2) Sponsored Activities - the local committee shall notify the controller not less than seven (7) days prior to any sponsored activity held in conjunction with the amateur athletic event, of the date and time of such activity, and of the designated premises at which the sponsored activity is to occur. Persons designated by the controller as concessionaires pursuant to this article shall be permitted to sell merchandise, food or beverages at the designated premises only up to one hour prior to the activity, and up to one hour following the conclusion of the activity.

(3) Venues - the local committee shall notify the controller not less than fourteen (14) days prior to the start of any athletic competition scheduled at a venue, of the dates and times such competition will occur, and of the location of such venue. Persons designated by the controller as concessionaires pursuant to this article shall be permitted to sell merchandise, food or beverages at a designated premises adjacent to the venue only, up to two hours prior to any competition, and up to two hours following the conclusion of any competition.

(b) Notwithstanding any other provision of this Code, there shall be permit-

ted the erection of booths, stands and concessions for the sale of merchandise, food or beverages in conjunction with amateur athletic events. Such booths, stands and concessions shall only be erected as follows:

(1) Sanctioned Activities - for a period not exceeding twenty-four (24) hours prior to the start of the activity.

(2) Sponsored Activities - for a period not exceeding forty-eight (48) hours prior to the start of the activity.

(3) Venues - for a period not exceeding seventy-two (72) hours prior to the start of the activity.

Such booths shall be removed not more than twenty-four (24) hours following the conclusion of the activity. No booth shall be erected in the right-of-way unless such right-of-way is closed by order of the department of public safety.

Sec. 22 - 54. Designation of concessionaires.

Concessionaires designated pursuant to this article shall be designated by the controller with the assistance and recommendation of the local committee. Persons so designated shall have the exclusive right to sell merchandise, food or beverages in accordance with a list submitted by the local committee to the controller.

Sec. 22 - 55. Identification of concessionaires.

(a) Streamer badges shall be provided by the controller to concessionaires designated pursuant to this article. Such badges shall be worn as a means of identification by the concessionaire.

(b) Any person designated as a concessionaire shall furnish the controller with his name, business address, and any other such information as the controller shall deem appropriate in order to assign one (1) badge to one (1) concessionaire.

Sec. 22 - 56. Prices to be posted.

(a) Each concessionaire designated pursuant to this article shall file with the controller a schedule of prices for merchandise, food or beverages to be sold. Such schedule of prices may only be changed upon ten (10) days' written notice to the controller.

(b) Each concessionaire shall prominently display a schedule of prices whenever the concessionaire is engaged in selling merchandise, food or beverages pursuant to this article.

Sec. 22 - 57. Limitations.

(a) The controller shall designate concessionaires pursuant to this article no earlier than eighteen (18) months prior to the opening day of the amateur athletic event.

(b) The controller shall not designate concessionaires pursuant to this article after December 31st of the calendar year in which the amateur athletic event occurs.

(c) The maximum time for which a person may be designated as a concessionaire pursuant to this article shall not exceed one year; the controller, in his discre-

tion, may renew such designations for a period not to exceed one additional year.

Sec. 22 - 58. Violations.

(a) It shall be unlawful for any person conducting concessions pursuant to this article to charge prices in excess of the schedule on file with the controller.

(b) It shall be unlawful to conduct business as a concessionaire without displaying the streamer badges provided for in this article.

(c) The controller may withdraw the streamer badge of any concessionaire found violating the provisions of this article.

(d) It shall be unlawful for any person to conduct business as a concessionaire at a place other than a venue or a designated premises.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 685, 1986. This proposal authorizes the Marion County Community Corrections Advisory Board to contract with Midtown Mental Health Center for professional services for the Marion County Community Corrections jail component substance abuse treatment programs. The Public Safety and Criminal Justice Committee on December 10, 1986, recommended Proposal No. 685, 1986, Do Pass As Amended, by a 7-0 vote. Councillor Dowden explained that the amendment was to designate the contract to Flinn Christian Fellowship Houses rather than Midtown Mental Health Center. Councillor Dowden moved, seconded by Councillor Journey, for adoption. Proposal No. 685, 1986, As Amended, was adopted on the following roll call vote; viz:

25 AYES: *Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, SerVaas, Shaw, Stewart, Strader, West, Williams*

4 NOT VOTING: *Borst, Nickell, Rhodes, Schneider*

Proposal No. 685, 1986, As Amended, was retitled GENERAL RESOLUTION NO. 14, 1986, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 14, 1986

A GENERAL RESOLUTION authorizing the Marion County Community Corrections Advisory Board to contract with Flinn Christian Fellowship Houses for professional services for the Marion County Community Corrections jail component substance abuse treatment programs.

WHEREAS, the Marion County Community Corrections Advisory Board was established pursuant to IC 11-12-1-2 and City-County Special Resolution No. 103, 1981; and

WHEREAS, any agreement entered into by the Advisory Board to provide substance abuse treatment programs must be approved by the City-County Council; and

WHEREAS, the Marion County Community Corrections Advisory Board desires to contract with Flinn Christian Fellowship Houses to implement substance abuse treatment programs in the Marion County Community Corrections jail component; 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 of Indianapolis and Marion County, as the legislative body of Marion County, hereby approves the contractual agreement attached as Exhibit A between the Marion County Community Corrections Advisory Board and Flinn Christian Fellowship Houses to implement substance abuse treatment programs in the Marion County Community Corrections jail component.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 692, 1986, amends the Code by authorizing intersection control changes on Bauman Street, from Beech Drive to Lockerbie Drive. PROPOSAL NO. 693, 1986, amends the Code by authorizing intersection control changes on Madison Avenue, from County Line South to north of Martin Street. PROPOSAL NO. 694, 1986, amends the Code by authorizing intersection control changes at Bradbury Avenue and Lynhurst Drive. PROPOSAL NO. 695, 1986, amends the Code by authorizing intersection control changes at Julian Avenue and Sheridan Avenue. PROPOSAL NO. 696, 1986, amends the Code by changing weight load restrictions on a portion of 59th Street and Haines Avenue. PROPOSAL NO. 697, 1986, amends the Code by authorizing intersection control changes at Oriental Street and Springdale Place and Highland Avenue and Springdale Place. PROPOSAL NO. 698, 1986, amends the Code by establishing a portion of North Moreland Avenue as one-way. PROPOSAL NO. 719, 1986, amends the Code by authorizing various parking control changes for Senate Avenue, from Morris Street to Kansas Street. Councillor Gilmer reported that the Transportation Committee on December 10, 1986, recommended Proposal Nos. 692, 694, 695, 1986, Do Pass by a 5-0 vote; Proposal Nos. 696, 697 and 719, 1986, Do Pass by a 3-0 vote; Proposal No. 693, 1986, Do Pass As Amended by a 5-0 vote; and Proposal No. 698, 1986, Do Pass As Amended by a 3-0 vote.

