

**CITY—COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, April 25, 1983**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building at 7:15 p.m., Monday, April 25, 1983. President SerVaas in the Chair. Councillor Stuart Rhodes opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

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

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

ABSENT: Gilmer

CORRECTION OF THE JOURNAL

The Chair called for additions or corrections to the Journal of April 11, 1983. There being no additions or corrections to the Journal, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

The Chair 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, April 25, 1983, 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 April 14 and 21, 1983, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 156, 157, 158, 159, 165, 168, and 170, 1873, to be held on Monday, April 25, 1983, 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. 21, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) reducing the appropriation Two Million Eight Hundred Forty-six Thousand Two Hundred Forty-two Dollars (\$2,846,242) in the County Welfare Fund for purposes of the Marion County Welfare Department.

FISCAL ORDINANCE NO. 22, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional One Hundred Twenty-six Thousand Two Hundred Dollars (\$126,200) in the County Welfare Fund for purposes of the Marion County Welfare Department and reducing the unappropriated and unencumbered balance in the County Welfare Fund.

FISCAL ORDINANCE NO. 23, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Twenty-eight Thousand Seventy-seven Dollars (\$28,077) in the County General Fund for purposes of the Marion County Clerk of the Circuit Court and reducing certain other appropriations for the Marion County Auditor.

FISCAL ORDINANCE NO. 24, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Five Million Six Hundred Thirty-two Thousand Three Hundred Eighty Dollars (\$5,632,380) in the Community Services Program Fund for purposes of the Department of Metropolitan Development, Community Development Administration and reducing the unappropriated and unencumbered balance in the Community Services Program Fund.

FISCAL ORDINANCE NO. 25, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Five Million Eight Hundred Thirty-two Thousand Three Hundred Eighty Dollars (\$5,832,380) in the Redevelopment General Fund for purposes of the Department of Metropolitan Development, Economic and Housing Development Division and reducing the unappropriated and unencumbered balance in the Redevelopment General Fund.

FISCAL ORDINANCE NO. 26, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) authorizing changes in the personnel compensation schedule (Section 2.03) of the Warren Township Assessor's Office.

FISCAL ORDINANCE NO. 27, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) authorizing changes in the personnel compensation schedule (Section 2.03) of the Lawrence Township Assessor's Office.

FISCAL ORDINANCE NO. 28, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) authorizing changes in the personnel compensation schedule (Section 2.03) of the Wayne Township Assessor's Office.

FISCAL ORDINANCE NO. 29, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) authorizing changes in the personnel compensation schedule (Section 2.03) of the Pike Township Assessor's Office.

FISCAL ORDINANCE NO. 30, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) authorizing changes in the personnel compensation schedule (Section 2.03) of the Voter's Registration Office.

GENERAL ORDINANCE NO. 37, 1983, amending City-County General Ordinance No. 61, 1982, authorizing changes in the personnel schedule of the Perry Township Trustee.

SPECIAL ORDINANCE NO. 7, 1983, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1983 (Crown Paper Box Corporation Project)" in the aggregate principal amount of Eight Hundred Thousand Dollars (\$800,000) and authorizing other actions in respect thereto.

SPECIAL RESOLUTION NO. 20, 1983, honoring the Warren Central High School Boy's Gymnastic Team.

SPECIAL RESOLUTION NO. 28, 1983, commending the Gamma-Psi Chapter of Tau Kappa Epsilon for their Fourth Annual Circle Run to raise funds for St. Jude's Children's Research Hospital.

SPECIAL RESOLUTION NO. 29, 1983, extending condolences to the family of Edward Yowell.

SPECIAL RESOLUTION NO. 30, 1983, extending condolences to the family of Marcus C. Stewart, Sr.

SPECIAL RESOLUTION NO. 31, 1983, requesting the State of Indiana to join in the lawsuit brought by the State of South Carolina against the Secretary of the Treasury seeking to enjoin the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 which impose mandatory registration requirements on the issuance of tax exempt bonds.

SPECIAL RESOLUTION NO. 33, 1983, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 34, 1983, approved and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 35, 1983, rendering advice to the Hospital Authority of Marion County regarding financing in the approximate amount of Seventy-five Million Dollars (\$75,000,000) for Methodist Hospital of Indiana, Inc.

SPECIAL RESOLUTION NO. 36, 1983, urging Citizens Gas and Coke Utility to assist and support the Mayor of Indianapolis and the City-County Council to devise the means and ways to reduce the rate it charges customers for its service.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

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

PROPOSAL NO. 202, 1983. Introduced by Councillors Brinkman and Boyd. Councillor Boyd read the proposal supporting the commissioning of a major urban theme symphonic/orchestral work for premiere performance during the November, 1984 National League of Cities Conference in Indianapolis. He explained that in 1984 the National League of Cities will have its conference in Indianapolis giving this city the opportunity to state as to where Indianapolis is culturally. He added that there is one and one half years to address this issue and obtain financial and community support. Councillor Brinkman moved, seconded by Councillor West, to amend Proposal No. 202, 1983, by adding to Section 1, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 202, 1983, Section 1, to read as follows: "The Indianapolis City-County Council endorses and puts itself on record as supporting the commissioning under the auspices of the Indianapolis Symphony of a major urban theme symphonic/orchestral work for premiere performance during the 1984 National League of Cities Conference in Indianapolis."

Councillor Brinkman

Council consent was given on the amendment. After further discussion, Councillor Jones moved, seconded by Councillor Journey, to send Proposal No. 202, 1983, to a committee for further study, and the motion failed on the following roll call vote; viz:

11 YEAS: Dowden, Durnil, Hawkins, Howard, Jones, Journey, Nickell, Page, Rader, Stewart, Strader

15 NAYS: Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Holmes, McGrath, Miller, Rhodes, Sawyers, Schneider, SerVaas, Tintera, Vollmer

3 NOT VOTING: Borst, Gilmer, West

Councillor Boyd moved, seconded by Councillor Brinkman, for adoption. Proposal No. 202, 1983, As Amended, was adopted by voice vote, retitled SPECIAL RESOLUTION NO. 37, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 1983

A SPECIAL RESOLUTION supporting the commissioning of a major urban theme symphonic/orchestral work for premiere performance during the November, 1984 National League of Cities Conference in Indianapolis.

WHEREAS, for the last several years there have been major efforts to address images and perceptions concerning the character and nature of Indianapolis; and

WHEREAS, one such concern has been and continues to be the cultural environment and atmosphere which so largely defines a city; and

WHEREAS, the cultural offerings of Indianapolis much determine its attractiveness to the home metropolitan population, prospective business and industry, and those persons who must consider relocating to Indianapolis consequent to our general growth and economic development; and

WHEREAS, the November, 1984 meeting of the National League of Cities in Indianapolis will provide a singular opportunity for the City to make a positive cultural statement to the Nation and the World; and

WHEREAS, the rapidly developing higher education and technical communities in Indianapolis will require not only technological facilities and resources but also a cultural environment which will allow full expression of the liberal arts and provide multi cultural leisure time activities; and

WHEREAS, the commissioning of a major musical composition would parallel and complement our recently held very successful international violin and piano competitions; 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 endorses and puts itself on record as supporting the commissioning under the auspices of the Indianapolis Symphony Orchestra of a major urban theme symphonic/orchestral work for premiere performance during the 1984 National League of Cities Conference in Indianapolis.

SECTION 2. The City-County Council also encourages participation in this effort by interested citizens and particularly by those persons and agencies who have traditionally worked toward the improvement of the fine arts environment of Indianapolis.

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

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

INTRODUCTION OF GUESTS

Councillor Rhodes introduced former City-County Councillor and City Prosecutor John Tinder and his wife, Eileen. Councillor Jones introduced Rick Mize, Democrat candidate for the 19th District. Councillor Sawyers introduced 11th District candidate Beverly Mukes-Gaither and her husband Henri Gaither. Councillor Miller introduced Amy Bradley, candidate for the 17th District.

