

**CITY—COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, May 24, 1982**

A Regular Meeting of the City—County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City—County Building, at 7:27 p.m., Monday, May 24, 1982. President SerVaas in the chair. Mr. David Jones opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

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

PRESENT: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

CORRECTION OF THE JOURNAL

The Chair called for additions or corrections to the Journal of May 10, 1982. There being no additions or corrections, the minutes of May 10, 1982, were approved as distributed.

OFFICIAL COMMUNICATIONS

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

**TO ALL 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, May 24, 1982, 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**

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 May 13 and 20, 1982, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 162, 171, 172, and 173, 1982, to be held on Monday, May 24, 1982, at 7:00 p.m. in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 27, 1982, authorizing Marion County to borrow on a temporary loan for the use of the County General Fund during the period July 2, 1982, to December 29, 1982, in anticipation of current taxes levied in the year 1981 and collectible in the year 1982, authorizing the issuance of tax anticipation time warrants to evidence such loan; pledging and appropriating the taxes to be received in said fund to the payment of said tax anticipation time warrants including the interest thereon.

GENREAL ORDINANCE NO. 32, 1982, amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 29, Section 29-267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 33, 1982, amending the "Code of Indianapolis and Marion County, Indiana," Trucks on certain streets restricted. (Amends Sec. 29-224)

GENERAL ORDINANCE NO. 34, 1982, amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 29, Section 29-136, Alteration of prima facie speed limits.

GENERAL ORDINANCE NO. 35, 1982, amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 29, Section 267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 36, 1982, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 37, 1982, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 38, 1982, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-136, Alteration of prima facie speed limit.

GENERAL ORDINANCE NO. 39, 1982, amending the City-County General Ordinance No. 68, 1981, authorizing changes in the personnel schedule of the Pike Township Trustee's Office.

GENERAL ORDINANCE NO. 40, 1982, changing the preferential street at the intersection of South Alabama and East Merrill Streets.

SPECIAL RESOLUTION NO. 25, 1982, honoring the Warren Central High School Boys' Gymnastics Team.

SPECIAL RESOLUTION NO. 26, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 27, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 28, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 29, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 30, 1982, 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. 200, 1982. President SerVaas read the proposal appointing Dwight Cottingham to the County Board of Tax Adjustment. Mr. Cottingham will be appointed for a one-year term. President SerVaas pointed out that Mr. Cottingham will begin his third term in this capacity. President SerVaas moved, seconded by Councillor Miller, for adoption. Proposal No. 200, 1982, was adopted by unanimous voice vote, retitled COUNCIL RESOLUTION NO. 20, 1982, and reads as follows:

CITY—COUNTY COUNCIL RESOLUTION NO. 20, 1982

A COUNCIL RESOLUTION appointing Dwight Cottingham to the County Board of Tax Adjustment.

**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 County Board of Tax Adjustment, the Council appoints:

DWIGHT COTTINGHAM

SECTION 2. The appointee shall serve for a term of one (1) year, commencing upon the passage of this resolution and ending April 15, 1983, and at the pleasure of the Council until a successor is duly appointed.

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

PROPOSAL NO. 198, 1982. President SerVaas read the proposal honoring the League of Women Voters. He moved, seconded by Councillor Miller, for adoption. Proposal No. 198, 1982, was adopted by unanimous voice vote. President SerVaas presented Suzanne Godich and Carol Kirk with a copy of the resolution. Proposal No. 198, 1982, was retitled SPECIAL RESOLUTION NO. 31, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 31, 1982

A SPECIAL RESOLUTION honoring the League of Women Voters.

WHEREAS, the League of Women Voters is dedicated to promoting political responsibility through informed and active participation of citizens in government, and acting upon governmental issues; and

WHEREAS, as a public service informing the citizens of the organization of government and the services provided by the City of Indianapolis and Marion County, the League published a "Unigov Handbook" which contributes to the understanding and involvement of our citizens; and

WHEREAS, as an avenue of encouraging citizen participation, the League maintains an Observer Program through which League member Suzanne Godich has faithfully attended meetings of the City-County Council; and

WHEREAS, on this day the Council wants to pay special recognition to the League of Women Voters of Indianapolis for its outstanding service to the community and its citizens; 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 commends the League of Women Voters for its non-partisan dedication to the promotion of informed and active participation of citizens in government.

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

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

INTRODUCTION OF GUESTS

Councillor Schneider acknowledged members of a Boy Scout Troop that were present to earn Eagle Scout badges. Councillor Vollmer acknowledged members from the trucking industry that are interested in Proposal No. 122, 1982. Councillor McGrath acknowledged members of the N.E.S.C.O. and W.I.N.K. Neighborhood Associations that are interested in Proposal No. 159, 1982.

Councillor Parker stated that during the full Council meeting of May 10, 1982, Councillor Boyd had voiced concern with Multi-Service Centers not meeting pay-rolls and having cash-flow problems. She noted that the Community Affairs Committee met on May 20, 1982, and heard a report from Mrs. Sandra Emmanuel, outlining several contributing factors which caused the shortfall of funds. The Division

of Community Services was unsure of its funding sources and there were delays in getting the contracts together. Councillor Parker also noted that the two employees primarily responsible for putting the contracts together are no longer employed by the Division of Community Services.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 186, 1982. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$3,615 for Cooperative Extension to pay a rent increase and hire a temporary person"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 187, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$10,000 for the County Auditor to hire two clerks"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 188, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution for Philips Industries, Inc., Lau Division, in an amount not to exceed \$4,500,000." Councillor Tintera requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 189, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$2,996,000 Economic Development Revenue Bonds for Lombard Associates"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 190, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE enlarging the boundaries of the Police and Fire Special Service Districts"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 191, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the disposal of certain real estate of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 192, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of Parks and Recreation Bonds in the amount of \$7,500,000"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 193, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$5,000 for Superior Court, Criminal Division, Room 5, for a new court room"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 194, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$10,000 for Superior Court, Criminal Division, Room 6, for a new court room"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 195, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$12,182 for Superior Court, Criminal Division, Probation, to purchase furniture panels due to office expansion"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 196, 1982. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$25,000 for the Air Pollution Control Division for air quality planning"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 197, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection control at Riverside Drive and Burdsal Parkway"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 198, 1982. Introduced by Councillor SerVaas. This proposal, which honors the League of Women Voters, was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled Special Resolution No. 31, 1982.

PROPOSAL NO. 199, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing the issuance of tax anticipation time warrants for the Park District and the Consolidated County Funds"; and the President referred it to the Administration Committee.

PROPOSAL NO. 200, 1982. Introduced by Councillor SerVaas. This proposal, which appoints Dwight Cottingham to the County Board of Tax Adjustment, was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled Council Resolution No. 20, 1982.

MODIFICATION OF SPECIAL ORDERS

[Clerk's Note: Council consent was given in order that the Council Rules on Preparation, Initiation, and Introduction of Proposals may be suspended and the following proposals may be introduced, although not timely submitted under the Rules.]

PROPOSAL NO. 201, 1982. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code dealing with the identification of trucks and trailers bearing refuse"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 202, 1982. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION commending Vivian I. Marbury for her service to the Citizens and Children of Indianapolis"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 203, 1982. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION commending Katherine D. Maye for her services to the Citizens and Children of Indianapolis"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 204, 1982. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION commending Mary Kathryn Owsley for her service to the Citizens and Children of Indianapolis"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NOS. 205-207, 1982. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on May 20, 1982." Councillor Dowden called out Proposal No. 206, 1982, for a public hearing, seconded by Councillor Schneider. Consent was given. Councillor Schneider called out Proposal No. 205, 1982, for a public hearing, seconded by Councillor Tintera. Consent was given. Proposal No. 207, 1982, was adopted by unanimous voice vote, retitled REZONING ORDINANCE NO. 36, 1982, and reads as follows:

**REZONING ORDINANCE NO. 36, 1982 82-Z-35 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 6
3959 CENTRAL AVENUE, INDIANAPOLIS**

**Girls Club of Greater Indianapolis, Inc., by Richard L. Brown, requests rezoning of
0.384 acre, being in D-5 district, to SU-38 classification, to provide for a Girls Club.**

PROPOSAL NO. 208, 1982. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION urging the Indiana delegation to the United States Congress to consider action to amend the antitrust laws"; and the President referred it to the Rules and Policy Committee.

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 162, 1982. This appropriates \$680,000 for the Central Equipment Management Division to purchase replacement vehicles. Councillor Dowden moved, seconded by Councillor Schneider, to postpone action on this proposal until June 7, 1982. Consent was given.