Councillor Durnil voiced an objection to Proposal No. 695, 1986. The Proposal would authorize a two-way stop control with Julian Avenue as the preferential street. There is currently a two-way stop control at this intersection, but the preferential street is S. Sheridan Avenue. Councillor Durnil stated that the area is in his district and that the street is too narrow for the new regulation.

Councillor Journey moved to Table Proposal No. 695, 1986, to provide Councillor Durnil time to investigate the situation. Consent was given.

Proposal Nos. 692, 693, As Amended, 694, 696, 697, 698, As Amended, and 719, 1986, were adopted on the following roll call vote; viz:

26 AYES: *Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*
 NO NAYS

3 NOT VOTING: *Borst, Nickell, Rhodes*

Proposal No. 692, 1986, was retitled GENERAL ORDINANCE NO. 125, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 125, 1986

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", 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>
22, Pg. 1	N. Bauman St. & Beech Dr.	N. Bauman St.	STOP
22, Pg. 1	N. Bauman St. & Daisy Le.	N. Bauman St.	YIELD
22, Pg. 1	N. Bauman St. & W. Lockerbie Dr.	N. Bauman St.	YIELD
22, Pg. 1	N. Bauman St. & Willow Ct.	NONE	NONE

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", 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>
22, Pg. 1	Bauman St., Bauman St. (FR) & Beech Dr.	Bauman St. (SB)	STOP
22, Pg. 1	Bauman St. & Daisy Le.	Bauman St.	STOP
22, Pg. 1	Bauman St., Bauman St. (FR), & Lockerbie Dr.	Bauman St.	STOP
22, Pg. 1	Bauman St. (FR) & Willow Ct.	Bauman St. (FR)	STOP

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

Proposal No. 693, 1986, As Amended, was retitled GENERAL ORDINANCE NO. 126, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 126, 1986

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", 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>
32, Pg. 14	Madison Av. & Murry St.	Madison Av.	STOP
32, Pg. 14	Madison Av. & Murry St.	Madison Av.	STOP
39, Pg. 1	Atlantic St. & Madison Av.	NONE	NONE
39, Pg. 7	Madison Av. & Windmire St.	Madison Av.	STOP
46, Pg. 5	Madison Dr. & Van Dyke St.	Madison Dr.	STOP
46, Pg. 5	Madison Dr. & Worman St.	Madison Dr.	STOP
46, Pg. 5	Madison Dr. & South St. SP	Madison Dr.	STOP
46, Pg. 5	Madison Av. & E. Stop Ten Rd.	Madison Av.	STOP
46, Pg. 5	Madison Av. & E. Stop Twelve Rd.	NONE	SIGNAL
46, Pg. 5	Madison Av. New & Stop 12 Rd.	NONE	SIGNAL
39, Pg. 1	Madison Ave. Access Drive (at 1350E 5350S)	NONE	NONE

39, Pg. 1	& Madison Ave. Frontage Road (at 1330E 5350S) Madison Ave. Access NONE Drive (at 1320E 5200S)	NONE
39, Pg. 1	& Madison Ave. Frontage Road (at 1320E 5200S) Madison Ave. Access NONE Drive (at 1500E 5840S)	NONE
39, Pg. 1	& Madison Ave. Frontage Road (at 1500E 5840S) Madison Ave. Access NONE Drive (at 1550E 6220S)	NONE
39, Pg. 1	& Madison Ave. Frontage Road (at 1550E 6220S) Madison Ave. Access NONE Drive (at 1575E 6290S)	NONE
39, Pg. 5	& Madison Ave. Frontage Road (at 1575E 6290S) E. Epler Av. & E. Epler Av.	STOP
39, Pg. 5	Madison Ave. Frontage Road (at 1350E 5450S)	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1480E 5750S) & Gilbert Av.	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1520E) & Stevens St.	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1520E 6050S) & Madison Av.	NONE
39, Pg. 4	E. Edgewood Av. & Madison Ave. Frontage Road (at 1500E 5990S)	NONE

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", 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>
32, Pg. 14	Madison Av. & Murry St.	Madison Av.	STOP
39, Pg. 1	Atlantic St. & Madison Av.	Madison Av.	STOP
39, Pg. 7	Madison Av. & Windermire St.	Madison Av.	STOP
46, Pg. 5	Madison Av. & Southview Dr.	Madison Av.	STOP
46, Pg. 5	Madison Av. & Van Dyke St.	Madison Av.	STOP
46, Pg. 5	Madison Av. & Worman St.	Madison Av.	STOP
46, Pg. 5	Madison Av., Madison Village Dr. & South St.	NONE	SIGNAL
46, Pg. 5	Madison Av. &	NONE	SIGNAL

	Stop Ten Rd.		
46, Pg. 5	Madison Av. & Stop Twelve Rd.	NONE	SIGNAL
39, Pg. 5	Madison Ave. Frontage Road (at 1190E 4800S) & Morgan Dr.	Morgan Dr. (WB)	STOP
39, Pg. 5	Madison Ave. Frontage Road (at 1190E 4850S) & Madison Av.	NONE	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1490E 5100S) & Madison Av.	NONE	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1490E 5200S) & Madison Ave. Access Drive (at 1490E 5200S)	NONE	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1490E 5320S) & Madison Ave. Access Drive (at 1490E 5320S)	NONE	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1490E 5410S) & Madison Ave. Access Drive (at 1490E 5410S)	Madison Ave. Access Drive (at 1490E 5410S)	STOP
39, Pg. 5	Epler Av. & Madison Ave. Frontage Road (at 1490E 5490S)	Epler Av.	STOP
39, Pg. 7	Madison Ave. Access Drive (at 1490E 5200S) & Madison Av.	NONE	NONE
39, Pg. 7	Madison Ave. Access Drive (at 1490E 5320S) & Madison Av.	Madison Av.	STOP
39, Pg. 7	Madison Ave. Access Drive (at 1490E 5410S) & Madison Av.	NONE	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1490E 5710S) & Gilbert Av.	NONE	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1490E 5726 S) & Madison Av.	NONE	NONE
39, Pg. 4	Edgewood Av. & Madison Ave. Frontage Road (at 1640E 6010S)	NONE	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1640E 6020S) & Madison Av.	NONE	NONE
39, Pg. 5	Madison Ave. Frontage Road (at 1690E 6110S) & Stevens St.	NONE	NONE
39, Pg. 7	Madison Ave. Access Drive (at 1690E 6160S) & Madison Av.	NONE	NONE

39, Pg. 5	Madison Ave. Frontage NONE Road (at 1690E 6160S) & Madison Ave. Access Drive (at 1690E 6160S)	NONE
39, Pg. 5	Madison Ave. Frontage NONE Road (at 1690E 6200S) & Madison Av.	NONE

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

Madison Avenue, from Troy Avenue to Stop 10 Road, 40 mph.

SECTION 4. The "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Madison Avenue, on both sides, from East Street
To County Line Road, South.

