

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

REGULAR MEETINGS, MONDAY, NOVEMBER 24, 1986

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:02 p.m., on Monday, November 24, 1986, with Councillor SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Dowden introduced Reverend Russell F. Blowers, Senior Pastor of the Nazarene Christian Church of Indianapolis. Mr. Blowers commented that President Reagan has designated the week of November 23 to 28 as National Bible Week. Mr. Blowers thanked members of the Council for participating in the local legislative process and being sensitive to local issues. He presented each member of the Council with a personalized Bible.

Councillor Borst introduced Mr. Curt Coonrod, newly elected Marion County Auditor.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that **REGULAR MEETINGS** of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, November 24, 1986, at 7:00 p.m., the purposes of such **MEETINGS** being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,

s/Beurt SerVaas, President
City-County Council

November 11, 1986

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, November 13, 1986, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on Proposal Nos. 643, 675, 676, 677 and 688, 1986, to be held on Monday, November 24, 1986, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

November 17, 1986

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 111, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) appropriating an additional Fifty-eight Thousand Nine Hundred Ninety-six Dollars (\$58,996) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney and reducing certain other appropriations for that office and the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 112, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) appropriating an additional Eight Thousand Five Hundred Dollars (\$8,500) in the County General Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 113, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) appropriating an additional Forty-one Thousand Two Hundred Fifty-nine Dollars (\$41,259) in the Prosecutor's Diversion Fund for purposes of the Prosecuting Attorney and reducing certain other appropriations for that Office and the unappropriated and unencumbered balance in the Prosecutor's Diversion Fund.

FISCAL ORDINANCE NO. 114, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating Twenty-five Thousand Dollars (\$25,000) in the County General Fund for purposes of the Prosecuting Attorney and reducing certain other appropriations for that Office.

FISCAL ORDINANCE NO. 115, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) appropriating an additional Forty-five Thousand Dollars (\$45,000) in the County General Fund for purposes of the Prosecutor's Child Support IV-D Agency and reducing certain other appropriations for that Agency and the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 116, 1986, amending the City-County Annual Budget for 1986 (City-County Fiscal Ordinance No. 87, 1985) transferring and appropriating One Hundred Fifty Thousand Dollars (\$150,000) in the Transportation General Fund for purposes of the Department of Transportation, Street Maintenance Division, and reducing certain other appropriations for that Division.

SPECIAL RESOLUTION NO. 122, 1986, honoring William G. Mays.

SPECIAL RESOLUTION NO. 124, 1986, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

Respectfully submitted,

s/William H. Hudnut, III

ADOPTION OF THE AGENDA

Consent was given to the adoption of the agenda of the City-County Council and the Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils of November 24, 1986, as distributed.

ADOPTION OF JOURNALS

President SerVaas called for additions or corrections to the Journals of August 4 and 18, 1986. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 734, 1986. This proposal memorializes Ruthann Popcheff. Councillor Coughenour introduced members of the Popcheff family and commented that she had enjoyed working with Ruthann, who was President of the Indiana Victim Assistance Network. Councillor Coughenour moved for adoption. Proposal No. 734, 1986, was adopted by Unanimous Voice Vote, retitled SPECIAL RESOLUTION NO. 125, 1986, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 125, 1986

A SPECIAL RESOLUTION in memory of Ruthann Popcheff.

WHEREAS, Ruthann Popcheff was an officer of the National Organization of Victim Assistants and President of the Indiana Victim Assistance Network; and

WHEREAS, Ms. Popcheff worked in the Indianapolis Police Department's Victim Assistance Program since August 4, 1975, serving as a secretary, staff assistant, coordinator and supervisor; and

WHEREAS, Ruthann Popcheff was a true victim's advocate who successfully walked a thin line between the police and victims of serious crimes, rape victims, survivors of murder victims and others; and

WHEREAS, Ruthann Popcheff has passed away; now, therefore:

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

SECTION 1. The Indianapolis-Marion County City-County Council hereby honors and memorializes Ruthann Popcheff for her outstanding and unselfish contribution to the citizens of the City of Indianapolis and Marion County, Indiana.

SECTION 2. Ms. Ruthann Popcheff is recognized for her many years of helping and assisting the victim of serious crimes, and for her compassion in the manner in which she performed her duties.

SECTION 3. The Council extends to the family of Ruthann Popcheff its condolences on their great personal loss.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 700, 1986. This proposal approves a schedule of regular council meetings for the year 1987. Councillor SerVaas stated that there appeared to be no major conflicts with the 1987 schedule as far as holidays, elections, conventions, etc. Councillor Miller moved for adoption, seconded by Councillor Journey. Proposal No. 700, 1986, was adopted by Unanimous Voice Vote, retitled **COUNCIL RESOLUTION NO. 36, 1986**, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 1986

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 1987.

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

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 1987:

- | | |
|-------------------------------|---------------------------------|
| 1) Monday - January 5, 1987 | 12) Monday - July 20, 1987 |
| 2) Monday - January 26, 1987 | 13) Monday - August 3, 1987 |
| 3) Monday - February 9, 1987 | 14) Monday - August 17, 1987 |
| 4) Monday - February 23, 1987 | 15) Monday - September 14, 1987 |
| 5) Monday - March 9, 1987 | 16) Monday - September 28, 1987 |
| 6) Monday - March 23, 1987 | 17) Monday - October 12, 1987 |
| 7) Monday - April 13, 1987 | 18) Monday - October 26, 1987 |
| 8) Monday - April 27, 1987 | 19) Monday - November 9, 1987 |
| 9) Monday - May 11, 1987 | 20) Monday - November 23, 1987 |
| 10) Monday - June 8, 1987 | 21) Monday - December 14, 1987 |
| 11) Monday - June 22, 1987 | |

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 714, 1986. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a **SPECIAL ORDINANCE** approving the renewal for an additional term of four years, to and including May 18, 1996, of the cable television franchise currently held by Indianapolis Cablevision, Inc.,

which is proposed to be transferred to Comcast Cable Leasing Partners, L.P.”; and the President referred it to the Administration Committee.

PROPOSAL NO. 715, 1986. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a FISCAL ORDINANCE appropriating \$44,128 for the Prosecutor’s Child Support IV-D Agency for expenses incurred for the Electronic Funds Transfer project which will be reimbursed by the federal government”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 716, 1986. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: “A Proposal for a SPECIAL ORDINANCE authorizing the City of Indianapolis and Marion County, Indiana, to issue its resource recovery revenue bonds (Ogden Martin Systems of Indianapolis, Inc. Project), Series 1986”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 717, 1986. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: “A Proposal for a GENERAL ORDINANCE amending the Code by creating the Land and Water Pollution Control Division within the Department of Public Works”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 718, 1986. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: “A Proposal for a GENERAL ORDINANCE amending the Code by authorizing various parking control changes for Broadway Street, from 11th Street to the north terminal of Broadway Street (1125 N)”; and the President referred it to the Transportation Committee.

PROPOSAL NO. 719, 1986. Introduced by Councillor McGrath. The Clerk read the proposal entitled: “A Proposal for a GENERAL ORDINANCE amending the Code by authorizing various parking control changes for Senate Avenue, from Morris Street to Kansas Street”; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 720, 1986. Introduced by Councillor Borst. The Clerk read the proposal entitled "REZONING ORDINANCE certified by the Metropolitan Development Commission on November 17, 1986". PROPOSAL NOS. 721 - 733, 1986. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 20, 1986". The Council did not schedule Proposal Nos. 720, 721 - 733, 1986, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 720 - 733, 1986, were retitled REZONING ORDINANCE NOS. 216 - 229, 1986, take effect thirty days after the respective certification, and read as follows:

**REZONING ORDINANCE NO. 216, 1986. 86-Z-67 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 20**

51 WEST RAYMOND STREET, INDIANAPOLIS.

Marshall Reed requests the rezoning of 1.83 acres, being in the I-2-S and C-1 districts, to the C-7 classification, to provide for auto and truck repair.

**REZONING ORDINANCE NO. 217, 1986. 86-Z-187 (86-DP-15) AMENDED PIKE
TOWNSHIP**

COUNCILMANIC DISTRICT NO. 1

5601 WEST 62ND STREET, INDIANAPOLIS.

American Community Development Corporation requests the rezoning of 205.82 acres, being in the A-2 district, to the D-P classification, to permit development of single-family residences, single-family-detached, zero lot line homes, multi-family attached units and a recreation center for the exclusive use of the residents of this planned community.

**REZONING ORDINANCE NO. 218, 1986. 86-Z-194A AMENDED PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 8**

5331 WEST 46TH STREET, INDIANAPOLIS.

Bill C. Duncan, Robert L. Pritchard and Eugene L. Henderson, by Robert T. Wildman, request the rezoning of 2.43 acres, being in the D-6, FP and FW districts, to the C-1 classification, to permit commercial development.

**REZONING ORDINANCE NO. 219, 1986. 86-Z-194B AMENDED PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 8**

5331 WEST 46TH STREET, INDIANAPOLIS.

Bill C. Duncan, Robert L. Pritchard and Eugene L. Henderson, by Robert T. Wildman, request the rezoning of 4.63 acres, being in the D-6, FP and FW districts, to the C-4 classification, to permit commercial development.

**REZONING ORDINANCE NO. 220, 1986. 86-Z-195A AMENDED PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 8**

5301 WEST 46TH STREET, INDIANAPOLIS.

Bill C. Duncan, Robert L. Pritchard and Eugene L. Henderson, by Robert T. Wildman, request the rezoning of 13.16 acres, being in the A-2, D-6, D-6II, C-4, FP and FW districts, to the C-5 classification, to permit commercial development.

REZONING ORDINANCE NO. 221, 1986. 86-Z-195B AMENDED PIKE TOWNSHIP

**COUNCILMANIC DISTRICT NO. 8
5301 WEST 46TH STREET, INDIANAPOLIS.**

Bill C. Duncan, Robert L. Pritchard and Eugene L. Henderson, by Robert T. Wildman, request the rezoning of 32.82 acres, being in the A-2, D-6, D-6II, C-4, FP and FW districts, to the C-5 classification, to permit commercial development.

**REZONING ORDINANCE NO. 222, 1986. 86-Z-196 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 8**

4201 MOLLER ROAD, INDIANAPOLIS.

Bill C. Duncan, Robert L. Pritchard and Eugene L. Henderson, by Robert T. Wildman, request the rezoning of 8.32 acres, being in the D-6II, FP and FW districts, to the C-3 classification, to permit commercial development.