INTRODUCTION OF PROPOSALS

[Clerk's Note: Councillor Brinkman moved, seconded by Councillor Tintera, to advance Proposal No. 196, 1983, on the agenda. Consent was given.]

PROPOSAL NO. 196, 1983. Introduced by Councillor Rader. The Clerk read the proposal entitled: "A Proposal for a **SPECIAL RESOLUTION** rendering advice to

the Hospital Authority of Marion County concerning proposed tax exempt revenue bonds from the Hospital Authority of Marion County to Community Hospital of Indianapolis in an approximate amount of up to \$50,000,000"; and the President referred it to the Committee of the Whole to be heard under Modification of Special Orders.

PROPOSAL NO. 197, 1983. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$42,000 for the Department of Parks and Recreation to purchase land adjacent to the headquarters building"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 198, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing a passenger and materials loading zone on Meridian Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 199, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the intersection control at Delaware and 30th Streets"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 200, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing certain intersection controls on Clearvista Parkway"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 201, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Harding Street and Oliver Avenue"; and the President referred it to the Transportation Committee.

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. 203, 1983. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the

sale of certain real estate of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 204, 1983. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$35,000 for the Marion County Prosecutor's Child Support Division to hire temporary employees and to lease computer terminals"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NOS. 205-211, 1983. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on April 21, 1983". Council consent was given on the proposals. Proposal Nos. 205-211, 1983, were retitled REZONING ORDINANCE NOS. 57-63, 1983, respectively, and read as follows:

**REZONING ORDINANCE NO. 57, 1983 83-Z-1 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 21**

531 VIRGINIA AVENUE, INDIANAPOLIS

Redford and Mona Yong, by John A. Kitley, request rezoning of 0.84 acre, being in I-3-U district, to C-3C classification, to provide for a Commercial Sewer Cleaning Co., Inc. business.

**REZONING ORDINANCE NO. 58, 1983 83-Z-1 7C DECATUR TOWNSHIP
COUNCILMANIC DISTRICT NO. 19**

5240 SOUTH HIGH SCHOOL ROAD, INDIANAPOLIS

The Metropolitan School District of Decatur Township, by Charles W. Hunter, requests rezoning of 14.50 acres, being in A-2 district, to SU-2 classification, to provide for school use.

**REZONING ORDINANCE NO. 59, 1983 83-Z-22 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3**

9202 MASTERS ROAD, INDIANAPOLIS

John G. and Eileen M. Tinder, by Philip A. Nicely, requests rezoning of 37.89 acres, being in an A-2 district, to the D-4 classification, to provide for single-family use.

**REZONING ORDINANCE NO. 60. 1983 83-Z-43 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3**

6501 EAST 96TH STREET, INDIANAPOLIS

Norman Kautsky, by William F. LeMond, requests rezoning of 20.60 acres, being in A-2 district, to the D-6 II classification, for the development of a multi-family project.

**REZONING ORDINANCE NO. 61, 1983 83-Z-44 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14**

7101 EAST 21ST STREET, INDIANAPOLIS

Walter G. Justus, by Thomas Michael Quinn, Jr., requests rezoning of 4.30 acres, being in a C-2 district, to the C-6 classification, to provide for a motel.

**REZONING ORDINANCE NO. 62, 1983 83-Z-60 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13**

1405 SOUTH POST ROAD, INDIANAPOLIS

CDJ Enterprises, Inc., by Carl A. Salzmann, request rezoning of 30.52 acres, being in I-3-S district, to SU-16 classification, to provide for a softball recreational complex to be known as Wesley Wright Memorial Park.

**REZONING ORDINANCE NO. 63, 1983 83-Z-84 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 8**

5151 PIKE PLAZA ROAD, INDIANAPOLIS

Metropolitan Development Commission, by Jon A. Meeks, Administrator, Division of Development Services, requests rezoning of 5.17 acres, being in C-7 district, to C-ID classification, to provide for commercial development.

PROPOSAL NO. 196, 1983. Councillor Brinkman reported that this proposal renders advice to the Hospital Authority of Marion County concerning proposed tax exempt revenue bonds from the Hospital Authority of Marion County to Community Hospital of Indianapolis in an approximate amount of up to \$50,000,000. This proposal was recommended for passage by the Economic Development Committee by a vote of 3-1-1 on April 22, 1983. The bond issue would be used to fund construction and equipping of a new 175,000 square foot hospital complex at 82nd Street and Shadeland Avenue on 27 acres. Construction would begin on July 1, 1983 with occupancy by January 1, 1985. Hard costs for the \$30,750,000 project are as follows: \$1,150,000 land; \$22,310,000 building; \$4,000,000 equipment; and \$3,290,000 site work. After comments from Rexford Smith, Chief Financial Officer, Councillor Brinkman moved, seconded by Councillor Tintera, for adoption. Proposal No. 196, 1983, was adopted on the following roll call vote; viz:

26 YEAS: Boyd, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West
NO NAYS

3 NOT VOTING: Borst, Brinkman, Gilmer

Proposal No. 196, 1983, was retitled **SPECIAL RESOLUTION NO. 38, 1983**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 1983

A SPECIAL RESOLUTION rendering advice to the Hospital Authority of Marion County regarding financing in the approximate amount of up to Fifty Million Dollars (\$50,000,000) for Community Hospital of Indianapolis, Inc.

WHEREAS, the City-County Council of the City of Indianapolis, Indiana, by City-County General Resolution No. 4, 1979, adopted June 4, 1979, created the Hospital Authority of Marion County (hereafter "Authority") pursuant to the provisions of the Indiana Hospital Authority Act (IC 1971, 5-1-4-1 et seq. as amended); and

WHEREAS, the Judge of the Circuit Court of Marion County, Indiana, duly appointed directors to the Authority, who, after taking their respective oaths of office and qualifying held various organizational meetings; and

WHEREAS, the directors of the Authority, pursuant to their By-Laws, adopted Rules of Procedure which provide in part that "Prior to the Authority finally authorizing any bond issue, the Authority will seek an advisory resolution from the Indianapolis City-County Council"; and

WHEREAS, the Authority has investigated a request from Community Hospital of Indianapolis, Inc. for the Authority to issue its tax exempt revenue bonds in the approximate principal amount of up to Fifty Million Dollars (\$50,000,000) which may be sold at a discount the proceeds of which would be used by Community Hospital of Indianapolis, Inc. to construct and equip a new 175,000 square foot satellite facility at 82nd and Shadeland Avenue including 125 psychiatric beds, 100 general acute beds and ancillary inpatient and outpatient surgery, diagnostic, treatment and emergency services; now, therefore:

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

SECTION 1. It is hereby found that the issuance by the Hospital Authority of Marion County of its tax exempt revenue bonds which may be sold at a discount in the approximate principal amount of up to Fifty Million Dollars (\$50,000,000) for Community Hospital of Indianapolis, Inc. is for the benefit of the people of Marion County, Indiana, the increase of said people's commerce, welfare and prosperity and the improvement of their health and living conditions; and

SECTION 2. The City-County Council of the City of Indianapolis, Marion County, Indiana, hereby recommends to the Hospital Authority of Marion County the approval of the foregoing financing; and

SECTION 3. The Clerk of the City-County Council is hereby instructed to transmit a copy of this Special Resolution to the President of the Hospital Authority of Marion County.

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

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 41, 1983. This proposal appropriates \$34,725 for the Sheriff for the Community Corrections Program. Councillor West reported that the Public Safety and Criminal Justice Committee recommended to amend and pass Proposal No. 41, 1983 by a vote of 6-0 on April 14, 1983. Councillor West moved, seconded by Councillor Howard, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to mend Proposal No. 41, 1983, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 41, 1983, Committee Recommendations".

Councillor West

Council consent was given on the amendment. The President called for public testimony at 7:48 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Howard, for adoption. Proposal No. 41, 1983, As Amended, was adopted on the following roll call vote; viz:

24 YEAS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

5 NOT VOTING: *Borst, Dowden, Durnil, Gilmer, Schneider*

Proposal No. 41, 1983, As Amended, was retitled FISCAL ORDINANCE NO. 32, 1983, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 1983

A FISCAL ORDINANCE authorizing changes in the personnel schedule of the Marion County Sheriff.