PROPOSAL NO. 171, 1982. This proposal appropriates \$100,000 for the Administration Division, Department of Parks and Recreation, to purchase equipment for the velodrome. As Acting Chairman for the meeting, Councillor Clark reported that the Parks and Recreation Committee recommended passage by a vote of 6-0. He noted that this is a Lilly Grant of \$100,000 and would be used to purchase sound and photographic equipment and lockers. The President called for public testimony at 7:53 p.m. There being no one present to testify, Councillor Clark moved, seconded by Councillor Howard, for adoption. Proposal No. 171, 1982, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Strader, Tintera, Vollmer, West

1 NAY: Stewart

2 NOT VOTING: Coughenour, Dowden

Proposal No. 171, 1982, was retitled FISCAL ORDINANCE NO. 28, 1982, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional One Hundred Thousand dollars (\$100,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated balance in the Park 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 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating a Lilly Endowment Grant in the amount of \$100,000 to be specifically used to purchase phototiming equipment, sound equipment, lockers and other items for the velodrome.

SECTION 2. The sum of One Hundred Thousand dollars (\$100,000), be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS AND RECREATION ADMINISTRATION DIVISION	PARK GENERAL FUND
3. Other Services & Charges	\$ 68,900
4. Capital Outlay	<u>31,100</u>
Total Increase	\$100,000

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

DEPARTMENT OF PARKS AND RECREATION ADMINISTRATION DIVISION	PARK GENERAL FUND
Unappropriated and Unencumbered Park General Fund	\$100,000
Total Reduction	<u>\$100,000</u>

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

PROPOSAL NO. 172, 1982. This proposal appropriates \$63,000 for the Community Recreation Division to provide recreation for the handicapped. The Parks and Recreation Committee recommended adoption on May 13, 1982, by a vote of 6-0. Councillor Clark explained that through a Federal grant with the United States Department of Education, the Parks Department and the Noble Development Center have entered into an experimental co-operative program to provide recreation opportunities for the handicapped who could not otherwise participate due to the high cost of transportation. The President called for public testimony at 7:54 p.m. There being no one present to testify, Councillor Clark moved, seconded by Councillor Howard, for adoption. Proposal No. 172, 1982, was adopted on the following roll call vote; viz:

28 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

1 NOT VOTING: Dowden

Proposal No. 172, 1982, was retitled FISCAL ORDINANCE NO. 29, 1982, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 29, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Sixty-three Thousand dollars (\$63,000) in the Park General Fund for purposes of the Department of Parks and Recreation, the Community Recreation Division, and reducing the unappropriated balance in the Park 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 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating funds provided by a Federal Department of Education Grant for an experimental cooperative program with the Noble Development Center to provide recreation opportunities for the handicapped.

SECTION 2. The sum of Sixty-three Thousand dollars (\$63,000), be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS AND RECREATION COMMUNITY RECREATION DIVISION	PARK GENERAL FUND
1. Personal Services	\$29,170
2. Supplies	5,000
3. Other Services & Charges	<u>28,830</u>
Total Increase	<u>\$63,000</u>

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

DEPARTMENT OF PARKS AND RECREATION COMMUNITY RECREATION DIVISION	PARK GENERAL FUND
Unappropriated and Unencumbered Park General Fund	<u>\$63,000</u>
Total Reduction	<u>\$63,000</u>

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

PROPOSAL NO. 173, 1982. This proposal transfers and appropriates \$8,700 for the Criminal Justice Coordinating Agency for increased costs for the Crime Watch Program and was recommended for passage by the Public Safety and Criminal Justice Committee on May 20, 1982, by a vote of 5-1. The President called for public testimony at 7:57 p.m. Mrs. Linda Skinner spoke in favor of the Crime Watch Program. Councillor West then moved, seconded by Councillor Jones, for adoption. Proposal No. 173, 1982, was adopted on the following roll call vote; viz:

28 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

1 NAY: *Holmes*

Proposal No. 173, 1982, was retitled FISCAL ORDINANCE NO. 30, 1982, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 30, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating an additional Eight Thousand Seven Hundred dollars (\$8,700) in the Consolidated County Fund for purposes of the Department of Public Safety, Criminal Justice Coordinating Agency, and reducing certain other appropriations for that division and 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 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing LEAA funds for increased postage costs for the Crime Watch Program and continuation of a fiscal assistant to monitor existing Crime Control Grants.

SECTION 2. The sum of Eight Thousand Seven Hundred dollars (\$8,700), be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts and the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC SAFETY CRIMINAL JUSTICE COORDINATING AGENCY	CONSOLIDATED COUNTY FUND
1. Personal Services	\$8,100
3. Other Services & Charges	600
Total Increase	<u>\$8,700</u>

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

DEPARTMENT OF PUBLIC SAFETY CRIMINAL JUSTICE COORDINATING AGENCY	CONSOLIDATED COUNTY FUND
2. Supplies	\$ 600
Unappropriated and Unencumbered Consolidated County Fund	<u>8,100</u>
Total Reduction	<u>\$8,700</u>

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

PROPOSAL NO. 33, 1982. This proposal appropriates \$110,082 for the Sheriff to provide funds for Civil Deputies, and was postponed in Council until June 7, 1982, by consent.

PROPOSAL NO. 65, 1982. This proposal for approval of the issuance of special taxing district bonds of the Park District in the amount of \$10,000,000, was tabled during the March 1, 1982, Council meeting. Councillor Gilmer moved, seconded by Councillor Cottingham, to strike Proposal No. 65, 1982. Council consent was given.

SPECIAL ORDERS, UNFINISHED BUSINESS

PROPOSAL NO. 91, 1982. This proposal requires printed identification on the exterior of commercial trucks. During the last session of Council, this proposal was

postponed in order that the sponsor, Councillor Holmes, could be present. Councillor Holmes stated that he felt this proposal would benefit the people in-as-much as they would have an idea of who towed their automobile away. He questioned why any company in business would object to having advertising on the side of its truck. Councillor Jones concurred that there are areas of concern regarding towing. He stated that a proposal would be drafted to come before the Council within the next three weeks containing more definite language. Councillor Tintera moved, seconded by Councillor Jones, to strike Proposal No. 91, 1982. The motion was defeated on the following roll call vote; viz:

10 YEAS: *Brinkman, Clark, Cottingham, Coughenour, Durnil, Howard, Jones, Nickell, Schneider, Tintera*

19 NAYS: *Borst, Boyd, Campbell, Dowden, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Page, Parker, Rader, Rhodes, SerVaas, Stewart, Strader, Vollmer, West*

Councillor Vollmer moved, seconded by Councillor Holmes, for adoption. Councillor Clark moved, seconded by Councillor Howard, to table Proposal No. 91, 1982, until the June 21, 1982, Council meeting. The President ruled that a motion to table takes precedence over a motion for adoption. Council consent was given to table Proposal No. 91, 1982.

SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 49, 1982. This proposal amends the Code by adding a new Chapter 21½, dealing with false alarms. Councillor Borst gave the Public Safety and Criminal Justice Committee report, noting that there are between 1,500 and 1,600 false alarms per month, and this number accounts for 97% of the alarms signaled. He pointed out that many times an officer goes to the scene when an alarm sounds and no one is there, nor is there any person to contact. Councillor Borst added that alarms, for alerting purposes only, do not require a permit under this proposal, because an alarm is defined as one which requires police response. There will be a \$10.00 permit fee for a two-year period; a ten-day grace period for those persons unaware of the need of a permit; and the permit will require that two names be listed to respond to the alarm within thirty minutes. Alarm companies must be licensed, with the licensing fee being \$250.00, and alarm company employees must carry identification cards. Those persons or businesses with alarms will be allowed three false alarms without incurring a penalty. Upon the fourth through seventh false alarm, a \$25.00 fine will be imposed. The eighth and subsequent false alarms will be handled in court. Councillor Borst noted that after an alarm is installed there is a thirty-day grace period, at which time no penalty charge will be issued in order that the alarm company can "work out the bugs." This proposal prohibits

alarms that directly dial the Police Department. Councillor Borst pointed out that the Committee has met several times with the alarm companies to arrive at a compromise ordinance. Councillor Coughenour questioned the percentage of false alarms from residents. Councillor Borst responded that residents account for approximately five to eight percent. Mr. Richard Blankenbaker stated that residential alarms really create a problem because there is usually no one around that has a key to the house and there is no one to contact in order that the alarms can be shut off. Councillor West then moved, seconded by Councillor Borst, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 49, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 159, 1982, Committee Recommendations."

s/Councillor West

Council consent was given on the substitution. Councillor Gilmer questioned the amount of man-hours spent responding to false alarms. Councillor Borst responded that during December of 1981, there were 1,774 alarms of which 1,760 were false alarms for a total amount of 797.35 man-hours. Mr. Blankenbaker reported that other cities with this problem have cut back on the number of false alarms by 75% with similar ordinances. He stated that there have been officers who have lost their lives because they have responded to false alarms at the same location on several occasions and when they respond to a call they assume it is another false alarm, when in fact it is an actual burglary and the officer is killed. Councillor Durnil moved the question on the main motion, seconded by Councillor Schneider. There was consent to close off debate. Proposal No. 49, 1982, As Amended, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Strader, Tintera, Vollmer, West*

2 NAYS: *Boyd, Stewart*

1 NOT VOTING: *Hawkins*

Proposal No. 49, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 41, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 41, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by adding a new Chapter 21½ which deals with false alarms.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Chapter 21½, False Alarms, which reads as follows:

ARTICLE I. IN GENERAL

SECTION 21½-1. Purpose.