**REZONING ORDINANCE NO. 223, 1986. 86-Z-224 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5**

8351 EAST 96TH STREET (Rear), INDIANAPOLIS.

Boehringer Mannheim Corporation, by James R. Nickels, requests the rezoning of 0.3 acres, being in the D-P district, to the I-2-S classification, to provide for the connection of an industrial use.

**REZONING ORDINANCE NO. 224, 1986. 86-Z-225 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 20**

1799 KENTUCKY AVENUE, INDIANAPOLIS.

Independent Concrete Pipe Corporation, by James L. Tuohy, requests the rezoning of 5.02 acres, being in the C-7 district, to the I-4-U classification, to provide for the expansion of a concrete pipe manufacturing and storage business.

**REZONING ORDINANCE NO. 225, 1986. 86-Z-226 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25**

1131 WEST THOMPSON ROAD, INDIANAPOLIS.

D.R. Short Steel Company, Incorporated, by Stephen D. Mears, requests the rezoning of 7.3 acres, being in the I-2-S and FP districts, to the I-4-S and FP classifications, to provide for a steel fabrication business.

**REZONING ORDINANCE NO. 226, 1986. 86-Z-227 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5**

7343 OAKLANDON ROAD, INDIANAPOLIS.

Adams & Marshall, Incorporated, by Jeffrey A. Abrams, requests the rezoning of 1.87 acres, being in the A-2 district, to the D-3 classification, to provide for single-family development.

**REZONING ORDINANCE NO. 227, 1986. 86-Z-232 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20**

202 WEST EDGEWOOD AVENUE, INDIANAPOLIS.

Reginald J. Speicher, by Michael J. Kias, requests the rezoning of 14.23 acres, being in the A-2 district, to the D-3 classification, to provide for single-family residential development.

REZONING ORDINANCE NO. 228, 1986. 86-Z-233 WASHINGTON TOWNSHIP

**COUNCILMANIC DISTRICT NO. 7
5535 NORTH KEYSTONE AVENUE, INDIANAPOLIS.**

Robert E. Steinmetz, by Bruce L. Kamplain, requests the rezoning of 0.28 acre, being in the D-4 district, to the C-4 classification, to provide for a car wash.

**REZONING ORDINANCE NO. 229, 1986. 86-Z-246 (86-DP-14)
LAWRENCE TOWNSHIP**

**COUNCILMANIC DISTRICT NO. 5
7945 HAGUE ROAD, INDIANAPOLIS.**

Republic Development Corporation, by James R. Nickels, request the rezoning of 1.4 acres, being in the A-2 district, to the D-P classification, to provide for single-family residential development consistent with and as a part of Cardinal Cove.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 643, 1986. This proposal appropriates \$35,000 for the County Auditor for purposes of a loan for Poor Relief for Franklin Township. Councillor Cottingham explained that the Franklin Township Trustee's Office is about \$49,000 in arrears and that revenues from property taxes will not be adequate to cover its debts. The County and Townships Committee on November 18, 1986, recommended Proposal No. 643, 1986, Do Pass by a 5-0 vote. The President called for public testimony at 7:20 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Giffin, for adoption. Proposal No. 643, 1986, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: Bradley, Dowden, Schneider

Proposal No. 643, 1986, was retitled FISCAL ORDINANCE NO. 117, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (a)(2) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of authorizing the County Auditor to loan Thirty-five Thousand Dollars to the Poor Relief Fund for purposes of Poor Relief for Franklin Township.

SECTION 2. The sum of Thirty-five Thousand Dollars (\$35,000) 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:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	<u>\$35,000</u>
TOTAL INCREASE	\$35,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>\$35,000</u>
TOTAL REDUCTION	\$35,000

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

PROPOSAL NO. 675, 1986. This proposal appropriates \$19,000 for the Department of Administration, Legal Division, for legal services concerning environmental issues for the Department of Public Works. Councillor West explained that the appropriation would be used for legal services in conjunction with major construction projects. The Administration Committee on November 17, 1986, recommended Proposal No. 675, 1986, Do Pass by a 6-0 vote. The President called for public testimony at 7:22 p.m.

Mr. Jack D. Clark commented that there should be more explanation regarding the environmental issues addressed in Proposal No. 675.

Councillor SerVaas explained that committee hearings are held to discuss items on the Council agenda and that many hours are spent discussing these issues. He added that members of the public are welcome at the committee hearings to provide public testimony.

Councillor Cottingham moved, seconded by Councillor Coughenour, for adoption. Proposal No. 675, 1986, was adopted on the following roll call vote; viz:

27 AYES: *Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West, Williams*
NO NAYS
2 NOT VOTING: *Dowden, Schneider*

Proposal No. 675, 1986, was retitled FISCAL ORDINANCE NO. 118, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Administration, Legal Division, for legal services concerning environmental issues for the Department of Public Works.

SECTION 2. The sum of Nineteen Thousand Dollars (\$19,000) 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:

<u>DEPARTMENT OF ADMINISTRATION</u>	
<u>LEGAL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>\$19,000</u>
TOTAL INCREASE	\$19,000

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

CONSOLIDATED COUNTY FUND

Unappropriated and Unencumbered Consolidated County Fund	\$19,000
TOTAL REDUCTION	\$19,000

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

PROPOSAL NO. 676, 1986. This proposal appropriates an additional \$6,400 in the Sanitary District Sinking Fund for an interest payment regarding registration fees. Councillor Coughenour stated that \$5,000 of the appropriation is for bond maturity from last year that was unredeemed and the remaining \$1,400 is for bond registration service fees on this year's sanitary bond issue. The Public Works Committee on November 20, 1986, recommended Proposal No. 676, 1986, Do Pass by a 5-0 vote. The President called for public testimony at 7:28 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Boyd, for adoption. Proposal No. 676, 1986, was adopted on the following roll call vote; viz:

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

Proposal No. 676, 1986, was retitled FISCAL ORDINANCE NO. 119, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 119, 1986

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

**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(c) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of an interest payment and bond registration fees.

SECTION 2. The sum of Six Thousand Four Hundred Dollars (\$6,400) 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:

	SANITARY DISTRICT SINKING FUND
3. Other Services & Charges	<u>\$6,400</u>
TOTAL INCREASE	\$6,400

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

	SANITARY DISTRICT SINKING FUND
Unappropriated and Unencumbered Sanitary District Sinking Fund	<u>\$6,400</u>
TOTAL REDUCTION	\$6,400

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

PROPOSAL NO. 677, 1986. This proposal approves the issuance of temporary tax anticipation time warrants for the Park District Fund, Consolidated County Fund, Consolidated City Police Force Account, Police Pension Fund, Consolidated City Fire Force Account, Firemen's Pension Fund and Sanitary Solid Waste General Fund during the period of January 1, 1987, to December 31, 1987. Councillor West stated that the Controller is requesting \$68,600,000 for tax warrants for 1987. The President called for public testimony at 7:29 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Holmes, for adoption. Proposal No. 677, 1986, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Boyd, Nickell, Williams*

Proposal No. 677, 1986, was retitled FISCAL ORDINANCE NO. 120, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 120, 1986

A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Consolidated County Fund, the Park District Fund, the Flood Control General Fund, the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund during the period January 1, 1987, to December 31, 1987, in anticipation of

current taxes levied in the year 1986 and collectible in the year 1987, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said tax anticipation time warrants including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now finds:

(1) that there will be insufficient funds in the Consolidated County Fund to meet the current expenses of the Consolidated County Fund, payable from said fund prior to the June and December, 1987 distribution of taxes levied for said Fund, and the June and December, 1987 distribution of taxes to be collected for said Consolidated County Fund will amount to more than five million eight hundred thousand dollars (\$5,800,000) and the interest cost of making a temporary loan for said Consolidated County Fund;

(2) that there will be insufficient funds in the Park District Fund to meet the current expenses of the Department of Parks and Recreation payable from said Fund prior to the June and December, 1987 distribution of taxes levied for said Fund, and the June and December, 1987 distributions of taxes to be collected for said Park District Fund will amount to more than seven million one hundred thousand dollars (\$7,100,000) and the interest cost of making a temporary loan for said Park District Fund;

(3) that there will be insufficient funds in the Flood Control General Fund to meet the current expenses of the Flood Control General Fund payable from said Fund prior to the June and December, 1987 distribution of taxes levied for said Fund, and that the Board of Public Works of the City of Indianapolis has authorized the making of a temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Flood Control General Fund in the amount of one million two hundred thousand dollars (\$1,200,000) payable from the June and December, 1987 distributions of taxes levied for said Fund;

(4) that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from said Account prior to the June and December, 1987 distribution of taxes levied for said Account, and the June and December, 1987 distributions of taxes to be collected for said Consolidated Police Force Account will amount to more than twenty million seven hundred thousand dollars (\$20,700,000) and the interest cost of making a temporary loan for said Consolidated City Police Force Account;

(5) that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from said Fund prior to the June and December, 1987 distribution of taxes levied for said Fund, and the June and December, 1987 distributions of taxes collected for said Police Pension Fund will amount to more than four million six hundred thousand dollars (\$4,600,000) and the interest cost of making a temporary loan for said Police Pension Fund;

(6) that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from said Account prior to the June and December, 1987 distribution of taxes levied for said Account, and the June and December, 1987 distributions of taxes to be collected for said Consolidated City Fire Force Account will amount to more than seventeen million

four hundred thousand dollars (\$17,400,000) and the interest cost of making a temporary loan for said Consolidated City Fire Force Account; and

(7) that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from said Fund prior to the June and December, 1987 distribution of taxes levied for said Fund, and the June and December, 1987 distributions of taxes collected for said Firemen's Pension Fund will amount to more than five million one hundred thousand dollars (\$5,100,000) and the interest cost of making a temporary loan for said Firemen's Pension Fund; and

(8) that there will be insufficient funds in the Sanitary Solid Waste General Fund to meet the current expenses of the Sanitary Solid Waste Fund payable from said Fund prior to the June and December, 1987 distribution of taxes levied for said Fund, and that the Board of Public Works of the City of Indianapolis has authorized the making of temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Sanitary Solid Waste General Fund in the amount of six million six hundred thousand dollars (\$6,600,000) payable from the June and December, 1987 distributions of taxes levied for said Fund; and

WHEREAS, a necessity exists for the making of temporary loans for said Funds and Accounts in anticipation of current revenues for said Funds and Accounts actually levied for the year 1986 and in course of collection for the year 1987; now, therefore:

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

SECTION 1. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Consolidated County Fund of said City in the maximum amount of five million eight hundred thousand dollars (\$5,800,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1987, which loan shall be evidenced by tax anticipation time warrants. Said warrants, including interest shall be payable from the Consolidated County Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Consolidated County Fund from the June and December, 1987 distributions of taxes for said Consolidated County Fund, viz; five million eight hundred thousand dollars (\$5,800,000) to the Consolidated County Fund, the 1987 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and said Consolidated County Fund, 1987 Budget Fund No. 027, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity.