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

SECTION 1. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts underlined as follows:

MARION COUNTY SHERIFF

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Sheriff	1	20,750	20,750
Executive Officer	1	31,519	31,519
Deputy Chief	5	29,785	148,925
Major	5	25,535	127,675
Captain	9	23,645	212,805
Lieutenant	29	22,069	640,001
Sergeant	98	20,966	2,054,668
Corporal	51	20,099	1,025,049
Deputy 3rd Year	261	19,628	5,115,276
Deputy 2nd Year	12	18,053	212,825
Deputy 1st Year	0	14,859	0
CIVILIAN EMPLOYEES:			
First Deputy	1	29,294	29,294
Admin. Assistant	1	11,189	11,189
Major (Spec. Deputy)	1	19,866	19,866
Captain (Spec. Deputy)	1	17,754	17,754
Lieutenant (Spec. Deputy)	2	16,307	32,614
Sergeant (Spec. Deputy)	9	14,395	129,555
Deputy (Spec. Deputy)	54	12,801	691,254
Executive Secretary	2	16,000	27,268
Division Secretary	5	10,074	50,370
Clerk/Typist	35	13,012	329,151
Mechanic	9	17,754	146,283
Attendant	7	10,290	72,030
Chaplain	2	17,000	33,074
Crime Watch Coord.	1	15,345	15,345
Comm. Correct. Staff	0 <u>1</u>	0 <u>19,000</u>	0 <u>18,360</u>
MISCELLANEOUS SALARIES:			
Clothing Allowance		300	36,000
Longevity		1,140	285,060
Temporary Salaries			45,685
Overtime & Shift Differential			242,981

Professional Salaries		59,977
Educational Bonus		107,750
Merit Board Per Diem		1,050
Reserve Salaries		700
Vacancy Factor		(218,360)
OTHER EMPLOYEE BENEFITS:		
M.C.L.E. Pension		2,245,663
Health Insurance		460,680
Life Insurance		39,052
TOTAL	602 603	14,519,138

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

[Clerk's Note: Council consent was given to advance Proposal No. 155, 1983, on the agenda to be heard prior to Proposal No. 156, 1983.]

PROPOSAL NO. 155, 1983. This proposal amends the Code to reorganize the Division of Employment and Training. Councillor Dowden reported that the Administration Committee recommended to amend and pass the proposal by a vote of 4-0 on April 13, 1983. Councillor Dowden moved, seconded by Councillor Rader, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 155, 1983, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 155, 1983, Committee Recommendations".

Councillor Dowden

Council consent was given on the amendment. Councillor Dowden explained that this proposal merges the the Division of Community Services with the Division of Employment and Training. Councillor Dowden moved, seconded by Councillor Rader, for adoption. Proposal No. 155, 1983, As Amended, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: Gilmer, Schneider

Proposal No. 155, 1983, As Amended, was retitled GENERAL ORDINANCE NO. 38, 1983, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by amending Division 2, Article V, Chapter 2 to reorganize the Division of Employment and Training.

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

SECTION 1. Sections 212 through and including 218 of Division 2 of Article V of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", are hereby repealed and replaced with a new Section 212 to read as follows:

Sec. 2-212. Division of Employment and Training.

There is hereby created in the department of administration a division of employment and training. The division shall administer or, subject to the approval of the director of the department of administration, contract for the administration of services for the City. The division shall have an administrator who shall be appointed by and serve at the pleasure of the director of the department of administration. The division shall have the same powers as all other divisions of the City.

SECTION 2. Should any provisions (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 full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 156, 1983. This proposal appropriates \$3,700,000 for the Division of Employment and Training to maintain current operations. Councillor Dowden reported that the Administration Committee recommended passage on April 13, 1983, by a vote of 3-0. The President called for public testimony at 7:56 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 156, 1983, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Holmes, Jones, Journey, McGrath, Miller, Nickell, Page, Rhodes, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

1 NAY: *Schneider*

3 NOT VOTING: *Gilmer, Howard, Rader*

Proposal No. 156, 1983, was retitled FISCAL ORDINANCE NO. 33, 1983, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 1983

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Three Million Seven

Hundred Thousand Dollars (\$3,700,000) in the Manpower Federal Programs Fund for purposes of the Department of Administration, Employment and Training Division and the unappropriated and unencumbered balance in the Manpower Federal Programs 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 1983, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to maintain current operations. The additional funds are available due to the original estimate of revenue being less than the actual federal appropriation.

SECTION 2. The sum of Three Million Seven Hundred Thousand Dollars (\$3,700,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION EMPLOYMENT AND TRAINING DIVISION	MANPOWER FEDERAL PROGRAMS FUND
1. Personal Services	\$1,113,888
2. Supplies	12,000
3. Other Services & Charges	<u>2,574,112</u>
Total Increases	<u>\$3,700,000</u>

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

DEPARTMENT OF ADMINISTRATION EMPLOYMENT AND TRAINING DIVISION	MANPOWER FEDERAL PROGRAMS FUND
Unappropriated and Unencumbered Manpower Federal Programs Fund	<u>\$3,700,000</u>
Total Reductions	<u>\$3,700,000</u>

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

PROPOSAL NO. 157, 1983. This proposal transfers and appropriates \$1,723,257 for the Division of Employment and Training to reflect the reorganization of the Division. Councillor McGrath reported that the Administration Committee recommended passage by a vote of 2-1 on April 13, 1983. President SerVaas called for public testimony at 7:58 p.m. There being no one present to testify, Councillor McGrath moved, seconded by Councillor Cottingham, for adoption. Proposal No. 157, 1983, was adopted on the following roll call vote; viz:

21 YEAS: Borst, Boyd, Brinkman, Campbell, Cottingham, Coughenour, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Rhodes, Sawyers, SerVaas, Strader, Tintera, Vollmer, West

7 NAYS: Clark, Dowden, Durnil, Jones, Nickell, Schneider, Stewart

1 NOT VOTING: Gilmer

Proposal No. 157, 1983, was retitled **FISCAL ORDINANCE NO. 34, 1983**, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 1983

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) transferring and appropriating an additional One Million Seven Hundred Twenty-three Thousand Two Hundred Fifty-seven Dollars (\$1,723,257) in the City General Fund for purposes of the Department of Administration, Employment and Training Division and reducing certain other appropriations for the Department of Administration, Community Services 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 1983, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to reflect the reorganization of the Community Services Division functions into the Employment and Training Division.

SECTION 2. The sum of One Million Seven Hundred Twenty-three Thousand Two Hundred Fifty-seven Dollars (\$1,723,257) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION EMPLOYMENT AND TRAINING DIVISION	CITY GENERAL FUND
1. Personal Services	\$ 134,577
2. Supplies	2,700
3. Other Services & Charges	<u>1,584,980</u>
Total Increases	<u>\$1,723,257</u>

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

DEPARTMENT OF ADMINISTRATION COMMUNITY SERVICES DIVISION	CITY GENERAL FUND
1. Personal Services	\$ 134,577
2. Supplies	2,700
3. Other Services & Charges	<u>1,634,899</u>
Total Reductions	<u>\$1,772,176</u>

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

PROPOSAL NO. 158, 1983. This proposal authorizes the issuance of tax anticipation time warrants for the County Welfare Fund for the second half of 1983. Councillor McGrath moved, seconded by Councillor Journey, to postpone Proposal No. 158, 1983, until May 9, 1983. Council consent was given.

PROPOSAL NO. 159, 1983. This proposal authorizes the issuance of tax anticipation time warrants for the County General Fund for the second half of 1983. Councillor Tintera moved, seconded by Councillor Brinkman, to postpone Proposal No. 159, 1983, until May 9, 1983. Council consent was given.