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

Proposal No. 694, 1986, was retitled GENERAL ORDINANCE NO. 127, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 127, 1986

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", 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>
30, Pg. 2	W. Bradbury Av. & S. Lynhurst Dr.	S. Lynhurst Dr.	STOP

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", 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>
30, Pg. 2	Bradbury Av. & Lynhurst Dr.	NONE	SIGNAL

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

Proposal No. 696, 1986, was retitled GENERAL ORDINANCE NO. 128, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 128, 1986

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

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", Section 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the deletion of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Raines Avenue, from Belmont Avenue to Pershing Avenue.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Fifty-ninth Street, from Georgetown Road to Guion Road;

11,000 POUNDS GROSS WEIGHT

Haines Avenue, from Belmont Avenue to Pershing Avenue.

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

Proposal No. 697, 1986, was retitled GENERAL ORDINANCE NO. 129, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 129, 1986

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", 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>
25, Pg. 22	Oriental St. & Springdale Pl.	Oriental St.	STOP
25, Pg. 13	Highland Av. & Springdale Pl.	Highland Av.	STOP

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 698, 1986, As Amended, was retitled GENERAL ORDINANCE NO. 130, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 130, 1986

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-166, One-way streets and alleys designated.

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 29-166, One-way streets and alleys designated, be, and the same is hereby amended by the deletion of the following, to wit:

NORTHBOUND

Moreland Avenue, from Vermont Street to Wilcox Street.

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 deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24, Pg. 12	N. Moreland Av. & W. Vermont St.	W. Vermont St.	STOP

SECTION 3. 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>
24, Pg. 12	Moreland Av. & Vermont St.	NONE	NONE

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

Proposal No. 719, 1986, was retitled GENERAL ORDINANCE NO. 131, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 131, 1986

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-254, Manner of parking and Section 29-267, Parking prohibited at all times on certain streets; Section 29-254.

**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 29-254, Manner of parking, be, and the same is hereby amended by the deletion of the following, to wit:

(b) Forty-five degree angle

Senate Avenue, on the west side, from Morris Street to Kansas Street;

Senate Avenue, on the east side, from Morris Street
to the first alley south of Morris Street.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

Senate Avenue, on the east side, from Kansas Street
to the first alley north of Kansas Street.

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-254, Manner of parking, be, and the same is hereby amended by the addition of the following, to wit:

(b) Forty-five degree angle

Senate Avenue, on both sides, from the first alley
north of Kansas Street to Morris Street.

SECTION 4. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Senate Avenue, on both sides, from Kansas Street
to the first alley north of Kansas Street.

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

PROPOSAL NO. 714, 1986. This proposal approves the renewal for an additional term of four years, to and including May 18, 1996, of the cable television

franchise currently held by Indianapolis Cablevision, Inc., which is proposed to be transferred to Comcast Cable Leasing Partners, L.P. The Administration Committee on December 8, 1986, recommended Proposal No. 714, 1986, Do Pass As Amended by a 5-0-1 vote. The amendment was to accept changes to Page 3 of the Exhibit. Councillor West moved, seconded by Councillor McGrath, for adoption.

Councillor West referred to the December 8th Committee minutes and explained that testimony in Committee included remarks from C.E.I. (Cable Entertainment, Inc.) who desires to have its programming prepared under the American Cablevision franchise agreement, which includes the Black Entertainment Network and its own local programming to interconnect with Indianapolis Cablevision through the interconnect cables between American and Indianapolis. Discussion between Comcast and the Indianapolis Black Media Coalition have not resulted in fully satisfying C.E.I. and its president, Lorenzo Crowley.

Councillors Shaw and Boyd requested that Ms. Peppi L. Riggins, Director of the Indianapolis Black Media Coalition, be allowed to address the Council.

President SerVaas added that there was also a request from Councillor Journey to allow Mr. Crowley to address the Council.

Councillor West stated that both Mr. Crowley and Ms. Riggins spoke to the Administration Committee.

President SerVaas explained that Proposal No. 714, 1986, was not scheduled for public hearing but that if there were no objections, both persons would be allowed to speak to the Council for a few brief moments.

Ms. Riggins stated that some issues are yet to be resolved, such as an understanding of how technicalities for the system will interconnect. She added that C.E.I. has consistent programming but there is still a need for commercials and programming in certain areas of the Black community. The Coalition had urged a two-year term for the contract rather than the one-year term which was approved.

Councillor SerVaas, reading from information provided by the Council's Research Director, Thomas Stoughton, stated that the Cable Communications Policy Act of

1984 states that "a cable operator may not be required, as part of a request for proposals or as part of a proposal for renewal . . . to designate channel capacity for any use . . . except as provided in Sections 611 and 637 . . . Section 611 of this Act allows requirements for public educational and government use. . . " Councillor SerVaas explained that C.E.I.'s request does not fall under the City's allowable actions as defined by the Cable Communications Policy Act of 1984, i.e. the City does not have the authority to mandate that interconnecting between American and Indianapolis Cablevision must include the C.E.I.'s request.

Councillor SerVaas stressed that negotiations should be conducted between private parties and that the Council cannot influence either side toward a contract stipulation. He urged persons having difficulties with cable franchises to contact the Cable Franchise Board.

Mr. Crowley explained that "the issue" before the Council is not to make further contract negotiations at this time but rather to enable C.E.I. to provide sufficient programs to serve the Black community.

Mr. Crowley added that C.E.I. had appeared before the Cable Franchise Board to voice its concerns; however, the Board referred C.E.I. to the Administration Committee.

Councillor Journey moved, seconded by Councillor Hawkins, to table Proposal No. 714, 1986.

Councillor Journey then changed her motion to send Proposal No. 714, 1986, back to committee. The motion failed on the following roll call vote; viz:

7 AYES: Boyd, Hawkins, Journey, Page, Shaw, Strader, Williams

20 NAYS: Borst, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Holmes, Howard, McGrath, Miller, Nickell, Rader, Schneider, SerVaas, Stewart, West

2 NOT VOTING: Dowden, Rhodes

Proposal No. 714, 1986, As Amended, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, McGrath, Miller, Nickell, Page, Rader, Schneider, SerVaas, Shaw, Stewart, West*
3 NAYS: *Boyd, Journey, Williams*
2 NOT VOTING: *Rhodes, Strader*

Proposal No. 714, 1986, As Amended, was retitled SPECIAL ORDINANCE NO. 41, 1986, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 41, 1986

A SPECIAL ORDINANCE approving the renewal for an additional term of four (4) years, to and including May 18, 1996, of the cable television franchise currently held by Indianapolis Cablevision, Inc., which is proposed to be transferred to Comcast Cable Leasing Partners, L.P.

