

**CITY-COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, March 26, 1979**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, convened in the Council Chambers of the City-County Building at 7:10 p.m., Monday, March 26, 1979, President SerVaas in the chair. Mrs. Stewart opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

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

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

ABSENT: Mr. Patterson.

CORRECTION OF JOURNAL

The Chair called for additions or corrections to the Journal of March 12, 1979. There being no additions or corrections, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that there will be a REGULAR MEETING of the City-County Council held in the City-County Building, in the Council Chambers, on Monday, March 26, 1979, at 7:00 p.m., the purpose of such MEETING being to conduct any and all business that may properly come before the regular meeting of the Council.

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

March 13, 1979

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on March 15, 1979 and March 22, 1979, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 114 and 117, 1979 to be held on Monday, March 26, 1979 at 7:00 p.m. in the City-County Building.

Respectfully,

s/Beverly S. Rippey
City Clerk

March 16, 1979

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

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

FISCAL ORDINANCE NO. 22, 1979, amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 and appropriating an additional three hundred seventy-five thousand dollars in the Sanitation General Fund for purposes of the Department of Public Works, Liquid Waste Division, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

FISCAL ORDINANCE NO. 23, 1979, amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 transferring and appropriating five hundred sixty-seven thousand dollars in the Sanitation General Fund for purposes of the Department of Public Works, and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 24, 1979, amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 transferring and appropriating three hundred fifty thousand dollars in the Transportation General Fund for purposes of the Department of Transportation and reducing certain other appropriations for that department.

GENERAL ORDINANCE NO. 17, 1979, establishing intersection controls at certain intersections.

GENERAL ORDINANCE NO. 18, 1979, establishing an intersection control at a certain intersection.

GENERAL ORDINANCE NO. 19, 1979, establishing an intersection control at a certain intersection.

GENERAL ORDINANCE NO. 20, 1979, establishing intersection controls at certain intersections.

GENERAL ORDINANCE NO. 21, 1979, establishing intersection controls at certain intersections.

GENERAL ORDINANCE NO. 22, 1979, establishing an intersection control at a certain intersection.

GENERAL ORDINANCE NO. 23, 1979, establishing intersection controls at certain intersections.

GENERAL ORDINANCE NO. 24, 1979, establishing an intersection control at a certain intersection.

GENERAL ORDINANCE NO. 25, 1979, establishing an intersection control at a certain intersection.

GENERAL ORDINANCE NO. 26, 1979, establishing an intersection control at a certain intersection.

GENERAL ORDINANCE NO. 27, 1979, establishing an intersection control at a certain intersection.

GENERAL ORDINANCE NO. 28, 1979, establishing intersection controls at certain intersections.

GENERAL ORDINANCE NO. 29, 1979, designating a certain alley as one-way.

GENERAL ORDINANCE NO. 30, 1979, prohibiting stopping, standing, or parking on a certain portion of Delaware Street.

GENERAL ORDINANCE NO. 31, 1979, providing a 11,000 pound weight limit on certain portions of Arbor Avenue and Henry Street.

SPECIAL ORDINANCE NO. 4, 1979, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1979 (Chas. Todd Overall Cleaning Co., Inc. Project)" in the principal amount of four hundred thousand dollars and approving and authorizing other actions in respect thereto.

GENERAL RESOLUTION NO. 2, 1979, approving the actions of the Transportation Board with respect to certain capital improvements within the Metropolitan Thoroughfare District for the year 1979.

SPECIAL RESOLUTION NO. 5, 1979, of commendation to Service Supply Company, Inc. for contribution to the economy of Indianapolis and revitalization of blighted facilities in the downtown area.

SPECIAL RESOLUTION NO. 6, 1979, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 7, 1979, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 8, 1979, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

Respectfully submitted,

s/William H. Hudnut, III
MAYOR

PRESENTATION OF PETITIONS, MEMORIALS,
SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 136, 1979. Councilman SerVaas introduced and read this proposal recognizing the Indianapolis Airport Authority on its receipt of the 1978 Grand Award for excellence in landscape maintenance. Mr. Mickey Slosson,

President of the Indianapolis Airport Authority, received SPECIAL RESOLUTION NO. 9, 1979, after it was adopted by unanimous voice vote. SPECIAL RESOLUTION NO. 9, 1979, reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 9, 1979

A SPECIAL RESOLUTION commending the Indianapolis Airport Authority for its selection as recipient of a Professional Grounds Management Society award.

WHEREAS, the Indianapolis Airport Authority constantly strives to improve the appearance of the Indianapolis International Airport so that the facility may better blend with the surrounding area; and

WHEREAS, the Indianapolis Airport Authority determined in 1977 that aesthetics could be promoted by a program designed to enhance the landscaping of the facility; and

WHEREAS, the Authority employed the services of Robert Rollings, Agronomist, who maintained the landscaping plan for the Airport grounds; and

WHEREAS, the Authority and Mr. Rollings' success can best be measured by the acclamation of a society which has a national goal of encouraging excellence in landscape maintenance; now, therefore:

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

SECTION 1. The City-County Council hereby commends the Indianapolis Airport Authority and Mr. Robert Rollings for the beautiful landscaping that has been accomplished at Indianapolis International Airport. The Council congratulates the Indianapolis Airport Authority for having been presented the 1978 Grand Award for government and municipal buildings by the Professional Grounds Management Society.

SECTION 2. The Mayor is invited to join in the expression of this resolution by affixing his signature hereto.

PROPOSAL NO. 142, 1979. This proposal, read by Councilman Tintera, commending the North Central High School basketball team, was introduced by Councilmen Tintera, Gilmer, and SerVaas. The proposal was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 10, 1979, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 10, 1979

A SPECIAL RESOLUTION honoring the North Central High School basketball team.

WHEREAS, the North Central Panthers had an outstanding 1978-1979 basketball season; and

WHEREAS, the Panthers, under the guidance of Coach Arlan Lickliter, advanced to the semi-state IHSAA basketball tournament; and

WHEREAS, the Panthers have shown real determination and dedication to winning; and

WHEREAS, the team members and students have exemplified sportsmanship and brought honor to the citizens of Marion County; now, therefore:

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

SECTION 1. The City-County Council hereby commends and congratulates North Central High School for their basketball victories and sportsmanship.

SECTION 2. The Mayor of the City of Indianapolis is invited to join in the expression of this resolution by affixing his signature hereto.

SECTION 3. The Clerk of the City-County Council is hereby instructed to forward a suitably inscribed copy to Coach Lickliter and the Panthers basketball team.

INTRODUCTION OF GUESTS

Councilman Anderson introduced Mr. Wayne Ponader, President of the Board of Directors of the Greater Indianapolis Housing Development Corporation. Mr. Tinder introduced his daughters Ellen and Susan. Councilman Howard introduced a constituent, Miss Mitchell; Mr. Thomas Binford, Chairman of the Board of Indiana National Bank; and Hallie Bryant, a former Mr. Basketball. Mrs. Journey introduced all the citizens in favor of trapping. Councilman Tintera introduced Boy Scouts who were attending the meeting as part of the requirements for the Communications Merit Badge.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 127, 1979. Introduced by Mr. Miller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating sixty-three thousand dollars (\$63,000) in the City General Fund for purposes of the Central Equipment Management Division, Department of Administration, and reducing certain other appropriations for that division;" and the President referred it to the Administration Committee.

PROPOSAL NO. 128, 1979. Introduced by Mr. Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional ten thousand dollars (\$10,000) in the County General Fund for purposes of Superior Court, Room V, and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 129, 1979. Introduced by Mr. Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating thirteen thousand dollars (\$13,000) in the County General Fund for purposes of the Marion County Home and reducing certain other appropriations for that division;" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 130, 1979. Introduced by Mr. Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional forty-four thousand eight hundred seventy-three dollars (\$44,873) in the 1976 Property Reassessment Fund ("A-Fund") for purposes of the Center Township Assessor and reducing the unappropriated and unencumbered balance in the 1976 Property Reassessment ("A-Fund");" and the President referred it to the County & Townships Committee.

PROPOSAL NO. 131, 1979. Introduced by Mr. Durnil. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating two thousand six hundred thirty dollars (\$2,630) in the Consolidated County Fund for purposes of the Division of Code Enforcement and reducing certain other appropriations for that division;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 132, 1979. Introduced by Mr. Gilmer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating three hundred five thousand one hundred seventy-seven dollars (\$305,177) in the Park General Fund for purposes of Parks & Recreation Department and reducing certain other appropriations for that department;" and the President referred it to the Parks & Recreation Committee.

PROPOSAL NO. 133, 1979. Introduced by Mrs. Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance amending the Code of Indianapolis and Marion County by amending Section 27-105(c) to provide for modification of the time within which governmental units must pay rates or charges for use of sewage facilities;" and the President referred it to the Public Works Committee.

PROPOSAL NO. 134, 1979. Introduced by Mr. West. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating one hundred sixteen thousand two hundred eighty-one dollars (\$116,281) in the County General Fund for purposes of the Marion County Prosecutor and reducing certain other appropriations for the Prosecutor and the Auditor and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the Public Safety & Criminal Justice Committee.

PROPOSAL NO. 135, 1979. Introduced by Mr. McGrath who then moved to amend the introduced proposal in Section 3 by deleting lines 4, 6, 7, 8, 9, and 10, and increasing line 5 to \$2,135,267.22. Consent was given. The Clerk then read the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional two million one hundred thirty-five thousand two hundred sixty-seven dollars and twenty-two cents (\$2,135,267.22) in the Transportation General Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation General Fund;" and the President referred it to the Transportation Committee.

PROPOSAL NO. 137, 1979. Introduced by Mr. SerVaas. The Clerk read the proposal entitled: "A Proposal for a Council Resolution confirming a board and commission appointment effective March 31, 1979;" and the President referred it to the Committee of the Whole to be heard under Special Orders—Final Adoption.

PROPOSAL NOS. 138 – 141, 1979. Introduced by Mr. Durnil. The Clerk read the proposals entitled: "Proposals for Rezoning Ordinances certified from the Metropolitan Plan Commission on March 22, 1979;" and the President referred them to the Committee of the Whole to be heard under Special Orders—Final Adoption.

MODIFICATIONS OF SPECIAL ORDERS

PROPOSAL NO. 116, 1979. At the request of Mr. Clark, and by consent of the Council, Proposal No. 116, 1979, concerning trapping was heard at this time because of citizen interest. Mr. Tinder, Chairman of the Rules & Public Policy Committee, stated that after a lengthy public hearing the committee recommended the adoption of this proposal by a vote of 4-2. He then moved, seconded by Mr. Howard, its adoption. Mr. Dowden then moved, seconded by Mr. SerVaas, the following amendment:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 116, 1979 by the addition of the following:

(c) Section 6-5(a) and (b) shall not apply to traps placed on private property, where said trap is placed and maintained by the owner, his guest or agent.