PROPOSAL NO. 165, 1983. This proposal modified the budget of the Capital Improvements Board of Managers by appropriating \$375,000 for a computer system. Councillor Clark moved, seconded by Councillor Strader, to postpone Proposal No. 165, 1983, until May 9, 1983. Council consent was given.

PROPOSAL NO. 168, 1983. This proposal appropriates \$26,309 for Marion County Superior Court, Criminal Division Probation Department for additional adult probation services. Councillor West reported that the Public Safety and Criminal Justice Committee recommended passage by a vote of 4-0 on April 7, 1983. The President called for public testimony at 8:01 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Howard, for adoption. Proposal No. 168, 1983, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Gilmer, Howard*

Proposal No. 168, 1983, was retitled FISCAL ORDINANCE NO. 35, 1983, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 1983

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) appropriating an additional Twenty-six Thousand Three Hundred Nine Dollars (\$26,309) in the Municipal and Criminal Probation Fees Fund for purposes of the Marion County Superior Court, Criminal Division, Probation Department and reducing the unappropriated and unencumbered balance in the Municipal and Criminal Probation Fees Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (g) of the City-County Annual Budget for 1983, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for additional adult probation services.

SECTION 2. The sum of Twenty-six Thousand Three Hundred Nine Dollars (\$26,309) 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:

**SUPERIOR COURT, CRIMINAL DIVISION
PROBATION DEPARTMENT**

1. Personal Services
 2. Supplies
 3. Other Services & Charges
 4. Capital Outlay
- Total Increases

**MUNICIPAL AND CRIMINAL
PROBATION FEES FUND**

\$ 6,000
2,000
3,000
15,309
\$26,309

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

SUPERIOR COURT, CRIMINAL DIVISION	MUNICIPAL AND CRIMINAL
PROBATION DEPARTMENT	PROBATION FEES FUND
Unappropriated and Unencumbered	
Municipal and Criminal	
Probation Fees Fund	\$26,309
Total Reductions	\$26,309

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

PROPOSAL NO. 170, 1983. This proposal transfers and appropriates \$55,857 for the Air Pollution Control Division to perform sampling of unleaded gasoline at commercial pumps in Marion County. Councillor Coughenour moved to send Proposal No. 170, 1983 back to the Public Works Committee, seconded by Councillor Jones. Council consent was given.

SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 355, 1981. This proposal amends the Code by renaming the Code of Ethics and providing for stricter accountability. Councillor Cottingham reported that the Rules and Policy Committee amended and passed this proposal by a vote of 6-0 on April 18, 1983. He moved, seconded by Councillor Jones, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I moved to amend Proposal No. 355, 1981, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 355, 1981, Committee Recommendations, As Amended".

Councillor Cottingham

Council consent was given on the amendment. Councillor Clark moved to further amend the proposal by deleting "operated for profit" from Sec. 23-50 (c), seconded by Councillor Jones. After discussion, Councillor Miller moved, seconded by Councillor Tintera, to call for the question. Councillor Cottingham moved, seconded by Councillor Miller, for adoption. Proposal No. 355, 1981, As Amended, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: Gilmer

Proposal No. 355, 1981, As Amended, was retitled GENERAL ORDINANCE NO. 39, 1983, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by amending Article V, Chapter 23 concerning a code of ethics for officers and employees of Indianapolis and Marion County.

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

SECTION 1. Article V of Chapter 23 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by repealing Sections 23-49 thru and including Section 23-55.

SECTION 2. Article V of Chapter 23 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 23-49 to read as follows:

Sec. 23-49. Purpose and intent.

The City-County Council finds that the proper operation of representative government requires that public officers and employees be independent, impartial, and responsible to the people; that government decisions and policies be made in the proper channels of governmental structure; that public office not be used for personal gains; and that the public have confidence in the integrity of its government. Accordingly, it is the purpose of this chapter to establish ethical standards of conduct for all officers and employees of the City and County, whether elected or appointed, paid or unpaid; to set forth those acts that are incompatible with such standards; to require disclosure by such officers and employees of private financial or other interests in matters affecting the City or County; and to provide effective means for enforcement thereof. This chapter is not to be construed so as to impair the ability of these officers and employees to participate in ceremonial, representational, or informational functions in the pursuit of their official duties.

This chapter shall be liberally construed in favor of protecting the public interests by full disclosing conflicts of interest and promoting ethical standards of conduct for City and County officers and employees.

SECTION 3. Article V of Chapter 23 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 23-50 to read as follows:

Sec. 23-50. Definitions.

- a. **Employee** means any person receiving compensation for services performed for the City of Indianapolis or Marion County except those who perform services under a contract.
- b. **Officer** means every individual elected or appointed to an office or position in any City/County board or commission or independent municipal corporation, whether such individual is paid or unpaid.
- c. **Business entity** means a proprietorship, partnership, unincorporated association, trust, firm or corporation.
- d. **Doing business** means engaging in an activity for profit or gain.
- e. **Material interest** means ownership of five percent (5%) or more of a business entity.
- f. **Confidential information** means information which has not been, or will not be, communicated to the general public in the regular course of business.
- g. **Compensation** means any money, thing of value, service or economic benefit conferred upon or received by any person in return for services rendered, or for services to be rendered.
- h. **Fair market value** means the price that is paid by a willing buyer to a willing seller in a good faith transaction which neither party is compelled to enter.
- i. **Immediate family** means:
 1. A spouse;
 2. Any dependent minor child.

- j. Mayor means the Mayor of the City of Indianapolis.
- k. Masculine gender when used in this article, includes the feminine.
- l. The singular of any noun, when used in this article, includes the plural whenever appropriate.
- m. Person means any individual, association, corporation, or other legal entity.
- n. City/County Agency means every department, office, board, commission, or committee of the City/County or any subdivision thereof, but excludes employees of municipal public corporations and ad hoc advisory committees.
- o. Board means Board of Ethics and shall be deemed a board of the City/County and thereby under the jurisdiction of this ordinance.

SECTION 4. Article V of Chapter 23 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 23-51 to read as follows:

Sec. 23-51. Application of article.

This article applies to officers and employees, except the Judges of the Circuit Court, Superior Court, and the prosecuting attorney, subject to the provisions of the Indiana Code 33-2.1-8. All persons excluded hereby from application of this article are invited to comply with the financial disclosure requirements of this article voluntarily.

SECTION 5. Article V of Chapter 23 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 23-52 to read as follows:

Sec. 23-52. Board of ethics.

- a. Creation and composition of the Board. There is hereby created and established a Board of Ethics, consisting of five (5) members who do not hold a position of employment in any City/County agency, and who are not declared candidates for elected, non-party public office. The Corporation Counsel of the City of Indianapolis shall serve as the non-voting ex officio secretary of the Board.
- b. Appointment of members and chairman. The members of the current Board of Ethics are entitled to remain on the Board until their terms expire. As their terms expire or their positions become vacant, they shall be replaced as follows: The Mayor shall appoint three (3) members, one of which he shall designate as chairman, no more than two (2) of which shall be affiliated with the same political party. The City/County Council shall appoint two (2) members, who shall not be affiliated with the same political party. Each appointment shall be made for a term of two (2) years. Each appointee shall serve at the pleasure of the appointing authority until his successor is duly appointed and qualified. Vacancies shall be filled by that appointing authority which appointed the member creating the vacancy. A member appointed to fill a vacancy shall serve for the duration of the unexpired term.
- c. Powers and duties of the Board.
 - 1. To adopt, amend and rescind rules and regulations in furtherance of its purposes, pursuant to the procedure outlined in Sec. 2-4 of this Code.
 - 2. Upon the written request of an officer or employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and the application of ethical standards set forth in this article, and shall issue an advisory opinion in writing as to any such question. The Board shall publish its opinions with an deletions or modifications necessary to prevent disclosure of the identity of the person who is the subject of the opinion;
 - 3. To make recommendations to the City/County Council for amendments to this article and for such other legislation affecting the subject matter of this article as the Board may deem necessary or desirable;
 - 4. To provide a continuing program of educational assistance and information regarding ethical conduct of all officers and employees;
 - 5. Upon request by the Mayor, a department director, an officer or employee, member of the Board, or any member of the City/County Council of the City of Indianapolis and of Marion County, Indiana, the Board may hold hearings

to investigate possible violations of this article. If the Board finds that a violation of this article has occurred, it may recommend to the Mayor or appropriate official a resolution of the violation, or public disclosure of the violation, or disciplinary action, which may include dismissal;

6. The annual review of financial disclosure statements pursuant to Sec. 23-54.

SECTION 6. Article V of Chapter 23 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 23-53 to read as follows:

Sec. 23-53. Prohibited activity.