WHEREAS, on November 13, 1986 the Cable Franchise Board of the City of Indianapolis, Indiana ("Board"), following a public hearing, approved the renewal for an additional term of four (4) years, to and including May 18, 1996, of the cable television franchise dated May 19, 1967 and originally entered into between the Board of Commissioners of Marion County, Indiana and Metropolitan Cablevision Corporation ("Franchise"), which Franchise is currently held by Indianapolis Cablevision, Inc. ("Indianapolis"); and

WHEREAS, Indianapolis is proposing to transfer the Franchise to Comcast Cable Leasing Partners, L.P., a Delaware limited partnership; and

WHEREAS, the Board consented to the transfer of the Franchise by the adoption of its Resolution No. 1, 1986, on November 5, 1986, and the City-County Council approved the transfer by the adoption of City-County Special Ordinance No. 37 on November 24, 1986; and

WHEREAS, the Board's approval of the renewal of the Franchise was made subject to the execution of an Amendment to Franchise which sets forth additional terms and conditions of the Franchise, and the Council finds that the provisions of said Amendment to Franchise are in the best interests of the City and of the subscribers of the cable television system; and

WHEREAS, the Council now finds that the Franchise should be renewed for an additional four (4) years, subject to the execution of the Amendment to Franchise; now, therefore:

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

SECTION 1. The City-County Council hereby approves the renewal of the Franchise for an additional term of four (4) years to and including May 18, 1996, subject to the execution of the Amendment to Franchise which is attached hereto and incorporated herein.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 717, 1986. This proposal amends the Code by creating the Land and Water Pollution Control Division within the Department of Public Works. Councillor Coughenour stated that the creation of this new division was discussed during the 1987 Budget hearings. She added that the ordinance describes the powers of the new division. The Public Works Committee on December 11, 1986, recommended Proposal No. 717, 1986, Do Pass by a 6-0 vote. Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Proposal No. 717, 1986, was adopted on the following roll call vote; viz:

21 AYES: *Bradley, Cottingham, Coughenour, Crowe, Curry, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, SerVaas, Shaw, Stewart, Strader, West, Williams*

2 NAYS: *Giffin, Schneider*

6 NOT VOTING: *Borst, Boyd, Clark, Dowden, Nickell, Rhodes*

Proposal No. 717, 1986, was retitled GENERAL ORDINANCE NO. 132, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 132, 1986

A GENERAL ORDINANCE creating the Land and Water Pollution Control Division within the Department of Public Works.

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

SECTION 1. Article V of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 3 - 402. Divisions.

The department of public works shall be composed of the following divisions:

- (A) **Administrative division.** The administrative division shall have the following powers:
- (1) **To provide management and support to the department in the areas of finance and public relations as well as any other areas designated by the director;**
 - (2) **To manage surplus property acquired by the city due to nonpayment of taxes or any other reason and to dispose of such property pursuant to IC 36-1-11;**
 - (3) **To approve plans and issue permits for sewer construction and connection as required in chapter 27 of the Code of Indianapolis and Marion County, Indiana, and otherwise provide engineering services to the other divisions as necessary.**

- (B) Air pollution control division. The air pollution control division shall initiate and carry out strategies to achieve and maintain acceptable air purity in the county as described in Chapter 4 of the Code of Indianapolis and Marion County, Indiana.
- (C) Liquid waste division. The liquid waste division shall have the following powers:
- (1) To treat waste water in the consolidated city;
 - (2) To construct and maintain waste water treatment facilities;
 - (3) To design, construct and maintain storm and sanitary sewer structures;
- (4) To maintain the accounts of sewer user customers;
- (5) To provide engineering services to other divisions as necessary.
- (D) Solid waste division*. The solid waste division shall have the following powers:
- (1) To collect and dispose of household refuse of residents in the Indianapolis Solid Waste District;
 - (2) To pick up and dispose of animal carcasses from consolidated city streets;
- (3) To ticket, tow and dispose of abandoned vehicles in the consolidated city.
- (E) Flood control division. The Flood control division shall have the following powers:
- (1) To be responsible for flood control projects within the flood control district;
 - (2) To approve, design, construct and maintain drains, ditches, rivers, creeks and other watercourses throughout the district as provided by law except as provided in Article VI of Chapter 3 of the Code of Indianapolis and Marion County, Indiana;
 - (3) To approve, design, construct and maintain levees throughout the district as provided by law;
 - (4) To maintain Eagle Creek Dam and regulate water level of the Eagle Creek Reservoir*;
 - (5) To approve plans and issue permits required by Chapter 10 1/2 of the Code of Indianapolis and Marion County, Indiana;
 - (6) To be responsible for week abatement on public and private property within the consolidated city; and
 - (7) To provide engineering services to other divisions as necessary.

(F) Water and land pollution control division. The water and land pollution control division shall have the following powers:

- (1) To provide management and support to the department in the areas of environmental policy and planning for water and land pollution control;
- (2) To perform pollution control programs and services in order to improve the environmental quality in the consolidated city with regards to groundwater, surface water and hazardous waste;
- (3) To approve plans and issue permits for, and otherwise monitor and regulate, industrial, commercial, and any other non-domestic discharges into the sewer system, as described in Chapter 27 of the Code of Indianapolis and Marion County, Indiana;
- (4) To monitor and regulate septage hauling;
- (5) To respond to hazardous waste spills and other emergencies which threaten contamination of sewers, groundwater, or surface water; and
- (6) To provide engineering and technical services to other divisions as necessary.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The President recessed the City-County Council for purposes of convening the Police Special Service District at 9:01 p.m.

SPECIAL SERVICE DISTRICT COUNCILS

POLICE SPECIAL SERVICE DISTRICT

A quorum being present, the President called the Police Special Service District Council to order at 9:02 p.m.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 453, 1986. This proposal appropriates \$25,000 for the Department of Public Safety, Police Division, to fund programs for the Indianapolis Police Athletic League from funds donated by Lilly Endowment. The Public Safety and Criminal Justice Committee on November 12, 1986, recommended Proposal No. 453, 1986, Do Pass by a 5-0 vote. The President called for public testimony at 9:02 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 453, 1986, was adopted on the following roll call vote; viz:

25 AYES: Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams
NO NAYS

4 NOT VOTING: Borst, Curry, Nickell, Rhodes

Proposal No. 453, 1986, was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1986, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1986

A FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1986 (P.S.S.D. Fiscal Ordinance No. 3, 1985) appropriating an additional Twenty Five Thousand Dollars (\$25,000) 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 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 of the Police Special Service District Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Safety, Police Division, to fund programs for the Indianapolis Police Athletic League from funds donated by Lilly Endowment.