(d)(e) It shall be unlawful for any person, having placed a lawful trap, snare or similar device, to fail to inspect and empty it at least once every twenty-four (24) hours.

(c)(d) It shall be unlawful for any person to remove any animal or bird from any trap not on his property without permission of the owner of the property.

s/W. A. Dowden

The motion carried on a unanimous voice vote. Mr. Walters then moved, seconded by Mrs. Journey, to strike Proposal No. 116, 1979, As Amended. The vote was inconclusive; therefore, the motion failed on the following roll call vote; viz:

14 AYES: Mr. Anderson, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Dowden, Mr. Durnil, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Miller, Mr. Page, Mr. Schneider, Mrs. Stewart, and Mr. Walters.

14 NOES: Mr. Boyd, Mrs. Brinkman, Mrs. Coughenour, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. Lyons, Miss Parker, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, and Mr. West.

Proposal No. 116, 1979, As Amended, was then adopted on the following roll call vote; viz:

22 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mr. Kimbell, Mr. Lyons, Miss Parker, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Vollmer, and Mr. West.

6 NOES: Mr. Campbell, Mrs. Journey, Mr. McGrath, Mr. Miller, Mr. Page, and Mr. Walters.

Proposal No. 116, 1979, As Amended, was retitled GENERAL ORDINANCE NO. 32, 1979, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 32, 1979

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, "Sec. 6-5. Trapping animals or birds," to include the entire consolidated city.

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, specifically Sec. 6-5, be and is hereby amended by the deletion of the crosshatched words and the insertion of the underlined words, to wit:

Sec. 6-5. Trapping animals or birds.

(a) It shall be unlawful, and is hereby declared to be a public nuisance, for any person to use, place, set or cause to be used, placed or set any leg-hold trap or similar device upon any land or waters in the ~~police-special-service-district~~ consolidated city.

(b) It shall be unlawful for any person to use, place, set or cause to be used, placed or set any snare, net or other device which causes the trapping or capturing of any animal or bird in any manner by which the animal or bird is not either captured painlessly or killed instantly upon any land or waters in the ~~police-special-service-district~~ consolidated city.

(c) Sec. 6-5 (a) and (b) shall not apply to traps placed on private property, where said trap is placed and maintained by the owner, his guest or agent.

(d) (τ) It shall be unlawful for any person, having placed a lawful trap, snare or similar device, to fail to inspect and empty it at least once every twenty-four (24) hours.

(e)-(d) It shall be unlawful for any person to remove any animal or bird from any trap not on his property without permission of the owner of the property.

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

[Clerk's Note: The Chair called a two minute recess at 7:30 p.m. in order to clear the Chambers of the spectators. The Council reconvened at 7:32 p.m.]

PROPOSAL NO. 143, 1979. Mr. Schneider moved the following which was adopted by consent.

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that the Rules of the Council on preparation, initiation, and introduction of proposals be suspended and the attached material be introduced as Proposal No. 143, 1979, although not timely submitted under the Rules.

s/William Schneider

The President then assigned to the County & Townships Committee the proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional seven hundred fifty thousand dollars (\$750,000) in the County General Fund for purposes of the Auditor and reducing the unappropriated and unencumbered balance in the County General Fund."

SPECIAL ORDERS – PUBLIC HEARING

PROPOSAL NO. 73, 1979. Mr. Schneider stated that the additional appropriations in this proposal would bring the deputy assessors of the Pike Township Assessor's office up to a comparable level with the deputy assessors in other township offices. The Council recessed to a Committee of the Whole at 7:38 p.m. for public hearing, and reconvened at 7:39 p.m. Proposal No. 73, 1979, was then adopted on the following roll call vote; viz:

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

NO NOES.

3 NOT VOTING: Mr. Cantwell, Mr. Gilmer, and Mr. Tinder.

Proposal No. 73, 1979, was retitled FISCAL ORDINANCE NO. 25, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 25, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional four thousand four hundred sixty-eight dollars (\$4,468) in the County General Fund for purposes of the Pike Township Assessor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of increasing the salaries of employees in the office of the Pike Township Assessor.

SECTION 2. The sum of four thousand four hundred sixty-eight dollars (\$4,468) 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:

PIKE TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
10. Personal Services	\$3,943
COUNTY AUDITOR	
25. Current Obligations	<u>525</u>
TOTAL INCREASES	\$4,468

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

Unappropriated and unencumbered	
County General Fund	<u>\$4,468</u>
TOTAL REDUCTIONS	\$4,468

SECTION 5. Section 2.03(d)(6) of City-County Fiscal Ordinance No. 91, 1978, be amended by deleting the crosshatched portions and adding the new amounts herein:

(6) PIKE TOWNSHIP ASSESSOR					
Personnel Classification	Maximum Number		Maximum Salary		Maximum Per Classification
Deputies	8	\$13,293	\$15,000	\$74,484	\$78,427
Temporary Help	<u>8</u>				5,300

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of ~~\$97,484~~ \$101,427.

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

PROPOSAL NO. 74, 1979. Mr. Schneider explained that during the budget hearings two too many clerks had been deleted from the Auditor's budget. This proposal reinstates those positions along with appropriating funds for office renovation. Mr. Schneider then moved, seconded by Mrs. Brinkman, the following amendment:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 74, 1979, be amended as follows:

- 1. Strike Section 3, line 4:
 - “25. Current Obligations \$2,679”
 - and insert in lieu thereof:
 - “21. Contractual Services \$5,500”
- 2. Strike Section 3, line 5:
 - “50. Properties \$5,500”
 - and insert in lieu thereof:
 - “25. Current Obligations \$2,679”

s/W. A. Schneider

The motion carried on a unanimous voice vote. The Council recessed to a Committee of the Whole at 7:41 p.m. for public hearing, and reconvened at 7:42 p.m. Proposal No. 74, 1979, As Amended, was then adopted on the following roll call vote; viz:

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

NO NOES.

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

Proposal No. 74, 1979, As Amended, was retitled FISCAL ORDINANCE NO. 26, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 26, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional twenty-three thousand seven hundred seventy-nine dollars (\$23,779) in the County General Fund for purposes of the Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of rearranging the walls in the office of the Auditor and to hire two additional transfer clerks.

SECTION 2. The sum of twenty-three thousand seven hundred seventy-nine dollars (\$23,779) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

	COUNTY AUDITOR	COUNTY GENERAL FUND
10.	Services Personal	\$15,600
21.	Contractual Services	5,500
25.	Current Obligations	<u>2,679</u>
	TOTAL INCREASES	\$23,779

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

Unappropriated and Unencumbered	
County General Fund	<u>\$23,779</u>
TOTAL REDUCTIONS	\$23,779

SECTION 5. Section 2.03(a)(2) of the City-County Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978) be amended by the addition of the following, to wit:

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Transfer Clerk	<u>2</u>	<u>8,200</u>	<u>15,600</u>

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of ~~\$357,308~~ **\$372,908**.

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

PROPOSAL NO. 81, 1979. In accordance with a federal mandate, this proposal appropriates funds for the hiring of three additional transportation planners. The Council recessed to a Committee of the Whole at 7:44 p.m. for public hearing, and reconvened at 7:45 p.m. Following public hearing, Proposal No. 81, 1979, was adopted on the following roll call vote; viz:

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

NO NOES.

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

Proposal No. 81, 1979, was retitled FISCAL ORDINANCE NO. 27, 1979, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 1979

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional forty-two thousand seven hundred twenty-four dollars (\$42,724) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Division of Planning and Zoning and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of allowing the Division of Planning and Zoning to hire three additional transportation planners to be financed by EPA and UMTA Grant funds.

SECTION 2. The sum of forty-two thousand seven hundred twenty-four dollars (\$42,724) 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 METROPOLITAN DEVELOPMENT	
DIVISION OF	CONSOLIDATED
PLANNING & ZONING	COUNTY FUND
10. Personal Services	\$40,256
25. Current Obligations	<u>2,468</u>
TOTAL INCREASES	\$42,724

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

CONSOLIDATED	
COUNTY FUNDS	
Unappropriated and unencumbered	
Consolidated County Fund	\$42,724
TOTAL REDUCTIONS	\$42,724

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

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

PROPOSAL NO. 110, 1979. As explained by County & Townships Committee Chairman, Mr. Schneider, the County Recorder's Office is behind in its work, and the money appropriated is for required additional help. The Council recessed to a Committee of the Whole at 7:48 p.m. for public hearing, and reconvened at 7:49 p.m. Following public hearing, the proposal was adopted on the following roll call vote; viz:

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

NO NOES.

1 NOT VOTING: Mr. Cantwell.

Proposal No. 110, 1979, was retitled FISCAL ORDINANCE NO. 28, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 28, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional thirty-seven thousand seven hundred sixty dollars (\$37,760) in the County General Fund for purposes of the County Recorder and the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of allowing the County Recorder to add one technical mail clerk and four technicians to her staff.

SECTION 2. The sum of thirty-seven thousand seven hundred sixty dollars (\$37,760) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

COUNTY RECORDER	COUNTY GENERAL FUND
10. Personal Services	\$32,000
COUNTY AUDITOR	
24. Current Charges	1,558
25. Current Obligations	<u>4,202</u>
TOTAL INCREASES	\$37,760

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

Unappropriated and unencumbered	
County General Fund	\$37,760
TOTAL REDUCTIONS	\$37,760

SECTION 5. Section 2.03(a)(7) of the City-County Annual Budget for 1979 is amended by deleting the crosshatched words and figures and inserting the underlined, as follows:

(7) COUNTY RECORDER

Personnel Classification	Maximum Number	Maximum Salary		Maximum Per Classification
Deputies	2	14,068		23,272
Adm. Secretary	1	8,991		8,860
Technicians	5 9	7,983	32,074	58,574
Statistical Typists	3	6,227		18,024
Technical Clerks	10	7,028		65,910
Technical Mail Clerk	1	6,500		6,500
CETA	6	6,032		34,500
Temporary				4,000
	24 32			

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of ~~\$209,240~~ \$240,240.

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

PROPOSAL NO. 114, 1979: Mrs. Coughenour reported that when Arlington Avenue between Brookville Road and Washington Street was resurfaced the Department of Transportation did some repair work on the drainage facility at Bean Creek. This reappropriation of funds is to reimburse DOT for that repair work. The Council recessed to a Committee of the Whole at 7:50 p.m. for public hearing, and reconvened at 7:51 p.m. Mrs. Coughenour moved, seconded by Mr. Gilmer, the adoption of this proposal. The motion carried on the following roll call vote; viz:

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

NO NOES.