1. Disqualification from acting on City or County business. No officer or employee or member of his immediate family shall:

Have a pecuniary interest in or derive a profit from any matter upon which the officer or employee is required to act in the discharge of his official duties, and fail to disqualify himself from acting or participating;

2. Improperly using official position. No officer or employee shall:

- (a) Use or permit the use of any person, funds, or property under his official control, direction, or custody, or of any City/County funds or City/County property, for a purpose which is, or to a reasonable person would appear to be, for the private benefit of the officer or employee or any other person or entity; provided, that nothing shall prevent the private use of City/County property which is available on equal terms to the public generally (such as the use of library books or tennis courts), or use of City/County property in accordance with municipal policy in the conduct of official City/County business (such as the use of City/County automobiles), or the use of off duty equipment by law enforcement officers assigned to those law enforcement officers, if allowed by the rules of the respective department, if, in fact, the property is used appropriately;

- (b) Except in the course of official duties, assist any person in any City/County transaction when such officer's or employee's assistance is or to a reasonable person would appear to be, enhanced by that officer's or employee's position with the City/County; provided that this subsection shall not apply either to any elected official, or to any officer or employee appearing on his own behalf or representing himself as to any matter in which he has a proprietary interest, if not otherwise prohibited by ordinance.

- (c) Regardless of prior disclosure thereof, have a material interest, personally or through a member of his immediate family, in business entities doing or seeking to do business with the City/County, and influence or attempt to influence the selection of, or the conduct of business with, such business entity by the City/County.

3. Accept gifts or loans. No officer or employee shall:

Solicit or receive any thing of monetary value from any person or entity when it has been solicited, received or given or, to a reasonable person, would appear to have been solicited, received or given, with the intent to give or obtain special consideration or influence as to any action by such officer or employee in his official capacity; provided, that nothing shall prohibit contributions, including political contributions, which are reported in accordance with applicable law or which are accepted on behalf of the City/County, or an honorarium, travel or other expenses reimbursed to any officer or employee as a result of a speaking engagement or personal appearance made as a result of that person's official position.

4. Disclose privileged information. No officer or employee shall:

Disclose or use any information gained by reason of his official position for the immediate or anticipated personal gain or benefit of the officer or employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of the information which is a matter of public knowledge, or which is available to the public on request.

SECTION 7. Article V of Chapter 23 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 23-54 to read as follows:

Sec. 23-54. Statements of economic interests.

1. The Board shall require all officers and all employees, except those employees who received annual compensation from the City of Indianapolis or Marion County during the previous calendar year at the rate of less than \$25,000, to file a confidential financial disclosure statement on or before May 1, of each year; however, regardless of their compensation, all purchasing agents for the City and the County and all employees of the Purchasing Division of the Department of Administration shall be required to file such a statement. In addition, an applicant for employment with a City/County Agency for a position which would compensate that person at a rate of \$25,000 or more annually, a position in the Purchasing Division of the Department of Administration or a position as a purchasing agent, shall be required to file a confidential financial disclosure statement prior to an offer of employment being extended by the City/County Agency. Such disclosure statement shall contain a written statement sworn as to its truth and accuracy and made under penalties of perjury and shall include the following information:
 - (a) The name of the officer or employee.
 - (b) The home address of the officer or employee.
 - (c) The business address of the officer or employee.
 - (d) The position for the City/County in which the officer or employee serves.
 - (e) The employer of the officer.
 - (f) A list stating the amount and source of all gifts or honoraria the officer or employee or members of his/her immediate family received during the past year of a value in excess of \$100 from any business entity, which to the best of the officer or employee's knowledge, does or contemplates doing business with the City/County during his/her term of office or employment with the City/County.
 - (g) A statement of whether or not the officer or employee or member of his/her immediate family had a direct or indirect pecuniary interest in any contract with the City of Indianapolis or Marion County during the past year, other than a contract of employment, and, if so, an explanation of the extent of the interest.
 - (h) The name of any business entity from which the officer or employee received any compensation which to the best of his/her knowledge, does or contemplates doing business with the City/County during his/her term of office or employment with the City/County.
 - (i) The name of any business entity in which the officer or employee or his/her immediate family own stocks, bonds or other investments which represent ownership of five percent (5%) or more of that business or have a value in excess of \$5,000.00 and which business entity, to the best of his/her knowledge, is doing or contemplates doing business with the City/County.
2. The confidential financial disclosure statement required by this section shall not be a public record and shall be retained in a sealed envelope which shall be opened only by the board in the performance of its official duties. Unauthorized disclosure of information contained in a confidential financial disclosure statement shall be unlawful and subject to the penalties imposed by Section 1-8 of this Code.

SECTION 8. Article V of Chapter 23 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 23-55 to read as follows:

Sec. 23-55. Complaints, investigations, hearings and enforcement.

- a. Any person may file a complaint alleging a violation of this article. If such complaint is filed by a member of the Board, he is then disqualified from participating in any proceedings that may arise from the complaint.
- b. The complaint shall be in writing and shall be signed by the complainant. The written complaint shall state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the vio-

lation(s). The complaint shall be filed with the Secretary to the Board who shall provide a copy to the person charged with a violation, unless in the opinion of the secretary anonymity of the complainant should be maintained. The complainant shall provide the Secretary with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.

- c. All complaints shall remain confidential until it reaches public hearing before the Board.
- d. Within thirty (30) days after receipt of a complaint, the Secretary shall conduct a preliminary investigation; provided, that the Secretary may request that the Board extend the time for the completion of such preliminary investigation, and if the Board determines that such extension is necessary or desirable and would not be prejudicial to the person charged with the violation, the Board shall grant the extension; provided further, that if the Board determines that the preliminary investigation must be completed in less than thirty (30) days in order to avoid prejudice or irreparable harm to the person charged with the violation, the Board shall order the Secretary to complete the preliminary investigation in a shorter period of time, and the Secretary shall comply.
- e. If the Secretary determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Secretary shall dismiss the complaint. If the Secretary does so dismiss the complaint, he shall do so in writing, setting forth the facts and the provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the Board; however, the complainant shall have the right to appeal the decision of the Secretary to the Board.
- f. If, after a preliminary investigation, the Secretary does not dismiss the complaint or ask for additional time to conduct a more extensive investigation, he shall refer the complaint to the Board for hearing, unless the matter is resolved at a prehearing conference between the Secretary and the person charged with the violation, and the prehearing resolution is approved by the Board, all in accordance with applicable rules and regulations.
- g. All hearings that are held to determine whether the provisions of this chapter have been violated shall be conducted in conformance with Board rules and regulations except as otherwise provided in this chapter.
- h. Within thirty (30) days from the date the Secretary refers a complaint to the Board for hearing, the Board shall hold a public hearing and issue a written determination stating whether the chapter has been violated and setting forth the facts and the provisions of law upon which this determination is based. A copy of said determination shall be delivered to the complainant, to the person charged with the violation and, where appropriate, to the person's superior.
- i. If the Board determines that a city officer or employee has violated the provisions of this chapter, the Board may recommend to the proper authority that the officer or employee be subject to disciplinary action.
In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge, or removal from office, or such other disciplinary action as may, by the appropriate city authority, be deemed necessary and proper, and consistent with personnel ordinances and rules. A written response outlining any action taken as a result of the Board's recommendation shall be made by the appropriate City/County authority to the Board within fourteen (14) calendar days after receipt of the Board's written recommendation; provided, that this section shall not derogate from employee rights under any collective bargaining agreement or City/County personnel ordinance, or rules promulgated thereunto. If the appropriate City/County authority determines that the written response required in this section cannot be made to the Board within fourteen (14) calendar days after receipt of the Board's recommendation, because of procedures prescribed under any collective bargaining agreement, personnel ordinance, or rule promulgated thereunto, the appropriate City/County authority shall so report to the Board within fourteen (14) days after receipt of the Board's recommendation, stating the date on which the written response will be submitted to the Board. Upon receipt of the written response, or in the event no response is received, the Board shall review such matter and make such further recommendation as may be appropriate.