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:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

3. Other Services & Charges

TOTAL INCREASE

POLICE GENERAL FUND

\$25,000

\$25,000

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

Unappropriated and Unencumbered

Police General Fund

TOTAL REDUCTION

POLICE GENERAL FUND

\$25,000

\$25,000

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. 485, 1986. This proposal amends the Code concerning the leave portion of the police merit ordinance. The Public Safety and Criminal Justice Committee on December 10, 1986, recommended Proposal No. 485, 1986, Do Pass As Amended by a 6-0 vote. Councillor Dowden explained that the majority of the amendments were technical in nature, adding or deleting legal language to provide better clarification. The Fraternal Order of Police, the Firefighter's Union, and Mike Owen, Labor Negotiator for the City, endorse Proposal No. 485, As Amended. Councillor Dowden moved, seconded by Councillor West, for adoption. Proposal No. 485, 1986, As Amended, was adopted on the following roll call vote; viz:

24 AYES: *Boyd, Bradley, Clark, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, SerVaas, Shaw, Stewart, Strader, West, Williams*

NO NAYS

5 NOT VOTING: *Borst, Cottingham, Nickell, Rhodes, Schneider*

Proposal No. 485, 1986, As Amended, was retitled POLICE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 1, 1986, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 1, 1986

A POLICE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE concerning leaves for members of the Indianapolis Police Department.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 2 of Part I of Appendix B of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by inserting the language underscored and deleting the language crosshatched as follows:

Sec. 2. Annual leave.

(a) Each active member of the Indianapolis Police Department hired on or before December 31, 1984, shall receive hereafter not less than ~~not less than (200) ~~one hundred twenty~~ (120) hours~~ one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said police department hired on or before December 31, 1984, who shall have served from ten (10) years to twenty (20) years on said department shall receive not less than ~~not less than (160) ~~one hundred sixty~~ (160) hours~~ one hundred sixty (160) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired on or before December 31, 1984, who shall have

served for more than twenty (20) years shall be entitled to seven (7) ~~months~~ forty (40) hours in addition to his annual leave to be added to his regular annual leave. The time for such annual leave shall be subject to the approval of the chief of the police ~~department~~ department.

(b) Each active member of the Indianapolis Police Department hired after December 31, 1984, shall receive hereafter not less than ~~eighty (80) hours~~ eighty (80) hours annual leave with full salary each and every fiscal year. Provided that hereafter any active member of said police department hired after December 31, 1984, who shall have served seven (7) continuous years but less than fifteen (15) continuous years on said department shall receive not less than twenty-one ~~hundred twenty (120) hours~~ one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired after December 31, 1984, who shall have served fifteen (15) or more continuous years on said department shall receive not less than twenty-eight ~~hundred sixty (160) hours~~ one hundred sixty (160) hours annual leave. The time for such annual leave shall be subject to the approval of the chief of the police ~~department~~ department.

SECTION 2. Section 3 of Part I of Appendix B of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by inserting the language underscored and deleting the language crosshatched as follows:

Sec. 3. Accumulation of annual leave days; annual leave carryover.

Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief of the police force, up to a maximum of ~~one hundred twelve (112) hours~~ one hundred twelve (112) hours earned annual leave may be carried over from one calendar year to the next calendar year, provided the chief of the police force retains the right to schedule such carryover annual leave at his discretion in order to maintain the efficiency of the operation of the police ~~department~~ department.

SECTION 3. Section 4 of Part I of Appendix B of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by inserting the language underscored and deleting the language crosshatched as follows:

Sec. 4. Sick leave.

(a) Any active member of the police department hired on or before December 31, 1984, who is unable to perform the duties of this employment by reason of sickness, accident or injury, is entitled to not less than ninety (90) calendar days' sick leave with full pay in a calendar year or for the period of such incapacity, should said period be less than ninety (90) days. In the case of an officer incurring a sickness, accident or injury in the direct line of duty the chief, with the approval of the Director of Public Safety, may, upon the written application of the officer, extend paid sick leave. Before any extension may be rendered, a medical doctor or a psychologist retained by the department must certify the member as unfit for active duty. If the member is unable to return to work he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies, and procedures for the administration of paid sick leave and extensions thereof. However, any active member of said department not requiring sick leave during any calendar year shall receive three (3) days' compensatory leave with full pay in addition to any vacation provided for herein, provided officers utilizing sick leave for on-duty accident or injury shall not be

Council to order at 9:05 p.m.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 647, 1986. This proposal amends the Code concerning the portion of the fire merit ordinance which establishes the merit personnel system. The Public Safety and Criminal Justice Committee on December 10, 1986, recommended Proposal No. 647, 1986, Do Pass As Amended by a 5-0 vote. Councillor Dowden explained that the majority of the amendments were technical in nature, adding or deleting legal language to provide better clarification. The Fraternal Order of Police, the Firefighter's Union, and Mike Owen, Labor Negotiator for the City, endorse Proposal No. 647, As Amended. Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 647, 1986, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*
NO NAYS

2 NOT VOTING: *Nickell, Rhodes*

Proposal No. 647, 1986, As Amended, was retitled FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 3, 1986, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 3, 1986

A GENERAL ORDINANCE OF THE FIRE SPECIAL SERVICE DISTRICT concerning a merit system for members of the Indianapolis Fire Department.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Part III of Appendix A of the "Code of Indianapolis and Marion County, Indiana" as amended by F.S.S.D. G.O. No. 1, 1986, is hereby amended by inserting the words underlined and deleting the words crosshatched to read as follows:

Sec. 1. Chief.

(a) The director of public safety shall appoint a chief of the Indianapolis Fire Department who shall serve at the pleasure of the director. The chief shall be selected from members of the department who hold the permanent merit rank of captain or above on the basis of prior training and experience, and shall have a minimum of ten (10) years continuous service with the department.

(b) The chief shall have general charge of the daily operations of the department and may, with the approval of the director of the department of public safety, appoint any number of executive assistants who shall hold the temporary rank and title of assistant chief, deputy chief, or division chief, as he deems necessary to allow him to efficiently discharge his executive duties. The chief shall select these executive assistants from among those holding the permanent merit rank of captain or above in the department. The appointed ranks of assistant chief, deputy chief, and division chief shall be temporary, and each executive assistant shall retain his permanent merit rank, unless promoted in accordance with the merit system.

Sec. 2. Fire merit board.

(a) There shall be established a civilian fire merit board which shall consist of five (5) members who shall be appointed by the director. The director shall appoint members to the merit board from among residents of the fire special service district and no member appointed to the merit board shall be a member of the department or hold elective or appointive office in either a city, town, township, county or state government. All appointments to the merit board shall be for a term of two (2) years and all persons appointed shall serve during their respective terms and until their respective successors shall be appointed ~~and reappointed~~. Any member of the merit board may be removed by the director with or without cause without right of hearing. In the event a vacancy occurs on the merit board, the director shall designate a replacement to serve the unexpired term. A member of the merit board may be reappointed for successive terms.

(b) The director shall endeavor to appoint to the merit board one experienced person from each of the following fields:

1. Professional education;
2. Business administration or public administration;
3. Personnel administration;
4. Medicine or psychiatry;
5. Law. This member shall be an attorney in good standing, admitted to the bar and engaged in the general practice of law in the state of Indiana.

The chief of the department shall be an ex officio member of the merit board without voting power.