It is hereby declared to be the purpose of this chapter to reduce the number of false alarms activated by private emergency alarm systems.

SECTION 21½-2. Definitions.

(a) Alarm Agent means any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, or installing on or in any building, structure, facility, or grounds any alarm system.

(b) Alarm Business means any individual, partnership, corporation or other entity who in addition to selling alarm systems, also leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, facility, or grounds.

(c) Alarm system means any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Indianapolis Police Department or the Marion County Sheriff's Department.

For the purposes of this Article, an alarm system shall not include:

- (1) An alarm installed on a motor vehicle.
 - (2) An alarm designed so that the Indianapolis Police Department or the Marion County Sheriff's Department are not notified until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business have checked the alarm site and determined that the alarm was the result of criminal activity of the kind for which the alarm system was designed to give notice.
 - (3) An alarm which signals or alerts only the occupants of the premises protected by the alarm system.
 - (4) An alarm installed upon premises occupied by the United States, the State of Indiana, or any political subdivision thereof.
- (d) Automatic telephone dialing device means any device connected to an alarm system which automatically sends a pre-recorded message or coded signal to a law enforcement agency indicating the activation of the alarm system.
- (e) False alarm means an alarm eliciting a police response when the situation does not require police services. For the purposes of this chapter, this does not include alarms triggered by severe atmospheric conditions or other circumstances not reasonably under the control of the alarm user, installer, or maintainer.
- (f) Permit holder means the individual, corporation, partnership or other legal entity to whom an alarm system permit is issued.

ARTICLE II. ALARM SYSTEMS

SECTION 21½-3. Alarm system permit required.

(a) It shall be unlawful for a person in control of property to operate, cause to be operated, or permit the operation of an alarm system on that property unless a current alarm system permit has been obtained from the City Controller.

(b) Any person who violates this section shall be subject to a \$25 fine unless an alarm system permit is obtained within ten days after receiving notification of the violation.

(c) Any person who operates an alarm system at the time this ordinance becomes effective shall have thirty (30) days after the effective date of the ordinance to apply for an alarm system permit.

SECTION 21½-4. Application for alarm system permit.

Application for a permit for the operation of an alarm system shall be made by a person or legal entity having control over the property on which the alarm system is to be installed and operated. Such applications shall be made in writing to the City Controller on a form designated by the City for that purpose. The application shall include the following information:

(a) The name, address and telephone number of each person in control of the property.

(b) The street address of the property on which the alarm system is to be installed and operated.

(c) Any business name used for the premises on which the alarm system is to be installed and operated.

(d) Whether the alarm system or systems are or are not local alarms and whether the alarm system or systems are designed to give notice of a burglary, hold-up or of other type of emergency.

(e) The name of the person or alarm system business who will install the alarm system.

(f) The names and telephone numbers of two (2) persons or of an alarm system business which are able to and have agreed:

(1) to receive notification at anytime;

(2) to come to the alarm site within 30 minutes after receiving a request from the Indianapolis Police Department or Marion County Sheriff's Department to do so; and

(3) to grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

SECTION 21½-5. Issuance of alarm system permit.

(a) The Controller shall issue an alarm system permit to the person or other legal entity in control of the property upon submission of an application in accordance with this article and payment of the permit fee, unless the Controller finds that any statement made in the application was incomplete or false.

(b) Immediately after receipt of the application for an alarm system permit and payment of the permit fee, the Controller shall forward the application to the appropriate law enforcement agency. All information on such application shall be protected as confidential information; provided, however, nothing in this ordinance shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this ordinance.

(c) The permit holder shall promptly notify the Controller in writing of any change in the information contained in the permit application.

SECTION 21½-6. Permit fee and term.

(a) The fee for an alarm system permit shall be ten dollars (\$10).

(b) An alarm system permit issued pursuant to this Article shall be valid for a term of two years commencing from the date of issuance.

(c) An alarm system permit issued pursuant to this article shall be personal to the permit holder and is not transferrable.

(d) An alarm system permit issued pursuant to this article may be suspended or revoked pursuant to the conditions and procedures established by Section 17-49 of this Code.

SECTION 21½-7. Location of permit.

The permit holder for an alarm system shall keep such permit at the alarm site in a location which is visible to any law enforcement official who responds to an alarm.

ARTICLE III. ALARM BUSINESS

SECTION 21½-8. Licensing of alarm business.

(a) Prior to doing business within the Consolidated City of Indianapolis, an alarm system business shall obtain a license from the City Controller's Office.

(b) An alarm business doing business at the time this ordinance becomes effective shall have thirty (30) days to apply for a license as required above.

SECTION 21½-9. Application for license.

(a) All applications for a license required by this article shall be made on forms designated by the City Controller and shall include the following information:

- (1) The full name and address of the alarm business;
- (2) The full name, business address and home address of the manager;
- (3) A telephone number at which the Indianapolis Police Department or Marion County Sheriff's Department can notify personnel of the alarm business of a need for assistance at any time;
- (4) The names, addresses and dates of birth, of all alarm agents employed by the alarm business.

(b) An alarm business shall promptly notify the Controller in writing of any change in the information contained in the registration form.

SECTION 21½-10. License fee and term.

- (a) An alarm business license shall be valid for one (1) year from the date of issuance.
- (b) The annual license fee for each alarm business shall be two hundred fifty dollars (\$250.00).
- (c) An alarm business license shall be personal to the holder and is not transferable.

SECTION 21½-11. Revocation of license.

An alarm business license issued pursuant to this article may be suspended or revoked pursuant to the conditions and procedures established by Section 17-49 of this Code.

SECTION 21½-12. Identification cards required.

Every alarm agent shall carry on his person at all times while engaged in the alarm business an identification card which shall be displayed to any law enforcement officer upon request.

SECTION 21½-13. Installation of alarm systems.

Any alarm business which installs an alarm system within the Consolidated City of Indianapolis shall provide the following information on a form designated by the City:

- (1) The address where such system is installed;
- (2) The name and address of the person having control over the property;
- (3) The type of alarm system.

Such form shall be submitted to the Indianapolis Police Department not earlier than twenty (20) days prior to the installation of such system and not later than forty-eight (48) hours after such system is installed. Such information shall be protected as confidential information and its use shall be restricted to legitimate law enforcement purposes and to enforcement of this ordinance.

ARTICLE IV. FALSE ALARMS

SECTION 21½-14. Prohibited activity.

It shall be unlawful for a person who controls property on which an alarm system is installed to issue, cause to be issued, or permit the issuance of more than three (3) false alarms in a calendar year. Provided, however, this section shall not apply to an alarm system which emits a false alarm within thirty (30) days after installation of the alarm system.

A person who controls property on which an alarm system is installed shall receive a warning from the appropriate law enforcement agency for the first three (3) false alarms issued by such alarm system during a calendar year.

SECTION 21½-15. Notice of violations to be given.

If an alarm system issues more than three false alarms in a calendar year, the person who controls the property on which such alarm system is installed shall receive notice of violation of Section 21½-14 in the manner directed in this article.

SECTION 21½-16. Service of notice; contents; when arrest required.

(a) A law enforcement officer shall notify the owner or operator of an alarm system, or his representative, of a violation of Section 21½-14 by presenting such person found in possession or in charge of the alarm system with a written notice. If the officer shall not find any such person in possession or in charge of the premises, or if the person is a child or incapable of receiving the notice, the officer shall notify such owner or operator either by mail or by posting or attaching a written notice of the violation in a conspicuous place upon the premises and such person shall be bound thereby.