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

Proposal No. 114, 1979, was retitled FISCAL ORDINANCE NO. 29, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 29, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional three hundred thirty-five thousand nine hundred dollars (\$335,900) in the Flood General Fund for purposes of the Department of Public Works, Division of Flood Control, and reducing the unappropriated and unencumbered balance in the Flood General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of reappropriating unspent 1978 funds to implement the discharge of a contractual obligation to reimburse the Department of Transportation for the Department of Public Works' share of project costs.

SECTION 2. The sum of three hundred thirty-five thousand nine hundred dollars (\$335,900) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL DIVISION

21. Contractual Services

TOTAL INCREASES

FLOOD GENERAL FUND

\$335,900

\$335,900

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

FLOOD GENERAL FUND

Unappropriated and unencumbered

Flood General Fund

TOTAL REDUCTIONS

\$335,900

\$335,900

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

PROPOSAL NO. 117, 1979. Mr. McGrath yielded to Mrs. Stewart who presented the committee report. The Transportation Committee recommended unanimously passage of this proposal which reappropriates unspent funds for bridge upkeep. The Council recessed to a Committee of the Whole at 7:52 p.m. for public hearing, and reconvened at 7:53 p.m. Following public hearing, Proposal No. 117, 1979, was adopted on the following roll call vote; viz:

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

NO NOES.

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

Proposal No. 117, 1979, was retitled FISCAL ORDINANCE NO. 30, 1979, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 1979

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional three hundred ninety thousand three hundred forty-five dollars (\$390,345) in the Cumulative Bridge Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Cumulative Bridge Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of providing for upkeep of the bridges in Indianapolis and Marion County.

SECTION 2. The sum of three hundred ninety thousand three hundred forty-five dollars (\$390,345) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF		
TRANSPORTATION		CUMULATIVE BRIDGE FUND
61.	Capital Projects	\$ 58,550
67.	Capital Projects	<u>331,795</u>
	TOTAL INCREASES	\$390,345

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

Unappropriated and unencumbered		CUMULATIVE BRIDGE FUND
	Cumulative Bridge Fund	\$390,345
	TOTAL REDUCTIONS	\$390,345

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

SPECIAL ORDERS – FINAL ADOPTION

PROPOSAL NO. 500, 1978. Mr. Clark moved, seconded by Mr. Howard, to advance Proposal No. 500, 1978, to the top of Special Orders-Final Adoption due to public interest. The motion carried on a unanimous voice vote.

In order to have the correct version before the Council members, Mr. Tintera moved, seconded by Mr. West, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 500, 1978, by deleting the version entitled: "Final Staff Recommendations" and inserting in lieu thereof the version entitled: "Proposal No. 500, 1978, Final Committee Draft".

s/George B. Tintera

The motion carried on a unanimous voice vote. Mr. Pearce then stated that the cable television proposal was very confusing and believed that it was unfair to vote on the measure at this time. He then moved, seconded by Mrs. Journey, to table the proposal for two months. Mr. Clark responded to the motion by stating his opposition to tabling. Mr. Schneider concurred with Mr. Clark. Mr. Pearce, with consent of Mrs. Journey, amended his motion to table by changing the time from two months to two weeks. The motion to table failed on the following roll call vote; viz:

4 AYES: Mr. Cantwell, Mrs. Journey, Mr. Pearce, and Mr. Vollmer.

24 NOES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tinder, Mr. Tintera, Mr. Walters, and Mr. West.

Mr. Tintera proceeded with the Economic Development Committee report. He stated that the proposal had been revised three times, and had been thoroughly examined by the committee, counsel, and other attorneys. The committee was deadlocked with a vote of 3-3 on additional amendments to the proposal; therefore, the proposal was sent to Council with no recommendation. Mr. Tintera then expressed his opinion that the measure should be passed without additional amendments.

Mr. Durnil then moved, seconded by Mr. Boyd, the following amendment:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move that SECTION 2 of Proposal No. 500, 1978, be deleted in its entirety, and that the following SECTION 2 be inserted in lieu thereof:

SECTION 2. The Council, having considered the current status of development of the operator under a franchise agreement entered into on May 19, 1967, by the County Commissioners of Marion County, Indiana, and Metropolitan Cablevision Corporation, including the technical and financial ability, business reputation, and community knowledge and responsibility of the operator, and other facts and considerations; hereby determines that neither the acceptance of applications

for, nor the grant of additional franchises covering the same area included in the aforesaid franchise (being the area of the City outside of the city limits of the City of Indianapolis as it existed on May 19, 1967) at the present time would be in the best interest of the people of the City, or in accord with the purposes set forth in Sec. 8½-1 of the Code of Indianapolis and Marion County (as adopted in SECTION 1 of this Ordinance): Accordingly, pursuant to Sec. 8½-1 of the Code of Indianapolis and Marion County (as adopted in SECTION 1 of this Ordinance), the Council determines that a franchise should be granted for the area coterminous with the boundaries of the first-class City of Indianapolis as it existed on May 19, 1967, or that more than one franchising contract should be granted in such area divided among operators.

s/Allen Durnil

Preceding Council vote on the amendment, Assistant Counsel, Kenneth Roberts, advised the Council members to consider the ethical considerations of conflict of interest. Mr. Howard then voiced his opposition to the amendment. Mr. Clark stated his support of the amendment. Mr. Durnil's amendment to Section 2 was then adopted on the following roll call vote; viz:

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

Mr. Durnil then moved, seconded by Mr. Gilmer, the following additional amendment:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move that SECTION 3 of Proposal No. 500, 1978, be redesignated as SECTION 4 and that a new SECTION 3 be inserted to read as follows:

SECTION 3. The Council, having been advised that control of the franchise agreement entered into on May 19, 1967, by the County Commissioners of Marion County, Indiana, and Metropolitan Cablevision Corporation has been transferred to Wabash Cablevision, Inc., and development and operating rights to Indianapolis Cablevision Company, Ltd., with the consent and approval of the Mayor of the City, acting as successor authority to the Marion County Commissioners; and the Council, having heretofore taken no action to ratify or approve such transfer of control (if, and to the extent the Council succeeded to the authority of the Marion County Commissioners with respect to such matters); and having considered the reputations and capabilities of the persons and entities now having an interest in the franchise agreement, together with all other matters deemed relevant in making a determination; hereby ratifies, confirms and approves the transfer of control of the foregoing franchise agreement to Wabash Cablevision, Inc. and Indianapolis Cablevision Company, Ltd., and declares that such franchise agreement constitutes a "previously awarded franchise" subject to Sec. 8½-4 of the Code of Indianapolis and Marion County (as adopted in SECTION 1 of this Ordinance).

s/Allen Durnil

Before the vote was taken, Mr. West informed the Council of General Counsel Robert Elrod's position concerning similar amendments. First, the ratification amendment is an unnecessary legislative act because the mayor has approved the transfer of ownership; and secondly, the exclusivity amendment is not within the power of the Council to grant; it is arguably contrary to law.

Mr. Pearce then moved, seconded by Mr. Vollmer, to table Proposal No. 500, 1978, As Amended, until the Council meeting of April 9th. Mr. Schneider then moved, seconded by Mr. Gilmer, the previous question on the second Durnil amendment. Mr. Schneider's motion carried on the following roll call vote; viz:

17 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Page, Mr. Schneider, Mr. SerVaas, and Mrs. Stewart.

11 NOES: Mr. Cantwell, Mr. Howard, Mrs. Journey, Mr. Lyons, Miss Parker, Mr. Pearce, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

Mr. Durnil's second amendment was then adopted on the following roll call vote; viz:

16 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Lyons, Mr. Page, Mr. Pearce, Mr. Schneider, and Mrs. Stewart.

12 NOES: Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. McGrath, Mr. Miller, Miss Parker, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

The vote on Mr. Pearce's motion to table Proposal No. 500, 1978, As Amended, until the meeting of April 9th was then taken. It failed on the following roll call vote; viz:

11 AYES: Mr. Cantwell, Mr. Howard, Mrs. Journey, Mr. Lyons, Mr. Pearce, Mr. SerVaas, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters, and Mr. West.

17 NOES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Schneider, and Mrs. Stewart.

There being no further discussion, the Chair called for the vote on Proposal No. 500, 1978, As Amended. The proposal awarding and regulating cable television franchises was adopted on the following roll call vote; viz:

16 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Kimbell, Mr. Lyons, Mr. Page, Miss Parker, Mr. Schneider, Mr. SerVaas, and Mrs. Stewart.

11 NOES: Mr. Campbell, Mr. Cantwell, Mrs. Journey, Mr. McGrath, Mr. Miller, Mr. Pearce, Mr. Tinder, Mr. Tintera, Mr. Vollmer, Mr. Walters and Mr. West.

1 NOT VOTING: Mr. Howard.

Proposal No. 500, 1978, As Amended, was then retitled GENERAL ORDINANCE NO. 33, 1979, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 33, 1979

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, by adding a new Chapter 8 1/2 regulating the grant of cable television franchises, and regulating the construction, maintenance, and operation of cable television systems.

**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 is hereby amended by adding a new Chapter 8½ to read as follows:

**CHAPTER 8½: CABLE TELEVISION
Article I: General**

Sec. 8½-1. Statutory Authority

Because the operation of a cable television system requires the permission of the City to use the public ways, the Council determines that it is proper and expedient to franchise such systems pursuant to IC 18-1-21-5 and IC 18-1-21-6.

The Council hereby finds that it is in the interest of the City that the public ways be used to make cable television available to the people of the City, but that the regulation of cable television operators is necessary due to the deficiency of market place forces in providing immediate, reliable, and efficient service at affordable rates. It is intended that the provisions of this chapter should facilitate and encourage orderly and responsible development of a system which will provide the people of the City with cable television service which is versatile, reliable, and efficient and which is available at affordable rates. The provisions of this chapter shall be construed liberally to further this purpose.

Sec. 8½-2. Definitions.

As used in this Chapter:

- (a) "Applicant" means any person who files an application with the Board under the terms of Sec. 8½-23 of this chapter.
- (b) "Board" means the Board of Public Works of the City.
- (c) "Cable television system" or "system" shall mean any system which receives and amplifies signals broadcast by one or more television and/or radio station and which transmits programming originated by the system itself or by another party, and distributes such signals and programming by wire, cable, microwave, satellite or other means to persons who subscribe to such service; provided, that "cable television system" or "system" does not include any similar system not requiring the use of public ways.
- (d) "Committee" means the Cable Television Committee of the City-County Council or any other committee given authority by the Council to perform those duties pursuant to this chapter.
- (e) "Franchise" means the non-exclusive rights to construct, operate, and maintain a cable television system.