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

PROPOSAL NO. 68, 1983. This proposal amends the Code by prohibiting councillors from serving as President and Vice President for more than four years in succession. Councillor Cottingham reported that the Rules and Policy Committee recommended to Strike Proposal No. 68, 1983, by a vote of 5-1 on April 18, 1983. Councillor Cottingham moved, seconded by Councillor Miller moved, to strike the proposal. Proposal No. 68, 1983 was stricken by consent of the Council.

PROPOSAL NO. 76, 1983. This proposal amends the Code by limiting the length of time councillors may serve as chairman of certain committee. The Rules and Policy Committee recommended to strike this proposal by a vote of 4-2 on April 18, 1983. Councillor Cottingham moved, seconded by Councillor Jones, to strike Proposal No. 76, 1983, and consent was given.

[Clerk's Note: Council consent was given to discuss and take action on Proposal Nos. 133, 134, 171, and 172, 1983 together.]

PROPOSAL NO. 133, 1983, changes the speed limit controls on portions of Dean Road. PROPOSAL NO. 134, 1983, changes parking controls on Pearl Street. PROPOSAL NO. 171, 1983, changes parking controls on portions of Oriental Street. PROPOSAL NO. 172, 1983, changes parking controls on a portion of Division Street. All of the above noted proposals were recommended for passage unanimously by the Transportation Committee on April 20, 1983. Councillor Schneider moved, seconded by Councillor Vollmer, for adoption. Proposal Nos. 133, 134, 171, and 172, 1983 were adopted on the following roll call vote; viz:

24 YEAS: *Borst, Brinkman, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Tintera, Vollmer, West*
NO NAYS

5 NOT VOTING: *Boyd, Campbell, Gilmer, Sawyers, Strader*

Proposal Nos. 133, 134, 171, and 172, 1983, were retitled GENERAL ORDINANCE NOS. 40-43, 1983, respectively, and read as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 1983

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, to wit:

Dean Road, from 62nd Street to 82nd Street, 40 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, to wit:

Dean Road, from 62nd Street to 79th Street; 35 MPH; and

Dean Road, from 79th Street to 82nd Street, 40 MPH.

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. 41, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-283, Parking meter zones designated.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-283, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

TWO HOURS

Pearl Street, on the north side from Senate Avenue to Missouri 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. 42, 1983

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

**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 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

Oriental Street, on the east side, from Washington Street to Tenth Street;

Oriental Street, on the west side, from Tenth Street to a point 50 feet south of the first alley south of Tenth Street;

Oriental Street, on the west side, from the north curblin of Washington Street to a point 75 feet north of the north curblin of Washington Street.

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

Oriental Street, on the east side, from Michigan Street to Tenth Street;

Oriental Street, on the west side, from North Street to St. Clair Street;

Oriental Street, on the west side, from Tenth Street to a point 62 feet south of Tenth Street.

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the addition of the following, to wit:

Oriental Street, on the west side, from Washington Street to a point 205 feet north of Washington Street.

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

CITY-COUNTY GENERAL ORDINANCE NO. 43, 1983

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

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 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Division Street, on the east side, from River Avenue to a point 115 feet north of River Avenue.

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

PROPOSAL NO. 154, 1983. This proposal amends the Code concerning cafe activity in sidewalk sales areas. Councillor Dowden reported that the Administration Committee recommended to amend and pass the proposal by a vote of 4-0 on April 13, 1983. He moved, seconded by Councillor Rhodes, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 154, 1983, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 154, 1983, Committee Recommendations".

Councillor Dowden

Council consent was given on the amendment. Councillor Dowden moved, seconded by Councillor Rhodes, for adoption. Proposal No. 154, 1983, As Amended, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Tintera, Vollmer, West
NO NAYS

3 NOT VOTING: Gilmer, Sawyers, Strader

Proposal No. 154, 1983, As Amended, was retitled GENERAL ORDINANCE NO. 44, 1983, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana" by amending Division 4 of Article IV of Chapter 28 concerning cafe activity in sidewalk sales areas.

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

SECTION 1. Section 28-265 of Division 4 of Article IV of Chapter 28 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. 28-265. Definitions; cafe activity on sidewalk unlawful unless license granted.

(a) As used in this division, the following terms shall have these meanings:

"Abutting ~~and~~ retail business property" shall mean any real property, including any area constructed and used as a sidewalk which is not in the public right-of-way, used for retail business, which abuts (but is not located on) the sidewalk right-of-way.

"Beverage" shall mean any liquid, hot or cold, intended for use in whole or in part for human consumption.

"Cafe activity" shall mean the retail sale of beverages or food or the provision of a place for the consumption of beverages of food.

"Cafe area" shall mean the area used for cafe activity and shall include the entire sidewalk sales area and any part of the abutting retail business property used directly for cafe activity.

"Effective walkway width" shall mean that portion of the sidewalk in the public right-of-way that is reasonably available for use by the pedestrian stream moving through the area.

"Food" shall mean any raw, cooked or processed edible substance intended for use in whole or in part for human consumption.

~~"Sidewalk sales area" shall mean the portion of the sidewalk on the public right-of-way which the controller has licensed for cafe activity. The sidewalk sales area may be no larger than eight (8) feet in width (measured perpendicularly to the property line) and must be located next to abutting retail business property.~~

"Sidewalk sales area" shall mean the portion of the sidewalk on the public right-of-way which the controller has licensed for cafe activity. The sidewalk sales area may be no larger than eight (8) feet in width (measured perpendicularly to the property line) and must be located next to abutting retail business property.

(b) It shall be unlawful for any person to engage in cafe activity on a public sidewalk in the public right-of-way without obtaining a license in accordance with this division. However, retail sales of beverages or food may occur:

- (1) From carts pursuant to Article XXIII of Chapter 17 of this Code except in a sidewalk sales area relative to which a license has been granted under this section, or
 - (2) On a temporary basis if written permission is granted by the appropriate governmental units and such writing is filed with and approved by the city controller.
- (c) A license granted in accordance with this division shall obviate the requirement:
- (1) To obtain a peddler's license,
 - (2) To comply with the requirements of Chapter 28, Article IV, Division 1, ~~that they are inconsistent with the carrying out of cafe activity, and~~ (to the extent) that they are inconsistent with the carrying out of cafe activity, and
 - (3) To obtain an encroachment license for an awning or canopy which does not extend beyond the sidewalk sales area and which is used in connection with cafe activity.
- (d) It is the objective of this division to benefit the residents of the City of Indianapolis as a whole by promoting pedestrian traffic in commercial areas, enhancing the attractiveness of the downtown and other areas of concentrated development and making beverages and food conveniently available for the members of the public, without creating a health or safety hazard or inconveniencing pedestrians.

SECTION 2. Section 28-266 of Division 4 of Article IV of Chapter 28 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. 28-266. Requirements for licensure.

(a) The city controller has the power to grant a license to a person to business property owned or leased by the person, for the sole purpose of engaging in cafe activity. The sidewalk sales area which the person utilizes for cafe activity ~~shall~~ shall be located ~~in the consolidated city.~~ on the public right-of-way immediately next to the abutting retail business property of the applicant is of the following width (measured from the curb edge to the property line): A person desiring a license to use a sidewalk sales area for cafe activity shall make application in writing to the city controller.