(c) Each member of the merit board shall be a resident voter of the fire special service district. In the event a vacancy occurs on the merit board, the director shall designate a replacement to serve the unexpired term. A member of the merit board may be reappointed for successive terms. The merit board shall establish rules for its operation. Included in such rules shall be the time and place for holding regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact its business. Each year the merit board, with the concurrence of the director, shall select from its members a president, vice-president and secretary.

(d) The merit board shall administer and supervise the merit system established by this appendix.

Sec. 3. Merit selection and appointment procedure.

(a) Any person, including persons seeking reappointment or reinstatement, shall be appointed to the city fire department in accordance with the merit selection and appointment procedure created by this section and such rules and regulations as may be established by the merit board in accordance with the provisions of this section. Such rules and regulations may change the order of the procedure but not the substance of the requirements established by this section. Appointment and reappointment to the department shall be made without regard to an applicant's political party preference or activity.

(b) Any resident of the ~~the~~ state of Indiana of the age of twenty-one (21) years or above and not over the age of thirty-five (35) having at least a high school education or equivalent is eligible to make application to become a member of the department; however, each applicant must meet minimum fitness/medical standards adopted by the department and continue to meet minimum fitness/medical standards, as a condition of employment, while serving as a member of the Department. The department shall develop job-related minimum standards with the assistance of an independent consultant in order to meet applicable federal and state guidelines. Applicants are required to be a resident of the state of Indiana in order to be appointed to the department. All individuals appointed or reappointed to the department must establish residency in Marion County within ~~of the~~ six (6) months of such appointment or reappointment. Applicants shall not have been convicted of an offense which is a felony under Indiana law". Applicants must obtain an application form from the personnel branch and must comply with the following additional requirements:

- (1) Applicants must pass a complete physical examination and a psychological examination in accordance with state law. The psychological examination shall be given by an individual approved by the state board of examiners in psychology or the state board of medical registration. If a written psychological examination is administered, such examination shall be approved by the state board of examiners in mental health or the state board of medical registration, in accordance with psychological examinations approved by the PERF board in consultation with the commissioner of mental health. Applicants may be required to pay up to one-half (1/2) of the costs of the required physical and psychological examinations, in accordance with applicable departmental rules.
- (2) Applicants must pass a written examination to evaluate both aptitude and intellectual capacity for fire work.
- (3) Applicants must pass a job-related agility test.
- (4) Applicants shall have a structured oral interview as established by the fire merit board.

The rules and procedures for the above requirements shall be set by the chief of the department with the approval of merit board.

(c) The personnel branch shall prepare a list of those applicants eligible for appointment ranked in order of their total combined score. The written examination shall constitute no more than fifty (50) percent of the applicant's total eligibility score.

Prior to the creation of the eligibility list, the personnel branch, with approval of the merit board, shall establish the weight of each of the components of the applicant process.

(d) Beginning with the applicant having the highest eligibility score on the eligibility list, the department shall conduct a background investigation into the personal history and character of the applicant. Any information indicating that the applicant has engaged in any conduct or activities which would warrant the disqualification of the applicant from appointment to the department shall be forwarded to the chairman of the personnel branch and shall be made a part of the applicant's file. The file shall be presented by the chairman of the personnel branch to the merit board which shall determine whether said conduct or activities are such as to disqualify the applicant for appointment.

(e) Final eligibility lists prepared as the result of an applicant screening process shall be in effect for two (2) years or until a new eligibility list for the next process is final, whichever occurs sooner. The merit board shall establish procedures for the management of the final eligibility list.

Any applicant who personally or through any other person solicits any member of the merit board to favor his appointment or reinstatement to the department shall be thereby rendered ineligible for any such appointment.

Sec. 4. Vacancies; training academy for recruits; probationary period.

(a) The chief shall appoint as recruit trainees such applicant or applicants as are necessary to fill any vacancies which exist in the department. Eighty (80) percent of said vacancies to be appointed at one time by the chief shall be filled by taking the applicant having the highest score on the final eligibility list and proceeding down the list in order of merit. The chief shall fill the remaining twenty (20) percent of the vacancies by selecting any person remaining on the final eligibility list. In selecting candidates, consideration shall be given to I.C. 36-8-4-10.

Recruit trainees shall be assigned to the fire training academy for a training course prescribed by the chief with the approval of the merit board. No recruit trainee shall be assigned to regular active duty until he has attended and successfully completed the training course so prescribed. Failure to complete the course successfully shall result in dismissal from the department. After completing the training course, the recruit trainee shall be elevated to the probationary rank of firefighter and shall be assigned to regular active duty. The probationary period shall last for one year of actual service from the date of the recruit trainee's graduation from the training academy. Each firefighter shall be evaluated monthly during this period by his immediate supervisor pursuant to the evaluation system provided for in this appendix.

The appointment of the firefighter becomes permanent when he has successfully completed the one-year probationary period.

(b) While an individual is in the status of recruit trainee or probationary firefighter, the chief may terminate or temporarily suspend an individual for cause, without right to any hearing before the merit board.

(c) The personnel branch, with the approval of the director, shall be authorized to conduct such recruiting and publicity campaigns in any county of this state as

it may determine to be necessary to attract an adequate number of qualified persons to become members of the department.

Sec. 5. Retirement.

A member of the fire department shall be required to retire from the department ~~if~~ ~~upon~~ ~~his~~ ~~failure~~ ~~to~~ ~~meet~~ ~~minimum~~ ~~medical~~ ~~fitness~~ ~~standards~~ ~~adopted~~ ~~by~~ ~~the~~ ~~department~~. Such minimum medical/fitness standards shall be job-related and established with the assistance of an independent consultant to the department.

Sec. 6. Rules and regulations of the department.

(a) Within the limits of this appendix, the chief, with the approval of the director, shall prescribe, adopt and put into effect such rules and regulations for the government of the department as, from time to time, he deems appropriate. Within the limits of this appendix, the chief, with the approval of the merit board, shall establish a classification of ranks, grades and positions in the department and shall designate the authority and responsibilities of each rank, grade and position. The chief shall have authority to assign or reassign any member of the department to serve at any fire station or headquarters, within the limits of the appendix, and to perform such duties as he shall designate, provided such grade and assignment results in no decrease in the firefighter's merit rank and provided, the firefighter's minimum salary is commensurate with his merit rank. The chief shall be authorized to make maximum use of civilian employees in any position in the department so as to release firefighters to perform essential department functions.

(b) Consistent with the terms of Section 7(a) the chief, with the approval of the director, may establish a position classification system and a scale of compensation for the various firefighters in the Department. The compensation so fixed shall be based on the rank held by the firefighter, the length of service of the firefighter, the job performance of the firefighter, and the special technical competence of the job assignment of the firefighter. Any position pay granted to a firefighter shall remain in effect only while such firefighter is in such position. The scale of compensation shall be required to apply uniformly to all firefighters similarly situated and there shall be no decrease in the firefighter's merit rank and minimum salary commensurate with the rank.