(b) All notices of violations, as required to be served by this section, shall be executed by the law enforcement officer or other authorized person, in triplicate. One copy shall be served upon the violator, one copy shall be filed by the officer with the traffic violations bureau and one copy shall be filed in the office of the city prosecutor, which copy shall also be for the use of the officer. The latter two (2) copies shall be filed in the respective offices by the officer within forty-eight (48) hours after such notice was served upon the violator.

(c) All notices provided for in this section shall be serially numbered and shall contain the following information:

- (1) The specific violation with which the violator is charged;
- (2) The name and address of the person who controls property on which the alarm system is installed;
- (3) The location of the violation;
- (4) The signature of the officer;
- (5) The badge number, if any, of the officer;
- (6) The date of the violation.

(d) The copy of the notice served upon the violator or his representative, or the owner of the premises, shall also state that the violator or such other person shall appear in person or by attorney or agent, at the office of the traffic violations bureau to plead guilty or not guilty or at any branch of any bank or trust company, the principal office of which is located in the county, to plead guilty within seven (7) days of the hour of 12:00 noon, of the date of the violation appearing upon the notice. However, if the period of seven (7) days shall expire upon a Sunday or a legal holiday, then the period of time in which the violator must appear shall be extended to the next business day. A violator may plead guilty and pay his fine within seven (7) days of the mailing of a copy of the notice of the violation by mailing a copy of his citation and appropriate payment by first-class mail, postage pre-paid, to the traffic violations bureau.

SECTION 21½-17. Appearance of violator.

(a) It shall be the duty of any person who receives a notice of a violation, served pursuant to the provisions of this article, to appear in person or by attorney or agent at the office of the traffic violations bureau or at any branch of any bank or trust company, the principal office of which is located in the county, if he desires to take advantage of the privilege of compromising the offense.

(b) Any person who has received such a notice of violation and who has not been guilty of four or more violations of Section 21½-14 during the calendar year, either by his own admission or by conviction thereof, may so appear in person or by attorney or agent during the period of time allowed to appear pursuant to the notice served under this article, and admit liability for the offense charged in the notice and tender payment of the penalty specified in this chapter, together with any costs required by law.

SECTION 21½-18. Penalties on compromises.

(a) The penalties payable upon such compromises, not including any costs specifically required by statute to be added thereto, shall be as follows:

(1) For the violations of Section 21½-14, the penalty shall be twenty-five dollars (\$25) for each violation; provided, however, if such penalty is not paid within one hundred sixty-eight (168) hours (seven (7) days), the penalty shall be forty dollars (\$40).

(2) Such additional costs shall be assessed and paid as may be required by statute or this Code.

(b) Any duly appointed officer or employee of the traffic violations bureau is authorized and empowered to accept on behalf of the city any such offer of compromise of any violator, when the required amount of the penalty is properly tendered pursuant to this article. Such acceptance on behalf of the city shall be effected by issuing to or for the violator a receipt of the traffic violations bureau, signed by the person acting therefor, acknowledging the payment of the proper sum, which payment and receipt shall constitute a complete satisfaction for the violation.

SECTION 21½-19. Fifty offenders and appearance in court of violators not desiring to compromise.

(a) Any person receiving a notice of a violation pursuant to this article and who has been guilty in any manner during the current calendar year of four (4) or more of the violations of Section 21½-14, or anyone receiving a notice of any such violation and who does not wish to compromise the claim of the city by the payment of the penalty therefor as provided in this article, may appear in person, or by attorney or agent, at the office of the traffic violations bureau during the period of time provided therefor in the notice, waive arrest and arrange with the bureau to be slated and to have a date set for the time he shall appear in court.

(b) The traffic violations bureau shall thereupon arrange with the clerk or judge of the court having jurisdiction thereof for the appearance in court upon a date on which the law enforcement officer who signed the notice of the violation is assigned to duty in the court, and shall notify the city prosecutor of all such cases, giving the status thereof and any information required so that proper affidavits or complaints may be prepared.

SECTION 21½-20. Effect of failure to appear.

Upon the failure or refusal of any person receiving a notice of any violation under this article to appear as provided in this article and report to the traffic violations bureau or at any branch of any bank or trust company, the principal office of which is located in the county, or to compromise the violation if appearing, it shall be the duty of the clerk of the bureau to report such fact forthwith to the city prosecutor and to the law enforcement officer who signed the notice to appear, and to furnish the city prosecutor with all necessary information to prepare a proper affidavit and complaint, together with the correct name and address of the violator, if known or ascertainable. Proceedings in court against such violator shall thereupon be brought in the manner provided by statute or as hereafter may be provided and, upon conviction of the offense charged and in lieu of the sums prescribed by any such compromise, the penalties provided for general violations of this Code may be assessed for each such offense, together with such costs as are provided for by statute.

ARTICLE V. AUTOMATIC TELEPHONE DIALING DEVICES

SECTION 21½-21. Automatic telephone devices prohibited.

(a) It shall be unlawful to use or permit the use of any automatic telephone device or attachment which automatically selects any telephone line leading into the communication center of the Indianapolis Police Department or the Marion County Sheriff and then transmits any pre-recorded message or signal.

(b) It shall be unlawful to sell or install any automatic telephone device which automatically selects any telephone line leading into the communication center of the Indianapolis Police Department or the Marion County Sheriff and then transmits any pre-recorded message or signal.

(c) Any person who operates or uses an automatic telephone device at the time this ordinance becomes effective shall have sixty (60) days to comply with the requirements of this section.

(d) Any person who violates this section shall be subject to the general penalties for violating this Code as contained in Section 1-8.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana," is hereby amended by the repeal of Chapter 20, Section 16, Prerequisites to the installation of burglar alarms.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14. Provided, however, Section 21½-14 shall not be enforced until thirty (30) days after the effective date of this ordinance.

Councillor Coughenour, wishing to further amend Proposal No. 49, 1982, moved, seconded by Councillor Brinkman, to reconsider Proposal No. 49, 1982. The motion was defeated on the following roll call vote; viz:

11 YEAS: Boyd, Brinkman, Coughenour, Holmes, Jones, Journey, Nickell, Parker, Schneider, Stewart, Vollmer

16 NAYS: Borst, Campbell, Clark, Cottingham, Dowden, Durnil, Gilmer, Howard, McGrath, Miller, Page, Rhodes, SerVaas, Strader, Tintera, West

2 NOT VOTING: Hawkins, Rader

Councillor Brinkman stated that there should be ways to reward persons for installing good-working alarms rather than punish them with a permit fee. President SerVaas requested that after this ordinance is in effect, the Department of Public Safety should make a report to the Council. Mr. Blankenbaker stated that a committee will be established to monitor this ordinance. If, at some point in the future, the ordinance should need to be amended, the Department of Public Safety will be back to correct the problem.

PROPOSAL NO. 204, 1982. Councillor Boyd read the proposal commending Mary Kathryn Owsley for her service to the Citizens and Children of Indianapolis. Councillor Boyd moved, seconded by Councillor Howard, for adoption. Proposal No. 204, 1982, adopted by unanimous voice vote of the Council, was presented to Mrs. Owsley. The proposal was retitled **SPECIAL RESOLUTION NO. 34, 1982**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 1982

A SPECIAL RESOLUTION commending Mary Kathryn Owsley for her service to the citizens and children of Indianapolis.

WHEREAS, the alumni of Indianapolis Public School No. 87, the George Washington Carver School, during formal reunion May 14-16, 1982, did see fit to honor the service of Mary Kathryn Owsley; and

WHEREAS, the retirement of Mary Owsley in 1979 was the formal consummation of fifteen years of service to the students and parents of school 87; and

WHEREAS, the strength and legacy of any democratic society must be bound to the adequacy of its educational institutions; and

WHEREAS, Mary Kathryn Owsley providing strength and leadership in making Public School No. 87 a model and standard for integration; now, therefore:

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

SECTION 1. The Indianapolis City-County Council does hereby commend Mary Kathryn Owsley for her service to the citizens and children of Indianapolis.

SECTION 2. The Indianapolis City-County Council recognizes and commends all those who have been and are a part of the rich history, tradition and reflection which continually becomes school 87.

SECTION 3. The Indianapolis City-County Council further encourages the alumni, faculty and staff to continue their contributions to the vitality of this city, state and nation.