(b) The city controller shall grant the license if the following requirements are met:

- (1) ~~The sidewalk sales area which the person utilizes for cafe activity shall be located in the consolidated city.~~ The sidewalk on the public right-of-way immediately next to the abutting retail business property of the applicant is of the following width (measured from the curb edge to the property line):
 - (i) at least fourteen (14) feet if the sidewalk is located within geographic area bounded by the center lines of North Street, East Street, South Street and West Street, or
 - (ii) at least twelve (12) feet if the sidewalk is located outside the geographic area described above in (i).
- (2) ~~No part of the sidewalk sales area is located within twelve (12) feet of the point at which the right-of-way lines of two (2) or more streets intersect, fifteen (15) feet of any bus stop sign, ten (10) feet of any sidewalk elevator, six (6) feet of any building stand pipe or building hydrant, or five (5) feet of any taxi stand area, crosswalk, driveway or alleyway.~~ No part of the sidewalk sales area is located within ~~twelve (12)~~ twelve (12) feet of the point at which the right-of-way lines of two (2) or more streets intersect, fifteen (15) feet of any bus stop sign, ten (10) feet of any sidewalk elevator, six (6) feet of any building stand pipe or building hydrant, or five (5) feet of any taxi stand area, crosswalk, driveway or alleyway.
- (2) The applicant is actively engaged in a retail business involving the sale of beverages or food in the abutting retail business property. The beverages or food sold in the ~~cafe area~~ cafe area will also be sold in the abutting retail business property. The floor area of the abutting retail business property must exceed the area of the sidewalk sales area.

(3 4) The proposed cafe activity is allowed by the applicable zoning regulations.
(A 5) The director of the department of transportation has approved the dimensions of the area which may be used as a sidewalk sales area for cafe activity and during what days and what hours the sidewalk sales area may be so used. This determination shall be made by the following process:

- a. The department of transportation shall conduct a pedestrian traffic count on a representative day or days in the spring, summer or fall for the sidewalk situated immediately next to the abutting retail business property owned or leased by the applicant.
- b. The department of transportation shall calculate the effective walkway width of the sidewalk after removing from consideration the sidewalk sales area proposed to be used by the applicant.
- c. The director of the department of transportation shall, in light of such pedestrian count and effective walkway width information, determine if the effective walkway width will safely and comfortably accommodate pedestrian traffic at that location for a significant number of hours each week. If it will, the director shall determine during what days of the week and what hours of the day the pedestrian flow will be safely and comfortably accommodated. However, in no event shall the director allow use of a sidewalk sales area for cafe activity that would result in the effective walkway width being reduced to less than five (5) feet.

(5 6) Applicable permits required by the health and hospital corporation of Marion County and other regulatory agencies have been secured and are in force.

(6 7) The applicant has provided a certificate of public liability insurance to the controller, approved as to form by the corporation counsel, insuring the person and naming the City of Indianapolis, as co-insured. The required amounts of personal injury and property damage insurance requirements shall be established by the corporation counsel.

(7 8) The applicant has provided a document, approved as to form by the corporate counsel, in which he agrees to indemnify and hold harmless the city for losses, damages, claims or expenses arising out of the use of the sidewalk sales area for cafe activity.

(8 9) A detailed site plan showing the use and location of all furniture and equipment (including, but not limited to, tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) in the ~~sidewalk sales~~ cafe area, the color and design of such furniture and equipment and the movement of people ~~in the sidewalk sales~~ cafe area have been approved by the ~~Metropolitan Development~~ Department of Metropolitan Development for consistency with the requirements of this section, section 28-267 and the objective of this division.

(9 10) General licensure requirements set forth in Chapter 17 of this Code have been met.

SECTION 3. Section 28-267 of Division 4 of Article IV of Chapter 28 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

(a) Use of the ~~sidewalk sales~~ cafe area for cafe activity pursuant to this division shall be subject to the following conditions:

- (1) The licensee (including agents and employees of the licensee) shall be required to obey the commands of law enforcement officers, firemen and all other public authorities acting pursuant to law with respect to activity carried out ~~in~~ in the ~~sidewalk sales~~ sidewalk sales area, including the temporary removal of furniture and equipment and temporary cessation of cafe activity.
- (2) All furniture, equipment and goods shall be taken from the sidewalk sales area when cafe activity is not being conducted or when the abutting retail business property is not open.
- (3) All furniture, equipment and goods ~~must be~~ susceptible of being removed from the sidewalk sales area within a reasonable period of time at any time with the manpower normally available to the licensee.

- (4) Provision shall be made to assure the sidewalk will not be littered, including placement of adequate trash receptacles and periodic picking up of litter in the sidewalk sales area and the area twenty (20) feet from the perimeter of the sidewalk sales area.
- (5) Sales of beverages or food shall not be accomplished by crying out or hawking.
- (6) Pedestrians shall not be exposed to any undue safety or health hazard nor shall a public nuisance be created.
- (7) A device may not be used which would amplify or direct sound. Attention may not be drawn to such retail sales by a light-producing device.
- (8) All signs must comply with applicable zoning restrictions and the detailed site plan approved by the ~~Indianapolis Board of Zoning Appeals~~ Department of Metropolitan Development.
- (9) Sales of beverages or food may not be made to any person in or on any motorized vehicle.
- (10) Beverages or food sold in the sidewalk sales area shall be provided only for consumption in the sidewalk sales area or in the abutting retail business property.
- (11) Beverages, dispensed in disposable cans, shall have any separable opening tabs removed at the time the cans are sold.
- (12) The controller may, by written notice to the licensee, forbid the use of the sidewalk sales area during an outdoor public festival (a community gathering held in a public place with the approval of the appropriate governmental unit including, but not limited to, the Circlefest, Circle of Sounds Music, Indianapolis Symphony Music Festival, Midsummer Festival, and Strawberry Festival) or require that the licensee meet the additional requirements imposed on all vendors by the organizers of the outdoor public festival.
- (13) The requirements set forth in section 28-266 continue to be met and the cafe activity is carried out in accordance with the detailed site plan.

(b) Use of the ~~sidewalk/sales~~ cafe area for safe activity shall comply with all laws and regulations including those pertaining to health, zoning and use of the right-of-way. The fact that a license has been obtained shall not prevent enforcement of such laws or regulations even if the enforcement action has the effect of restricting or preventing the use of the license.

(c) Every licensee (including agents and employees of the licensee) shall be subject to the duties and responsibilities set forth in section 17-6 of this Code.

SECTION 4. Section 28-268 of Division 4 of Article IV of Chapter 28 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the words underlined as follows:

Sec. 28-268. Terms of licensure.

(a) A license, unless granted for a lesser determinate period, shall be for a term of one (1) calendar year from the date of granting.

(b) A license issued pursuant to this division may neither be transferred to another person nor used by the licensee for another location.

(c) The granting of a license shall be at the sufferance of the city and shall not vest any rights in the licensee to continue the use of a sidewalk sales area. The license to use the sidewalk sales area may be revoked at any time by the controller, when it is in the best interest of the city to do so, by giving a written notice at least five (5) days before the date when such license is revoked. The license to use the sidewalk sales area shall be revoked by the controller if the licensee does not comply with requirements of this division, or laws or regulations pertaining to health, licensure, use of right-of-way or zoning in the cafe area. The city controller may cause the cafe activity conducted in the sidewalk sales area to be immediately terminated if the insurance required by section 28-266 is not maintained in full force and effect during the term of the license. Actions of the city controller under this subsection may be appealed in accordance with section 17-68 of this Code.

SECTION 5. Section 28-269 of Division 4 of Article IV of Chapter 28 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. 28-269. Renewal of license.