SECTION 2. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Park District Fund of said City in the maximum amount of seven million one hundred thousand dollars (\$7,100,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1987, which loan shall be evidenced by tax anticipation time warrants. Said warrants, including interest shall be payable from the Park District Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Park District Fund from the June and December 1987 distributions of taxes for said Park District Fund, viz; seven million one hundred thousand dollars (\$7,100,000) to the Park District Fund, the 1987 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and said Park District Fund, 1987 Budget Fund No. 092, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on said principal computer from the date or dates of said warrants to the date of maturity.

SECTION 3. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Flood Control General Fund of said City in the maximum amount of one million two hundred thousand dollars (\$1,200,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1987, which loan shall be evidenced by tax anticipation time warrants. Said warrants, including interest shall be payable from the Flood Control General Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Flood Control General Fund from the June and December, 1987 distributions of taxes for said Flood Control General Fund, viz; one million two hundred thousand dollars (\$1,200,000) to the 1987 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrant evidencing such temporary loan, and to the 1987 Budget Fund No. 066, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity.

SECTION 4. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Consolidated City Police Force Account of said City in the maximum amount of twenty million seven hundred thousand dollars (\$20,700,000) in anticipation of current tax revenues actually levied and in course of collection for said Account for the year 1987, which loan shall be evidenced by tax anticipation time warrants. Said warrants, including interest shall be payable from the Consolidated City Police Force Account, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Consolidated City Police Force Account from the June and December, 1987 distributions of taxes for said Consolidated City Police Force Account, viz; twenty million seven hundred thousand dollars (\$20,700,000) to the 1987 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and to the 1987 Budget Fund No. 084, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity.

SECTION 5. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Police Pension Fund of said City in the maximum amount of four million six hundred thousand dollars (\$4,600,000) in anticipation of current tax revenues actually levied and in course of collection for said fund for the year 1987, which loan shall be evidenced by tax anticipation time warrants. Said warrants, including interest shall be payable from the Police Pension Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Police Pension Fund from the June and December 1987 distributions of taxes for said Police Pension Fund, viz; four million six hundred thousand dollars (\$4,600,000) to the Police Pension Fund 1987 Budget Fund No. 085, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity.

SECTION 6. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Consolidated City Fire Force Account of said City in the maximum amount of seventeen million four hundred thousand dollars (\$17,400,000) in anticipation of current tax revenues actually levied and in course of collection for said Account for the year 1987, which loan shall be evidenced by tax anticipation time warrants. Said warrants, including interest shall be payable from the Consolidated City Fire Force Account, and there is hereby appropriated and pledged

to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Consolidated City Fire Force Account from the June and December, 1987 distribution of taxes for said Consolidated City Fire Force Account, viz; seventeen million four hundred thousand dollars (\$17,400,000) to the 1987 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and to the 1987 Budget Fund No. 087, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity.

SECTION 7. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Firemen's Pension Fund of said City in the maximum amount of five million one hundred thousand dollars (\$5,100,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1987, which loan shall be evidenced by tax anticipation time warrants. Said warrants, including interest shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Firemen's Pension Fund from the June and December, 1987 distributions of taxes for said Firemen's Pension Fund, viz; five million one hundred thousand dollars (\$5,100,000) to the Firemen's Pension 1987 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and the Firemen's Pension Fund 1987 Budget Fund No. 088, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on said principal computed from the date or dates or said warrants to the date of maturity.

SECTION 8. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Sanitary Solid Waste General Fund of said City in the maximum amount of six million six hundred thousand dollars (\$6,600,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1987, which loan shall be evidenced by tax anticipation time warrants. Said warrant, including interest shall be payable from the Sanitary Solid Waste General Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Sanitary Solid Waste General Fund from the June and December, 1987 distributions of taxes for said Sanitary Solid Waste General Fund, viz; six million six hundred thousand dollars (\$6,600,000) to the 1987 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and to the 1987 Budget Fund No. 055, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity.

SECTION 9. The proceedings had and action taken by the Board of Public Works of the City of Indianapolis in authorizing the making of a temporary loan and the issuance of tax anticipation time warrants to evidence such loan for the Sanitary Solid Waste General Fund for six million six hundred thousand dollars (\$6,600,000) payable from the June and December, 1987 distribution of taxes levied for said funds, are hereby ratified, approved, and confirmed and to the extent as may be required by law, shall be deemed to be proceedings had and action taken by this City-County Council, and are incorporated herein by reference.

SECTION 10. All tax anticipation time warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of ten percent per

annum, to be determined as hereinafter provided in Section 11, and shall mature and be payable not later than December 31, 1987. Said warrants shall be dated as of the date or dates of actual delivery of the respective warrants; and the interest accruing on each said warrant to its date of maturity shall be added to and included in the face value of the warrant.

SECTION 11. (a) The Controller may sell the tax anticipation time warrants pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have said tax anticipation time warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute said tax anticipation time warrants in the manner substantially set out in the form hereinafter provided.

(b) The Controller may sell any or all said warrants to the Indianapolis Local Public Improvement Bond Bank ("Bond Bank") pursuant to I.C. 5-1.4 on such terms and conditions as are mutually agreed to between the Controller and the Bond Bank. In the event of a sale of such warrants to the Bond Bank, the Mayor, Controller and Clerk are authorized to execute an Advance Funding Agreement with the Bond Bank in a form acceptable to the Controller and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such warrants.

(c) The Controller may sell any or all said warrants at public sale. Prior to the sale of said warrants at public sale, the Controller shall cause to be published a notice of sale at least ten days before the date of sale in two newspapers of general circulation, printed in the English language and published in the City of Indianapolis, as provided by law. All bids at public sale for said warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for said warrants, or portion thereof bid for. If sold at public sale, said warrants, or portion thereof bid for, shall be awarded to the bidder or bidders therefore submitting the lowest interest rate or rates. In the event two bidders submit the same interest rate for all or a portion of the warrants, such warrants shall be awarded to the bidder submitting the greatest premium. Any premium bid shall be used solely for the repayment of the principal of and interest on the warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the time warrants to the purchaser or purchasers of said warrants at public sale at the agreed purchase price. The warrants may all be delivered at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to said delivery by and between the Controller and the purchaser of the warrants at public sale.

SECTION 12. Said tax anticipation time warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____ Principal and Interest \$ _____

**CITY OF INDIANAPOLIS
TAX ANTICIPATION TIME WARRANT
(FUND)**

On the ___ date of _____, 19___, the City of Indianapolis in Marion County, Indiana promises to pay to the bearer, at the office of the Marion County Treasurer, ex

officio Treasurer or _____ the paying agent of the City of Indianapolis, the sum of _____ including interest on the principal amount of this warrant from the date hereof to maturity, payable out of and from taxes levied in the year of 19____, and payable in the year 19____, which said taxes are now in course of collection for the _____ of the City of Indianapolis, with which to pay general, current, operating expenses of the _____.

This Tax Anticipation Time Warrant is one of an authorized issue of warrants aggregating a sum of _____ exclusive of interest added thereto to the maturity, evidencing a temporary loan in _____ (Fund) of said City of Indianapolis and Marion County.

Said temporary loan was authorized by (Resolution No____ duly adopted by the Board of Public Works of the City of Indianapolis at a meeting thereof duly and legally convened and held on the____ day of _____, 19____, for the purpose of providing funds for the Sanitary Solid Waste General Fund of said Sanitary District in compliance with the provision of I.C. 36-9-25-32) and by ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the____ day of _____, 19____, for the purpose of providing funds for the _____

(Fund) of said City of Indianapolis, in compliance with I.C. 36-3-4-22.

The consideration of said warrant is a loan made to the City of Indianapolis in anticipation of taxes levied for the _____ of said City for the year of 19____, payable in the year 19____, and said taxes so levied are hereby specifically appropriated and pledged to the payment of said Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of said warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused the warrant to be signed in its corporate name by the facsimile signature of the Mayor, and countersigned by the Controller of the City of Indianapolis, the corporate seal of said City to be hereunto affixed, and attested by the Clerk of the City of Indianapolis.

Dated this____ day of _____, 19____

CITY OF INDIANAPOLIS

By: _____
Mayor, City of Indianapolis
William H. Hudnut, III

COUNTERSIGNED:

By: _____
Controller, City of Indianapolis

Fred L Armstrong

ATTEST:

By: _____
Clerk, City of Indianapolis
Beverly S. Rippy

SECTION 13. Said tax anticipation time warrants shall be executed in the name of the City of Indianapolis by the facsimile signature of the Mayor of said City, countersigned by the Controller of said City, the corporate seal of said City to be affixed thereto and attested by the Clerk of the Council. Said warrants shall be payable at the office of the Marion County Treasurer, the ex officio City Treasurer or the paying agent of the City of Indianapolis.

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

PROPOSAL NO. 688, 1986. This proposal appropriates \$10,000 for the Presiding Judge of the Municipal Court for a grant from the Department of Justice for drug testing evaluation. The Public Safety and Criminal Justice Committee on November 19, 1986, recommended Proposal No. 688, 1986, Do Pass by a 3-2 vote. Councillor Dowden explained that he was not on the prevailing side of the Committee's recommendation and asked Councillor Shaw to make the Committee report. Councillor Shaw explained that urine samples would be collected on a random basis and that the inmate's identity would be kept confidential. The purpose of the testing is to see if certain crimes are associated with specific drugs. The President called for public testimony at 7:31 p.m. Councillor Shaw moved, seconded by Councillor Hawkins, for adoption.

Councillor Strader questioned the constitutionality of taking urine samples.

Councillor Shaw stated that it was his understanding that the inmates volunteer to participate in the testing and that only one out of every five inmates are tested.