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

PROPOSAL NO. 203, 1982. Councillor Boyd read the proposal commending Katherine D. Maye for her service to the Citizens and Children of Indianapolis. He moved, seconded by Councillor Howard, for adoption. Proposal No. 203, 1982, was adopted by unanimous voice vote of Council and presented to Mrs. Maye. The proposal was retitled SPECIAL RESOLUTION NO. 33, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 33, 1982

A SPECIAL RESOLUTION commending Katherine D. Maye for her service to the citizens and children of Indianapolis.

WHEREAS, the alumni of Indianapolis Public School No. 87, the George Washington Carver School, during formal reunion May 14-16, 1982, did see fit to honor the service of Katherine D. Maye; and

WHEREAS, the retirement of Katherine D. Maye in June, 1974 was the formal consummation of thirty-nine years of public school service to Indianapolis; and

WHEREAS, the democratic philosophy and the educational tradition of this country are steeped in the recognition of the ultimate worth of the individual; and

WHEREAS, Katherine D. Maye did early recognize the uniqueness of school 87 and did seek to capture some of its history and contributions by establishing the George Washington Carver Hall of Fame; now, therefore:

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

SECTION 1. The Indianapolis City-County Council does hereby commend Katherine D. Maye for her service to the citizens and children of Indianapolis.

SECTION 2. The Indianapolis City-County Council recognizes and commends all those who have been and are a part of the rich history, tradition and reflection which continually becomes school 87.

SECTION 3. The Indianapolis City-County Council further encourages the alumni, faculty and staff to continue their contributions to the vitality of this city, state and nation.

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

PROPOSAL NO. 202, 1982. Councillor Boyd read the proposal commending Vivian I. Marbury for her service to the Citizens and Children of Indianapolis. He moved, seconded by Councillor Howard, for adoption. Proposal No. 202, 1982, was adopted by unanimous voice vote of Council and presented to Judith Waugh, on behalf of Mrs. Marbury. The proposal was retitled SPECIAL RESOLUTION NO. 32, 1982, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 1982

A SPECIAL RESOLUTION commending Vivian I. Marbury for her service to the citizens and children of Indianapolis.

WHEREAS, the alumni of Indianapolis Public School No. 87, the George Washington Carver School, during formal reunion May 14-16, 1982, did see fit to honor the service of Vivian I. Marbury; and

WHEREAS, the retirement of Vivian Marbury in 1967 was the formal consummation of thirty-nine years of public school service to Indianapolis and thirty years of service to the students and parents of school 87; and

WHEREAS, as principal of school 87 she distinguished herself as an able administrator, positive role model and sensitive humanitarian; and

WHEREAS, Vivian Marbury was able to maintain ideals and nurture dreams while providing and not compromising an administrative and educational atmosphere of excellence; now, therefore:

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

SECTION 1. The Indianapolis City-County Council does hereby commend Vivian I. Marbury for her service to the citizens and children of Indianapolis.

SECTION 2. The Indianapolis City-County Council recognizes and commends all those who have been and are a part of the rich history, tradition and reflection which continually becomes school 87.

SECTION 3. The Indianapolis City-County Council further encourages the alumni, faculty and staff to continue their contributions to the vitality of this city, state and nation.

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

President SerVaas and Councillor Boyd presented Mr. Steven Talley, Chairman of the Alumni Group at George Washington Carver School, with copies of the three Special Resolutions to be displayed in the school.

PROPOSAL NO. 122, 1982. Councillor Schneider stated that this proposal provides for an annual wheel tax and excise surtax on motor vehicles. He noted that the joint Transportation and Rules and Policy Committee amended and recommended passage by a vote of 9-4 on May 12, 1982. He then moved, seconded by Councillor Miller, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 122, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 122, 1982, Committee Recommendations."

s/Councillor Schneider

Consent was given. Councillor Schneider moved, seconded by Councillor Miller, for adoption. Councillor Durnil voiced concern that "maintain", as written in the ordinance, could mean that funds could be applied towards streetlight maintenance. Councillor Miller moved to amend Section 2-473 to read ". . . shall be used only to construct, reconstruct or repair streets and roads under its jurisdiction.", thus, deleting the words "or maintain", seconded by Councillor Schneider. Consent was given on Councillor Miller's amendment. Councillor Vollmer then moved, seconded by Councillor Howard, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 122, 1982, by inserting the following after the first paragraph of Section 2-473:

". . . with a distribution of three percent (3%) to each of the twenty-five (25) Councilmanic Districts and remaining twenty-five percent (25%) to the County as a whole."

s/Councillor Vollmer

Councillor Clark spoke against Councillor Vollmer's motion, stating that the Department of Transportation should be allowed to establish where street maintenance is needed. Councillor Schneider moved, seconded by Councillor Durnil, the previous question. The President called for a vote on Councillor Vollmer's motion and it failed on the following roll call vote; viz:

6 YEAS: Boyd, Campbell, Hawkins, Howard, Journey, Vollmer

23 NAYS: Borst, Brinkman, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Holmes, Jones, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, West

The President then called for a vote on the main motion for the adoption of Proposal No. 122, 1982, As Amended, by Councillor Schneider's and Councillor Miller's amendments. Proposal No. 122, 1982, As Amended, was adopted on the following roll call vote; viz:

21 YEAS: *Borst, Clark, Coughenour, Dowden, Durnil, Gilmer, Holmes, Jones, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, West*

8 NAYS: *Boyd, Brinkman, Campbell, Cottingham, Hawkins, Howard, Journey, Vollmer*

Proposal No. 122, 1982, As Amended was retitled GENERAL ORDINANCE NO. 42, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 42, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by adding a new Division 3 to Article XI of Chapter 2, which provides for the imposition of an Excise Surtax and Wheel Tax in Marion County.

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

SECTION 1. Article XI of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Division 3 to read as follows:

DIVISION 3. VEHICLE TAXES.

Sec. 2-471. Excise Surtax.

All passenger cars, trucks of less than 11,000 pounds GVW, and motorcycles registered in Marion County, that are now subject to an excise tax (in lieu of a property tax) shall also be subject to an annual Excise Surtax of 10% (percent) to be paid with the registration of said motor vehicles.

Sec. 2-472. Wheel tax.

(a) All of the following six classes of motor vehicles, registered in Marion County, shall be subject to an annual Wheel Tax as set out in the following schedule, to be paid with the registration of said motor vehicles.

<u>Motor Vehicle Classification</u>	<u>Annual Wheel Tax</u>
(1) Buses	\$40
(2) Recreational Vehicles	\$20
(3) Semitrailers	\$10
(4) Tractors	\$30
(5) Trailers	\$10
(6) Trucks	\$40

(b) As provided by I.C. 6-3.5-5-4, the following motor vehicles are exempt from the annual Wheel Tax:

- (1) vehicles owned by the state, a state agency or a political subdivision;
- (2) buses owned and operated by a religious or non-profit youth organization and used to haul persons to religious services or for the benefit of their members;
- (3) vehicles subject to the annual excise surtax.

Sec. 2-473. Distribution of tax revenue.

All of the Excise Surtax and Wheel Tax collected on motor vehicles registered in Marion County shall be distributed as provided in I.C. 6-3.5-5-14 and I.C. 6-3.5-4-12, and shall be used only to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction.

Sec. 2-474.

The taxes imposed by sections 2-471 and 2-472 shall not be imposed after January 1, 1986, unless re-adopted by this Council. This section is expressly declared severable; and should any court declare this section invalid, the balance of this ordinance shall be effective not withstanding the invalidity of this section.

SECTION 2. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 3. This ordinance shall be in effect from and after January 1, 1983, and compliance with IC 36-3-4-14.

PROPOSAL NO. 126, 1982. This proposal changes the speed limit on Lynhurst Drive and it was recommended for passage by the Transportation Committee by a vote of 5-0 on May 19, 1982. Councillor Schneider moved, seconded by Councillor Durnil, for adoption. Proposal No. 126, 1982, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brinkman, Campbell, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

2 NOT VOTING: *Clark, Parker*

Proposal No. 126, 1982, was retitled GENERAL ORDINANCE NO. 43, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 43, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Section 29-136, Alteration of prima facie speed limit.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limit, be, and the same is hereby amended by the deletion of the following:

Lynhurst Drive, from 10th Street to 35th Street, 35 mph.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-136, Alteration of prima facie speed limit, be, and the same is hereby amended by the addition of the following:

Lynhurst Drive, from 10th Street to 25th Street, 35 mph.