(a) Before a license is renewed, the department of transportation shall have an opportunity to again conduct a pedestrian count and calculate the effective walkway width and the director of the department of transportation shall have an opportunity to determine whether this width is sufficient to safely and comfortably accommodate pedestrian flow in light of any changed conditions. If the director determines that a renewal of a license would not allow this pedestrian flow standard to be met, the director shall modify the dimensions of the area which may be used as a sidewalk sales area for cafe activity or shall modify the days and hours the area may be so used, or shall modify both. This process shall be completed within a period of thirty (30) calendar days from the time a license renewal is applied for by the licensee. Renewal applications may be filed no earlier than seventy-five (75) days before the license expires.

(b) Before a license is renewed, the ~~department of transportation~~ Department of Metropolitan Development shall have the opportunity to again review the detailed site plan in light of any changed conditions. If ~~the department of transportation~~ it is determined that a change in the detailed site plan is clearly needed to meet the objectives of this division, then the license shall not be renewed unless such site plan requirements are met. This review must be accomplished within a period of thirty (30) calendar days from the time a license renewal is applied for by the licensee. Renewal applications may be filed no earlier than seventy-five (75) days before the license expires.

SECTION 6. Section 28-270 of Division 4 of Article IV of Chapter 28 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. 28-270. Fees.

Each original application for a license to engage in cafe activity in a sidewalk sales area under this division shall be accompanied by an application fee of seventy-five dollars (\$75.00). In the event the action upon the application is favorable, the application fee shall be retained as the first annual fee. In the event of an unfavorable action on the application, the application fee shall be retained to defray the administrative expense incurred in investigating and processing the application. Fifty dollars (\$50.00) of each original application fee shall be allocated to the department of transportation to defray the cost of making and analyzing pedestrian traffic counts and twenty-five dollars (\$25.00) shall be allocated to the city controller to defray the costs of administration. The fee for renewal of an annual license shall be seventy-five dollars (\$75.00). Fifty dollars (\$50.00) of the renewal fee shall be allocated to the division of ~~development services~~ development services to defray the costs of making inspections and twenty-five dollars (\$25.00) shall be allocated to the city controller to defray the cost of administration.

SECTION 7. Section 28-271 of Division 4 of Article IV of Chapter 28 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. 28-271. Enforcement.

(a) Inspections may be made and action to enforce the provisions of this division may be taken by the division of ~~development services~~ development services, the office of the city controller, or by any law enforcement agency. The division of ~~development services~~ development services, shall be responsible for making periodic inspections of cafe activity carried out in sidewalk sales areas.

(b) Any licensee (including agents and employees of the licensee) who violates any provision of this division is subject to the general penalty for violating this Code as set forth in section 1-8.

SECTION 8. (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 9. 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 10. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 169, 1983. This proposal authorizes changes in the personnel compensation schedule for the Marion County Circuit Court. Councillor West reported that the Public Safety and Criminal Justice Committee recommended passage by a vote of 5-0 on April 14, 1983. Councillor West moved for adoption, seconded by Councillor Holmes. Proposal No. 169, 1983, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Vollmer, West*
NO NAYS

4 NOT VOTING: *Gilmer, Sawyers, Strader, Tintera*

Proposal No. 169, 1983, was retitled **FISCAL ORDINANCE NO. 36, 1983**, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 1983

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) authorizing changes in the personnel compensation schedule (Section 2.03) of the Marion County Circuit Court.

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

SECTION 1. Section 2.03 (b)(10) of City-County Fiscal Ordinance No. 65, 1982, be amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(b)(10) CIRCUIT COURT

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Judge	1	15,708	15,708
Court Reporters	2	17,085	34,170
Bailiffs	3	13,770	41,310 36,710
Master Commissioner	1 1	20,000 20,000	0 20,000
Court Commissioners	2 2	13,260	26,520 30,313
Vacancy Factor			0/ (6,953)
TOTAL	9		129,948

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

[Clerk's Note: Council consent was given to consider Proposal Nos. 173-176, 1983 together.]

PROPOSAL NO. 173, 1983, changes intersection controls at Ditch Road and West 79th Street. PROPOSAL NO. 174, 1983, changes intersection controls at Moore Avenue and Rural Street. PROPOSAL NO. 175, 1983, changes intersection controls at Lynhurst and Minnesota Streets. PROPOSAL NO. 176, 1983, changes intersection controls at Pennsylvania and 25th Streets. Councillor Schneider reported that Proposal Nos. 173-176, 1983, were recommended for passage by the Transportation Committee on April 20, 1983. He moved, seconded by Councillor Vollmer, for adoption. Proposal Nos. 173-176, 1983, were adopted on the following roll call vote; viz:

25 YEAS: Borst, Boyd, Brinkman, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Howard, Jones, Joureny, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Tintera, Vollmer, West

NO NAYS

4 NOT VOTING: Campbell, Gilmer, Holmes, Strader

Proposal Nos. 173-176, 1983, were retitled GENERAL ORDINANCE NOS. 45-48, 1983, respectively, and read as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 1983

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> 30 Pg. 8	<u>INTERSECTION</u> S. Lynhurst Dr. & Minnesota St.	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u> SIGNAL
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SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

CITY-COUNTY GENERAL ORDINANCE NO. 48, 1983

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> 25 Pg. 24	<u>INTERSECTION</u> N. Pennsylvania St. & E. 25th St.	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u> SIGNAL
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SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u> 25 Pg. 24	<u>INTERSECTION</u> Pennsylvania St. & 25th St.	<u>PREFERENTIAL</u> Pennsylvania St.	<u>TYPE OF CONTROL</u> STOP
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SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 191, 1983. This proposal renames 80th Street between Sargeant Road and Fall Creek Road, 82nd Street. Councillor Durnil reported that the Metropolitan Development Committee recommended passage by a vote of 7-0 on April 20, 1983. He moved, seconded by Councillor Schneider, for adoption. Proposal No. 191, 1983, was adopted on the following roll call vote; viz:

25 YEAS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Tintera, Vollmer, West*
1 NAY: Page
3 NOT VOTING: *Borst, Gilmer, Strader*

Proposal No. 191, 1983, was retitled GENERAL ORDINANCE NO. 49, 1983, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 1983

A GENERAL ORDINANCE naming 80th Street between Sargent Road and Fall Creek Road, 82nd Street based on common usage.

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3 Pg. 2	Ditch Rd. & W. 79th St.		STOP

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
3 Pg. 2	Ditch Rd. & W. 79th St.		SIGNAL

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. 46, 1983

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>
25 Pg. 19	Moore Av. & S. Rural St.		SIGNAL

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>
25 pg. 19	Moore Av. & S. Rural St.	Rural St.	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, 1983

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>
30 Pg. 8	S. Lynhurst Dr. & Minnesota St.		STOP

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

WHEREAS, A survey by Citizens Gas Company has disclosed that 80th Street between Sargent Road and Fall Creek Road has been erroneously designed as 82nd Street; and

WHEREAS, residents on 80th Street between Sargent and Fall Creek Roads have been using, calling and referring to said street as 82nd Street and have been doing so for years; and

WHEREAS, 80th Street between Sargent and Fall Creek Roads based on common usage has and is referred to as 82nd Street; now, therefore:

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

SECTION 1. Eightieth Street between Sargent Road and Fall Creek Road is renamed 82nd Street.

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

PROPOSAL NO. 192, 1983. This proposal approves actions of the Marion County Community Corrections Board with respect to grant applications for 1983-84. Councillor West reported that the Public Safety and Criminal Justice Committee recommended the proposal by a vote of 4-2 on April 14, 1983. After discussion, Councillor Jones moved, seconded by Councillor Rhodes, to send Proposal No. 192, 1983, back to Committee. Council consent was given.

NEW BUSINESS

President stated that there will be a State dinner that will conflict with the Council meeting of June 20, 1983, therefore, Council consent was given to change the date of the meeting until June 22, 1983.

ANNOUNCEMENTS AND ADJOURNMENT

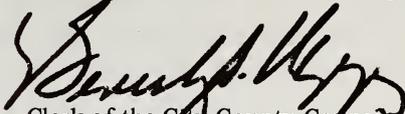
There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:50 p.m.

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 25th day of April, 1983.

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

ATTEST:


President


Clerk of the City-County Council

SEAL)