Councillor Nickell explained that she was not on the prevailing side of the Committee's recommendation. It is her opinion that the test results could be utilized more efficiently. The urine samples are sent to Washington, D.C. for testing, and the test results are kept at that location.

Councillor West read from correspondence from the Presiding Judge of the Municipal Court, Harold Kohlmeyer. The Judge explained in the letter the value of this criminal justice research, stating that a profile of offenders would be developed, thus aiding in the treatment and understanding of offenders.

Councillor Page voiced support for passage of Proposal No. 688.

Councillor Borst also voiced support for passage of Proposal No. 688; however, criticized the lack of information from the Court concerning this issue. Councillor Borst moved, seconded by Councillor Clark, to postpone Proposal No. 688, 1986, until the December 15, 1986, meeting of the Council. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 509, 1986. This proposal amends the Code concerning the transportation of hazardous materials in and through Indianapolis and Marion County, Indiana. The Transportation Committee on November 19, 1986, recommended Proposal No. 509, 1986, Do Pass As Amended by a 2-0-1 vote. Councillor Gilmer stated that the Transportation Committee held two lengthy hearings to discuss Proposal No. 509 and that the Committee recommendation was supported by the trucking industry.

Councillor Coughenour, sponsor of Proposal No. 509, stated that it is difficult to ascertain what hazardous materials are being transported in Indianapolis during peak traffic times. Proposal No. 509 would allow a better documentation of what hazardous materials are being transported along with providing better coordination of responses from the various fire protection agencies in Marion County. Councillor Coughenour added that the trucking industry was represented by the Indiana Motor Truck Association at the Transportation Committee hearings and that the industry voiced support of the Committee's recommendation.

Councillor Clark recommended that the definition of the downtown area in Proposal No. 509 be changed so that it would be more easily understood by truck drivers.

Councillor Coughenour stated that the definition of the downtown area was recommended by the Departments of Transportation and Public Safety.

President SerVaas urged Councillor Clark to articulate his suggestion for amendment to the General Counsel.

Councillor Stewart voiced several concerns regarding Proposal No. 509: 1) there are safety hazards because school buses use I-465; 2) who will be responsible to enforce the new regulations; and 3) it is dangerous for a semi containing hazardous materials to be stopped along I-465. Councillor Stewart also questioned the readiness of fire departments to the new proposed regulations.

Mr. Gerald Humphries, representing the Warren Township Fire Department, confirmed that Warren Township may not be ready to respond to the proposed regulations and that the newly formed Marion County Hazardous Materials Task Force is continuing to meet to discuss the transportation of hazardous materials in Marion County. It was Mr. Humphries' opinion that the Marion County Sheriff's Department would have the majority of responsibility for the proposed regulations and that enforcement from the state level would be questionable.

Councillor Coughenour stated that other cities have passed similar legislation to Proposal No. 509 and that there has been a reported 95% cooperation rate. Most companies transporting hazardous materials have liability insurance which would deter the drivers from disobeying the law.

Councillor Stewart moved to postpone Proposal No. 509, 1986, As Amended, until fire and emergency medical response teams are prepared.

Mr. Humphries commented that the Warren Township Fire Department has been actively training for two years to better respond to hazardous materials emergencies.

Mr. Humphries urged the Council not to postpone Proposal No. 509, stating that future funding for hazardous response teams depend upon passage of Proposal No. 509.

Councillor Howard voiced support for passage of Proposal No. 509, 1986, As Amended.

Councillor Curry also voiced support for passage. He referred to the Advisory Committee which would be formed and expressed confidence that the Committee would "act in prudence and would function in a way that transportation groups can work under these new regulations".

Councillor Cottingham introduced Wayne Township Fire Department Chief Richard Lamb.

Mr. Lamb stated that the new regulations would be "putting the cart before the horse". He added that tools and equipment along with sufficient training are needed before passage of Proposal No. 509.

Councillor Nickell mentioned that Marion County has been very fortunate not to have experienced a major hazardous materials incident. She questioned evacuation methods and the dissipation of fumes from the downtown area should an emergency occur.

Councillor West moved to amend Proposal No. 509, 1986, Committee Report, in Section 29-432, subsection (c) by deleting "6:00 a.m. to 9:00 a.m.", and substituting therefor "7:00 a.m. to 9:00 a.m." and deleting "3:00 p.m. to 6:00 p.m." and substituting therefor "3:30 p.m. to 5:30 p.m."

Councillor Dowden seconded Councillor Stewart's previous motion to postpone Proposal No. 509, 1986, As Amended.

President SerVaas asked Councillor Stewart to clarify the date of postponement.

Councillor Stewart responded that the issue should be postponed until after the beginning of 1987.

Councillor Stewart moved to return Proposal No. 509, 1986, back to committee. Councillor Dowden seconded the motion.

Councillor Clark suggested that a financial impact statement from the Public Safety and Criminal Justice Committee be provided regarding costs to township fire departments for the new regulations.

Councillor Coughenour stated that she would approach the state legislature for funding on this issue and that the state has a new environmental division. The Auditor has been asked to set aside \$100,000 for this issue, and a not-for-profit fund has already been established to accept donations from chemical companies.

President SerVaas inquired if there was any further discussion on the motion to return Proposal No. 509, 1986, As Amended, to committee.

Councillor Coughenour noted that the new regulations provide for a seven-member committee to handle exceptions to this ordinance. It was her opinion that the fire departments would never express readiness to handle the new regulations and that the township fire departments know that future funding is contingent upon passage of Proposal No. 509.

Councillor McGrath referred to the Transportation Committee hearings on Proposal No. 509 and stated that there were "too many people speaking on behalf of other persons at our meetings". It was his opinion that further study was needed.

Councillor Durnil questioned the legality of placing restrictions on the interstate system, specifically, is it allowable to place placquards on the interstate.

Councillor Coughenour stated that the United States Department of Transportation was contacted on the issue of placquarding and that it would be allowed. She asked Mr. Richard Blankenbaker, Director of the Department of Transportation, to address the Council.

It was Mr. Blankenbaker's opinion that postponement of Proposal No. 509 would cause problems. The Hazardous Materials Task Force has been meeting for approximately two and one-half years and one goal is to have four or five well-trained response teams in the County rather than having fourteen or fifteen fire departments responding to hazardous materials emergencies. Once routing is identified there would be new protocols developed regarding boundaries.

The motion to send Proposal No. 509, 1986, As Amended, back to committee failed on the following roll call vote; viz:

11 AYES: Clark, Cottingham, Dowden, Durnil, Giffin, Holmes, McGrath, Page, Rader, Schneider, Stewart

17 NAYS: Borst, Boyd, Bradley, Coughenour, Crowe, Curry, Gilmer, Hawkins, Journey, Miller, Nickell, Rhodes, SerVaas, Shaw, Strader, West, Williams

1 NOT VOTING: Howard

Councillor Williams, a member of the Transportation Committee, stated that she was unable to attend the Committee's second hearing on Proposal No. 509 but that it is her opinion that a lot of good information has been collected on the issue.

Mr. Tom Miller, speaking on behalf of the Indianapolis Firefighters, voiced support for Proposal No. 509, 1986, As Amended. He stated that it will help establish routing and estimated that there are about forty firefighters in the Indianapolis Fire Department who have extensive training in response to hazardous materials emergencies.

Councillor West's motion to amend was seconded by Councillor Page. The vote on the motion was carried by Consent.

Councillor West moved, seconded by Councillor Page, for adoption of Proposal No. 509, 1986, As Amended. Proposal No. 509, 1986, As Amended, was adopted on the following roll call vote; viz:

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

Proposal No. 509, 1986, As Amended, was retitled GENERAL ORDINANCE NO. 115, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 115, 1986

A GENERAL ORDINANCE concerning the transportation of hazardous materials in and through 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 VIII of Chapter 29 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underscored and deleting the language crosshatched to read as follows:

**ARTICLE VIII. HAZARDOUS/CHARGED MATERIALS
TRANSPORTATION**

Sec. 29-431. ~~CHARGED MATERIALS TRANSPORTATION~~. Purpose.

PROPOSAL NO. 589, 1986. This proposal amends the Code by authorizing speed limit control changes on portions of 75th Street from Dean Road to Sargent Road. Councillor Gilmer stated that the Transportation Committee on November 19, 1986, recommended Proposal No. 589, 1986, Do Pass As Amended by a 4-1 vote. Councillor Gilmer moved, seconded by Councillor McGrath, for adoption. Proposal No. 589, 1986, was adopted on the following roll call vote; viz:

21 AYES: Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Giffin, Gilmer, Holmes, McGrath, Miller, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams

NO NAYS

8 NOT VOTING: Borst, Clark, Dowden, Durnil, Hawkins, Howard, Journey, Nickell

Proposal No. 589, 1986, As Amended, was retitled GENERAL ORDINANCE NO. 116, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 116, 1986

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

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 limits, be, and the same is hereby amended by the addition of the following, to wit:

Seventy-fifth Street, from State Road 37 to Sargent Road, 40 mph.

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

PROPOSAL NO. 642, 1986. This proposal transfers and appropriates \$400,000 and amends the personnel schedule for the Marion County Department of Public Welfare to pay salaries through December 31, 1986. Councillor Stewart explained that \$325,000 is for salaries and \$75,000 is for employee benefits.

The Community Affairs Committee on November 20, 1986, recommended Proposal No. 642, 1986, Do Pass As Amended by a 4-0 vote. Councillor Stewart moved, seconded by Councillor Curry, for adoption. Proposal No. 642, 1986, was adopted on the following roll call vote; viz:

20 AYES: Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Giffin, Gilmer, McGrath, Miller, Nickell, Page, Rader, Schneider, SerVaas, Shaw, Stewart, West, Williams

2 NAYS: Holmes, Rhodes

7 NOT VOTING: Borst, Dowden, Durnil, Hawkins, Howard, Journey, Strader

Proposal No. 642, 1986, As Amended, was retitled FISCAL ORDINANCE NO. 121, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 121, 1986

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

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 3.01 of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Marion County Department of Public Welfare to pay December salaries through December 31, 1986, before employees are transferred to the state of Indiana's payroll.