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

PROPOSAL NO. 151, 1982. Councillor Coughenour reported that this proposal amends Sections 4-150 and 4-151 of the Code by extending open burning hours from 4:00 p.m. to 7:00 p.m. Councillor Rader stated that there are some residential neighborhoods where the houses are close together and smoke will be lingering through the dinner hour. He said that the Council has tried to reduce particulate matter and this proposal seems to detract from what the Council has tried to accomplish. Councillors Tintera and Vollmer also spoke against this proposal. Councillor Rhodes moved, seconded by Councillor Dowden, for adoption. Proposal No. 151, 1982, was adopted on the following roll call vote; viz:

20 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Gilmer, Jones, Journey, McGrath, Miller, Nickell, Page, Rhodes, Schneider, SerVaas, Stewart, Strader, West*

9 NAYS: *Cottingham, Durnil, Hawkins, Holmes, Howard, Parker, Rader, Tintera, Vollmer*

Proposal No. 151, 1982, was retitled GENERAL ORDINANCE NO. 44, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 44, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 4 dealing with air pollution control.

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

SECTION 1. Sections 4-150 and 4-151 of Article I of Chapter 4 of the "Code of Indianapolis and Marion County, Indiana," are hereby amended by deleting the words cross-hatched and adding the words underlined as follows:

Sec. 4-150. Residential burning limited.

Residents of single or double family dwellings located on one or more residential lots shall be permitted to open burn only wood products originating on the premises only as hereinafter provided between the hours of 10:00 a.m. to ~~4:00~~ 7:00 p.m. on days when the wind speed is greater than 5 miles per hour as given by the local office of the National Weather Service. Burning shall be more than fifteen (15) feet from any structure, in a noncombustible container, sufficiently vented to induce adequate primary combustion air, with enclosed sides, a bottom, and a mesh covering. Fires shall be attended at all times until completely extinguished. If fires create a nuisance, or a health hazard, they shall be extinguished.

Sec. 4-151. Limited burning for special purposes.

The open burning of wood products which does not create a nuisance or a fire hazard and which is attended by a responsible person at all times until completely extinguished may be permitted for the following purposes:

- (a) **Ceremonial Fires and Bonfires**
A bonfire in connection with a religious ceremony, school pep rallies, scouting activities and similar purposes;

- (b) Camp Fires and Fires for Cookouts
- (c) Fire for Personal Comfort -
 - (i) Fires required for personal comfort;
 - (ii) A bonfire in connection with recreational activities, including but not limited to sledding and ice skating;
- (d) Open Burning of Agricultural Wastes -
 - (i) Open burning of plant life grown on the premises in the course of agricultural operations, when it can be shown that such open burning is necessary and that no fire hazard will occur, provided the person intending to dispose of plant life by open burning shall obtain approval from the fire department which has jurisdiction and shall also notify the Indianapolis Air Pollution Control Division of the actual time and location of the burning;
 - (ii) Any open burning permitted under the provision of this subsection shall be permitted only between the hours of 10:00 a.m. ~~4:00~~ 7:00 p.m., and only at times when the actual or forecast wind speed as given by the local National Weather Service is 5 miles per hour or greater.
- (e) Indoor Stoves and Fireplaces -

Fires shall be permitted in indoor wood stoves and fireplaces where such fire does not create an air pollution problem, a nuisance or a fire hazard.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

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

PROPOSAL NO. 159, 1982. This proposal amends the Code dealing with amusement locations and amusement machines. Councillor Dowden moved, seconded by Councillor McGrath, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 159, 1982 by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 159, 1982, Committee Recommendation."

s/Councillor Dowden

Council consent was given. Councillor Dowden explained that this proposal clarifies what is already on the books and sets a specific time when school is in session when a child is prohibited from an amusement location. He noted that the Administration Committee amended and recommended passage by a vote of 6-0 on May 19, 1982. Councillor Coughenour called for the question on the main motion, seconded by Councillor McGrath. The President called for a vote on Proposal No. 159, 1982, As Amended, and it was adopted on the following roll call vote; viz:

18 YEAS: Campbell, Clark, Cottingham, Dowden, Gilmer, Hawkins, Holmes, Jones, Journey, McGrath, Page, Parker, Rader, Schneider, SerVaas, Stewart, Strader, West

11 NAYS: Borst, Boyd, Brinkman, Coughenour, Durnil, Howard, Miller, Nickell, Rhodes, Tintera, Vollmer

Proposal No. 159, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 45, 1982, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Article VI and Article VII which deal with amusement locations and amusement machines.

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

SECTION 1. Article VI of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 17-185. Unlawful acts.

For the purposes of this article, the following acts shall be deemed to be unlawful as herein stated:

- (a) It shall be unlawful to own or operate any location fitting the definition of an "amusement location" as stated in this article, without an amusement location license issued by the city controller.
- (b) It shall be unlawful to allow to be operated in any public place any amusement machine without an amusement machine license issued by the city controller.
- (c) ~~It shall be unlawful to allow a child under sixteen (16) years of age who is subject to the compulsory school attendance laws of the State of Indiana and who is not accompanied by a parent, guardian, or custodian to be present in an amusement location between the hours of 7:00 a.m. and 2:30 p.m. on a day when such child's school is in session.~~
- (d) ~~It shall be unlawful to allow a person who has not reached the age of eighteen (18) years to be present in an amusement location after the hours established by state statute or city ordinance for juvenile curfew unless accompanied by a parent, guardian, or custodian, or an adult specified by the child's parent, guardian or custodian.~~ It shall be unlawful to allow a person who has not reached the age of eighteen (18) years to be present in an amusement location after the hours established by state statute or city ordinance for juvenile curfew unless accompanied by a parent, guardian, or custodian, or an adult specified by the child's parent, guardian or custodian.
- (e) It shall be unlawful to operate an amusement location unless a sign is conspicuously posted inside the location which provides that:

No child under sixteen may be present in an amusement location from 7:00 a.m. to 2:30 p.m. on a day when the child's school is in session unless accompanied by a parent, guardian or custodian.

No child under eighteen may be present in an amusement location in violation of the curfew established by state or local law.

- (f) It shall be unlawful to operate an amusement location fitting the definition of an "amusement location" as stated in this article unless each amusement machine in the amusement location which is enclosed in a booth meets the following requirements:
 - (1) Each such amusement machine shall have a rectangular-shaped entrance-way of not less than two (2) feet wide and six (6) feet high.
 - (2) There shall be no door, curtain or other obstruction blocking or closing off such entranceway so as to prohibit a patron of the amusement machine from being visible from the waist down.
- (g) It shall be unlawful for a patron to be present in or operate an amusement machine unless he/she is visible from the waist down.

SECTION 2. Division 1 of Article VII of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

ARTICLE VII. AMUSEMENT MACHINES

DIVISION 1. MASTER VENDORS GENERALLY.

Sec. 17-224. Unlawful acts.

~~(B) If any person who owns or operates an amusement machine in a booth which does not meet the requirements as set out in Section 17-185(e) shall be liable for a civil penalty of not less than two hundred dollars (\$200) and not more than five hundred dollars (\$500) for each violation.~~

~~(C) If any person who owns or operates an amusement machine in a booth which does not meet the requirements as set out in Section 17-185(e) shall be liable for a civil penalty of not less than two hundred dollars (\$200) and not more than five hundred dollars (\$500) for each violation.~~

~~(D) If any person who owns or operates an amusement machine in a booth which does not meet the requirements as set out in Section 17-185(e) shall be liable for a civil penalty of not less than two hundred dollars (\$200) and not more than five hundred dollars (\$500) for each violation.~~

(B) (a) It shall be unlawful for any owner to use or allow to be used an amusement machine which is enclosed in a booth which does not meet the requirements as set out in Section 17-185(e).

(C) (b) A violation of this section shall be sufficient grounds for revocation by the controller of this license or licenses held by the exhibitor or owner for any or all amusement machines located on his premises. In addition, the penalties provided in Section 1-8 of the "Code of Indianapolis and Marion County, Indiana," shall apply to this section.

SECTION 3. Article VII of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Division 2 to read as follows:

DIVISION 2. EXHIBITORS

Sec. 17-225. Definitions.

- (a) Amusement Machine means any machine or device designed or modified to be operated by any coin, coins or token or for which charge is made for the operation thereof, including pool or billiard tables, the purpose of which is to provide music or amusement in public places. Such a machine or device used exclusively for the vending of merchandise of a tangible nature shall not be deemed an amusement machine.
- (b) Exhibitor shall mean any person owning or conducting a place of business in the city and operating or exhibiting at such place of business one (1) or more amusement machines which are designed to register a score.