- (f) "Operator" means a person granted a franchise by the City or by any predecessor, governmental officer, or organization authorized to grant such a franchise.
- (g) "Person" means and includes any natural person, partnership, corporation, association, or any other organization of natural persons.
- (h) "Public way" means the surface and the area above and below the surface of any public street, highway, lane, alley, sidewalk, path, right-of-way or easements and any public utility easements or right-of-ways dedicated generally for public utility uses.
- (i) "Subscriber" means any person who contracts or agrees to purchase the regular subscriber service, pay television, or any other service provided by the cable television system, and includes anyone actually using such services.
- (j) "Gross accrued revenues" means any and all compensation, in whatever form, exchange or otherwise, directly or indirectly received by the grantee, not including any taxes on services furnished by the grantee imposed directly on any subscriber or uses by a city, county, state or other governmental unit, and collected by the grantee for such entity.
- (k) "Clerk of the Council" or "Clerk" means Clerk of the City-County Council.

Sec. 8½-3. Administration and Enforcement.

The Board shall have the power and duty to:

- (a) Execute franchising contracts under the terms and procedures provided in this chapter; and in the event that more than one franchise is granted within the city, to ensure that all systems are compatible.
- (b) Promulgate any and all rules and regulations which it deems necessary to enable it to carry out its duties under this chapter; provided that, if within sixty (60) days after delivery of certification to the Clerk of the adoption of rules and regulations by the Board, the City-County Council shall by Council action disapprove or reject such rules and regulations, the adopted rules and regulations of the Board shall be of no effect and the rules and regulations shall remain as they were in effect prior to disapproval or rejection by the Council. If the Council does not act within the sixty (60) days after delivery of certification, the adopted rules and regulations by the Board shall become effective.
- (c) Enforce the provisions of all franchises for any area of the City.

Sec. 8½-4. Previously Awarded Franchises.

Articles III, IV, V, VI, and VII of this chapter shall apply to all cable television systems whether such franchise was granted before or after the effective date of this chapter.

Should any operator, asserting cable television franchise rights within the City by reason of agreement entered into other than pursuant to this chapter, request amendment of such agreement, any amendment approved by or on behalf of the Council shall expressly require such amended franchise to be subject to this chapter.

In the event of conflicts between this chapter and the provisions of any cable television franchise granted prior to the effective date of this chapter, each provision of this chapter shall control unless that interpretation is judicially determined to be an unconstitutional impairment of the contract rights of the holder.

Article II: Board Authority and Application Procedures

Division 1. Authority

Sec. 8½-11. Authority to Approve Franchising Contracts.

Subject to the provisions of this article, the Board is hereby authorized to approve one or more non-exclusive franchising contracts conveying the right to construct, operate, and maintain, within the public ways in the City, poles, cables, and any other equipment necessary to the operation of a cable television system.

Division 2. Procedural Step

Sec. 8½-21. Initial Resolution.

Applications will not be accepted except following action by the Council determining that a franchise should be granted for all or a portion of the City.

Sec. 8½-22. Notice of Determination.

Within thirty (30) days after the determination that a franchise should be granted, the Clerk of the Council shall give notice of the determination by:

- (a) Posting of that notice in three public places;
- (b) Publication of that notice once each week for two (2) weeks in two newspapers of general circulation in the City; and
- (c) Mailing of that notice to any person the Clerk knows to be interested in submitting an application, and publication in at least one newspaper of national circulation and in trade magazines or publications of the Cable Television industry.

Sec. 8½-23. Submission of Applications.

Within ninety (90) days after the posting or the first publication provided for in Sec. 8½-22, whichever occurs last, all interested persons shall file with the Clerk of the Council fifteen (15) copies of their application containing the terms of an offered franchising contract, all information necessary to evaluate each applicant and to compare each applicant with other applicants, and the proper requests for pole usage agreements with any utility. The application shall be in the form and contain the information required by the General Counsel of the City-County Council, and shall include a non-refundable bidding application fee of three thousand dollars (\$3,000), payable to the City of Indianapolis.

Sec. 8½-24. Applications and Public Documents.

All applications shall become public at the end of the ninety (90) day period in Sec. 8½-23, and the Clerk shall then make copies of the application available for immediate inspection by any person. The Clerk shall place in three (3) public libraries copies of the applications. Anyone may purchase copies of all or parts of any application upon payment of a charge of fifteen cents (\$.15) per page.

Sec. 8½-25. Public Hearings.

Within the thirty (30) days after the expiration of the period for filing applications, the Cable Television Committee of the Council shall conduct at least two hearings at which any person may comment on the various applications before the Committee. The Clerk shall publish notice in two newspapers of general circulation in the City seven days prior to each hearing. Any person wishing to comment at the hearing must file with the Clerk at least twenty-four (24) hours before the hearing, notice of their intent to comment.

Sec. 8½-26. Final Action by the Board.

Within one hundred and twenty (120) days after the final date for filing applications, the Cable Television Committee shall submit the applications with proper evaluation to the Board. The Board shall have forty-five (45) days from receipt of the Committee's evaluation to determine in a single resolution which applications to accept or reject.

Such resolution of the Board shall specify the reasons for rejection of any application and shall set forth the language of any recommended franchising contract and the Council ordinance approving and confirming such contract. A copy of such resolution shall be immediately sent to all applicants. If the language of the franchising contract varies from that proposed by the applicant, such acceptance shall be conditional upon the applicant agreeing to the recommended contract by written agreement filed with the Board no later than fifteen (15) days after the Board's action. If such agreement is not filed, the application shall be deemed rejected without further action of the Board.

Sec. 8½-27. Council review of rejections.

Any person, whose application is rejected by the Board, may within ten (10) days of such action petition the Council for review of that decision by filing notice thereof and a copy of the resolution of the Board with the Clerk of the Council. If the Council determines that the rejection is improper under this ordinance, it may by resolution direct the Board to reconsider its action. On reconsideration the Board shall make a further final decision pursuant to Sec. 8½-26.

Sec. 8½-28. Council Action on Recommended Contracts.

Within thirty (30) days of the Board's resolution recommending a franchising contract, the Council shall introduce the ordinance approving and confirming the contract as accepted in the Board's resolution. The Council may:

- (a) adopt the ordinance, subject to the veto of the Mayor, in which case the Director of the Department of Public Works will be directed to execute the franchising contract. Ten (10) days after the Mayor consents to the ordinance, the franchising contract holder shall pay an award fee by certified check in the amount of twenty-five thousand dollars (\$25,000), payable to the City, or
- (b) defeat the ordinance, in which case the application shall be denied, or
- (c) by resolution direct the Board to consider certain modifications or amendments to the franchising contract, in which case the Board shall reconsider the application pursuant to Sec. 8½-26.

Under no circumstances shall the Council by ordinance approve or confirm any franchising contract unless the precise language has been accepted by the Board prior to the Council's action.

Sec. 8½-41. Contents of Applications.

The Board shall reject any application containing an offered franchising contract which does not contain the following:

- (a) A description of the area of the requested franchise. Unless economically unfeasible or technically impractical, no franchise shall be granted for an area less than the entire City if less than thirty percent (30%) of the households located within the area of the franchise are located in Center Township. Provided, that during the hearing process the Cable Television Committee may consider modifications to the description of the area of franchise in any bid application. It is the City's intention that the Council and Board award a franchise to cover all areas of the Consolidated City; however, areas which are economically unfeasible or technically impractical for delivery may be excluded.
- (b) A construction schedule. The following table fixes the minimum percentage of households located in areas of the franchise where the density is forty (40) or more households per mile which shall have cable television service available within the given number of years from the date of execution of the franchise contract under the following construction schedule.

<u>Number of Years</u>	<u>Center Township Households</u>	<u>All Households</u>
2		20
3	20	35
4	40	50
5	60	70
6	90	90

- (c) A schedule indicating the initial tap-in and connection charges and the monthly rates to be charged subscribers.
- (d) A description of the insurance policies to be acquired in satisfaction of the requirements of this chapter.
- (e) A verified statement which discloses all persons, including spouse and children, by name and residential address, who have a beneficial interest of five percent (5%) or more in the applicant. Persons affected by this section shall also disclose any buy-sell agreements of their beneficial interest.

(f) A biographical description of those persons disclosed pursuant to subsection (e) and the experience and qualifications of each with respect to the cable television industry.

(g) A statement which includes the most recent and five year pro forma income and expense statements, balance sheets and a quarterly analysis of cash flow, including a narrative explanation of these statements with respect to the phasing of investments and the effect which subscriber and other revenues will have.

(h) An agreement that the operator will not oppose the City's intervention in any suit in which the operator is a party.

(i) An agreement that the operator comply with the terms of this chapter and will not assert that any terms of this chapter are unreasonable or arbitrary.

(j) Additional documentation of the manner in which the applicant proposes to carry out any other of its various duties under this chapter.

Sec. 8½-42. Criteria in Evaluating Applications.

(a) The Board may recommend a franchising contract with the applicant whose application represents the most desirable of all applications submitted for each area of the City.

(b) In determining which application represents the most desirable application, the Cable Television Committee of the Council and the Board shall consider all factors normally considered in any case in which the Committee or Board must make such a determination, including the following:

(1) The financial and technical feasibility of the proposal contained in the application;

(2) The technical ability of the applicant;

(3) The financial ability of the applicant to construct and operate the system;

(4) The confirmation of the applicant's reputable business practices and his community knowledge and responsibility;

(5) The speed of construction of which the applicant is capable;

(6) The quality of the service which the applicant promises and of which the applicant is capable; and

(7) Any special factors ensuring that the applicant will carry out the purposes of this chapter and that the award of the franchise to the applicant is in the best interest of the City.

Article III: Construction and Maintenance of the System

Sec. 8½-51. Street Occupancy.

(a) All poles, cables, and other fixtures placed by the operator within the public ways of the City shall be so located as to cause minimum interference with the proper use of the public ways and adjoining premises.

(b) If the disturbance of any public way is necessary, the operator shall comply with all provisions of the code relevant to such disturbance.

(c) If at any time during the period of the franchise the City shall elect to change the grade of any public way, the operator, upon reasonable notice by the City, shall relocate its poles, cables, and other fixtures at no expense to the City.

(d) The operator shall have the authority to trim trees upon and overhanging the public ways of the City so as to prevent the branches of such trees from coming in contact with the cables and the equipment of the operator, except that at the option of the City, such trimming may be done by it or under its supervision and direction.

(e) In all sections of the City where the cables, wires, or other like facilities of public utilities are placed underground, the operator shall place its cables and other equipment underground to the maximum extent that existing technology reasonably permits.

Sec. 8½-52. Safety Requirements.

- (a) The operator shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are like to cause damage, injury, or nuisance to the public.
- (b) The operator shall install and maintain its cables and other equipment in accordance with the requirements of the National Electrical Safety Code promulgated by the National Bureau of Standards.
- (c) All cables and other equipment within the public ways of the City shall at all times be kept and maintained in a safe condition as existing technology reasonably permits.