Sec. 7. Merit promotion system.

(a) There shall be established a merit promotion system which shall be administered in accordance with rules and regulations adopted by the merit board. This merit promotion system shall apply to all promotions to the ranks of lieutenant, captain and district chief. It shall not apply to the appointment of the chief by the director or to the appointment of assistant chiefs, deputy chiefs and division chiefs by the chief. Within the limits of this appendix, the chief, with the approval of the merit board, shall set standards for promotion in conformity with the most widely approved standards of comparable fire departments, and shall establish reasonable prerequisites of training, education and experience for each rank, grade and position in the department.

(b) The following eligibility requirements are established for all individuals seeking promotion within the Department:

Private to Lieutenant: To be eligible for promotion to the rank of lieutenant, an individual must have completed five (5) years continuous service as a sworn member of the Department.

Lieutenant to Captain: To be eligible for promotion to the rank of captain, an individual must have served two (2) years in the rank of lieutenant.

Captain to District Chief: To be eligible for promotion to the rank of district chief, an individual must have served two (2) years in the rank of captain.

In determining years of service for promotion eligibility to the next merit rank, all time served from the candidate's date of appointment shall be considered. The Merit Board shall resolve any issue relating to the determination of a firefighter's years of service. A member shall be promoted only to the next highest rank.

(c) The Merit Board, in conjunction with the Chief of the Department, shall establish process phases and procedures for use in selecting candidates for promotion to the various ranks. The Board may use the services of professional consultants from outside the Department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selecting methods, equal employment opportunity laws, and generally accepted standards for fire departments. Weightings of the components of the process shall be established by the department, using the services of professional consultants prior to the inception of the process with the acceptance of the merit board. The process may include such phases as a written examination, structured interviews, performance evaluations, and/or assessment center techniques, as structured to accommodate the various rank levels.

(d) Promotions shall be made by the Chief of the Department with the approval of the Merit Board. Such promotions shall be made to position vacancies identified by the Chief and designated to be filled by the Chief and the Director of Public Safety. In making final selections for promotion, the Chief shall promote the candidate who, in the opinion of the Chief and Merit Board, is best qualified for the position based on such considerations as the cumulative score on the merit selection procedure, the qualifications of the candidate for promotion, and community and legal obligations of the department and the city. The merit board shall establish guidelines, policies and procedures for the administration of the promotion process, and such guidelines, policies and procedures shall be posted in all Indianapolis Fire Department work sites and a copy provided the public safety committee of the city-county council prior to the inception of the process.

(e) All promotions to the ranks of lieutenants, captain and district chief shall be made in accordance with this merit system, without regard to a candidate's political party preference or activities. Any member of the department who personally or through any other person solicits any member of the merit board to favor his promotion shall be thereby rendered ineligible for any such promotion.

(f) There shall be no acting or temporary ranks.

Sec. 8. Evaluations.

The chief, with the approval of the merit board, and with the assistance of the personnel branch, shall formulate and establish a system for the evaluation of the performance of each member of the department. The personnel branch shall maintain a record of all the evaluations of each member under this system.

Sec. 9. Discipline.

(a) The fire chief shall have the ultimate authority to discipline all members of the fire department. However, that authority may be delegated by the chief in accordance with the provisions contained in this section. The authority of the chief to discipline shall be subject only to the firefighter's right of appeal to the fire merit board as provided herein.

(b) All disciplinary matters within the department shall be based on one or more of the following infractions:

- (1) Violation of any rule, regulation, or order of the department;
- (2) Any breach of discipline;
- (3) Insubordination;
- (4) Neglect of duty;
- (5) Immoral conduct;
- (6) Conduct unbecoming a firefighter;
- (7) Substandard performance;
- (8) Violation, with the determination by the chief of any federal, state or local law; and
- (9) Failure to cooperate or be truthful.

(c) After an administrative review involving the above infractions, the chief may suspend, without a hearing of any kind and with or without pay, any member of the fire department for up to six (6) months. Any firefighter suspended by the chief for greater than eighty (80) working hours shall have the right to a hearing before the fire merit board.

(d) The delegation by the chief of the authority to discipline shall not exceed the following:

- (1) any deputy or assistant chief may suspend any subordinate firefighter for up to a total of eighty (80) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of district chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time;

(2) any district chief may suspend any subordinate firefighter for up to a total of twenty-four (24) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of district chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.

(e) A disciplinary board of district chiefs, referred to in this section as the disciplinary board, shall assist the chief in departmental disciplinary matters. The board shall be subordinate and advisory to the chief and shall consist of three (3) member officers with the permanent merit rank of district chief. Board members shall be selected at random and shall serve as a board for a term not to exceed six (6) months. A new board shall be impanelled every six (6) months. No district chief shall serve as a member of the board in consecutive six (6) months periods.

(1) Following the suspension of a firefighter by the chief for a period greater than eighty (80) working hours, or any suspension of a firefighter by an assistant chief, deputy chief, division chief, or district chief, the chief shall

(1) Following the suspension of a firefighter by the chief for a period greater than eighty (80) working hours, or any suspension of a firefighter by an assistant chief, deputy chief, division chief, or district chief, the chief shall

(2) The chief, or his designee, may cause the firefighter to be brought before the disciplinary board for a hearing based upon any charges.

(3) The chief, in his discretion, may also cause the firefighter to appear directly before the merit board for a hearing.

(2) Any firefighter subject to a hearing before the disciplinary board shall be notified in writing of the charges and of the time and date of the hearing. Such notice must be given by the board at least five days prior to such hearing. In addition, the firefighter has the right to have witnesses subpoenaed by the disciplinary board to testify in his behalf upon forty-eight (48) hours' advance notice to the board. If a firefighter requests that witnesses be subpoenaed, he

shall provide a list of such witnesses to the board and to the chairman of the personnel branch, who shall prepare and deliver the subpoenas on behalf of the board. All testimony at this hearing shall be under oath. Any firefighter appearing at this hearing, whether as an accused or as a witness, shall cooperate fully with the disciplinary board and answer all questions truthfully and directly. In such hearings, and pursuant to departmental policy, the firefighter shall have the right to have legal counsel ~~at the hearing~~

(6)(3) The hearing before the disciplinary board shall be conducted in accordance with written directives of the chief. The disciplinary board shall, by a majority vote, make a finding of guilty or not guilty and reduce it to writing. If the finding is guilty, the board shall make its recommendations for punishment. The findings and recommendations shall then be referred to the chief or his designee for his determination and shall be made available to the accused firefighter.