Sec. 17-226. Unlawful acts.

- (a) No exhibitor or his employee shall permit persons to congregate in a disturbing manner on the premises of his place of business.

(b) No exhibitor or his employee shall violate any state statute or city ordinance, or allow any other person to commit such violation on the premises of the exhibitor's place of business.

(c) It shall be unlawful for an exhibitor or his employee to allow a child under sixteen (16) years of age who is subject to the compulsory school attendance laws of the State of Indiana and who is not accompanied by a parent, guardian, or custodian to operate an amusement machine between the hours of 7:00 a.m. and 2:30 p.m. on a day when such child's school is in session.

(d) It shall be unlawful for an exhibitor or his employee to allow a person who has not reached the age of eighteen (18) years to operate an amusement machine after the hours established by state statute or city ordinance for juvenile curfew unless accompanied by a parent, guardian or custodian, or an adult specified by the child's parent, guardian, or custodian.

Sec. 17-227. Signs required.

An exhibitor shall conspicuously post a sign containing the following information near any amusement machines which are located on his premises:

No child under sixteen may operate an amusement machine from 7:00 a.m. to 2:30 p.m. on a day when the child's school is in session unless accompanied by a parent, guardian, or custodian.

No child under eighteen who is in violation of the curfew established by state or local law may operate an amusement machine.

Sec. 17-228. Penalties.

The penalties provided in section 1-8 of the "Code of Indianapolis and Marion County, Indiana," shall apply to this section.

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

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

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

PROPOSAL NO. 188, 1982. Councillor Tintera moved to advance Proposal No. 188, 1982, on the agenda. Council consent was given. He reported that this proposal for an inducement resolution for Philips Industries, Inc., Lau Division, in an amount not to exceed \$4,500,000, was recommended for passage on April 14, 1982, by the Economic Development Committee by a vote of 3-0. Councillor Tintera explained that this project, located at 3525 East Washington Street, will be for the production of fan blades for air conditioners. Councillor Tintera moved,

seconded by Councillor Brinkman, for adoption. Propsoal No. 188, 1982, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

2 NOT VOTING: Cottingham, McGrath

Proposal No. 188, 1982, was retitled SPECIAL RESOLUTION NO. 35, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 35, 1982

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

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

WHEREAS, Philips Industries, Inc., Lau Division (the "Company"), has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction and equipping of an approximately 120,000 square foot facility for the manufacturing of propellers and blowers and the machinery and equipment to be installed therein plus certain site improvements located at 9550 East 30th Street, Indianapolis, Indiana, on approximately 20 acres of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 30 additional jobs at the end of one year and 150 additional jobs at the end of three years) 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, 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, construction and equipping 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 or near Indianapolis, Indiana, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis; and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$4,500,000 under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Philips Industries, Inc., Lau Division (the "Company"), or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, this City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and (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 application fees, 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 sell the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

PROPOSAL NO. 165, 1982. This proposal authorizes the issuance of a \$1,200,000 Economic Development First Mortgage Revenue Bond for The Economy Company. The Economic Development Committee recommended passage of this proposal by a vote of 3-0 on May 14, 1982. Councillor Tintera moved to amend this proposal in Section 4, by changing the payment date of the loan from June 1 to August 1, 1982, as requested by Bond Counsel. Council consent was given. Councillor Tintera reported that this Company, which publishes school books and is located at 5455 West 84th Street, plans a 39,000 square foot addition to their present structure. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 165, 1982, As Amended, was adopted by the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

2 NOT VOTING: Cottingham, McGrath

Proposal No. 165, 1982, As Amended, was retitled SPECIAL ORDINANCE NO. 8, 1982, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1982

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond (The Economy Company Project)" in the principal amount of One Million Two Hundred Thousand dollars (\$1,200,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for The Economy Company, and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on May 5, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by The Economy Company complies with the purposes and provisions of Indiana Code 36-7-12, and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Promissory Note and Loan Agreement, Mortgage and Security Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bond (The Economy Company Project), and the Bond Purchase Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of a revenue bond, the loan of the net proceeds thereof to The Economy Company for the purpose of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana and the repayment of said loan by The Economy Company will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Promissory Note and Loan Agreement, Mortgage and Security Agreement (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Bond Purchase Agreement, and the form of the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bond (The Economy Company Project), approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bond (The Economy Company Project), and the Bond Purchase Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development First Mortgage Revenue Bond (The Economy Company Project) in the principal amount of One Million Two Hundred Thousand dollars (\$1,200,000) for the purpose of procuring funds to loan to The Economy Company in order to finance the economic development facilities, as more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by The Economy Company on its promissory note in the principal amount of One Million Two Hundred Thousand dollars (\$1,200,000) which will be executed and delivered by The Economy Company to evidence and secure said loan, and as otherwise provided in the above described Promissory Note and Loan Agreement, Mortgage and Security Agreement and Bond Purchase Agreement. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to The Liberty National Bank & Trust Company of Oklahoma City at a price not less than 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the unpaid balance on the Bond (calculated on the basis of a 360-day year, 30-day month) equal to sixty-five percent (65%) of the prime

commercial lending rate designated by The Liberty National Bank & Trust Company of Oklahoma City, Oklahoma, for the guidance of its loan officers at its principal office from time to time, payable monthly on the first day of each month commencing August 1, 1982, or at such higher rate as may be provided for in the Loan Agreement, Mortgage and Security Agreement, the Bond Purchase Agreement on the Bond.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bond (The Economy Company Project) and the Bond Purchase Agreement approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bond shall be manual signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bond to Liberty National Bank & Trust Company of Oklahoma City, payment for which will be made as directed in the Bond Purchase Agreement. The Mayor and City Clerk may by their execution of the Financing Agreement, the Bond Purchase Agreement, and the Bond approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a)(1) through (a)(11).

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

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

PROPOSAL NO. 170, 1982. This proposal transfers \$45,000 for the Administration Division, Department of Parks and Recreation. Councillor Clark gave the Parks and Recreation Committee report, noting that this proposal transfers Community Development Funds from Other Services and Charges to reimburse expenditures for two landscape architect staff positions and supplies. The Committee recommended passage on May 13, 1982, by a vote of 5-0. Councillor Clark moved, seconded by Councillor Gilmer, for adoption. Proposal No. 170, 1982, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, Miller, Nickell, Page, Parker, Rader, Rhodes, SerVaas, Strader, Tintera, Vollmer, West*

4 NAYS: *Dowden, Durnil, Schneider, Stewart*

2 NOT VOTING: *Cottingham, McGrath*

Proposal No. 170, 1982, was retitled FISCAL ORDINANCE NO. 31, 1982, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 31, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating Forty-five

Thousand dollars (\$45,000) in the Park General Fund for purposes of the Administration Division, Department of Parks and Recreation, and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of Community Development allocation to effectively use the funds which had been all budgeted in Other Services and Charges.

SECTION 2. The sum of Forty-five Thousand dollars (\$45,000), 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:

DEPARTMENT OF PARKS AND RECREATION ADMINISTRATION DIVISION		PARK GENERAL FUND
1. Personal Services		\$34,950
2. Supplies		5,050
4. Capital Outlay		5,000
Total Increase		<u>\$45,000</u>

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

DEPARTMENT OF PARKS AND RECREATION ADMINISTRATION DIVISION		PARK GENERAL FUND
3. Other Services & Charges		<u>\$45,000</u>
Total Reduction		<u>\$45,000</u>

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

PROPOSAL NO. 174, 1982. This proposal transfers \$99,000 for the Marion County Sheriff to purchase computer equipment. Councillor Borst reported that the Public Safety and Criminal Justice Committee recommended passage by a vote of 5-0 on May 20, 1982. He noted that \$24,000 comes from six months rental on the computer; \$15,000 comes from a savings on inmate food; and \$60,000 comes from a savings on gasoline. The lease price per month was \$4,000 plus \$1,800 for maintenance. After discussion, Councillor Borst moved, seconded by Councillor Howard, for adoption. Proposal No. 174, 1982, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, Miller, Nickell, Page, Rader, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

5 NOT VOTING: *Cottingham, Jones, McGrath, Parker, Rhodes*

Proposal No. 174, 1982, was retitled FISCAL ORDINANCE NO. 32, 1982, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating Ninety-nine Thousand dollars (\$99,000) in the County General Fund for purposes of the Marion County 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 2.03(a)(7) of the City-County Annual Budget for 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to purchase computer equipment which is presently being leased and adjusting the personnel schedule.