SECTION 2. The sum of Four Hundred Thousand Dollars (\$400,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

**MARION COUNTY DEPARTMENT
OF PUBLIC WELFARE**

1. Personal Services
TOTAL INCREASE

COUNTY WELFARE FUND
\$400,000
\$400,000

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

**MARION COUNTY DEPARTMENT
OF PUBLIC WELFARE**

3. Other Services & Charges
TOTAL REDUCTION

COUNTY WELFARE FUND
\$400,000
\$400,000

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

MARION COUNTY DEPARTMENT OF PUBLIC WELFARE - Dept. 84

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Director	1	61,400 <u>63,000</u>	61,400 <u>63,000</u>
Supervisors & Administrative	85	38,000 <u>39,000</u>	1,918,000 <u>1,958,000</u>
Casework Personnel	332	30,000 <u>33,000</u>	3,528,000 <u>5,342,000</u>
Clerical Assistants	124	18,400 <u>21,400</u>	1,552,000 <u>1,540,000</u>
Custodians	2	15,600 <u>17,000</u>	28,200 <u>32,000</u>
Attorneys	6	37,000 <u>40,000</u>	187,000 <u>184,000</u>
Personal Services Under IV, B	0	-0-	-0-
Co. Welfare Board Members	5	<u>400</u>	<u>2,000</u> <u>1,000</u>
Group Insurance			889,000 <u>834,000</u>
PERF			687,000 <u>712,000</u>
Social Security			629,000 <u>649,000</u>
Unemployment			38,000 <u>17,000</u>
Workman's Comp.			80,000 <u>1,295</u>
Vacancy Factor			(558,305) <u>-0-</u>
TOTAL	555	\$10,983,295	<u>11,333,295</u>

The official responsible for hiring and fixing salaries for this office shall limit the number of personnel or the salaries or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of \$~~10,937,795~~ 11,333,295.

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

PROPOSAL NO. 644, 1986. This proposal amends the Code by establishing a non-reverting fund into which grants to Marion County from not-for-profit corporations may be deposited. Councillor Cottingham stated that the new fund is entitled "County Grant Fund". The County and Townships Committee on November 18, 1986, recommended Proposal No. 644, 1986, Do Pass by a 5-0 vote. Councillor Cottingham moved, seconded by Councillor Giffin, for adoption. Proposal No. 644, 1986, was adopted on the following roll call vote; viz:

23 AYES: Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Holmes, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams

NO NAYS

6 NOT VOTING: Borst, Clark, Durnil, Hawkins, Howard, Journey

Proposal No. 644, 1986, was retitled GENERAL ORDINANCE NO. 117, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 117, 1986

A GENERAL ORDINANCE creating a "County Grants Fund."

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

SECTION 1. Article IX of Chapter 2 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by adding a new Section 2-359 which reads as follows:

Sec. 2-359. County Grants Fund.

(a) There is hereby created a "county grants fund." The fund shall consist of deposits in the form of grants received from local, state, and national not-for-profit corporations.

(b) The county grants fund may be used for funding various public purposes in accordance with the terms under which the county accepts grants made by such not-for-profit corporations.

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

PROPOSAL NO. 645, 1986. This proposal transfers and appropriates \$97,500 and amends the personnel schedule for the Information Services Agency to purchase paper supplies and to fund the continuation of the recorder index project and other ordinary expenses of the Agency. Councillor Cottingham explained that the County and Townships Committee on November 18, 1986, recommended Proposal No. 645, 1986, Do Pass As Amended by a 4-1 vote. The amendment was to reduce the appropriation from \$97,500 to \$90,500. The appropriation will be utilized as follows: \$20,000 for paper and printing supplies; \$10,000 for the recorder index project; \$5,000 for maintenance on existing equipment; and \$55,500 for outstanding invoices from vendors. Councillor Cottingham moved, seconded by Councillor Bradley, for adoption. Proposal No. 645, 1986, As Amended, was adopted on the following roll call vote; viz:

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

Proposal No. 645, 1986, As Amended, was retitled FISCAL ORDINANCE NO. 122, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01(c)(1) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Information Services Agency to purchase paper supplies and to fund the continuation of the recorder index project and other ordinary expenses of the Agency.

SECTION 2. The sum of Ninety Thousand Five Hundred Dollars (\$90,500) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>INFORMATION SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$20,000
3. Other Services & Charges	<u>70,500</u>
TOTAL INCREASE	\$90,500

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

<u>INFORMATION SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$90,500
TOTAL REDUCTION	<u>\$90,500</u>

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

(1) INFORMATION SERVICES AGENCY - Dept. 03
County General Fund

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Director	1	56,990	39,292 <u>33,292</u>
Deputy Director	2	40,200	89,396
Managers	6	38,500	201,127 <u>203,127</u>
Executive Secretary	1	17,063	17,063
Admin. Assist.	1	16,250	18,000 <u>18,000</u>

Receptionist	2	11,500	23,000
Lead Systems Engineer	1	37,200	33,000
Senior Systems Engineer	2	35,400	58,661
Systems Engineer	2	29,500	54,587
Data Administrator	1	35,000	33,579
Lead Database Analyst	0	29,000	-0-
Senior Database Analyst	0	24,500	-0-
Database Analyst	2	20,800	27,800
Lead Programmer/Analyst	4	34,800	137,105
Senior Programmer/Analyst	6	29,500	<u>188,000</u> 152,000
Programmer/Analyst I	14	25,800	<u>306,000</u> 273,000
Programmer/Analyst II	0	22,700	-0-
Lead Operations Coord.	2	17,500	33,170
Senior Operations Coord.	10	15,200	<u>129,400</u> 121,415
Operations Coord.	5	13,800	<u>61,511</u> 53,511
Scheduler	0	15,750	-0-
Performance Analyst	1	15,200	15,152
Senior Production Analyst	2	24,600	<u>140,540</u> 42,041
Production Analyst	6	19,900	<u>102,586</u> 100,586
Service Coord.	0	11,000	-0-
Quality Assurance Analyst	3	21,600	54,873
Data Conversion Operator	2	13,200	25,799
Librarian	1	14,200	14,200
Business Consultant	5	36,600	213,546
Training Consultant	0	27,300	-0-
Account Representative	0	35,800	-0-
Executive Assistant	1	39,000	<u>23,100</u> 29,100
Educational Coordinator	1	17,000	17,000
Overtime			40,000
TOTAL	84		<u>\$2,004,508</u> 1,914,003

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

PROPOSAL NO. 646, 1986. This proposal amends the Code by establishing authority for grants from city departments and the Metropolitan Development Commission for public purposes. Councillor Borst stated that the new regulations would apply to all city departments and the ordinance is required as a result of state legislation. He added that "it merely legalizes procedures we've been following for years". The Metropolitan Development Committee on November 12, 1986, recommended Proposal No. 646, 1986, Do Pass by a 3-0-1 vote. Councillor Borst moved, seconded by Councillor Miller, for adoption.

Councillor Schneider voiced objection to the definition of public good.

Councillor Schneider moved to amend Proposal No. 646, 1986, Section 2-426, by deleting the words "an individual," and substituting therefor "a". Councillor Page seconded the amendment.

Councillor Curry referred to Indianapolis having a "sister city" relationship with other cities and asked if that would be an example of an individual.

General Counsel Robert Elrod explained that the ordinance addresses private grants for public purposes, specifically, concerning the use of tax dollars and disbursing tax dollars.

The voice vote on Councillor Schneider's amendment was carried, with Councillors Crowe, Miller and Williams dissenting.

Proposal No. 646, 1986, was adopted on the following roll call vote; viz:

22 AYES: Borst, Boyd, Bradley, Clark, Cottingham, Crowe, Curry, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West, Williams

3 NAYS: Durnil, Page, Schneider

4 NOT VOTING: Coughenour, Dowden, Howard, Nickell

Proposal No. 646, 1986, As Amended, was retitled GENERAL ORDINANCE NO. 118, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 118, 1986

A GENERAL ORDINANCE amending Article X of the "Code of Indianapolis and of Marion County, Indiana", to authorize a method by which the departments of the consolidated city may make grants of money for public purposes.

WHEREAS, from time to time the City of Indianapolis ("City") desires to make grants of money to fulfill public purposes; and

WHEREAS, the making of such grants for public purposes is necessary and desirable in the conduct of the City's affairs; and

WHEREAS, in order to exercise the power to make grants for public purposes the City-County Council must first adopt an ordinance specifying the method for the making of such grants; now, therefore:

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

SECTION 1. Article X of the "Code of Indianapolis and of Marion County, Indiana" is hereby amended by adding a new Division 7 to read as follows:

DIVISION 7 - PUBLIC PURPOSE GRANTS

Sec. 2-426. Definition.

As used in this division the term "public purpose grant" shall mean a grant of money to a corporation, association, partnership or other entity to be used to provide a service or facility which:

- (a) is available and open to the public generally at no cost or at a nominal cost; or
- (b) is located within an urban renewal or redevelopment district created pursuant to IC 36-7-15.1, is available and open to the public generally and is provide pursuant to and in compliance with the applicable urban renewal or redevelopment plan.

Sec. 2-427. Authorization to make public purpose grants.

- (a) Any department of the city may make a public purpose grant upon the adoption of a resolution by the governing body of the department finding that a public purpose grant is necessary and desirable in the public interest and in furtherance of a purpose for which the department is otherwise authorized to expend public moneys.
- (b) A public purpose grant of the type described in Sec. 2-423(b) may be made only by the department of metropolitan development upon the adoption of a resolution by the metropolitan development commission.
- (c) A public purpose grant may be made upon conditioning and terms deemed appropriate by the department making the grant.
- (d) The authority to make a public purpose grant is within the discretion of the appropriate department and its governing body and no department shall be compelled to make any public purpose grant.

Sec. 2-428. Grants subject to appropriation.

All public purpose grants shall be subject to appropriation by the city-county council as required by Division 2 of this Article X.

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

PROPOSAL NO. 654, 1986. This proposal transfers and appropriates \$135,000 and amends the personnel schedule for the Marion County Sheriff to pay for projected expenditures for food, vehicular and radio repairs at the Marion County Jail which exceed the 1986 Budget. Councillor Dowden stated that the following costs have exceeded the 1986 Budget of the Sheriff's Department: \$27,000 payment of overtime; \$80,000 food service for inmates; \$40,000 for vehicle maintenance and \$15,000 for radio repairs. The Public Safety and Criminal Justice Committee on November 12, 1986, recommended Proposal No. 654, 1986, Do Pass by a 6-0 vote. Councillor Dowden moved, seconded by Councillor

Hawkins, for adoption. Proposal No. 654, 1986, was adopted on the following roll call vote; viz:

24 AYES: Borst, Boyd, Clark, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams

NO NAYS

5 NOT VOTING: Bradley, Cottingham, Coughenour, Howard, Nickell

Proposal No. 654, 1986, was retitled FISCAL ORDINANCE NO. 123, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01(a)(7) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Marion County Sheriff to pay for projected expenditures for food, vehicular and radio repairs at the Marion County Jail which exceed the 1986 Budget.