(7)(4) After receiving the findings and recommendations, the chief or his designee may, with or without hearing, either concur with the disciplinary board or may reverse the board in full or in part. After making his determination, the chief or his designee may:

- a. Suspend the firefighter without pay for up to six (6) months. If the suspension does not exceed a total of eighty (80) working hours, suspension shall be without the right of appeal to the fire merit board. That portion of any suspension exceeding a total of eighty (80) working hours may be appealed to the fire merit board within thirty (30) calendar days;
- b. Demote the firefighter in rank; however, any demotion may be appealed to the fire merit board within thirty (30) calendar days;
- c. Recommend to the merit board that the firefighter be terminated, in which case the merit board shall consider such a recommendation in the same manner as an appeal of a chief's determination for suspension or demotion;
- d. Reprimand the firefighter verbally or in writing;
- e. Reinstatement with pay any firefighter who has been previously suspended without pay.

(8)(5) A copy of the findings of fact and recommendations of the disciplinary board as well as the chief's determination shall be made a permanent part of the subject firefighter's personnel record. A copy of all of these findings of fact and recommendations as well as the Chief's determination shall also be referred to the director of the department of public safety within fifteen (15) days.

(f) Appeals to the merit board shall be handled in the following manner:

- (1) Any member of the fire department may appeal the following determination to the fire merit board within thirty (30) calendar days of such determination:

- a. that portion of any suspension without pay exceeding eighty (80) working hours;
 - b. any demotion in rank.
- (2) The hearing before the merit board shall be an administrative hearing, shall be de novo, and shall be a hearing of record. The evidence before the merit board shall consist of the findings of fact and recommendations of the disciplinary board of district chiefs, if such disciplinary board is convened, the written charges are the determination of the fire chief upon those charges, and any other evidence requested by the merit board, presented by the aggrieved firefighter, or presented by the chief.
 - (3) Any firefighter appealing any decision of the chief shall be given notice at least fifteen (15) calendar days prior to the hearing before the merit board.
 - (4) The appealing firefighter may be represented by legal counsel before the merit board and the chief shall be represented by the corporation counsel or his designee.
 - (5) The merit board may fully or partially affirm or completely reverse any portion of the chief's determination which is appealable. In the cause of a demotion, the merit board may demote a firefighter only one (1) permanent rank at any one time. The merit board may order any firefighter reinstated with pay for any appealable suspension. In addition, the merit board may remand the action for further review by the fire chief.
 - (6) After hearing the evidence, the merit board shall make a finding by majority vote and reduce its findings and decision to writing. A copy of the findings and decision shall be forwarded to the firefighter in question and to the director of the department of public safety and shall become a permanent part of the firefighter's personnel record.

(g) For the purpose of all hearings before the chief, the disciplinary board of district chiefs, and the merit board, each respectively shall have subpoena power enforceable by the circuit or superior court.

(h) Any member of the fire department may, following a decision of the merit board, file a verified petition in the superior or circuit court of the county for a review of the decision. The petition for review shall be filed within thirty (30) days of the written decision of the merit board. The consolidated city shall be the sole defendant in the petition. Within thirty (30) days after receipt of the summons, the city shall cause the merit board to file a complete transcript of the hearing. The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the department of public safety and the appealing firefighter. Either party may appeal the decision of the court.

SECTION 2. (a) The express or implied repeal or amendment by this ordinance of any other ordinance, or part thereof, 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 prior to 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 unless such remaining provisions cannot, 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 upon adoption and compliance with IC 36-3-4-14.

There being no further business for the Fire Special Service District Council, the President reconvened the City-County Council at 9:06 p.m.

NEW BUSINESS

President SerVaas stated that at the November 24, 1986, meeting of the Council, he indicated that the calendar needed to be cleared for preparation of the new year. Sponsors of the proposals listed as pending were contacted, and it appears that numerous items can be stricken.

Councillor Miller moved, seconded by Councillor Journey, to strike all previously pending proposals except Proposal Nos. 352 and 718, 1986.

Councillor Durnil explained that he and Councillor Strader consented to striking Proposal No. 42, 1986, (requests that a program be prepared whereby the youth have the opportunity to display their automobiles in a safe and organized manner); however, the sponsors will still attempt to pursue the issue and will try to communicate to the Department of Parks and Recreation.

Consent was given to strike all pending proposals except Proposal Nos. 352 and 718, 1986.

[Clerk's note: The actual proposal numbers which were stricken were Proposal No. 431, 1985, Proposal Nos. 42, 57, 81, 122, 187, 194, 241, 423, 522, 525, 617, and 690, 1986.]

Councillor West moved to discuss Proposal No. 773, 1986, in the Committee of the Whole.

Mr. Robert Elrod, General Counsel, explained that current regulations require \$500,000 of liability insurance for taxis. He added that the regulations were adopted in July of 1986; therefore, the Controller should currently require that amount of liability insurance for taxis.

Councillor Borst noted that the Council should have voted to suspend the rules to consider discussion on Proposal No. 773, 1986.

President SerVaas remarked that he encouraged Councillor West to present the discussion this evening in consideration that the new regulations were placing financial difficulties on the smaller taxi companies.

The President ruled that the Ayes carried unanimously to suspend the rules to consider discussion on Proposal No. 773, 1986.

Councillor West briefly reviewed Proposal No. 773.

Councillor Curry stated that the problem of increased liability insurance required the previous ordinance approved in July of 1986 has been discussed by the Administration Committee. Councillor Curry moved to divide the question on Sec. 17-650 (b) to adopt the portion of Proposal No. 773, 1986, which concerns liability insurance for taxis. Councillors Journey and Giffin seconded, the motion which carried by Consent.

Councillor Curry moved, seconded by Councillor Journey, for adoption on Sec. 17-650 (b).

[Clerk's Note: Sec. 17-650 (b) was entered into the records as Proposal No. 774, 1986.]

Proposal No. 774, 1986, was adopted on the following roll call vote; viz:

25 AYES: Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Schneider, SerVaas, Shaw, Stewart, Strader

NO NAYS

4 NOT VOTING: *Nickell, Rhodes, West, Williams*

Proposal No. 774, 1986, was retitled GENERAL ORDINANCE NO. 133, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 133, 1986

A GENERAL ORDINANCE amending Chapter 17 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. The "Code of Indianapolis and Marion County, Indiana" specifically, Chapter 17, Article XIX, Section 17-650, Liability insurance, is hereby amended by inserting the language underscored and deleting the language crosshatched in subsection (b) to read as follows:

(b) Each taxi licensee under this article shall maintain in effect at all times the public liability insurance required by subsection (a), which will indemnify anyone injured by any of the licensee's drivers or by anyone operating any of the licensee's taxis. The liability insurance shall be not less than ~~the minimum liability limit of \$100,000.00~~ one hundred thousand dollars (\$100,000.00) combined limit coverage for personal injury and property damage beginning in calendar year 1987, and three hundred thousand dollars (\$300,000.00) combined limit coverage for personal injury and property damage beginning in 1989.

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 other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if 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 upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENTS

There being no further business, upon motion duly made and seconded the meeting adjourned at 9:30 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 15th day of December, 1986.

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 Council

(SEAL)