Sec. 8½-53. Erection and Removal of Poles.

No location of any pole or other wire-holding structure of the operator shall be a vested interest and such poles or structures shall be removed or modified by the operator at no expense to the City whenever the Board determines that the public convenience so requires.

Sec. 8½-54. Inspection.

The City shall have the right to make such inspections as it shall find necessary to ensure compliance with the terms of this chapter, the franchising contract, and other pertinent provisions of law.

Sec. 8½-55. Extension of Construction Schedule Deadlines.

Upon a determination that the operator, through no fault of its own, would otherwise be faced with undue hardship in meeting its construction schedule, the Board may modify the construction schedule.

Article IV: Rights and Duties of Operator and Customers.

Sec. 8½-61. Subscribers Rates and Charges.

- (a) The rates and charges to subscribers for signals distributed shall be set at the time of the franchise contract and said rates and charges shall be guaranteed and not subject to change or revision for a period of three years from the date of the contract.
- (b) The City-County Council hereby reserves the right to review and determine the rates and charges to subscribers for signals distributed by the operator, after the three year period specified in subsection (a).

Sec. 8½-62. Pay Television.

The operator may provide, only as an auxiliary service, programming for which a per program or per channel charge is made.

Sec. 8½-63. Public Service Systems.

At least one outlet for the basic regular subscriber service shall be made available free of charge to all public and accredited private schools which the system passes. Additional free service outlets for other public institutions and local government offices may be proposed in any applicant's bid.

Sec. 8½-64. Signal Quality Requirements.

The operator shall:

- (a) Transmit signals which will produce pictures and sound at all outlets which are as good as existing technology reasonably permits; and
- (b) Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross-modulation in the cables or interfering with other electrical or electronic systems.

Compliance with the regulations of the Federal Communications Commission regarding signals transmitted shall constitute compliance with this section so long as such regulations exist. However, if such FCC Regulations do not exist, the City-County Council hereby reserves the right to provide for regulations to assure that the signals transmitted comply with the best interests of the City and the users of the service.

Sec. 8½-65. Signal Carriage.

(a) The operator may distribute any signal which existing technology permits.
(b) The operator shall receive and distribute in their entirety the signals of any television stations serving Marion County, including but not limited to: Channel Four — WTTV, Channel Six — WRTV, Channel Eight — WISH, Channel Thirteen — WTHR, Channel Twenty — WFYI, and Channel Forty — WHMB.

Sec. 8½-66. Public and Leased Access Channels.

(a) The operator shall maintain at least one specially designated, noncommercial public access channel available on a first come, nondiscriminatory basis. When construction is completed to fifty (50) percent of the households described in Sec. 8½-41(b) of this chapter, the operator shall make available sufficient equipment for local production and presentation on that channel of cablecast programs other than automated services. Charges for equipment operation, personnel, and production of this public access programming shall not exceed the pro rata direct cost of such facilities and services.

(b) At least one of twelve (12) VHF channels on which signals can be carried shall be available to be leased for any period of time requested by any person wishing to cablecast any program. If at any time there is demand for a greater number of channels than required under this subsection, all leased access channels shall be leased to the highest bidder. This subsection neither requires the operator to provide nor prohibits the operator from providing equipment to be used in the production and presentation of cablecast programs. The operator may use such leased access channels in its normal operations when not in use by a lessee. The operator may make reasonable regulations with respect to the use of leased access channels.

(c) The operator shall be responsible for preventing the presentation on the public access channel of (1) any material designed to promote the sale of commercial products or services and (2) pre-recorded programming which violates the provisions of the Code of Indianapolis and Marion County with respect to obscenity and pornography. The operator shall have no other authority to control the programs presented over any public or leased access channel and shall have no legal liability for obscenity or pornography except for productions originating from facilities within the control of the operator.

Sec. 8½-67. Complaint and Service Procedure.

(a) The operator shall maintain an office in the City, which shall be open during all usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time, whether the office is open or closed.

(b) Maintenance service shall be immediately available to correct major outages from 8:00 a.m. until 12:30 a.m. every day, including Saturdays, Sundays, and holidays.

(c) Investigative action shall be initiated in response to all service calls, other than major outages, not later than the next business day after the call is received. Corrective action shall be completed as promptly as practicable. Appropriate records shall be made of service calls, showing when and what corrective action was taken.

(d) The operator shall furnish each subscriber written instructions that clearly set forth procedures for placing a service call or requesting an adjustment. These instructions shall also include a name, address, and telephone number provided by the Board and a reminder that the subscriber can call or write for information regarding terms

and conditions of the operator's franchise if the operator fails to respond to the subscriber's request for installation, service or adjustment within a reasonable period of time.

(e) In the event a subscriber does not obtain a satisfactory response or resolution to his request for service or an adjustment within a reasonable period of time, he may advise the Board of his dissatisfaction in writing and the Board shall investigate the matter and keep records with respect to all complaints.

(f) The operator shall interrupt system service after 7:00 a.m. and before 1:00 a.m. only with good cause and for the shortest time possible and, except in emergency situations, only after publishing notice of service interruption at least twenty-four (24) hours in advance. Service may be interrupted between 1:00 a.m. and 7:00 a.m. for routine testing, maintenance, and repair, without notification, on not more than two (2) nights in any week.

Sec. 8½-68. Termination of Service.

(a) Upon termination of service to any subscriber, the operator shall promptly remove all its facilities and equipment from the premises of such subscriber upon request.

(b) If any subscriber terminates service during the first year of subscription because of the operator's failure to render service to such subscriber in compliance with the provisions of this chapter, or if service to a subscriber is terminated without good cause or because the operator ceases to operate the cable television system for any reason except expiration of the franchise, the operator shall refund to such subscriber an amount equal to the initial tap-in and connection charges paid by the subscriber.

Article V: Rights and Duties of Operator and City.

Sec. 8½-80. Franchise Fee.

The operator shall pay annually to the City an amount equal to the three percent (3%) of the gross accrued revenues from cable television operations taken in during the year, and payment of the fee shall be on a quarterly basis. The year to be used in calculating the amount and payment of the franchise fee shall begin on the effective date of the franchise or the anniversary of that date unless the Board approves a different year.

Sec. 8½-81. Construction Bond.

(a) Within thirty (30) days after the effective date of the franchise, the franchise holder shall obtain and maintain at its cost and expense, and file with the Corporation Counsel, a corporate surety bond issued by a company licensed to do surety business in the State of Indiana and found acceptable by the Corporation Counsel, in an amount of three hundred thousand dollars (\$300,000) to guarantee the timely construction and full activation of the cable television system. The bond shall provide, but not be limited to, the following condition: There shall be recoverable by the City, jointly and severally from the principal and surety, any and all damages, loss or costs suffered by the City resulting from the failure of the franchise holder to satisfactorily complete and fully activate the cable television system within seventy-two (72) months of execution of the franchising contract.

(b) Any extension to the prescribed time limit must be authorized by the Council. Such extension shall be authorized only when the Council finds that such extension is necessary and appropriate due to causes beyond the control of the franchise holder.

(c) The construction bond shall be terminated only after the Council finds that the franchise holder has satisfactorily completed and fully activated the cable television system in the franchise area.

(d) The rights reserved to the City with respect to the construction bond are in addition to all other rights of the City, whether reserved by this franchise or authorized by law; and no action, proceeding or exercise of a right with respect to such construction bond shall effect any other right the City may have.

Sec. 8½-82. Security Fund.

(a) Within thirty (30) days after the execution of the franchise contract, the operator shall deposit with the City of Indianapolis, the sum of fifty thousand dollars (\$50,000) in monies as security for the faithful performance of all the provisions of the franchise contract, and the payment by the operator of any claims, liens and taxes due the City which arise by reason of the construction, operation or maintenance of the system. Any monies deposited pursuant to this section shall be placed by the Controller in an interest bearing demand account at a bank or local savings institution agreeable to both parties. The interest on this account will accrue to the benefit of the operator upon completion of the requirements in Sec. 8½-41(b), and the security fund will be reduced to an amount of fifteen thousand dollars (\$15,000), which amount shall be maintained during the period of the franchise contract.

(b) Within ten (10) days after notice to it that any amount has been withdrawn from the security fund deposited pursuant to subsection (a), the operator shall pay to, or deposit with, the City of Indianapolis a sum of money or securities sufficient to restore such security fund to the full amount required by subsection (a). If the franchise holder fails to pay to the City any compensation within the time fixed herein; or, fails after ten (10) days notice to pay to the City or County any taxes due and unpaid; or, fails to repay to the City, within such ten (10) days, any damages, costs or expenses which the City shall be compelled to pay by reason of any act or default of the operator in connection with the franchise contract or fails, after three (3) days' notice of such failure by the Mayor or his designee to comply with any provision of this chapter, and the Mayor or his designee reasonably determines that such failure can be remedied by an expenditure from the security fund, the Mayor or his designee may immediately withdraw the amount thereof, with interest and any penalties, from the security fund. Upon such withdrawal, the Mayor or his designee shall notify the operator of the amount and date thereof.

(c) The security fund deposited pursuant to this section shall become the property of the City in the event that the franchising contract is cancelled by reason of the default of the operator. The operator, however, shall be entitled to the return of such security fund, or portion thereof, as remains on deposit with the Clerk at the expiration of the term of the franchise contract, provided that there is then no outstanding default on the part of the operator.

(d) The rights reserved to the City with respect to the security fund are in addition to all other rights of the City, whether reserved by this chapter, the franchise or contract or authorized by law; and no action, proceeding or exercise of a right with respect to such security fund shall affect any other right the City may have.

Sec. 8½-83. Liability, Indemnification, and Insurance.

(a) The operator shall pay all damages and penalties which the City may legally be required to pay as a result of the grant of a franchise under this chapter, including all damages arising out of the installation, operation, or maintenance of the cable television system, whether or not any act or omission complained of, is authorized, allowed, or prohibited by this chapter or the franchising contract.

(b) The operator shall pay all expenses incurred by the City in defending itself with regard to all damages and penalties described in subsection (a) of this section. These expenses shall include all out-of-pocket expenses, including attorney's fees.

(c) The operator shall maintain, throughout the term of the franchising contract, a policy or policies of general comprehensive public liability and property damage insurance insuring the City and the operator. Written evidence of payment of premiums and copies of such insurance policy or policies shall be filed with the Board within thirty (30) days of the effective date of the franchise.

Sec. 8½-84. Expansion Outside the Franchise Area.

The grantee may be required to interconnect its system with any other broadband communications facility. Such interconnection shall be made within the time limit established by the City. The interconnection shall, at the City's discretion, be accomplished according to the method and technical standards determined by the City, in a manner consistent with applicable FCC standards.