SECTION 2. The sum of One Hundred Thirty-five Thousand Dollars (\$135,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	<u>\$135,000</u>
TOTAL INCREASE	<u>\$135,000</u>

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

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>\$135,000</u>
TOTAL REDUCTION	<u>\$135,000</u>

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

(7) COUNTY SHERIFF - Dept. 18
County General Fund

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Sheriff	1	20,750	20,750
Executive Officer	1	39,375	39,375
Deputy Chief	5	37,375	186,875
Major	5	32,025	160,125
Captain	12	28,189	331,848
Lieutenant	32	26,222	825,952
Sergeant	93	24,393	2,258,040
Corporal	52	23,099	1,201,148
Deputy 3rd Year	229	22,582	5,234,074
Deputy 1st Year	12	17,349	207,688
Admin. Assistant	1	25,659	25,659
Civil Major	1	22,780	22,780
Civil Captain	1	20,357	20,357
Civil Lieutenant	2	18,698	37,396
Civil Sergeant	9	16,506	148,554
Civil Special Deputy	28	14,678	410,984
Correct. Officer 3rd yr.	41	19,110	767,676
Correct. Officer 2nd yr.	75	18,018	1,325,688
Correct. Officer 1st yr.	2	16,926	33,852
Crime Watch Coordinator	1	17,596	17,596
Chaplain	2	19,492	37,924
Executive Secretary	2	18,346	31,110
Division Secretary	5	11,552	57,760
Clerk/Typist	36	14,828	389,913
Mechanic	9	20,357	167,734
Attendant	7	11,800	82,600
Victim Assistant	2	15,000	30,000
M.C.L.E. Pension Insurance			1,638,351
Merit Board			670,243
Reserve Salaries			1,050
Temporary Salaries			700
Overtime/Shift Differential			55,250
Professional			929,000 <u>946,000</u>
Clothing Allowance			24,045
Longevity			36,000
Educational Bonus			353,760
Disparity Pay			98,500
Vacancy Factor			106,079
			(100,335) <u>(262,335)</u>
TOTAL	666	\$7,878,101 <u>17,741,101</u>	

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

PROPOSAL NO. 655, 1986. This proposal transfers and appropriates \$900 for the Marion County Superior Court, Criminal Division, Probation Department, for duplicating paper, stationery and supplies. Councillor Dowden explained that the transfer was available out of Character 03 through a reduction in mileage

for probation officers. The Public Safety and Criminal Justice Committee on November 12, 1986, recommended Proposal No. 655, 1986, Do Pass by a 6-0 vote. Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 655, 1986, was adopted on the following roll call vote; viz:

17 AYES: Borst, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Gilmer, Hawkins, Journey, Miller, Page, Rader, Schneider, SerVaas, Strader, West

NO NAYS

12 NOT VOTING: Boyd, Clark, Durnil, Giffin, Holmes, Howard, McGrath, Nickell, Rhodes, Shaw, Stewart, Williams

Proposal No. 655, 1986, was retitled FISCAL ORDINANCE NO. 124, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 124, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01(b)(1) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Marion County Superior Court, Criminal Division, Probation Department, for duplicating paper, stationery and supplies.

SECTION 2. The sum of Nine Hundred Dollars (\$900) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

**SUPERIOR COURT, CRIMINAL DIVISION
PROBATION DEPARTMENT**

COUNTY GENERAL FUND

2. Supplies

\$900

TOTAL INCREASE

\$900

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

SUPERIOR COURT, CRIMINAL DIVISION

PROBATION DEPARTMENT

3. Other Services & Charges

TOTAL REDUCTION

COUNTY GENERAL FUND

\$900

\$900

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

PROPOSAL NO. 656, 1986. This proposal transfers and appropriates \$562 for the Marion County Superior Court, Civil Division, Room 2, to fund judicial education seminars for the judge. Councillor Dowden explained that the \$562 transfer/appropriation would also help fund certain equipment repairs along with a service contract. The Public Safety and Criminal Justice Committee on November 12, 1986, recommended Proposal No. 656, 1986, Do Pass by a 6-0 vote. Councillor Dowden moved, seconded by Councillor Journey, for adoption. Proposal No. 656, 1986, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Bradley, Clark, Howard, McGrath*

Proposal No. 656, 1986, was retitled FISCAL ORDINANCE NO. 125, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 125, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01(b)(15) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Marion County Superior Court, Civil Division, Room 2, to fund judicial education seminars for the judge.

SECTION 2. The sum of Five Hundred Sixty-two Dollars (\$562) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CIVIL DIVISION, ROOM 2</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	\$562
TOTAL INCREASE	\$562

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

<u>SUPERIOR COURT, CIVIL DIVISION, ROOM 2</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$380
4. Capital Outlay	182
TOTAL REDUCTION	\$562

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

PROPOSAL NO. 672, 1986. This proposal instructs the fiscal officers of the City to not honor any expenses presented to them which relate to the legal defense of the Republican Caucus in the suit of Indianapolis Newspapers, Inc. Councillor McGrath stated that the Rules and Policy Committee on November 18, 1986, recommended Proposal No. 672, 1986, be stricken by a 6-0 vote.

Councillor McGrath moved, seconded by Councillor Journey, to strike Proposal No. 672, 1986. The motion was carried by Consent.

PROPOSAL NO. 678, 1986. This proposal approves an amendment to the franchise contract between the City of Indianapolis and Indianapolis Cablevision, Inc. by amending the designation of the operator from Indianapolis Cablevision, Inc., to Comcast Cable Leasing Partners L.P. and by authorizing the lease of the Franchise Contract by Comcast Cable Leasing Partners, L.P. to Comcast Cablevision of Indianapolis, Inc. upon notice to the Cable Franchise Board of the City of Indianapolis. Councillor West indicated that Comcast is a large cable television operator serving over a million subscribers in various localities around the United States. Comcast has attached a letter to the amendment to the franchise contract stating that it will continue the business practices of Indianapolis Cablevision. The Administration Committee on November 17, 1986, recommended Proposal No. 678, 1986, Do Pass by a 4-0-1 vote. Councillor West moved, seconded by Councillor Hawkins, for adoption.

Councillor Shaw expressed disappointment that his comments were not included in the minutes of the Administration Committee hearing. It was his opinion that along with the need for the extension, there is a need for a minority-owned company to interconnect in the inner city.

Councillor Gilmer stated that he and Councillor Clark met with representatives from Comcast and that both Councillors are comfortable with the proposed amendments to the franchise contract.

Councillor Coughenour commended Comcast for their expression of concern for community values.

Councillor Borst urged defeat of Proposal No. 678, stating that he had not received additional information which he had requested during a Cable Franchise Board hearing.

Proposal No. 678, 1986, was adopted on the following roll call vote; viz:

22 AYES: Bradley, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader

5 NAYS: Borst, Boyd, Crowe, Page, Williams

2 NOT VOTING: Howard, West

Proposal No. 678, 1986, was retitled SPECIAL ORDINANCE NO. 37, 1986, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 37, 1986

A SPECIAL ORDINANCE approving an amendment to the franchise contract between the City of Indianapolis, Indiana, and Indianapolis Cablevision, Inc., amending the designation of the operator from Indianapolis Cablevision, Inc., to Comcast Cable Leasing Partners L.P. and authorizing the lease of the Franchise Contract by Comcast Cable Leasing Partners, L.P. to Comcast Cablevision of Indianapolis, Inc. upon notice to the Cable Franchise Board of the City of Indianapolis, Indiana;

WHEREAS, on May 19, 1967, The Board of Commissioners of the County of Marion, Indiana, and Metropolitan Cablevision Corporation ("Metropolitan") entered into a franchise contract (the "Franchise") whereby Metropolitan was granted a cable television franchise to provide cable television services to the unincorporated areas within Marion County, Indiana; and

WHEREAS, the Franchise became an Agreement of the City of Indianapolis from and after January 1, 1970, pursuant to the provisions of the Consolidated First

Class Cities and Counties Act (Acts 1969, Chapter 173) which created the Consolidated City of Indianapolis; and

WHEREAS, the Franchise was assigned by Metropolitan to Indianapolis Cablevision Company Ltd., on or about August 10, 1978, and was subsequently assigned to Indianapolis Cablevision, Inc., the present holder thereof (the "Operator"); and

WHEREAS, Chapter 8 1/2-87 of the "Code of Indianapolis and Marion County, Indiana", which became effective December 8, 1979, as amended, provides that transfers of cable television franchises must be consented to by the Cable Franchise Board of the City, to be effective upon approval by the City-County Council; and

WHEREAS, the Cable Franchise Board, on November 5, 1986, consented to the transfer of the Franchise by the Operator to the Partnership and consented to the lease of the Franchise by the Partnership to Comcast Cablevision of Indianapolis, Inc. ("Cablevision"), and recommended approval by the City-County Council; and

WHEREAS, the City-County Council now finds that the consent of the Cable Franchise Board should be approved, and upon transfer, that the Franchise should be amended to substitute the Partnership for Indianapolis Cablevision, Inc., as the Operator and to authorize the lease of the Franchise by the Partnership to Cablevision upon notice to the Cable Franchise Board of the City of Indianapolis; now, therefore:

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

SECTION 1. The City-County Council hereby approves the transfer of the Franchise to the Partnership, and the lease thereof by the Partnership to Cablevision, upon notice to the Cable Franchise Board of the City of Indianapolis, Indiana, as recommended and consented to by said Cable Franchise Board.

SECTION 2. The City-County Council hereby approves the amendment to the Franchise which is attached hereto and incorporated herein, to be executed upon transfer of the Franchise.