SECTION 2. The sum of Ninety-nine Thousand dollars (\$99,000), 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:

MARION COUNTY SHERIFF	COUNTY GENERAL FUND
4. Capital Outlay	<u>\$99,000</u>
Total Increase	\$99,000

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

MARION COUNTY SHERIFF	COUNTY GENERAL FUND
2. Supplies	\$60,000
3. Other Services & Charges	39,000
Total Reduction	<u>\$99,000</u>

SECTION 5. The personnel schedule changes are required to amend the vacancy factor and total since Fiscal Ordinance 14, 1982, was written based on a prior proposal awaiting action.

Vacancy Factor	118411501105 (\$258,102)
TOTAL	118411501105 <u>\$11,413,053</u>

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

PROPOSAL NO. 175, 1982. This proposal changes intersection controls at Burdsal Parkway and White River Parkway, East Drive. PROPOSAL NO. 176, 1982. This proposal changes parking controls on Gale Street between Washington and New York Streets. PROPOSAL NO. 177, 1982. This proposal changes parking controls on Woodland Drive between Washington and Ohio Streets. PROPOSAL NO. 179, 1982. This proposal changes intersection controls at Calvin Street and Reformers Avenue. Council consent was given to discuss and vote on all of the above proposals simultaneously. Councillor Schneider reported that all of these proposals were recommended for passage unanimously by the Transportation Committee on May 19, 1982. He moved, seconded by Councillor Howard, for adoption. Proposal Nos. 175, 176, 177, and 179, 1982, were adopted on the following roll call vote; viz:

25 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, Miller, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

4 NOT VOTING: Cottingham, Jones, McGrath, Nickell

Proposal Nos. 175, 176, 177, and 179, 1982, were retitled GENERAL ORDINANCE NOS. 46-49, 1982, respectively, and read as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 46, 1982

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24 Pg. 4	Burdsal Py & N. White RVR Py E.	N. White RVR Py E.	STOP
24 Pg. 4	Burdsal Py & N. White RVR Py E.	N. White RVR Py E.	STOP

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24 Pg. 4	Burdsal Py (N. Leg) & N. White RVR Py E.	N. White RVR Py E.	YIELD
24 Pg. 4	Burdsal Py (S. Leg) & N. White RVR Py. E.	N. White RVR Py E.	STOP

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

CITY—COUNTY GENERAL ORDINANCE NO. 47, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Section 29-272, Parking time restricted on designated days.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-272, Parking time restricted on designated days, be, and the same is hereby amended by the deletion of the following, to wit:

NINETY MINUTES
ON ANY DAY EXCEPT SUNDAY
From 7:00 a.m. to 6:00 p.m.

Gale Street, on the east side, from
New York Street to Washington Street

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

CITY—COUNTY GENERAL ORDINANCE NO. 48, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Section 29-272, Parking time restricted on designated days.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-272, Parking time restricted on designated days, be, and the same is hereby amended by the deletion of the following, to wit:

**NINETY MINUTES
ON ANY DAY EXCEPT SUNDAY
From 7:00 a.m. to 6:00 p.m.**

Ohio Street, on both sides, from
Gale Street to Ewing Street; and

Woodland Drive, on the west side, from
Ohio Street to Washington Street

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

CITY—COUNTY GENERAL ORDINANCE NO. 49, 1982

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32 Pg. 4	Calvin Street & Reformers Avenue	Calvin Street	STOP

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32 Pg. 4	Calvin Street & Reformers Avenue		4-way Stop

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

PROPOSAL NO. 178, 1982. This proposal amends the Right-of-Way Activity Manual. Councillor Schneider reported that this proposal revises the length of time for commercial driveway permits from thirty days to one year and also lengthens the amount of time for commercial driveway repair permits to sixty days. The Transportation Committee recommended passage on May 19, 1982, by a vote of 6-0. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 178, 1982, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*
NO NAYS

2 NOT VOTING: *Cottingham, McGrath*

Proposal No. 178, 1982, was retitled GENERAL ORDINANCE NO. 50, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 50, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Section 28-321 and adopting the standards, regulations and guidelines in the Right-of-Way Activity Manual with amendments dated April 20, 1982, established by the Department of Transportation.

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

SECTION 1. The Code of Indianapolis and Marion County, Indiana," specifically, Chapter 28, Section 28-321, is hereby amended by deleting the words crosshatched and adding the words underlined as follows:

RIGHT-OF-WAY ACTIVITY MANUAL

Sec. 28-321. Adoption of Manual. The Right-of-Way Activity Manual with amendments, dated April 20, 1982, ~~July 1, 1980~~, is hereby adopted and made a part of the "Code of Indianapolis and Marion County, Indiana." A copy of the Manual as amended and as adopted shall be maintained for public inspection in the offices of the Clerk of the City-County Council and the Department of Transportation.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion), of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 181, 1982. This proposal changes intersection controls at Georgetown Road and 47th Street. Councillor Schneider reported that the Transportation Committee recommended passage of this proposal by a vote of 5-1 on May 19, 1982. Councillor Vollmer explained that there is currently one exit with a stop sign serving approximately 1,175 people in the apartment and condominium complex. This signal satisfied two warrants for the installation and only one is necessary. Councillor Vollmer moved, seconded by Councillor Holmes, for adoption. Proposal No. 181, 1982, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*
NO NAYS

2 NOT VOTING: *Cottingham, Coughenour*

Proposal No. 181, 1982, was retitled GENERAL ORDINANCE NO. 51, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 51, 1982

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16 Pg. 5	Georgetown Rd. & 47th St.	Georgetown Rd.	STOP

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16 Pg. 5	Georgetown Rd. & 47th St.		SIGNAL

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

PROPOSAL NO. 180, 1982. This proposal changes intersection controls at various locations. Councillor Schneider stated that the Transportation Committee, in amending and recommending passage on May 19, 1982, added another intersection to the proposal. Therefore, he moved, seconded by Councillor Clark, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 180, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 180, 1982, Committee Recommendations."

s/Councillor Schneider

Council consent was given on the amendment. Councillor Schneider moved, seconded by Councillor Clark, for adoption. Proposal No. 180, 1982, As Amended, was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Howard, Jones, Journey, McGrath, Nickell, Page, Parker, Rader, Schneider, SerVaas, Strader, Vollmer, West*

NO NAYS

7 NOT VOTING: *Cottingham, Hawkins, Holmes, Miller, Rhodes, Stewart, Tintera*

Proposal No. 180, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 52, 1982, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 52, 1982

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6 Pg. 1	Briarcliff Rd. & Lantern Rd.		NONE
20 Pg. 3	N. Elizabeth St. & E. 34th St.		NONE
39 Pg. 5	E. Elbert St. & S. Mathews St.		NONE
12 Pg. 2	Bramshaw Rd. & E. 62nd Pl.		NONE
12 Pg. 1	Ashurst St. & Bramshaw Rd.		NONE
3 Pg. 1	Braeside Dr. N. & Coventry St.		NONE

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6 Pg. 1	Briarclift Rd. & Lantern Rd.	Lantern Rd.	STOP
20 Pg. 3	N. Elizabeth St. & E. 34th St.	E. 34th St.	STOP
20 Pg. 3	N. Elizabeth St. & E. 32nd St.	N. Elizabeth St.	STOP
39 Pg. 5	Elbert St. & Mathews Ave.	Mathews Ave.	STOP
9 Pg. 1	Georgetown Rd. & Oakwood Trail	Georgetown Rd.	STOP
9 Pg. 1	Coffman Rd. & Oakwood Trail	Coffman Rd.	STOP
22 Pg. 1	Frontage Rd. & Thorndale St.	Thorndale St.	STOP
* 37 Pg. 2	Guthrie Dr. & Tincher Rd.	Tincher Rd.	STOP
* 20 Pg. 2	Breen Dr. & E. 39th St.	Breen Dr.	STOP
12 Pg. 2	Bramshaw Rd. & E. 62nd Pl.	E. 62nd Pl.	STOP
12 Pg. 1	Ashurst St. & Bramshaw Rd.	Ashurst St.	STOP
3 Pg. 1	Braeside Dr., N. & Coventry Rd.	Coventry Rd.	STOP
20 Pg. 7	N. Post Road & E. 39th St.	N. Post Road	STOP

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

NEW BUSINESS


ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:02 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, Indiana, held at its Regular Meeting on the 24th day of May, 1982.

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

ATTEST:


President

Samuel H. Hayes
Clerk of the City-County Council

(SEAL)