Sec. 8½-85. City's Use of Poles.

The City shall have the right to install and maintain free of charge upon the poles of the operator any wire and pole fixtures, on the condition that such wire and pole fixtures do not unreasonably interfere with the operator's operation of the cable television system.

Sec. 8½-86. Emergency Use of Facilities.

In the case of any disaster, duly declared by the mayor, the grantee shall, upon request of the mayor, make available to the City for emergency use during the disaster period all facilities not necessary to the grantee in fulfilling its other legal obligations.

Sec. 8½-87. Transfer of Franchise.

(a) In the event the franchise is transferred, in whole or in part, prior consent of the Board to such transfer shall be required.

(b) In the event the operator is a corporation and any person owning or controlling more than five percent (5%) of the operator's voting stock, through the acquisition of any amount of stock, comes to own or control more than five percent (5%) of the operator's voting stock, prior approval of the Board to such acquisition shall be required.

(c) Any transaction of stock representing a partnership share or any other beneficial interest, having the effect of changing in the aggregate more than fifty percent (50%) of the voting or equity rights, or having the effect of increasing the ownership of any single owner whose prior interest was five percent (5%) or more and his ownership increases by an amount of twenty percent (20%) or more shall be deemed a transfer under this section.

(d) Any prior consent of the Board required by this section shall not be unreasonably withheld, shall be expressed by resolution, and shall be subject to any reasonable conditions prescribed in that resolution and shall be effective only upon approval by the City-County Council.

Article VI: General Regulatory Provisions

Sec. 8½-101. Compliance with Other Applicable Laws.

(a) The operator shall comply with all statutes, codes, ordinances, rules, and regulations applicable to its business.

(b) A franchise granted pursuant to this chapter authorizes only the operation of a cable television system, and does not take the place of any other franchise, license, or permit which law requires of the operator.

(c) The Council, the Board, and any other agency of the City shall have the power to adopt, in addition to the provisions contained in this Chapter, the franchising contract, and any other applicable ordinances or regulations as of the effective date, such additional ordinances or regulations as they shall find necessary in the exercise of the police power. Provided, that such ordinances or regulations shall be reasonable and not unconstitutionally in conflict with the rights granted in the franchising contract.

Sec. 8½-102. New Developments.

It shall be the policy of the City liberally to amend this chapter and franchising contract, upon application of the operator, when necessary to enable the operator to take advantage of any developments in the field of cable television which will afford it an opportunity to better serve its customers. However, this section shall not be construed to require the City to initiate any amendment.

Sec. 8½-103. Reports to be Filed with the Board.

(a) The operator shall file with the Board true and accurate maps or plats of all existing and proposed installations.

(b) The operator shall file annually with the Board not later than one hundred twenty (120) days after the end of the operator's fiscal year, a copy of its reports to its stockholders, if any, an income statement applicable to its operations under the franchising contract during the preceding twelve-month period, a balance sheet as of the beginning of the fiscal year, and a statement of its properties devoted to cable television operations, by categories, giving its investment in such properties on the basis of original cost, less applicable depreciation. These reports shall be prepared or approved by a certified public accountant as being in accordance with generally accepted accounting practices.

(c) The operator shall file with the Board a copy of any formal communications received from or required to be filed with any other governmental agency except tax returns and determinations, including the Federal Communications Commission.

(d) Upon the request of the Board, the operator shall file with the Board written evidence of payment of premiums on insurance policies required by this chapter.

(e) The operator shall keep on file with the Board current copies of insurance policies required by this chapter.

(f) The operator shall keep on file with the Board a current list of its shareholders, partners, bondholders, and all other persons owning any financial interest in the operator.

(g) The operator shall file or keep on file with the Board any information which the Board reasonably deems necessary to ensure that the duties of the operator, its customers, and the Board are carried out.

Sec. 8½-104. Inspection of Records and Facilities.

The City shall have the right to inspect the operator's books, plans, income tax returns, and other business records, and its studios, equipment, and other facilities at any time during normal business hours.

Article VII: Termination of the Franchise.

Sec. 8½-111. Term.

The franchising contract shall take effect and be in force from and after its effective date for a term of fifteen (15) years upon the conditions set forth in this chapter and the franchising contract. An option for renewal, provided that the Board is given notice not less than one (1) year prior to expiration of the franchising contract, for an additional ten (10) year period under the terms and conditions mutually agreeable to the operator and the Board is presumed to be a valid amendment to the franchising agreement and said option shall be granted by the Board at a public hearing with seven (7) days notice given upon a determination that the operator has substantially complied and can and will continue to comply with the terms of this chapter and the franchising contract; provided, that the Council, subject to the ordinary veto power of the mayor, may reverse any refusal of the Board to grant a renewal.

Sec. 8½-112. Penalties and Forfeiture of Franchise.

(a) For certain violations of the provisions of this ordinance, civil penalties shall be chargeable to the security fund as follows:

(1) For failure to complete construction and installation of the system and commencement of providing service in accordance with Sec. 8½-41(b), unless the Council specifically approves the delay by resolution because of reasons beyond the control of the operator, the operator shall forfeit two hundred dollars (\$200) each day or part thereof that the failure continues.

(2) For failure to provide data and reports as requested by the Council or Board or required by this chapter, the operator shall forfeit fifty dollars (\$50) each day or part thereof that the failure continues.

(3) For failure to pay the franchise fee when due pursuant to Sec. 8½-80, the franchise holder shall forfeit two hundred fifty dollars (\$250) each day or part thereof that the failure continues.

(4) For persistent failure to comply with such reasonable requests and recommendations as may be made by the Council and Board pursuant to authority granted by this ordinance, the franchise holder shall forfeit fifty dollars (\$50) each day or part thereof that the failure continues.

(5) For failure to restore the cash deposit as required in Sec. 8½-82 within the specified ten (10) days, the entire security fund deposit remaining shall be forfeited.

(b) If the civil penalties of subsection (a) are inapplicable or fail to secure compliance, in addition to all other rights and powers retained by the City by virtue of this chapter and the franchising contract or otherwise, the City shall have the right to terminate and cancel the franchise and all rights and privileges of the operator in the event that the operator:

(1) Violates any material provision of this chapter, the franchising contract, or any rule, regulation, order, or determination of the City, the Board, or the Council made pursuant to this chapter, except where such violation is cured within a reasonable time or where such violation, other than of Sec. 8½-87, is without fault or through excusable neglect;

(2) Attempts to evade any of the provisions of this chapter or the franchising contract or practices any fraud or deceit upon the City; or

(3) Fails to meet the construction schedule as established in the franchising contract or as modified by the Board at the end of any two (2) years unless such failure is without fault or through excusable neglect.

(c) Termination and cancellation may be affected only by ordinance of the Council, subject to the ordinary veto power of the Mayor, and shall in no way affect any other of the City's rights under this chapter, the franchising contract, or any provision of law. Any finding of fact, determined by the Council under this section shall be conclusive. However, before the franchise may be terminated and cancelled under this section, the operator must be provided with thirty (30) days notice and an opportunity to be heard before the Council or its designated committee.

Sec. 8½-113. Removal of the System.

Upon expiration or forfeiture of the franchise, as provided for this chapter, the Council shall have the right to determine whether the operator shall continue to maintain and operate the cable television system pending the decision of the City as to the future maintenance and operation of the system.

Article VIII: Rules of Construction.

Sec. 8½-121. Regulations Issued by Other Governmental Units.

(a) This chapter and any franchise contract executed pursuant to this chapter shall not be construed as incorporating the laws, rules or regulations of any state or federal governmental unit claiming jurisdiction over the regulation of cable television, including the rules of the Federal Communication Commission, whether such laws, rules, or regulations have already been adopted or are adopted in the future.

(b) Should any court of competent jurisdiction at any time declare any provision (section, paragraph, sentence, clause, or any other portion) of this chapter unenforceable because of conflict with the laws, rules or regulations of any state or federal governmental unit, then such unenforceable provision shall be treated as suspended, and shall become effective again immediately upon the repeal of the conflicting law, rule, or regulation and shall be subject to renegotiation.

Sec. 8½-122. Severability.

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

SECTION 2. The Council, having considered the current status of development of the operator under a franchise agreement entered into on May 19, 1967, by the County Commissioners of Marion County, Indiana, and Metropolitan Cablevision Corporation, including the technical and financial ability, business reputation, and community knowledge and responsibility of the operator, and other facts and considerations; hereby determines that neither the acceptance of applications for, nor the grant of additional franchises covering the same area included in the aforesaid franchise (being the area of the City outside of the city limits of the City of Indianapolis as it existed on May 19, 1967) at the present time would be in the best interests of the people of the City, or in accord with the purposes set forth in Sec. 8½-1 of the Code of Indianapolis and Marion County (as adopted in SECTION 1 of this Ordinance): Accordingly, pursuant to Sec. 8½-21 of the Code of Indianapolis and Marion County (as adopted in SECTION 1 of this Ordinance), the Council determines that a franchise should be granted for the area coterminous with the boundaries of the first-class City of Indianapolis as it existed on May 19, 1967, or that more than one franchising contract should be granted in such area and such area divided among operators.

SECTION 3. The Council, having been advised that control of the franchise agreement entered into on May 19, 1967, by the County Commissioners of Marion County, Indiana, and Metropolitan Cablevision Corporation has been transferred to Wabash Cablevision, Inc., and development and operating rights to Indianapolis Cablevision Company, Ltd., with the consent and approval of the Mayor of the City, acting as successor authority to the Marion County Commissioners; and the Council, having heretofore taken no action to ratify or approve such transfer of control (if, and to the extent the Council succeeded to the authority of the Marion County Commissioners with respect to such matters); and having considered the reputations and capabilities of the persons and entities now having an interest in the franchise agreement, together with all other matters deemed relevant in making a determination; hereby ratifies, confirms and approves the transfer of control of the foregoing franchise agreement to Wabash Cablevision, Inc. and Indianapolis Cablevision Company, Ltd., and declares that such franchise agreement constitutes a "previously awarded franchise" subject to Sec. 8½-4 of the Code of Indianapolis and Marion County (as adopted in SECTION 1 of this Ordinance).

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

PROPOSAL NO. 112, 1979. As reported by Mr. Tintera, this proposal is an inducement resolution for an economic development bond for Parahart Corporation in the amount of \$600,000. The bond will be used for the construction of a 18,000 square-foot building. Following a brief discussion, Proposal No.112, 1979, was adopted on the following roll call vote; viz:

24 AYES: *Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cantwell, Mr. Clark, Mr. Dowden, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Journey, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer, and Mr. Walters.*
NO NOES.