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

PROPOSAL NO. 679, 1986. This proposal transfers and appropriates \$2,890 and amends the personnel schedule for the Cooperative Extension Service to install a door, wall and telephone speakers and to purchase a computer terminal and printer. The Community Affairs Committee on November 20, 1986, recommended Proposal No. 679, 1986, Do Pass As Amended by a 4-0 vote. Councillor Cottingham explained that the Committee amendment to Section 1 was necessary at the request of the Agency because it had already funded the installation of the door and wall out of Character 04 funds. The \$2,890 transfer/appropriation is divided as \$1,650 being for the terminal and printer and \$1,240 for the phone and speaker system. Councillor Stewart moved, seconded by Councillor Curry, for adoption. Proposal No. 679, 1986, As Amended, was adopted on the following roll call vote; viz:

20 AYES: *Borst, Boyd, Bradley, Coughenour, Curry, Dowden, Durnil, Giffin, Hawkins, Journey, McGrath, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, West, Williams*

5 NAYS: *Cottingham, Gilmer, Holmes, Miller, Page*

4 NOT VOTING: *Clark, Crowe, Howard, Strader*

Proposal No. 679, 1986, As Amended, was retitled FISCAL ORDINANCE NO. 126, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 126, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (c)(4) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Cooperative Extension Service to install telephone speakers and to purchase a computer terminal and printer.

SECTION 2. The sum of Two Thousand Eight Hundred Ninety Dollars (\$2,890) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COOPERATIVE EXTENSION SERVICE</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>\$2,890</u>
TOTAL INCREASE	<u>\$2,890</u>

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

<u>COOPERATIVE EXTENSION SERVICE</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>\$2,650</u>
3. Other Services & Charges	<u>240</u>
TOTAL REDUCTION	<u>\$2,890</u>

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

(c)(4) COOPERATIVE EXTENSION SERVICE
County General Fund

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
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Administrator	1	16,914	16,914
Secretaries	11	20,336	121,015
Extension Agents	16	18,712	184,740 182,091
Overtime			1,500
Camp Counselors			25,000
Temporary			4,000
TOTAL	28		\$353,170 350,520

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

PROPOSAL NO. 680, 1986. This proposal transfers and appropriates \$10,000 for the Clerk of the Circuit Court for printing expenses. Councillor Cottingham explained that the transfer/appropriation will be used to purchase docket books, tax warrant books, envelopes, stationery, receipts and subpoenas. The County and Townships Committee on November 18, 1986, recommended Proposal No. 680, 1986, Do Pass by a 5-0 vote. Councillor Cottingham moved, seconded by Councillor Giffin, for adoption. Proposal No. 680, 1986, was adopted on the following roll call vote; viz:

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

1 NAY: *Page*

4 NOT VOTING: *Clark, Crowe, Howard, West*

Proposal No. 680, 1986, was retitled FISCAL ORDINANCE NO. 127, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 127, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (a)(3) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Clerk of the Circuit Court for printing expenses.

SECTION 2. The sum of Ten Thousand Dollars (\$10,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>CLERK OF THE CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	\$10,000
TOTAL INCREASE	<u>\$10,000</u>

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

<u>CLERK OF THE CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	\$10,000
TOTAL REDUCTION	<u>\$10,000</u>

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

PROPOSAL NO. 681, 1986. This proposal transfers and appropriates \$2,500 for the County Surveyor to preserve legal survey books as required by Indiana law. Councillor Cottingham stated that laminating is used to preserve the legal survey books. The County and Townships Committee on November 18, 1986, recommended Proposal No. 681, 1986, Do Pass by a 5-0 vote. Councillor Cottingham moved, seconded by Councillor Bradley, for adoption. Proposal No. 681, 1986, was adopted on the following roll call vote; viz:

23 AYES: *Borst, Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Williams*

1 NAY: *Page*

5 NOT VOTING: *Clark, Howard, Schneider, Strader, West*

Proposal No. 681, 1986, was retitled FISCAL ORDINANCE NO. 128, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 128, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (a)(8) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Marion County Surveyor to preserve legal survey books as required by Indiana law.

SECTION 2. The sum of Two Thousand Five Hundred Dollars (\$2,500) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY SURVEYOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	<u>\$2,500</u>
TOTAL INCREASE	\$2,500

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

<u>COUNTY SURVEYOR</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>\$2,500</u>
TOTAL REDUCTION	\$2,500

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

PROPOSAL NO. 682, 1986. This proposal transfers and appropriates \$220 for the Decatur Township Assessor for additional office supplies. Councillor Cottingham indicated that items to be purchased include stationery and envelopes with the Assessor's new office address. The County and Townships Committee on November 18, 1986, recommended Proposal No. 682, 1986, Do Pass by a 5-0 vote. Councillor Cottingham moved, seconded by Councillor Holmes, for adoption. Proposal No. 682, 1986, was adopted on the following roll call vote; viz:

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

NO NAYS

5 NOT VOTING: *Clark, Crowe, Howard, Schneider, West*

Proposal No. 682, 1986, was retitled **FISCAL ORDINANCE NO. 129, 1986**, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 129, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (d)(2) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Decatur Township Assessor for additional office supplies to include letterhead and envelopes with new office address.

SECTION 2. The sum of Two Hundred Twenty Dollars (\$220) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DECATUR TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$220
TOTAL INCREASE	\$220

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

<u>DECATUR TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	\$220
TOTAL REDUCTION	\$220

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

PROPOSAL NO. 683, 1986. This proposal approves the appointment of M. D. Mike Higbee to serve as the Director of the Department of Metropolitan Development. Councillor Borst stated that Mr. Higbee is a graduate of Purdue University and that he has served as project specialist and administrator of the Economic & Housing Development Division of the Department of Metropolitan Development. The Metropolitan Development Committee on November 12, 1986, recommended Proposal No. 683, 1986, Do Pass by a 4-0 vote. Proposal No. 683, 1986, was adopted by Unanimous Voice Vote, retitled COUNCIL RESOLUTION NO. 37, 1986, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 1986

A COUNCIL RESOLUTION approving the appointment of M. D. Mike Higbee to serve as the Director of the Department of Metropolitan Development.

WHEREAS, pursuant to IC 36-3-3-8 and Section 2-142 of the "Code of Indianapolis and Marion County, Indiana," the appointment by the mayor of department directors is subject to approval of the City-County Council; and

WHEREAS, a vacancy currently exists in the office of the Director of the Department of Metropolitan Development; and

WHEREAS, the mayor of the City of Indianapolis and of Marion County, Indiana has submitted to this Council the name of M. D. Mike Higbee to serve as the Director of the Department of Metropolitan Development at the pleasure of the mayor through December 31, 1986; now, therefore:

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

SECTION 1. The City-County Council hereby approves and confirms the appointment of M. D. Mike Higbee as the Director of the Department of Metropolitan Development, through December 31, 1986, to serve at the pleasure of the mayor.

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

PROPOSAL NO. 684, 1986. This proposal amends the Code by increasing fees paid by owners of animals impounded by the Animal Control Division. Councillor Dowden explained that Proposal No. 684 establishes a second, third and subsequent impoundment charges for "cats or other small animals" and "large animals other than dogs". The Public Safety and Criminal Justice Committee on November 19, 1986, recommended Proposal No. 684, 1986, Do Pass by a 5-0 vote. Councillor Dowden moved, seconded by Councillor Shaw, for adoption. Proposal No. 684, 1986, was adopted on the following roll call vote; viz:

26 AYES: *Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*
1 NAY: *Crowe*

2 NOT VOTING: *Holmes, Howard*

Proposal No. 684, 1986, was retitled GENERAL ORDINANCE NO. 119, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 119, 1986

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 6-146, to provide for increased impoundment fees for second and subsequent impoundments.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", Section 6-146, Section 6-146, is hereby amended by adding the words impounded and deleting the words crosshatched to read as follows:

Sec. 6 - 146. Fees; disposition.

(a) Impoundment fees for animals impounded pursuant to this article shall be as follows:

- (1) For each dog impounded during any ~~9/1/97/1/1/97~~ twelve (12) month period:

First impoundment \$20.00
Second impoundment 40.00
Third and any subsequent impoundment 50.00

or the application of section 6-148 of this article at the discretion of the impounding authority;

plus for each day of impoundment or fraction thereof 5.00

- (2) For each cat or other small animal impounded during any twelve (12) month period:

First impoundment \$10.00
Second impoundment 20.00
Third and any subsequent impoundment 30.00

or the application of section 6-148 of this article at the discretion of the impounding authority;

plus for each day of impoundment or fraction thereof 3.00

- (3) For any large animal other than a dog impounded during any twelve (12) month period:

First impoundment \$30.00
Second impoundment 60.00
Third and any subsequent impoundment 70.00

or the application of section 6-148 of this article at the discretion of the impounding authority;

plus for each day of impoundment or fraction thereof \$10.00

(b) Impoundment fees shall be collected by and paid to the impounding authority, which shall remit such funds to the division of finance of the department of administration of the city; however, if the impounding authority in a particular case is a person contracting with the city to render impounding services, the fees may be retained by and as the property of such person as part of all of his charges for rendering such services, if the contract so provides.

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

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

PROPOSAL NO. 686, 1986. This proposal transfers and appropriates \$2,500 for the Court Services Agency to purchase a personal computer. Councillor Dowden explained that the personal computer will help the Agency to update jury trial population data. The Public Safety and Criminal Justice Committee on November 19, 1986, recommended Proposal No. 686, 1986, Do Pass by a 5-0 vote. Councillor Dowden moved, seconded by Councillor Nickell, for adoption. Proposal No. 686, 1986, was adopted on the following roll call vote; viz:

19 AYES: *Borst, Bradley, Cottingham, Coughenour, Dowden, Durnil, Giffin, Hawkins, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

5 NAYS: *Boyd, Gilmer, Journey, Page, Williams*

5 NOT VOTING: *Clark, Crowe, Curry, Holmes, Howard*

Proposal No. 686, 1986, was retitled FISCAL ORDINANCE NO. 130, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 130, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (b)(13) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Court Services Agency to purchase a personal computer.

SECTION 2. The sum of Two Thousand Five Hundred Dollars (\$2,500) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COURT SERVICES</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>\$2,500</u>
TOTAL INCREASE	\$2,500

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

<u>COURT SERVICES</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	<u>\$2,500</u>
TOTAL REDUCTION	\$2,500

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

PROPOSAL NO. 687, 1986. This proposal transfers and appropriates \$29,085 and amends the personnel schedule for the Presiding Judge of the Municipal Court for additional supplies, training and equipment. Councillor Dowden stated that the Public Safety and Criminal Justice Committee on November 19, 1986, recommended Proposal No. 687, 1986, Do Pass by a 5-0 vote. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 687, 1986, was adopted on the following roll call vote; viz:

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

1 NAY: *Cottingham*

3 NOT VOTING: *Clark, Howard, Schneider*

Proposal No. 687, 1986, was retitled FISCAL ORDINANCE NO. 131, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 131, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (b)(24) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Presiding Judge of the Municipal Court for additional supplies, training and equipment.