4 NOT VOTING: *Mrs. Coughenour, Mr. Durnil, Mr. Tinder, and Mr. West.*

Proposal No. 112, 1979, was retitled SPECIAL RESOLUTION NO. 14, 1979, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 14, 1979

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

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company, as developer, and said facilities to be either owned by or leased or sold to a company, as developer, and in turn leased or subleased by a company, as developer, to another company, as user; and

WHEREAS, Parahart Corporation (the "Developer") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City acquire, construct and equip certain economic development facilities and sell or lease the same to the Developer or that the City loan the proceeds of such a financing to the Developer for such purposes, said Developer to in turn lease or sublease the economic development facilities to State Equipment Company (the "User"), said economic development facility to be an 18,000 square foot manufacturing facility for the production of construction and industrial equipment (including the real estate on which it is located), and the machinery and equipment to be installed therein, to be located at 3617 Southeastern Avenue, Indianapolis, Indiana, on an approximate 7 acre tract of land (the "Project"); and

WHEREAS, the diversification of economic development and increase in job opportunities (5 to 8 new jobs added) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the Developer will lease the Project to the User; and

WHEREAS, Bramco, Inc., will guarantee all bond payments, if necessary; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition and construction of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Indianapolis, Indiana, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis; and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City in an amount not to exceed \$600,000 under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Developer or the loaning of the proceeds of such a financing to the Developer for such purposes and the lease or sublease of the Project by the Developer to the User will serve the public purposes referred to above, in accordance with the Act.

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

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

PROPOSAL NO. 113, 1979. Mr. Tintera explained that due to a clerical error an incorrect figure was given for the amount of the proposed economic development bond for Guarantee Auto Stores, Inc. He then moved, seconded by Mrs. Brinkman, the following amendment:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 113, 1979, as follows:

Section 2, line 2, delete the figure \$400,000 and insert in lieu thereof the figure \$420,000.

s/George B. Tintera

The motion to amend carried on a unanimous voice vote. The economic development bond will provide for interior renovation of the Guarantee Auto Stores, Inc. distribution center. Proposal No. 113, 1979, As Amended, was then adopted on the following roll call vote; viz:

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

NO NOES.

4 NOT VOTING: Mr. Cantwell, Mr. Durnil, Mr. Schneider, and Mr. Walters.

Proposal No. 113, 1979, As Amended, was retitled SPECIAL RESOLUTION NO. 11, 1979, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 11, 1979

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds for Guarantee Auto Stores, Inc.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to a company and said facilities to be either owned by or leased or sold to a company; and

WHEREAS, Guarantee Auto Stores, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or that the City loan the proceeds of such a financing to the Company for such purposes, said economic development facility to be equipment and racking inside an existing 60,000 square foot building constituting the distribution center of the automotive retail chain, to be located at 5611 East 71st Street, Indianapolis, Indiana 46220, (the "project"); and

WHEREAS, the diversification of economic development and increase in job opportunities (4 to 8 new jobs) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition and construction of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Indianapolis, Indiana, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis; and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City in an amount not to exceed \$420,000 under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Company or the loaning of the proceeds of such a financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

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

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

PROPOSAL NO. 118, 1979. Mr. Tinder, Chairman of the Rules & Public Policy Committee, presented a brief committee report stating the recommendation of "do pass". Mr. SerVaas then moved the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 118, 1979, by deleting the introduced version and substituting therefor the version entitled: "Proposal No. 118, 1979, Sponsor Recommendations".

s/Beurt SerVaas

The amendment was adopted by consent. Proposal No. 118, 1979, As Amended, was then adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 12, 1979, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 12, 1979

A SPECIAL RESOLUTION to the IPI Advisory Board encouraging its adoption of the name The Universities of Indiana and Purdue in Indianapolis.

WHEREAS, Indiana and Purdue Universities have over the past decade united their Indianapolis campuses, and

WHEREAS, the joint Indianapolis campus of Indiana University and Purdue University are essential to the future welfare of this community; and

WHEREAS, the image and status of the joint Indianapolis campus of Indiana and Purdue Universities is important to the student, his parents, and the citizens of Indianapolis; and

WHEREAS, the joint campus of Indiana and Purdue Universities is not known by the full name of the parent universities, but rather by the acronym of IUPUI, pronounced "ooee poee"; and

WHEREAS, this acronym, both written and oral, is unnecessarily redundant, and often denigrating, depending on the accent of "poee"; and

WHEREAS, the media are regularly using the shortened version IPI with no confusion of their intent to identify Indiana-Purdue Indianapolis; and

WHEREAS, it is current usage to utilize but three letters in abbreviating long corporate or institutional names, e.g., IBM, RCA, NBC, SEC, IRS, etc.; 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 urges the local advisory board of Indiana and Purdue Universities in Indianapolis to formally protest the continued use of the acronym IUPUI and its pronunciation of "ooee poeee", and suggest to the trustees of both universities that they cause to be legally changed the name of their institutions in Indianapolis to The Universities of Indiana and Purdue in Indianapolis with the abbreviated name of the joint venture be known as IPI, or alternatively, a name change more suitably representing the State of Indiana's institution for higher education in Indianapolis.

PROPOSAL NO. 126, 1979. Mr. Tinder yielded to the sponsor of the resolution, Mr. Boyd. Mr. Boyd emphasized the intent of the resolution which was to encourage the Indiana Supreme Court to reconsider the penalty given Attorney Mann. He then moved the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 126, 1979, by deleting the introduced version and substituting therefor the version entitled: "Proposal No. 126, 1979, Committee Recommendations".

s/Rozelle Boyd

The motion to amend carried unanimously. Proposal No. 126, 1979, As Amended, was then adopted on a unanimous voice vote, retitled SPECIAL RESOLUTION NO. 13, 1979, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 13, 1979

A SPECIAL RESOLUTION in support of the reinstatement of Attorney Robert G. Mann.

WHEREAS, Attorney Robert G. Mann, a practicing Black attorney in Indianapolis, is now the object of disbarment proceedings before the Indiana State Supreme Court, and

WHEREAS, Attorney Mann has for over 20 years served this community with competence and professionalism, and

WHEREAS, Robert G. Mann has, during his active professional life in this city, performed many acts of civil merit; and

WHEREAS, the loss of his skills and experience as a criminal lawyer would diminish the city generally and, more specifically, would lessen the legal resources of a large Black constituency, and

WHEREAS, the Supreme Court's recommendation and pending penalty of life disbarment is an unusually harsh severe judgment relative to the alleged malpractice; 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 the City of Indianapolis join with other citizens in requesting that the State Supreme Court review the case of Attorney Robert G. Mann and that in such review the concerns here raised be taken into full consideration.

PROPOSAL NO. 101, 1979. Miss Parker reported that House Bill No. 1363 was dead in the House of Representatives; therefore, the committee recommended striking the proposal. She did state that the committee recommended the discussion of the matter at a later date. Upon motion duly made and seconded, Proposal No. 101, 1979, was stricken by unanimous voice vote.

[Clerk's Note: At the request of Mr. West, consent was given to recess for two minutes at 8:37 p.m. The Council reconvened at 8:42 p.m.]

PROPOSAL NO. 115, 1979. Mr. West explained that this proposal was a technical transfer for the Sheriff's department. He then moved its adoption. The proposal was adopted on the following roll call vote; viz:

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

NO NOES.

5 NOT VOTING: Mr. Cantwell, Mrs. Coughenour, Mr. Lyons, Mr. Walters, and Mr. West.

Proposal No. 115, 1979, was retitled FISCAL ORDINANCE NO. 31, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 31, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating one hundred forty-eight thousand five hundred dollars (\$148,500) in the County General Fund for purposes of Sheriff and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of recognizing a fine distinction between repair parts, and garage and motor supplies.

SECTION 2. The sum of one hundred forty-eight thousand five hundred dollars (\$148,500) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

SHERIFF	COUNTY GENERAL FUND
23. Materials	<u>\$148,500</u>
TOTAL INCREASES	<u>\$148,500</u>

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

SHERIFF	COUNTY GENERAL FUND
22. Supplies	<u>\$148,500</u>
TOTAL REDUCTIONS	<u>\$148,500</u>

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

PROPOSAL NO. 38, 1979. Chairman West, having dissented with the Public Safety & Criminal Justice Committee recommendation, yielded to Councilman Tinder for the committee report. Mr. Tinder moved the following amendment:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 38, 1979, by deleting the introduced version and substituting therefor the version entitled: "Proposal No. 38, 1979, Committee Recommendations".

s/John G. Tinder

The motion carried on a unanimous voice vote. Mr. Tinder explained that the proposal as amended created no new positions but reinstated several positions which were deleted during the 1979 budget hearings. He further stated that the amended version reduced the appropriation from \$107,181 to \$38,493.

Mr. West expressed his opposition to the proposal on the basis that seven people would then be in high command positions. He then moved the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 38, 1979, Committee Recommendations, by the following deletions and insertions:

1. Section 5, line 2:

Deputy Chief	<u>4-5-</u>	\$21,949	<u>\$87,796</u>	-\$100,745
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2. Section 5, line 15, delete.

s/Stephen R. West

Mr. West's motion to amend failed on a voice vote. Proposal No. 38, 1979, As Amended, was then adopted on the following roll call vote; viz:

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

1 NO: Mr. West.

4 NOT VOTING: Mr. Cantwell, Mr. Hawkins, Mr. Vollmer, and Mr. Walters.

Proposal No. 38, 1979, As Amended, was retitled FISCAL ORDINANCE NO. 32, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 32, 1979

A FISCAL ORDINANCE amending the CITY—COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) and appropriating an additional thirty-eight thousand four hundred ninety-three dollars (\$38,493) in the County General Fund for purposes of the Marion County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of re-establishing merit non-merit positions in the Sheriff's Department.

SECTION 2. The sum of thirty-eight thousand four hundred ninety-three dollars (\$38,493) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

COUNTY SHERIFF	COUNTY GENERAL FUND
10. Personal Services	<u>\$38,493</u>
TOTAL INCREASES	\$38,493

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

Unappropriated and unencumbered	
County General Fund	<u>\$38,493</u>
TOTAL REDUCTIONS	\$38,493

SECTION 5. Salary realignments. Section 2.03(a)(6) of the Annual Budget for 1979 (City-County Fiscal Ordinance No. 91, 1978, As Amended) be amended by substituting the following provision:

(6) COUNTY SHERIFF

<u>Personnel Classification</u>	<u>Maximum Number</u>	<u>Maximum Salary</u>	<u>Maximum Per Classification</u>
MERIT DIVISION:			
Colonel	1	23,252	23,252
Deputy Chief	-4	21,949	109,745 87,796
Major	5	18,752	93,760
Captain	8	17,330	138,640
Lieutenant	22	16,145	355,190
Sergeant	93	15,316	1,424,388
Corporal	56	14,664	821,184
Deputy (1st)	205 204	14,309	2,933,345 2,919,036
Deputy (2nd)	17	13,125	223,125
Deputy (3rd)	0	12,237	-0-

Maximum salaries for ranks in the Merit Division are stated in terms of base salaries only; longevity increments are authorized at \$60 per year per merit deputy. Clothing allowance of \$300 per year is authorized for non-uniformed merit deputies.

CIVIL DIVISION:

First Deputy	1	22,908	22,908
Administrative Assistant	1	<u>17,500</u>	<u>17,500</u>
Social Worker	2	11,229	22,129
Crime Watch Coordinator	1	<u>12,000</u>	<u>12,000</u>
Secretary	5	8,065	39,736
Clerk Typist	35	10,176	255,517
Mechanic	9	13,884	113,469
Attendant	7	8,228	56,757
Civil Major	1 2	15,969	15,375 30,750
Civil Captain	1	14,593	14,380
Civil Lieutenant	2	13,059	25,737
Civil Sergeant	9	11,524	102,205
Civil Deputy	30	10,282	300,399
CETA Employees	37	10,000	258,739
Professionals (M.D., D.D.S., etc.)	3	13,940	46,900
Temporary			28,455
Overtime & Shift Differential			215,000
Educational Bonus			70,000
	554 557		

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of \$7,728,999 ~~\$7,690,506~~.

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

[Clerk's Note: At 8:50 p.m. Mr. West moved to adjourn. The motion died for a lack of a second.]

PROPOSAL NO. 72, 1979. Mr. Schneider stated the County & Townships Committee recommended passage of this proposal and moved its adoption. Proposal No. 72, 1979, was then adopted on the following roll call vote; viz:

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

NO NOES.

3 NOT VOTING: Mr. Cantwell, Mr. Walters, and Mr. West.

Proposal No. 72, 1979, was retitled GENERAL ORDINANCE NO. 34, 1979, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 34, 1979

A GENERAL ORDINANCE amending City-County General Ordinance No. 85, 1978, to provide for longevity pay for court employees equal to that of the firemen.

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

SECTION 1. Section 7 of City-County General Ordinance No. 85, 1978, be and is hereby, amended by inserting the words and figures underlined so as to read as follows:

Section 7. Pike Township. The maximum salaries of the elected and appointed officers and employees of Pike Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1979, and ending December 31, 1979, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	5,040	5,040
Township Clerk	1	6,615	6,615
Advisory Board Members	3	360	1,080
Small Claims Court Judge	1	14,400	14,400
Office Supervisor	1	9,184	9,184
Clerks for Small Claims Court			
Clerk I	4	8,684	34,736
Clerk II	1	7,700	7,700
Clerk III	1	7,000	7,000
Clerk (part time)	1	2,400	2,400
<u>Longevity pay for court employees</u>			
<u>Clerk I</u>		<u>700</u>	<u>700</u>
<u>Clerk II</u>		<u>500</u>	<u>500</u>
<u>Clerk III</u>		<u>400</u>	<u>400</u>
	POOR RELIEF PERSONNEL		
Investigators	1	6,300	6,300
	OTHER EMPLOYEES		
Chauffeurs	6	14,200	85,200
Probation (new)	<u>4</u>	11,000	<u>44,000</u>
TOTAL	25		<u>223,655</u> <u>225,255</u>

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

PROPOSAL NO. 75, 1979. A brief committee report was presented by Councilman Schneider. After motion duly made and seconded, Proposal No. 75, 1979, was adopted on the following roll call vote; viz:

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

NO NOES.

4 NOT VOTING: Mr. Campbell, Mr. Cantwell, Mrs. Journey, and Mr. Walters.

Proposal No. 75, 1979, was retitled FISCAL ORDINANCE NO. 33, 1979, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 33, 1979

A FISCAL ORDINANCE amending City-County Fiscal Ordinance No. 91, 1978, authorizing changes in the personnel compensation schedules of the County Commissioners Office.

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

SECTION 1. Section 2.03 of City-County Fiscal Ordinance No. 91, 1978, be amended by deleting the crosshatched items and inserting the underlined figures, to wit:

(4) COUNTY COMMISSIONERS

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Office Manager	1	\$10,248 <u>\$12,300</u>	\$10,100 <u>\$12,300</u>
Maintenance Supervisor	1	10,471	10,310
Assistant Office Manager	1	8,119	8,119

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of \$20,419.

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

PROPOSAL NO. 76, 1979. Consent was given to postpone action on this proposal until the Council meeting of April 9, 1979.

PROPOSAL NO. 103, 1979. Mr. Schneider moved the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Proposal No. 103, 1979, be amended as follows:

Strike lines 6 and 7 of Section 1:

“Clerk for Small ~~Claims~~ Court (part time) 1 \$4,341 \$4,341”

s/W. A. Schneider

The motion to amend carried on a unanimous voice vote. Proposal No. 103, 1979, As Amended, was then adopted on the following roll call vote; viz:

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

NO NOES.

5 NOT VOTING: Mr. Campbell, Mr. Cantwell, Mrs. Journey, Mr. Walters, and Mr. West.

Proposal No. 103, 1979, As Amended, was retitled GENERAL ORDINANCE NO. 35, 1979, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 35, 1979

A GENERAL ORDINANCE amending City-County General Ordinance No. 85, 1978, to change a part-time position in the Perry Township Small Claims Court to a full-time position.

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

SECTION 1. Section 6 of City-County General Ordinance No. 85, 1978, be and is hereby amended by deleting the crosshatched words and figures and inserting the underlined words and figures to read as follows:

Section 6. Perry Township. The maximum salaries of the elected and appointed officers and employees of Perry Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1979, and ending December 31, 1979, are fixed as follows:

<u>Position</u>	<u>Number of Personnel</u>	<u>Annual Rate of Compensation</u>	<u>Total Compensation</u>
Township Trustee	1	9,600	9,600
Township Clerk	1	8,682	8,682
Advisory Board Members	3	660	1,980
Clerk for Small Claims Court	2 <u>3</u>	8,682	17,364 <u>26,046</u>
Judge for Small Claims Court	1	13,200	13,200
FIRE DEPARTMENT PERSONNEL			
Fire Administrators	1	16,000	16,000
Secretary	1	8,682	8,682
Director of Maintenance	1	14,450	14,450
Private	2	12,782	25,564
Private — First Class	4	13,357	53,428
Chauffeurs	21	13,933	292,593
Extra compensation for Paramedics	(5)	750	3,750
Extra compensation for EMT	(9)	100	900
Total Longevity		9,600	9,600
POOR RELIEF PERSONNEL			
Supervisors of investigators	1	8,682	8,682
Investigators	1	4,341	4,341
OTHER EMPLOYEES			
Custodian of Twp. Office			
Caretaker of Cemeteries	1	3,780	3,780
TOTAL	<u>42</u>		496,927 <u>501,278</u>

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

PROPOSAL NO. 111, 1979. As reported by Mr. Schneider, the County & Townships Committee recommended adoption of this proposal transferring \$2,000 in the Wayne Township Assessor's budget. The proposal was adopted on the following roll call vote; viz:

22 AYES: Mr. Anderson, Mr. Boyd, Mrs. Brinkman, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mr. Kimbell, Mr. Lyons, Mr. McGrath, Mr. Miller, Mr. Page, Miss Parker, Mr. Pearce, Mr. Schneider, Mr. SerVaas, Mrs. Stewart, Mr. Tintera, and Mr. Vollmer.

NO NOES.

6 NOT VOTING: Mr. Campbell, Mr. Cantwell, Mrs. Journey, Mr. Tinder, Mr. Walters, and Mr. West.

Proposal No. 111, 1979, was retitled FISCAL ORDINANCE NO. 34, 1979, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 1979

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1979 (City-County Fiscal Ordinance No. 91, 1978) transferring and appropriating two thousand dollars (\$2,000) in the County General Fund for purposes of Wayne Township Assessor and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.04 of the City-County Annual Budget for 1979, be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of operating a more efficient office.

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

SECTION 3. The following increased appropriation is hereby approved:

WAYNE TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
21. Contractual Services	<u>\$2,000</u>
TOTAL INCREASES	\$2,000

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

WAYNE TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
50. Properties	<u>\$2,000</u>
TOTAL REDUCTIONS	\$2,000

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

PROPOSAL NO. 137, 1979. This proposal appointing Fred G. Johnston, Jr., to the Ethics Board, was adopted by unanimous voice vote, retitled COUNCIL RESOLUTION NO. 11, 1979, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 11, 1979

A COUNCIL RESOLUTION confirming a board and commission appointment effective March 31, 1979.

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

SECTION 1. As a member of the Ethics Board, the Council appoints:
Fred G. Johnston, Jr.

SECTION 2. The foregoing appointment shall be for a term of two years beginning March 31, 1979, at the pleasure of the Council and until a successor is appointed.

PROPOSAL NOS. 138 - 141, 1979. No action was taken on these proposals, and they were retitled REZONING ORDINANCES NOS. 44 - 47, 1979, and read as follows:

REZONING ORDINANCE NO. 44, 1979. 78-Z-19 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13
3416 SOUTH POST ROAD, INDIANAPOLIS
O. Kenneth & Phyllis J. Baird request rezoning of 0.73 acres, being in A-2 district, to C-1 classification to provide for construction of an office building.

REZONING ORDINANCE NO. 45, 1979. 79-Z-20 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 24
5681 SOUTH EAST STREET, INDIANAPOLIS
John T. & Emma Emhardt and David Nelson Gibb, 4165 Woodland Streams Drive, Greenwood, Indiana request rezoning of 0.39 acres, being in SU-6 to C-1 classification to provide for professional and general office use.

REZONING ORDINANCE NO. 46, 1979. 79-Z-22 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
2001 EAST SOUTHPORT ROAD, INDIANAPOLIS
Dr. Morris B. Paynter, 115 White Horse Lane, Noblesville, Indiana, and Thomas C. Mills, 3347 Gravelie Drive request rezoning of 0.75 acre, being in D-4 district, to C-1 classification to permit existing non-conforming use to change from a doctor's office to an attorney's office in conformance with zoning regulations.

REZONING ORDINANCE NO. 47, 1979. 79-Z-23 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
8802 LAFAYETTE ROAD, INDIANAPOLIS
Guernsey Van Riper, Jr. and Three Incorporated, 2411 West 62nd Street request rezoning of 27.00 acres, being in A-2 district, to D-S classification to provide for residential use by platting.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, upon motion duly made and seconded, the meeting adjourned at 9:00 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County, held at its Regular Meeting on the 26th day of March, 1979.

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

ATTEST:

President, *Beverly S. ...*
Clerk of the City-County Council, *Beverly S. ...*

(SEAL)