SECTION 2. The sum of Twenty-nine Thousand Eighty-five Dollars (\$29,085) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>PRESIDING JUDGE OF THE MUNICIPAL COURT</u>	
	<u>ALCOHOL AND DRUG SERVICES FUND</u>
2. Supplies	\$ 5,500
3. Other Services & Charges	2,968
4. Capital Outlay	<u>20,617</u>
TOTAL INCREASE	29,085

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

<u>PRESIDING JUDGE OF THE MUNICIPAL COURT</u>	
	<u>ALCOHOL AND DRUG SERVICES</u>
1. Personal Services	<u>29,085</u>
TOTAL REDUCTION	29,085

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

**(24) PRESIDING JUDGE OF THE MUNICIPAL COURT - Dept. 47
Alcohol and Drug Services Fund**

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Professional	13	27,144	271,284
Specialists	4	16,354	53,040
Overtime			7,500
<u>Vacancy Factor</u>			<u>(29,085)</u>
TOTAL	17	<u>\$381,824</u>	<u>302,739</u>

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

PROPOSAL NO. 689, 1986. This proposal transfers and appropriates \$19,421 and amends the personnel schedule for the Presiding Judge of the Municipal Court for additional supplies, training and equipment. Councillor Dowden reported that on November 19, 1986, the Public Safety and Criminal Justice Committee recommended Proposal No. 689, 1986, Do Pass by a 5-0 vote. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 689, 1986, was adopted on the following roll call vote; viz:

22 AYES: Borst, Boyd, Crowe, Dowden, Durnil, Giffin, Gilmer, Hawkins, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams

2 NAYS: Cottingham, Holmes

5 NOT VOTING: Bradley, Clark, Coughenour, Curry, Howard

Proposal No. 689, 1986, was retitled FISCAL ORDINANCE NO. 132, 1986, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 132, 1986

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (b)(24) of the City-County Annual Budget for 1986, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Presiding Judge of the Municipal Court for additional supplies, training and equipment.

SECTION 2. The sum of Nineteen Thousand Four Hundred Twenty-one Dollars (\$19,421) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

PRESIDING JUDGE OF THE MUNICIPAL COURT

ADULT PROBATION FEES FUND

2. Supplies	\$ 1,950
3. Other Services & Charges	3,375
4. Capital Outlay	<u>14,096</u>
TOTAL INCREASE	19,421

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

PRESIDING JUDGE OF THE MUNICIPAL COURT

ADULT PROBATION FEES FUND

1. Personal Services	<u>\$ 1,950</u>
TOTAL REDUCTION	\$19,421

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

**(24) PRESIDING JUDGE OF THE MUNICIPAL COURT - Dept. 47
Adult Probation Fees Fund**

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Probation Director	1	29,484	29,484
Prob. Serv. Specialists	9	16,354	137,052
Probation Officers	11	27,144	246,974
Overtime			6,000
<u>Vacancy Factor</u>			<u>(19,421)</u>
TOTAL	21	\$409,510	<u>400,089</u>

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

PROPOSAL NO. 691, 1986. This proposal amends the Code by adding new regulations for the issuing of franchises to public utilities for use of public right-of-way. Councillor Gilmer explained that Proposal No. 691 provides a procedure for this type of franchise. The Transportation Committee on November 19, 1986, recommended Proposal No. 691, 1986, Do Pass by a 5-0 vote. Councillor Gilmer moved, seconded by Councillor Rader, for adoption. Proposal No. 691, 1986, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: *Holmes, Howard, Schneider*

Proposal No. 691, 1986, was retitled GENERAL ORDINANCE NO. 120, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 120, 1986

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Sec. 31-7 to provide for a procedure for issuing franchises to public utilities for use of public right-of-way.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", is hereby amended by the addition of the following, to wit:

Sec. 31 - 7. For purposes of Section 31-6, the term "public utilities" includes companies which are subject to the jurisdiction of the Federal Communications Commission as persons engaged in interstate commerce in communications by wire.

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

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

PROPOSAL NO. 699, 1986. This proposal amends the Code by authorizing intersection control changes at 56th Street and Guilford. Councillor Gilmer stated that Proposal No. 699 authorizes the installation of a four-way stop control at the intersection of 56th Street and Guilford. There are many pre-school and school-aged children in the area, and the intersection is crossed by children attending IPS School No. 84 and Immaculate Heart. The Transportation Committee on November 19, 1986, recommended Proposal No. 699, 1986, Do Pass by a 5-0 vote. Councillor Gilmer moved, seconded by Councillor Rhodes, for adoption. Proposal No. 699, 1986, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Clark, Howard, Schneider*

Proposal No. 699, 1986, was retitled GENERAL ORDINANCE NO. 121, 1986, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 121, 1986

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 7	56th & Guilford	Guilford	STOP

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 7	56th & Guilford	NONE	STOP

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

Councillor Dowden inquired why Proposal No. 453, 1986, was not on the agenda for consideration. This proposal appropriates \$25,000 for the Department of Public Safety, Police Division, to fund programs for the Indianapolis Police Athletic League from funds donated by Lilly Endowment. General Counsel Robert Elrod explained that additional legal advertising was required on Proposal No. 453.

The President recessed the City-County Council for purposes of convening the Fire Special Service District at 10:37 p.m.

SPECIAL SERVICE DISTRICT COUNCILS

FIRE SPECIAL SERVICE DISTRICT

A quorum being present, the President called the Fire Special Service District Council to order at 10:38 p.m.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 648, 1986. This proposal amends the Code concerning the leave portions of the fire merit ordinance. The Public Safety and Criminal Justice Committee on November 12, 1986, recommended Proposal No. 648, 1986, Do Pass As Amended by a 6-0 vote. Councillor Dowden indicated that the amended version was accepted by Mr. Mike Owen, City Labor Attorney. Councillor Dowden moved, seconded by Councillor Shaw, for adoption. Proposal No. 648, 1986, As Amended, was adopted on the following roll call vote; viz:

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

2 NOT VOTING: Howard, Schneider

Proposal No. 648, 1986, As Amended, was retitled FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 2, 1986, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 2, 1986

A FIRE SPECIAL SERVICE DISTRICT ordinance concerning leaves for members of the Indianapolis Fire Department.

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

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

Sec. 2. Annual leave.

(a) Each active member of the Indianapolis Fire Department hired on or before December 31, 1984, shall receive hereafter not less than ~~two hundred forty (240)~~ one hundred sixty-eight (168) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said fire department hired on or before December 31, 1984, who shall have served from ten (10) years to twenty (20) years on said department shall receive not less than ~~two hundred forty (240)~~ two hundred forty (240) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired on or before December 31, 1984, who shall have served for more than twenty (20) years shall be entitled to one additional duty day to be added to his regular annual leave. Annual leave shall be taken within the calendar year following the year in which it is accumulated; however, at the discretion of the chief of the fire

department, up to a maximum of two hundred forty (240) hours of earned annual leave may be carried over from one calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carry-over annual leave at his discretion in order to maintain the efficiency of the operation of the fire department.

(b) Each active member of the Indianapolis Fire Department hired after December 31, 1984, shall receive hereafter not less than one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said fire department hired after December 31, 1984, who shall have served seven (7) continuous years but less than fifteen (15) continuous years on said department shall receive not less than one hundred sixty-eight (168) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired after December 31, 1984 who shall have served fifteen (15) or more continuous years on said department shall receive not less than two hundred forty (240) hours annual leave. Annual leave shall be taken within the calendar year following the year in which it is accumulated; however, at the discretion of the chief of the fire department, up to a maximum of three hundred twelve (312) hours of earned annual leave may be carried over from one calendar year to the next calendar year, provided the chief of the fire department retains the right to schedule such carryover annual leave at his discretion in order to maintain the efficiency of the operation of the fire department. Upon separation of employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement under state law, or in the event of layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation for accumulated vacation leave at his or her daily rate of compensation.

(c) Annual leave taken pursuant to this section shall be taken in increments of not less than one (1) duty day. Duty day shall mean twenty-four (24) hours for members of the department assigned to the suppression division, and eight (8) hours for all other members of the department.

SECTION 2. Section 3 of Part 1 of Appendix A of the "Code of Indianapolis and Marion County, Indiana" is hereby amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 3. Sick leave.

(a) Any active member of the Indianapolis Fire Department hired on or before December 31, 1984, who shall suffer accident or injury while in line of duty or who ~~is unable to perform the duties of his employment by reason of sickness, accident or injury~~ is unable to perform the duties of his employment by reason of sickness, accident or injury is entitled to not less than ninety (90) calendar days sick leave with full pay in a calendar year, or for the period of such incapacity, should said period be less than ninety (90) days. In the case of an officer incurring a sickness, accident or injury in the direct line of duty the chief, with the approval of the merit board, may, upon the written application of the officer, extend paid sick leave. Before any exten-

sion may be rendered, as medical doctor or a psychologist retained by the department must certify the member unfit for active duty. If the member is unable to return to work he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies, and procedures for the administration of paid sick leave and extensions thereof.

(b) Any active member of the Indianapolis Fire Department hired after December 31, 1984, shall receive sick leave as follows:

(1) On-duty injury. Any active member of the Indianapolis Fire Department hired after December 31, 1984, who is unable to perform the duties of his/her employment by reason of sickness, accident or injury incurred in the direct line of duty as certified by ~~the~~ a medical doctor or psychologist retained by the department, shall be entitled to such leave with full pay for the period of such incapacity; however, such sick leave period shall not exceed ninety (90) ~~calendar days~~ calendar days in a calendar year. The Chief, with the approval of the merit board, may, upon the written application of the officer, extend paid sick leave. Before any extension may be rendered a medical doctor or psychologist retained by the department must certify the member unfit for active duty. If the member is unable to return to work he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies, and procedures for the administration of paid sick leave and extensions thereof.

(2) Nonduty injury.

(i) Definitions.

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

NEW BUSINESS

ANNOUNCEMENTS AND ADJOURNMENTS

There being no further business, upon motion duly made and seconded the meeting adjourned at 10:43 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 24th day of November, 1986.

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



President

ATTEST:



Clerk of the Council

(SEAL)